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November 10, 2022

File: MV2022L8-0006

S22L8-003

S22L8-004

S22L8-005

S22L8-006

Alexis Campbell
Government of the Northwest Territories
Department of Infrastructure
Box 1320
Yellowknife NT X1A 2L9

Sent by e-mail

Dear Alexis Campbell,

Re: Winter Road – Water Licence – New Applications – Miscellaneous

On September 13, 2022, Mackenzie Valley Land and Water Board and the Sahtu Land and Water (Board) staff received the Application Packages (Applications) for new Water Licences (Licences) MV2022L8-0006, S22L8-003, S22L8-004, S22L8-005, SL8-006¹ for the Mackenzie Valley Winter Road from the Government or the Northwest Territories – Department of Infrastructure (GNWT – INF).

Board staff have reviewed the Applications and have determined that a singular Type A Water Licence should be applied for as the Applications as submitted are interconnected and are dependent on each other. Considering the path moving forward, Board staff recommend that GNWT – INF withdraw the current Applications submitted to the Mackenzie Valley Land and Water Board and the Sahtu Land and Water Board and move forward with one Type A Water Licence for the entirety of the Winter Road.

¹ See the MLWB SLWB Online Registry www.mvlwb.com www.slwb.com for [MV2022L8-0006](#), [S22L8-003](#), [S22L8-004](#), [S22L8-005](#), [S22L8-006](#)

Board staff recommend that GNWT - INF refer to the Application Form² and the Land and Water Boards' *Guide to the Water Licensing Process (Guide)*³ for further guidance on the submission of a Type A Water Licence.

Board staff also recommend that GNWT – INF apply for one Land Use Permit to cover the following activities that support the continuous and ongoing operation and maintenance of the Mackenzie Valley Winter Road listed under the *Highways Act* as Commissioners Land for the Government of the NWT and as part of the NWT public highway system within the permit area defined as a 2 km width right-of-way, measured as 1 km left and right of the centerline of the existing public highway/roadway along the entire length of the permit area, including access roads:

- a) Roadway embankment and bridge and culvert maintenance and replacement, winter road and ice bridge construction and maintenance, and other summer to fall road improvement or highway infrastructure maintenance projects;
- b) Geotechnical drilling of boreholes to assess engineering properties of soils and test pits for granular materials assessments;
- c) Place and maintain granular stockpiles at existing or approved quarry sites;
- d) Development and use of temporary construction work/camps at existing quarry or approved quarry sites;
- e) Temporary storage of maintenance and operations equipment at the various existing quarry or other previously developed sites;
- f) Access and use of water sources, as approved;
- g) Development and extraction of granular borrow materials, common materials, blast rock, rip-rap, clay, sand and gravel from areas outside the existing 60-m wide public highway corridor through applications to GNWT – Department of Lands for quarry permits; and
- h) Drainage channel construction outside the existing 60-m wide public highway corridor.

Board staff recommend that GNWT - INF refer to the Application Form⁴ and the Land and Water Boards' *Guide to the Land Use Permitting Process (Guide)*⁵ for further guidance on the submission of a Type A Land Use Permit.

Please contact Bonnie Bergsma via [email](#) or at (519) 289-3380 with any questions or concerns regarding this letter.

Yours sincerely,



Bonnie Bergsma
Regulatory Coordinator - Specialist

² See the MLWB Apply for Permit/Licence webpage for the Water Licence [Application Form](#)

³ See the MLWB Policies and Guidelines webpage for the MVLWB [Guide to the Water Licensing Process](#).

⁴ See the MLWB Apply for Permit/Licence webpage for the Land Use Permit [Application Form](#).

⁵ See the MLWB Policies and Guidelines webpage for the MVLWB [Guide to the Land Use Permitting Process](#).

BCC'd to: Dustin Dewar – Manager – Highway Operations
 Wendy Bidwell – Inspector, GNWT-ENR
 Rick Walbourne – Manager, Water Resources, GNWT-ENR
 Jeffery Walker – Regional Superintendent, GNWT-ENR-Sahtu
 Danielle Rogers – Manager, Land Resources, GNWT – ENR – Dehcho
 Trevor Bremner – Manager, Land Resources, GNWT-Sahtu
 Jonathan Gillingham, Land Use Inspector, Sahtu

Attachment: Table 1: Minimum Requirements for the Submission of a Type A Water Licence Application
 Table 2: Minimum Requirement for the Submission of a Type A Land Use Permit
 Application

Table 1: Minimum Requirements for the Submission of a Type A Water Licence Application

