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Staff Report

Applicant: Great Bear Lake Lodge Ltd.	
Location: Dease Arm, Great Bear Lake Lodge, NT	File Number(s): S24L3-001
Date Prepared: May 17, 2024	Date of Board Meeting: June 3, 2024
Subject: Renewal Type B Water Licence for Outfitting Camp	

1. Purpose

The purpose of this report is to present to the Sahtu Land and Water Board (SLWB or the Board) the following submissions/Application for Board consideration by the applicant:

- a) A [Water Licence \(Licence\) renewal Application](#) submitted by Great Bear Lake Lodge Ltd. (GBLL);
- b) Seek confirmation on preliminary screening exemption;
- c) Consider the Waste Management Plan;
- d) Consider the Spill Contingency Plan;
- e) Consider the Engagement Plan and Engagement Log; and
- f) Consider the Closure and Reclamation Plan

2. Summary of Recommendations

After reviewing the Application and the evidence gathered during the regulatory proceeding and public review, Board staff has made the following recommendations:

- To approve the Type B Water Licence S24L3-001 for a term of 10 years and associated Reasons for Decisions;
- Confirm the Application Request for Water Licence S24L3-001 is exempt from preliminary screening as per the Exemption List Regulations;
- To require revisions to the Waste Management Plan Version 3.0 of which the Applicant must submit as Version 4.0 of the Plan by December 1, 2024 for a conformity confirmation;
- To require revisions to the Spill Contingency Plan Version 4.1, which the Applicant must submit as Version 5.0 of the Plan within 90 days of the effective date of the Licence for a conformity confirmation; and
- To require revisions to the Closure and Reclamation Plan Version 4.0 which the Applicant must submit as Version 5.0 of the Plan by December 1, 2024 for a conformity confirmation.
- To require revisions to the Engagement Log and Plan Version 1.0 which the Applicant must submit as Version 2.0 of the Plan by December 1, 2024 for a conformity confirmation.

3. Background

On February 29, 2024, the Applicant submitted an application for a renewal Licence S24L3-001 (the Application). The Application is to continue operation of Great Bear Lake Lodge (GBLL), a seasonal fishing lodge in Dease Arm of Great Bear Lake, NT. The scope of the Licence has not changed, and is for the use of water and disposal of waste associated with the operation of a camp (municipal undertaking) with the capacity to serve up to approximately 80 occupants. Water is obtained from Great Bear Lake. Sewage is disposed of in septic tanks; fluids from the septic tanks are then pumped into a gravel filtration field, and at the end of the operating season, sewage solids are removed from the tanks and buried near the gravel filtration field. Kitchen waste is fed to employee's dogs, paper and untreated wood is incinerated and ash is buried near the gravel filtration field once per year. Any hazardous wastes and household recyclables are removed for disposal in Yellowknife. These activities are located outside of federal areas within the Sahtu Settlement Area – Délinę District.

The Great Bear Lake Lodge has been operating at its present location since 1967 with Plummer's Artic Lodges. The lodge has the capacity to serve up to approximately 50 guests managed and operated with 30 staff personnel. The lodge operates from late June to mid-September annually under a Government of the Northwest Territories (GNWT) Tourism Operator Licence with permission for use of lands granted under NWT Lease 86L/12-2-5 which expires February 1, 2033. There is also a land use permit (S21F-002 – expires August 3, 2024) for the existing private road, quarry, and use of heavy equipment and fuel transfer. GBLL has previously held Licences S02L3-001 (2004-2009), S12L3-002 (2012-2018), S17L3-001 (2018-2019), S19L3-001 (2019-2024). GBLL has previously held Permits S01F-005 (2001-2008), S08F-001 (2008-2013), S16F-001 (2016-2021), and S21F-002 (2021-2024). A preliminary screening of the Project was conducted on June 4, 2012¹.

The Regulatory Process Timeline for this application is as follows:

- February 29, 2024 - Application received for Licence S24L3-001;
- March 19, 2024 - Application deemed complete and review commenced for application and draft water licence;
- April 9, 2024 – Reviewer comment period extended for 2-weeks since reviewers experiencing issues accessing files on the ORS;
- April 25, 2024 – Reviewer comments and recommendations on application and draft Licence conditions due and received;
- May 7, 2024 – Responses due and received; and
- May 28, 2024 - Expiration of Licence S19L3-001
- June 3, 2024 – Application presented to the Board for decision.

