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PO Box 2130, Yellowknife NT X1A 2P6

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February 18, 2025 File: MV2024X0038

Patricia Coyne
Manager, Mackenzie Valley Highway Environmental Affairs
Government of Northwest Territories (GNWT) – Department of Infrastructure (INF)
4922 48th Street,
Yellowknife NT X1A 2L9 Sent by email

Dear Patricia Coyne,

Re: Mackenzie Valley Highway Geotechnical Investigation – Issuance Package – Land Use Permit MV2024X0038 – Geotechnical Investigation – Mackenzie Valley, NT.

The Mackenzie Valley Land and Water Board (Board) met on February 6, 2025, and considered the Application Package from Government of Northwest Territories, Department of Infrastructure (GNWT-INF) for Land Use Permit (Permit) MV2024X0038 for the Mackenzie Valley Highway Geotechnical Investigation (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board has approved Land Use Permit MV2024X0038 (attached) for a term of five years, effective February 18, 2025, and expiring February 17, 2030. The Permit is supported by the Board's Reasons for Decision. These documents are posted to the Board's Public Registry.[1]

Submission Requirements

The Board's decisions on submissions that were considered in conjunction with the Application Package are set out below.

Management Plans – Approved
The Board has approved the following Plans:

Condition Number and Title	Title of Plan (Version)
#20, WASTE MANAGEMENT PLAN	Waste Management Plan (V1.0)[2]
#34, SPILL CONTINGENCY PLAN	Spill Contingency Plan (V1.0)[3]
#43, ENGAGEMENT PLAN	Engagement Plan (V1.0)[4]

[1] See MVLWB Online Registry www.mvlwb.com for MV2024X0038.
[2] See MVLWB Online Registry for MVH Geotech Investigation – New Permit – Waste Management Plan V1.0.
[3] See MVLWB Online Registry for MVH Geotech Investigation – New Permit – Spill Contingency Plan V1.0.
[4] See MVLWB Online Registry for MVH Geotech Investigation – New Permit – Engagement Plan and Summary V1.0.

Inspectors

The Inspectors referred to in the Permit can be contacted at the regional GNWT-ECC offices.[5]

Permit Processes and Additional Information

Sections 5 and 6 of the Land and Water Board (LWB) *Guide to the Land Use Permitting Process*[6] (Guide) contain detailed information on permit enforcement and potential post-issuance processes, such as amendments to conditions, and assignment to another company. Please be familiar with these sections of the Guide and reach out to Board staff with any questions about LWB processes related to the Permit.

Full cooperation of GNWT-INF is anticipated and appreciated. Please contact Tom Turoczi via email or at (867) 766-7452 with any questions or concerns regarding this letter.

Yours sincerely,

Tanya MacIntosh
Chair, Mackenzie Valley Land and Water Board

BCC'd to: Dehcho Distribution List
SLWB – Tulita District
Rick Walbourne – Director, Regulatory and Permitting, GNWT-ECC
Dani Rogers – Inspector – GNWT-ECC (Dehcho)

Attached: Land Use Permit MV2024X0038
Reasons for Decision

[5] See GNWT-ECC Regional Offices webpage (https://www.ecc.gov.nt.ca/en/regional-offices) for regional contact information.
[6] See MVLWB Policies and Guidelines webpage for LWB *Guide to the Land Use Permitting Process*.

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Government of Northwest Territories Department of Infrastructure (GNWT-INF)
Land Use Permit MV2024X0038

Pursuant to the *Mackenzie Valley Resource Management Act* and Mackenzie Valley Land Use Regulations, the Mackenzie Valley Land and Water Board grants this Land Use Permit to:

Government of Northwest Territories Department of Infrastructure
(Permittee)

of 4922 48th Street PO Box 1320, Yellowknife, NT
(Mailing Address)

hereinafter called the Permittee, to proceed with the following land-use operation, subject to the annexed definitions and conditions contained therein:

Location:	Mackenzie Valley Winter Road (Between Wrigley, Tulita, and Norman Wells, NT)
Purpose:	Geotechnical Investigation
Type:	Type A
Effective Date:	February 18, 2025
Expiry Date:	February 17, 2030

Tanya MacIntosh

Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

Amanda Gauthier, Witness

Conditions Annexed to and Forming Part of Land Use Permit # MV2024X0038

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
    a) Drilling;
    b) Digging of test pits;
    c) Construction of trails;
    d) Use of vehicles, machines, and equipment;
    e) Storage and use of fuel; and
    f) Closure and Reclamation of associated activities.

2. This Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, item 1 of this Permit.

3. Compliance with the terms and conditions of this Permit does not excuse the Permittee from its obligation to comply with the requirements of any applicable Federal, Territorial, Deline, Tłı̨chǫ, or Municipal laws.

Part B: Definitions (defined terms are capitalized throughout the Permit)

Act - the *Mackenzie Valley Resource Management Act.*

Board - the Mackenzie Valley Land and Water Board established under Part 4 of the Act.

Borehole - a hole that is made in the surface of the ground by drilling or boring.

Closure and Reclamation - the process and activities that facilitate the return of areas affected by the Project to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.

Drilling Fluid - any liquid mixture of water, sediment, drilling muds, chemical additives or other wastes that are pumped down hole while drilling and are specifically related to drilling activity.

