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August 2, 2021

File: W2021E0007

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

Sent by email

Dear Ziaur Rahman,

**Re: Government of the Northwest Territories Department of Infrastructure – Issuance Package – Land Use Permit W2021E0007 – Whatì Access Road Rehabilitation Project – Whatì, NT**

The Wek'èezhii Land and Water Board (Board) met on July 30, 2021 and considered the Application Package from the Government of the Northwest Territories Department of Infrastructure (GNWT-INF) for Land Use Permit (Permit) W2021E0007 for the Whatì Access Road Rehabilitation Project (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

Land Use Permit W2021E0007 (attached) has been granted for a term of five years, effective August 2, 2021 and expiring August 1, 2026, and is supported by the Board's attached Reasons for Decision. These documents are posted to the Board's Public Registry.<sup>1</sup>

Submission Requirements

The Board's decisions on submissions that were considered in conjunction with the Application Package are set out below.

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<sup>1</sup> See WLWB Online Registry ([www.wlwb.ca](http://www.wlwb.ca)) for [W2021E0007](#).

### Management Plans – Approved

The Board has approved the following Plans:

Condition Number and Title	Title of Plan (Version)
Condition #34, WASTE MANAGEMENT PLAN	Waste Management Plan (Version 1.0) <sup>2</sup>
Condition #46, SPILL CONTINGENCY PLAN	Spill Contingency Plan (Version 1.0) <sup>3</sup>
Condition #61, ENGAGEMENT PLAN	Engagement Plan (Version 1.0) <sup>4</sup>

### Management Plans – Revisions Required

The Board requires that the following Plans be revised to include all changes detailed in the Reasons for Decision and submitted by the dates outlined in the following table.

Condition Number and Title	Title of Plan (Version)	Version and Date Revision Due
Condition #34, WASTE MANAGEMENT PLAN	Waste Management Plan (Version 1.0) <sup>5</sup>	<b>Version 1.1; September 1, 2021</b>
Condition #46, SPILL CONTINGENCY PLAN	Spill Contingency Plan (Version 1.0) <sup>6</sup>	<b>Version 1.1; September 1, 2021</b>

### Inspectors

The Inspectors referred to in the Permit can be contacted at the regional GNWT-Lands offices.<sup>7</sup>

### Permit Processes and Additional Information

Sections 5 and 6 of the Board's *Guide to the Land Use Permitting Process*<sup>8</sup> (Guide) contain detailed information on permit enforcement and potential post-issuance processes, such as amendments to conditions, and assignment to another company. Please be familiar with these sections of the Guide and reach out to Board staff with any questions about Board processes related to the Permit.

Full cooperation of GNWT-INF is anticipated and appreciated. Please contact Anneli Jokela at (867) 765-4588 with any questions or concerns regarding this letter.

<sup>2</sup> See WLWB Online Registry for [GNWT-INF - Whati Access Rehabilitation Project - LUP and Type B WL App - Waste Management Plan – V1.0 - Jun 21 21](#)

<sup>3</sup> See WLWB Online Registry for [GNWT-INF - Whati Access Rehabilitation Project - LUP and Type B WL App - Spill Contingency Plan – V1.0 - Jun 21 21](#)

<sup>4</sup> See WLWB Online Registry for [GNWT-INF - Whati Access Rehabilitation Project - LUP and Type B WL App - Engagement Plan – V1.0 - Jun 21 21](#)

<sup>5</sup> See WLWB Online Registry for [GNWT-INF - Whati Access Rehabilitation Project - LUP and Type B WL App - Waste Management Plan – V1.0 - Jun 21 21](#)

<sup>6</sup> See WLWB Online Registry for [GNWT-INF - Whati Access Rehabilitation Project - LUP and Type B WL App - Spill Contingency Plan – V1.0 - Jun 21 21](#)

<sup>7</sup> See GNWT-Lands Inspection and Enforcement webpage (<https://www.lands.gov.nt.ca/en/services/inspections-and-enforcement>) for regional contact information.

<sup>8</sup> See WLWB Policies and Guidelines webpage for MVLWB [Guide to the Land Use Permitting Process](#) (2020).

Yours sincerely,



Joseph Mackenzie  
Chair, Wek'èezhìi Land and Water Board

BCC'd to:       Wek'èezhìi Distribution List  
                  Ziaur Rahman - GNWT-INF  
                  Clint Ambrose – Inspector, GNWT-Lands  
                  Patti Nightingale, GNWT-Lands

Attached:       Land Use Permit W2021E0007  
                  Reasons for Decision



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**Government of the Northwest Territories Department of Infrastructure  
Land Use Permit W2021E0007**

Pursuant to the *Mackenzie Valley Resource Management Act* and Mackenzie Valley Land Use Regulations, the Wek'èezhì Land and Water Board grants this Land Use Permit to:

Government of the Northwest Territories Department of Infrastructure (GNWT-INF)  
(Permittee)

of PO Box 1320, Yellowknife, NT X1A 2L9  
(Mailing Address)

hereinafter called the Permittee, to proceed with the following land-use operation, subject to the annexed definitions and conditions contained therein:

<b>Location:</b>	Whatì Access Road Rehabilitation Project
<b>Purpose:</b>	Road Public - Rehabilitation Project
<b>Type:</b>	Type A
<b>Effective Date:</b>	August 2, 2021
<b>Expiry Date:</b>	August 1, 2026

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

Joseph Mackenzie, Chair  
Wek'èezhì Land and Water Board

A handwritten signature in black ink, appearing to read "Anneli Jokela".

Anneli Jokela, Witness

## Conditions Annexed to and Forming Part of Land Use Permit # W2021E0007

### Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
  - a) Use of motorized earth-drilling machinery;
  - b) Establishment and use of a campsite outside a Territorial Park;
  - c) Establishment of a petroleum fuel storage facility with a capacity equal to or exceeding 80,000 L;
  - d) Use of a stationary motorized machine and heavy equipment;
  - e) Conduct a geotechnical study;
  - f) Upgrade access road; and
  - g) Replace culverts on the road with a bridge.
2. This Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, item 1 of this Permit.
3. Compliance with the terms and conditions of this Permit does not excuse the Permittee from its obligation to comply with the requirements of any applicable Federal, Territorial, Tłı̨chǫ, or Municipal laws.

### Part B: Definitions (defined terms are capitalized throughout the Permit)

**Act** - the *Mackenzie Valley Resource Management Act*.

**Archaeological Impact Assessment** - archaeological research as defined by the Prince of Wales Northern Heritage Centre *Guidelines for Developers for the Protection of Archaeological Sites in the Northwest Territories*.

