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August 2, 2021

File: W2021L8-0002

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 – Water Licence W2021L8-0002 – Whatì Access Road Rehabilitation Project – Whatì, NT**

The Wek'èezhì 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 Water Licence (Licence) W2021L8-0002 for the Whatì Access Road Rehabilitation Project (Project) in accordance with the *Waters Act*.

The Board has approved Water Licence W2021L8-0002 (attached) for a term of 5 years, effective August 2, 2021 and expiring August 1, 2026. The Licence 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 [W2021L8-0002](#).

### Management Plans – Approved

The Board has approved the following Plans:

Condition Number and Title	Title of Plan (Version)
Part B, Condition 18, ENGAGEMENT PLAN	Engagement Plan (Version 1.0) <sup>2</sup>
Part E, Condition 3, WASTE MANAGEMENT PLAN	Waste Management Plan (Version 1.0) <sup>3</sup>
Part F, Condition 2, SPILL CONTINGENCY PLAN	Spill Contingency Plan (V# 1.0) <sup>4</sup>
Part G, Condition 1, CLOSURE AND RECLAMATION PLAN	Closure and Reclamation Plan (V# 1.0) <sup>5</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
Part E, Condition 3, WASTE MANAGEMENT	Waste Management Plan (Version 1.0) <sup>6</sup>	<b>Version 1.1; September 1, 2021</b>
Part F, Condition 2, SPILL CONTINGENCY PLAN	Spill Contingency Plan (Version 1.0) <sup>7</sup>	<b>Version 1.1; September 1, 2021</b>

### Inspectors

The Inspectors referred to in the Licence can be contacted at the regional GNWT-ENR offices.<sup>8</sup>

### Licence Processes and Additional Information

Sections 5 and 6 of the Board's *Guide to the Water Licensing Process*<sup>9</sup> (Guide) contain detailed information on licence 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 Licence.

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 - Engagement 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 - Waste Management 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 - Spill Contingency 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 - Closure and Reclamation 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 - Waste Management Plan – V1.0 - Jun 21 21](#)

<sup>7</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>8</sup> See GNWT-ENR Regional Offices webpage (<https://www.enr.gov.nt.ca/en/regional-offices>) for regional contact information.

<sup>9</sup> See WLWB Policies and Guidelines webpage for MVLWB [Guide to the Water Licensing Process](#) (2020).

Yours sincerely,



Joseph Mackenzie  
Chair, Wek'èezhìi Land and Water Board

BCC'd to:       Wek'èezhìi Distribution List  
                  Ziaur Rahman - GNWT-INF  
                  David-Scott McQuinn – Inspector, GNWT-ENR  
                  Ian Ziemann - Inspector, GNWT-ENR  
                  Nathen Richea – Director, Water Resources, GNWT-ENR

Attached:       Water Licence W2021L8-0002  
                  Reasons for Decision



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**Government of the Northwest Territories Department of Infrastructure  
Water Licence W2021L8-0002**

Pursuant to the *Waters Act* and the *Waters Regulations*,  
the Wek'èezhì Land and Water Board grants this Water Licence to:

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

(Licensee)

of PO Box 1320, Yellowknife, NT X1A 2L9

(Mailing Address)

hereinafter called the Licensee, to proceed with the following undertaking, subject to the annexed definitions and conditions contained therein:

<b>Location:</b>	Whatì Access Road Rehabilitation Project
<b>Water Management Area:</b>	Northwest Territories 01
<b>Purpose:</b>	Miscellaneous – Rehabilitation Project
<b>Type:</b>	Type B
<b>Quantity of Water not to be exceeded:</b>	Up to 299 m <sup>3</sup> per day.
<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

## Part A: Scope and Defined Terms

### Scope:

1. This Licence entitles the Licensee to use Water and deposit Waste for miscellaneous activities at the Whatì Access Rehabilitation Project. **SCOPE**  
  
The scope of this Licence includes the following:
  - a) Withdrawal and use of Water from the Water Source identified in Part C, Condition 1 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.
  
