



Box 32, Wekweètì, NT X0E 1W0  
Tel: 867-713-2500 Fax: 867-713-2502

#1-4905 48<sup>th</sup> Street, Yellowknife, NT X1A 3S3  
Tel: 867-765-4592 Fax: 867-765-4593  
[www.wlwb.ca](http://www.wlwb.ca)

December 19, 2019

File: W2019Q0003

Matthew Miller  
Northwest Territories Power Corporation  
4 Capital Drive  
Hay River, NT X0E 1G2

Dear Matthew Miller,

**ISSUANCE OF A TYPE "A" LAND USE PERMIT**

Land Use Permit No. W2019Q0003 is granted by the Wek'èezhìi Land and Water Board (WLWB) in accordance with the *Mackenzie Valley Resource Management Act*. A copy of this Permit has been filed on the Public Registry of the WLWB. The WLWB has issued Land Use Permit W2019Q0003 for a period of five (5) years commencing December 19, 2019 and expiring December 18, 2024.

As described further in the attached Reasons for Decision, the Board has approved the following Management Plans, submitted together with Northwest Territories Power Corporation's (NTPC) Land Use Permit Application: Version 1.0 of the Engagement Plan, Version 1.0 of the Snare Hydro Waste Rules, Version 1.0 of the Reclamation Plan, and Version 2.0 of the Spill Contingency Plan. The Board requires NTPC to make the revisions listed in the attached Reasons for Decision and submit Version 2.1 of the Spill Contingency Plan to the Board within 30 days. The Board also confirmed that Version 2.1 of the Waste Management Plan for Water Licence W2014L4-0001 applies to this Permit. Finally, the Board also requires NTPC to work collaboratively with the GNWT-Environment and Natural Resources on Wildlife Management aspects, and to submit the geospatial data for the proposed project footprint and complete project footprint.

Please be advised that this letter, with attached procedures, all inspection reports, and correspondence related thereto, are part of the Public Registry, and are intended to keep all interested parties informed of the manner in which the Permit requirements are being met. All Public Registry material will be considered if an amendment to the Permit is requested.

Please read through the conditions of Land Use Permit W2019Q0003 carefully and read the attached Reasons for Decision for additional information. The full cooperation of Northwest Territories Power Corporation is anticipated and appreciated.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Mackenzie".

Joe Mackenzie  
Chair, Wek'èezhìi Land and Water Board

Copy to: Wek'èezhìi West Distribution List

Attachment: Reasons for Decision



Box 32, Wekweètì, NT X0E 1W0  
 Tel: 867-713-2500 Fax: 867-713-2502

#1-4905 48<sup>th</sup> Street, Yellowknife, NT X1A 3S3  
 Tel: 867-765-4592 Fax: 867-765-4593  
[www.wlwb.ca](http://www.wlwb.ca)

## Reasons for Decision

<b>Preliminary Screener</b>	WLWB
<b>Reference/File Number:</b>	W2019Q0003 (Type “A” Land Use Permit)
<b>Applicant:</b>	Northwest Territories Power Corporation (NTPC)
<b>Subject:</b>	New Land Use Permit Application

## Decision from the Wek'èezhìi Land and Water Board Meeting of December 19, 2019

### 1.0 Decision

On December 19, 2019, the Wek'èezhìi Land and Water Board (the Board) met to consider a Land Use Permit (LUP) Application by the Northwest Territories Power Corporation (NTPC). The Application was for the use of quarries, construction and maintenance of a Winter Road, and petroleum storage activities on Tł̨chq̨ Lands in the Strutt Lake area, near the Snare Hydro Facility.

