



**Mackenzie Valley Land and Water Board**  
**7th Floor - 4922 48th Street**  
**P.O. Box 2130**  
**YELLOWKNIFE NT X1A 2P6**  
**Phone (867) 669-0506**  
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August 2, 2019

File: MV2019L8-0008 and  
MV2019F0015

Mr. Matthew Miller, Senior Environmental Licensing Specialist  
Health, Safety & Environment  
Northwest Territories Power Corporation  
4 Capital Drive,  
Hay River NT X0E 1G2

Email: mmiller@ntpc.com

Dear Mr. Miller:

**Issuance – Type B Water Licence and Type A Land Use Permit  
Winter Road, Fort Smith to Taltson, NT**

The Mackenzie Valley Land and Water Board (MVLWB or the Board) met on July 22, 2019 and considered your Application for Type B Water Licence MV2019L8-0008 (Licence) and Type A Land Use Permit MV2019F0015 (Permit) in accordance with the *Waters Act* and the *Mackenzie Valley Resource Management Act* (MVRMA).

Preliminary Screening Determination – 10-day Pause Period

The Board provided its Preliminary Screening Report, including its reasons for decision, to the Mackenzie Valley Environmental Impact Review Board to fulfill the pause period required by section 125 of the MVRMA. As the Board did not receive notice of referral by the end of the pause period (August 1, 2019), the Board continued the regulatory proceeding.

Conditions and General Procedures

On August 2, 2019, the Board issued the Licence and Permit to Northwest Territories Power Corporation (NTPC) for a period of five years effective August 2, 2019 and expiring August 1, 2024. Please read all conditions carefully. For the purpose of submitting plans to fulfill this Licence and Permit, the date of this letter, August 2, 2019, is the effective date. Also attached is a copy of the *General Procedures for the Administration of Licences in the Northwest Territories*. The MVLWB requests that you review these and address any questions to the Board's office.

Management Plans - Approved

The Board hereby approves the Engagement Plan submitted May 28, 2019 as required to fulfill Part B, condition 15 of the Licence and Condition 52 of the Permit.

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Management Plans – Resubmission Required

The Board hereby requires that NTPC resubmit the Waste Management Plan, Spill Contingency Plan, Operations and Maintenance Plan, and Abandonment and Restoration Plan (to be re-titled Closure and Reclamation Plan) in accordance with comments made during this review, as summarized in Table 1. These Plans will be considered to be approved, conditionally upon receipt of this information and written conformity of confirmation from Board staff. Confirmation of conformity is required prior to commencement of land-use operation.

**Table 1: Plans that require resubmission**

Condition Number	Title of Plan	Date Received	Update Requirements
Part E, condition 4 and Condition 31	Waste Management Plan	May 28, 2019	<ul style="list-style-type: none"> <li>Update to the protocol for management of contaminated snow.</li> <li>Provide description of the Contaminated Snow Tank(s).</li> <li>Provide contingencies in place for the management of contaminated snow – i.e. if the tank leaks</li> <li>Include waste disposal agreements and description of standing agreements with the Town of Fort Smith and KBL Environmental.</li> </ul>
Part F, condition 3 and Condition 41	Spill Contingency Plan	May 28, 2019	<ul style="list-style-type: none"> <li>Update reference to GNWT Lands Inspector</li> </ul>
Part E, condition 5	Operations and Maintenance Plan	May 28, 2019	<ul style="list-style-type: none"> <li>Update source water under ice volume calculations and maximum withdrawal limits compared to source water volume required.</li> <li>Provide potential temporary culvert locations and details.</li> <li>Provide a description of contingency erosion control measures.</li> <li>Provide additional details on the management of sand/gravel used on the winter road.</li> </ul>
Part G, condition 4	Abandonment and Restoration Plan (to be re-titled Closure and Reclamation Plan)	May 28, 2019	<ul style="list-style-type: none"> <li>Provide additional details on the management of sand/gravel used on the winter road.</li> <li>Update commitment to conduct reclamation monitoring until results demonstrate that the desired steady state conditions have been achieved.</li> <li>Clarify goals and objectives for final abandonment.</li> <li>Provide final land use criteria proposed for soils remediation standards in the event contaminated soils are treated in-situ. If applicable, provide rationale for the use of CCME criteria over the use of the GNWT Environmental Guideline for Contaminated Site Remediation and the chosen final land use criterion chosen (i.e. Agricultural, Residential/Parkland, Commercial, or Industrial).</li> <li>Provide additional details for monitoring to assess final abandonment conditions and remedial activities.</li> </ul>

Revisions to the plans identified in Table 1 are due to the Board by **August 30, 2019**.

Public Registry

A copy of this Licence and Permit have been filed on the [Public Registry](#) at the office of the MVLWB. Please be advised that this letter, with attached procedures, all inspection reports, and correspondence related thereto is part of the Public Registry and is intended to keep all interested parties informed of the manner in which the Licence and Permit requirements are being met. All Public Registry material will be considered if an amendment to the Licence or Permit is requested.

The full cooperation of Northwest Territories Power Corporation is anticipated and appreciated. If you have any questions or concerns, please contact Shannon Allerston at (867) 766-7465 or email [sallerston@mvlwb.com](mailto:sallerston@mvlwb.com).

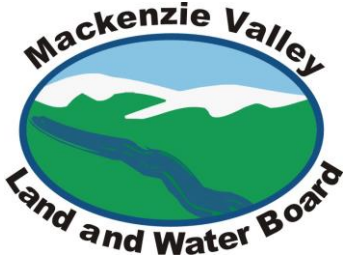
Yours sincerely,



Mavis Cli-Michaud  
MVLWB, Chair

Copied to: Distribution List

Attached: Water Licence MV2019L8-0008  
Land Use Permit MV2019F0015  
Reasons for Decision  
*General Procedures for the Administration of Licences in the Northwest Territories*



**Land Use Permit**

Permit Class	Permit No	Amendment No
A	MV2019F0015	

Subject to the Mackenzie Valley Land Use Regulations and the terms and conditions in this Permit, authority is hereby granted to:

Northwest Territories Power Corporation

Permittee

to proceed with the land use operation described in the Application of:

Signature Mr. Matthew Miller	Date May 9, 2019
Type of Land Use Operation Road	
Location Fort Smith to Taltson, NT	

This Permit may be assigned, extended, discontinued, suspended, or cancelled pursuant to the Mackenzie Valley Land Use Regulations.