2. The scope of this Project is as described in the Preliminary Screening for W2021L8-0002, dated July 22, 2021. **SCOPE – PRELIMINARY SCREENING**
  
3. This Licence is issued subject to the conditions contained herein with respect to the use of Water and the deposit of Waste in any Waters or in any place under any conditions where such Waste or any other Waste that results from the deposits of such Waste may enter any Waters. Any change made to the *Waters Act* and/or the Waters Regulations that affects licence conditions and defined terms will be deemed to have amended this Licence. **LEGISLATION SUBJECT TO CHANGE**
  
4. Compliance with this Licence does not relieve the Licensee from responsibility for compliance with the requirements of any applicable federal, territorial, Tłıchǝ, or municipal legislation. **LEGISLATIVE COMPLIANCE**

## Defined Terms:

**Board** – the Wek'èezhìi Land and Water Board established under Part 3 of the *Mackenzie Valley Resource Management Act*.

**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 and human activities.

**Closure and Reclamation Plan (CRP)** – a document, developed in accordance with this Licence, that clearly describes the Closure and Reclamation for the Project.

**Construction** – any activities undertaken during any phase of the Project to construct or build any structures, facilities or components of, or associated with, the development of the Project.

**Engagement Plan** – a document, developed in accordance with the MVLWB *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.

**Engineered Structure** – any structure or facility related to Water Use or the deposit of Waste that is designed by a Professional Engineer, including but not limited to the bridge associated with the Project.

**Freeboard** – the vertical distance between the Water or Wastewater line and the lowest elevation of the effective Water or Wastewater containment crest on the upstream slope of a containment structure.

**Hazardous Waste** - a Waste which, because of its quantity, concentration, or characteristics, may be harmful to human health or the environment when improperly treated, stored, transported, or discharged.

**Inspector** – an Inspector designated by the Minister under subsection 65(1) of the *Waters Act*.

**Licensee** – the holder of this Licence.

**Minister** – the Minister of the Government of the Northwest Territories (GNWT) – Environment and Natural Resources.

**Ordinary High-Water Mark** – the usual or average level to which a Watercourse rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing Watercourses (rivers, streams), this refers to an 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 predominantly aquatic vegetation to terrestrial vegetation (excepting Water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

**Professional Engineer** – a person registered with the Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists to practice as a Professional Engineer in the Northwest Territories as per the territorial *Engineering and Geoscience Professions Act* and whose professional field of specialization is appropriate to address the components of the Project at hand.

**Progressive Reclamation** – Closure and Reclamation activities conducted during the operating phase of the Project.

**Project** – the undertaking described in Part A, Conditions 1 and 2.

**Receiving Environment** – the natural environment that, directly or indirectly, receives any deposit of Waste from the Project.

**Runoff** – the overland flow of Water or Wastewater that occurs when precipitation, meltwater, or other Water is not absorbed by the land.

**Sewage** – all Toilet Wastes and Greywater.

**Sewage Disposal Facilities** – the area(s) and structures designated to contain and treat Sewage.

**Solid Waste Disposal Facilities** – the area(s) and structures designated to contain solid Waste.

**Spill Contingency Plan (SCP)** – a document developed for the Project in accordance with INAC's *Guidelines for Spill Contingency Planning*.

**Sump** – a human-made excavation or a natural depression designated for depositing Water and/or Waste.

**Toilet Wastes** – all human excreta and associated products, not including Greywater.

**Traditional Knowledge** – the cumulative, collective body of knowledge, experience and values built up by a group of people through generations of living in close contact with nature. It builds upon the historic experiences of a people and adapts to social, economic, environmental, spiritual, and political change.

