

Review Comment Table

Board:	WLWB
Review Item:	NTPC - Strutt Lake - Land Use Permit Amendment Application (W2019Q0003)
File(s):	W2019Q0003
Proponent:	Northwest Territories Power Corporation
Document(s):	Land Use Permit Amendment Request (148.98 KB) Amendment Request - Engagement Log (2.21 MB) Snare Hydro and Snare Forks Till Pits Figures (4.04 MB) Tlicho Quarry Permit and Access Agreement (3.31 MB) Engagement Plan Version 2.0 (769.34 KB) Reclamation Plan - Version 2.0 (1.01 MB)
Item For Review Distributed On:	May 29 at 10:30 Distribution List May 29 at 15:00 Distribution List
Reviewer Comments Due By:	June 19, 2020
Proponent Responses Due By:	June 26, 2020
Item Description:	<p>Northwest Territories Power Corporation (the Applicant) has submitted a request to amend Land Use Permit (Permit) W2019Q0003. The applicant is requesting to amend Part C, Condition 1, for additional quarrying from historic till pits near the Snare Forks facility and increase the fuel storage limit from 20,000L to 30,000L; Condition 9, to include excavator to the list of approved heavy equipment; and Condition 44, minor clearing around the edges may be required. The Applicant has also requested an exemption from preliminary screening because the Applicant believes that the development, or a part thereof, has not been modified since it was previously permitted.</p> <p>Using the Online Review System (ORS), reviewers are invited to submit comments and recommendations on the documents linked below by the review comment deadline specified. Reviewers may also wish to consider providing an overarching recommendation regarding whether the Board should approve the submission, to provide context for the comments and recommendations and assist the Board with its decision. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the Applicant prior to submitting comments and recommendations.</p> <p>Board staff agree the amendment request may be exempt from preliminary screening in accordance with the Exemption List Regulations. If you believe a preliminary screening is required, please describe your rationale and provide comments and</p>

Contact Information:	<p>recommendations (e.g., on impacts and mitigation measures) to assist with the Board’s preliminary screening determination. The most recent preliminary screening that was approved by the Board is located under Document(s) below.</p> <p>Please be advised that comments made by reviewers regarding impacts of this proposed amendment to wildlife and wildlife habitat in this preliminary screening will inform the GNWT Minister of Environment and Natural Resources’ determination regarding whether a Wildlife Management and Monitoring Plan will be required for this project as per section 95 of the <i>Wildlife Act</i>.</p> <p>All documents that have been uploaded to this review are also available on our public Registry. If you have any questions or comments about the ORS or this review, please contact Board staff identified below.</p> <p>Anneli Jokela 867-765-4588 Roberta Judas 867-713-2500</p>
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Comment Summary

GNWT - ENR - EAM (Environmental Assessment and Monitoring): Central Email GNWT			
ID	Topic	Reviewer Comment/Recommendation	Proponent Response
4	General File	Comment (doc) ENR Letter with Comments and Recommendations Recommendation	
1	Topic: NWT Listed and Pre-listed Species at Risk	Comment Section 76 and 77 of the Species at Risk Act (NWT) requires the Minister of Environment and Natural Resources to make a submission to the body responsible for assessing the potential impacts of a proposed development, or for considering a land use Permit or water Licence application, respecting the potential impacts of the proposed development, Permit or Licence application on a NWT-listed or pre-listed species or its habitat. NWT-listed species are those that are on the NWT List of Species at Risk. Pre-listed species are those that have been assessed by the NWT Species at Risk Committee (SARC) but have not	June 25: NTPC supports this recommendation and thanks ENR for their review of the application.

