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July 2, 2020

File: MV2020X0004

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

Sent via email

Dear Matthew Miller:

**Issuance of New Type A Land Use Permit
Miscellaneous, Facility Upgrades – Taltson, NT**

Attached is Type A Land Use Permit MV2020X0004 granted by the Mackenzie Valley Land and Water Board (MVLWB or the Board) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA). This Permit has been approved for a period of five (5) years effective July 2, 2020 and expiring July 1, 2025.

The Board acknowledges the connections between some of the activities applied for under this Permit and the current Licence. The Board suggests that NTPC consider that modifications to the Power Generating Facilities would require submissions under Part G of Licence MV2011L4-0002.

Preliminary Screening Exemption Confirmation

Based on the evidence provided, the Board has also confirmed that the Application is exempt from preliminary screening as per subsection 157.1 of the MVRMA, which states:

Part 5 does not apply in respect of any licence, permit or other authorization related to an undertaking that is the subject of a licence or permit issued before June 22, 1984, except a licence, permit or other authorization for an abandonment, decommissioning or other significant alteration of the project.

Permit Conditions

Please read all conditions carefully. For the purpose of submitting plans in accordance with this Permit, the date of this letter, July 2, 2020, is the date of commencement.

Management Plan - Approved

The Board hereby approves the Engagement Plan submitted with the Application. The Board acknowledges that affected parties vary in their capacity and timing to participate in regulatory processes, which is complicated by the technological limitations of remote communities. To ensure affected parties are adequately consulted, especially those with limited capacity and in remote communities, the Board requires NTPC to take the following additional measures for future submissions:

- Make additional attempts and use additional methods when contacting affected parties to ensure they are aware of the submission.
- Do not identify “key stakeholders” or base subsequent further engagement solely on responses, or lack of responses, to initial engagement efforts. The history between the affected party, NTPC and the development should also guide the engagement process.
- Make additional effort to contact Łutselk’e Dene First Nation.

Management Plans – Resubmission Required

The Waste Management Plan is considered to be approved as an interim submission, upon resubmission the plan will require confirmation of conformity from Board staff. Please include a conformity table in the Plan. The Board hereby requires that Northwest Territories Power Corporation resubmit the Waste Management Plan prior to the construction of the temporary sewage lagoon and activities scheduled to occur in 2021 in accordance with comments, recommendations and commitments made during this review, as summarized in the Reasons for Decision.

The Spill Contingency Plan is considered to be approved as an interim submission, upon resubmission the plan will require confirmation of conformity from Board staff. Please include a conformity table in the Plan. The Board hereby requires that Northwest Territories Power Corporation resubmit the Spill Contingency Plan prior to activities scheduled to occur in 2021 in accordance with comments, recommendations and commitments made during this review, as summarized in the Reasons for Decision.

Management Plans – Submission Required

The Board has required a Sediment and Erosion Control Management Plan as this was not submitted with the application. The Sediment and Erosion Control Management Plan is required 60 days prior to earthworks within 100 meters of the ordinary high-water mark in accordance with comments, recommendations and commitments made during this review and to reflect the scope of the activities, as summarized in the Reasons for Decision. The Plan will be distributed for public review and provided to the Board for decision.

Public Registry

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

The full cooperation of the Northwest Territories Power Corporation is anticipated and appreciated.
If you have any questions or concerns, please contact Andrew Wheeler at (867) 766-7467.

Yours sincerely,



Mavis Cli-Michaud
MVLWB, Chair

Copied to: Distribution List
Charlene Coe, GNWT, Land Use Advisor

Attached: Land Use Permit MV2020X0004
Reasons for Decision



Land Use Permit

Permit Class	Permit No	Amendment No
A	MV2020X0004	

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 Matthew Miller	Date May 5, 2020
Type of Land Use Operation Miscellaneous	
Location 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 July, 2020

Signature Chair

Mavis Cli-Michaud

Signature Witness

Amanda Gauthier

Effective Date:

July 2, 2020

Expiry Date:

July 1, 2025

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 # MV2020X0004

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) The use of vehicles and machines,
 - b) Use and storage of fuel,
 - c) Clearing of lines, trails, right of-ways,
 - d) Construction and replacement of structures,
 - e) Construction of material storage areas,
 - f) Operation of temporary camps, and
 - g) Quarry operations.
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.

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.

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

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

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

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

Greywater - all liquid wastes from showers, baths, sinks, kitchens, and domestic washing facilities but not including toilet wastes.

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.