**Unauthorized Discharge** – a Discharge of any Water or Waste not authorized under this Licence

**Waste** – as defined in section 1 of the *Waters Act*:

- a) a substance that, if added to water, would degrade or alter or form part of a process of degradation or alteration of the quality of the water to an extent that is detrimental to its use by people or by an animal, fish or plant, or
- b) water that contains a substance in such a quantity or concentration, or that has been so treated, processed or changed, by heat or other means, that it would, if added to other water, degrade or alter or form part of a process of degradation or alteration of the quality of that water to the extent described in paragraph (a),

and includes

- c) a substance or water that, for the purposes of the *Canada Water Act*, is deemed to be waste,
- d) a substance or class of substances prescribed by regulations made under subparagraph 63(1)(b)(i),
- e) water that contains a substance or class of substances in a quantity or concentration that is equal to or greater than a quantity or concentration prescribed in respect of that substance or class of substances by regulations made under subparagraph 63(1)(b)(ii), and
- f) water that has been subjected to a treatment, process or change prescribed by regulations made under subparagraph 63(1)(b)(iii).

**Waste Management Plan (WMP)** – a document, developed in accordance with the MVLWB *Guidelines for Developing a Waste Management Plan*, that describes the methods of Waste management for the Project from Waste generation to final disposal.

**Water** – as defined in section 1 of the *Waters Act*: water under the administration and control of the Commissioner, whether in a liquid or frozen state, on or below the surface of land.

**Watercourse** – as defined in section 1 of the Waters Regulations: a natural watercourse, body of Water or Water supply, whether usually containing Water or not, and includes Groundwater, springs, swamps, and gulches.

**Water Management Area** – a geographical area of the Northwest Territories established by section 2 and Schedule A of the Waters Regulations.

**Waters Regulations** – the regulations proclaimed pursuant to section 63 of the *Waters Act*.

**Water Use** – as defined in section 1 of the *Waters Act*: a direct or indirect use of any kind, including, but not limited to,

- a) a diversion or obstruction of waters,
- b) an alteration of the flow of waters, and
- c) an alteration of the bed or banks of a river, stream, lake or other body of water, whether or not the body of water is seasonal, but does not include a use connected with shipping activities that are governed by the *Canada Shipping Act, 2001*.

## Part B: General Conditions

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| 1.  | The Licensee shall ensure a copy of this Licence is maintained on site at all times.   | COPY OF LICENCE  |
| 2.  | The Licensee shall take every reasonable precaution to protect the environment.  | PRECAUTION TO PROTECT ENVIRONMENT                            |
| 3.  | In conducting its activities under this Licence, the Licensee shall make every reasonable effort to consider and incorporate any scientific information and Traditional Knowledge that is made available to the Licensee.  | INCORPORATE SCIENTIFIC INFORMATION AND TRADITIONAL KNOWLEDGE |
| 4.  | In each submission required by this Licence or by any directive from the Board, the Licensee shall identify all recommendations based on Traditional Knowledge received, describe how the recommendations were incorporated into the submission, and provide justification for any recommendation not adopted.   | IDENTIFY TRADITIONAL KNOWLEDGE                               |
| 5.  | All references to policies, guidelines, codes of practice, statutes, regulations, or other authorities shall be read as a reference to the most recent versions, unless otherwise noted.   | REFERENCES   |
| 6.  | The Licensee shall ensure all submissions to the Board: <ul style="list-style-type: none"> <li>a) Are in accordance with the MVLWB <i>Document Submission Standards</i>;</li> <li>b) Include a conformity statement or table which identifies where the requirements of this Licence, or other directives from the Board, are addressed; and</li> <li>c) Include any additional information requested by the Board.</li> </ul> | SUBMISSION FORMAT AND CONFORMITY                             |
| 7.  | The Licensee shall ensure management plans are submitted to the Board in a format consistent with the MVLWB <i>Standard Outline for Management Plans</i> , unless otherwise specified.   | MANAGEMENT PLAN FORMAT                                       |
| 8.  | The Licensee shall comply with all plans, including revisions, approved pursuant to the conditions of this Licence.  | COMPLY WITH SUBMISSIONS AND REVISIONS                        |
| 9.  | The Licensee shall conduct an annual review of all plans and make any revisions necessary to reflect changes in operations, contact information, or other details. No later than March 31 each year, the Licensee shall send a notification letter to the Board, listing the documents that have been reviewed and do not require revisions.   | ANNUAL REVIEW  |
| 10. | The Licensee may propose changes at any time by submitting revised <b>Spill Contingency Plan, Waste Management Plan, Engagement Plan, and Closure and Reclamation Plan</b> to the Board, for approval, a minimum of 90 days prior to the proposed implementation date for the changes. The Licensee shall not implement the changes until approved by the Board.   | REVISIONS  |
| 11. | The Licensee shall revise any submission and submit it as per the Board's directive.   | REVISE AND SUBMIT  |
| 12. | If any date for any submission falls on a weekend or holiday, the Licensee may submit the item on the following business day.  | SUBMISSION DATE  |