Drilling Waste - all materials or chemicals, solid or liquid, associated with drilling, including drill cuttings and Drilling Fluids.

Durable Land - land that is able to withstand repeated use, such as gravel or sand with minimal vegetative cover.

Engagement Plan - a document, developed in accordance with the Board's *Engagement and Consultation Policy* and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*, that clearly describes how, when, and which engagement activities will occur with an affected party during the life of the project.

Fuel Storage Container - a container for the storage of petroleum or allied petroleum products with a capacity of less than 230 litres.

Fuel Storage Tank - a closed container for the storage of petroleum or allied petroleum products with a capacity of more than 230 litres.

Habitat - the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes.

Inspector - an Inspector designated by the Minister under the Act.

Minister - the Minister of the Government of the Northwest Territories – Department of Environment and Climate Change

Ordinary High-Water Mark - the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the "active channel/bank-full level" which is often the 1:2 year flood flow return level. In inland lakes, wetlands, or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

Permittee - the holder of this permit.

Secondary Containment - containment that prevents liquids that leak from Fuel Storage Tanks or containers from reaching outside the containment area and includes double-walled Tanks, piping, liners, and impermeable barriers.

Spill Contingency Plan - a document, developed in accordance with Aboriginal Affairs and Northern Development Canada's *Guidelines for Spill Contingency Planning* that describes the set of procedures to be implemented to minimize the effects of a spill.

Sump - a human-made pit or natural depression in the earth's surface used for the purpose of depositing Waste that does not contain Toxic Material, such as non-toxic Drilling Waste or Sewage, therein.

Toxic Material - any substance that enters or may enter the environment in a quantity or concentration or under conditions such that it:

a) Has or may have an immediate or long-term harmful effect on the environment or its biological diversity;
b) Constitutes or may constitute a danger to the environment on which life depends; or
c) Constitutes or may constitute a danger in Canada to human life or health

Waste - any garbage, debris, chemical, or Toxic Material to be used, stored, disposed of, or handled on land, and also as defined in section 51 of the Act**.**

Waste Management Plan - a document, developed in accordance with the Board's Guidelines for Developing a Waste Management Plan, that describes the methods of Waste management from Waste generation to final disposal.

Watercourse - a natural body of flowing or standing water or an area occupied by water during part of the year, and includes streams, springs, swamps and gulches but does not include groundwater.

Part C: Conditions Applying to All Activities (headings correspond to subsection 26(1) of the Mackenzie Valley Land Use Regulations)

	Condition	Category
	26(1)(*a*) Location and Area	
1.	The Permittee shall only conduct this land-use operation on lands designated in the application.	**LOCATION OF ACTIVITIES**
2.	Prior to the commencement of drilling, the Permittee shall submit the target areas and final drill hole locations on a 1:50,000-scale map with coordinates and map datum to the Board and an Inspector.	**DRILL LOCATIONS**
3.	Prior to the commencement of the land-use operation, the Permittee shall mark each corner of the land-use area.	**MARK AREA**
4.	Prior to the commencement of the land-use operation, the Permittee shall accompany an Inspector during an inspection of the proposed land use area.	**INSPECT LOCATIONS**
5.	The Permittee shall maintain the corner markings until the area is reclaimed.	**CORNER POSTS**
	26(1)(*b*) Time	
6.	At least 48 hours prior to the initial commencement of the land-use operation, the Permittee's Field Supervisor shall notify the Board and contact an Inspector at (867) 767-9188.	**INITIAL NOTIFICATION – CONTACT INSPECTOR**
7.	At least 48 hours prior to commencement of the land-use operation, the Permittee shall provide the following information, in writing, to the Board and an Inspector: a) the name(s) of the person(s) in charge of the field operation; b) alternates; and c) all methods for contacting the above person(s).	**IDENTIFY AGENT**
8.	At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of: a) the plan for removal or storage of equipment and materials; b) when final cleanup and reclamation of the land used will be completed.	**REPORTS BEFORE FINAL REMOVAL**
	26(1)(*c*) Type and Size of Equipment	
9.	The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application.	**USE APPROVED EQUIPMENT**

26(1)(*d*) Methods and Techniques

10. Prior to the expiry end of the land-use operation, the Permittee shall replace all excavated material, unless otherwise authorized in writing by an Inspector. **EXCAVATED MATERIAL TEST PITS**

26(1)(*e*) Type, Location, Capacity, and Operation of All Facilities

11. The Permittee shall ensure that the land use area is kept clean at all times. **CLEAN WORK AREA**

26(1)(*f*) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land

12. The land-use operation shall not cause obstruction to any natural drainage. **NATURAL DRAINAGE**

13. The Permittee shall, where flowing water from a Borehole is encountered: **FLOWING ARTESIAN WELL**

a) plug the Borehole in such a manner as to permanently prevent any further outflow of water; and
b) immediately report the occurrence to the Board and an Inspector.