		<p>yet been added to the NWT List of Species at Risk. The Proponent should be aware that NWT-listed or pre-listed species at risk and their habitat may also be subject to protection under existing sections of the NWT Wildlife Act. As a best practice, ENR encourages the proponent to consider potential impacts, mitigation measures and monitoring requirements for species at risk listed under the federal Species at Risk Act, as well as those designated as at risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) that may occur in the project area, and the prohibitions that may apply to these species under federal legislation. The project area overlaps with the ranges of the following NWT-listed and/or pre-listed species:</p> <ul style="list-style-type: none">• Barren-ground Caribou (excluding the Porcupine herd) -Threatened in the NWT• Little Brown Myotis (bat) - Special Concern in the NWT <p>Potential impacts to the species at risk listed above from the project include sensory disturbance, destruction of habitat, risk of injury, risk of mortality, and reduced habitat quality. The project is located within the range of the Bathurst barren-ground caribou herd, and falls within Range Assessment Area 4 (RAA4) according to the Bathurst Caribou Range Plan (BCRP). The levels of cumulative disturbance in RAA4 have resulted in the BCRP categorizing RAA4 as in the Cautionary category suggesting enhanced mitigation measures be applied that will both reduce loss of habitat to direct footprint of the project and to reduce sensory disturbance to barren-ground caribou when present. The project will add to the cumulative habitat disturbance footprint within RAA4 and ENR requests that a measure of direct</p>	
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		<p>footprint of the project be submitted. More information on the Bathurst Caribou Range Plan can be found at: https://www.enr.gov.nt.ca/en/services/caribou-de-la-toundra/bathurst-caribou-range-plan The project overlaps with the range of Little Brown Myotis. ENR notes that bat hibernacula are protected from destruction under sub-section 51(2) of the Wildlife Act, and naturally-occurring summer bat roosts are also protected under subsections 5.4(1) and (2) of the Wildlife General Regulations. However, there are no known bat hibernacula within the project area, and as the development is within an existing cleared till pit, there is unlikely to be any impacts to summer bat roosts.</p> <p>Recommendation 1) Although the project overlaps with the range(s) of the species listed above, ENR is of the opinion that the location, nature, scale and timing of the proposed project activities are such that the likelihood of impacts to NWT-listed or pre-listed species listed above can be avoided or minimized if ENR's wildlife recommendations in this letter are implemented.</p>	
2	None	<p>Comment None</p> <p>Recommendation 2) The Proponent should submit geospatial data to ENR depicting the planned and realized project footprint, in order to keep track of cumulative habitat disturbance within the Bathurst caribou ranges.</p>	<p>June 25: Mapping figures and GIS information was provided with amendment application.</p>
3	None	<p>Comment None</p> <p>Recommendation 3) Prior to conducting any new vegetation clearing during winter, the Proponent should evaluate whether there is any potentially suitable habitat for bat hibernacula that might be affected. In the event that such</p>	<p>June 25: NTPC does not believe that there is any potential hibernacula habitat in the project area. The two known hibernacula in the NWT are in naturally-formed underground caves eroded into sedimentary rock, both in the vicinity of Fort Smith (according to the NWT Species at Risk Committee Species Status Report for bats, April 2017). The Project is in Canadian Shield bedrock which does not typically have such underground caves, and no such</p>

		habitat is identified, the Proponent should contact ENR for advice on how to assess whether hibernating bats may be present.	features have been documented in the area. Regardless, any bat roosting habitat will be identified as part of the wildlife survey that will be completed prior to earthworks.
GNWT - Lands - North Slave Region: Clint Ambrose			
ID	Topic	Reviewer Comment/Recommendation	Proponent Response
1	Amendment Application	<p>Comment The documents for the amendment request have been reviewed.</p> <p>Recommendation The Inspector supports the land use permit amendment being granted by the Board. Current operating conditions in the permit will satisfactorily mitigate the potential for environmental concerns to arise.</p>	<p>June 25: NTPC supports this recommendation and thanks GNWT Lands for their time taken to review the application.</p>
Tlicho Government: LONGINUS EKWE			
ID	Topic	Reviewer Comment/Recommendation	Proponent Response
1	NTPC - Strutt Lake - Land Use Permit Amendment Application (W2019Q0003)	<p>Comment In the Strutt Lake Aggregate and Till Pit reclamation plan submitted by NTPC for Land Use Permit Amendment Application (W2019Q0003) section 1.0 Introduction. It stated that, “these are existing borrow locations and there will be minimal clearing of vegetation or land so minimal reclamation will be required”.</p> <p>Recommendation “Minimal” does not descriptively indicate the extent or type of reclamation that will be expected in this area after the excavation of materials. It will be important to quantitatively specify the nature of the reclamation that will take place in the area after the excavation, knowing fully well that the soil will be disturbed, the topsoil will be removed, the vegetative cover will be affected, and the stability of the undisturbed area may also be affected due to the activity. Providing information on the revegetation and surface treatment plan of the disturbed area and other</p>	<p>June 25: Specific reclamation processes are outlined in Section 3.0 of the Strutt Lake Aggregate and Till Pit Reclamation Plan and include regarding to ensure slopes are stable in the area and regarding to ensure proper drainage. These borrow locations are on a historical airstrip and have been used as a borrow location in the past. Minimal disturbance to the vegetative cover and top soil is required as it has already been removed in the past. Regarding will take place to ensure stability of the area after the proposed use and natural revegetation may occur. This borrow location may be required again in the future so artificial revegetation is not proposed.</p>

		proposed reclamation work will be helpful in understanding the reclamation plan.	
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Distribution List

NTPC - Strutt Lake - Land Use Permit Amendment Application (W2019Q0003)

File(s): W2019Q0003

Proponent: Northwest Territories Power Corporation

Reviewer Comments Due By: June 19, 2020

Proponent Comments Due By: June 26, 2020

Document(s)

