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February 7, 2025

File: MV2024X0038

Mark Cliffe-Phillips
Mackenzie Valley Review Board
200 Scotia Centre
Box 938, 5102-50th Avenue
Yellowknife NT X1A 2N7

Sent by email

Dear Mark Cliffe-Phillips,

Re: Mackenzie Valley Highway Geotechnical Investigation – Issuance Package – Land Use Permit MV2024X0038 – Geotech 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 MV2024X0038 for the MVH Geotechnical Investigation, along the Mackenzie Valley Winter Road – between Wrigley, Tulita, and Norman Wells, NT (Project), in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board conducted a preliminary screening based on the public record for the proceedings. Based on the evidence provided, the Board is satisfied the screening has been completed according to section 125 of the MVRMA and has decided **not to refer** the Project to environmental assessment. The Board's Preliminary Screening Determination and Reasons for Decision, as required by section 121 of the MVRMA, is attached.

If the Board does not receive notice of referral to environmental assessment, it can proceed with issuance of Permit MV2024X0038 on **Tuesday February 18, 2025**.

The Board and staff look forward to continued communications throughout the pause period.

Please contact Kathy Racher via [email](#) or at (867) 766-7457 with any questions or concerns regarding this letter.

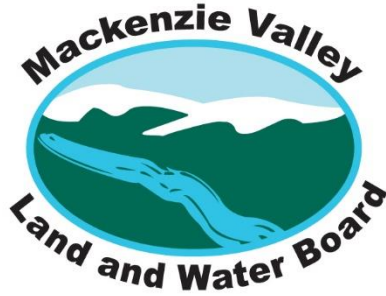
Yours sincerely,

A handwritten signature in blue ink that reads "Tanya MacIntosh". The signature is written in a cursive, flowing style.

Tanya MacIntosh
Chair, Mackenzie Valley Land and Water Board

BCC'd to: Dehcho Distribution List
 SLWB – Tulita District
 Patricia Coyne – Manager, Mackenzie Valley Highway Environmental Affairs
 Rick Walbourne – Director, Regulatory and Permitting, GNWT-ECC
 Danielle Rogers – Inspector – GNWT-ECC (Dehcho)
 Erin Goose – Inspector, GNWT-ECC (Sahtu)

Attached: Preliminary Screening Determination and Reasons for Decision



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Preliminary Screening Determination and Reasons for Decision

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

1.0 Decision

In accordance with subsection 124(1) of the [Mackenzie Valley Resource Management Act](#) (MVRMA), the Mackenzie Valley Land and Water Board (Board) met on February 6, 2025, to make a preliminary screening determination on the Application from Government of Northwest Territories – Department of Infrastructure (GNWT-INF) (Applicant) for the MVH Geotechnical Investigation (the Project) along the Mackenzie Valley Winter Road, between Wrigley, Tulia, and Norman Wells, Northwest Territories (NT).¹

The Board has decided not to refer the proposed Project to the Mackenzie Valley Environmental Impact Review Board (the Review Board) for Environmental Assessment because, based on the evidence, it is the Board’s opinion that the proposed Project will not have a significant adverse impact on the environment or be a cause of public concern.

¹ See MVLWB Online Registry www.mvlwb.com for [MVH Geotech Investigation – New Permit – Application](#).

2.0 List of Defined Terms and Acronyms

Applicant	GNWT-INF
Application	The complete application package submitted by the Applicant for Land Use Permit MV2024X0038.
CRP	Closure and Reclamation Plan
GNWT	Government of the Northwest Territories
GNWT-ECC	Government of the Northwest Territories – Environment and Climate Change
MVLWB	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 (www.new.onlinereviewssystem.ca)
Party	As per the LWB Rules of Procedure , an applicant, a person, or an organization participating in the regulatory proceeding for the Application.
Project	MVH Geotechnical Investigation, which is the proposed development (as defined in Part 5 of the MVRMA). ²
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

3.0 Background and Scope of Screening

GNWT-INF has submitted a complete application for a type A land use permit. The purpose of 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. Work proposed also includes the creation of two helicopter landing pads.