**Archaeological Overview** - a study of archaeological sites as defined by the Prince of Wales Northern Heritage Centre *Guidelines for Developers for the Protection of Archaeological Sites in the Northwest Territories*.

**Board** - the Wek'èezhìi Land and Water Board established under Part 3 of the Act.

**Borehole** - a hole that is made in the surface of the ground by drilling or boring.

**Closure and Reclamation** - the process and activities that facilitate the return of areas affected by the Project to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.

**Dogleg** - the clearing of a line, trail, or right-of-way that is curved sufficiently so that no part of the clearing beyond the curve is visible when approached from either direction.

**Drilling Fluid** - any liquid mixture of water, sediment, drilling muds, chemical additives or other wastes that are pumped down hole while drilling and are specifically related to drilling activity.

**Drilling Waste** - all materials or chemicals, solid or liquid, associated with drilling, including drill cuttings and Drilling Fluids.

**Durable Land** - land that is able to withstand repeated use, such as gravel or sand with minimal vegetative cover.

**Engagement Plan** - a document, developed in accordance with the Board's *Engagement and Consultation Policy* and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*, that clearly describes how, when, and which engagement activities will occur with an affected party during the life of the project.

**Fuel Storage Container** - a container for the storage of petroleum or allied petroleum products with a capacity of less than 230 litres.

**Fuel Storage Tank** - a closed container for the storage of petroleum or allied petroleum products with a capacity of more than 230 litres.

**Greywater** - all liquid wastes from showers, baths, sinks, kitchens, and domestic washing facilities but not including toilet wastes.

**Habitat** - the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes.

**Inspector** - an Inspector designated by the Minister under the Act.

**Minister** - the Minister of Indian Affairs and Northern Development Canada or the Minister of the Government of the Northwest Territories – Department of Lands, as the case may be.

**Ordinary High-Water Mark** - the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the "active channel/bank-full level" which is often the 1:2 year flood flow return level. In inland lakes, wetlands, or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

**Permittee** - the holder of this permit.

**Permafrost** - ground (soil or rock) that remains at or below 0°C for at least two consecutive years.

**Progressive Reclamation** - Closure and Reclamation activities conducted during the operating phase of the project.

**Secondary Containment** - containment that prevents liquids that leak from Fuel Storage Tanks or containers from reaching outside the containment area and includes double-walled Tanks, piping, liners, and impermeable barriers.

**Sewage** - all toilet wastes and Greywater.

**Spill Contingency Plan** - a document, developed in accordance with Aboriginal Affairs and Northern Development Canada's *Guidelines for Spill Contingency Planning* that describes the set of procedures to be implemented to minimize the effects of a spill.

**Safety Data Sheet** - a technical document, typically written by the manufacturer or supplier of a chemical, that provides information about the hazards associated with the product, advice about safe handling and storage, and emergency response procedures.

**Sump** - a human-made pit or natural depression in the earth's surface used for the purpose of depositing Waste that does not contain Toxic Material, such as non-toxic Drilling Waste or Sewage, therein.

**Toxic Material** - any substance that enters or may enter the environment in a quantity or concentration or under conditions such that it:

- a) Has or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- b) Constitutes or may constitute a danger to the environment on which life depends; or
- c) Constitutes or may constitute a danger in Canada to human life or health.

**Waste** - any garbage, debris, chemical, or Toxic Material to be used, stored, disposed of, or handled on land, and also as defined in section 51 of the Act.

**Waste Management Plan** - a document, developed in accordance with the Board's Guidelines for Developing a Waste Management Plan, that describes the methods of Waste management from Waste generation to final disposal.

**Watercourse** - a natural body of flowing or standing water or an area occupied by water during part of the year, and includes streams, springs, swamps and gulches but does not include groundwater.

**Part C: Conditions Applying to All Activities** (headings correspond to subsection 26(1) of the Mackenzie Valley Land Use Regulations)

Condition	Category
<b>26(1)(a) Location and Area</b>	
1. The Permittee shall only conduct this land-use operation on lands designated in the application.	<b>LOCATION OF ACTIVITIES</b>
2. The Permittee shall not conduct any part of the land-use operation within 300 metres of any privately owned or leased land or structures, including cabins used for traditional activities, unless otherwise approved by the Board.	<b>PRIVATE PROPERTY SETBACK</b>
3. The Permittee shall locate all camps on Durable Land or previously cleared areas, and a minimum of 100 metres from the Ordinary High-Water Mark.	<b>CAMP SETBACK</b>
4. Prior to the commencement of drilling, the Permittee shall submit the target areas and final drill hole locations on a 1:50,000-scale map with coordinates and map datum to the Board and an Inspector.	<b>DRILL LOCATIONS</b>
5. The Permittee shall not locate any Sump within 100 metres of the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.	<b>SUMP SETBACK</b>
6. The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.	<b>PARALLEL ROADS</b>
7. The Permittee shall confine the width of the right-of-way to a maximum of 60 metres.	<b>WIDTH RIGHT-OF-WAY</b>
<b>26(1)(b) Time</b>	
8. At least 48 hours prior to the initial commencement of the land-use operation, the Permittee's Field Supervisor shall notify the Board and contact an Inspector at (867) 767-9188.	<b>INITIAL NOTIFICATION – CONTACT INSPECTOR</b>
9. At least 48 hours prior to commencement of the land-use operation, the Permittee shall provide the following information, in writing, to the Board and an Inspector: a) the name(s) of the person(s) in charge of the field operation; b) alternates; and	<b>IDENTIFY AGENT</b>



- c) all methods for contacting the above person(s).
10. At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of:
- a) the plan for removal or storage of equipment and materials;
  - b) when final cleanup and reclamation of the land used will be completed; and
  - c) when the Final Plan will be submitted.

**REPORTS BEFORE  
FINAL REMOVAL**

**26(1)(c) Type and Size of Equipment**

11. The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application.

**USE APPROVED  
EQUIPMENT**

**26(1)(d) Methods and Techniques**

12. Prior to the movement of any vehicle that exerts pressure on the ground in excess of 35 kPa, the Permittee shall scout proposed lines and routes to select the best location for crossing streams and avoiding terrain obstacles.

**DETOURS AND  
CROSSINGS**

13. The Permittee shall leave a buffer strip of undisturbed vegetation at least 30 metres in width between cleared areas and public roads

**TREE SCREEN**

**26(1)(e) Type, Location, Capacity, and Operation of All Facilities**

14. The Permittee shall ensure that the land use area is kept clean at all times.

**CLEAN WORK AREA**

**26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land**

15. The Permittee shall install and maintain culverts such that scouring does not occur.

**CULVERT SIZE**

16. The Permittee shall insulate the ground surface beneath all structures associated with this land-use operation to prevent:
- a) any vegetation present from being removed;
  - b) the melting of Permafrost; and
  - c) the ground settling and/or eroding.

