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September 3, 2020

File: W2020L8-0001

Ziaur Rahman
Manager, Surface Design and Construction
Department of Infrastructure
Government of the Northwest Territories
P.O. Box 1320 Yellowknife, NT X1A 2L9

Sent by email

Dear Ziaur Rahman,

RE: Information Request – Tlichò All-Season Road Project – Type A Proceeding - Clarifications

Rule 61 of the Mackenzie Valley Land and Water Boards' Rules of Procedure states that the Board may issue an Information Request to any Party at any stage of any Proceeding. The Government of the Northwest Territories Department of Infrastructure (GNWT-INF) submitted a complete Water Licence (Licence) application, W2020L8-0001, to increase water use to support Construction of the Tlichò All-season Road (TASR). The Application was distributed for public review on June 17, 2020. Comments and recommendations for the Application were due July 7, 2020 and responses were due July 14, 2020. Comments on the Application were received by Environment and Climate Change Canada (ECCC) and Fisheries and Oceans Canada (DFO). Tłı̄ch̄ò Government (TG) indicated that it had no comments. Board staff also provided questions during the public review. GNWT-INF provided responses by the response deadline of July 14, 2020. Reviewer comments and recommendations, and proponent responses are available on the WLWB Online Registry.¹

The following information is requested for clarity on the Type A Application, as well as the Licence:

Mislabeled Water Source Capacities

The Type A Application proposes an increase in water use for the Project. The water to be used would be withdrawn from the Water Sources authorized under Water Licence W2016L8-0001.² These Water Sources (with the exception of the groundwater source)³ were included in Section 7 of the Type A Application, along with the water source capacities for two of them (i.e., 'Unnamed Lake 1' and 'Unnamed Lake 2')⁴ and states that all others will be determined in the future.

¹ See WLWB Online Registry for [W2020L8-0001 – TASR – Application – Review Summary and Attachments – Jul 14 20](#)

² See WLWB Online Registry for [W2016L8-0001 - TASR - Amendment - WL and SNP - Jul 15 20.pdf](#); Part C, Table 1

³ Water Licence W2016L8-0001 was amended to include a ground water source on July 15, 2020 after the Type A Application was submitted.

⁴ According to the Licence, 'Unnamed Lake 1' and 'Unnamed Lake 2' are Water Source ID's 6 and 7 respectively

Meanwhile, the approved Fish and Fish Habitat Protection Plan (FFHPP) Version 1.1 provides the same total lake volumes for 'Peanut Lake' and 'Shallow Lake' as those provided for 'Unnamed Lake 1' and 'Unnamed Lake 2' in the Type A Application.⁵ The location of 'Peanut Lake' and 'Shallow Lake' appear to be consistent with the locations of 'Unnamed Lake 3' (Water source ID-8) and 'Unnamed Lake 4' (Water source ID-9), as defined by Water Licence W2016L8-0001.⁶ There appears to be a discrepancy between the water capacities/volumes provided in the Type A Application and the approved FFHPP Version 1.1.

- 1. Please clarify the discrepancy between the water capacity volumes provided in the Type A Application and the approved FFHPP (Version 1.1).**

Withdrawal Location of Water Source ID-9 and ID-13

Unnamed Lake 4 (i.e., Water Sources ID-9) and Unnamed Lake 8 (i.e., Water Source ID-13) of Appendix B of Version 1.1 of the FFHPP and the Licence are listed as two different waterbodies. However, based on the map provided in Appendix C of the FFHPP Version 1.1, it appears that Water Sources ID-9 and ID-13 are located within the same waterbody.⁷ Based on the coordinates provided in Appendix E, this waterbody appears to also be referred to as Peanut Lake and has a total lake volume of 219369.7 m³.⁸

- 2. Please confirm whether 'Unnamed Lake 4' (Water Source ID-9) and 'Unnamed Lake 8' (Water Source ID-13) are the same waterbody (i.e., both Peanut Lake). If not, please explain how these two are different and clarify which Unnamed Lake (i.e., Unnamed Lake 4 or Unnamed Lake 8) the bathymetry data provided for Peanut Lake in Appendix E applies to.**

Please submit this information for the Board's consideration by 5:00 pm MST on Wednesday, September 9, 2020. If you have any questions or concerns regarding the Information Request, please feel free to contact Anneli Jokela at ajokela@wlwb.ca or 867-765-4588.

Sincerely,



Anneli Jokela

Acting Executive Director, Wek'èezhìi Land and Water Board

Copied to: Tlichó All-Season Road Distribution List

⁵ See WLWB Online Registry for [W2016L8-0001 – TAsR – Fish and Fish Habitat Protection Plan – Version 1.1 – Aug 13 19](#); Appendix E – Bathymetry Data

⁶ Ibid; Appendix B – Water Sources and Withdrawal and [W2016L8-0001 - TAsR - Amendment - WL and SNP - Jul 15 20.pdf](#); Part C, Table 1

⁷ Ibid; Appendix C - Water Withdrawal Source Map

⁸ Ibid; Appendix E – Bathymetry Data