



105 Veterans Way
PO Box 2018, Inuvik NT X0E 0T0

Tel: 867-777-4954 Fax 867-777-2304
www.glwb.com

March 26, 2026

File: G26S002

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: DND – Notice of Preliminary Screening Determination – Application for Land Use Permit – NORAD Northern Base Improvements (NNBI) - Geotechnical Investigations, Inuvik NT.

The Gwich'in Land and Water Board (Board) met on March 26, 2026 and considered the Application Package from Department of National Defense for Land Use Permit (Permit) **G26S002** for the **NNBI Inuvik Geotechnical Investigations** (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board conducted a preliminary screening based on the public record for the proceeding. 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 G26S002 on **Wednesday April 8, 2026**.

The Board and staff look forward to continued communications throughout the pause period. Please contact AlecSandra Macdonald via [email](#) or at (867) 777-4954 with any questions or concerns regarding this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Wright", with a small flourish at the end.

Elizabeth Wright
Chair, Gwich'in Land and Water Board

Bcc'd to: Gwich'in Distribution List
Robert Kapnik (DND)

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	G26S002
Company	Department of National Defence
Project	NNBI Inuvik Geotechnical Investigations
Location	Inuvik, NT
Activity	Geotechnical
Date of Decision	March 26, 2026

1.0 Decision

In accordance with subsection 124(1) of the [Mackenzie Valley Resource Management Act](#) (MVRMA), the Gwich'in Land and Water Board (GLWB or Board) met on March 26, 2026, to make a preliminary screening determination on the Application from the Department of National Defence (DND or Applicant) for Land Use Permit G26S002 (Permit)¹ for the NORAD Northern Basing Infrastructure (NNBI) Geotechnical Drilling Investigations at the Inuvik Airport (Project).²

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 is not likely to have a significant adverse impact on air, water, and/or renewable resources, and will not be a cause of public concern.

¹See GLWB Online Registry www.glwb.com for [NNBI Inuvik Geotech - Application Form - Feb06_26.pdf](#)

² The Project is the NORAD Northern Basing Infrastructure Geotechnical Drilling Investigations which is the proposed development, where "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."

The Board's determination, including reasons for its decision, are detailed in sections [3.0](#) and [4.0](#).

2.0 Background and Scope of Screening

On February 6, 2026, DND submitted a Permit application to conduct geotechnical investigations. The purpose of the geotechnical investigations is to inform a proposed expansion and modernization of the infrastructure at the NORAD Forward Operating Location at the Inuvik Airport. The geotechnical investigations will take place within the municipal boundaries of the Town of Inuvik, on Commissioners' lands within the greater Airport Boundaries, and on lands leased to the DND as per LE-400-201204.

Prior to submission, DND engaged with potentially affected parties to explain the Project, so to seek input and discuss concerns. According to the Applicant's Engagement Record, engagement took place between August 15, 2022 and December 8, 2025 and included both in person and virtual meetings with representatives from both the Inuvialuit Regional Corporation (IRC) and Gwich'in Tribal Council (GTC), as well as representatives from the Nihtat Gwich'in Council (NGC), the Gwich'in Development Corporation (GDC), Gwich'in Council International (GCI).³ The Engagement record suggests general support of the larger expansion project, including in interest in procurement opportunities. It did not identify any specific concerns with the project, or in particular with the geotechnical investigations.

In accordance with paragraph 125(2)(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 is likely to have a significant adverse impact on air, water, and/or renewable resources, or might be a cause of public concern. The details of the Board's analysis are set out in section [4.0](#) below.

2.1 Scope of Screening:

The Project scope includes drilling, the use of heavy machinery, vehicles, and/or equipment for excavation and access clearing, and closure related activities. Municipal water sources will be used, and no water licence is required.

The geotechnical investigations will consist of test pitting and drilling at various locations east of the existing Airport infrastructure (Figure 1, below). Drilling will take place using an air core track mounted drill; approximately 10 boreholes of 4–6-inch diameter with variable depths down to 20m or refusal rock will be drilled. Test pitting will use a 15–20-ton excavator and will consist of 5 pits of about 3m wide, 10 m long and 5m depth or refusal on bedrock. Travel will take place on the snow to preserve the permafrost and vegetation and trees on access routes will be mulched or cut by chainsaw as required.