**PERMAFROST  
PROTECTION**

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|---|--|--------------------------------------|
| 17.   | The land-use operation shall not cause obstruction to any natural drainage.  | <b>NATURAL DRAINAGE</b>              |
| 18.   | The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses.   | <b>PROGRESSIVE EROSION CONTROL</b>   |
| 19.   | The Permittee shall apply appropriate mitigation at the first sign of erosion.   | <b>REPAIR EROSION</b>                |
| 20.   | The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface.  | <b>PREVENTION OF RUTTING</b>         |
| 21.   | The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging.  | <b>SUSPEND OVERLAND TRAVEL</b>       |
| 22.   | The Permittee shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging.   | <b>VEHICLE MOVEMENT FREEZE-UP</b>    |
| 23.   | The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector.   | <b>STREAM BANKS</b>                  |
| 24.   | The Permittee shall minimize approach grades on all Watercourse crossings.   | <b>MINIMIZE APPROACH</b>             |
| 25.   | The Permittee shall use temporary bridges or dry fording when crossing streams.  | <b>DRY FORDING</b>                   |
| 26.   | The Permittee shall slope the sides of Waste material piles, excavations, and embankments — except in solid rock — to a minimum ratio of 2:1 vertical, unless otherwise authorized in writing by an Inspector.   | <b>EXCAVATION AND EMBANKMENTS</b>    |
| <b>26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material</b> |  |                                      |
| 27.   | At least seven days prior to the use of any chemicals that were not identified in the complete application, the Safety Data Sheets must be provided to the Board and an Inspector.   | <b>CHEMICALS</b>                     |
| 28.   | When drilling within 100 metres of the Ordinary High-Water Mark of any Watercourse, and when drilling on ice, the Permittee shall contain all drill water and Drilling Waste in a closed circuit system for reuse, off-site disposal, or deposit into a land-based Sump or natural depression. | <b>DRILLING NEAR WATER OR ON ICE</b> |

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| 29.  | The Permittee shall not allow any Drilling Waste to spread to the surrounding lands or Watercourses.   | <b>DRILLING WASTE<br/>CONTAINMENT</b>           |
| 30.  | The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.  | <b>WASTE CHEMICAL<br/>DISPOSAL</b>              |
| 31.  | The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility.   | <b>WASTE PETROLEUM<br/>DISPOSAL</b>             |
| 32.  | The Permittee shall provide written notification to the Board and Inspector a minimum of 10 days prior to the initial deposit of Waste, demonstrating that the licenced disposal facility has agreed to accept the Waste and has the capacity to receive the volumes of Waste requested.   | <b>NOTIFICATION OF SOLID<br/>WASTE DISPOSAL</b> |
| <b>26(1)(h) Wildlife and Fish Habitat</b>                                  |  |   |
| 33.  | The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.  | <b>HABITAT DAMAGE</b>                           |
| <b>26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage</b>        |  |   |
| 34.  | The Permittee shall dispose of all Waste as described in the <b>Waste Management Plan</b> , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | <b>WASTE MANAGEMENT</b>                         |
| 35.  | The Permittee shall keep all garbage and debris in a secure container until disposal.  | <b>GARBAGE CONTAINER</b>                        |
| 36.  | The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan.  | <b>SEWAGE DISPOSAL - PLAN</b>                   |
| <b>26(1)(j) Protection of Historical, Archaeological, and Burial Sites</b> |  |   |
| 37.  | The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground.   | <b>ARCHAEOLOGICAL<br/>BUFFER</b>                |
| 38.  | The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.  | <b>SITE DISTURBANCE</b>                         |

- |  |  |
|--|--|
| <p>39. The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:</p> <ul style="list-style-type: none"> <li>a) immediately suspend operations on the site; and</li> <li>b) notify the Board at (867) 765-4592 or an Inspector at (867) 767-9188, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255.</li> </ul> <p><b>26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value</b></p> <p><i>Intentionally left blank.</i></p> <p><b>26(1)(l) Security Deposit</b></p> | <p><b>SITE DISCOVERY AND NOTIFICATION</b></p>      |
| <p>40. All costs to remediate the area under this Permit are the responsibility of the Permittee.</p> <p><b>26(1)(m) Fuel Storage</b></p>  | <p><b>RESPONSIBILITY FOR REMEDIATION COSTS</b></p> |
| <p>41. The Permittee shall place Fuel Storage Containers and or Tanks a minimum of 100 metres from the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.</p>  | <p><b>FUEL STORAGE SETBACK</b></p>                 |
| <p>42. The Permittee shall ensure that all fuel caches have adequate Secondary Containment.</p>  | <p><b>FUEL CACHE SECONDARY CONTAINMENT</b></p>     |
| <p>43. The Permittee shall set up all refueling points with Secondary Containment.</p>   | <p><b>SECONDARY CONTAINMENT - REFUELING</b></p>    |
| <p>44. The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.</p>  | <p><b>FUEL CONTAINMENT</b></p>                     |
| <p>45. The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name.</p>   | <p><b>MARK CONTAINERS AND TANKS</b></p>            |
| <p>46. The Permittee shall comply with the <b>Spill Contingency Plan</b>, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.</p>   | <p><b>SPILL CONTINGENCY PLAN</b></p>               |
| <p>47. Prior to commencement of the land-use operation the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills.</p>  | <p><b>SPILL RESPONSE</b></p>                       |

- |     |   |                        |
|-----|---|------------------------|
| 48. | All equipment that may be parked for two hours or more, shall have a hazmat/drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately.  | <b>DRIP TRAYS</b>      |
| 49. | The Permittee shall clean up all leaks, spills, and contaminated material immediately   | <b>CLEAN UP SPILLS</b> |
| 50. | <p>During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall:</p> <p>a) implement the approved Spill Contingency Plan;</p> <p>b) report it-immediately using the NU-NT Spill Report Form by one of the following methods:</p> <ul style="list-style-type: none"> <li>• Telephone: (867) 920-8130</li> <li>• E-mail: <a href="mailto:spills@gov.nt.ca">spills@gov.nt.ca</a></li> <li>• Online: <a href="#">Spill Reporting and Tracking Database</a></li> </ul> <p>c) within 24 hours, notify the Board and an Inspector; and</p> <p>d) within 30 days of initially reporting the incident, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur.</p> | <b>REPORT SPILLS</b>   |

**26(1)(n) Methods and Techniques for Debris and Brush Disposal**

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| 51. | The Permittee shall progressively dispose of all brush and trees; all disposal shall be completed prior to the end of this land use operation | <b>BRUSH DISPOSAL/ TIME</b>  |
| 52. | The Permittee shall not clear areas larger than identified in the complete application.   | <b>MINIMIZE AREA CLEARED</b> |