26(1)(*g*) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material

14. Prior to the expiry date of this Permit or the end of the land-use operation whichever comes first, the Permittee shall backfill and restore all Sumps, unless otherwise authorized in writing by an Inspector. **RECLAIM NON-OIL AND GAS SUMPS**

15. The Permittee may deposit Drilling Waste that does not contain Toxic Material in a Sump. Any Sumps or natural depressions used to deposit Drilling Waste must be located at least 100 metres from the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. **DRILLING WASTE**

16. The Permittee shall remove all Drilling Waste containing Toxic Material to an approved disposal facility. **DRILLING WASTE DISPOSAL**

17. The Permittee shall not allow any Drilling Waste to spread to the surrounding lands or Watercourses. **DRILLING WASTE CONTAINMENT**

18. The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan. **WASTE CHEMICAL DISPOSAL**

26(1)(*h*) Wildlife and Fish Habitat

19. The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation. **HABITAT DAMAGE**

26(1)(*i*) Storage, Handling, and Disposal of Refuse or Sewage

20. The Permittee shall dispose of all Waste as described in the **Waste Management Plan**, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. **WASTE MANAGEMENT PLAN**

21. The Permittee shall keep all garbage and debris in a secure container until disposal. **GARBAGE CONTAINER**

26(1)(*j*) Protection of Historical, Archaeological, and Burial Sites

22. The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground. **ARCHAEOLOGICAL BUFFER**

23. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. **SITE DISTURBANCE**

24. The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered: **SITE DISCOVERY AND NOTIFICATION**

    a) immediately suspend operations on the site; and
    b) notify the Board at (867) 669-0506 or an Inspector at (867) 767-9188 and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255.

25. At least 30 days prior to any new land disturbance, including new drill sites, the Permittee shall conduct an Archaeological Overview to identify areas of high and low potential for archaeological and burial sites and shall submit a summary report to the Board and the Prince of Wales Northern Heritage Centre. **ARCHAEOLOGICAL OVERVIEW**

26. Prior to disturbance in areas of high potential for archaeological or burial sites identified in the Archaeological Overview, the Permittee shall conduct an Archaeological Impact Assessment of the sites where disturbance is planned and shall submit a summary report to the Board and the Prince of Wales Northern Heritage Centre. **AIA – HIGH POTENTIAL**

26(1)(*k*) Objects and Places of Recreational, Scenic, and Ecological Value

Intentionally left blank.

26(1)(*l*) Security Deposit

27. All costs to remediate the area under this Permit are the responsibility of the Permittee. **RESPONSIBILITY FOR REMEDIATION COSTS**

26(1)(*m*) Fuel Storage

28. The Permittee shall: **REPAIR LEAKS**

a) examine all Fuel Storage Containers and Tank for leaks; and
b) repair all leaks immediately.

29. The Permittee shall set up all refuelling points with Secondary Containment. **SECONDARY CONTAINMENT REFUELING**

30. The Permittee shall seal all outlets of Fuel Storage Containers and store the containers on their sides with the outlets located at 3 and 9 o'clock, except for containers currently in use. **SEAL OUTLET**

31. The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. **FUEL CONTAINMENT**

32. The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name. **MARK CONTAINERS AND TANKS**

33. The Permittee shall have a maximum of 100 litres of fuel stored on the land use site at any time, unless otherwise approved by the Board. **MAXIMUM FUEL ON SITE**

34. The Permittee shall comply with the **Spill Contingency Plan**, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. **SPILL CONTINGENCY PLAN**

35. Prior to commencement of the land-use operation the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills. **SPILL RESPONSE**

36. All equipment that may be parked for two hours or more, shall have a haz-mat/drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately. **DRIP TRAYS**

37. The Permittee shall clean up all leaks, spills, and contaminated material immediately **CLEAN UP SPILLS**

38. During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall: **REPORT SPILLS**

a) implement the approved Spill Contingency Plan;
b) report it immediately using the NU-NT Spill Report Form by one of the following methods:
   - Telephone: (867) 920-8130
   - Fax: (867) 873-6924
   - E-mail: spills@gov.nt.ca
   - Online: Spill Reporting and Tracking Database
c) within 24 hours, notify the Board and an Inspector; and

d) within 30 days of initially reporting the incident, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur.

26(1)(*n*) Methods and Techniques for Debris and Brush Disposal

39. The Permittee shall not clear areas larger than identified in the complete application. **MINIMIZE AREA CLEARED**

26(1)(*o*) Restoration of the Lands

40. Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used. **FINAL CLEANUP AND RESTORATION**

26(1)(*p*) Display of Permits and Permit Numbers

41. The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation. **COPY OF PERMIT**

26(1)(*q*) Biological and Physical Protection of the Land

42. If any plan is not approved by the Board, the Permittee shall revise the plan according to the Board's direction and re-submit it to the Board for approval. **RESUBMIT PLAN**

43. The Permittee shall comply with the **Engagement Plan**, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. **ENGAGEMENT PLAN**

44. All revised plans submitted to the Board shall include a brief summary of the changes made to the plan. **SUMMARY OF CHANGES**

Attachment A: Concordance Table for MV2024X0038 of Items Requiring Submission

Supplemental information to be submitted by Permittee as required through Land Use Permit Conditions.

Disclaimer: If there are any discrepancies between this table and the body of the Permit, the Permit conditions prevail.

Permit Condition(s)	Report, Plan or Program Required	When Required

Attachment B: MV2024X0038 – Table of Revision History

Date	Change	Date Approved
-	-	-

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Reasons for Decision

Issued pursuant to paragraphs 22(2)(a) and 40(2)(c) of the Mackenzie Valley Land Use Regulations (MVLUR).