Dated at Yellowknife this 2 day of August, 2019

Signature Chair

Signature Witness

Mavis Cli-Michaud

Amanda Gauthier

Effective Date:  
August 2, 2019

Expiry Date:  
August 1, 2024

**ATTENTION**

It is a condition of this Permit that the Permittee comply with the provisions of the *Mackenzie Valley Resource Management Act* and Regulations and the terms and conditions set out herein. A failure to comply may result in suspension or cancellation of this Permit.

## Conditions Annexed to and Forming Part of Land Use Permit # MV2019F0015

### Part A: Scope of Permit

1. This Permit entitles the Permittee to use of vehicles and equipment for the construction, maintenance and closure of a winter access road originating at Fort Smith, Northwest Territories and terminating at the Taltson Hydroelectric Facility airport.
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, Tłıchǫ, 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.

**Dogleg** - the clearing of a line, trail, or right-of-way that is curved sufficiently so that no part of the clearing beyond the curve is visible when approached from either direction.

**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 Indian Affairs and Northern Development Canada or the Minister of the Government of the Northwest Territories – Department of Lands, as the case may be.

**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 (April 2007, that describes the set of procedures to be implemented to minimize the effects of a spill.

**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
<b>26(1)(a) Location and Area</b>	
1. The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.	PARALLEL ROADS
2. The Permittee shall not conduct this land-use operation on any lands not designated in the complete application.	LOCATION OF ACTIVITIES
3. The Permittee shall confine the width of the right-of-way to a maximum of ten (10) metres and shall not clear a right-of-way that is wider than 12 metres with the exception of designated stakeholder lands access areas at KM 15 and KM 30, unless otherwise authorized in writing by a Land Use Inspector. .	WIDTH RIGHT-OF-WAY
<b>26(1)(b) Time</b>	
4. At least 48 hours prior to the commencement of the land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) 872-2555.	CONTACT INSPECTOR
5. 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
6. 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; and b) when final cleanup and reclamation of the land used will be completed.	REPORTS BEFORE REMOVAL
7. The Board, for the purpose of this operation, designates March 31, as spring break-up.	SPRING BREAK-UP
<b>26(1)(c) Type and Size of Equipment</b>	
8. The Permittee shall not use any equipment except of a similar type, size, and number to that listed in the complete application.	ONLY APPROVED EQUIPMENT
<b>26(1)(d) Methods and Techniques</b>	
9. The Permittee shall Dogleg lines, trails and right-of-ways that approach Watercourses or public roads.	DOGLEG APPROACHES

10.	The Permittee shall construct and maintain the overland portion of winter roads with a minimum of 10 cm of packed snow and/or ice at all times during this land-use operation.	<b>WINTER ROADS</b>
11.	The Permittee shall not erect camps or store material, other than that required for immediate use, on the ice surface of a Watercourse.	<b>STORAGE ON ICE</b>
<b>26(1)(e) Type, Location, Capacity, and Operation of All Facilities</b>		
12.	The Permittee shall ensure that the land use area is kept clean at all times.	<b>CLEAN WORK AREA</b>
<b>26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land</b>		
13.	The land-use operation shall not cause obstruction to any natural drainage.	<b>NATURAL DRAINAGE</b>
14.	The Permittee shall minimize erosion by installing erosion control structures, as required, between each winter road season.	<b>PROGRESSIVE EROSION CONTROL</b>
15.	The Permittee shall not conduct off-road vehicle travel in areas without snow-covered surfaces.	<b>OFF-ROAD VEHICLE TRAVEL</b>
16.	The Permittee shall prepare the site in such a manner as to prevent rutting of the ground surface.	<b>PREVENTION OF RUTTING</b>
17.	The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting.	<b>SUSPEND OVERLAND TRAVEL</b>
18.	The Permittee shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging.	<b>VEHICLE MOVEMENT FREEZE-UP</b>
19.	The Permittee shall not use any material other than clean water and snow in the construction of ice bridges.	<b>ICE BRIDGE MATERIALS</b>
20.	The Permittee shall not use any materials other than clean snow and water in the construction of snow fills.	<b>SNOWFILL MATERIALS</b>
21.	Prior to spring break-up or completion of the land-use operation, the Permittee shall clean up and either remove or v-notch all snowfills from stream crossings, unless otherwise authorized in writing by an Inspector.	<b>REMOVE OR V-NOTCH SNOWFILLS</b>
22.	Prior to spring break-up or completion of the land-use operation, the Permittee shall clean up and v-notch all ice bridges, unless otherwise authorized in writing by an Inspector.	<b>V-NOTCH ICE BRIDGES</b>
23.	The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector.	<b>STREAM BANKS</b>



24.	The Permittee shall minimize approach grades on all Watercourse crossings.	<b>MINIMIZE APPROACH</b>
25.	The Permittee shall not ford wet streams.	<b>NO FORDING OF STREAMS</b>
<b>26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material</b>		
26.	At least seven days prior to the use of any chemicals that were not identified in the complete application, the MSDS sheets must be provided to the Board and an Inspector.	<b>CHEMICALS</b>
27.	The Permittee shall maintain a record of all spills. For all reportable spills, in accordance with the GNWT <i>Spill Contingency Planning and Reporting Regulations</i> , the Permittee shall: <ul style="list-style-type: none"> <li>a) immediately report each spill to the 24-hour Spill Report Line (867) 920-8130;</li> <li>b) report each spill to an Inspector within 24 hours; and</li> <li>c) submit, to the Board and an Inspector, a detailed report on each spill within 30 days.</li> </ul>	<b>REPORT SPILLS</b>
28.	The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.	<b>WASTE CHEMICAL DISPOSAL</b>
29.	The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility.	<b>WASTE PETROLEUM DISPOSAL</b>
<b>26(1)(h) Wildlife and Fish Habitat</b>		
30.	The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.	<b>HABITAT DAMAGE</b>
<b>26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage</b>		
31.	The Permittee shall adhere to the <b>Waste Management Plan</b> , 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.	<b>WASTE MANAGEMENT</b>
32.	The Permittee shall dispose of all garbage, Waste, and debris as described in the approved Waste Management Plan, unless otherwise authorized in writing by an Inspector.	<b>REMOVE GARBAGE</b>
<b>26(1)(j) Protection of Historical, Archaeological, and Burial Sites</b>		
33.	The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground.	<b>ARCHAEOLOGICAL BUFFER</b>
34.	The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.	<b>SITE DISTURBANCE</b>