13.	The Licensee shall comply with the <b>Schedules</b> , which are annexed to and form part of this Licence, and any updates to the Schedules as may be made by the Board.	<b>COMPLY WITH SCHEDULE(S)</b>
14.	The Schedules and any compliance dates specified in this Licence may be updated at the discretion of the Board.	<b>UPDATES TO COMPLIANCE DATE(S)</b>
15.	The Licensee shall comply with all directives issued by the Board in respect of the implementation of the conditions of this Licence.	<b>COMPLY WITH BOARD DIRECTIVES</b>
16.	The Licensee shall install, operate, and maintain meters, devices, or other such methods for measuring the volumes of Water used and Waste discharged to the satisfaction of an Inspector.	<b>MEASURE WATER USE AND WASTE DISCHARGED</b>
17.	Beginning March 31, 2022, and no later than every one year thereafter, the Licensee shall submit an <b>Annual Water Licence Report</b> to the Board and an Inspector. The Report shall be in accordance with the requirements of Schedule 1, Condition 1.	<b>ANNUAL WATER LICENCE REPORT</b>
18.	The Licensee shall comply with the <b>Engagement Plan</b> , once approved.	<b>ENGAGEMENT PLAN</b>
19.	A minimum of 10 days prior to the initial commencement of Project activities, the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the commencement date, and the name and contact information for the individual responsible for overseeing the Project. Written notification shall be provided to the Board and an Inspector if any changes occur.	<b>NOTIFICATION – COMMENCEMENT</b>
20.	The Licensee shall immediately provide written notification to the Board and an Inspector of any non-compliance with the conditions of this Licence.	<b>NOTIFICATION – NON-COMPLIANCE WITH CONDITIONS</b>
21.	The Licensee shall immediately provide written notification to the Board of any non-compliance with a Board directive issued in respect of the implementation of the conditions of this Licence.	<b>NOTIFICATION – NON-COMPLIANCE WITH DIRECTIVES</b>
22.	The Licensee shall ensure that a copy of any written authorization issued to the Licensee by an Inspector is provided to the Board.	<b>COPY – WRITTEN AUTHORIZATION</b>
23.	The Licensee shall submit a current Project schedule to the Board and an Inspector upon request.	<b>SUBMIT CURRENT PROJECT SCHEDULE</b>

### Part C: Water Use

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| 1. | The Licensee shall only obtain Water for the Project from the Lac la Martre. The Licensee may withdraw up to 299 m <sup>3</sup> of Water from this source.   | <b>WATER SOURCE AND<br/>MAXIMUM VOLUME</b>                    |
| 2. | In any single ice-covered season, the Licensee shall not withdraw greater than 10% of the available Water volume of any Watercourse, as calculated using the appropriate maximum expected ice thickness.                           | <b>MAXIMUM UNDER-<br/>ICE WATER<br/>WITHDRAWAL<br/>VOLUME</b> |
| 3. | Prior to withdrawing Water from an approved Water source, the Licensee shall post sign(s) to identify the intake for the Water Supply Facilities. All sign(s) shall be located and maintained to the satisfaction of an Inspector. | <b>POST WATER INTAKE<br/>SIGN(S)</b>                          |
| 4. | The Licensee shall construct and maintain the Water intake(s) with a screen designed to prevent impingement or entrapment of fish.   | <b>WATER INTAKE<br/>SCREEN</b>                                |