Land Use Permit Application	
File Number	MV2024X0038
Company	Government of Northwest Territories – Department of Infrastructure (GNWT-INF)
Project	MVH Geotechnical Investigation
Location	Mackenzie Valley Winter Road, NT
Activity	Geotechnical Investigation
Date of Decision	February 6, 2025

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On February 6, 2025, the Mackenzie Valley Land and Water Board (MVLWB or Board) met and considered the Application made by GNWT-INF (Applicant) to the Board on December 9, 2024, for Land Use Permit (Permit) MV2024X0028 for the MVH Geotechnical Investigation (the Project) along the Mackenzie Valley Winter Road, between Wrigley, Tulita, and Norman Wells, Northwest Territories (NT). After reviewing the Application and the evidence gathered during the regulatory proceeding, the Board has made the following decisions:

1) To issue Land Use Permit MV2024X0038 for a term of 5 years;
2) To approve Version 1.0
    - of the Engagement Plan and Summary;
    - of the Waste Management Plan;
    - of the Spill Contingency Plan; and
    - of the Closure and Reclamation Plan found within the Application form.

These Reasons for Decision set out the Board's regulatory process for the Application and rationale for decisions regarding the Permit. A summary of the Application and the main issues identified during the proceeding is provided in sections 2.0 and 3.0 below, followed by an outline of the regulatory process for the Application in section 4.0. Section 5.0 describes how the applicable legislative requirements have been met. The Board's decisions and supporting rationale regarding the Permit are set out in section 6.0.

1.0 List of Defined Terms and Acronyms

Applicant/Permittee	GNWT-INF
Application	The complete application package submitted by the Applicant for Land Use Permit MV2024X0038.
CRP	Closure and Reclamation Plan
Distribution List	The list of individuals and organizations to whom materials from this regulatory proceeding were circulated.[1]
ECCC	Environment and Climate Change Canada
GLWB or Board	Gwich'in Land and Water Board
GNWT	Government of the Northwest Territories
GNWT-ECC	Government of the Northwest Territories – Environment and Climate Change
Inspector	An Inspector designated under subsection 84(1) of the *Mackenzie Valley Resource Management Act*
LWBs	Land and Water Boards of the Mackenzie Valley
MVLUR	Mackenzie Valley Land Use Regulations
MVLWB or Board	Mackenzie Valley Land and Water Board
MVRMA	*Mackenzie Valley Resource Management Act*
Minister	Minister of the Government of the Northwest Territories – Environment and Climate Change
ORS	Online Review System (https://new.onlinereviewsystem.ca/reviews)

[1] To access the Distribution List, see the LWBs' Online Review System for MVH – Geotechnical Investigations – New Land Use Permit.

Party	As per the LWB *Rules of Procedure*, an applicant, a person, or an organization participating in this regulatory process.
Permit	Land Use Permit MV2024X0038
Project	MVH Geotechnical Investigation, the undertaking as described in Part A of the Permit.
Review Board	Mackenzie Valley Environmental Impact Review Board
SCP	Spill Contingency Plan
Standard Permit Conditions	LWB *Standard Land Use Permit Conditions Template*
WMP	Waste Management Plan

2.0 Summary of Application

On December 9, 2024, the Applicant submitted an application for a new Permit MV2024X0038 (the Application).[2] The Application is to conduct geotechnical investigations, including drilling and test-pitting within the alignment routing corridor, along the Mackenzie Valley Winter Road, between Wrigley, Tulita, and Norman Wells. Hence, the proposed operation is to take place between the Dehcho Region and the Sahtu Settlement Area.

An additional component of the Project in 2025 is to create up to two helicopter landing pads within the alignment routing corridor to facilitate mobilization of personnel and equipment for future field investigations.

All boreholes will be backfilled immediately following drilling, except where thermistors or wells are installed. No works or long-term disturbance of the land is anticipated. No equipment will be left on site, and ground disturbance will be limited to 10 m x 10 m at each site. Nominal garbage generated during the geotechnical investigation will be stored in a waste bin with a secured lid and disposed of at the end of each day at the nearest municipality. No camp is required for the project – field personnel will use a Pacto-type toilet. Oils and lubricants will be stored in a scent free waste bin with a secured lid and transported to a facility that accepts hazardous waste, such as KBL in Yellowknife.

In making its decision and preparing these Reasons for Decision, the Board has reviewed and considered:

1) The Permit Application as submitted by the Applicant for the Project;
2) The evidence and submissions received by the Board from the Applicant in relation to the Permit; and
3) The comments and recommendations, evidence, and submissions received by the Board from Parties during this regulatory proceeding.

The Applicant included a Wildlife Management and Monitoring Plan with the applications. The Board decided to not require this Plan as part of the Permit. However, the Board does note the Applicant's commitments therein and expects them to adhere to those commitments.

[2] See MVLWB Online Registry for MVH Geotech Investigation – New Permit – Application.

3.0 Main Issues Raised During the Regulatory Proceeding

Issues that were resolved by Parties to the Board's satisfaction during the proceeding are not addressed in detail in these Reasons.

4.0 Regulatory Process

On December 9, 2024, the Applicant submitted the Application, which was deemed complete and circulated to the Distribution List for public review on the Online Registry System (ORS) on December 19, 2024.[3] As a result of various office closures over the holiday season, reviewers have expressed capacity concerns and requested a two-week extension to make up for procedural time lost because of the holidays.