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| 35. | The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:   | <b>SITE DISCOVERY AND NOTIFICATION</b> |
|     | <ul style="list-style-type: none"> <li>a) immediately suspend operations on the site; and</li> <li>b) notify the Board at (867) 669-0506 or an Inspector at (867) 872-2555, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71250 or ext. 71251.</li> </ul> |  |

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

*Intentionally left blank.*

**26(1)(l) Security Deposit**

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| 36. | All costs to remediate the area under this Permit are the responsibility of the Permittee. | <b>RESPONSIBILITY FOR REMEDIATION COSTS</b> |
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**26(1)(m) Fuel Storage**

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| 37. | The Permittee shall not place any Fuel Storage Containers or Tanks within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.   | <b>FUEL NEAR WATER</b>                   |
| 38. | The Permittee shall set up all refueling points with Secondary Containment.  | <b>SECONDARY CONTAINMENT – REFUELING</b> |
| 39. | The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.   | <b>FUEL CONTAINMENT</b>                  |
| 40. | The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours.   | <b>FUEL ON LAND</b>                      |
| 41. | The Permittee shall adhere to the <b>Spill Contingency Plan</b> , 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. | <b>SPILL CONTINGENCY PLAN</b>            |
| 42. | 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.   | <b>SPILL RESPONSE</b>                    |
| 43. | 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.  | <b>DRIP TRAYS</b>                        |
| 44. | The Permittee shall clean up all leaks, spills, and contaminated material.   | <b>CLEAN UP SPILLS</b>                   |

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

45.	Prior to the expiry date of this Permit, the Permittee shall progressively dispose of all brush and trees and shall complete all brush disposal; all disposal shall be completed.	<b>BRUSH DISPOSAL/ TIME</b>
46.	The Permittee shall not clear areas larger than identified in the complete application.	<b>MINIMIZE AREA CLEARED</b>
<b>26(1)(o) Restoration of the Lands</b>		
47.	Prior to the expiry date of this Permit, the Permittee shall complete all cleanup and restoration of the lands used.	<b>FINAL CLEANUP AND RESTORATION</b>
48.	Prior to the expiry date of this Permit, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation.	<b>NATURAL VEGETATION</b>
49.	The Permittee shall restore any trails impacted by the land-use operation by removing fallen trees and any other obstructions from the trails.	<b>TRAILS RESTORATION</b>
<b>26(1)(p) Display of Permits and Permit Numbers</b>		
50.	The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation.	<b>COPY OF PERMIT</b>
<b>26(1)(q) Biological and Physical Protection of the Land</b>		
51.	The Permittee shall not move any equipment when one or more caribou are within five hundred (500) metres.	<b>CARIBOU DISTURBANCE</b>
52.	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.	<b>RESUBMIT PLAN</b>
53.	The Permittee shall adhere to the <b>Engagement Plan</b> , 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.	<b>ENGAGEMENT PLAN</b>
54.	All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.	<b>SUMMARY OF CHANGES</b>



**Mackenzie Valley Land and Water Board  
Water Licence**

Pursuant to the *Mackenzie Valley Resource Management Act*, *Waters Act*, and *Waters Regulations*, the Mackenzie Valley Land and Water Board, hereinafter referred to as the Board, hereby grants to:

Northwest Territories Power Corporation  
(Licensee)

of 4 Capital Drive, Hay River, NT X0E 1G2  
(Mailing Address)

hereinafter called the Licensee, the right to alter, divert, or otherwise use water subject to the restrictions and conditions contained in the *Waters Act* and *Regulations* made thereunder and subject to and in accordance with the conditions specified in this Licence.

Licence Number:	MV2019L8-0008
Licence Type:	B
Water Management Area:	Northwest Territories 01
Location:	60° 1'38.95"N -111°55'52.78"W
Purpose:	To use water and dispose of waste and associated uses
Description:	Miscellaneous
Quantity of Water <b>not to be exceeded</b> :	299 cubic metres (m <sup>3</sup> )
Effective date of licence:	August 2, 2019
Expiry date of licence:	August 1, 2024

This Licence issued and recorded at Yellowknife includes and is subject to the annexed conditions.

**Mackenzie Valley Land and Water Board**

Handwritten signature of Mavis Cli-Michaud in blue ink.

Mavis Cli-Michaud, Chair

Handwritten signature of Amanda Gauthier in black ink.

Amanda Gauthier, Witness

**Type B Water Licence**  
**MV2019L8-0008**  
**Northwest Territories Power Corporation – Taltson Winter Road**

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## Part A: Scope and Definitions

### Scope

1. This Licence entitles the Licensee to use Water for the Construction, operation, and maintenance of a winter access road originating at Fort Smith, Northwest Territories and terminating at the Taltson Hydroelectric Facility airport. **SCOPE**  
  
The scope of this Licence includes the following:
  - a) Water withdrawal for the Construction, operation, and maintenance of a winter access road; and
  - b) Progressive Reclamation activities and associated Closure and Reclamation activities.
  
2. This Licence is issued subject to the conditions contained herein with respect to the taking use of Water and the deposit of Waste of any type in any Waters or in any place under any conditions where such Waste or any other Waste that results from the deposits of such Waste may enter any Waters. Whenever new Regulations are made or existing Regulations are amended by the Commissioner in Executive Council under the *Waters Act*, or other statutes imposing more stringent conditions relating to the quantity or type of Waste that may be so deposited or under which any such Waste may be so deposited, this Licence shall be deemed, upon promulgation of such Regulations, to be automatically amended to conform with such Regulations. **REGULATIONS SUBJECT TO CHANGE**
  
3. Compliance with the defined terms and conditions of this Licence does not relieve the Licensee from responsibility for compliance with the requirements of any applicable federal, territorial, or municipal legislation. **LEGISLATIVE COMPLIANCE**

### Definitions<sup>1</sup>

**Board** – the Mackenzie Valley Land and Water Board established under subsection 99(1) of the *Mackenzie Valley Resource Management Act*.

**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.

**Closure and Reclamation Plan** – a document, developed in accordance with this Licence, that clearly describes the Closure and Reclamation activities for the Project.

**Construction** – any activities undertaken during any phase of the Project to construct or build any structures, facilities or components of, or associated with, the development of the Project.

**Discharge** – the direct or indirect release of any Waters or Waste to the Receiving Environment.

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<sup>1</sup> Defined terms are capitalized throughout the License, including when used in other definitions.