Topic	Information Required
Board	1) On the Application Form, indicate which Board the Application is being made to.
Accompanying Applications	2) On the Application Form, indicate if the Application is accompanied by another application for a water licence and/or land use permit.
Name and Contact Information – Applicant	3) The name on the Application Form must be the full legal name of the Applicant.
Name and Contact Information – Corporate Head Office	4) The name on the Application Form to include Corporate Head Office
Traditional Place Name	5) On the Application Form, provide the Traditional Indigenous place name for the Project location.
Map(s)	<p>6) Provide an overview and detailed map(s), identifying local geographic features, watercourses and water sources, project structures, and location(s) of any proposed waste deposits.</p> <p>7) On the Application Form, provide the NTS map sheet number(s).</p>
Geographic Coordinates	<p>8) On the Application Form, provide geographic coordinates (latitude and longitude) for Project features.</p> <p>9) On the Application Form, provide geographic coordinates (latitude and longitude) for the maximum and minimum Project boundary.</p>
GIS data	<p>10) Provide GIS data for the following features:</p> <ul style="list-style-type: none"> a) Proposed route for ice road; b) Proposed camp location(s); and c) Any other proposed Project features in the Application. <p>11) Submit GIS data in a format that is compatible with the latest version of ArcMap Desktop (i.e., Vector or Raster data).</p> <p>12) The data projection should be the same as the map projection.</p> <p>13) Submit the metadata (.xml) for the GIS dataset</p> <p>14) Submit the attribute data table (.dbf) for the GIS dataset to include fields and/or information that reflects the Application.</p>
Land Type(s)	<p>15) On the Application Form(s), indicate the type(s) of land on which the activities are proposed.</p> <ul style="list-style-type: none"> • free hold/private-owned areas; • commissioner’s/territorial areas;

Topic	Information Required
	<ul style="list-style-type: none"> • federal areas; • municipal areas.
Project Description	16) On the Application Form, or in an attachment, provide a complete description and summary of the proposed Project.
Water Licensing Criteria	17) On the Application Form, describe the rationale for selecting “Other” water licensing criteria.
Quantity of Water Involved	18) On the Application Form to include the following information for each water source: <ol style="list-style-type: none"> a) Purpose of each proposed water use; b) Name and type; c) Location; d) Geographic coordinates; e) Proposed volume and rate of withdrawal; f) Available capacity; g) Other users, if any; h) Comparison of proposed water use to available capacity; and i) Treatment or mitigation methods that will be used to ensure the quality of the water that will be returned to the source.
Waste Management Plan	19) Prepare a Waste Management Plan and include it in the Application.
Off-Site Disposal	20) If waste is proposed to be disposed of off-site within the Northwest Territories. It is recommended that written confirmation (e.g., an email, letter, etc.) be submitted from the facility/facilities indicating they will accept the waste.
Erosion and Sedimentation Management Plan	21) Prepare an Erosion and Sediment Management Plan and include it in the Application.
Permafrost Protection Plan	22) Prepare a Permafrost Protection Plan and include it in the Application.
Existing Water Users Affected by this Project	23) On the Application Form, describe engagement efforts to date with any existing water users (e.g., licensees, persons, or organizations) and any associated possible claims for compensation or

Topic	Information Required
	compensation agreements. Include relevant names and locations of each identified water user.
Preliminary Screening – Rationale for Exemption	24) Clarify if an exemption from preliminary screening is proposed, with supporting rationale. Review and consider the previous preliminary screenings conducted for the Project.
Potential Environmental Impacts and Proposed Mitigation Measures	25) Describe all potential impacts and proposed mitigations. Indicate whether any of the mitigation measures have been developed as a result of input from potentially affected parties.
Spill Contingency Plan	26) Prepare a Spill Contingency Plan and include it in the Application.
Name and Contact Information – Contractors and Sub-contractors	27) On the Application Form, include the names, responsibilities, and company contact information for all supporting contractors.
Studies Undertaken to Date	28) Information to support the Project such as updated Environmental Impact Statements, Bathymetric Data and/or volume and flow measurements for proposed water sources and any other information that would support the Project. Bathymetric data is to be submitted in a format compatible with Arc Map Desktop.
Proposed Project Schedule	29) On the Application Form, include the: <ul style="list-style-type: none"> a) Proposed Project start and end dates; b) Time of year the proposed Project activities are planned to occur; c) Description of the proposed Project schedule; and d) Timing of any anticipated temporary closures or seasonal shutdowns.
Proposed Licence Term	30) On the Application Form, specify the length of term requested for the licence, including rationale.
Engagement	31) Include an Engagement Record and Engagement Plan in the Application.