In response to this request, the review comments due date was been extended to January 23, 2025, and subsequently, the proponent response deadline until January 30, 2025. The recommended motion to invoke a timeline pause regarding this matter as per paragraph 22(2)(b) of the Mackenzie Valley Land Use Regulations was brought in front of the Board and approved January 27, 2025.

By January 23, 2025, the Board received comments and recommendations regarding the Application and the draft Permit from the following Parties: Government of Northwest Territories – Department of Education, Culture and Employment – Prince of Wales Northern Heritage Centre (GNWT-ECE-PWNHC) and Environment and Climate Change Canada (ECCC). GNWT-INF (the Applicant) also submitted comments January 28, 2025; although GNWT-INF's recommendations were submitted after the comments due date, they were provided within the Proponent Response timeframe. On January 28, 2025, the Applicant responded to Reviewer comments and recommendations.[4]

On February 6, 2025, the Board met and made its preliminary screening determination for the Project.[5]

On February 6, 2025, the Board met to make decisions regarding the Application. These decisions and related reasons are described in sections 5.0 and 6.0 below.

5.0 Legislative Requirements Related to Permit Issuance

The Project is subject to the MVRMA and the MVLUR. As per the MVLUR, the proposed use of land for the Project requires a permit. The required permit for this Project is within the Board's jurisdiction as per subsections 59(1) and 102(1) of the MVRMA.

In conducting its regulatory process for the Application (as described in sections 3.0 and 4.0 above), the Board has ensured that section 62 of the MVRMA and all applicable legislative requirements have been

[3] See MVLWB Online Registry for MVH Geotech Investigation - New Permit - LUP Application.
[4] See MVLWB Online Registry for MVH Geotechnical Investigation – Application – Review Commet Table – Feb18_24.
[5] See MVLWB Online Registry for MVH Geotechnical Investigation –- Preliminary Screening Determination and RFD – Feb7_24.

satisfied as outlined in the subsections below. The Board has considered the people and users of the land and water in the Mackenzie Valley, and any Traditional Knowledge and scientific information that was made available to the Board during the regulatory proceeding, as per section 60.1 of the MVRMA. The consideration of information provided to the Board is discussed in detail below and in section 6.0.

5.1 Consultation, Engagement, and Public Notice

As per paragraph 60.1(a) of the MVRMA, in exercising its authority, the Board must consider the importance of conservation to the well-being and way of life of Indigenous peoples of Canada, specifically those to whom section 35 of the *Constitution Act*, 1982, applies and who use an area of the Mackenzie Valley. Accordingly, the Board works with applicants, affected parties (including Indigenous governments and organizations), and other parties (such as other boards and regulators) to ensure that potential impacts of proposed projects, including impacts on rights under section 35, are understood and carefully considered before decisions are made with respect to the issuance of permits and licences.

The Board's requirements for engagement are set out the LWB *Engagement and Consultation Policy* and *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*.[6] The Policy and Guidelines were developed to ensure that the Board's obligations for achieving meaningful consultation (as set out by land claims and applicable legislation) with all affected parties, including Indigenous groups in the Mackenzie Valley, are met and engagement and consultation results clearly articulated. Engagement was completed between October 22, 2024, and December 17, 2024. In accordance with the Policy and Guidelines, the Applicant's engagement efforts and proposed procedures are detailed in the Engagement Plan and Summary (Version 1.0)[7] submitted with the Application. The Board has approved the Applicant's Engagement Plan (Version1.0), and the Board's reasons for this decision are described below in section 6.3.

The Application was posted to the Board's Public Registry and distributed through the ORS. As the Project is located in the Dehcho Region; Sahtu Settlement Area – Tulita District, the appropriate organizations, governments, First Nations, and Indigenous organizations were included in the Distribution List.[8] The Distribution List was used throughout this proceeding to circulate submissions, information, and updates relevant to the proceeding; the List was updated if needed, and (if requested) individuals with specific interests in the Project were added. More information about the proceeding for the Application is provided above in section 4.0.

As noted in section 4.0 above, GNWT-INF submitted comments and recommendations after the review comment due date. In making its determination on the Permit, the Board accepted this submission as evidence because GNWT-INF is the Proponent, and the recommendations were provided within the

[6] See MVLWB Policies and Guidelines webpage to access the LWB *Engagement and Consultation Policy* and *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*.
[7] See MVLWB Online Registry for MVH Geotech Investigation – New Permit – Engagement Plan and Summary V1.0 – Dec19_24.
[8] To access the Distribution List, see the LWBs' Online Review System for MVH – Geotechnical Investigation – New Land Use Permit.

Proponent Response timeframe. The Board's consideration of this information is discussed in detail in section 6.0.

In accordance with sections 63 and 64 of the MVRMA, the Board is satisfied that notice of and access to copies of the Application were provided, and that a reasonable amount of time was given to communities, First Nations, and the public to participate in this proceeding and make submissions to the Board.

In accordance with the Minister of Indian Affairs and Northern Development's 2004 *Policy Direction regarding the Deh Cho First Nations Interim Measures Agreement*,[9] the Dehcho First Nation was notified of the Application through the ORS distribution. The Board did not receive any evidence from the Dehcho First Nation member nations during the proceeding.

