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### Staff Report

<b>Applicant:</b> Northwest Territories Power Corporation	
<b>Location:</b> Jackfish Power Generating Station	<b>File Number:</b> MV2019L1-0001
<b>Date Prepared:</b> May 15, 2020	<b>Date of Board Meeting:</b> May 28, 2020
<b>Subject:</b> Compliance date change request	

#### 1. Purpose

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board) a compliance date change request submitted by Northwest Territories Power Corporation (NTPC) for Water Licence (Licence) MV2019L1-0001.

#### 2. Background

- October 18, 2019 – Issuance of Licence MV2019L1-0001;
- April 23, 2020 – Request received;
- April 23, 2020 – Request deemed complete and review commenced;
- May 12, 2020 – Reviewer comments and recommendations due and received;
- May 15, 2020 – Responses due and received;
- **May 28, 2020 – Request presented to the Board for decision; and**
- October 17, 2044 – Expiration of Licence MV2019L1-0001.

#### 3. Discussion

On October 18, 2019, NTPC received a Type A Water Licence for the operation of the Jackfish Power Generating Facility (Jackfish). When the Licence was issued there were a number of items required to be submitted for Board approval.

On April 23, 2020, the Board received a request from NTPC to change the submission dates of the required reports and studies. The table below outlines the request put forward by NTPC.

Table 1: Submission Date Change Request

Condition	Plan/Report/Study	Submission Date	New Proposed Date
Part E, condition 4	Thermal Plume Delineation Study Design	90 days following effective date of this licence	May 29, 2020

Part E, condition 5	Thermal Plume Delineation Study Report	August 1, 2021	December 31, 2021
Part F, condition 2	AEMP Design Plan	November 1, 2021	March 31, 2022

The Licence also requires all volume and temperature measurements to be recorded continuously during periods of discharge, this required upgrades to the instrumentation. The current system allows for the temperature data to be recorded by not the continuous flow. The temperature and flow data are required for the initial design of the Thermal Plume Delineation Study Design to ensure that the correct area is being monitored.

NTPC initially met with Board staff and requested an extension to the submission date of the Thermal Plume Delineation Study for the ability to complete the instrumentation upgrade. However, to account for the COVID-19 delays and to allow time for current operation conditions to pass and/or detailed policies to be developed to complete work under current conditions NTPC is requesting the submission date change.

All of the changes that are being requested by NTPC are interconnected, the correct instrumentation is required for the completion of the Thermal Plume Study Design, and in turn NTPC will need the Thermal Plume Study Design to be approved to complete the work which will feed into the Thermal Plume Delineation Study Report which in turn assists with the design of the AEMP.

In the Licence, Part B, condition 13 states:

The Schedules and any compliance dates specified in this Licence may be updated at the discretion of the Board.

This condition Licence allows the Board to make change to the Schedules and submission dates without a public hearing or Ministerial approval, even though this is a Type A Water Licence.

#### 4. Comments

Board staff have worked with NTPC to ensure that the proposed schedule of the submissions will work with the information requirements needed to progress each of the Reports/Studies/Designs.

#### 5. Public Review

By May 12, 2020, comments and recommendations on the Request were received from 2 reviewers:

- Government of the Northwest Territories – Environment and Natural Resources; and
- North Slave Métis Alliance.

There were no concerns identified during the review of this Request.

#### 6. 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 a Crown Corporation, NTPC is exempt from paying security depositions or fees in relation to its hydro facility.

Security is not applicable to this Project as per section 94 of the *Mackenzie Valley Resource Management Act* (MVRMA) because the territorial government is not required to post security pursuant to section 71 of the MVRMA.

## 7. Conclusion

Based on the information provided in the application and the public review, the proposed changes are not likely to have a significant adverse impact on the environment or be a cause of public concern.

The draft Licence condition changes (highlighted) have been attached for the Board consideration.

Board staff conclude there are no outstanding issues or concerns with this Request.

## 8. Recommendation

Board staff recommend the Board:

- a) **Make a motion to** approve the change to the submission date for the Thermal Plume Delineation Study Design as required by Part E condition 4 to May 29, 2020 as requested by Northwest Territories Power Corporation for Licence MV2019L1-0001,
- b) **Make a motion to** approve the change to the submission date for the Thermal Plume Delineation Study Report as required by Part E, condition 5 to December 31, 2021 as requested by Northwest Territories Power Corporation for Licence MV2019L1-0001,
- c) **Make a motion to** approve the change to the submission date for the AEMP Design Plan as required by Part F, condition 2 to March 31, 2022 as requested by Northwest Territories Power Corporation for Licence MV2019L1-0001.

