



7th Floor - 4922 48th Street,
P.O. Box 2130, Yellowknife NT X1A 2P6

Tel: 867-669-0506 Fax: 867-873-6610
www.mvlwb.com

Staff Report

Applicant: Government of Yukon – Department of Highways and Public Works (GY-DHPW)	
Location: Highway #8 – Yukon Border to Inuvik	File Number: MV2019X0027
Date Prepared: November 16, 2020	Date of Board Meeting: November 24, 2020
Subject: Amendment Request: Dempster Fiber Project	

1. Purpose

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board):

- a) A Request to amend Land Use Permit (Permit) MV2019X0027 submitted by Government of Yukon – Department of Highways and Public Works (GY-DHPW); and
- b) Seek confirmation on preliminary screening exemption.

2. Background

- November 21, 2019 – Transboundary Determination made by the Board(attached);
- August 31, 2020 – Issuance of Permit MV2019X0027;
- October 21, 2020 – Amendment Request received;
- October 22, 2020 – Amendment Request deemed complete and review commenced;
- November 10, 2020 – Reviewer comments and recommendations due and received;
- November 13, 2020 – Responses due;
- **November 24, 2020 – Amendment Request presented to the Board for decision;**
- December 1, 2020 – End of the 42-day timeline; and
- August 31, 2025 – Expiration of Permit MV2019X0027.

3. Discussion

Land Use Permit MV2019X0027 and Water Licence MV2019L8-0013 were originally issued on August 31, 2020 for the Dempster Fiber Project. On October 21, 2020, GY-DHPW requested two amendments to Permit MV2019X0027 regarding the timing of submissions, to allow for operational flexibility (attached):

Part C	Item	Original Condition	Changed Condition
Condition 14	Sediment and Erosion Plan	Within 90 days of the issuance of this permit, the Permittee shall submit to the Board for approval a Sediment and Erosion Control Plan.	A minimum of 90 days prior to the commencement of this land-use operation, the Permittee shall submit to the Board for approval a Sediment and Erosion Control Plan.
Condition 61	Interim Closure and Reclamation Plan	Within 90 days of the issuance of this Permit, the Permittee shall submit to the Board for approval a Closure and Reclamation Plan.	A minimum of 90 days prior to the commencement of this land-use operation, the Permittee shall submit to the Board for approval a Closure and Reclamation Plan.

Engagement

Notification was provided to all parties as outlined in the approved Engagement Plan (attached).

Type of Area

This Project is in a non-federal area.

4. Comments

Not applicable.

5. Public Review

By November 10, 2020, comments and recommendations on the Amendment Request were received from three reviewers:

- GNWT – Environment and Natural Resources;
- Gwich'in Renewable Resources Board; and; and
- Teetl'it Renewable Resource Council.

GY-DHPW did not provide a response before the close of the review period on November 13, 2020. The Review Summary and Attachments (attached) presents the concerns identified through this review.

No significant concerns were raised during this review.

Preliminary Screening

Section 2.1 of the Exemption List Regulations to the *Mackenzie Valley Resource Management Act* (MVRMA) states that projects are exempt from preliminary screening if the proposed development was part of a development that has previously undergone an environmental assessment process and that has not been modified since the completion of the process. As a preliminary screening was conducted by the Board on the initial Application on August 20, 2020 (attached), the Project has been subjected to Part 5 of the MVRMA. The Amendment Request does not contain changes to any part of the Project that has been subject to preliminary screening. As such, Board staff are of the opinion that this Amendment Request is exempt from further screening.

Draft Permit

The draft Permit (attached) contains recommended conditions based the standard Permit conditions list and reflects concerns and recommendations raised during the public review.

6. Security

The Amendment Request does not affect the security requirements of permit MV2019X0027.

7. Conclusion

Based on the information provided in the amendment request and the regulatory process, the proposed development is not likely to have a significant adverse impact on the environment or be a cause of public concern.

Board staff conclude there are no outstanding issues or concerns with this Request.

8. Recommendation

Board staff recommend the Board:

- a) **Confirm the Amendment Request for Land Use Permit MV2019X0027 from Government of Yukon – Department of Highways and Public Works is exempt from preliminary screening as per the Exemption List Regulations.**
- b) **Make a motion to approve the amendment of Land Use Permit MV2019X0027 and associated Reasons for Decision.**

A draft decision letter is attached.