5.2 Eligibility for Land Use Permit

As per section 18 of the MVLUR, eligibility must be determined before the Board can issue a permit. The Applicant provided a letter from the Tulita District Land Corporation (TDLC)[10] granting them five-year access – starting February 15, 2025 – to Sahtu private lands along the Mackenzie Valley Winter Road. This grant of access is given in accordance with 21.3.1 of the Sahtu Dene and Metis Comprehensive Land Claim Agreement. It also establishes eligibility under paragraph 18(b) of the MVLUR. No issues were raised regarding eligibility during this proceeding. Based on the supporting information provided, the Board concludes that the eligibility requirements under section 18 of the MVLUR have been satisfied.

5.3 Land Use Plan Conformity

As per section 61 of the MVRMA, where an approved Land Use Plan applies, the Board must confirm conformity with the Land Use Plan before issuing a permit or licence.

The *Sahtu Land Use Plan*,[11] applies in the Project area, and the Application Package included a conformity table[12] that demonstrates how the Project meets the requirements of the Land Use Plan.

5.4 Land Use Fees

No application fee was required as the Applicant is the GNWT.

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[9] See MVLWB Land Claims, IMAs, and Land Use Plans webpage to access the *Policy Direction regarding the Deh Cho First Nations Interim Measures Agreement.*
[10] See MVLWB Online Registry for MVH Geotech Investigation – New Permit – Sahtu Land Access Support Letter.
[11] See MVLWB Land Claims, IMAs, and Land Use Plans webpage to access the *Sahtu Land Use Plan*.
[12] See MVLWB Online Registry for MVH Geotech Investigation – New Permit – LUP Application.

5.5 Time Limit

As per section 22 of the MVLUR, the Board is required to make its decision on a permit within 42 days of receiving a complete application. On January 27, 2025, the Board met and decided to apply paragraph 22(2)(b) of the MVLUR in order to approve the extension of the Reviewer Comment deadline.[13]

5.6 Environmental Review (Part 5 of the MVRMA)

5.6.1 Preliminary Screening

On February 6, 2025, the Board met and based on evidence, it is the Board's opinion that it is not likely that the proposed project will have adverse impacts on the environment or be a cause of public concern, as set out in paragraph 125(1)(a) of the MVRMA. The Board has therefore decided not to refer the proposed Project to Environmental Assessment.[14]

In accordance with section 125 of the MVRMA, the Board notified the Review Board of its preliminary screening determination,[15] and in the ten days following the Board's preliminary screening determination notification to the Review Board, the Board did not receive notice of referral to environmental assessment (EA). Subsequently, the Board proceeded with issuing the Permit.

The Board is satisfied that the requirements of Part 5 of the MVRMA have been met for the Project.

6.0 Decision – Land Use Permit MV2024X0038

Having due regard to the facts, circumstances, and the merits of the submissions made to it, and to the purpose, scope, and intent of the MVRMA, the Board has determined that Permit MV2024X0038 should be issued, subject to the scope, definitions, conditions, and term contained therein. The Board's determinations and reasons for this decision are set out below.

The Permit has been developed to address the Board's statutory responsibilities, to protect the receiving environment, and to address issues within the Board's jurisdiction that were identified and investigated during this regulatory proceeding.

In developing the Permit, the Board considered the LWB *Standard Land Use Permit Conditions Template* (Standard Permit Conditions) and included a number of these standard conditions that are relevant to the Project. As noted in section 4.0, Board staff circulated a draft Permit for review to allow Parties to provide specific input to the Board on possible conditions, and the Board considered these review comments and recommendations in making its determination on the Permit conditions.

[13] See MVLWB Online Registry for MVH Geotech Investigation – Notification – Timeline Pause – Jan30_25.
[14] See MVLWB Online Registry for MVH Geotech Investigation – Preliminary Screening Determination and RFD – Feb7_24.
[15] See MVLWB Online Registry for MVH Geotech Investigation – Notice of Preliminary Screening Determination – Feb7_24.

The Standard Permit Conditions have been established by the LWBs based on information from LWB policies and guidelines, other applicable guidelines and best practices, meetings with Inspectors, input from LWB staff, and feedback from a public review. Each standard condition has been evaluated against the following characteristics of an ideal condition:

- Clearly part of LWBs' authority;
- Has a clear purpose and rationale;
- Is practical and enforceable;
- Matches the scale of the project; and
- Does not conflict with existing legislation (i.e., is not less stringent).

The Standard Permit Conditions include general rationale for each standard condition, and as such, the language of any standard condition included in the Permit is only discussed in detail in the following sections of these Reasons for Decision when it specifically relates to concerns or recommendations raised during the regulatory proceeding. The Board's reasons for developing and including project-specific conditions, including discussion of any concerns and recommendations raised regarding these conditions, are detailed in the relevant sections below.

6.1 Term of Permit

The Applicant has applied for a term of five years for the Permit. Subsection 26(5) of the MVLUR allows for a Permit term of not more than five years. The scope of the Permit ensures that the Applicant will conduct activities which have been applied for and screened by the Board. After reviewing the submissions made during this regulatory proceeding, the Board has determined an appropriate term for the Permit is five years.