3.1.Type of Area

This Project is in a non-federal area.

¹ See SLWB Online Registry for [S12L3-002 – Preliminary Screening – Jun 04 12.pdf](#).

3.2.Fees

There are no water use fees set out in the [Waters Regulations](#) for municipal water use.

3.3.Term

The Applicant has applied for a term of ten years for the Licence. Subsection 26(2) of the [Waters Act](#) allows for a licence term of not more than 25 years (type B) or the duration of the undertaking (type A). Board staff recommend that the appropriate term for the Licence is ten years, similar to other projects of scope and size.

3.4.Preliminary Screening

On June 3, 2024, the Board met and reviewed the preliminary screening conducted for the Project on June 4, 2012² for Licence S12L3-002. On March 6, 2019, the Board determined that GBL Application for Licence S19L3-001 was exempt from preliminary screening³. GBL requested in their Application for Licence S24L3-001 to be exempted from preliminary screening as there have been no major changes to the operation since the previous Licence Application.

To be exempt from a preliminary screening, a development must meet the requirements outlined in Schedule 1, Part 1, section 2 of the Exemption List Regulations annexed to subsection 143(1) of the Mackenzie Valley Resource Management Act which states:

A development, or part thereof, for which renewal of a permit, licence or authorization is requested that

a) has not been modified; and

b) has fulfilled the requirements of the environmental assessment process established by the Mackenzie Valley Resources Management Act, the Canadian Environmental Assessment Act or the Environmental Assessment Review Process Guidelines Order.

Board staff are of the opinion that the location and activities proposed for Licence S24L3-001 are the same as Licence(s) S19L3-001 and S12L3-002, and therefore this application should be exempt from additional screening. A draft Preliminary Screening Determination and Reasons for Decision is attached for the Board's consideration.

The Board is satisfied that the requirements of Part 5 of the [MVRMA have been met for the Project.](#)

4. Summary of Main Issues During the Public Review/Regulatory Processing

The Staff Report focuses primarily on the following key issues raised during the regulatory proceeding/public review and are as follows:

Standard Draft Licence conditions relating to:

² See SLWB Online Registry for [S12L3-002 – Preliminary Screening – Jun 04 12.pdf](#).

³ See SLWB online Registry - [S19L3-001 Reasons for Decision – May 17 19](#)

- 1. Part H: MATERIAL STORAGE – ORDINARY HIGH-WATER MARK
- 2. Part C: POST SECURITY DEPOSIT
- 3. Part 1: CLOSURE AND RECLAMATION PLAN – REVISED
- 4. Part F: WASTE MANAGEMENT PLAN – REVISED
- 5. Part H: SPILL CONTINGENCY PLAN – REVISED
- 6. Part E: STRUCTURE DESCRIPTION AND CONSTRUCTION PLAN and Schedule 4
- 7. Part B: ENGAGEMENT PLAN and LOG – REVISED

4.1.Part H: MATERIAL STORAGE – ORDINARY HIGH-WATER MARK

The intent of this Condition is to provide a buffer to prevent fuel spills from impacting surface Water. The standard version of this condition, with a 100 m setback, was not included in the draft Licence conditions distributed for public review. Reviewer feedback from GNWT-ECC (Comment #3, #10) indicates a request this Standard Condition be included and for GBL to work with the Regional Water Resource Officer to gain compliance with the condition, with a potential minimum 30 m set-back.

The Applicant acknowledged these comments but requests an exemption to the fuel-storage distances in the Licence and subsequent inspection reports, as (3) fuel storage tanks and associated infrastructure are less than 30 m from the ordinary high-water mark.

Board staff note the Third-Party report submitted with the [2022 Annual Report](#) regarding this setback condition. The conclusion of this report was that the risk of moving the fuel tanks and the associated infrastructure (fuel lines, generators, etc.) was a greater environmental risk than the current location of the modern (2019) double-walled fuel tanks situated within appropriate volume lined containment cells.

The Board, when considering the application, may authorize fuel storage within 100 meters of Water under specific conditions (e.g., if moving fuel further poses a risk of leak/spills, if there is a hill separating fuel from water, etc.). The Spill Contingency Plan shows a map of the (3) fuel tanks that lie within the 30 m setback. The condition has been included in the Water Licence conditions with updated wording *‘The Licencee shall not establish any fuel storage facilities or refueling stations, or store chemicals or Wastes within 30 meters of the Ordinary High-Water Mark of any Watercourse, except in accordance with the approved Spill Contingency Plan.’* The Board will need to make a decision on whether to include this condition and/or determine a setback distance.