**26(1)(o) Restoration of the Lands**

- |     |   |                                      |
|-----|---|--------------------------------------|
| 53. | The Permittee shall save the organic soil stripped from the land use area and shall use the organic soil for reclamation as approved by the Board,or otherwise authorized in writing by an Inspector. | <b>SAVE AND PLACE ORGANIC SOIL</b>   |
| 54. | Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used.   | <b>FINAL CLEANUP AND RESTORATION</b> |
| 55. | Prior to the end of the land-use operation, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation.  | <b>NATURAL VEGETATION</b>            |

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|--|---|--|
| 56.  | The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so.   | <b>PROGRESSIVE RECLAMATION</b>         |
| 57.  | Prior to the end of the land-use operation, the Permittee shall restore any trails impacted by the land-use operation by removing fallen trees and any other obstructions from the trails.  | <b>TRAILS RESTORATION</b>              |
| <b>26(1)(p) Display of Permits and Permit Numbers</b>          |   |  |
| 58.  | The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation.  | <b>DISPLAY PERMIT</b>                  |
| <b>26(1)(q) Biological and Physical Protection of the Land</b> |   |  |
| 59.  | If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them.  | <b>MIGRATORY BIRD NEST DISTURBANCE</b> |
| 60.  | If any plan is not approved by the Board, the Permittee shall revise the plan according to the Board's direction and re-submit it to the Board for approval.  | <b>RESUBMIT PLAN</b>                   |
| 61.  | The Permittee shall comply with the <b>Engagement Plan</b> , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | <b>ENGAGEMENT PLAN</b>                 |
| 62.  | All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.   | <b>SUMMARY OF CHANGES</b>              |



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## Reasons for Decision

<b>Reference/File Number:</b>	W2021E0007 (Type A Land Use Permit) W2021L8-0002 (Type B Water Licence)
<b>Permittee/Licensee:</b>	Government of the Northwest Territories Department of Infrastructure (GNWT-INF)
<b>Subject:</b>	Land Use Permit and Water Licence Application for the Whati Road Access Rehabilitation Project

## Decision from the Wek'èezhìi Land and Water Board Meeting of July 30, 2021

### 1.0 Decision

On July 30, 2021, the Wek'èezhìi Land and Water Board (WLWB or the Board) met and considered a Type B Water Licence Application (W2021L8-0002) and a Type A Land Use Permit (W2021E0007) from the Government of the Northwest Territories Department of Infrastructure (GNWT-INF or the Applicant). The purpose of the submissions is to allow for rehabilitation work on the Whati Access Road (the Project).

The Board conducted a preliminary screening of the Application according to subsection 125(2) of the *Mackenzie Valley Resource Management Act* (MVRMA).<sup>1</sup> Based on the evidence provided, the Board was satisfied the screening had been completed according to section 125 of the MVRMA and decided not to refer the project to environmental assessment.

In consideration of the Application, reviewer comments and proponent responses, the Board has decided the following:

1. If the Board does not receive a notice of referral to environmental assessment by August 1, 2021, the Board will issue Type A Land Use Permit W2021E0007 on August 2, 2021;
2. If the Board does not receive a notice of referral to environmental assessment by August 1, 2021, the Board will issue Type B Water Licence W2021L8-0002 on August 2, 2021, subject to the terms and conditions contained therein;

<sup>1</sup> See WLWB Online Registry ([www.wlwb.ca](http://www.wlwb.ca)) for [GNWT-INF - Whati Access Rehabilitation Project - Preliminary Screening Notification and Determination - Jul 22 21](#)

3. To approve Version 1.0 of the Engagement Plan;
4. To approve Version 1.0 of the Spill Contingency Plan Version;
5. To require GNWT-INF to submit Version 1.1 of its Spill Contingency Plan within 30 days. Version 1.1 is to include the updated contact information for the Department of Lands Inspector;
6. To approve Version 1.0 the Waste Management Plan;
7. To require GNWT-INF to submit Version 1.1 of its Waste Management Plan. Version 1.1 is to include: (a) written confirmation from the Community Government of Whatì indicating that it is acceptable to receive waste generated for this Project; (b) confirmation that hazardous waste would only be generated as a result of an unplanned event; and (c) the commitment made by GNWT-INF that no incineration will be used during the life of the Project; and
8. To approve Version 1.0 of GNWT-INF's Closure and Reclamation Plan.

## **2.0 Background**

The WLWB received a Land Use Permit and Water Licence Application from the Government of the Northwest Territories Department of Infrastructure (GNWT-INF) on June 21, 2021. The purpose of the Application is to allow GNWT-INF to rehabilitate the Whatì Access Road, which involves a geotechnical study, upgrading the access road, and replacing culverts with a bridge. GNWT-INF stated in its cover letter that it expects the geotechnical study to start on August 2, 2021, while the road upgrades and culvert replacement are expected to start in 2022. The Project will include use of motorized earth-drilling machinery, establishment and use of a camp, establishment of a fuel storage facility, and use of stationary motorized machine. The location of the Project is wholly within the Community Boundary of Whatì, located within the following coordinates:<sup>2</sup>

- Minimum latitude: 63° 10' 59.10" N Maximum latitude: 63° 08' 47.71" N
- Minimum longitude: 117° 02' 18.13" W Maximum longitude: 117° 15' 40.28" W

As part of its Application, GNWT-INF engaged with the following Parties: Tłıchq Government (TG), Community Government of Whatì (CGW), Wek'èezhii Renewable Resources Board (WRRB), North Slave Métis Alliance (NSMA), Prince of Wales Northern Heritage Center (PWNHC), GNWT-Department of Lands (GNWT-Lands), and GNWT-Environment and Natural Resources (GNWT-ENR). A summary of what was discussed, and copies of the engagement correspondence are included in the Engagement Record.<sup>3</sup>

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<sup>2</sup> See WLWB Online Registry for [GNWT-INF - Whatì Access Rehabilitation Project - LUP and Type B WL App - Maps - Jun 21 21](#)

<sup>3</sup> See WLWB Online Registry for [GNWT-INF - Whatì Access Rehabilitation Project - LUP and Type B WL App - Engagement Record - Jun 21 21](#)



## **2.1 Public Review**

To assist the Board in its preliminary screening determination for the Project, the Board distributed the Application, supporting materials,<sup>4,5,6</sup> and a draft Licence<sup>7</sup> and Permit<sup>8</sup> for public review on June 21, 2021, inviting reviewers to provide comments and recommendations on the Applications and the preliminary screening (e.g., on impacts and mitigation measures) using the Online Review System (ORS). Comments were due July 12, 2021, with responses from the Applicant due July 14, 2021.