Prior to submission, GNWT-INF engaged with local First Nations to ensure there were no objections to the proposed scale and nature of project activities. According to the Applicant's Engagement records, engagement with affected parties began during the week of October 22, 2024, by emails and phone calls. Notification packages with invitations to virtual information sessions were emailed to affected parties November 1, 2024. GNWT-INF continued with engagement follow-up December 16 and 17, 2024, by means of further emails and phone messages to parties who hadn't responded yet.

² "development" is defined in Part 5 of the [MVRMA](#) as:

"any undertaking, or any part or extension of an undertaking, that is carried out on land or water and includes an acquisition of lands pursuant to the *Historic Sites and Monuments Act* and measures carried out by a department or agency of government leading to the establishment of a park subject to the *Canada National Parks Act* or the establishment of a park under a territorial law."

Affected parties identified in the Engagement Plan are:

- Dehcho First Nations
- Łı́ıdlı́ Kúé First Nation (LKFN)
- Pehdzéh Kı́ First Nation (PKFN)
- Fort Simpson Métis Nation
- Tulita District Land Corporation (TDLC)
- Tulita Renewable Resources Council (TRRC)
- Tulita Dene Band
- Tulita Land Corporation
- Fort Norman Métis Land Corporation
- Norman Wells Land Corporation
- Norman Wells Renewable Resource Council
- GNWT-ECC Regional Inspector Sahtu
- GNWT-ECC Regional Inspector Dehcho
- Sahtu Secretariat Incorporated

In accordance with paragraph 125(1)(a) of the [MVRMA](#), the Board must conduct a preliminary screening of the proposed Project to determine and report to the Review Board whether, in its opinion, the proposed Project might have a significant adverse impact on the environment, or might be a cause of public concern. The details of the Board's analysis are set out in section [4.0](#) below.

3.1 Scope of Screening:

The project scope includes drilling, digging test pits, construction of trails, use of heavy machinery, vehicles and equipment, storage and use of fuel, and closure related activities. Work will be conducted along the Mackenzie Valley Winter Road, between Wrigley, Tulita, and Norman Wells - namely 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 work 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 wastes, such as KBL in Yellowknife.