Permafrost - ground (soil or rock) that remains at or below 0°C for at least two consecutive years.

Progressive Reclamation - Closure and Reclamation activities conducted during the operating phase of the project.

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.

Sewage - all toilet wastes and Greywater.

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

Safety Data Sheet - a technical document, typically written by the manufacturer or supplier of a chemical, that provides information about the hazards associated with the product, advice about safe handling and storage, and emergency response procedures.

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

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

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

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

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

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

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

26(1)(a) Location and Area

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| 1. | The Permittee shall only conduct this land-use operation on lands designated in the application. | LOCATION OF ACTIVITIES |
| 2. | The Permittee shall not conduct any part of the land-use operation within 300 metres of any privately owned or leased land or structures, including cabins used for traditional activities, unless otherwise approved by the Board. | PRIVATE PROPERTY SETBACK |
| 3. | The Permittee shall locate all camps on Durable Land or previously cleared areas, and a minimum of 100 metres from the Ordinary High Water Mark. | CAMP SETBACK |
| 4. | The Permittee shall not conduct a quarry operation within 100 metres of the Ordinary High Water Mark of any Watercourse, except as applied for at Lake Pit, unless otherwise authorized in writing by an Inspector. | QUARRY SETBACK |
| 5. | The Permittee shall locate all lines, trails, and right-of-ways to be constructed parallel to any Watercourse a minimum of 100 metres from the Ordinary High Water Mark, except at crossings and as described in the application, and approved by the Board. | PARALLEL WATERCOURSE SETBACK |
| 6. | The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used. | PARALLEL ROADS |
| 7. | Prior to the commencement of the land-use operation, the Permittee shall mark each corner of the land-use area. | MARK AREA |
| 8. | The Permittee shall maintain the corner markings until the area is reclaimed. | CORNER POSTS |
| 9. | Prior to the commencement of the land-use operation, the Permittee shall accompany an Inspector during an inspection of the proposed land use area. | INSPECT LOCATIONS |

26(1)(b) Time

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|-----|---|---|
| 10. | At least 48 hours prior to the initial commencement of the land-use operation, the Permittee's Field Supervisor shall notify the Board and contact an Inspector at (867) 872-2558 ext. 23 | INITIAL NOTIFICATION – CONTACT INSPECTOR |
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| 11. | 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 |
| 12. | At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of:

a) the plan for removal or storage of equipment and materials;
b) when final cleanup and reclamation of the land used will be completed; and
c) when the Final Plan will be submitted. | REPORTS BEFORE FINAL REMOVAL |
|
26(1)(c) Type and Size of Equipment | | |
| 13. | The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application. | USE APPROVED EQUIPMENT |
| 14. | The Permittee shall maintain fire-fighting equipment at the site. | FIRE-FIGHTING EQUIPMENT |
| 26(1)(d) Methods and Techniques | | |
| 15. | Prior to the movement of any vehicle that exerts pressure on the ground in excess of 35 kPa, the Permittee shall scout proposed lines and routes to select the best location for crossing streams and avoiding terrain obstacles. | DETOURS AND CROSSINGS |
| 16. | Prior to the expiry end of the land-use operation, the Permittee shall replace all excavated material, unless otherwise authorized in writing by an Inspector. | EXCAVATED MATERIAL TEST PITS |
| 26(1)(e) Type, Location, Capacity, and Operation of All Facilities | | |
| 17. | The Permittee shall ensure that the land use area is kept clean at all times. | CLEAN WORK AREA |
| 26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land | | |
| 18. | The Permittee shall install and maintain culverts such that scouring does not occur. | CULVERT SIZE |
| 19. | A minimum of 60 days prior to earthworks within 100 meters of the ordinary high-water mark, the Permittee shall submit a Sediment and Erosion Control Management Plan to the Board for approval. The Plan shall include, but not be limited to, the following information: | SEDIMENT AND EROSION CONTROL |