Land Use Permit Amendment Application

Amendment Application - Engagement Log

Snare Hydro and Snare Forks Till Pits Figures

Tlichu Quarry Permit and Access Agreement

Engagement Plan Version 2.0

Reclamation Plan - Version 2.0

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June 19, 2020

Joseph Mackenzie
Chair
Wekeezhii Land and Water Board
#1-4905 48th Street
Yellowknife, NT
X1A 3S3

Dear Mr. Mackenzie,

**Re: Northwest Territories Power Corporation
Land Use Permit Amendment Application – W2019Q0003
Amendment of Part C - Condition 1, 9, 44
Request for Comment**

The Department of Environment and Natural Resources (ENR), Government of the Northwest Territories has reviewed the amendment application at reference based on its mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Forest Protection Act*, the *Species at Risk (NWT) Act*, the *Waters Act* and the *Wildlife Act* and provides the following comments and recommendations for the consideration of the Board and the Proponent.

Topic 1: NWT Listed and Pre-listed Species at Risk

Comment(s):

Section 76 and 77 of the *Species at Risk Act (NWT)* requires the Minister of Environment and Natural Resources to make a submission to the body responsible for assessing the potential impacts of a proposed development, or for considering a land use Permit or water Licence application, respecting the potential impacts of the proposed development, Permit or Licence application on a NWT-listed or pre-listed species or its habitat. NWT-listed species are those that are on the NWT List of Species at Risk. Pre-listed species are those that have been assessed by the NWT Species at Risk Committee (SARC) but have not yet been added to the NWT List of Species at Risk.

The Proponent should be aware that NWT-listed or pre-listed species at risk and their habitat may also be subject to protection under existing sections of the NWT *Wildlife Act*.

As a best practice, ENR encourages the proponent to consider potential impacts, mitigation measures and monitoring requirements for species at risk listed under the federal Species at Risk Act, as well as those designated as at risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) that may occur in the project area, and the prohibitions that may apply to these species under federal legislation.

The project area overlaps with the ranges of the following NWT-listed and/or pre-listed species:

- [Barren-ground Caribou \(excluding the Porcupine herd\)](#) –Threatened in the NWT
- [Little Brown Myotis \(bat\)](#) – Special Concern in the NWT

Potential impacts to the species at risk listed above from the project include sensory disturbance, destruction of habitat, risk of injury, risk of mortality, and reduced habitat quality.

The project is located within the range of the Bathurst barren-ground caribou herd, and falls within Range Assessment Area 4 (RAA4) according to the Bathurst Caribou Range Plan (BCRP). The levels of cumulative disturbance in RAA4 have resulted in the BCRP categorizing RAA4 as in the Cautionary category suggesting enhanced mitigation measures be applied that will both reduce loss of habitat to direct footprint of the project and to reduce sensory disturbance to barren-ground caribou when present. The project will add to the cumulative habitat disturbance footprint within RAA4 and ENR requests that a measure of direct footprint of the project be submitted. More information on the Bathurst Caribou Range Plan can be found at:

<https://www.enr.gov.nt.ca/en/services/caribou-de-la-toundra/bathurst-caribou-range-plan>

The project overlaps with the range of Little Brown Myotis. ENR notes that bat hibernacula are protected from destruction under sub-section 51(2) of the *Wildlife Act*, and naturally-occurring summer bat roosts are also protected under subsections 5.4(1) and (2) of the Wildlife General Regulations. However, there are no known bat hibernacula within the project area, and as the development is within an existing cleared till pit, there is unlikely to be any impacts to summer bat roosts.

Recommendation(s):

- 1) Although the project overlaps with the range(s) of the species listed above, ENR is of the opinion that the location, nature, scale and timing of the proposed project activities are such that the likelihood of impacts to NWT-listed or pre-listed species listed above can be avoided or minimized if ENR's wildlife recommendations in this letter are implemented.

- 2) The Proponent should submit geospatial data to ENR depicting the planned and realized project footprint, in order to keep track of cumulative habitat disturbance within the Bathurst caribou ranges.
- 3) Prior to conducting any new vegetation clearing during winter, the Proponent should evaluate whether there is any potentially suitable habitat for bat hibernacula that might be affected. In the event that such habitat is identified, the Proponent should contact ENR for advice on how to assess whether hibernating bats may be present.

Comments and recommendations were provided by ENR technical experts in the Wildlife Management Division, and the North Slave Region and were coordinated and collated by the Environmental Assessment and Monitoring Section (EAM), Environmental Stewardship and Climate Change Division.

Should you have any questions or concerns, please do not hesitate to contact Patrick Clancy, Environmental Regulatory Analyst at (867) 767-9233 Ext: 53096 or email patrick.clancy@gov.nt.ca.

Sincerely,



Patrick Clancy
Environmental Regulatory Analyst
Environmental Assessment and Monitoring Section
Environmental Stewardship and Climate Change Division
Government of the Northwest Territories