Topic	Information Required
	32) Identify any private landholders or leaseholders in the vicinity of the proposed Project to ensure that engagement includes all potentially affected parties.
Eligibility	<p>33) Contact– federal, territorial, Indigenous governments, and/or other parties] to obtain permission from the landowner and/or to establish access for the proposed Project. Include copies of any required authorizations with the Application(s).</p> <p>34) Provide land tenure references/descriptions that align with the excluded parcels and/or existing interests listed in:</p> <ul style="list-style-type: none"> • Chapter 21 of the <i>Déjłne Final Self Government Agreement</i>.⁶ • Chapter 19 of the <i>Sahtu and Dene Comprehensive Land Claim Agreement</i>.⁷ <p>35) Provide proof of access to Sahtu Lands from the applicable Land Claim Corporation or other designated Sahtu organization as provided for in Chapter 19 of the <i>Sahtu Dene and Métis Comprehensive Land Claim Agreement</i>.⁸</p> <p>36) Provide proof of access to Settlement Lands from the Déjłne Got'ine Government.</p>
Land Use Plans	37) Include a Land Use Plan Conformity Table in the Application, demonstrating how the proposed Project will meet the requirements of the <i>Sahtu Land Use Plan</i> .
Traditional Knowledge	<p>38) Provide up to date Traditional Knowledge (TK) or provide written notification from the Sahtu District Renewable Resources Councils that a TK Study is not required for this Project. The TK Study shall include, but not be limited to, the following:</p> <ol style="list-style-type: none"> a) Information from the families, clans, or individuals that use/d the area; b) Information about any changes observed over the past 10 to 15 years at the proposed water sources such as changes in timing of flow, quantity, ice formation, blowouts, wildlife and fish habitat and use, etc., c) Traditional Names of water sources, where applicable,

⁶ See the MLWB Acts and Regulations webpage to access the [Déjłne Final Self Government Agreement](#).

⁷ See the MLWB Acts and Regulations webpage to access the [Sahtu Dene and Metis Comprehensive Land Claim Agreement](#). Chapter 19. Page 82-87

⁸ See the MLWB Acts and Regulations webpage to access the [Sahtu Dene and Metis Comprehensive Land Claim Agreement](#). Chapter 19. Page 82-87.

Topic	Information Required
	<p>d) Maps indicating trails, migration routes, burial sites, sensitive areas, traditional areas for harvesting plants and animals, camp sites, and/or traditional boundaries; and</p> <p>e) List of people talked to, dates of meetings, and questions asked.</p> <p>Applicants are strongly encouraged to contract the local Renewable Resources Councils (Fort Norman RRC, Norman Wells RRC, Fort Good Hope RRC, Déljñę RRC, Behdzi Adá First Nation RRC) to conduct a TK Study for the Application. The TK Study can be submitted under confidential cover for the Board’s consideration.</p>
Facilities – Watercourse Crossings	39) On the Application Form, include the specific information required for all watercourse crossings, including width and type of crossing required.
Facilities – Camps or Lodges	40) On the Application Form, include the specific information required for camps or lodges.
Closure and Reclamation Plan	41) Develop a Closure and Reclamation Plan, including any temporary closure(s), seasonal shutdowns, and progressive reclamation activities and include it in the Applications.
Wildlife Management and Monitoring Plan	42) Contact GNWT-Environment and Natural Resources for guidance on whether a Wildlife Management and Monitoring Plan may be required
Signature	43) Sign and date the Application Form.
Submission Format	44) Submit the Application Form(s) and Plan(s) in accordance with the Land and Water Boards’ <i>Document Submission Standards</i> ⁹ and <i>Standard Outline for Management Plans</i> . ¹⁰

⁹ See the MLWB Policies and Guidelines webpage for the MVLWB [Document Submission Standards](#).

¹⁰ See the MLWB Policies and Guidelines webpage for the MVLWB [Standard Outline for Management Plans](#).

Table 2: Minimum Requirements for the Submission of a Type A Land Use Permit Application