The Board has decided the following:

1. The Application submitted by NTPC is exempt from preliminary screening in accordance with the *Exemption List Regulations*;
2. To issue Type A Land Use Permit W2019Q0003 for a period of five years;
3. To approve Version 1.0 of NTPC's Engagement Plan;
4. To approve Version 2.0 of NTPC's Spill Contingency Plan;
5. To require that NTPC submit Version 2.1 of the Spill Contingency Plan within 30 days of issuance of the Land Use Permit. Version 2.1 is to include: the most up-to-date version of Immediately Reportable Quantities, the GNWT-Land Inspector's contact information on pages 22, 27, 36, and 47; and all relevant MSDS Sheets;
6. To approve Version 1.0 of the Snare Hydro Waste Rules;

7. To confirm that Version 2.1 of the Waste Management Plan for Water Licence W2014L4-0001 applies to this Permit;
8. To require that NTPC work collaboratively with the GNWT-Environment and Natural Resources on Wildlife management aspects;
9. To approve Version 1.0 of NTPC's Reclamation Plan; and
10. To require that NTPC to submit the geospatial data for the proposed project footprint and complete project footprint.

## **2.0 Background**

The WLWB issued Land Use Permit W2012Q0004 for a period of one year commencing on January 18, 2013 and expiring January 17, 2014.<sup>1</sup> This Permit was for the use of quarries, construction and maintenance of a Winter Road, and petroleum storage activities in the Strutt Lake area. On January 17, 2014, the Board approved a two-year extension to this Permit, extending the Permit to January 17, 2016.<sup>2</sup> The Board approved Final Clearance for Land Use Permit W2012Q0004 on November 23, 2015,<sup>3</sup> and granted Discontinuance on December 15, 2015.<sup>4</sup>

On November 7, 2019, the WLWB received a Type A Land Use Permit Application (the Application) from NTPC to conduct quarrying, winter road operation and maintenance, and petroleum storage activities.<sup>5,6</sup> NTPC stated in its cover letter that the Application is to reinstate an expired Land Use Permit (W2012Q0004). The Application is to obtain material to resurface a section of the Snare Hydro all-season site road and to operate three existing gravel quarries and an 8 km historic winter road near Strutt Lake, NT.

NTPC's Application and a draft Land Use Permit (the Draft Permit)<sup>7</sup> were distributed for public review on November 8, 2019, inviting reviewers to provide comments and recommendations using the Online Review System (ORS). In its cover letter, NTPC indicated its view that the Application should be exempt from preliminary screening because "activities proposed have already been subject to Part 5 of the *Mackenzie Valley Resource Management Act* (MVRMA)." In the Item for Review, WLWB staff indicated they agreed the Application is exempt from preliminary screening in accordance with the *Preliminary Screening Exemption List Regulations* and *Exemption List Regulations* of the MVRMA. Reviewers were encouraged to provide comments and recommendations on the possible exemption along with associated rationale. Reviewer comments were due November 29, 2019. The Government of the Northwest Territories Environment and Natural Resources Department (GNWT-ENR) and the GNWT-Department of Lands (Lands)-Inspector provided comments and recommendations. WLWB staff also

---

<sup>1</sup> See WLWB Online Registry for [W2012Q0004 – NTPC – Land Use Permit – Issuance Documents – Jan 21 13](#)

<sup>2</sup> See WLWB ([www.wlwb.ca](http://www.wlwb.ca)) Online Registry for [W2012Q0004 – NTPC – Land Use Permit – Extension – Jan 17 14](#)

<sup>3</sup> See WLWB Online Registry for [W2012Q0004 – NTPC – Land Use Permit – Final Clearance – Nov 24 15](#)

<sup>4</sup> See WLWB Online Registry for [W2012Q0004 – NTPC – Land Use Permit – Discontinuance Letter – With an Updated cover page – Dec 15 15](#)

<sup>5</sup> See WLWB Online Registry for [NTPC – Land Use Permit Application – Nov 7 19](#)

<sup>6</sup> See WLWB Online Registry for [NTPC – Engagement Log – Nov 7 19](#)