**Engagement Plan** – a document, developed in accordance with the MVLWB *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.

**Inspector** – an Inspector designated by the Minister under subsection 65(1) of the *Waters Act*.

**Licensee** – the holder of this Licence.

**Minister** – the Minister of the Government of the Northwest Territories (GNWT) – Environment and Natural Resources.

**Ordinary High Water Mark** – the usual or average level to which a Watercourse body of Water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing Watercourses (rivers, streams), this refers to an 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 predominantly aquatic vegetation to terrestrial vegetation (excepting Water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

**Progressive Reclamation** – Closure and Reclamation activities conducted during the operating phase of the Project.

**Project** – the undertaking described in Part A, condition 1.

**Receiving Environment** – the natural environment that, directly or indirectly, receives any deposit of Waste from the Project.

**Remediation** – the removal, reduction or neutralization of substances, Wastes or hazardous materials from a site so as in order to prevent or minimize any adverse effects on the environment and public safety, now or in the future.

**Spill Contingency Plan** – a document, developed in accordance with INAC's *Guidelines for Spill Contingency Planning*.

**Traditional Knowledge** – the cumulative, collective body of knowledge, experience and values built up by a group of people through generations of living in close contact with nature. It builds upon the historic experiences of a people and adapts to social, economic, environmental, spiritual, and political change.

**Unauthorized Discharge** – a release or Discharge of any Waters or Waste not authorized under this Licence.

**Waste** – any substance defined as Waste by section 1 of the *Waters Act*.

**Waste Management Plan** – a document, developed in accordance with the MVLWB *Guidelines for Developing a Waste Management Plan*, that describes the methods of Waste management from Waste generation to final disposal.

**Water** – any Water as per section 1 of the *Waters Act*.

**Watercourse** – a natural watercourse, body of Water or Water supply, whether usually containing Water or not, and includes Groundwater, springs, swamps, and gulches.

**Waters Regulations** – the regulations proclaimed pursuant to section 63 of the *Waters Act*.

**Water Supply Facilities** – the area(s) and structures designated to collect and supply Water for the Project.

**Water Use** – a use of Water as per section 1 of the *Waters Act*.



**Part B: General Conditions**

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| 1.  | The Licensee shall ensure a copy of this Licence is maintained on site at all times.   | <b>COPY OF LICENCE</b>  |
| 2.  | The Licensee shall take every reasonable precaution to protect the environment.  | <b>PRECAUTION TO PROTECT ENVIRONMENT</b>                            |
| 3.  | In conducting its activities under this Licence, the Licensee shall make every reasonable effort to consider and incorporate any scientific information and Traditional Knowledge that is made available to the Licensee.  | <b>INCORPORATE SCIENTIFIC INFORMATION AND TRADITIONAL KNOWLEDGE</b> |
| 4.  | All references to policies, guidelines, codes of practice, statutes, regulations, or other authorities shall be read as a reference to the most recent versions, unless otherwise denoted.   | <b>USE UP-TO-DATE REFERENCES</b>                                    |
| 5.  | The Licensee shall ensure all submissions to the Board:<br>a) Are in accordance with the MVLWB's <i>Document Submission Standards</i> ;<br>b) Includes a conformity statement or table which identifies where the requirements of this Licence, or other directives from the Board, are addressed; and<br>c) Includes any additional information requested by the Board. | <b>SUBMISSION FORMAT AND CONFORMITY</b>                             |
| 6.  | The Licensee shall ensure management plans are submitted to the Board in a format consistent with the MVLWB's <i>Standard Outline for Management Plans</i> unless otherwise specified.   | <b>MANAGEMENT PLAN FORMAT</b>                                       |
| 7.  | The Licensee shall comply with all Plans approved pursuant to the conditions of this Licence, including such revisions made as per the conditions of this Licence, and as approved by the Board.   | <b>COMPLY WITH SUBMISSIONS AND REVISIONS</b>                        |
| 8.  | The Licensee shall conduct an annual review of all Plans and make any revisions necessary to reflect changes in operations, contact information, or other details. No later than June 30 each year, the Licensee shall send a notification letter to the Board, listing the documents that have been reviewed and do not require revisions.                              | <b>ANNUAL REVIEW</b>  |
| 9.  | The Licensee may propose changes at any time by submitting revised Plans to the Board, for approval, a minimum of 90 days prior to the proposed implementation date for the changes. The Licensee shall not implement the changes until approved by the Board.   | <b>REVISIONS</b>  |
| 10. | The Licensee shall revise any submission and submit it as per the Board's directive.   | <b>REVISE AND SUBMIT</b>  |

- |     |   |   |
|-----|---|---|
| 11. | If any date for any submission falls on a weekend or holiday, the Licensee may submit the item on the following business day.   | <b>SUBMISSION DATE</b>                        |
| 12. | The Schedules and any compliance dates specified in this Licence may be updated at the discretion of the Board.   | <b>UPDATES TO COMPLIANCE DATE(S)</b>          |
| 13. | The Licensee shall install, operate, and maintain meters, devices, or other such methods used for measuring the volumes of Water used and Waste Discharged to the satisfaction of an Inspector.   | <b>MEASURE WATER USE AND WASTE DISCHARGED</b> |
| 14. | Beginning on June 30, 2020 and no later than every June 30 thereafter, the Licensee shall submit an <b>Annual Water Licence Report</b> to the Board and an Inspector. The Report shall be in accordance with the requirements of Schedule 1, Condition 1.   | <b>ANNUAL WATER LICENCE REPORT</b>            |
| 15. | The Licensee shall comply with the <b>Engagement Plan</b> , once approved.  | <b>ENGAGEMENT PLAN</b>                        |
| 16. | A minimum of ten days prior to seasonal commencement of the Project, the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the commencement date, and the name and contact information for the individual responsible for overseeing the Project. Written notifications shall be provided to the Board and an Inspector if any changes occur. | <b>NOTIFICATION – COMMENCEMENT</b>            |
| 17. | The Licensee shall immediately provide written notification to the Board and an Inspector of any non-compliance with the conditions of this Licence or any direction from the Board pursuant to the conditions of this Licence.   | <b>NOTIFICATION – NON-COMPLIANCE</b>          |
| 18. | The Licensee shall submit a current Project schedule to the Board and an Inspector upon request.  | <b>SUBMIT CURRENT PROJECT SCHEDULE</b>        |