The Board received comments and recommendations from Fisheries and Oceans Canada (DFO) and the Government of the Northwest Territories Department of Lands (GNWT-Lands) Inspector; Board staff also submitted questions. The Wek'èezhii Renewable Resources Board (WRRB) indicated it had no recommendations at this time. Additionally, a letter from GNWT-Lands was received indicating its support to issue the Permit and that there were no concerns from the Mining Recorder's Office and Territorial Lands Administration. Reviewer recommendations and proponent responses are available on the WLWB Online Registry.<sup>9</sup>

Since there were no requests to extend the reviewer comment deadline, the Board is satisfied that a reasonable period of notice was given to affected communities and First Nations, as required by subsection 63(2) of the MVRMA. The Board is also satisfied that the Tłı̨ch̨ Government has been consulted in accordance with section 63 of the MVRMA.

## **3.0 Reasons for Decision**

### **3.1 Permit Eligibility**

As per section 18 of the Mackenzie Valley Land Use Regulations (MVLUR), eligibility must be determined before the Board can issue a permit. As part of its Application, GNWT-INF obtained a letter from the CGW in support of the Whati Access Road Upgrades.<sup>10</sup> Based on the supporting information provided, the Board believes that eligibility requirements under section 18 of the MVLUR have been satisfied.

### **3.2 Preliminary Screening**

In accordance with subsection 125(2)(a) of the MVRMA, the Board must conduct a preliminary screening of the Application. As per section 125(1) of the MVRMA, the Board distributed the Preliminary Screening

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<sup>4</sup> See WLWB Online Registry for [GNWT-INF - Whati Access Rehabilitation Project - LUP and Type B WL App - Support Email from CGW - Jun 21 21](#)

<sup>5</sup> See WLWB Online Registry for [GNWT-INF - Whati Access Rehabilitation Project - LUP and Type B WL App - Crossing Channel Description - Jun 21 21](#)

<sup>6</sup> See WLWB Online Registry for [GNWT-INF - Whati Access Rehabilitation Project - LUP and Type B WL App - Hydrotechnical Study - Jun 21 21](#)

<sup>7</sup> See WLWB Online Registry for [GNWT-INF - Whati Access Rehabilitation Project - LUP and Type B WL App - Draft Licence - Jun 21 21](#)

<sup>8</sup> See WLWB Online Registry for [GNWT-INF - Whati Access Rehabilitation Project - LUP and Type B WL App - Draft Permit - Jun 21 21](#)

<sup>9</sup> See WLWB Online Registry for [GNWT-INF - Whati Access Rehabilitation Project - Review Summary and Attachments - Jul 15 21](#)

<sup>10</sup> See WLWB Online Registry for [GNWT-INF - Whati Access Rehabilitation Project - LUP and Type B WL App - Support Email from CGW - Jun 21 21](#)

Determination to the Review Board and the Wek'èezhìi Distribution List on July 22, 2021.<sup>11</sup> The Board did not receive a referral to Environmental Assessment during the 10-day pause period; therefore, as discussed in sections 3.3 and 3.4 of this Reasons for Decision (RFD), the Board is issuing Permit W2021E0007 and Licence W2021L8-0002.

### **3.3 Land Use Permit**

A Draft Permit was included in the Item for Review. The Draft Permit was developed using the Mackenzie Valley Land and Water Board (2020) *Standard Land Use Permit Conditions Template Version 2.3* (Standard List).

#### **3.3.1 Scope**

A draft Land Use Permit with the following scope was distributed as part of the public review:

This Permit entitles the Permittee to conduct the following land-use operations:

- a) Use of motorized earth-drilling machinery;
- b) Use of camp;
- c) Establishment of a fuel storage facility;
- d) Use of a stationary motorized machine;
- e) Conduct a geotechnical study;
- f) Upgrade access road; and
- g) Replace culverts on the road with a bridge.

During the public review, the GNWT-Lands Inspector (GNWT-Lands comment 1) recommended several updates be made to the scope because the proposed operations are occurring within the boundaries of a local government. The Inspector stated that the only regulated activities as per subsections 4(b) and 5(b) of the MVLUR are the following: the use of a campsite outside a Territorial Park; and the establishment of a petroleum fuel storage facility with a capacity equal to or exceeding 80,000 L. The GNWT-Lands Inspector also recommended removing the following from the scope of the Draft Permit: use of a stationary motorized machine; upgrade access road; and replace culverts on the road with a bridge.

The Board has included the following scope in the Permit:

This Permit entitles the Permittee to conduct the following land-use operations:

- a) Use of motorized earth-drilling machinery;
- b) Establishment and use of a campsite outside a Territorial Park;
- c) Establishment of a petroleum fuel storage facility with a capacity equal to or exceeding 80,000 L;
- d) Use of a stationary motorized machine and heavy equipment;
- e) Conduct a geotechnical study;
- f) Upgrade access road; and

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<sup>11</sup> See WLWB Online Registry for [GNWT-INF - Whati Access Rehabilitation Project - Preliminary Screening Notification and Determination - Jul 22 21](#)

- g) Replace culverts on the road with a bridge.

The Board is of the opinion that revising the wording for Part A(b) and (c) better reflects the activities included as part of the Application and incorporates wording from the Inspector's recommendation. The Board has also decided to retain and revise some of the land use operations in the scope to reflect what was included in the Application Package. Specifically, the 'use of a stationary motorized machine and heavy equipment', 'upgrade access road', and 'replace culverts on the road with a bridge' were kept and/or revised to reflect the Application (i.e., use of excavator, rehabilitation, upgrade to the Whatì Access Road, and replacement of a culvert on the road with a bridge).

The Board has included two definitions to Part B of the Permit: 'Drilling Fluid' and 'Drilling Waste'. These two definitions were included to reflect the inclusion of conditions relating to drilling (see section 3.3.2 of this Reasons for Decision).

### ***3.3.2 Permit Conditions***

The GNWT-Lands Inspector recommended options and/or contact information for the following conditions: 'Private Property Setback', 'Initial Notification – Contact Inspector', 'Waste Petroleum Disposal', and 'Site Discovery and Notification'. For the 'Private Property Setback', the Inspector recommended including 300 m for the setback because this is the typical setback distance (GNWT-Lands Inspector comment 2) and the Applicant indicated that the Inspector's recommendation applied. Thus, the Board has included 300 m for the setback. For the 'Initial Notification – Contact Inspector' condition, the Inspector recommended inclusion of Option 1 to reflect the Inspector for this land use operation and provided the phone number to include in the condition (GNWT-Lands Inspector comment 8). The Board has included Option 1 in the Permit and the phone number as recommended by the Inspector. For the 'Waste Petroleum Disposal' condition, the Inspector recommended inclusion of Option 1 as the only possible option for this project (GNWT-Lands Inspector comment 13). As the Applicant has not proposed to incinerate any Waste petroleum as part of its Application, the Board agrees and has included Option 1 in the Permit. For the 'Site Discovery and Notification' condition, the Inspector provided the phone number for the Inspector to include in the condition (GNWT-Lands Inspector comment 14). The Board has included the phone number as recommended by the Inspector.