## Part D: Construction

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| 1.  | The Licensee shall ensure that all structures intended to contain, withhold, divert, or retain Water or Waste are designed, constructed, and maintained to minimize the escape of Waste to the Receiving Environment.   | <b>OBJECTIVE –<br/>CONSTRUCTION</b>                                    |
| 2.  | The Licensee shall ensure that all Engineered Structures are constructed and maintained in accordance with the recommendations of the Professional Engineer responsible for the design, including, but not limited to, recommendations regarding field supervision and inspection requirements.   | <b>ENGINEERED<br/>STRUCTURES –<br/>GENERAL</b>                         |
| 3.  | The Licensee shall only use material that is clean and free of contaminants and is from a source that has been authorized in writing by an Inspector.   | <b>CONSTRUCTION<br/>MATERIAL –<br/>SOURCE(S)</b>                       |
| 4.  | The Licensee shall maintain records of Construction materials for all structures and make them available at the request of the Board or an Inspector.   | <b>CONSTRUCTION<br/>RECORDS</b>  |
| 5.  | The Licensee shall maintain geochemical records of Construction materials for the bridge and make them available at the request of the Board or an Inspector.   | <b>GEOCHEMICAL<br/>RECORDS</b>   |
| 6.  | A minimum of 90 days prior to the commencement of Construction of any Engineered Structures, the Licensee shall submit to the Board, for approval, a <b>Design and Construction Plan</b> . The Plan shall be in accordance with the requirements of Schedule 2, Condition 1. The Licensee shall not commence Construction of the Engineered Structure(s) prior to Board approval of the Plan.   | <b>DESIGN AND<br/>CONSTRUCTION PLAN</b>                                |
| 7.  | A minimum of 90 days prior to the commencement of Construction of any Engineered Structures, the Licensee shall submit to the Board, <b>Design Drawings</b> stamped and signed by a Professional Engineer. A minimum of 90 days prior to implementing any proposed changes to the Design Drawings, the Licensee shall submit revised Design Drawings to the Board.  | <b>DESIGN DRAWINGS</b>   |
| 8.  | A minimum of ten days prior to the commencement of Construction of any Engineered Structure(s), the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the Construction commencement date, and the name and contact information for the individual responsible for overseeing Construction. Written notification shall be provided to the Board and an Inspector if any changes occur.   | <b>NOTIFICATION –<br/>CONSTRUCTION –<br/>ENGINEERED<br/>STRUCTURES</b> |
| 9.  | The Licensee shall ensure that all Engineered Structures are constructed in accordance with the <b>Design and Construction Plan</b> .   | <b>CONSTRUCT AS<br/>DESIGNED –<br/>ENGINEERED<br/>STRUCTURE</b>        |
| 10. | Within 90 days of the completion of the Construction of each Engineered Structure, the Licensee shall submit to the Board, an <b>As-Built Report</b> stamped and signed by a Professional Engineer, which shall include, but not be limited to, the following information: <ul style="list-style-type: none"> <li>a) final as-built drawings of the Engineered Structure(s), stamped and signed by a Professional Engineer;</li> <li>b) documentation, with rationale, of field decisions that deviate from the <b>Design and Construction Plan</b>; and</li> <li>c) any data used to support these decisions.</li> </ul> | <b>AS-BUILT REPORT –<br/>ENGINEERED<br/>STRUCTURE(S)</b>               |

## Part E: Waste and Water Management

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| 1. | The Licensee shall manage Waste and Water with the objective of minimizing the impacts of the Project on the quantity and quality of Water in the Receiving Environment through the use of appropriate mitigation measures, monitoring, and follow-up actions. | <b>OBJECTIVE – WASTE AND WATER MANAGEMENT</b> |
| 2. | The Licensee shall minimize erosion by implementing suitable erosion control measures that shall be located and maintained to the satisfaction of an Inspector.  | <b>EROSION CONTROL</b>                        |