4.2.Part C: POST SECURITY DEPOSIT

There were concerns about the Applicant’s closure cost estimate for the Security Deposit raised during the regulatory proceeding by SRRB (Comment #7) and GNWT-ECC (Comment #11) which recommended a RECLAIM security be provided and circulated for review by parties once a revised Closure and Reclamation Plan is submitted to the Board. The Applicant acknowledged to improving the details of the Closure and Reclamation Plan but did not agree to updating the security amount at this time, as there are no changes to the operation since the last Licence renewal or plans to cease operations since the last Security Deposit review.

As part of the proceeding for the previous Licence S19L3-001 and Permit S21F-002 (associated with the private road and fuel storage for the Lodge), the Security Deposit in the amount of \$20,000 and \$15,000 respectively, was required to ensure that restoration of the site and any necessary measures that may be required after discontinued use of the lands can be covered addressing concerns regarding facility integrity. These deposits are consistent with the intent of meeting the Conformity Requirement #12 (Financial Security) of the Sahtu Land Use Plan. A comparable project and accepted Security Deposit to this Licence is the Great Slave Lake Lodge. The Licence (MV2022L3-003) in this case holds an accepted total closure cost estimate of \$16,300, using the RECLAIM model.

Consistent with recent Board practice, the Board has placed the land-related liability amounts under the Permit and the water-related liability amounts under the Licence: \$15,000 is required under the Permit S21F-002 (renewal in 2024), and \$20,000 is required under the Licence.

Like other licences, the Licence includes standard conditions that allow the Board to request an updated closure cost estimate from the Licensee at any time, and to adjust the security amount at any time, based on available information. The Board expects the Licensee to work with the landowner during the development of any closure cost estimate revisions, to ensure their concerns and recommendations are addressed. The Board will need to make a decision on whether to accept the current condition of POST SECURITY DEPOSIT.

4.3.Part I: CLOSURE AND RECLAMATION PLAN - REVISED

The Licensee included a CRP (Version 4) with the Application, which was previously approved under GBLL's Licence S19L3-001. During the public review of the renewal Application there were comments from SRRB (Comment #7) and the GNWT-ECC (Comment #11) requesting expanded details, schedules, planning and logistics of the closure and reclamation work and an updated RECLAIM estimate. The Applicant acknowledged this and will work to improve the CRP for submission along the same timeline as the Annual Report (December 1, 2024).

The Board acknowledges that GBLL is currently operational and holds a long-term lease with the GNWT. Part I, Condition 2 and Schedule 5, Condition 1 requires the submission of a detailed final Closure and Reclamation Plan, six months in advance, should GSSL plan to commence any closure and reclamation activities. This submission will ensure that any updates to closure and reclamation planning are approved prior to these activities commencing.

Revisions Required: The Board requires that the Licensee revise the CRP and submit Version 5.0 by December 1, 2024 to reflect the Project activities and to include the following:

- Expanded details on the Closure Plan;
- Expanded details Schedules;
- Expanded details on the Planning and Logistics; and

- RECLAIM estimate.

4.4.Part F: WASTE MANAGEMENT PLAN – REVISED

Comments were received during the review period from SRRB (Comment #4, #5, #6) and GNWT-ECC (Comment #5, #6, #7, #8) for clarification on items related to the Waste Management Plan. The updates considered are listed below and will be included in a revised version of the Waste Management Plan.

Revisions Required:

- GPS location(s) of the greywater lines and add to the map shown in Appendix A
- the GPS location of the waste pit that is east of the gravel filtration field, where the ash and solid sewage are buried, and add to the map shown in Appendix A
- photos of the Septic Tanks and Pumps used in the system in the Waste Management Plan
- dimensions, details, and photos of the incinerator
- Remove statement from the Plan ‘The Lodge has been in operation at its current location since 1968 with no negative effect on the surrounding environment or neighbouring community.’

4.5.Part H: SPILL CONTINGENCY PLAN – REVISED

During the review, there were comments on the Spill Contingency Plan from GNWT-ECC (Comments #2, #4, and #9). The updates considered are listed below and will be included in a revised version of the Spill Contingency Plan.