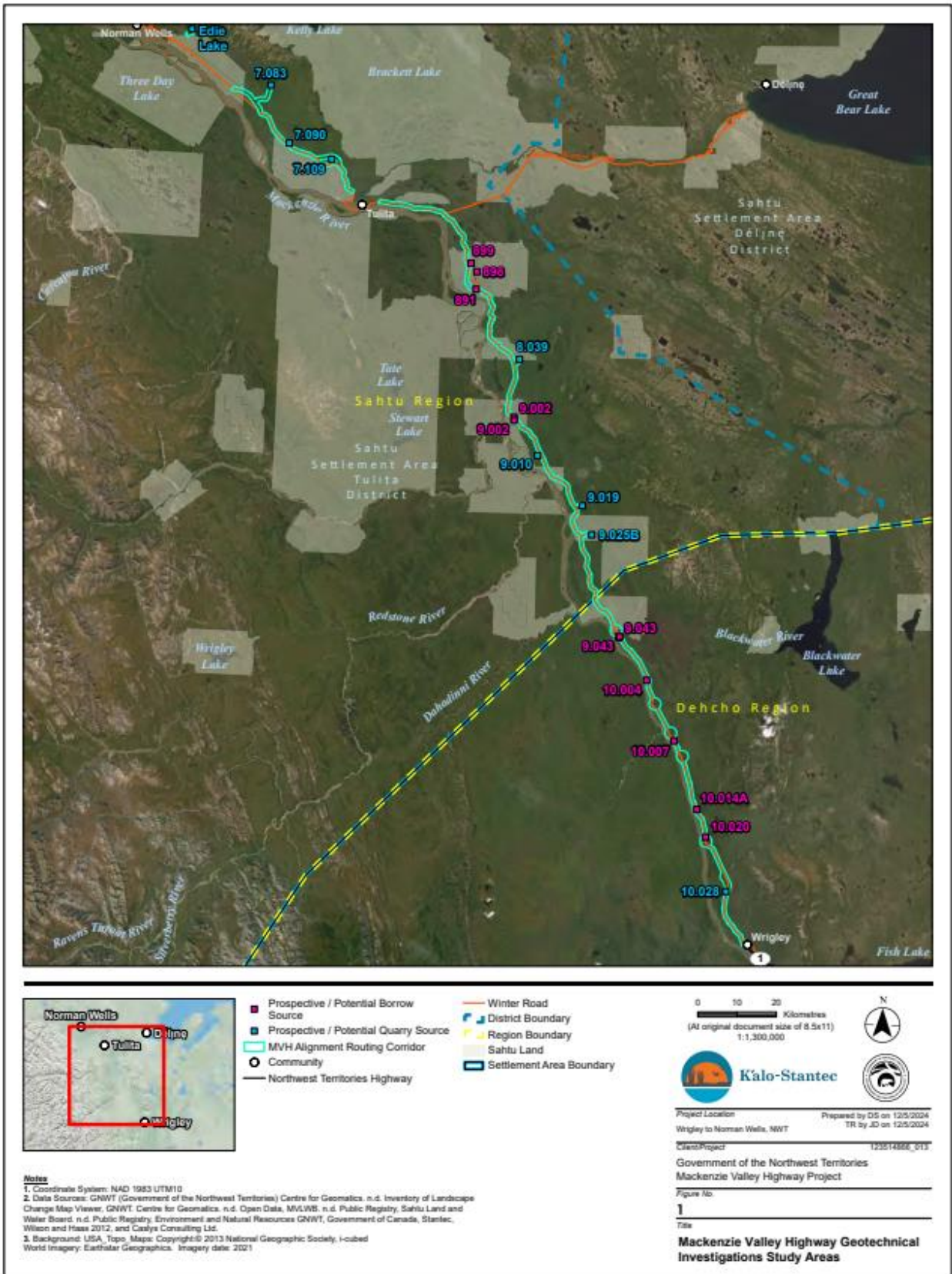


Figure 1: Scope of geotechnical work proposed.

Public Record and Regulatory Proceeding

To assist the Board in its preliminary screening determination for the Project, the Board distributed the Application and a draft Permit for public review on December 19, 2024, inviting reviewers to provide comments and recommendations on the Application and the preliminary screening (e.g., on impacts and mitigation measures) using the Online Review System (ORS). The comment and comment response deadlines were extended to January 23, and January 30, 2025, respectively. The Board received comments from the Government of Northwest Territories – Department of Education, Culture and Employment – Prince of Wales Northern Heritage Centre (GWNT-ECE-PWNHC) and Environment and Climate Change Canada (ECCC), as well as the Applicant.

The Board is satisfied that with the extended comment period, a reasonable period of notice was given to affected communities and First Nations, as required by subsection 63(2) of the [MVRMA](#).

Pursuant to section 27, paragraphs (a) and (b) of the [Dehcho First Nations \(DCFN\) Interim Measures Agreement](#),³ the Board has determined that written notice was given to the DCFN, and that a reasonable period of time was allowed for DCFN to make representations with respect to the Application.

4.0 Potential Impacts and Proposed Mitigations

Table 1 below summarizes:

- the potential impacts of the proposed Project;
- the concerns that were identified during the regulatory proceeding and how the Applicant addressed those concerns;
- the proposed and potential mitigations for the potential impacts; and
- the Board’s analysis of the potential impacts and proposed mitigations.

³ See MVLWB Land Claims, IMAs, and Land Use Plans webpage to access the [Dehcho First Nations Interim Measures Agreement](#).