<sup>7</sup> See WLWB Online Registry for [NTPC – Draft Land Use Permit – Nov 8 19](#)

submitted questions. A letter from GNWT-Lands was also received indicating no comments from the GNWT-Lands Administration as the area is wholly on Tłjchq titled land. The Wek'èezhii Renewable Resources Board (WRRB) indicated they had no comments or recommendation at the time. Proponent responses were submitted by the deadline of December 6, 2019. Reviewer comments and recommendations, as well as the proponent responses are available on the WLWB Online Registry.<sup>8</sup>

### **3.0 Reasons for Decision**

#### **3.1 Exemption from Preliminary Screening**

In accordance with section 124(1) of the MVRMA, the Board must conduct a preliminary screening of the Application. A preliminary screening of Land Use Permits MV2003F0029 and W2008F0017 were completed on February 4, 2008,<sup>9</sup> and February 23, 2009.<sup>10</sup> In both cases, it was determined that there was no likelihood that the proposed development might have a significant adverse impact on the environment or might be a cause of public concern.

Schedule 1 (section 2), Part 1, paragraph 2(b) of the MVRMA *Exemption List Regulations* states that an application can be exempt from preliminary screening if:

A development, or a 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 Resource Management Act*, the *Canadian Environmental Assessment Act* or the *Environmental Assessment Review Process Guidelines Order*.

NTPC identified in its cover letter that the Application was to reinstate an expired Land Use Permit (W2012Q0004) and stated that it felt this Application should be exempt from preliminary screening as activities proposed had already been subject to Part 5 of the MVRMA. The preliminary screenings were reviewed for Land Use Permits MV2003F0029 and W2008F0017 and it was determined that the activities and the area previously screened remain the same and thus the Board agrees that this Application is exempt from preliminary screening. No parties provided comments with respect to the preliminary screening as part of the public review. The Board has determined that the activities outlined above are exempt from preliminary screening, pursuant to Schedule 1 (Section 2), Part 1, paragraph 2(b) of the *Exemption List Regulations* pursuant to subsection 143(1) of the MVRMA.

- ***Decision #1: The Board has determined that the Application submitted by the Northwest Territories Power Corporation is exempt from preliminary screening in accordance with the Exemption List Regulations.***

#### **3.2 Eligibility**

As per section 18 of the *Mackenzie Valley Land Use Regulations* (MVLUR), eligibility must be determined before the Board can issue a permit. The proposed activities are to take place in the Strutt Lake area,

---

<sup>8</sup> See WLWB Online Registry for [NTPC - Land Use Permit Application - Review Summary and Attachments - Dec 6 19](#)

<sup>9</sup> See WLWB Online Registry for [MV2003F0029 – Fax letter regarding LUP Amendment – Preliminary Screening – Feb 4 08](#)

<sup>10</sup> See WLWB Online Registry for [W2008F0017 – NTPC – Land Use Permit – Preliminary Screening – Feb 23 09](#)

which are within Tłı̨chǫ Lands. As part of its Application, NTPC submitted a document that includes the following: (1) a copy of the Tłı̨chǫ Quarry Permit signed by the Tłı̨chǫ Government - Department of Culture and Lands Protection; and (2) a copy of an Access Agreement signed by the Tłı̨chǫ Government and NTPC for a term of five (5) years commencing October 25, 2019 and terminating on October 25, 2024.<sup>11</sup> The Board thus confirms that eligibility under Paragraph 18(b) of the MVLUR has been satisfied.

### **3.3 Land Use Permit**

A Draft Permit was included in the Item for Review. The Draft Permit was developed using the MVLWB (2019) *Standard Land Use Permit Conditions Template Version 2.1* (Standard List) and Land Use Permit W2012Q0004.

#### **3.3.1 Permit Scope**

The following draft scope was included in the Draft Permit that underwent public review:

- a) Use of vehicles and equipment for quarrying, crushing, and stockpiling of granular material;
- b) Use of vehicles for construction, use, and maintenance of winter roads; and
- c) Use of a single container for the storage of petroleum fuel.