Revisions Required:

- Section 1.2 - Update the contact name of the Manager of Wildlife and Environment
- Section 1.2 - Update the contact name of the Water Resource Officer
- Section 1.8, 1.7, 3.1, and 3.2 - Add in Raw Sewage
- Section 1.10 - Update the link to function for the NWT Spill Report form

4.6.Part E: STRUCTURE DESCRIPTION AND CONSTRUCTION PLAN and Schedule 4

During the review period, there were comments from GNWT-ECC (Comments #6, #7) recommending an engineered drawing and design report be provided to understand how the grey water and sewage waste is being pumped into the gravel filtration field, and where the solids are being buried. The applicant responded that the sewage solids are removed using a truck and trailer unit at the end of each season, and that the greywater lines are inspected daily. Board staff note that details on this system are in the Waste Management Plan with a schematic showing the general location of the greywater lines to the gravel filtration field. As such, the Applicant did not agree to having engineered drawings created for this system, and explained these lines are inspected daily by staff and during the annual inspections. As well, a separate project Great Slave Lake Lodge, which is a similar operation of size and scope, has approved this condition without the requirements of engineered drawings of their waste facilities.

Board staff consider for this size and scope of this Project, the draft water licence conditions OBJECTIVE-CONSTRUCTION and STRUCTURE DESCRIPTION AND CONSTRUCTION PLAN mitigates these concerns.

4.7.Part B: ENGAGEMENT PLAN – REVISED

During the review it was noted by the SRRB that a Traditional Knowledge Study has not been completed to date (Comment #3). The Applicant responded that they will continue attempts to coordinate a Traditional Knowledge Study with Déljñę. As well, during the application review, SRRB commented (Comment #9) that the Engagement Log lists interactions which appear to be initiated by outside parties, rather than GBLL. The Board reviewed the Engagement Log which shows on-going dialogue between multiple parties on activities at the GBLL and agrees it is not clear who initiated communication and who responded in the communication, if applicable.

Revisions required:

- Indicate in the columns of the table in the Engagement Log who is initiating the communication
- Indicate in the columns of the table in the Engagement Log who responded, if applicable
- Update for any new entries of 2024, since time of application submission in February 2024

5. Reasons for Recommendation

Board staff reviewed reviewer recommendations and proponent responses submitted during the public review.

The following sections are the Board staff's reasons for recommendation to resolve main issues identified in section 4 of the Staff Report.

5.1. Part H: Condition 6: MATERIAL STORAGE – ORDINARY HIGH-WATER MARK

Recommendation: Board staff recommend the Board consider the following to make a decision on this condition:

1) omit this condition from the draft water Licence and do not include Part H: Condition 6, as the current setup cannot obtain a 30 m setback due to the physiographical geometry constraints of the peninsula.

2) adjust the setback distance:

- Authorize fuel storage within 14 meters of Water under specific conditions since moving the (3) fuel tanks, fuel lines, and associated infrastructure, further poses an environmental risk of leak/spills.
- Include in the Water Licence condition Part H: Condition 6 with updated wording *'The Licencee shall not establish any fuel storage facilities or refueling stations, or store chemicals or Wastes within 30 meters of the Ordinary High-Water Mark of any Watercourse, except in accordance with the approved Spill Contingency Plan.'*

3) consider the request from the GNWT-ECC to include this condition to a minimum of 30 m setback for the following reasons:

- To provide a buffer to prevent fuel spills from impacting surface Water but noting that GBLL will not be able to meet this 30 m setback condition with the current fuel tank and associated infrastructure setup.

5.2. Part C: POST SECURITY DEPOSIT

Recommendation: The Board is satisfied that the security requirements it has imposed ensure that sufficient financial resources will be in place in advance of any liabilities that will be incurred. The Board has accepted the Applicant's previous estimate and set the security deposit accordingly to \$20,000.

At the time of the revised Closure and Reclamation Plan, the Board will review the RECLAIM estimate submitted by Great Bear Lake Lodge at that time and update or adjust as necessary.

5.3. Part I: CLOSURE AND RECLAMATION PLAN – REVISED

Recommendation: The Board requires that the Licensee revise the Closure and Reclamation Plan in response to reviewer comments and submit Version 4.0 by December 1, 2024 to reflect the Project activities and updates detailed above. The Plan will be considered approved when the Licensee receives written confirmation of conformity from Board staff OR the Board.