**Part C: Water Use**

1. The Licensee may only obtain fresh Water for the Project as set out in the following table:

**WATER SOURCE AND  
MAXIMUM VOLUME**

<b>Water Source Name</b>	<b>Location and Coordinates</b>	<b>Type of Watercourse</b>	<b>Purpose of Water Use</b>	<b>Maximum Quantity (m<sup>3</sup>/day)</b>
Slave River	-111.91766 and 60.03441	River	Winter Road Construction and maintenance	250 m <sup>3</sup> /day
Little Bent Tree Lake	-111.60467 and 60.19419	Lake	Winter Road Construction and maintenance	30 m <sup>3</sup> /day
Thetul River	-111.55687 and 60.20273	River	Winter Road Construction and maintenance	30 m <sup>3</sup> /day
Kenneth River	-111.54979 and 60.21995	River	Winter Road Construction and maintenance	30 m <sup>3</sup> /day
Lake 2-0	-111.52893 and 60.2456	Lake	Winter Road Construction and maintenance	30 m <sup>3</sup> /day
Powell Creek	-111.48771 and 60.28362	Creek	Winter Road Construction and maintenance	30 m <sup>3</sup> /day
Lake 5-0	-111.46795 and 60.31431	Lake	Winter Road Construction and maintenance	30 m <sup>3</sup> /day
Lake 7-0	-111.41404 and 60.3676	Lake	Winter Road Construction and maintenance	30 m <sup>3</sup> /day
Gertrude Lake	-111.35599 and 60.37912	Lake	Winter Road Construction and maintenance	30 m <sup>3</sup> /day

2. The Licensee shall only withdraw Water using the Water Supply Facilities, unless otherwise authorized in writing by an Inspector.
3. Prior to obtaining Water from a licensed Water source, the Licensee shall post sign(s) to identify the intake for the Water Supply Facilities. All sign(s) shall be located and maintained to the satisfaction of an Inspector.
4. The Licensee shall construct and maintain the Water intake(s) with a screen designed to prevent impingement or entrapment of fish.
5. Prior to locating a Water intake in a fish-bearing Watercourse, the Licensee shall obtain written authorization for the location from an Inspector.

**WATER WITHDRAWAL –  
FACILITIES**

**POST WATER INTAKE  
SIGN(S)**

**WATER INTAKE SCREEN**

**WATER INTAKE  
LOCATION –  
AUTHORIZATION**

6. In any single ice-covered season, the Licensee shall not withdraw greater than the following quantity(ies):

**MAXIMUM UNDER-ICE  
WATER WITHDRAWAL  
VOLUME**

<b>Water Source Name</b>	<b>Location and Coordinates</b>	<b>Type of Watercourse</b>	<b>Purpose of Water Use</b>	<b>Maximum Quantity (m<sup>3</sup>/day)</b>
Slave River	-111.91766 and 60.03441	River	Winter Road Construction and maintenance	250m <sup>3</sup> /day
Little Bent Tree Lake	-111.60467 and 60.19419	Lake	Winter Road Construction and maintenance	30m <sup>3</sup> /day
Thetul River	-111.55687 and 60.20273	River	Winter Road Construction and maintenance	30m <sup>3</sup> /day
Kenneth River	-111.54979 and 60.21995	River	Winter Road Construction and maintenance	30m <sup>3</sup> /day
Lake 2-0	-111.52893 and 60.2456	Lake	Winter Road Construction and maintenance	30m <sup>3</sup> /day
Powell Creek	-111.48771 and 60. 28362	Creek	Winter Road Construction and maintenance	30m <sup>3</sup> /day
Lake 5-0	-111. 46795 and 60. 31431	Lake	Winter Road Construction and maintenance	30m <sup>3</sup> /day
Lake 7-0	-111.41404 and 60. 3676	Lake	Winter Road Construction and maintenance	30m <sup>3</sup> /day
Gertrude Lake	-111.35599 and 60.37912	Lake	Winter Road Construction and maintenance	30m <sup>3</sup> /day

7. The daily quantity of fresh Water withdrawn shall not exceed 299m<sup>3</sup>.

**MAXIMUM WATER USE**

**Part D: Construction**

1. The Licensee shall ensure that all structures intended to contain, withhold, divert, or retain Water or Waste are designed, constructed, and maintained to minimize the escape of Waste to the Receiving Environment.
2. The Licensee shall only use material that is clean and free of contaminants and is from a source that has been approved in writing by an Inspector.

**OBJECTIVE –  
CONSTRUCTION**

**CONSTRUCTION  
MATERIAL – SOURCE(S)**

**Part E: Waste and Water Management**

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| 1. | The Licensee shall manage Waste and Water with the objective of minimizing the impacts of the Project on the quantity and quality of Water in the Receiving Environment through the use of appropriate mitigation measures, monitoring, and follow-up actions. | <b>OBJECTIVE – WASTE AND WATER MANAGEMENT</b>    |
| 2. | The Licensee shall minimize erosion by implementing suitable erosion control measures that shall be located and maintained to the satisfaction of an Inspector.  | <b>EROSION CONTROL</b>                           |
| 3. | The Licensee shall comply with the <b>Waste Management Plan</b> , once approved.   | <b>WASTE MANAGEMENT PLAN</b>                     |
| 4. | A minimum of 90 days prior to commencement of activities, the Licensee shall submit to the Board, for approval, a revised Waste Management Plan. The Licensee shall not commence Project activities prior to Board approval of the Plan.                       | <b>WASTE MANAGEMENT PLAN - REVISED</b>           |
| 5. | The Licensee shall comply with the <b>Operations and Maintenance Plan</b> , once approved.   | <b>OPERATIONS AND MAINTENANCE PLAN</b>           |
| 6. | A minimum of 90 days prior to commencement of activities, the Licensee shall submit to the Board, for approval, a revised Operations and Maintenance Plan. The Licensee shall not commence Project activities prior to Board approval of the Plan.             | <b>OPERATIONS AND MAINTENANCE PLAN - REVISED</b> |