Boreholes will be filled with removed materials and a bentonite sand mixture. At test pits, vegetation will be removed and separated from deeper soils. Holes will be refilled in layers with each layer compacted

³ See GLWB Online Registry for [NNBI Inuvik Geotech - Engagement- Feb06_26](#)

and topped with original vegetation to reduce the risk of erosion Any remaining soil will be mounded to allow for settlement. No camp is required for the programs. Equipment may be fueled on site using truck-mounted slip tanks, but no fuel will be stored on location.



Figure 1: Proposed Geotechnical Investigations Program

2.2 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 February 15, 2026, inviting reviewers to provide comments and recommendations on the Applications and the preliminary screening (e.g., on impacts and mitigation measures) using the Online Review System (ORS).⁴ Comments were due March 5, 2026, with responses from the Applicant due March 12, 2026. The Board received comments and recommendations from Environment and Climate Change Canada (ECCC), Government of the Northwest Territories Department of Education, Culture and Employment – Prince of Wales Northern Heritage Center (POWNHC), Nihtat Renewable Resources Council (NRRC), Nihtat Gwich'in Council (NGC), Gwich'in Tribal Council Department of Lands and Resources (GTC-DLR), Gwich'in Tribal Council Department of Cultural Heritage (GTC - DCH), and Fisheries and Oceans Canada (DFO).⁵

Since there were no requests to extend the reviewer comment deadline, the Board is satisfied that a reasonable period of notice was given to affected communities and First Nations, as required by subsection 63(2) of the [MVRMA](#).

⁴ See GLWB Online Review System for [NNBI Inuvik - Geotechnical Investigations Type A Land Use Permit Application \(G26S002\)](#)

⁵ See GLWB Online Registry for [NNBI Inuvik Geotech - Reviewer Comment Summary Table - Mar13 26](#)

3.0 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.

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 although no fuel or toxic materials will be stored on site 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:⁶ <ul style="list-style-type: none"> ○ SECONDARY CONTAINMENT – REFUELING ○ FUEL CONTAINMENT ○ SPILL RESPONSE ○ DRIP TRAYS ○ CLEAN UP SPILLS ○ REPORT SPILLS ○ DRILLING SETBACK 	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities are not likely to have a significant adverse impact on the air, water, and/or renewable resources 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 onsite.</p>
Soil Compaction	Use of heavy machinery.	<ul style="list-style-type: none"> • The Applicant has noted the potential for compaction from vehicle and equipment movement. To mitigate, the Applicant has noted that tracked vehicles will be used to mitigate compaction and activities will be carried out during frozen conditions to the extent practicable to limit disturbance to soil and vegetation. Additionally, soil stripping and grading will be minimized as much as possible. • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ MINIMIZE AREA CLEARED 	<p>Based on the described Project and associated mitigation measures, it is the Board’s opinion that the proposed activities are not likely to have a significant adverse impact on the air, water, and/or renewable resources and/or will not be a cause of public concern.</p>

⁶ See the MVLWB 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
Destabilization/erosion	Use of heavy machinery	<ul style="list-style-type: none"> • The Applicant has noted work will be completed during dry or frozen ground conditions, and that test pits will be refilled with excavated soil and covered with cut vegetation. • 10 cm of packed snow will be established on access trails prior to use. • Where drilling is less than 100 m from a watercourse, erosion and sediment control measures will be implemented. Such measures will also be mandated by standard conditions that include: <ul style="list-style-type: none"> ○ PROGRESSIVE EROSION CONTROL ○ REPAIR EROSION 	Based on the described Project and associated mitigation measures, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on the air, water, and/or renewable resources and/or will not be a cause of public concern.
Loss or change in permafrost extent	Drilling and other project activities	<p>The Applicant has noted that the following mitigation measures will be in place:</p> <ul style="list-style-type: none"> • No open fires are to occur at the Site. • If required, excavation work will be completed in stages to minimize the area of exposed permafrost. • If permafrost is impacted by a spill, the area shall be remediated prior to the reestablishment of the permafrost. • Exposed permafrost will be re-covered following excavation • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ PREVENTION OF RUTTING ○ SUSPEND OVERLAND TRAVEL ○ VEHICLE MOVEMENT FREEZE-UP ○ EXCAVATED MATERIAL TEST PITS 	Based on the described Project and associated mitigation measures, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on the air, water, and/or renewable resources and/or will not be a cause of public concern.
Changes in surface water	Drilling and other project activities.	The Applicant has noted that the following mitigation measures will be in place:	Based on the described Project and associated mitigation measures, it is the Board's opinion