Topic	Information Required
Board	1) On the Application Form, indicate which Board the Application is being submitted to.
Accompanying Licence Application	2) On the Application Form, indicate if the Application is accompanied by an application for a water licence.
Name and Contact Information – Applicant	3) The name on the Application Form and the rights and/or contracts to support eligibility must match and must be the full legal name of the Applicant.
Name and Contact Information – Applicant’s Head Office	4) The name on the Application Form to include Corporate Head Office
Name and Contact Information – Contractors and Sub-contractors	5) On the Application Form, include the names, responsibilities, and company contact information for each contractor and contractor. If this information is not available indicate when information will be available
Traditional Place Name	6) On the Application Form, provide the traditional Indigenous place name for the Project location.
Maps	7) Provide an overview and detailed map, identifying local geographic features, watercourses and water sources, project structures, and location(s) of any proposed waste deposits. 8) On the Application Form, provide the NTS map sheet number(s).
Geographic Coordinates	9) On the Application Form, provide geographic coordinates (latitude and longitude) for Project features. 10) On the Application Form, provide geographic coordinates (latitude and longitude) for the maximum and minimum Project boundary.
GIS Data	11) Provide GIS data for the following features: a) Proposed route for ice road; b) Proposed camp location; and c) Any other proposed Project features in the Application. 12) Submit GIS data in a format that is compatible with the latest version of ArcMap Desktop (i.e., Vector or Raster data). 13) The data projection should be the same as the map projection. 14) Submit the metadata (.xml) for the GIS dataset. 15) Submit the attribute data table (.dbf) for the GIS dataset to include fields and/or information that reflects the Application.

Topic	Information Required
Land Type	<p>16) On the Application Form, indicate the type(s) of land on which the activities are proposed.</p> <ul style="list-style-type: none"> • free hold/privately-owned areas; • commissioner’s/territorial areas; • federal areas; • municipal areas.
Eligibility	<p>17) On the Application Form, indicate eligibility under section 18 of the MVLUR.¹¹</p>
Rights and/or Contracts to Support Eligibility	<p>18) In the Application, list and attach copies of authorization(s) that support eligibility under section 18 of the MVLUR¹² (i.e., mineral or exploration rights, quarry permits, timber permits, leases, right of access (e.g., access agreements) etc.).</p> <p>19) Contact federal, territorial (i.e., GNWT-INF re access), Indigenous governments, and/or other parties] to ensure all appropriate rights, authorizations, permissions, dispositions, and contracts have been obtained or are in the process of being obtained.</p> <p>20) On the Application Form, list other authorizations that relate to the proposed activities (e.g., rights, permits, licences, etc.). Copies of these authorizations are not required.</p> <p>21) Provide land tenure descriptions that align with the excluded parcels and/or existing interests listed in</p> <ul style="list-style-type: none"> • Chapter 21 of the <i>Déjñę Final Self Government Agreement</i>.¹³ • Chapter 19 of the <i>Sahtu and Dene Comprehensive Land Claim Agreement</i>.¹⁴ <p>22) Provide proof of access to Sahtu Lands from the applicable Land Claim Corporation or other designated Sahtu organization as provided for in Chapter 19 of the <i>Sahtu Dene and Métis Comprehensive Land Claim Agreement</i>.¹⁵</p> <p>23) Provide proof of access to Settlement Lands from the Déjñę Got’ine Government.</p>

¹¹ See the MLWB Acts and Regulations webpage to access the [MVLUR](#).

¹² See the MLWB Acts and Regulations webpage to access the [MVLUR](#).

¹³ See the MLWB Acts and Regulations webpage to access the [Déjñę Final Self Government Agreement](#).

¹⁴ See the MLWB Acts and Regulations webpage to access the [Sahtu Dene and Métis Comprehensive Land Claim Agreement](#). Chapter 19. Page 82-87

¹⁵ See the MLWB Acts and Regulations webpage to access the [Sahtu Dene and Métis Comprehensive Land Claim Agreement](#). Chapter 19. Page 82-87.

Topic	Information Required
Permit Type and Criteria	<p>24) Refer to sections 4 and 5 of the MVLUR,¹⁶ and indicate on the Application Form to select all applicable permitting criteria, including:</p> <ul style="list-style-type: none"> a) Explosives (subsection 4(a)(i) or 5(a)(i)); b) Use of vehicles or machines (subsection 4(a)(ii) or 5(a)(ii); 4(b)(i) or 5(b)(i); 4(b)(iv)); c) Storage of fuel (single container) (subsection 4(a)(iii) or 5(a)(iv)); d) Establishment of fuel storage facility (subsection 4(b)(iii) or 5(a)(iii)); e) Moving earth or clearing land (subsection 4(a)(iv)); f) Lines, trails, or right-of-ways (subsection 4(a)(v) or 5(a)(v)); g) Campsites (subsection 4(b)(ii) or 5(b)(ii)); h) Buildings (subsection 5(a)(vi))
Project Description	<p>25) On the Application Form, or in an attachment, provide a complete description and summary of the proposed Project.</p>
Hectares	<p>26) On the Application Form, indicate the total number of hectares to be used in each phase of the proposed Project, as well as through the life of the Project.</p>
Camp	<p>27) On the Application Form, describe the proposed camp size and layout, including the:</p> <ul style="list-style-type: none"> a) Location and distance from any watercourse; b) Number, type, and dimension of structures; c) Number of people to be stationed in the camp and the duration of their stay; d) Number of person-days; <p>Explain, with rationale, any variations in this information throughout the duration of the proposed activities.</p>
Roads and Access	<p>28) Provide detailed information about the construction, location, and decommissioning of any roads and/or accesses.</p> <p>29) On the Application Form, indicate if the road is to be newly pioneered.</p>

¹⁶ See the MLWB Acts and Regulations webpage to access the [MVLUR](#).