	<p>a) Information regarding erosion and sedimentation potential and management, including:</p> <ul style="list-style-type: none"> i. a summary, with appropriate maps or diagrams of the project site, identifying areas susceptible to erosion and sedimentation; ii. the process and criteria for assessing the risk of erosion and sedimentation; iii. a description of the best management practices and monitoring that will be employed for different project activities and for different levels of assessed risk; iv. a description of water management; v. the cleaning of the turbine and surge tank to remove construction debris; vi. erosion control methods as part of reclaiming the temporary camp, temporary sewage lagoon and aggregate storage area; and vii. any other information required to describe how erosion and sediment release will be minimized. <p>b) Information regarding contingency planning, including:</p> <ul style="list-style-type: none"> i. a description of reasonably foreseeable scenarios; and ii. for each scenario identified in (b)(i) above: <ul style="list-style-type: none"> a. a description of response action options; and b. a risk-based analysis of response action options, identifying preferred options and alternate options. 	<p>MANAGEMENT PLAN</p>
20.	<p>The Permittee shall comply with the Sediment and Erosion Control Management Plan, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations. Revisions to the plan shall be submitted to the Board for approval.</p>	<p>SEDIMENT AND EROSION CONTROL MANAGEMENT PLAN – REVISIONS</p>
21.	<p>The land-use operation shall not cause obstruction to any natural drainage.</p>	<p>NATURAL DRAINAGE</p>
22.	<p>The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses.</p>	<p>PROGRESSIVE EROSION CONTROL</p>
23.	<p>The Permittee shall apply appropriate mitigation at the first sign of erosion.</p>	<p>REPAIR EROSION</p>
24.	<p>The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface.</p>	<p>PREVENTION OF RUTTING</p>
25.	<p>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.</p>	<p>VEHICLE MOVEMENT FREEZE-UP</p>

26.	The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector.	STREAM BANKS
27.	The Permittee shall minimize approach grades on all Watercourse crossings.	MINIMIZE APPROACH
28.	The Permittee shall use temporary bridges or dry fording when crossing streams.	DRY FORDING
29.	The Permittee shall slope the sides of Waste material piles, excavations, and embankments — except in solid rock — to a minimum ratio of 2:1 vertical, unless otherwise authorized in writing by an Inspector.	EXCAVATION AND EMBANKMENTS
30.	The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High Water Mark of any Watercourse, except as described in the application.	EQUIPMENT: WATERCOURSE BUFFER
31.	The Permittee shall not excavate land within 100 metres of the Ordinary High Water Mark of any Watercourse, except as described in the application, unless otherwise authorized in writing by an Inspector.	EXCAVATION SETBACK
32.	The Licensee shall only use material that is clean and free of contaminants and is from a source that has been authorized in writing by an Inspector.	CONSTRUCTION MATERIAL – SOURCE(S)
26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material		
33.	At least seven days prior to the use of any chemicals that were not identified in the complete application, the Safety Data Sheets must be provided to the Board and an Inspector.	CHEMICALS
34.	Prior to the expiry date of this Permit or the end of the land-use operation whichever comes first, the Permittee shall backfill and restore all Sumps, unless otherwise authorized in writing by an Inspector.	RECLAIM NON-OIL AND GAS SUMPS
35.	The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.	WASTE CHEMICAL DISPOSAL
36.	The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility.	WASTE PETROLEUM DISPOSAL
37.	The Permittee shall provide written notification to the Board and Inspector a minimum of 10 days prior to the initial deposit of Waste, demonstrating that the licenced disposal facility has agreed to accept the Waste and has the capacity to receive the volumes of Waste requested.	NOTIFICATION OF SOLID WASTE DISPOSAL

26(1)(h) Wildlife and Fish Habitat

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

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

39. The Permittee shall dispose of all Waste as described in the **Waste Management Plan**, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. **WASTE MANAGEMENT**
40. The Permittee shall keep all garbage and debris in a secure container until disposal. **GARBAGE CONTAINER**
41. The Permittee shall dispose of all Sewage and Greywater into a Sump at least 100 metres from the Ordinary High Water Mark of any Watercourse. **SEWAGE DISPOSAL – SUMP SETBACK**
42. The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan. **SEWAGE DISPOSAL - PLAN**

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

43. The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground. **ARCHAEOLOGICAL BUFFER**
44. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. **SITE DISTURBANCE**
45. The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered: **SITE DISCOVERY AND NOTIFICATION**
- a) immediately suspend operations on the site; and
 - b) notify the Board at (867) 669-0506 or an Inspector at (867) 872-2558 ext. 23, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255.