The GNWT-Lands Inspector recommended inclusion of four standard conditions related to drilling and drill waste: 'Drill Locations', 'Sump Setback', 'Drilling Near Water and on Ice', and 'Drilling Waste Containment' (GNWT-Lands Inspector comments 5, 6, 11, and 12). The Inspector noted that prior to commencement of drilling, target areas must be provided to an Inspector, and drill cuttings will require proper disposal in a sump or natural depression. The Inspector also noted that the land use operation will include drilling near a watercourse, thus mitigative measures are required and recommended the inclusion of standard conditions for drilling and drill waste containment. The Applicant did not indicate any objection or concern with the inclusion of these conditions. Because the Project will include drilling activities and these activities may occur near water, the Board agrees that these standard conditions are appropriate and has included them in the Permit.

The GNWT-Lands Inspector recommended removing nine standard conditions from the Draft Permit that was distributed for review: 'Parallel Roads', 'Width Right-Of-Way', 'Detours and Crossings', 'Prevention of Rutting', 'Suspend Overland Travel', 'Vehicle Movement Freeze-Up', 'Stream Banks', 'Minimize Approach', 'Dry Fording', 'Excavation and Embankments', and 'Trails Restoration' (GNWT-Lands Inspector comments 3, 4, 9, 10, and 15):

- With respect to the Parallel Roads condition, the GNWT Lands Inspector noted that this condition was not applicable to this land use operation and recommended removing this condition (GNWT-Lands Inspector comment 3). Because this Application is for road upgrades and construction of a bridge, the Applicant may go off road to undertake these activities; thus, the Board believes this condition should remain.
- With respect to the 'Detours and Crossings' condition, the GNWT-Lands Inspector stated that since the application did not include heavy equipment (i.e., dozers, excavations, etc.) this condition should be removed (GNWT-Lands Inspector comment 9). The Board notes that the Application Package (i.e., Spill Contingency Plan) includes a list of heavy equipment and the proposed project involves the construction of a bridge along with upgrades to the existing road, thus the Board believes this condition should remain in the Permit.
- With respect to the 'Width Right-Of-Way condition', the GNWT Lands Inspector noted this condition was not applicable since the activities being regulated are the use of a drill for geotechnical investigations along an existing road and recommended this condition be removed (GNWT-Lands Inspector comment 4). Because the project involves rehabilitation of a road, it was unclear whether any widening of the existing road would be required. Board staff asked GNWT-INF whether it had any intentions of widening the road and if so by how much (WLWB staff comment 4). GNWT-INF responded that it has no intentions of widening the existing road beyond the 60 m Right-of-Way. To ensure no widening of the road beyond the existing 60 m Right-of-Way, the Board has retained this standard condition in the Permit with a maximum width of 60 m.
- With respect to the 'Prevention of Rutting', 'Suspend Overland Travel', 'Vehicle Movement Freeze-Up', 'Stream Banks', 'Minimize Approach', 'Dry Fording', 'Excavation and Embankments', and 'Trails Restoration' conditions, the GNWT-Lands Inspector noted that these conditions did not apply to the proposed land use operations and recommended removing these conditions (GNWT-Lands Inspector comments 4, 10, and 15). The Board notes that since the Application Packages includes the use of heavy equipment as part of its operations and the above conditions apply to operations that include the use of heavy equipment, the Board believes these conditions do apply and have left the conditions in the Permit.

The GNWT-Lands Inspector also recommended removing the following three standard conditions from the Draft Permit: 'Inspect Locations', 'Disposal of Overburden', and 'Save and Place Organic Soil' (GNWT-Lands Inspector comments 7 and 15). GNWT-Lands Inspector noted that due to the scale of the proposed land use operations, the 'Inspect Locations' condition is not required (GNWT-Lands Inspector comment 7). The Inspector also stated that the 'Disposal of Overburden' and 'Save and Place Organic Soil' conditions do not apply to the proposed operations (GNWT-Lands Inspector comment 15). The Board agrees that the 'Disposal of Overburden' condition does not apply to this Project as this condition is typically associated

with quarries and has thus not included it in the Permit. As the construction of the bridge and rehabilitation of the road may require some excavation and movement of earth materials the Board has decided to retain the “Save and Place Organic Soil’ condition in the Permit so that it can be used for restoration work if needed.

### **3.3.3 Overall Permit Decision**

After reviewing the Application, as well as all reviewer comments and proponent responses submitted during the public review, the Board has decided to issue Type A Land Use Permit W2021E0007 for a period of five years.

- ***Decision #1: If the Board does not receive a notice of referral to environmental assessment by August 1, 2021, the Board will issue Type A Land Use Permit W2021E0007 on August 2, 2021.***

## **3.4 Water Licence**

A Draft Licence was included in the Item for Review.

### **3.4.1 Scope and Define Terms**

The following Scope was included in the Draft Licence that underwent public review:

The Scope of this Licence includes the following:

- a) Withdrawal of Water for dust suppression;
- b) Depositing of Waste to approved facilities;
- c) Construction, operation, and maintenance of a bridge; and
- d) Progressive Reclamation and associated Closure and Reclamation activities.

In its Project Description of the Application, the GNWT-INF stated that “water will be drawn from Lac la Martre for construction activities such as dust suppression and compaction. The daily volume to be drawn will not exceed 299 m<sup>3</sup>.” The Board is of the opinion that revising the wording of Part A, Condition 1(a) to include reference to the Water Source provides for greater clarity regarding the authorized water use. Part A, Condition 1(a) has been revised as follows: “Withdrawal and use of Water from the Water Source identified in Part C, Condition 1 for dust suppression.”

No comments/recommendations were received with regards to the Defined Terms section. No changes were made to Defined Terms in the Water Licence.

### **3.4.2 General Conditions**

No comments or recommendations with regards to Part B: General Conditions of the Draft Licence were received during the public review. Since the Licence did not include a Surveillance Network Program, and since the Board did not receive comments or recommendations regarding inclusions for SNP stations during the public review, the Board has removed the condition requiring compliance with the SNP (i.e., Part B, Condition 14 of the Draft Licence). The Board has also removed reference to the SNP from the ‘Updates to Compliance Date(s)’ condition in the Licence (i.e., Part B, Condition 14).