The GNWT-Lands Inspector recommended changing part (c) of the scope to from “use of a single container for the storage of petroleum fuel” to “establishment of a petroleum fuel storage facility” (GNWT-Lands Inspector comment 14). NTPC responded that it supported the recommendation. The Board has thus updated the scope of the Permit to incorporate the GNWT-Lands Inspector’s recommendation.

During the public review, the GNWT-Lands Inspector commented that the equipment listed in the Permit Application appeared to be missing some equipment that is typically used for winter road construction and quarry operations (GNWT-Lands Inspector comment 4). The GNWT-Lands Inspector recommended that NTPC update the equipment list to include typical winter road construction and quarrying equipment. NTPC submitted an updated Permit Application form in which it updated section 10 [Equipment List] to include these additional pieces of equipment (i.e., Snowcat x2 at 18,000lbs, Plough Truck at 20,000lbs, and Pick-up Trucks x3 at 7,500lbs).<sup>12</sup> While it is helpful to have an updated list of equipment, the Board notes that the scope of the Permit allows for the use of vehicles and equipment related to the proposed activities and thus no changes to the Permit are required to reflect this update to the Permit Application.

The GNWT-Lands Inspector also commented that no fuel was included in the Permit Application and recommended that NTPC update the Application to include fuels in the land use area (GNWT-Lands Inspector comment 5). NTPC submitted an updated Permit Application form in which it updated section 11 to include 20,000 L of diesel. The Board notes that this Application is for a Type A Land Use Permit (which allows for fuel storage greater than 4,000 L) and that the fuel storage facility is covered under the updated part (c) of the scope. In addition, the Permit includes conditions related to the storage and handling of fuel (i.e., conditions 31-42 in the Permit) which should address any concerns with regards to

---

<sup>11</sup> See WLWB Online Registry for [NTPC – Access Agreement and Quarry Permit – Nov 7 19](#)

<sup>12</sup> See WLWB Online Registry for [NTPC - Land Use Permit Application - Review Summary and Attachments - Dec 6 19](#) (p.36 of PDF)

storage of fuel. Thus, no changes to the Permit are required to reflect this update to the Permit Application.

### **3.3.2 Permit Conditions**

During the public review, the GNWT-Lands Inspector recommended the deletion of two standard conditions from the Permit because these conditions were not applicable to the proposed land use operation (GNWT-Lands Inspector comments 9 and 12). These included conditions related to Notification of Solid Waste Disposal (i.e., Condition 21 in the Draft Permit) and Level Stockpiles (i.e., Condition 43 in the draft Permit). NTPC responded in support of the Inspectors recommendation on the removal of the two conditions. The Board reviewed the recommendations made by the Inspector and the Proponent response and are of the opinion that the deletion of these two conditions are appropriate and have updated the Permit accordingly.

The GNWT-Lands Inspector recommended the addition of five standard conditions to the Permit because these conditions applied to the proposed land use operation (GNWT-Lands Inspector comments 6, 7, 8, 10, and 11). These conditions include: Seasonal Notification – Contact Inspector, Storage on Ice, Excavated Material Test Pits, Repair Leaks, and Save and Place Organic Soil. NTPC supported the inclusion of the first four of the five recommended additions from the Standard List of conditions made by the GNWT-Lands Inspector. The Board has thus updated the Permit to incorporate these four conditions. NTPC responded that the addition of the [Save and Place Organic Soil] standard condition was not necessary as the quarries were from existing historical borrow locations with very little organic soils, thus NTPC believed this condition was not required. The Board however determined that while it seems reasonable that minimal organic soils would be available given these areas are from existing historical borrow locations, including the condition as recommended by the Inspector would provide clarity on how to handle any organic soils should they be encountered. Therefore, the Board has included this condition in the Permit.