## Part F: Spill Contingency Planning

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|----|---|--|
| 1. | The Licensee shall ensure that Unauthorized Discharges associated with the Project do not enter any Waters.   | <b>OBJECTIVE – PREVENT<br/>WASTE INTO WATER</b>            |
| 2. | The Licensee shall comply with the <b>Spill Contingency Plan</b> , once approved.   | <b>SPILL CONTINGENCY<br/>PLAN</b>                          |
| 3. | A minimum of 90 days prior to the commencement of Project activities, the Licensee shall submit to the Board, for approval, a revised Spill Contingency Plan. The Licensee shall not commence Project activities prior to Board approval of the Plan.   | <b>SPILL CONTINGENCY<br/>PLAN – REVISED</b>                |
| 4. | During the period of this Licence, if a spill or an Unauthorized Discharge occurs or is foreseeable, the Licensee shall:<br><br>a) Implement the approved <b>Spill Contingency Plan</b> referred to in Part F, Condition 2;<br>b) Report it the incident immediately using the NU-NT Spill Report Form by one of the following methods: NWT 1752/0593, and the Instructions for Completing the NT-NU Spill Report Form, as follows: <ul style="list-style-type: none"><li>• Telephone: (867) 920-8130</li><li>• Fax: (867) 873-6924</li><li>• E-mail: <a href="mailto:spills@gov.nt.ca">spills@gov.nt.ca</a></li><li>• Online: Spill Reporting and Tracking Database</li></ul> c) Within 24 hours, notify Report each spill or Unauthorized Discharge to the Board and an Inspector; and<br>d) Within 30 days of initially reporting the incident, submit a detailed report on each spill or Unauthorized Discharge to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Written notification shall be provided to the Board and an Inspector if any changes occur. | <b>REPORT SPILLS</b>                                       |
| 5. | The Licensee shall ensure that adequate spill prevention infrastructure and spill response equipment is in place prior to commencement of the Project.  | <b>SPILL PREVENTION AND<br/>RESPONSE EQUIPMENT</b>         |
| 6. | The Licensee shall restore all areas affected by spills and Unauthorized Discharges to the satisfaction of an Inspector.  | <b>CLEAN UP SPILLS</b>                                     |
| 7. | The Licensee shall not establish any fuel storage facilities or refueling stations, or store chemical or deleterious substances within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.   | <b>MATERIAL STORAGE –<br/>ORDINARY HIGH WATER<br/>MARK</b> |

**Part G: Closure and Reclamation**

- |  |   |
|--|---|
| 1. The Licensee shall endeavor to carry out approved Progressive Reclamation of areas as soon as is reasonably practicable.  | <b>PROGRESSIVE RECLAMATION</b>                                      |
| 2. A minimum of ten days prior to the commencement of any Progressive Reclamation, the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the name and contact information for the individual responsible for overseeing the Progressive Reclamation. | <b>PROGRESSIVE RECLAMATION – NOTIFICATION</b>                       |
| 3. The Licensee shall comply with the <b>Closure and Reclamation Plan</b> , once approved.   | <b>CLOSURE AND RECLAMATION PLAN</b>                                 |
| 4. A minimum of 90 days prior to the commencement of Project activities, the Licensee shall submit to the Board, for approval, a revised Closure and Reclamation Plan. The Licensee shall not commence Project activities prior to Board approval of the Plan.   | <b>CLOSURE AND RECLAMATION PLAN – REVISED</b>                       |
| 5. Within 90 days of completing Closure and Reclamation of the Project, or as otherwise directed by the Board, the Licensee shall submit to the Board for approval, a <b>Post-Closure and Reclamation Monitoring and Maintenance Plan</b> .  | <b>POST-CLOSURE AND RECLAMATION MONITORING AND MAINTENANCE PLAN</b> |

Signed on behalf of the Mackenzie Valley Land and Water Board

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**Mavis Cli-Michaud, Chair**

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**Amanda Gauthier, Witness**



**Schedule 1 – Annual Report**  
**Type B Water Licence MV2019L8-0008**  
**Northwest Territories Power Corporation – Taltson Winter Road**

1. The Annual Water Licence Report referred to in Part B of this Licence shall include, but not be limited to, the following information about activities conducted during the previous calendar year:
  - a) A summary of Project activities during the previous year;
  - b) A brief summary of Project activities for the upcoming year;
  - c) An updated Project schedule;
  - d) A summary of engagement activities conducted in accordance with the approved Engagement Plan, referred to in Part B of this Licence;
  - e) A summary of how Traditional Knowledge influenced decision making;
  - f) A summary of Water use in accordance with Part C of this Licence;
  - g) A summary of Construction activities conducted in accordance with Part D of this Licence;
  - h) A summary of activities conducted in accordance with the Waste Management Plan, required in Part E of this Licence;
  - i) A summary of activities conducted in accordance with the Operations and Maintenance Plan, required in Part E of this Licence, including an analysis of monitoring results at the end of each season and a discussion of changes required to adaptively manage the project;
  - j) A summary of activities conducted in accordance with the approved Spill Contingency Plan, required in Part F of this Licence, including:
    - i. A list and description for all Unauthorized Discharges, including the date, NWT spill number, volume, location, summary of the circumstances and follow-up actions taken, and status (i.e. open or closed), in accordance with the reporting requirements in Part H of this Licence; and
    - ii. An outline of any spill training and communications exercises carried out;
  - k) A summary of activities conducted in accordance with the Closure and Reclamation Plan, required in Part G of this Licence, including:
    - i. Details of any Remediation/Progressive Reclamation undertaken;
  - l) A summary of actions taken to address concerns, non-conformances, or deficiencies in any reports filed by an Inspector; and
  - m) Any other details requested by the Board by February 1 of the year being reported.

**Annex A - Concordance Table of Items Requiring Submission**  
**Type B Water Licence MV2019L8-0008**  
**Northwest Territories Power Corporation – Taltson Winter Road**