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

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26(1)(l) Security Deposit

46.	All costs to remediate the area under this Permit are the responsibility of the Permittee.	RESPONSIBILITY FOR REMEDICATION COSTS
	26(1)(m) Fuel Storage	
47.	The Permittee shall: a) examine all Fuel Storage Containers and Tank for leaks; and b) repair all leaks immediately.	REPAIR LEAKS
48.	The Permittee shall place Fuel Storage Containers and or Tanks a minimum of 100 metres from the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.	FUEL STORAGE SETBACK
49.	The Permittee shall ensure that all fuel caches have adequate Secondary Containment.	FUEL CACHE SECONDARY CONTAINMENT
50.	The Permittee shall set up all refueling points with Secondary Containment.	SECONDARY CONTAINMENT – REFUELING
51.	The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	FUEL CONTAINMENT
52.	The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name.	MARK CONTAINERS AND TANKS
53.	The Permittee shall mark all stationary fuel caches and fuel storage facilities with flags, posts, or similar devices so that they are at all times plainly visible to local vehicle travel.	MARK FUEL LOCATION
54.	The Permittee shall have a maximum of 380,000 litres of fuel stored on the land use site at any time, unless otherwise approved by the Board.	MAXIMUM FUEL ON SITE
55.	Within ten days of the establishment of any fuel cache, the Permittee shall report the location and quantity of the cache in writing to the Board and an Inspector.	REPORT FUEL LOCATION
56.	The Permittee shall seal all outlets of Fuel Storage Containers and store the containers on their sides with the outlets located at 3 and 9 o'clock, except for containers currently in use.	SEAL OUTLET
57.	The Permittee shall comply with the Spill Contingency Plan , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.	SPILL CONTINGENCY PLAN

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| 58. | Prior to commencement of the land-use operation the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills. | SPILL RESPONSE |
| 59. | All equipment that may be parked for two hours or more, shall have a haz-mat/drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately. | DRIP TRAYS |
| 60. | The Permittee shall clean up all leaks, spills, and contaminated material immediately | CLEAN UP SPILLS |
| 61. | <p>During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall:</p> <p>a) implement the approved Spill Contingency Plan;</p> <p>b) report it-immediately using the NU-NT Spill Report Form by one of the following methods:</p> <ul style="list-style-type: none"> • Telephone: (867) 920-8130 • Fax: (867) 873-6924 • E-mail: spills@gov.nt.ca • <u>Online: Spill Reporting and Tracking Database</u> <p>c) within 24 hours, notify the Board and an Inspector; and</p> <p>d) within 30 days of initially reporting the incident, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur.</p> | REPORT SPILLS |

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

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| 62. | The Permittee shall progressively dispose of all brush and trees; all disposal shall be completed prior to the end of this land use operation | BRUSH DISPOSAL/
TIME |
| 63. | The Permittee shall not clear areas larger than identified in the complete application. | MINIMIZE AREA
CLEARED |
| 64. | The Permittee shall clear by hand all trees and brush a minimum distance of 10 metres from the top edge of all stream banks and top edge of slopes. | CLEARING
SENSITIVE AREA |

26(1)(o) Restoration of the Lands

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| 65. | All areas affected by construction or removal activities shall be stabilized and landscaped to their pre-construction profiles, unless otherwise authorized in writing by an Inspector. | PRE-
CONSTRUCTION
PROFILES |
| 66. | The Permittee shall dispose of all overburden as approved by the Board, or as otherwise authorized in writing by an Inspector. | DISPOSAL OF
OVERBURDEN |

67.	The Permittee shall save the organic soil stripped from the land use area and shall use the organic soil for reclamation as approved by the Board, or otherwise authorized in writing by an Inspector.	SAVE AND PLACE ORGANIC SOIL
68.	Prior to the end of the land-use operation, the Permittee shall level all stockpiles of granular material located within the land use area.	LEVEL STOCKPILES
69.	Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used.	FINAL CLEANUP AND RESTORATION
70.	Prior to the end of the land-use operation, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation.	NATURAL VEGETATION
71.	Prior to the end of the land-use operation, the Permittee shall initiate active revegetation of disturbed areas.	ACTIVE REVEGETATION
72.	The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so.	PROGRESSIVE RECLAMATION
26(1)(p) Display of Permits and Permit Numbers		
73.	The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation.	DISPLAY PERMIT
74.	The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation.	COPY OF PERMIT
26(1)(q) Biological and Physical Protection of the Land		
75.	If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them.	MIGRATORY BIRD NEST DISTURBANCE
76.	If any plan is not approved by the Board, the Permittee shall revise the plan according to the Board's direction and re-submit it to the Board for approval.	RESUBMIT PLAN
77.	The Permittee shall comply with the Engagement Plan , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.	ENGAGEMENT PLAN
78.	All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.	SUMMARY OF CHANGES



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Reasons for Decision

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

Land Use Permit Application	
Preliminary Screener	MVLWB
File Number	MV2020X0004
Company	Northwest Territories Power Corporation
Project	Miscellaneous, Taltson, NT
Date of Decision	June 25, 2020

These Reasons for Decision set out the Mackenzie Valley Land and Water Board's (the MVLWB/Board) regulatory process and decisions on the Application made by NTPC (NTPC) to the Board on May 5, 2020 for Land Use Permit (Permit) MV2020X0004 for the Taltson Hydroelectric Facility Upgrades.