During the public review, the GNWT-ENR provided recommendations with regards to spill reporting, clean-up of spills (e.g., approved methods of spill clean-up), location of fuel storage areas relative to the ordinary high-water mark of a water body, and the provision and use of spill kits (GNWT-ENR comments 5, 6, 7, and 9). NTPC responded that NTPC's Environment Management System and Spill Response Protocols outlined in the Snare Hydro Spill Contingency Plan submitted with the Application are in accordance with these recommendations. GNWT-ENR also recommended that all fuel containment and equipment stationed for extended periods of time should have sufficient secondary containment (GNWT-ENR comment 8). NTPC responded that this is part of the standard NTPC operating procedures. The Board reviewed GNWT-ENR's recommendations and NTPC's responses and believe that the Spill Contingency Plan and conditions related to fuel storage (conditions 31-42 of the Permit) address the GNWT-ENR's recommendations.

The Draft Permit included one non-standard condition from the old Permit (W2012Q0004) when it went out for public review (i.e., condition 51 [Caribou Disturbance]). During the public review, the GNWT-Lands Inspector recommended removing this condition as this was not a standard condition (GNWT-Lands Inspector comment 13). NTPC responded they were in support of removing this non-standard condition from the Permit. The Board however identified in NTPC's previous preliminary screening that

this condition was a mitigation measure for potential impacts and public concern regarding caribou and to ensure measures were established to avoid behavioral changes to large caribou herds in the area. Thus, the Board has determined this non-standard condition should remain in the Permit.

During the public review, comments related to species at risk and potential impacts to wildlife habitat were received from the GNWT-ENR (comments 11, and 13-16). The Permit includes two relevant conditions (condition 24 [Habitat Damage] and condition 54 [Caribou Disturbance]) and commitments were made by NTPC in their responses with regards to following the GNWT-ENR's recommendations and the Wildlife Management and Monitoring Plan (see section 3.5.4 of this Reasons for Decision). For these reasons, the Board is of the opinion that these recommendations have been addressed.

### **3.3.3 Overall Permit Recommendation**

After reviewing the Application, as well as all reviewer comments and proponent responses submitted during the public review, the Board had decided to issue the Type A Land Use Permit for a period of five years.

- ***Decision #2: The Board has decided to issue Type A Land Use Permit W2019Q0003 for a period of five years.***

### **3.4 Security**

As a crown corporation, NTPC is exempt from posting security; however, the company is responsible for all costs to remediate the project area. To address this, condition 30 (condition 30 [Responsibility for Remediation Costs]) is included in the Permit.

### **3.5 Management Plans**

Along with its Application, NTPC submitted the following management plans:

- Engagement Plan - Version 1.0;<sup>13</sup>
- Snare Hydro Waste Rules - Version 1.0;<sup>14</sup>
- Wildlife Management and Monitoring Plan - Version 1.0;<sup>15</sup>
- Reclamation Plan - Version 1.0;<sup>16</sup> and
- Spill Contingency Plan - Version 2.0<sup>17</sup>

Comments and recommendations received on the above plans, as well as recommendations regarding approvals or updates to the plans are discussed in the subsections below.

#### **3.5.1 Engagement Plan**

There were no concerns or recommendations from reviewers with regards to Version 1.0 of the Engagement Plan. Version 1.0 of the Engagement Plan was reviewed and the Board believes it satisfies

---

<sup>13</sup> See WLWB Online Registry for [NTPC – Engagement Plan – Nov 7 19](#)

<sup>14</sup> See WLWB Online Registry for [NTPC – Snare Hydro Waste Rules – Nov 7 19](#)

<sup>15</sup> See WLWB Online Registry for [NTPC – Wildlife Management and Monitoring Plan – Nov 7 19](#)

<sup>16</sup> See WLWB Online Registry for [NTPC – Reclamation Plan – Nov 7 19](#)

<sup>17</sup> See WLWB Online Registry for [NTPC – Snare Hydro Spill Contingency Plan – Nov 7 19](#)



the requirements of the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*.