Date	Location of Change	What was Changed
-	-	-

**General Procedures for the Administration of Licences  
Issued Under the *Water Act*  
in the Northwest Territories**

1. At the time of issuance, a copy of the Licence is placed on the Public Registry in the office of the Mackenzie Valley Land and Water Board (MVLWB or the Board) in Yellowknife and is then available to the public.
2. To enforce the terms and conditions of the Licence, the Minister of Environment and Natural Resources has appointed Inspectors in accordance with subsection 65(1) of the *Waters Act*. The Inspectors coordinate their activities with staff of the MVLWB. The Inspector responsible for Licence MV2019L8-0008 is located in the South Slave office.
3. To keep the MVLWB and members of the public informed of the Licensee's conformity to the Licence's conditions, the inspectors prepare reports which detail observations on how each item in the Licence has been met. These reports are forwarded to the Licensee with a covering letter indicating which action, if any, should be taken. The inspection reports and cover letters are placed on the Public Registry, as are any responses received from the Licensee pertaining to the inspection reports. It is therefore of prime importance that you react in all areas of concern regarding all inspection reports so that these concerns may be clarified.
4. Licence MV2019L8-0008 will expire on August 1, 2024, if required; it is the responsibility of the Licensee to apply to the MVLWB for a new licence. The past performance of the Licensee, new documentation and information, and points raised during a public hearing, if required, will be used to determine the terms and conditions of any new licence. Please note that if the Licence expires and another has not been issued, then water and waste disposal must cease, or you, the Licensee, would be in contravention of the *Waters Act*. It is suggested that an application for a new licence be made at least eight months in advance of the Licence's expiry date.
5. If, for some reason, Licence MV2019L8-0008 requires amendment, a public hearing may be required. You are reminded that applications for amendments should be submitted as soon as possible to provide the MVLWB ample time to complete the amendment process. The process may take up to six months or more depending on the scope of the amendment requested.
6. Specific clauses of your Licence make reference to the Board, Analyst, or Inspector. The contact person, address, phone, and fax number of each is:

**Mackenzie Valley Land and Water Board:**

Public Registry Clerk  
Mackenzie Valley Land and Water Board  
7th Floor - 4922 48 Street,  
P.O. Box 2130  
YELLOWKNIFE NT X1A 2P6  
Phone (867) 669-0506  
Fax (867) 873-6610

**Analyst:**

Street Address:

Taiga Environmental Laboratory  
4601 – 52<sup>nd</sup> Ave  
Yellowknife, NT  
X1A 1L4

Mailing Address:

Taiga Environmental Laboratory  
P.O. Box 1320  
Yellowknife, NT  
X1A 2L9

Phone: (867) 767-9235, ext 53151  
Fax: (867) 920-8740  
General Email: [taiga@gov.nt.ca](mailto:taiga@gov.nt.ca)

**Inspector:**

Water Resource Officer (Inspector)  
North Slave Regional Office  
Department of Environment and Natural Resources  
Government of the Northwest Territories  
Box 2668  
YELLOWKNIFE NT X1A 2P9  
Phone: (867) 873-7443  
Fax: (867) 873-6230

7. Specific clauses of your licence may reference security. The contact person, address, and phone and fax numbers of the individual administering security deposits is:

Director, Water Resources  
Department of Environment and Natural Resources  
Government of the Northwest Territories  
P.O. Box 1320  
YELLOWKNIFE NT X1A 2L9  
Phone: (867) 873-7401  
Fax: (867) 669-2716



**Mackenzie Valley Land and Water Board**  
7th Floor - 4922 48th Street  
P.O. Box 2130  
YELLOWKNIFE NT X1A 2P6  
Phone (867) 669-0506  
FAX (867) 873-6610

## Reasons for Decision

Issued pursuant to paragraph 40(2)(c) of the Mackenzie Valley Land Use Regulations (MVLUR)

Water Licence – Application	
Preliminary Screener	MVLWB
Reference/File Number	MV2019F0015 and MV2019L8-0008
Company	Northwest Territories Power Corporation
Project	Winter Road, Fort Smith to Taltson Facility, NT
Date of Decision	July 22, 2019

These Reasons for Decision set out the Mackenzie Valley Land and Water Board's (the Board or MVLWB) decision on Land Use Permit MV2019F0015 and Water Licence MV2019L8-0008 Applications made by the Northwest Territories Power Corporation (NTPC) to the Board on May 28, 2019.

### 1.0 Background

On May 28, 2019, the Northwest Territories Power Corporation (NTPC) submitted a Land Use Permit and Water Licence Application for the construction, operation, and closure of a winter access road from Fort Smith, NT to the Taltson Hydroelectric Facility. The Taltson Facility is a remote hydroelectric power generating facility located 56 km northeast of Fort Smith, NT. The proposed Taltson Winter Road is required to support an overhaul of key infrastructure at the Taltson Facility and is tentatively scheduled for construction and operation for three to five seasons, beginning in December 2019.

NTPC plans to reconstruct the historical Taltson Winter Road from Fort Smith to Taltson that was used in the 1960s, 1970s, and 1980s to access the site for construction, maintenance, and upgrades. In 2009, NTPC obtained land-use permit MV2008F0027 for the reconstruction of the road, which was partially completed. The route was ground-truthed in February 2019 and will follow the same historical alignment that was used in the 1960s, 1970s, 1980s and 2009-2010.

### 2.0 Public Review

On June 6, 2019, the Applications were deemed incomplete, but the additional information required was submitted later the same day. The Applications were deemed complete on June 11, 2019 and distributed for review and comment. A *News/North* Advertisement was published in the June 17, 2019 edition to notify the public of the new Water Licence Application.

By June 27, 2019, comments and recommendations on the Applications were received from six reviewers:

- NTPC;
- Fisheries and Oceans Canada (DFO);
- GNWT – Education, Culture and Employment (ECE);

- GNWT – Department of Environment and Natural Resources (ENR);
- GNWT – Department of Lands – North Slave Region; and
- GNWT – Department of Lands – South Slave Region (Inspector).

NTPC responses were provided on July 4, 2019 and the Applications were presented to the Board on July 22, 2019.

### 3.0 Adequacy of Submission

A Waste Management Plan, Spill Contingency Plan, Engagement Plan, Operations and Maintenance Plan, and Abandonment and Restoration Plan were included with the Application. These Plans largely meet applicable guidelines and reflect the scope of the proposed activities. Reviewers noted examples of where additional information would help NTPC identify and better clarify project activities, mitigations, and reclamation plans.

### 4.0 Decision

In rendering its decision, the Board is satisfied that:

- notice of the Application was given in accordance with sections 63 and 64 of the MVRMA. The Board is satisfied that a reasonable period of notice was given to communities and First Nations so comments could be provided to the Board; and
- a preliminary screening decision was made on July 22, 2019.

After reviewing the submissions from NTPC, the written comments received by the Board and the Staff Report prepared for the Board, the Board, having due regard to the facts, circumstances, the merits of the submissions made to it, and to the purpose, scope, and intent of the MVRMA and Regulations made thereunder, has determined that Land Use Permit MV2019F0015 and Water Licence MV2019L8-0008 be issued subject to the terms, scopes, definitions, and conditions contained therein.