6.2 Part A: Scope of Permit

The scope of the Permit ensures the Permittee is entitled to conduct activities which have been applied for and which have been subject to Part 5 of the MVRMA. In setting out the scope of the Permit, the Board endeavoured to provide enough detail to identify and describe the authorized activities, without being unduly restrictive or prescriptive, and to allow for project flexibility, as contemplated in the Application, throughout the life of the Permit.

Based on the activities described in the Permit Application and on the scope outlined in the Standard Permit Conditions, Board staff included a draft scope in the draft Permit that was circulated for public review. The Board did not receive any comments or recommendations regarding the draft scope during the proceeding, so the Board accepted it as the scope of the Permit.

6.3 Part B: Definitions

The Board defined certain terms in the Permit to ensure a common understanding of the conditions, to avoid future differences in interpretation of the Permit, to reflect Project-specific evidence, and to support

consistency across licences and permits issued by the LWBs. For the most part, the Board selected applicable definitions relevant to the Project from the Standard Permit Conditions.

6.4 Part C: Conditions Applying to All Activities

The LWB *Waste and Wastewater Management Policy* applies to the Permit, and the objectives of the Policy are protection of water quality in the receiving environment, waste prevention/minimization, and minimization of the amount of waste disposed to the receiving environment.[16] The Permit does not authorize any deposit of waste to water; however, in accordance with the Policy and these objectives, the Permit includes many conditions that are, directly or indirectly, intended to meet the objectives of the Policy. The Board is satisfied that the conditions set out in the Permit are consistent with the Policy and compliance with these conditions will ensure that waste will be minimized, managed, and disposed of in a manner that will be protective of the receiving environment. These conditions and detailed rationale are described in the sections below.

The subheadings below correspond to the headings in the conditions section of the Permit, as outlined in subsection 26(1) of the MVLUR.

26(1)(a) Location and Area

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

GNWT-INF (The Applicant) recommended[17] the removal of the following condition from the Draft Permit: DRILLING SETBACK. The reason is the application identifies that drill sites will be located within 100m of the Ordinary High-Water Mark. The Board agreed with this recommendation and has removed this condition.

26(1)(b) Time

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

26(1)(c) Type and Size of Equipment

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

26(1)(d) Methods and Techniques

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

26(1)(e) Type, Location, Operation of All Facilities

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

[16] See MVLWB Policies and Guidelines webpage to access the LWB *Waste and Wastewater Management Policy*.
[17] See MVLWB Online Review System for MVH - Geotechnical Investigations – New Land Use Permit; GNWT-INF Comment ID-1.

26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

GNWT-INF (The Applicant) recommended[18] the removal of the following condition from the Draft Permit: PERMAFROST PROTECTION. This condition was deemed not relevant to the scope of the activities. The Board agreed with this recommendation and has removed this condition.

26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

26(1)(h) Wildlife and Fish Habitat

The MVLUR includes provisions related to the protection of wildlife habitat; however, requirements for Wildlife Management and Monitoring Plans (WMMPs) are under the jurisdiction of the GNWT through the *Wildlife Act*. Accordingly, all applicants are directed to contact the GNWT-ECC to determine whether a WMMP, which details mitigations to reduce or eliminate impacts to applicable wildlife and wildlife habitat, is required for the project and should be submitted to the Board with a permit and/or licence application.

While the Permittee included a WMMP in the Application,[19] no argument or evidence was received indicating a WMMP is necessary. Effectively, the Permit does not include a requirement for a WMMP.

The Board included Condition 19 (HABITAT DAMAGE) in the Permit, which requires the Permittee to prevent damage to wildlife and fish habitat. This is a condition from the Board's Standard Permit Conditions and is intended to ensure the Permittee conducts their land-use operation in such a way as to minimize disturbance to wildlife habitat.

26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

WASTE MANAGEMENT PLAN – APPROVED

All applicants must submit detailed waste management information, identifying all types of waste that will be produced by the project (including quantity and quality) and describing the disposal methods that are proposed for each type of waste. For most applicants, this will be in the form of a Waste Management Plan, developed in accordance with the LWB *Guidelines for Developing a Waste Management Plan,*[20] and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board. The Guidelines can be applied to a wide range of projects and are intended to ensure that all

[18] See MVLWB Online Review System for MVH - Geotechnical Investigations – New Land Use Permit; GNWT-INF Comment ID-1.
[19] See MVLWB Online Registry for MVH Geotech Investigation – New Permit – Wildlife Management and Monitoring Plan.
[20] See MVLWB Policies and Guidelines webpage to access the LWB *Guidelines for Developing a Waste Management Plan*.

waste management activities are carried out in a way that is consistent with best practices and applicable guidelines to minimize waste released from a project.

As required, the Permittee included a Waste Management Plan in the Application.[21] The Board considered this Plan as part of the Application Package, and its decision on the Plan is set out below.

The Board has approved the Waste Management Plan, Version 1 because it meets the requirements of the Guidelines and is appropriate for the Project activities.

26(1)(j) Protection of Historical, Archaeological, and Burial Sites

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

GNWT-ECE-PWNHC recommended[22] adding the ARCHAEOLOGICAL OVERVIEW and AIA – HIGH POTENTIAL standard conditions to the Draft Permit. As it has been pointed out, some of the locations proposed for the 2025 field season still need surveying and/or reporting. The Board agreed with this recommendation and has added these conditions.