- **Decision #3: The Board has approved Version 1.0 of NTPC's Engagement Plan.**

### **3.5.2 Spill Contingency Plan**

NTPC submitted Version 2.0 of its Spill Contingency Plan. The Spill Contingency Plan was reviewed and the Board has confirmed that the Plan was generally in accordance with INAC (2007) *Guidelines for Spill Contingency Planning*.

During the public review, the GNWT-ENR commented that the Proponent should follow best practices with regards to fuel storage and spill containment during project activities and provided reference to the *Environmental Protection Act - Spill Contingency Planning and Reporting Regulations* (GNWT-ENR comments 4, 5, 6, 8, 9, and 10). NTPC responded that NTPC's Environmental Management System and Spill Response Protocols outlined in the Snare Hydro Spill Contingency Plan submitted with the Application are in accordance with this legislation. The Board confirmed that these best practices are reflected in the Spill Contingency Plan.

During the public review the GNWT-Lands Inspector commented that an updated version of the Immediately Reportable Quantities must be included in the approved Spill Contingency Plan and recommended that this be updated in the next version of the plan (GNWT-Lands Inspector comment 1). NTPC responded that Table 3-1 of its Spill Contingency Plan presents this information. The Board determined that Table 3-1 of the Spill Contingency Plan was not the most up-to-date version. The Board thus requires NTPC to update Table 3-1 with the most up-to-date version of the Immediately Reportable Quantities as recommended by the GNWT-Lands Inspector.

The GNWT-Lands Inspector commented that the GNWT-Lands Inspector's phone number (867) 767-9188 must be included in several locations within the Spill Contingency Plan (i.e., on pages 22, 27, 36, and 47) as an emergency contact for the activities of this land use permit (GNWT-Lands Inspector comment 2). The GNWT-Lands Inspector recommended that this be included in the next version of the Plan. NTPC responded that the Spill Contingency Plan has been updated to include this information. The Board acknowledges NTPC's commitment to incorporating the Inspector's phone number and directs NTPC to update the Spill Contingency Plan accordingly.

The GNWT-Lands Inspector also commented that MSDS sheets must be included into the approved Spill Contingency Plan for all fuel and hazardous materials that will be used during this land use operation (GNWT-Lands Inspector comment 3). The GNWT-Lands Inspector recommended that all relevant MSDS Sheets be included in the next version of the plan. NTPC responded that the Spill Contingency Plan for Snare Hydro has been updated to include this information. The Board acknowledges NTPC's commitment to incorporating the MSDS sheets and directs NTPC to update the Spill Contingency Plan accordingly.

Aside from the comments discussed above regarding improvements and updates to the Spill Contingency Plan provided by the Inspector, no comments expressing concern with the Spill Contingency Plan were received during the public review. The Board has thus decided to approve

Version 2.0 of the Spill Contingency Plan but is requiring an updated version of the Plan to be submitted within 30 days to include the updates identified by the Inspector.

- **Decision #4: The Board has approved Version 2.0 of NTPC's Spill Contingency Plan.**
- **Decision #5: The Board requires NTPC to submit Version 2.1 of the Spill Contingency Plan within 30 days of issuance of the Land Use Permit. Version 2.1 is to include the following: the most up-to-date version of the Immediately Reportable Quantities, the GNWT-Land Inspector's contact information on pages 22, 27, 36, and 47, and all relevant MSDS Sheets.**

### **3.5.3 Waste Management**

In lieu of a Waste Management Plan, NTPC submitted its Waste Segregation Rules, which also include Snare Waste Disposal Standard Operating Procedures.