Also, as discussed in section 3.5.1 of this Reasons for Decision, the Board approved GNWT-INF's Engagement Plan; therefore, the condition requiring submission of a revised Engagement Plan (i.e., Part B, Condition 20 of the Draft Licence) was not included in the Licence. See section 3.5.1 for more information related to the Engagement Plan.

With regards to the submission of an Annual Water Licence Report for W2021L8-0002 (i.e., Part B, Condition 17), the Board recognizes that the Whatì Access Road Project is taking place as a result of the Tłjchq All Season Road (TASR). Given that it is the same proponent undertaking both of these Projects, the Board suggests that the proponent could submit the information required by Part B, Condition 17 of Water Licence W2021L8-0002 as part of the Annual Report for GNWT-INF's TASR Water Licence W2020L8-0001. For this reason, the Board has aligned the submission date for the Annual Report with that of the TASR Licence. If the proponent wishes to take this approach, the cover letter of the submission must clearly indicate that it applies to both licences and a conformity table must be included to demonstrate where/how the requirements of each Licence has been addressed.

### **3.4.3 Security**

No comments or recommendations were received related to Security of the Draft Licence during the public review. Since the Applicant is the GNWT and security does not apply to the GNWT, this section in the Draft Licence was intentionally left blank. The Board has not included a section on Security in the Licence.

### **3.4.4 Water Use**

During the public review, Board staff had a question regarding the impacts and mitigations related to water use for dust suppression measures (WLWB staff comment 8). Board staff requested that GNWT-INF include the volume of water to be used, along with a description of the associated impacts and mitigations as this type of water use could create run-off. GNWT-INF responded that at this time, it is unable to determine the volume of water for dust suppression given that the water requirement will depend on how much dust is generated at the time and how dry conditions are. GNWT-INF explained that if the season is relatively wet, less or no water will be required. GNWT-INF also stated that it will make sure dust suppression activities do not result in run-off. As stated in the Application and as required by the Licence (i.e., Part C, Condition 1), water use will not exceed 299 m<sup>3</sup>. No other comments or recommendations were received with regards to conditions related to Water Use. No changes were made to this section of the Licence.

### **3.4.5 Construction**

The Draft Licence that underwent public review included two conditions related to the Design and Construction Plan (i.e., Part E, Conditions 6 and 8). Both conditions were included as it was not known at the time whether the bridge would be an Engineered Structure or not. During the public review, Board staff asked GNWT-INF to clarify if the bridge is considered an Engineered Structure and whether GNWT-INF anticipated any issues with meeting the requirements of Part E, Condition 6 and Schedule 2, Condition 1 (WLWB staff comment 2). GNWT-INF responded that the bridge is an Engineered Structure; no further response was provided. Thus, the Board has decided to only include the condition requiring a Construction

Plan for an Engineered Structure in the Licence (i.e., Part D, Condition 6). See section 3.4.11 of this Reasons for Decision for more information on the Design and Construction Plan.

#### **3.4.6 Waste and Water Management**

The Draft Licence that underwent public review included a condition related to an Annual Geotechnical Inspection. As described in the Standard Conditions for Water Licences, a condition for an Annual Geotechnical Inspection is typically included for Engineered Structures. As described in section 3.4.5 of this Reasons for Decision, GNWT-INF confirmed that the bridge is an Engineered Structure; thus, this condition (i.e., Part E, Condition 4) has been retained in the Licence. No other comments or recommendations were received. No other changes were made.

#### **3.4.7 Spill Contingency Planning**

No comments or recommendations were received with regards to Spill Contingency Planning. No changes were made to the Spill Contingency Planning section of the Licence. As discussed in section 3.5.2 of this Reasons for Decision, the Board approved Version 1.0 of GNWT-INF's Spill Contingency Plan and directed GNWT-INF to submit Version 1.1 of its Spill Contingency.

#### **3.4.8 Closure and Reclamation**

No comments or recommendations were received during the public review with regards to conditions related to Closure and Reclamation. No changes have been made to the Closure and Reclamation section of the Licence. As discussed in section 3.5.4 of this Reasons for Decision, the Board approved GNWT-INF's Closure and Reclamation Plan.

#### **3.4.9 In-Water Works**

During the public review, Board staff had a question about working in water. Board staff asked whether GNWT-INF is planning to use Heavy Equipment in a Watercourse during its operation, and if so, to describe what measures will be used to mitigate potential impacts (WLWB staff comment 6). GNWT-INF responded that the GNWT-INF did not anticipate using heavy equipment for in-water works. Thus, the Board believes the inclusion of the following condition related to In-Water Works is appropriate: *"The Licensee shall not enter open water with Heavy Equipment at any time"* and has included it in Part H of the Licence.

#### **3.4.10 Schedule 1: Annual Water Licence Report**

Schedule 1 of the Draft Licence outlined draft requirements for the Annual Water Licence Report. No comments or recommendations with regards to Schedule 1 were received during the public review, thus no changes were made. See section 3.4.2 for more information related to the submission of GNWT-INF's Annual Water Licence Report.

#### **3.4.11 Schedule 2: Design and Construction Plan**

Schedule 2 of the Draft Licence outlined draft requirements for the Design and Construction Plan associated with the construction of the bridge. No comments or recommendations with regards to Schedule 2 were received during the public review, thus no changes were made. See section 3.4.5 for more information related to the Design and Construction Plan.

### **3.4.12 Schedule 3: Conditions Applying to Closure and Reclamation**

Schedule 3 of the Draft Licence outlined draft requirements for the Closure and Reclamation Plan. No comments or recommendations with regards to Schedule 3 were received during the public review, thus no changes were made to Schedule 3. See sections 3.4.8 and 3.5.4 of this Reasons for Decision for more information related to Closure and Reclamation.

### **3.4.13 Term of the Licence**

In its Application, GNWT-INF requested that the Term of the Licence be for a period of five years, to ensure sufficient time is available to complete the proposed rehabilitation project. GNWT-INF plans to start its geotechnical study by August 2, 2021, while road upgrades and culvert replacement is expected to start in 2022. The Board has decided to issue the Licence for a period of five years.

After having reviewed the written comments and submissions received by the Board, and having due regard to the facts and circumstances, the merits of the submissions made to it, and to the purpose, scope, and intent of the MVRMA and the *Waters Act* and Regulations made thereunder, the Board has decided to issue Water Licence W2021L8-0002, subject to the terms and conditions contained therein.