26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value

This section was intentionally left blank, because the Board did not require conditions in this section to satisfy its mandate and did not receive any recommendations related to this section during the review of the draft Permit.

26(1)(l) Security Deposit

This section sets out the Permittee's responsibility for all costs associated with remediation of the Project area. The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

The Board did not include security requirements in the Permit because, as per section 94 of the MVRMA, the territorial government is not required to post security for permits. Condition 27 (RESPONSIBILITY FOR REMEDIATION COSTS) establishes the Permittee's responsibility for all costs to remediate the Permit area, so the Board is satisfied that the Permittee will be accountable for carrying out closure and reclamation even though a security deposit is not required.

26(1)(m) Fuel Storage

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

[21] See MVLWB Online Registry for MVH Geotech Investigation – New Permit – Waste Management Plan V1.0.
[22] See MVLWB Online Review System for MVH - Geotechnical Investigations – New Land Use Permit; GNWT-ECE-PWNHC Comment ID-3.

GNWT-INF (The Applicant) recommended[23] removing the standard condition FUEL CACHE SECONDARY CONTAINMENT from the draft Permit, as no fuel caches are proposed. The Board agreed with this recommendation and has removed this condition.

SPILL CONTINGENCY PLAN – APPROVED

All applicants must describe spill contingency planning. For most applicants, this will be in the form of a Spill Contingency Plan, developed in accordance with the INAC *Guidelines for Spill Contingency Planning,*[24] and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board. The Plan is intended to ensure that an action plan for responses to spills and unauthorized discharges has been established to effectively control and clean up spills and unauthorized discharges, with the goal of preventing or limiting damage to the receiving environment.

As required, the Permittee included a Spill Contingency Plan in the Application.[25] The Board considered the Plan as part of the Application Package, and its decision on the Plan is set out below.

26(1)(n) Methods and Techniques for Debris and Brush Disposal

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

GNWT-INF (The Applicant) recommended[26] replacing the standard condition NO CLEARING in the draft Permit, with MINIMIZE AREA CLEARED, because clearing is required to complete the scope of work. The Board agreed with this recommendation and has replaced this condition.

26(1)(o) Restoration of the Lands

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

CLOSURE AND RECLAMATION PLAN

All applicants must describe closure and reclamation planning. For most applicants, this will be in the form of a Closure and Reclamation Plan, and permits will include standard conditions regarding compliance with the Closure and Reclamation Plan, as approved by the Board.

Due to the small scale of the Project, in lieu of submitting a stand-alone Closure and Reclamation Plan, the Permittee described the proposed closure and reclamation activities in the Application form. In this case, the Board considered this information equivalent to a Closure and Reclamation Plan, and the Board's decision on the Closure and Reclamation Plan is set out below.

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[23] See MVLWB Online Review System for MVH - Geotechnical Investigations – New Land Use Permit; GNWT-INF Comment ID-1.
[24] See MVLWB External Policies and Guidelines webpage to access the INAC *Guidelines for Spill Contingency Planning*.
[25] See MVLWB Online Registry for MVH Geotech Investigation – New Permit – Spill Contingency Plan V1.0.
[26] See MVLWB Online Review System for MVH - Geotechnical Investigations – New Land Use Permit; GNWT-INF Comment ID-1.

The Board has approved the Closure and Reclamation Plan, Version 1.0 because it is appropriate for the Project activities.

26(1)(p) Display of Permits and Permit Numbers

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

26(1)(q) Biological and Physical Protection of the Land

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

ENGAGEMENT PLAN – APPROVED

The Board assesses engagement adequacy through the LWB *Engagement and Consultation Policy* and *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*, and an Engagement Plan is a standard requirement for land use permits issued by the Board. This Plan is intended to ensure adequate and effective engagement with potentially affected parties has occurred prior to the submission of the Application (in the form of the Engagement Record) and is planned for throughout the life of the Project.

In accordance with the Policy and Guidelines, the Applicant included an Engagement Record and Plan in the Application,[27] and these documents were distributed for public review with the Application. The Board considered the Plan as part of the Application Package.

The Board has approved the Engagement Plan, Version 1.0 because it meets the requirements of the Policy and Guidelines and is appropriate for the Project activities.

6.5 Attachment A: Concordance Table of Submissions

Attachment A to the Permit contains a table that summarizes the submissions required by the Permit conditions.

6.6 Attachment B: Revision History Table

Attachment B to the Permit contains a table which identifies updates and tracks changes made to the Permit. This table is currently blank because this is a new permit, but it will be updated throughout the life of the Permit.

7.0 Conclusion

Subject to the scope, definitions, conditions, and term set out in the Permit, and for the reasons expressed herein, the MVLWB is of the opinion that the activities and land use associated with the Project can be

[27] See MVLWB Online Registry for MVH Geotech Investigation – New Permit – Engagement Plan and Summary V1.0.

completed by GNWT-INF while providing for the conservation, development, and utilization of waters in a manner that will provide the optimum benefit for all Canadians and in particular for the residents of the Mackenzie Valley.

Land Use Permit MV2024X0038 contains provisions that the Board deems necessary to ensure and monitor compliance with the MVRMA and the Regulations made thereunder, and to provide appropriate safeguards in respect of GNWT-INF's use of the land as authorized by the Permit.

SIGNATURE



Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

February 18, 2025

Date