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
quality		<ul style="list-style-type: none"> • no drilling or test pits will be conducted within 30 m of a watercourse Deleterious Substance/Water Management <ul style="list-style-type: none"> ○ water, sediment of any other material which may be considered deleterious substances will not be allowed to be pumped into surface water features, sewer or drainage systems ○ Any excess water shall be contained and disposed of off-site as non-hazardous waste. Contractor to refer to the Waste Management Plan. ○ All stored liquid materials must be in secondary containment. ○ Vehicle, equipment, or storage areas will not be located near sensitive areas (i.e., drainage ditches, watercourses). ○ Equipment and vehicles will be in good working order and inspected on a regular basis. ○ If fueling of equipment is required, ensure a fueling procedure is developed that considers the sensitive environment. Re-fueling should be completed in the PTA, which must be a minimum of 50 m away from surface water features. ○ Store fuels, lubricants, and chemicals appropriately on Site, with proper controls to prevent the release of deleterious substances, in a designated area at least 30m away from surface water features or surface water drainage. All stored liquid materials must be in secondary containment. ○ Spill kits of adequate size will be positioned near equipment, vehicles, and boats (if required). Spill response and emergency notification procedures will be posted and signed by all personnel on site. ○ All equipment, machinery and vehicles brought on Site will be clean and free of leaks, excess oil, and grease. If left on site, properly sized drip pans or other pollution prevention equipment shall be employed. 	<p>that the proposed activities are not likely to have a significant adverse impact on the air, water, and/or renewable resources and/or will not be a cause of public concern.</p>

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"> ○ Where possible, biodegradable hydraulic fluids will be used in equipment. ○ The Contractor shall follow the Spill Contingency Plan. <p>Soil Management and Sediment</p> <ul style="list-style-type: none"> ○ All soil generated as a result of the drilling process shall be managed in accordance with DND CSI.004.001 Soil Management Instruction. If required, the contractor shall provide a Soil Management Plan as part of the EPP. ○ Ground cover will not be removed as part of the access trail clearing. ○ For the geotechnical investigation any areas presumed to be wetlands will be avoided. <ul style="list-style-type: none"> ● The Board has standard permit conditions that are typically used to mitigate the identified potential impact, such as: <ul style="list-style-type: none"> ○ DRILLING NEAR WATER OR ON ICE ○ DRILLING WASTE DISPOSAL ○ DRILLING WASTE CONTAINMENT 	
Changes in air quality	Vehicle and machinery emissions	<ul style="list-style-type: none"> ● The Applicant has noted that air emissions from the drill rig and other equipment will be temporary and localized. ● Waste burning will be prohibited ● Dust suppression measures will be employed if needed ● Additionally, equipment will be in good working order and idling will be discouraged. 	Based on the described Project and associated mitigation measures, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on the air, water, and/or renewable resources and/or will not be a cause of public concern.
Direct loss of vegetation	Clearing to access drilling locations	<p>The Applicant has noted that the following mitigation measures will be in place:</p> <ul style="list-style-type: none"> ○ Tree clearing should be completed outside of the migratory bird season (mid-May to mid-August) or a nest survey should be completed in advance of the clearing activities. 	Based on the described Project and associated mitigation measures, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on the air, water, and/or renewable resources and/or will not be a cause of public concern.

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"> ○ The Contractor shall stick to designated roadways, pathways, and other developed areas free of vegetation where possible ○ Minimize the amount of vegetation that is impacted from project activities by delineating and staying within the footprint of the project. ○ Only remove necessary vegetation required by the scope of work. ○ Work is to be staged in currently developed areas. <p>The Board has standard permit conditions that are typically used to mitigate the identified potential impact, such as:</p> <ul style="list-style-type: none"> ○ MINIMIZE AREA CLEARED ○ BRUSH DISPOSAL/TIME 	
Loss of Species at Risk or may-be-at-risk plants	Vegetation clearing	<ul style="list-style-type: none"> • The Applicant noted that vegetation clearing is minimal and will take place in winter conditions 	Based on the described Project and associated mitigation measures, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on the air, water, and/or renewable resources and/or will not be a cause of public concern.
Introduction of non-native (invasive) species	Use of various equipment	<ul style="list-style-type: none"> • The Applicant noted If equipment is from out of town, all earth-moving equipment will be washed prior to mobilization to the Sit 	Based on the described Project and associated mitigation measures, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on the air, water, and/or renewable resources and/or will not be a cause of public concern.
Direct loss or removal of	Vegetation clearing and ground	<ul style="list-style-type: none"> • The Applicant has proposed mitigations including: <ul style="list-style-type: none"> ○ Avoid and prevent all activities from killing or harming SAR, 	Based on the described Project and associated mitigation measures, it is the Board's opinion

