



**Sahtu Land & Water Board**  
**REASONS FOR DECISION**  
**Issued Pursuant to Section 72.25 and 121 of**  
***Mackenzie Valley Resource Management Act***  
**Section 40(2)(c) of**  
**Mackenzie Valley Land Use Regulations, and**  
**Section 54 of *Waters Act***

**Type A Land Use Permit S20P-003 and Type B Water Licence S20L1-001**

This is the decision of the Sahtu Land & Water Board with respect to the application deemed complete July 22, 2020 for issuance of a Land Use Permit and Water Licence made by:

**Enbridge Pipelines (NW) Inc. of 10175 – 101 Street N.W. Edmonton, Alberta T5J 0H3**

for: off Right-of-Way activities to support the replacement of a segment of Line 21 pipeline, southeast of kilometre post (KP) 158 on the Mackenzie Valley Winter Road adjacent to Little Smith Creek, Sahtu Region, NWT.

With respect to this application, written notice was given to 17 organizations within the Sahtu Settlement Area and 22 outside of the settlement area in accordance with Sections 63 & 64 of the *Mackenzie Valley Resource Management Act*. There was no Public Hearing held in association with this application.

DECISION

After having been satisfied that the project has been screened pursuant to s.125(1)(a) of the *Mackenzie Valley Resource Management Act*, and that any potential adverse environmental effects were insignificant or mitigatable with known technology, and as such the application could proceed through the regulatory process and after reviewing the submission of the Applicant and after reviewing the written comments received by the Board; the Board, having due regard to the facts and 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 S20P-003 and Water Licence S20L1-001 will be issued subject to the terms and conditions contained therein.

The Board's reasons for this decision are as follows:

- It is the opinion of the Board that the Project **conforms with the Sahtu Land Use Plan** and has met referral obligations to the Sahtu Land Use Planning Board as outlined in section 61 of the MVRMA;
- The use of land and water proposed by the Proponent is of a nature contemplated by the MVRMA;
- The Board is satisfied that appropriate consultation has been conducted and that advice has been sought and considered, in accordance with sections 63 and 64 of the MVRMA;
- It is the opinion of the Board that the Engagement Plan includes provisions for comprehensive, meaningful and ongoing engagement efforts with the local community to address concerns and to improve understanding of Project activities and potential effects, and has therefore **approved the Engagement Plan**;
- No significant or unmitigable public concern has been made known to the Board;
- The project was screened by the Board on August 28, 2020 and identified that residual environmental impacts from permafrost degradation, erosion and slope instability can be mitigated in the short term with known technologies and that no significant public concerns were noted;
- It is the opinion of the Board that the potential environmental and socio-economic impacts from pipeline damage due to slope failure has a greater risk for impacts than for any potential residual adverse environmental impacts;
- It is the opinion of the Board that the terms and conditions attached to S20P-003 and S20L1-001, pursuant to the MVRMA, will ensure that any potential environmental impacts resulting from this activity are not significant. The

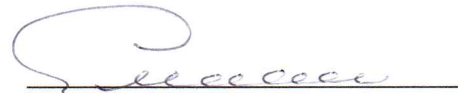
effects of the Project on the environment can take place in an environmentally responsible manner provided that environmental considerations and mitigation measures outlined in the Application documents are followed;

- The Board **approved** a modified version of AER Directive 050 for the mix-bury-cover method for the backfilling of shallow, narrow trenches that substitutes drilling Waste for local wood chips sourced from the clearing of trees and brush and chipped on-site;
- The Board **did not approve** any on-site disposal of drilling Wastes. All drilling Wastes must be stored and disposed of at an approved facility outside of the NWT;
- It is the opinion of the Board that adequate security has been allocated for the Project. The Applicant has a good past performance record for project completions and restoration outcomes and has committed to maintaining the Line 21 pipeline since 1985;
- The Board has **approved** the Waste Management Plan, Spill Contingency Plan and Closure and Reclamation Plan as they meet the applicable guidelines and sufficiently reflect the scope of the proposed activities. Since only minor revisions are required these can be approved without additional public review.

Land Use Permit S2P-003 and Water Licence S20L1-001 contain provisions that the Board feels necessary to ensure and monitor compliance with the MVRMA and the Regulations made thereunder, and to provide appropriate safeguards in respect of Enbridge's use of the lands affected by the Permit and use of the waters affected by the Licence.

The Board will provide any referenced material or documents and/or reasons for decision for any specific clause or clauses contained within the application if requested to do so in writing.

SIGNED this 17<sup>th</sup> day of September 2020 on behalf of the SAHTU Land & Water Board.



Larry Wallace (Chair)  
SAHTU Land & Water Board