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July 5, 2025

File: MV2024F0034

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: Smbaa K'e First Nation– Notice of Preliminary Screening Determination – Application for Land Use Permit – Winter Road – Monster Lake Area, NT

The Mackenzie Valley Land and Water Board (Board) met on June 26, 2025, and considered the Application Package from Smbaa K'e First Nation (SKFN) for Land Use Permit (Permit) MV2024F0034 for the Monster Lake Winter Road Project (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 MV2024F0034 on **Wednesday, July 16, 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.

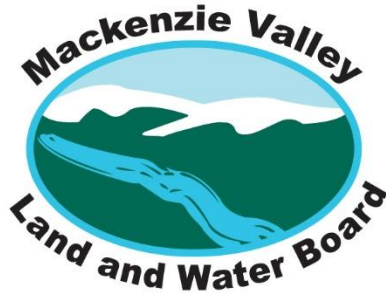
Yours sincerely,



Tanya MacIntosh
Chair, Mackenzie Valley Land and Water Board

BCC'd to: Dehcho Distribution List
 Chief Dolphus Jumbo – Sambaa K'e First Nation
 Ruby Jumbo – Sambaa K'e First Nation
 Michael McPhee – Sambaa K'e First Nation
 Shannon Bower – Planit North
 Julian Russell - Environment Sambaa K'e First Nation
 Ruari Carthew – R(E)C Consulting
 Danielle Rogers – Inspector, GNWT-ECC
 Rick Walbourne – Director, Regulatory and Permitting, GNWT-ECC
 Scott Stewart – GNWT-ECC

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	MV2024F0034
Company	Sambaa K'e First Nation
Project	Monster Lake Winter Access Road
Location	Monster Lake, NT
Activity	Road
Date of Decision	June 26, 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 (MVLWB or Board) met on June 26, 2025 to make a preliminary screening determination on the Application from Sambaa K'e First Nation (Applicant) for Land Use Permit MV2024F0034 (Permit)¹ or the Monster Lake – Winter Access Road(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 will not have a significant adverse impact on the environment or be a cause of public concern.

¹See MVLWB Online Registry www.mvlwb.com for [SKFN – Monster Lake – Winter Road – Permit Application – Oct25 24](#)

² The Project is the Monster Lake – Winter Road, 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 List of Defined Terms and Acronyms

Applicant/Permittee/SKFN	Sambaa K’e First Nation
Application	The complete request submitted by the Applicant for Land Use Permit MV2024F0034
CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada
CRP	Closure and Reclamation Plan
DFO	Fisheries and Oceans Canada
Distribution List	The list of individuals and organizations to whom materials from the regulatory proceeding were circulated. ³
ECCC	Environment and Climate Change Canada
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
OHWM	Ordinary High-Water Mark
ORS	Online Review System (www.new.onlinereviewsystem.ca)
Party	As per the LWB Rules of Procedure , an applicant, a person, or an organization participating in this regulatory process.
Permit	Land Use Permit MV2024F0034
Project	the undertaking as described in and 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

3.0 Background and Scope of Screening

On October 25, 2024, the Board received an Application from SKFN to build an 18.6 km long, 10 m wide winter access road to Monster Lake, located 15 km southwest of their community. This lake is a key area for their traditional hunting and cultural activities. The SKFN plan to build a cabin there so community members, especially youth, can use the land more easily. Until now, SKFN have been using ice roads to access the area, but that type of access has become unreliable due to climate change, making access difficult. The new winter road is expected to provide a safer, land-based route to a former quarry site,

³ To access the Distribution List, see the LWBs’ Online Review System for [SKFN – Monster Lake – Winter Access – May16_25](#)

which they want to use as a recreational area and starting point for hunting. The road will utilize 12.7 km of pre-existing cutlines, require the clearing of 3.6 km of new right-of-way, and traverse 2.3 km of lowland.

The Application was deemed incomplete on November 4, 2024, in four areas: (1) Eligibility; (2) Closure Cost Estimate; (3) Engagement Plan; and (4) Maps. The Board indicated that upon receipt of that information, the Board would review the Application in accordance with the *Mackenzie Valley Land Use Regulations* (MVLUR). The Board indicated that unless SKFN requested additional time, the Board would consider the Application withdrawn if the requested information was not provided within 90 days of the date of the incomplete letter.

On February 27, 2025, Board staff distributed an Information Request (IR) to the Government of the Northwest Territories – Environment and Climate Change, Smbaa K'e First Nation, Crown-Indigenous Relations and Northern Affairs Canada and Dehcho First Nation, with responses due March 12, 2024.

On May 16, 2025, the Application was deemed complete and distributed for review with comments and recommendation due and received by June 6, 2025.

On June 6, 2025, SKFN requested an extension for the submission of responses to comments and recommendations, on June 9, 2025, the extension as granted with a new response submission date on June 16, 2025.

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:

Application from SKFN to build an 18.6 km long, 10 m wide winter access road to Monster Lake, located 15 km southwest of their community. The new winter road is expected to provide a safer, land-based route to a former quarry site, which they want to use as a recreational area and starting point for hunting. The road will utilize 12.7 km of pre-existing cutlines, require the clearing of 3.6 km of new right-of-way, and traverse 2.3 km of lowland.