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
habitat, dens, or nests	disturbance	<p>migratory birds, and any other wildlife that</p> <ul style="list-style-type: none"> ○ may enter the work area. Report any incidences where SAR or all other animals are harmed or killed to the Contract Authority. ○ When possible, work should be completed outside of the migratory bird season (mid-May to mid-August) to minimize potential impacts. If not possible, a biologist is to advise on how or if to proceed and permitting will be obtained as needed. ○ Prior to work, visually inspect the area for presence of wildlife (i.e., birds, nests, guano, dens). If wildlife is present, the Contractor must stop work until a biologist can confirm no SAR or migratory birds are currently using the immediate Project Site as habitat. ○ The Contractor shall comply with all applicable regulations including but not limited to the Species at Risk (NWT) Act, MBCA, and NWT Wildlife Act, and SAR. ○ Cease work if wildlife (e.g., caribou, grizzly bears) are identified within 300 m of the project area and seek advice from the DCC representative. ○ Ensure all food wastes are secured in wildlife proof containers and are removed promptly from the Site (particularly in warm weather). ○ Limit potential sources of shelter by covering or containing piles of soil, fill, brush, rocks and other loose materials, capping ends of pipes and ensuring that trailers, bins, boxes and vacant buildings are secured at the end of each workday. ○ Check the Site for wildlife, prior to beginning each workday. ○ Prior to work, visually inspect the area for presence of wildlife (i.e., birds, nests, guano). If wildlife is present, the Contractor must stop work until a biologist can confirm no SAR or migratory birds are currently using the immediate Project Site. 	that the proposed activities are not likely to have a significant adverse impact on the air, water, and/or renewable resources and/or will not be a cause of public concern.

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"> ○ The Contractor shall comply with all applicable regulations including, but not limited to the Species at Risk Act (SARA, 2002), Fisheries Act (1985), Species at Risk (NWT) Act, MBCA, and its Regulations, and ○ NWT Wildlife Act. ● The Board has standard permit conditions that are typically used to mitigate the identified potential impact. These standard conditions include: <ul style="list-style-type: none"> ○ HABITAT DAMAGE ○ MIGRATORY BIRD NEST DISTURBANCE 	
Human-wildlife conflicts	Project related activities / human presence	<ul style="list-style-type: none"> ● The Applicant noted that proper waste management practices will be employed to prevent wildlife attraction and potential human-wildlife conflict. <p>The Board has standard permit conditions that are typically used to mitigate the identified potential impact. These standard conditions include:</p> <ul style="list-style-type: none"> ○ GARBAGE CONTAINER 	Based on the described Project and associated mitigation measures, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on the air, water, and/or renewable resources and/or will not be a cause of public concern.
Changes to aquatic habitat	Project related activities	<ul style="list-style-type: none"> ● The Applicant has noted that the following mitigation measures will be in place: <ul style="list-style-type: none"> ● Do not disturb, harm, or kill any aquatic wildlife ● The Contractor shall comply with all applicable regulations including, but not limited to the SARA (2002), Fisheries Act (1985). Species at Risk (NWT) Act, MBCA, and NWT Wildlife Act, and SARA ● Measures will be implemented to avoid the death of fish and to mitigate the extent of their death. Where this is not possible the death of fish will be offset as authorized by DFO. 	Based on the described Project and associated mitigation measures, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on the air, water, and/or renewable resources and/or will not be a cause of public concern.

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"> • Measures will be implemented to avoid or mitigate the harmful alteration, disruption or destruction (HADD) of fish habitat 	
Changes to or loss of heritage resources	Project related activities	<ul style="list-style-type: none"> • The Applicant noted that all areas to be impacted have been subject to review of archaeological potential (AOA), and that no findings were identified <ul style="list-style-type: none"> • The Applicant has noted that the following mitigation measures will be in place: <ul style="list-style-type: none"> • Chance Find Procedure be implemented prior to the commencement of any ground disturbance. If during ground disturbance any archaeological materials are identified then all work in the area must cease, the materials must be protected from further disturbance and find must be reported to the Prince of Wales Northern Heritage Center and the Gwich'in Tribal Council. • Consultation with applicable community group and/or authorities as required. • The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ ARCHEOLOGICAL BUFFER ○ SITE DISTURBANCE ○ SITE DISCOVERY AND NOTIFICATION ○ ARCHAEOLOGICAL OVERVIEW ○ AIA – HIGH POTENTIAL 	Based on the described Project and associated mitigation measures, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on the air, water, and/or renewable resources and/or will not be a cause of public concern.
Impacts to	Project related	• During the Public Review NRRC raised concerns regarding the impact of	The Board acknowledges NRRC's concerns, and