Table 1: Potential Impacts and Proposed Mitigations for the Proposed Project

Potential Impact	Activity	Proposed Mitigations <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	Board Analysis and Determination
Soil Contamination	Use of machinery has potential for hydrocarbon spills.	<ul style="list-style-type: none"> • The Applicant indicated that soil contamination from hydrocarbon spills is a potential impact, given the use of machinery onsite. To mitigate, the Applicant has noted spill containment and clean up measures will be in place. • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:⁴ <ul style="list-style-type: none"> ○ SECONDARY CONTAINMENT – REFUELING ○ FUEL CONTAINMENT ○ SPILL RESPONSE ○ DRIP TRAYS ○ CLEAN UP SPILLS ○ REPORT SPILLS 	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.</p> <p>The proposed Project involves a small footprint and there will be no stored fuel or fuel transfer onsite.</p>
Soil Compaction	Use of heavy machinery	<ul style="list-style-type: none"> • The Applicant has noted soil compaction is unlikely to occur as the geotechnical investigation will mainly be accessed via an existing winter road. For all off-road movement, the ground will be frozen, and snow covered. 	Based on the described Project, it is the Board’s opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.
Destabilization/erosion	Use of heavy machinery	<ul style="list-style-type: none"> • The Applicant has noted work will be completed during frozen ground conditions • 10 cm of packed snow will be established on access trails 	Based on the described Project, it is the Board’s opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.
Change in soil structure	Use of heavy machinery	<ul style="list-style-type: none"> • The Applicant has noted work will be completed during frozen ground conditions 	Based on the described Project, it is the Board’s opinion that the proposed activities

⁴ See the MVLWBT Policies and Resources webpage to access the MVLWB [Standard Land Use Permit Conditions Template](#).

Potential Impact	Activity	Proposed Mitigations <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	Board Analysis and Determination
		<ul style="list-style-type: none"> • 10 cm of packed snow will be established on access trails 	are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.
Infiltration changes to groundwater	Drilling	<ul style="list-style-type: none"> • The Applicant has noted potential infiltration changes could occur. However, bentonite will be used to seal boreholes to mitigate this risk. 	Based on the described Project, it is the Board's opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.
Loss or change in permafrost extent	Drilling	<ul style="list-style-type: none"> • The Applicant has noted permafrost degradation is unlikely to occur or may be localized. Best management practices will be followed including the backfilling of boreholes and test pits to prevent ponding of water and limiting areas of new clearing. • 10 cm of packed snow will be established on access trails. 	Based on the described Project, it is the Board's opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.
Changes in surface water quality	Drilling and other project activities	<ul style="list-style-type: none"> • The Applicant has noted, where boreholes and test pits are planned to be located <100m from watercourses, GNWT-INF will implement an Erosion and Sedimentation Control Plan. • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:⁵ <ul style="list-style-type: none"> ○ NATURAL DRAINAGE ○ FLOWING ARTESIAN WELL 	Based on the described Project, it is the Board's opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.
Changes in air quality	Vehicles and machinery emissions	<ul style="list-style-type: none"> • The Applicant noted, air emissions from the drill rig equipment, dozer, excavator, water trucks and pickup trucks will be temporary and localized. 	Based on the described Project, it is the Board's opinion that the proposed activities are not likely to have significant adverse

⁵ See the MVLWBT Policies and Resources webpage to access the MVLWB [Standard Land Use Permit Conditions Template](#).

Potential Impact	Activity	Proposed Mitigations <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	Board Analysis and Determination
		<ul style="list-style-type: none"> • Equipment idling will be discouraged. 	<p>impact on the environment and/or will not be a cause of public concern.</p>
Increased greenhouse gases	Vehicle and machinery emissions	<ul style="list-style-type: none"> • The Applicant has noted greenhouse gases will be released during operation of the drill rig equipment, dozer, excavator, water trucks and pickup trucks • Equipment idling will be discouraged to mitigate this impact 	<p>Based on the described Project, it is the Board's opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.</p>
Direct loss of vegetation	Clearing to access drilling locations	<ul style="list-style-type: none"> • The Applicant noted that best practices from the Northern Land Use Guidelines – Access Roads and Trails (GNWT, 2015) will be applied, including: <ul style="list-style-type: none"> - Use existing disturbances or natural openings where appropriate - Width of trails will not exceed 6m - Line of sight will be limited to less than 200m in forested areas - Large trees will be avoided by taking a meandering path • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:⁶ <ul style="list-style-type: none"> ○ MINIMIZE AREA CLEARED 	<p>Based on the described Project, it is the Board's opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.</p>
Compaction of vegetation	Use of vehicles and heavy machinery	<ul style="list-style-type: none"> • The Applicant noted that off-road access to drilling locations will be conducted in winter using best practices for trails (NLUG; GNWT, 2015) 	<p>Based on the described Project, it is the Board's opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.</p>

⁶ See the MVLWBT Policies and Resources webpage to access the MVLWB [Standard Land Use Permit Conditions Template](#).