Topic	Information Required
	30) On the Application Form, indicate if road has been ground-truthed.
Waste Management Plan	31) Prepare a Waste Management Plan and include it in the Application.
Garbage	32) On the Application Form, provide detailed information about how waste will be managed if not noted in the Waste Management Plan
Sewage	33) On the Application Form provide detailed information about how Sewage will be managed
Brush and Trees	34) On the Application Form, provide detailed information about harvesting, storing, and salvaging brush and timber.
Overburden	35) On the Application Form, provide detailed information about salvaging, storing, and reuse of overburden and organic materials.
Off-Site Disposal	36) If waste is proposed to be disposed of off-site within the Northwest Territories. It is recommended that written confirmation (e.g., an email, letter, etc.) be submitted from the facility/facilities indicating they will accept the waste.
Equipment	37) On the Application Form, include the number, type, and weights of equipment; and proposed uses.
Fuels	38) On the Application Form, include the number, type, and capacity of the containers proposed for each fuel type listed. 39) On the Application Form, describe the "Other" type of fuel identified, including the number and capacity of container(s) proposed, and proposed storage or staging location.
Methods of Fuel Transfer	40) On the Application Form, describe the proposed methods of fuel transfer from the containers identified in Item #13 on the Application Form into equipment identified in Item #12.
Spill Contingency Plan	41) Prepare a Spill Contingency Plan and include it in the Application.
Proposed Project Schedule	42) On the Application Form, include the: a) Proposed Project start and end dates; b) Time of year the proposed Project activities are planned to occur; c) Description of the proposed Project schedule; and/or

Topic	Information Required
	d) Timing of any anticipated temporary closures or seasonal shutdowns.
Proposed Permit Term	43) On the Application Form, specify the length of term requested for the permit, including rationale.
Preliminary Screening – Rationale for Exemption	44) Indicate if an exemption from preliminary screening is proposed, with supporting rationale. Review and consider the previous preliminary screenings conducted for the Project.
Potential Environmental Impacts and Proposed Mitigation Measures	45) Describe all potential impacts and proposed mitigations. Indicate whether any of the mitigation measures have been developed as a result of input from potentially affected parties.
Wildlife Management and Monitoring Plan	46) Contact GNWT-Environment and Natural Resources for guidance on whether a Wildlife Management and Monitoring Plan may be required
Closure and Reclamation Plan	47) Develop a Closure and Reclamation Plan, including any temporary closure(s) and seasonal shutdowns, and include it in the Application.
Engagement	48) Include an Engagement Record and Engagement Plan in the Application. 49) Identify any private landholders or leaseholders in the vicinity of the proposed Project to ensure that engagement includes all potentially affected parties.
Land Use Plans	50) Include a Land Use Plan Conformity Table in the Application, demonstrating how the proposed Project will meet the requirements of the <i>Sahtu Land Use Plan</i> .
Traditional Knowledge	51) Provide Traditional Knowledge (TK) or provide written notification from the Sahtu District Renewable Resources Council that a TK study is not required for this Project. The TK study shall include, but not be limited to, the following: a) Information from the families, clans, or individuals that use/d the area; b) Maps indicating trails, migration routes, burial sites, sensitive areas, traditional areas for harvesting plants and animals, camp sites, and/or traditional boundaries; and

Topic	Information Required
	<p>c) List of people talked to, dates of meetings, and questions asked.</p> <p>Applicants are strongly encouraged to contract the local Renewable Resources Councils to conduct a TK Study for the Application, The TK Study can be submitted under confidential cover for the Board’s consideration.</p>
Studies Undertaken to Date	52) Information to support the Project such as updated Environmental Impact Statements, Bathymetric Data and any other information that would support the Project.
Signature	53) Sign and date the Application Form.
Submission Format	54) Revise the Application in accordance with the Land and Water Boards’ <i>Document Submission Standards</i> ¹⁷ and <i>Standard Outline for Management Plans</i> . ¹⁸

¹⁷ See the MLWB Policies and Guidelines webpage for the MVLWB [Document Submission Standards](#).

¹⁸ See the MLWB Policies and Guidelines webpage for the MVLWB [Standard Outline for Management Plans](#).