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
Wildlife Harvesting	activities	<p>the project on wildlife and Gwich'in wildlife harvesting rights.</p> <ul style="list-style-type: none"> • The Applicant notes that the Project takes place on tenured lands within the boundaries of the Town of Inuvik. 	<p>the importance of wildlife and habitat to Nihtat participants. The majority of the concerns raised appear to be related to the possible larger airport expansion project; the geotechnical investigation Project is required to inform the feasibility of the larger project and the environmental assessment work that is currently underway.</p> <p>The Board notes Harvesting rights are considered under section 12 of the Gwich'in Comprehensive Land Claim agreement (GCLCA), and that per 12.4. 12(c) harvesting rights are not extended to tenured parcels of land within the municipal boundaries.</p> <p>Based on the described Project and associated mitigation measures, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on the air, water, and/or renewable resources and/or will not be a cause of public concern.</p>
Impacts to Social and Economic Well Being	Project related activities	<ul style="list-style-type: none"> • Where possible local contractors will be employed • The Applicant has noted that the following mitigation measures will be in place: <ul style="list-style-type: none"> ○ A health and safety plan will be developed by the contractor to mitigate risks to workers. No increased risk to the public. (Overall the project aims to increase the safety of Canadians). 	<p>Based on the described Project and associated mitigation measures, it is the Board's opinion that the proposed activities are not likely to have a significant adverse impact on the air, water, and/or renewable resources and/or will not be a cause of public concern.</p>

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4.0 Consideration of Potential Impacts

Based on the potential impacts and proposed mitigations identified above in Table 1, the Board considered whether the Project likely to have a significant adverse impact on air, water, and/or renewable resources. In general, impacts of the Project on the: air, water, and/or renewable resources 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.

The following key issues related to impacts were raised during the proceeding:

Section 35 Gwich'in Rights

During the public review, both NGC and NRRC submitted concerns related to section 35 Gwich'in rights.⁷ NGC commented that *“Environmental disturbance that restricts access to land-based areas prevents Indigenous people from engaging in harvesting, cultural practices, and the land-based activities that sustain identity, knowledge, and community well-being. As land becomes inaccessible, cultural erosion accelerates, and the loss of a sustainable way of life becomes a direct and cumulative impact of environmental change. These impacts undermine the exercise of section 35 rights, and they conflict with the rights affirmed under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), including the right to maintain and strengthen spiritual, cultural, and land-based relationships.”* (NGC 1).⁷

NRRC commented that *“Under the Gwich'in Comprehensive Land Claim Agreement (GCLCA), Gwich'in have guaranteed harvesting rights across the GSA. Nihtat wildlife, harvesting rights, and cultural use areas are protected under the GGCLCA”* and could be impacted by *“project footprint expansion, with new hangars, expanded aprons, utility corridors, fuel storage, and operational infrastructure”* and that *“reduced access, loss of wildlife presence, and industrial noise/light disrupt harvesting practices, and community wellbeing tied to traditional land use.”* (NRRC 1)⁷

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

⁷ See GLWB Online Registry for [NNBI Inuvik Geotech - Reviewer Comment Summary Table - Mar13_26](#)

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.

Because of this responsibility, the Board considers concerns regarding section 35 rights with significant weight. The Board has reviewed the impacts and mitigations provided by the Applicant against the concerns that were identified by NGC and NRRC during the Public review. The Board notes that many of the issues (including footprint expansion, new infrastructure, fuel storage and noise and light disruptions) are related to the possible larger future expansion project rather than with the geotechnical investigations currently being proposed. The Application materials confirm that the geotechnical investigations will consist of ten boreholes and 5 test pits and involve minimal clearing, and that the disturbance is expected to last for less than one week.

The Board acknowledges Gwich'in harvesting rights, as established under the GCLCA. The Board notes however that the proposed project is subject to a surface lease on designated airport lands within the municipal boundaries of the Town of Inuvik. The Board understands that, as per GCLCA Section 12.4.12(c), harvesting rights would not be extended to the land-use area.