1.0 Background

The Taltson Hydroelectric Facility was built in 1965 to supply electricity to the Pine Point Mine until it was decommissioned in 1986. The facility currently supplies power to communities in the South Slave Region. The Facility is comprised of the Twin Gorges Generating Station, Twin Gorges Forebay Reservoir, South Valley Spillway, Trudel Creek and the Nonacho Lake Dam. The Twin Gorges Generating Station is located within the Taltson River watershed approximately 56 kilometers (km) northeast of Fort Smith, NT.

The facility is accessed by aircraft year-round and by a winter road from Fort Smith, NT. The winter road is authorized by Permit MV2019F0015 and Licence MV2019L8-0008. The facility operates under the Type A Water Licence MV2011L4-0002. The current Licence was renewed in 2011 from the previous Licence N1L4-0154 issued by the Northwest Territories Water Board in 1997.

The Application is for the construction and modification of facility infrastructure. Specifically, the Application includes the following:

- Construction of new infrastructure: staff lodging and septic system, temporary camp, temporary sewage lagoon, four site storage/laydown areas, maintenance building, communications tower, substation, hazardous waste berm, temporary fuel storage and distribution system for approximately 380,000 litres of diesel fuel;
- Modifications to existing infrastructure: waste facility, substation powerline, generator, turbine, penstock and surge tank;
- Decommissioning and removal of the existing lodge, communication tower, and substation;
- Demolition and replacement of the garage building; and

- Quarrying to support earthworks.

The site is partially located on private land held by NTPC while the remainder is within a non-federal area. NTPC requested a five year term.

2.0 Public Review

On May 5, 2020, NTPC submitted a permit application to the facility upgrades. The application was deemed complete on May 15, 2020.

By June 5, 2020, comments and recommendations on the Application were received from four reviewers:

- ECCC;
- GNWT-ENR;
- GNWT-Lands; and
- Board Staff.

NTPC responded by June 12, 2020 and the Application was presented to the Board on June 25, 2020.

3.0 Adequacy of Submission

NTPC submitted Waste Management and Spill Contingency Plans established for the existing authorizations for the Taltson Hydroelectric facility and winter road, while providing project specific waste and spill contingency information in supplementary construction plans submitted with the application. Reviewers noted examples of where additional information would help better clarify project activities, mitigations, and reclamation. These Plans largely meet applicable guidelines and the scope of the proposed activities.

An Engagement Plan and Record specific to the application was submitted. Engagement was primarily conducted through email letter which provided background on the facility and described the scope of the project. The letter also differentiated the application from the proposed power line expansion to communities north of Great Slave Lake. This Plan meets applicable guidelines and reflect the scope of the proposed activities.

The Taltson Hydroelectric Project Sediment and Erosion Monitoring Program Updated Erosion Management Plan V3 established for facility operations was referenced for erosion and sediment control measures. The referenced Plan does not specifically address the activities as applied for. NTPC committed to providing a project specific Sediment and Erosion Control Management Plan. The Board has required that this Plan be submitted 60 days prior to earthworks within 100 meters of the ordinary high-water mark to accommodate the scope of the activities applied for.

4.0 Security

On May 4, 1988, NTPC was witnessed as a crown corporation when the Northern Canada Power Commission was acquired from Her Majesty the Queen in Right of Canada by the Government of the Northwest Territories. 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 and Permit concerning the project.

5.0 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;
- the development is exempt from Part 5 pursuant to section 157.1;
- any potential adverse environmental effects are insignificant or mitigable with known technology;
- the operation will likely contribute to the socio-economic well-being and economic development of the region; and,
- there is no likelihood that the proposed development might be a cause of public concern.

After reviewing the evidence and submissions from NTPC, the written comments and submissions 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 MV2020X0004 be issued subject to the term, scope, definitions, and conditions contained therein. The Board's determinations and reasons for this decision are set out below.