WLWB staff noted that the Waste Rules submitted with the Application referenced the Snare Hydroelectric Facilities Waste Management Plan several times (WLWB staff comment 3). NTPC was asked to confirm if it would be following the Snare Hydroelectric Facilities Waste Management Plan Version 2.1 (i.e., the plan associated with Water Licence W2014L4-0001) during the life of the project. NTPC responded that NTPC will be following the Snare Hydroelectric Facilities Waste Management Plan Version 2.1 for the duration of the project and that this Plan covers the entire Snare Facility. NTPC also stated that minimal waste will be produced in relation to this project and as such, not all sections of the plan may be required. The Board acknowledges NTPC's response and confirms that Version 2.1 of the Waste Management Plan for Water Licence W2014L4-0001 also applies to this Land Use Permit. In other words, the Board is confirming that the Waste Management Plan referenced in condition 25 of the Permit refers to the Waste Segregation Rules submitted as part of the Application and Version 2.1 of the Waste Management Plan associated with W2014L4-0001.

During the public review, questions about the open-burning practices mentioned in the Waste Segregation Rules were raised (GNWT-ENR comment 2; WLWB staff comment 1). GNWT-ENR recommended that NTPC only open-burn waste streams identified in the GNWT's *Municipal Solid Wastes Suitable for Open Burning* document (GNWT-ENR comment 2). NTPC responded that the Snare Hydro Waste Rules are in accordance with this referenced file. It was noted that the Waste Rules state materials approved for open-burning at the Snare Hydro dump will consist of untreated wood, scrap lumber, waste cardboard and paper products, organics (e.g., vegetation) and Board staff asked NTPC to confirm whether it would be following sections 2.2.3 and 2.2.4 of the Snare Hydroelectric Facilities Waste Management Plan Version 2.1 (i.e., the plan associated with Water Licence W2014L4-0001) with regards to the open-burning (WLWB staff comment 1). NTPC responded that it will follow that plan. The Board is of the opinion that NTPC's responses have addressed the questions raised regarding open-burning.

The GNWT-ENR provided a comment on the topic of Hazardous Waste Management advising NTPC that, if it will be using or generating hazardous waste, NTPC must be registered as a generator of Hazardous Waste in the NWT (GNWT-ENR comment 3). The GNWT-ENR provided contact information should NTPC need to register. NTPC responded that as per the Snare Hydroelectric Facilities Waste Management Plan NTPC is registered as a generator (NTG000008), receiver (NTR000007), and carrier (NTC000002) of

hazardous waste in the NWT and has processes and policies in place (As per the NTPC Environmental Management System and standard operating procedure) to track the disposal of hazardous waste from the site activities to registered receivers on hazardous waste movement documents. The Board is satisfied with NTPC's response.

The GNWT-ENR provided comments on wildlife attractants and waste management citing sub-section 66(1) of the Wildlife Act. The comments pertained to proper handling of food waste, garbage, and waste petroleum products that could be attractants to animals and provided recommendations regarding the handling and storage prior to disposal (GNWT-ENR comments 17, 18, 19, 20, and 21). NTPC responded that these practices are part of the standard NTPC operating procedures presented in the Snare Hydroelectric Facilities Waste Management Plan. The Board confirmed that these practices are reflected in the Snare Hydroelectric Facilities Waste Management Plan and is thus satisfied with NTPC's responses.