A draft decision letter is attached.

## 9. Attachments

- [MV2019L1-0001 – Water Licence](#)
- [Compliance Date Change Request from NWT Power Corporation](#)
- Review Summary and Attachments
- Draft Water Licence Cover Page
- Draft Water Licence Conditions
- Draft Decision Letter from the Board

Respectfully submitted,



Tyree Mullaney  
Regulatory Specialist

## Review Comment Table

<b>Board:</b>	MVLWB																
<b>Review Item:</b>	NTPC - Jackfish - Request for Extension of Submission Dates - MV2019L1-0001																
<b>File(s):</b>	<a href="#">MV2019L1-0001</a>																
<b>Proponent:</b>	Northwest Territories Power Corporation																
<b>Document(s):</b>	<a href="#">Request for Extension of Submission Dates</a> (1 MB)																
<b>Item For Review Distributed On:</b>	Apr 23 at 11:31 <a href="#">Distribution List</a>																
<b>Reviewer Comments Due By:</b>	May 12, 2020																
<b>Proponent Responses Due By:</b>	May 15, 2020																
<b>Item Description:</b>	<p>On October 18, 2019, Water Licence (Licence) MV2019L1-0001 was issued to Northwest Territories Power Corporation for the Jackfish Generating Facility in Yellowknife. The Licence includes conditions and requirements for various submissions. On April 23, 2020, NTPC requested that the compliance/submission dates be changed as there is a need to for instrumentation to be updated to assist in ensuring that all volume and temperatures measurement are recorded continuously during periods of discharges.</p> <p>Below you will find a table outlining the submission requirements as well as new proposed submission dates.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Condition</th> <th style="width: 35%;">Plan/Report/Study</th> <th style="width: 25%;">Submission Date</th> <th style="width: 25%;">New Proposed Date</th> </tr> </thead> <tbody> <tr> <td>Part E, condition 4</td> <td>Thermal Plume Delineation Study Design</td> <td>90 days following effective date of this licence</td> <td>May 29, 2020</td> </tr> <tr> <td>Part E, condition 5</td> <td>Thermal Plume Delineation Study Report</td> <td>August 1, 2021</td> <td>December 31, 2021</td> </tr> <tr> <td>Part F, condition 2</td> <td>AEMP Design Plan</td> <td>November 1, 2021</td> <td>March 31, 2022</td> </tr> </tbody> </table> <p>Using the Online Review System (ORS); reviewers are invited to submit comments and recommendation on the document listed 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>If you have any questions or comments regarding this review or the Online Review System, please contact Tyree Mullaney at <a href="mailto:tyree@mvlwb.com">tyree@mvlwb.com</a>.</p>	Condition	Plan/Report/Study	Submission Date	New Proposed Date	Part E, condition 4	Thermal Plume Delineation Study Design	90 days following effective date of this licence	May 29, 2020	Part E, condition 5	Thermal Plume Delineation Study Report	August 1, 2021	December 31, 2021	Part F, condition 2	AEMP Design Plan	November 1, 2021	March 31, 2022
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<b>Contact Information:</b>	Jen Potten 867-766-7468 Katherine Harris Tyree Mullaney 867-766-7464
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**Comment Summary**

<b>GNWT - ENR - EAM (Environmental Assessment and Monitoring): Central Email GNWT</b>				
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ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	General File	<b>Comment</b> ( <a href="#">doc</a> ) ENR Letter - No Comments or Recommendations at this time. <b>Recommendation</b>	-	-

<b>North Slave Metis Alliance: Jess Hurtubise</b>				
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ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	Extension Request	<b>Comment</b> NSMA does not have any concerns with the requested extension, due to the extenuating circumstances caused by COVID-19. <b>Recommendation</b> No recommendations.	-	-



May 12, 2020

Jen Potten  
Regulatory Coordinator  
Mackenzie Valley Land and Water Board  
7<sup>th</sup> Floor – 4910 50<sup>th</sup> Avenue  
P.O. Box 2130  
Yellowknife, NT  
X1A 2P6

Dear Ms. Potten,

**Re: Northwest Territories Power Corporation (NTPC)  
Water Licence – MV2019L1-0001  
Jackfish - Request for Extension of Submission Dates  
Request for Comments**

The Department of Environment and Natural Resources, Government of the Northwest Territories has reviewed the request 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 has no comments or recommendations for the consideration of the Board at this time.

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](mailto:patrick.clancy@gov.nt.ca).

Sincerely,

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