### Management and Monitoring Plans

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|----|---|---------------------------------------|
| 3. | The Licensee shall comply with <b>Waste Management Plan</b> once approved.  | <b>WASTE MANAGEMENT PLAN</b>          |
| 4. | The Licensee shall ensure that geotechnical inspections of the bridge is conducted annually, and following any events that exceed design criteria, by a Professional Engineer. The Licensee shall:<br><br>a) A minimum of two weeks prior to the annual inspection, and when events that exceed design criteria occur, provide written notification to an Inspector; and<br>b) Within 90 days of completing the inspection, submit the Professional Engineer’s full <b>Geotechnical Inspection Report</b> to the Board and an Inspector. The Report shall include:<br>i. a covering letter from the Licensee outlining an implementation plan to respond to any recommendations made by the Professional Engineer, including rationale for any decisions that deviate from the Professional Engineer’s recommendations; and<br>ii. a summary of any actions taken by the Licensee to address the recommendations made following the previous year’s inspection. | <b>ANNUAL GEOTECHNICAL INSPECTION</b> |

### Discharge and Disposal Locations and Rates

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| 5. | A minimum of ten days prior to depositing any Waste into a licenced municipal facility, the Licensee shall provide written notification to the Board and an Inspector. | <b>NOTIFICATION – WASTE DEPOSIT</b> |
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## Part F: Spill Contingency Planning

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| 1. | The Licensee shall ensure that Unauthorized Discharges associated with the Project do not enter any Waters.   | <b>OBJECTIVE – PREVENT WASTE INTO WATER</b>        |
| 2. | The Licensee shall comply with the <b>Spill Contingency Plan</b> , once approved.   | <b>SPILL CONTINGENCY PLAN</b>                      |
| 3. | If a spill or an Unauthorized Discharge occurs or is foreseeable, the Licensee shall:<br>a) Implement the approved Spill Contingency Plan referred to in Part F, Condition 2;<br>b) Report it immediately using the NU-NT Spill Report Form by one of the following methods: <ul style="list-style-type: none"><li>• Telephone: (867) 920-8130</li><li>• Fax: (867) 873-6924</li><li>• E-mail: <a href="mailto:spills@gov.nt.ca">spills@gov.nt.ca</a></li><li>• Online: Spill Reporting and Tracking Database</li></ul><br>c) Notify the Board and an Inspector immediately; and<br>d) Within 30 days of initially reporting the incident, or within a timeframe authorized by an Inspector, 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. Written notification shall be provided to the Board and an Inspector if any changes occur. | <b>REPORT SPILLS</b>                               |
| 4. | The Licensee shall ensure that spill prevention infrastructure and spill response equipment is in place prior to commencement of the Project.   | <b>SPILL PREVENTION AND RESPONSE EQUIPMENT</b>     |
| 5. | The Licensee shall restore all areas affected by spills and Unauthorized Discharges to the satisfaction of an Inspector.  | <b>CLEAN UP SPILLS</b>                             |
| 6. | The Licensee shall not establish any fuel storage facilities or refueling stations, or store chemicals or Wastes within 100 metres of the Ordinary High-Water Mark of any Watercourse.  | <b>MATERIAL STORAGE – ORDINARY HIGH-WATER MARK</b> |

**Part G: Closure and Reclamation**

- 1. Three years prior to the expiry date of this Licence, or a minimum of two years prior to the end of operations, whichever occurs first, the Licensee shall submit to the Board, for approval, a final **Closure and Reclamation Plan**. **CLOSURE AND RECLAMATION PLAN – FINAL**
  
- 2. The Licensee shall endeavor to carry out approved Progressive Reclamation as soon as is reasonably practicable. **PROGRESSIVE RECLAMATION**
  
- 3. The Licensee shall not conduct Progressive Reclamation except as approved by the Board. **PROGRESSIVE RECLAMATION – CARRY OUT AS APPROVED**