9. Attachments

- [Amendment Request](#)
- [Engagement Plan](#)
- [Transboundary Determination Staff Report – November 21, 2019](#)
- [Preliminary Screening - August 20, 2020](#)
- Review Summary and Attachments
- Draft Land Use Permit Cover Page
- Draft Land Use Permit Conditions
- Draft Reasons for Decision
- Draft Decision Letter from the Board

Respectfully submitted,



Alec Sandra Macdonald
Regulatory Specialist

Review Comment Table

Board:	MVLWB
Review Item:	Government of Yukon - Department of Highways and Public Works - Amendment Request (MV2019X0027)
File(s):	MV2019L8-0013 MV2019X0027
Proponent:	Government of Yukon - Department of Highways and Public Works
Document(s):	DRAFT Amended Land Use Permit (323) Land Use Permit Amendment Application (2867 KB)
Item For Review Distributed On:	Oct 22 at 16:27 Distribution List
Reviewer Comments Due By:	Nov 10, 2020
Proponent Responses Due By:	Nov 13, 2020
Item Description:	<p>The Government of Yukon - Department of Highways and Public Works (the Applicant) has submitted a request to amend its Type A Land Use Permit MV2019X0027 for the Dempster Fiber Project. The Applicant requests to amend Permit Conditions 14 and 61, which pertain to the requirements to submit to the Board for approval a Sediment and Erosion Plan, and an Interim Closure and Reclamation Plan. The proposed amendments would change only the submission deadlines for these plans: from "within 90 days of the issuance of this Permit" to "A minimum of 90 days prior to the commencement of the land use operation"</p> <p>This Permit amendment would align the submission deadlines for the above management plans so that they match those in the applicant's companion Water Licence MV2019L8-001.</p>
General Reviewer Information:	Using the Online Review System (ORS), reviewers are invited to submit comments and recommendations on the documents linked below by the review comment deadline specified
Contact Information:	AlecSandra Macdonald please email Tyree Mullaney 867-766-7464

Comment Summary

GNWT - ENR - EAM (Environmental Assessment and Monitoring): Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
3	General File	Comment (doc) ENR Letter with Comments and Recommendations Recommendation		Noted
1	Topic 1: Plan Submission Timing	Comment The Department of ENR is concerned that the timing of submission of plan(s) will not allow for enough time for thorough reviews before construction begins. Erosion issues were documented during the Mackenzie Valley Fibre Link program and this remains a concern for this project. Short review periods do not allow for proper review of plans. Recommendation 1) It is recommended that the Government of the Yukon be required to submit an Erosion and Sediment Control Plan and Interim Closure and Reclamation Plan to the Mackenzie Valley Land and Water Board within 180 days of issuance of the permit but no later than 90 days prior to commencement of work.		Noted
2	Topic 2: Erosion and Sediment Control Plan	Comment Erosion at sites using erosion and sediment control measures after project completion is an on-going concern for this project. Recommendation 1) It is recommended that the Yukon Government indicate in the Erosion and Sediment Control Plan what measures will be in place after project completion to ensure that erosion will be		Noted

		monitored for a sufficient time period. The purpose for this recommendation is to ensure that any erosion resulting from the project will be immediately addressed through mitigation measures and therefore reported.		
Gwich'in Renewable Resources Board: Staff Gwichin Renewable Resource Board				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	GRRB Comments	Comment Thank you for giving the GRRB the opportunity to provide feedback on this license amendment. We have reviewed it and do not have any comments at this time. Recommendation n/a		Noted
Teetl'it Renewable Resource Council: Georgina Neyando				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	General File	Comment (doc) Tetlit Gwich'in RRC Recommendation		Noted



Tetlit Gwich'in Renewable Resource Council

P.O. Box 30 Fort McPherson, NT X0E 0J0

Phone: (867) 952-2330

Fax: (867) 952-2212

Georginavn@tgcouncil.ca

The mandate of each RRC is to
“Encourage and promote local involvement in conservation, harvest studies, research and wildlife management in the local community”.
(GCLCA 12.9.1)

November 10, 2020

AlecSandra Macdonald
Regulatory Specialist
Gwich'in Land and Water Board
PO Box 2018
Inuvik, NT X0E 0T0

Dear AlecSandra;

Re: Amendment Request -Type A Land Use Permit MV2019X0027 Dempster Fibre Project

The Tetlit Gwich'in Renewable Resource Council did review this letter, and did not have comments to this request, but had concerns that they would like addressed before the project commences.

Concerns from occupant who lives year-round at Eight Miles – South side of Peel River Ferry Landing.

- Map of where the willows will be cut to put the fibre optic line.
- Will the campsites where people live be disturbed in any way – meaning moved or will the line run adjacent to their campsites?
- The Proponents of the Fibre Optic Project should meet with the people to address these concerns.

If you have any questions, please feel free to contact the RRC coordinator at Georginavn@tgcouncil.ca or by phone at 867-952-2330.

Thank you,

Wilbert Firth
Acting President
Tetlit Gwich'in Renewable Resource Council