- ***Decision #2: If the Board does not receive a notice of referral to environmental assessment by August 1, 2021, the Board will issue Type B Water Licence W2021L8-0002 on August 2, 2021, subject to the terms and conditions contained therein.***

## **3.5 Management Plans**

As part of its Applications, GNWT-INF submitted Version 1.0 of its Spill Contingency Plan, Waste Management Plan, Engagement Plan, and Closure and Reclamation Plan.

### **3.5.1 Engagement Plan**

GNWT-INF submitted Version 1.0 of its Engagement Plan.<sup>12</sup> There were no concerns or recommendations from Parties with regards to Version 1.0 of the Engagement Plan. The Board confirmed that the Engagement Plan is in accordance with the MVLWB (2019) *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*.

- ***Decision #3: The Board approves Version 1.0 of the Engagement Plan.***

### **3.5.2 Spill Contingency Plan**

GNWT-INF submitted Version 1.0 of its Spill Contingency Plan.<sup>13</sup> The Board confirmed that the Spill Contingency Plan is in accordance with INAC's (2007) *Guidelines for Spill Contingency Planning*.

During the public review, the GNWT-Lands Inspector commented that the Department of Lands Inspector's contact information was incorrect and recommended that GNWT-INF update the Inspector's phone number in GNWT-INF's Spill Contingency Plan (GNWT-Lands Inspector comment 16). GNWT-INF

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<sup>12</sup> See WLWB Online Registry for [GNWT-INF - Whati Access Rehabilitation Project - LUP and Type B WL App - Engagement Plan – V1.0 - Jun 21 21](#)

<sup>13</sup> See WLWB Online Registry for [GNWT-INF - Whati Access Rehabilitation Project LUP and Type B WL App - Spill Contingency Plan – V1.0 - Jun 21 21](#)



responded that the recommended change had been made to its Spill Contingency Plan. The Board requires GNWT-INF to update the contact information for the Department of Lands Inspector phone number in Version 1.1 of GNWT-INF's Spill Contingency Plan. No other comments were received with regards to the Spill Contingency Plan.

- **Decision #4: The Board approves Version 1.0 of the Spill Contingency Plan Version 1.0.**
- **Decision #5: The Board requires GNWT-INF to submit Version 1.1 of its Spill Contingency Plan within 30 days. Version 1.1 is to include the updated contact information for the Department of Lands Inspector.**

### **3.5.3 Waste Management Plan**

GNWT-INF submitted Version 1.0 of its Waste Management Plan.<sup>14</sup> While, the Board confirmed that the Waste Management Plan is in accordance with the MVLWB (2011) *Guidelines for Developing a Waste Management Plan*, it was identified that some information and supporting documentation was missing from the plan. The Board has thus decided to approve Version 1.0 of the Plan, with direction to submit Version 1.1 within 30 days. Revisions required for Version 1.1 are discussed in the paragraphs below.

The Waste Management Plan (WMP) indicates that non-hazardous, non-mineral wastes will be transported to Whatì for disposal at the Sewage Lagoon and Solid Waste Facility, once approvals are in place. The WMP also indicates that hazardous Waste will be disposed of through a licensed facility. During the public review, Board staff asked GNWT-INF to provide an estimate of Waste types and volumes to be disposed of at the Community of Whatì's Waste Disposal Facility and to describe alternative disposal methods/locations if GNWT-INF is unable to dispose of Waste at the Community (WLWB staff comment 1). GNWT-INF responded that given that GNWT-INF is unable to determine the exact number of workers for the camp at this time, it is difficult to determine the volume of waste to be generated. While it was unable to determine the volume of solid waste, GNWT-INF stated that it anticipates generating approximately 315-630 m<sup>3</sup> of greywater per month at the camp. GNWT-INF also stated that if it is not able to dispose of waste at the Whatì Community lagoon, the waste will be transported to either Behchokò or Yellowknife Waste Facilities following proper authorizations. No written confirmation from a waste receiving facility was provided with the Application or with the Waste Management Plan. In follow-up correspondence after the public review, it was confirmed that the Community Government of Whatì is able to receive waste to both its Solid Waste Facility and its lagoon.<sup>15</sup> The Waste Management is to be updated to reflect the authorizations provided by the the Community Government of Whatì. With respect to hazardous waste, in follow-up correspondence with GNWT-INF, it was confirmed that no hazardous waste is expected as a result of the Project and that any hazardous waste would only be as a result of an unplanned event, such as a spill.<sup>16</sup> As no specific plan or approval letter from a licensed facility is currently

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<sup>14</sup> See WLWB Online Registry for [GNWT-INF - Whatì Access Rehabilitation Project LUP and Type B WL App - Waste Management Plan – V1.0 - Jun 21 21](#)

<sup>15</sup> See WLWB Online Registry for [GNWT-INF - Whatì Access Road - Waste Management Plan V1.0 - Follow-up Correspondence - Jul 27 21](#)

<sup>16</sup> Ibid

available, the WMP should be updated to reflect that hazardous waste would only be generated as a result of an unplanned event.

In response to Board staff's question regarding types and volumes of waste (WLWB staff comment 1), GNWT-INF also stated that it has no intentions of using an incinerator to dispose of waste on site. The Board requires GNWT-INF to include its commitment that no incineration will be used during the life of the Project in Version 1.1 of the Plan.

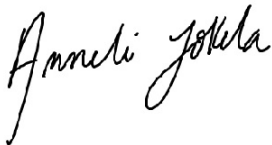
- **Decision #6: The Board approves Version 1.0 of the Waste Management Plan.**
- **Decision #7: The Board requires GNWT-INF to submit Version 1.1 of its Waste Management Plan within 30 days. Version 1.1 is to include: (a) written confirmation from the Community Government of Whatì indicating that it is acceptable to receive waste generated for this Project; (b) confirmation that hazardous waste would only be generated as a result of an unplanned event; and (c) the commitment made by GNWT-INF that no incineration will be used during the life of the Project.**

#### **3.5.4 Closure and Reclamation Plan**

GNWT-INF submitted Version 1.0 of its Closure and Reclamation Plan.<sup>17</sup> No concerns or recommendations from Parties with regards to Version 1.0 of the Closure and Reclamation Plan were received. The Board has approved Version 1.0 of GNWT-INF's Closure and Reclamation Plan.

- **Decision #8: The Board approves Version 1.0 of the Closure and Reclamation Plan.**

**Signed the on August 2, 2021, on behalf of the Wek'èezhìi Land and Water Board**



Witness



Joseph Mackenzie  
Chair, Wek'èezhìi Land and Water Board

<sup>17</sup> See WLWB Online Registry for [GNWT-INF - Whatì Access Rehabilitation Project LUP and Type B WL App - Closure and Reclamation Plan – V1.0 - Jun 21 21](#)