Given the Project location, short duration and the limited footprint of the proposed geotechnical investigations, the Board does not expect that these activities will cause impacts to constitutionally-protected Aboriginal or Treaty rights.

Information Gaps

NRRC and NGC both refer to information gaps in the Application materials. NRRC identified the following deficiencies: *"No completed environmental assessment available for review, No accessible species-at-risk information prepared with Nihtat involvement, No traditional land-use and occupancy information for the project area, No confirmation of what substances or materials may be stored or used on site, No assessment of permafrost-related contaminant behaviour or spill risk, No fish, wildlife, or habitat study incorporating Gwich'in knowledge, No cumulative-effects assessment considering related NORAD or infrastructure initiatives, at least one study reportedly withheld for security reasons, creating uncertainty about potential access restrictions or land-use impacts."*(NRRC 1).

The Board notes that DND's Application identified a comprehensive list of potential impacts and proposed mitigations related to the geotechnical investigation program. During the public review DND provided additional details in response to reviewer's questions. Because no fuel or other toxic material will be stored on site during the geotechnical investigations, the risk of spills and/or contamination of the surrounding lands and waters is low. Given the short duration, frozen ground conditions, and limited footprint required for the proposed geotechnical investigations, the Board believes that the information provided in the application is sufficient. Based on the available information, the Board does not expect that the Project will cause significant impacts to wildlife, fish or habitat.

Further, it is the Board's opinion that the proposed geotechnical investigations are an important part of the site assessment process, and must inform any future development at this location. A comprehensive

understanding of subsurface conditions (including soil type, ice content, bedrock depth, permafrost depth, and ground water flow) is needed to determine site suitability, and will guide future engineering and environmental protection decisions. The geotechnical work can only help to close the information gaps identified by parties during the public review.

Engagement

NGC and NRRC both commented that there had been insufficient engagement prior to Application submission: *“Nihtat did not receive early engagement, did not receive the complete project-scope information or supporting studies required to assess potential impacts, and was not provided with the timely, substantive information necessary to understand how the proposed activities may affect its section 35 rights. Because the application was advanced into the regulatory system before Nihtat had the opportunity to review, assess, or influence the proposal, the consultation process cannot be considered meaningful, nor can the resulting record be relied upon by the Board”* (NCG 1). *“NRRC were not consulted before the application was filed”* (NRRC 1).

The Board has reviewed the Engagement Record and notes that engagement began on August 15, 2022, and continued through December 8, 2025.⁸ Engagement efforts included multiples sessions where representatives from the Gwich’in Tribal Council and Nihtat Gwich’in Council were present. The record shows general support for the project and does not identify that any specific concerns (particularly those related to Section 35 or Gwich’in rights), were raised during the early engagement process.

The Board acknowledges that DND was following protocol established both by the LWB Engagement Policy and Guidelines, and by previous GTC direction given to the Board: This establishes that GTC is the point of contact for Engagement within the Gwich’in Settlement Area.^{9 10} GTC’s role has been to identify which Gwich’in organizations it believes should be engaged, and to coordinate the engagement process through its internal procedures. The Board notes that during the public review, GTC did not identify any concerns with DND’s engagement efforts.

In its responses to reviewer comments, DND moved to rectify the engagement concerns immediately, by scheduling meetings with NRRC and NGC for March 12, 2026. It further committed involve both parties in future planning and site development.

It is the Board’s opinion that DND has engaged in good faith, and that these efforts have met the Board’s requirements relative to the scope and scale of the current Project activities. The Board is confident that DND will continue meaningful engagement with all affected parties, both throughout the term of the current permit, and as they work together in the development of the larger FOL expansion proposal.

Based on the evidence provided during the regulatory proceeding the Board is satisfied that impacts to

⁸ See GLWB Online Registry for [NNBI Inuvik Geotech - Engagement- Feb06_26](#)

⁹ See glwb.com for [LWB Engagement and Consultation Policy – January2023](#)

¹⁰ See glwb.com for [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits - June2018](#)

the air, water, and/or renewable resources are not likely to be significant.

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 before the Board 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 is not likely to have a significant adverse impact on air, water, and/or renewable resources, and will not be a cause of public concern], as set out in paragraph 125(2)(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 April 7, 2026, the Board can issue the Permit on April 8, 2026.

SIGNATURE



March 26, 2026

Elizabeth Wright, Chair
Gwich'in, Land and Water Board

Date