#### Land Use Permit MV2019F0015

The definitions and conditions in the Permit are from the MVLWB’s *Standard Land Use Permit Conditions Template* (Standard Template), and are not discussed in detail in these reasons unless notable due to recommendations or concerns raised by reviewers. After considering the information gathered through the public review, the Board made the following changes, with rationale, to the Permit conditions:

Condition	Change	Rationale
Scope	Revision	The scope was clarified as requested by NTPC to indicate the location of the road.
Definition - Archaeological Overview	Removed	Removal recommended by GNWT-ECE since the road is being re-opened and has been previously disturbed. Associated conditions also removed.
Definition - Archaeological Impact Assessment	Removed	
Private Property	Removed	These conditions were removed from the permit since they are not achievable. NTPC has negotiated a Compensation Agreement outside the Board’s process with Mr. Schaefer who has property is close to the winter road alignment.
Avoid Cabins	Removed	
Parallel Watercourse	Removed	This condition was removed as the existing alignment is unable to meet this requirement.

Width of ROW	Revised	This condition was revised to reflect the engagement feedback regarding pullouts being included at kilometers 15 and 30 along the winter road.
Progressive Erosion Control	Revised	This condition was revised to reflect NTPC's concerns that standard wording could be interpreted that erosion control structures were mandatory. Additional text was added to the condition to reflect the seasonality of the activities.
Caribou Disturbance	Revised	This condition was revised as no drilling is associated with the proposed activities. This condition was also included in NTPC's previous Permit MV2008F0027.
Traps Protection	Removed	This condition was removed to reflect NTPC's agreements with affected trappers (see above).
Submit Revised Plan	Removed	This condition has been removed to reflect the inclusion of individual conditions for each required plan; these include their revision and resubmission for decision.
Term	-	The Board has granted a term of five years, as applied for by NTPC. This is the maximum term the Board can grant for a permit.

### Water Licence MV2019L8-0008

After considering the information gathered through the public review, the Board made the following changes, with rationale, to the Licence conditions:

Condition	Change	Rationale
Scope	Revision	The scope was clarified as requested by NTPC to indicate the location of the road.
Definition - Analyst	Removed	This definition was removed because it is not used in the conditions.
Definition - Closure and Reclamation	Added	This definition was added to support the Closure and Reclamation Plan definition.
Annual Review	Clarified	NTPC requested June 30 as an alternative date (to March 31) to review and revise plans that gives them adequate time, given the seasonality of their activities.
Annual Water Licence Report Review	Clarified	NTPC requested June 30 as an alternative date (to March 31) to submit the Annual Water Licence Report, given the seasonality of their activities.  A schedule outlining the requirements for the Annual Report was added.
Engagement Plan - Revised	Removed	This condition was removed because the Board has approved the Engagement Plan as it meets the Board's Engagement Guidelines and reflects the scope of the proposed activities.
Maximum under-ice water withdrawal volume	Revised	The maximum quantity of water for Slave River was revised from 260 m <sup>3</sup> /day to 250 m <sup>3</sup> /day to reflect the Application.
Waste Management Plan – Revised	Revised	Reference to the Board's Guidelines was removed as this reference is already provided for in the definition of a Waste Management Plan; it does not need to be restated.
Operation and Maintenance Plan	Added	These conditions to require compliance with the Operations and Maintenance Plan, and submission of revisions prior to

Operation and Maintenance Plan - Revised	Added	commencement, were added as recommended by the GNWT to reflect the submission of this Plan with the Application.
Aquatic Effects Monitoring	None Required	This section was intentionally left blank as this type of monitoring is not required for the undertaking as applied for.
Term	-	The Board has granted a term of five years, as applied for by NTPC. This coordinates with the term of the associated Permit.

### Reclamation Security

As NTPC is a Crown corporation under the territorial government, the Board is confident that NTPC is capable of meeting any financial obligations set out in the MVRMA, *Waters Act*, Permit and Licence concerning the project.

### Management Plans

The Board has directed NTPC to resubmit the Waste Management Plan, Spill Contingency Plan, Operations and Maintenance Plan, and Abandonment and Restoration Plan (to be re-titled Closure and Reclamation Plan) to reflect the information and concerns identified by reviewers through the Online Review System, as identified below, by August 30, 2019:

Title of Plan	Date Received	Update Requirements
Waste Management Plan	May 28, 2019	<ul style="list-style-type: none"> <li>• Update to the protocol for management of contaminated snow.</li> <li>• Provide description of the Contaminated Snow Tank(s).</li> <li>• Provide contingencies in place for the management of contaminated snow – i.e. if the tank leaks</li> <li>• Include waste disposal agreements and description of standing agreements with the Town of Fort Smith and KBL Environmental.</li> </ul>
Spill Contingency Plan	May 28, 2019	<ul style="list-style-type: none"> <li>• Update reference to GNWT Lands Inspector.</li> </ul>
Operations and Maintenance Plan	May 28, 2019	<ul style="list-style-type: none"> <li>• Update source water under ice volume calculations and maximum withdrawal limits compared to source water volume required.</li> <li>• Provide potential temporary culvert locations and details.</li> <li>• Provide a description of contingency erosion control measures.</li> <li>• Provide additional details on the management of sand/gravel used on the winter road.</li> </ul>
Abandonment and Restoration Plan  (to be re-titled Closure and Reclamation Plan)	May 28, 2019	<ul style="list-style-type: none"> <li>• Provide additional details on the management of sand/gravel used on the winter road.</li> <li>• Update commitment to conduct reclamation monitoring until results demonstrate that the desired steady state conditions have been achieved.</li> <li>• Clarify goals and objectives for final abandonment.</li> <li>• Provide final land use criteria proposed for soils remediation standards in the event contaminated soils are treated in-situ. If applicable, provide rationale for the use of CCME criteria over the use of the GNWT Environmental Guideline for Contaminated Site Remediation and the chosen final land use criterion chosen (i.e. Agricultural, Residential/Parkland, Commercial, or Industrial).</li> <li>• Provide additional details for monitoring to assess final abandonment conditions and remedial activities.</li> </ul>



**5.0 Conclusion**

Water Licence MV2019L8-0008 and Land Use Permit MV2019F0015 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 NTPC's use of the lands, waters and/or deposit of waste. The Board will provide additional referenced material or documents if requested in writing to do so.

SIGNATURE

Mackenzie Valley Land and Water Board



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Mavis Cli-Michaud, Chair

July 22, 2019

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Date