3.2 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 May 16, 2025, 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). Comments were due June 6, 2025, with responses from the Applicant due June 16, 2025. The Board received comments and recommendations from GNWT –

Prince of Wales Northern Heritage Centre, Department of Fisheries and Oceans and Environment and Climate Change Canada (attached).⁴

Pursuant to Schedule 4.1 of [Northwest Territory Métis Nation \(NWTMN\) Interim Measures Agreement](#),⁵ the Board determined that written notice was given to the NWTMN and that a reasonable period of time was allowed for NWTMN to make representations with respect to the Application.

Pursuant to section 27, paragraphs (a) and (b) of the [Dehcho First Nations \(DCFN\) Interim Measures Agreement](#),⁶ 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.

⁴ See MVLWB Online Registry for [SKFN – Monster Lake - Application – Review Summary Table – Jul4 25](#).

⁵ See MVLWB Land Claims, IMAs, and Land Use Plans webpage to access the [Northwest Territory Métis Nation Interim Measures Agreement](#).

⁶ 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
Abiotic Component – Land – Soil Contamination	Project	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application <ul style="list-style-type: none"> ○ Best practices to be used when refuelling. Most refuelling will occur in the community. • 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"> ○ Fuel Storage Setback ○ Fuel Cache Secondary Containment ○ Secondary Containment – Refuelling ○ Fuel Containment ○ Mark Fuel Containers ○ Seal Outlet ○ Spill Contingency Plan ○ Spill Response ○ Drip Trays ○ Clean Up Spills ○ Report Spills 	Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.
Abiotic Components – Land – Soil Compaction	Project	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application <ul style="list-style-type: none"> ○ Works will occur during winter and no soil compaction is anticipated ○ Best practices to be used when banking turns, at water crossings, snow bridge crossings, or when traversing areas with a steep embankment. • 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"> ○ Winter Roads ○ Natural Drainage 	Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or 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"> ○ Progressive Erosion Control ○ Prevention of Rutting ○ Suspend Overland Travel ○ Vehicle Movement Freeze Up ○ Stream Banck ○ Minimize Approach ○ Dry Fording ○ Excavation Set Back 	
Abiotic Components – Water –Surface Water – Water flow or level changes (permanent, temporary, seasonal)	Project	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application <ul style="list-style-type: none"> ○ Works will occur during winter and stream crossings are anticipated to be frozen to the ground. • 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"> ○ Natural Drainage ○ Progressive Erosion Control ○ Repair Erosion ○ Prevention of Rutting ○ Suspend Overland Travel ○ Vehicle Movement Freeze-UP ○ Stream Banks ○ Minimize Approach ○ Dry Fording 	Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.
Biotic Components – Terrestrial Wildlife Habitat – Direct Loss or Removal of Habitat, Dens,	Project	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application <ul style="list-style-type: none"> ○ The right-of-way will result in timber and brush removal. The selected route minimizes pre-disturbed areas, reducing the overall loss of vegetation for the project. 	Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or 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
or Nests		<ul style="list-style-type: none"> • 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"> ○ Location of Activities ○ Width Right-Of-Way ○ Bursh Disposal/Time ○ Minimize Area Cleared 	
	Project	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application <ul style="list-style-type: none"> ○ An environmental monitor will be on site for the construction of the road. They will help finalize route selection and will be present and input will reduce the risk of disturbing valued wildlife components. • 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"> ○ Habitat ○ Migratory Bird Nest Disturbance 	Based on the described mitigations, it is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.
Cultural Components – Wildlife Harvesting	Project	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application <ul style="list-style-type: none"> ○ Positive impact. The road will increase access to an important cultural area, facilitating access to valued harvesting areas. 	Based on the described mitigations, it is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.
Cultural Components – Social and Economic Well-being - Cultural Integrity and Heritage	Project	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application <ul style="list-style-type: none"> ○ Route selection was altered to avoid key cultural heritage areas. • 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"> ○ Archaeological Buffer 	Based on the described mitigations, it is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment or 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
Resources – Change to or loss of heritage resources		<ul style="list-style-type: none"> ○ Site Disturbance ○ Site Discovery and Notification ○ AIA – High Potential 	
Cultural Components – Social and Economic Well-being - Changes to the use of the area by other non-indigenous people (trappers, outfitters, residents, hunters, forest harvesters, other authorized projects)	Project	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application <ul style="list-style-type: none"> ○ It is possible that outsiders travelling the winter road to the community will make use of the winter road. This is expected to be a rare occurrence that would not occur without the knowledge and consent of SKFN. 	Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.
Cultural Components - Social and Economic Well-being - Other	Project	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application • Positive impact. The project will benefit recreational and traditional use of SKFN lands by its members. 	Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.

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 or be cause for public concern. In general, impacts of the Project on the environment can be mitigated through the use of standard permit 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 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 Tuesday July 15, 2027, the Board can issue the Permit on Wednesday July 16, 2025.

SIGNATURE



Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

July 5, 2025

Date