## **Part H: In-Water Works**

1. The Licensee shall not enter open water with Heavy Equipment at any time.

## Schedule 1: Annual Water Licence Report

1. The **Annual Water Licence Report** referred to in Part B, Condition 17 of this Licence shall include, but not be limited to, the following information about activities conducted during the previous calendar year:
  - a) A brief summary of Project activities;
  - b) An updated Project schedule;
  - c) The monthly and annual quantities in cubic metres of fresh Water obtained from Lac la Martre, as required in Part C, Condition 1 of this Licence;
  - d) A summary of engagement activities conducted in accordance with the approved **Engagement Plan**, referred to in Part B, Condition 18 of this Licence;
  - e) A summary of how Traditional Knowledge was incorporated into decision making;
  - f) A summary of Construction activities conducted in accordance with Part D of this Licence;
  - g) A summary of major maintenance activities conducted in accordance with this Licence;
  - h) The monthly and annual quantities, in cubic metres, of each and all Waste Discharges, and deposits to Waste Disposal Facilities, identified by location;
  - i) A summary of activities conducted in accordance with the approved **Spill Contingency Plan**, referred to in Part F, Condition 2 of this Licence, including:
    - i. A list and description for all Unauthorized Discharges, including the date, NWT spill number, volume, location, summary of the circumstances and follow-up actions taken, and status (i.e. open or closed), in accordance with the reporting requirements in Part F, Condition 1 of this Licence; and
    - ii. An outline of any spill training carried out.
  - j) A summary of any Closure and Reclamation work completed;
  - k) A list of any non-compliance(s) with the conditions of this Licence or any directive from the Board pursuant to the conditions of this Licence;
  - l) A summary of actions taken to address concerns, non-conformances, or deficiencies in any reports filed by an Inspector;
  - m) Any other details requested by the Board by November 1 of the year being reported.

## Schedule 2: Design and Construction Plan

1. The **Design and Construction Plan** referred to in Part D, Condition 6 of this Licence shall include, but not be limited to, the following information:
  - a) A description of the facilities to be constructed
  - b) The proposed location for the structures;
  - c) Any potential impacts to the aquatic environment;
  - d) a description of any monitoring including, but not limited to, sampling locations, parameters measured, and frequencies of sampling to be carried out to determine impacts to the aquatic environment, with rationale;
  - e) a detailed description of any measures used to prevent or mitigate impacts to the aquatic environment;
  - f) a schedule for the Construction;
  - g) construction drawings stamped by a Professional Engineer, construction specifications, and construction quality control/quality assurance plan; and
  - h) description of adaptive management processes that systematically link monitoring results to management activities and allow management activities to be developed adaptively, in response to changes in the environment.

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

1. The **Closure and Reclamation Plan** referred to in Part G, Condition 1 of this Licence shall include, but not be limited to the following information:
  - a) A plain language summary of the Plan;
  - b) A description of the overall goals for Closure and Reclamation of the Project, including expected future land use;
  - c) A description of the Closure and Reclamation planning team;
  - d) A description of engagement related to Closure and Reclamation planning, including a summary of completed and planned engagement, and links to the **Engagement Plan** referred to in Part B, Condition 18 for the Project;
  - e) A list of any other regulatory authorizations required for Closure and Reclamation of the Project;
  - f) For the Project site, a description of Closure and Reclamation plans, including, but not limited to:
    - i. Closure Objectives and Criteria;
    - ii. preferred Closure and Reclamation option and method for each Project component identified in condition (h) above;
    - iii. design drawings, signed and stamped by a Professional Engineer, for any Engineered structures;
    - iv. Water management and restoration of natural drainage;
    - v. predicted environmental effects during and after Closure and Reclamation activities;
    - vi. post-closure monitoring, maintenance, and reporting;
    - vii. uncertainties and contingencies;
    - viii. climate change considerations; and
    - ix. Closure and Reclamation Research plans.
  - g) A description of any planned Progressive Reclamation;
  - h) An implementation schedule that includes Progressive Reclamation and final Closure and Reclamation activities; and



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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 Whatì 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 Whatì 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 - Whatì 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: Tł̨chq̨ 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.

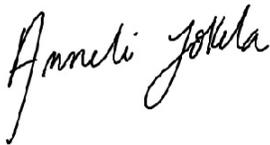
- **Decision #6: The Board approves Version 1.0 of the Waste Management Plan.**
- **Decision #7: The Board requires GNWT-INF to submit Version 1.1 of its Waste Management Plan within 30 days. Version 1.1 is to include: (a) written confirmation from the Community Government of Whatì indicating that it 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](#)