Potential Impact	Activity	Proposed Mitigations <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	Board Analysis and Determination
Direct loss or removal of habitat, dens, or nests	Clearing and general work activities	<ul style="list-style-type: none"> • The Applicant noted, areas to be cleared will not impact known raptor nest locations. A Wildlife Management Plan (WMMP) applicable to project activities is included in attachments. Bear den surveys will be completed for geotechnical investigation locations located more than 50m from the MVWR. Mitigation for active dens will be applied, including applying an activity setback of 800m. • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:⁷ <ul style="list-style-type: none"> ○ HABITAT DAMAGE 	Based on the described Project, and identified proponent commitments (i.e., WMMP), it is the Board’s opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.
Loss or removal of keystone species and/or Species at Risk habitat	Clearing and general work activities	<ul style="list-style-type: none"> • The Project occurs within the boreal caribou NT1 range. The Applicant pointed out, the minimal clearing required to access potential drill and test pit locations is negligible at the scale of the NT1 range (NWT Species and Habitat Viewer, 2024). • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:⁸ <ul style="list-style-type: none"> ○ HABITAT DAMAGE 	Based on the described Project, and identified proponent commitments (i.e., WMMP), it is the Board’s opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.
Direct injury or mortality	Clearing and general work activities	<ul style="list-style-type: none"> • Appropriate waste management practices will be employed to prevent wildlife attraction and potential wildlife conflict (as outlined in the WMMP). Bear den surveys will be completed for geotechnical locations greater than 50 m from the MVWR. Mitigation for active dens will be applied, including an activity setback of 800m. Clearing will be completed outside of the nesting period for migratory birds. 	Based on the described Project, and identified proponent commitments (i.e., WMMP), it is the Board’s opinion that the proposed activities are not likely to have significant

⁷ See the MVLWBT Policies and Resources webpage to access the MVLWB [Standard Land Use Permit Conditions Template](#).

⁸ See the MVLWBT Policies and Resources webpage to access the MVLWB [Standard Land Use Permit Conditions Template](#).

Potential Impact	Activity	Proposed Mitigations <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	Board Analysis and Determination
			adverse impact on the environment and/or will not be a cause of public concern.
Disturbances to key lifecycle stages of wildlife: breeding, feeding, nesting, staging	Clearing and general work activities	<ul style="list-style-type: none"> Disturbance to key lifecycle stages is not likely, as the investigation will be conducted near an existing winter road with regular traffic; additionally, work is to occur primarily during winter and will only occur for less than one day at each site. 	Based on the described Project, the timing and duration of activities, as well as identified proponent commitments (i.e., WMMP), it is the Board's opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.
Effects on wildlife health (toxins, metals, etc.)	Drilling and general work activities	<ul style="list-style-type: none"> The Applicant notes, the drilling program will not use drilling additives. Additionally, the Spill Plan will be followed to reduce the likelihood and impact of accidental spills on wildlife health. 	Based on the described Project, it is the Board's opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.
Human-wildlife conflicts	General work activities / human presence	<ul style="list-style-type: none"> Proper waste management practices will be employed to prevent wildlife attraction and potential wildlife conflict. Bear den surveys will be completed for geotechnical locations greater than 50 m from the MVWR. Mitigation for active dens will be applied, including applying an activity setback of 800 m. 	Based on the described Project, as well as identified proponent commitments (i.e., WMMP), it is the Board's opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.
Effects on traditional land	General work activities / human	<ul style="list-style-type: none"> Interaction with traplines is not anticipated. Access routes will be scouted prior to clearing. Should a trapline be encountered, the local 	Based on the described Project, as well as identified proponent commitments (i.e.,