5.4. Part F: WASTE MANAGEMENT PLAN – REVISED

Recommendation: The Board requires that the Licensee revise the Waste Management Plan Version 3.0 in response to reviewer comments and submit Version 4.0 by December 1, 2024 to reflect the Project activities and updates detailed above. The Plan will be considered approved when the Licensee receives written confirmation of conformity from Board staff OR the Board.

5.5. Part H: SPILL CONTINGENCY PLAN – REVISED

Recommendation: The Board requires that the Licensee revise the Spill Contingency Plan Version 4.0 and submit Version 5.0 within 90 days of the effective date of the Licence to reflect updates as agreed to during the regulatory proceeding, to reflect the Project activities, to meet the applicable guidelines. The Plan will be considered approved when the Licensee receives written confirmation of conformity from Board staff OR the Board.

5.6. Part E: STRUCTURE DESCRIPTION AND CONSTRUCTION PLAN and Schedule 4

Recommendation: Board staff do not recommend requiring Great Bear Lake Lodge to provide engineered drawings of the waste facilities, as it does not fit the size and scope of the project and the draft Licence conditions in Part E: Construction, mitigate these concerns.

5.7. Part B: ENGAGEMENT PLAN – REVISED

Recommendation: The Board requires that the Licensee revise the Engagement Log Version 1.0 and submit Version 2.0 by December 1, 2024 to reflect updates as agreed to during the regulatory proceeding, to reflect the Project activities, to meet the applicable guidelines. The Plan will be considered approved when the Licensee receives written confirmation of conformity from Board staff OR the Board.

6. Conclusion

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

The draft Licence is based upon the Board’s Standard Conditions, public review, and Board staff recommendations. Board staff concludes that the scope, defined terms, and conditions contained within this draft Licence should mitigate the potential environmental impacts this development may have on the land and water.

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

7. Recommendation

Board staff recommend the Board:

- a) **Confirm the Application for Water Licence S24L3-001 from Great Bear Lake Lodge Ltd. is exempt from preliminary screening as per the Exemption List Regulations.**
- b) **Make a motion to approve the Type B Water Licence S24L3-001 for a term of ten years and associated Reasons for Decisions.**
- c) **Make a motion to approve, with revisions required, the Waste Management Plan (Version 3.0) as required by Water Licence S24L3-001.** Great Bear Lake Lodge Ltd. is required to submit a revised submission (V4.0) in accordance with comments and commitments made during this review by **December 1, 2024** for confirmation of conformity from Board staff OR for Board decision.
- d) **Make a motion to approve, with revisions required, the Spill Contingency Plan (Version 4.1) as required by Water Licence S24L3-001.** Great Bear Lake Lodge Ltd. is required to submit a revised submission (V5.0) in accordance with comments and commitments made during this review **within 90 days of Licence Issuance** for confirmation of conformity from Board staff OR for Board decision.



- e) **Make a motion to approve, with revisions required, the Closure and Reclamation Plan (Version 4.0) as required by Water Licence S24L3-001.** Great Bear Lake Lodge Ltd. is required to submit a revised submission (V5.0) in accordance with comments and commitments made during this review by **December 1, 2024** for confirmation of conformity from Board staff OR for Board decision.
- f) **Make a motion to approve, with revisions required, the Engagement Log and Plan (Version 1.0) as required by Water Licence S24L3-001.** Great Bear Lake Lodge Ltd. is required to submit a revised submission (V2.0) in accordance with comments and commitments made during this review by **December 1, 2024** for confirmation of conformity from Board staff OR for Board decision.

8. Attachments

- Fee Receipt
- Draft Preliminary Screening Determination and Reasons for Decision
- Draft Notification Letter to Review Board
- Draft Water Licence Cover Page
- Draft Water Licence Conditions
- Draft Reasons for Decision
- Review Comment – Proponent Summary Table
- Draft Decision Letter from the Board
- Fuel Tank Inspection Report from 2022 Annual Report (Appendix A) – Matrix Solutions Inc.

Respectfully submitted,

SIGNATURE

Respectfully submitted,	Approved by:
	
Natalie Lippa, MSc, PGeo Regulatory Specialist	Paul Dixon Executive Director