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 conditions:

Condition	Change	Rationale
Scope	Added	Operation of temporary camps was added as a result of NTPC clarifying accommodation requirements for personnel during the review process. This was supported by a GNWT-Lands Inspector.
	Revision	The scope was clarified to include the use of fuel in addition to fuel storage. This was supported by a GNWT-Lands Inspector.
	Revision	The scope was clarified to include the construction and replacement of structures as Board staff suggest it more completely describes the project. This was supported by a GNWT-Lands Inspector.
	Added	Construction of material storage areas was added as Board staff suggest it more completely describes the project. This was supported by a GNWT-Lands Inspector.
	Added	Quarry operations was added as Board staff suggest it more completely describes the project. This was supported by a GNWT-Lands Inspector.
Definitions	Removed	The Engineered Structure definition was removed as it was not part of a specific Condition.
	Removed	The Professional Engineered definition was removed as it was not part of a specific Condition.
Quarry Setback	Added	An exception was added to this Condition for the Lake Pit. NTPC indicated in the public review process the Lake Pit was 8 meters from a wetland. Board staff clarified with NTPC the Lake Pit is 80 meters from a wetland.
Sediment and Erosion Control Management Plan	Added	This Condition was added as a result of commitments made during the review process.
Sediment and Erosion Control	Added	This Condition was added to support the Sediment and Erosion Control Management Plan Condition.

Management Plan - Revisions		
Construction Material – Source(s)	Added	This Condition was added as a result of NTPC providing supplementary information on quarry activities as part of the review process.

Management Plans

- The Board has approved the **Engagement Plan** because it meets the applicable guidelines and sufficiently reflects the scope of the proposed activities.
- The Board has approved the **Waste Management Plan** as an interim submission. NTPC is required to submit a revised submission prior to the construction of the temporary sewage lagoon and activities scheduled to occur in 2021 and beyond in accordance with comments, recommendations and commitments made during the public review, as identified in the table below. The revised Plan will be considered to be approved upon written confirmation of conformity from Board staff.
- The Board has approved the **Spill Contingency Plan** as an interim submission. NTPC is required to submit a revised submission prior to the activities scheduled to occur in 2021 and beyond in accordance with comments, recommendations and commitments made during the public review, as identified in the table below. The revised Plan will be considered to be approved upon written confirmation of conformity from Board staff.
- The Board has required a **Sediment and Erosion Control Management Plan** as this was not submitted with the application. The Sediment and Erosion Management Plan is required 60-days prior to earthworks within 100 meters of the ordinary high-water mark in accordance with comments, recommendations and commitments made during this review and to reflect the scope of the activities, as identified in the table below. The Plan will be distributed for public review and provided to the Board for decision.

Title of Plan	Date Received	Update Requirements
Waste Management Plan	May 5, 2020	<ul style="list-style-type: none"> • Update to include detail of temporary sewage lagoon (MVLWB comment ID 3 and 4) • Remove soil treatment facility and indicate contaminated soil will be transported off-site (MVLWB comment ID 8) • Update to include the anticipated type and amount of hazardous waste stored in the hazardous waste berm area (MVLWB comment ID 10) • Update to include assessment of hazardous building materials for buildings planned for demolition (MVLWB comment ID 12, 16, 18) • Update to include project specific information with respect to waste quantities, storage methods, storage location and management methods (MVLWB comment ID 20) • Update site figures 1.1 and 2.1 (MVLWB comment ID 21)
Spill Contingency Plan	May 5, 2020	<ul style="list-style-type: none"> • Update list of equipment to be used (MVLWB comment ID 15) • Update to include project specific information with respect to waste quantities, storage methods, storage locations and section 5 action plan / mitigation measures (MVLWB comment ID 22) • Update site figures 1.1 and 2.1 (MVLWB comment ID 23)
Sediment and Erosion Control	May 5, 2020	<ul style="list-style-type: none"> • Indicate which activities require sediment and erosion management and monitoring (MVLWB comment ID 6) • Identify applicable mitigative measures, management and monitoring methods for Permit activities (MVLWB comment ID 5, 6, 7)

Management Plan	<ul style="list-style-type: none"> • Include the cleaning the turbine and surge tank to remove construction debris before resuming power generation (MVLWB comment ID 7) • Include methods to control erosion as part of reclaiming the temporary camp, temporary sewage lagoon and aggregate storage area (MVLWB comment ID 24)
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6.0 Conclusion

Land Use Permit MV2020X0004 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 land affected by the Permit.

SIGNATURE

Mackenzie Valley Land and Water Board



Mavis Cli-Michaud, Chair

June 25, 2020

Date