During the public review, the GNWT-ENR commented that if the Proponent's Waste Management Plan or methods of waste disposal indicate that project waste, or industrial waste, will be transported to community infrastructure for disposal, the Proponent should not assume it may deposit industrial wastes generated outside of community boundaries in a Northwest Territories community Solid and Liquid Waste Disposal Facility (GNWT-ENR comment 1). GNWT-ENR recommended that should the Proponent intend to deposit waste in a NWT community Solid and Liquid Waste Disposal Facility that it demonstrate that the receiving community's Solid and Liquid Waste Disposal Facility holds a Water Licence that authorizes the disposal of any industrial waste streams, or other wastes, originating from outside municipal boundaries. GNWT-ENR also stated that the Proponent should demonstrate to the Board that the community has been consulted, and has consented in writing, regarding the use of its infrastructure for disposal of the waste streams and quantities in question, and that the disposal of such wastes will not contravene the Waters Act or the Environmental Protection Act. Similarly, Board staff noted the Standard Operating Procedures – Snare Hydro Waste Rules state that non-hazardous materials will be stockpiled at the Snare Hydro dump to be sent out for disposal on the Winter Road (WLWB staff comment 2). Board staff asked NTPC to: (1) indicate which Waste Facility will be accepting the waste generated from this Project; and (2) to confirm whether written confirmation has been received indicating that the Waste Facility is able and willing to accept the waste during the life of the project. NTPC responded that Waste removed from the Snare Hydro Facility is processed by the City of Yellowknife Solid Waste Facility, which has been accepting waste from NTPC facilities for over 30 years. Some waste may also be processed by KBL Environmental in Yellowknife. NTPC also stated that it regularly engages with these organizations, and that confirmation letters will be provided as soon as possible. NTPC also stated that its Environmental Management System and standard operating procedures outlined in the Snare Hydroelectric Facilities Waste Management Plan are in accordance with all applicable legislation. Version 2.1 of the Snare Hydroelectric Facilities Waste Management Plan was reviewed, and it was confirmed that a letter from KBL Environmental Ltd stating that it accepts waste generated by NTPC is attached as an appendix to the Plan. Furthermore, letters from the City of Yellowknife Solid Waste Facility and KBL Environmental Ltd confirming acceptance of waste generated by NTPC were received on December 13, 2019.

Overall, no comments expressing concern with the Snare Hydro Waste Rules were received during the public review, and the potential waste management issues identified during the public review have been addressed by NTPC's responses and the letters submitted by NTPC on December 13, 2019. The Board has thus decided to approve Version 1.0 of the Snare Hydro Waste Rules.

- ***Decision #6: The Board has approved Version 1.0 of the Snare Hydro Waste Rules; and***
- ***Decision #7: The Board confirms that Version 2.1 of the Waste Management Plan for Water Licence W2014L4-0001 applies to this Permit.***

#### **3.5.4 Wildlife Management and Monitoring Plan**

NTPC submitted Version 1.0 of its Wildlife Management and Monitoring Plan. During the public review, some comments related to wildlife were received from the GNWT-ENR (comments 11, and 13-16). The Board notes that wildlife management and monitoring is out of the scope of the Board's mandate and directs NTPC to work collaboratively with the GNWT-ENR on wildlife management aspects.

- ***Decision #8: The Board requires NTPC to work collaboratively with the GNWT-Environment and Natural Resources on Wildlife management aspects.***

#### **3.5.5 Reclamation Plan**

There were no concerns or recommendations from reviewers with regards to Version 1.0 of the Reclamation Plan and the Board is satisfied that the submitted Plan is appropriate for the proposed activities.

- ***Decision #9: The has Board approved Version 1.0 of NTPC's Reclamation Plan.***

#### **3.6 Cumulative Effects Tracking**

The GNWT-ENR submitted a comment on the importance of monitoring the disturbance footprint of development activities for the purposes of managing cumulative effects on wildlife and wildlife habitat (GNWT-ENR comment 12). The GNWT-ENR recommended that NTPC "submit the bounding coordinates or geospatial data for the proposed project footprint and the completed project footprint to the Land and Water Board for placement on the public registry." NTPC responded that they will be submitting this information as soon as possible. The Board notes that the bounding coordinates were included in section 16 of the Permit Application and acknowledges NTPC's commitment to submit the information for the geospatial data for the proposed project footprint and for the completed project footprint.

- ***Decision #10: The Board requires NTPC to submit the geospatial data for the proposed project footprint and complete project footprint.***

Signed the 19<sup>th</sup> Day of December, 2019, on behalf of the Wek'èezhii Land and Water Board



---

Witness



---

Joe Mackenzie  
Chair, Wek'èezhii Land and Water Board