Potential Impact	Activity	Proposed Mitigations <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	Board Analysis and Determination
use, subsistence, and harvesting rights	presence	<p>First Nation/Métis Local will be notified to avoid impacting the area.</p> <ul style="list-style-type: none"> Planned drilling locations will be communicated to Indigenous organizations at least 60 days prior to the start of the program each year, for opportunity to provide comment. 	WMMP), it is the Board’s opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.
Changes to or loss of heritage resources	General work activities/ human presence	<ul style="list-style-type: none"> The Applicant indicated that an AIA was completed at high potential locations in 2024; furthermore, Proponent commitments include compliance with any GNWT-ECE requirements. Additionally, all areas to be impacted will be subject to review of archaeological potential (AO), and if applicable, field-based assessment. The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:⁹ <ul style="list-style-type: none"> ARCHAEOLOGICAL BUFFER SITE DISTURBANCE SITE DISCOVERY AND NOTIFICATION ARCHAEOLOGICAL OVERVIEW AIA – HIGH POTENTIAL 	Based on the described Project, it is the Board’s opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.
Change in ecological, cultural, social, or economic values identified for	General work activities/ human presence	<ul style="list-style-type: none"> As noted, the project will have limited physical impact on the landscape. It will be conducted in proximity to the existing winter road during the period of its operation. The locations of drill holes and test pits have been carefully selected to utilize existing disturbances where possible. 	Based on the described Project, proponent commitments (i.e., management plans) and adhered to land use plan conformity, it is the Board’s opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be

⁹ See the MVLWBT Policies and Resources webpage to access the MVLWB [Standard Land Use Permit Conditions Template](#).

Potential Impact	Activity	Proposed Mitigations <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	Board Analysis and Determination
<p>protection in approved Land Use Plans</p> <p>Impairment of the recreational or traditional uses of the land or water</p> <p>Impairment of the aesthetic quality of the land or water</p> <p>Changes to the use of the area by other non-indigenous people</p>	<p>General work activities/ human presence</p> <p>General work activities</p> <p>General work activities</p>	<ul style="list-style-type: none"> • As noted, effects are expected to be temporary. • New access will be minimized to the extent possible by using existing cutlines and trails. • Access through the Project area by traditional land users will not be impeded, except where restrictions are required for public safety. • New access will be minimized to the extent possible by using existing cutlines and trails. • The applicant claims, changes to the use of the area by other non-Indigenous people is possible but is not anticipated due to the short lengths of access trails to be created. 	<p>a cause of public concern.</p> <p>Based on the described Project, it is the Board’s opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.</p> <p>Based on the described Project, it is the Board’s opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.</p> <p>Based on the described Project, it is the Board’s opinion that the proposed activities are not likely to have significant adverse impact on the environment and/or will not be a cause of public concern.</p>

4.1 Consideration of Potential Impacts

Based on the potential impacts and proposed mitigations identified above in Table 1, the Board considered whether the Project might have a significant adverse impact on the environment. In general, impacts of the Project on the environment can be mitigated through the use of standard permit conditions and/or project-specific conditions established by the Board as per the LWB [Standard Process for Creating New Conditions](#). These conditions may include requirements for management and monitoring plans that provide detailed information regarding the implementation of mitigation measures and the evaluation of their effectiveness.

A draft Permit was circulated for review during the regulatory proceeding, and all Parties were given the opportunity to provide comments and recommendations on the draft conditions. In finalizing the conditions, the Board will consider all of the evidence provided through the regulatory proceeding.

4.2 Consideration of Public Concern

In addition to considering the potential impacts of the Project, the Board considered whether the Project might be a cause of public concern.

Based on the evidence provided during the regulatory proceeding, the Board did not identify any comments or issues that indicate that the Project is a cause of public concern.

5.0 Conclusion

The Board has reviewed all the evidence received during the regulatory process with respect to the Preliminary Screening of the proposed Project. Based on the evidence, it is the Board's opinion that the proposed Project will not have a significant adverse impact 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. If the Board does not receive a notice of referral to environmental assessment by Monday February 17, 2025, the Board can issue the Permit on Tuesday February 18, 2025.

SIGNATURE



Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

February 7, 2025

Date