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February 29, 2024

File: W2021Q0011

Graeme Reid
Northwest Territories Power Corporation
4 Capital Drive
Hay River, NT X0E 1G2

Sent by email

Dear Graeme,

Re: Northwest Territories Power Corporation (NTPC) – Snare Hydroelectric Facility – Amendment Issuance Package – Land Use Permit W2021Q0011 – Power – Snare River, NT

The Wek'èezhì Land and Water Board (Board) met on February 29, 2024 and considered Northwest Territories Power Corporation's (NTPC's) request to amend Land Use Permit (Permit) W2021Q0011 for the Snare Hydroelectric Facility in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board has approved the amended Permit (attached), which is supported by the Board's Reasons for Decision. These documents are posted on the Board's Public Registry.¹

Inspectors

The Inspectors referred to in the Permit can be contacted at the regional GNWT-ECC offices.²

Permit Processes and Additional Information

Sections 5 and 6 of the Land and Water Board (LWB) *Guide to the Land Use Permitting Process*³ (Guide) contain detailed information on permit enforcement and potential post-issuance processes, such as

¹ See WLWB Online Registry www.wlwb.ca/ for [W2021Q0011](#).

² See GNWT-ECC Regional Offices webpage (<https://www.ecc.gov.nt.ca/en/regional-offices>) for regional contact information.

³ See WLWB Policies and Guidelines webpage for LWB [Guide to the Land Use Permitting Process](#).

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 LWB processes related to the Permit.

Full cooperation of NTPC is anticipated and appreciated. Please contact Cassandra DeFrancis via [email](#) or at (867) 765-4581 with any questions or concerns regarding this letter.

Yours sincerely,



Mason Mantla
Chair, Wek'èezhìi Land and Water Board

BCC'd to: NTPC Distribution List
 Meaghan MacIntyre-Newell – Inspector, GNWT-ECC
 Rick Walbourne – Director, Regulatory and Permitting, GNWT-ECC
 Scott Stewart – GNWT-ECC

Attached: Land Use Permit W2021Q0011



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**Northwest Territories Power Corporation
Land Use Permit W2021Q0011**

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

Northwest Territories Power Corporation
(Permittee)

of 4 Capital Drive, Hay River, NT, X0E 1G2
(Mailing Address)

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

Location:	Snare River, NT
Purpose:	Quarrying, winter roads, satellite camps
Type:	Type A
Effective Date:	January 4, 2022
Expiry Date:	January 3, 2027

A handwritten signature in black ink, appearing to read "Mason Mantla".

**Mason Mantla, Chair
Wek'èezhii Land and Water Board**

A handwritten signature in blue ink, appearing to read "K. Lee".

Witness

Conditions Annexed to and Forming Part of Land Use Permit # W2021Q0011

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Construction, maintenance, and use of winter roads;
 - b) Quarrying, crushing, and stockpiling of granular material;
 - c) Establishment and use of petroleum fuel storage facilities;
 - d) Establishment and use of temporary satellite camps;
 - e) Use of vehicles and equipment; and
 - f) Use of explosives.
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*.

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.

Closure and Reclamation Plan - a document, developed in accordance with this Permit, that clearly describes the Closure and Reclamation for the Project.

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.

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.

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.

Spring Break-up – April 15 each year, for the purpose of this operation.

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.

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
26(1)(a) Location and Area	
1. The Permittee shall only conduct this land-use operation on lands designated in the application.	LOCATION OF ACTIVITIES
2. The Permittee shall locate all temporary camps on Durable Land or previously cleared areas, and a minimum of 100 metres from the Ordinary High Water Mark, unless otherwise authorized in writing by an Inspector.	CAMP SETBACK
3. The Permittee shall use an existing campsite, as described in the complete application.	USE EXISTING CAMP
4. The Permittee shall not conduct a quarry operation within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.	QUARRY SETBACK
5. The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.	PARALLEL ROADS
6. The Permittee shall confine the width of the right-of-way to a maximum of 10 metres.	WIDTH RIGHT-OF-WAY
26(1)(b) Time	
7. 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	INITIAL NOTIFICATION – CONTACT INSPECTOR
8. 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: <ul style="list-style-type: none"> <li data-bbox="370 1650 1016 1713">a) the name(s) of the person(s) in charge of the field operation; <li data-bbox="370 1724 607 1753">b) alternates; and <li data-bbox="370 1764 992 1793">c) all methods for contacting the above person(s). 	IDENTIFY AGENT

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| <p>9. At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of:</p> <ul style="list-style-type: none"> 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. | <p>REPORTS BEFORE
FINAL REMOVAL</p> |
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26(1)(c) Type and Size of Equipment

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| <p>10. The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application.</p> | <p>USE APPROVED
EQUIPMENT</p> |
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26(1)(d) Methods and Techniques

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| <p>11. The Permittee shall construct and maintain the overland portion of winter roads with a minimum of 10 cm of packed snow and/or ice at all times during this land-use operation.</p> | <p>WINTER ROADS</p> |
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| <p>12. The Permittee shall not erect camps or store material, other than that required for immediate use, on the ice surface of a Watercourse.</p> | <p>STORAGE ON ICE</p> |
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| <p>13. Prior to the expiry end of the land-use operation, the Permittee shall replace all excavated material, unless otherwise authorized in writing by an Inspector.</p> | <p>EXCAVATED MATERIAL
TEST PITS</p> |
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| <p>14. The Permittee shall leave a buffer strip of undisturbed vegetation at least 30 metres in width between cleared areas and public roads, unless otherwise authorized in writing by an Inspector.</p> | <p>TREE SCREEN</p> |
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26(1)(e) Type, Location, Capacity, and Operation of All Facilities

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| <p>15. The Permittee shall ensure that the land use area is kept clean at all times.</p> | <p>CLEAN WORK AREA</p> |
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26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land

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| <p>16. The land-use operation shall not cause obstruction to any natural drainage.</p> | <p>NATURAL DRAINAGE</p> |
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| <p>17. The Permittee shall comply with the Erosion and Sediment Control Plan, once approved, and shall annually review the</p> | <p>EROSION AND
SEDIMENT CONTROL
PLAN</p> |
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plan and make any necessary revision. Revisions to the plan shall be submitted to the Board for approval.

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| 18. | The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses. | PROGRESSIVE EROSION CONTROL |
| 19. | The Permittee shall apply appropriate mitigation at the first sign of erosion. | REPAIR EROSION |
| 20. | The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface. | PREVENTION OF RUTTING |
| 21. | The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging. | SUSPEND OVERLAND TRAVEL |
| 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. | VEHICLE MOVEMENT FREEZE-UP |
| 23. | The Permittee shall only use clean water and snow in the construction of ice bridges and snow fills. | CONSTRUCT ICE BRIDGES SNOWFILLS |
| 24. | Prior to Spring Break-up or completion of the land-use operation, the Permittee shall clean up and either remove or v-notch all ice bridges and snowfills from stream crossings, unless otherwise authorized in writing by an Inspector. | REMOVE ICE BRIDGES/ SNOWFILLS |
| 25. | 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. | EXCAVATION AND EMBANKMENTS |
| 26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material | | |
| 26. | 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. | CHEMICALS |
| 27. | The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan. | WASTE CHEMICAL DISPOSAL |
| 28. | The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility. | WASTE PETROLEUM DISPOSAL |

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| <p>29. 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.</p> | <p>NOTIFICATION OF SOLID WASTE DISPOSAL</p> |
| <p>26(1)(h) Wildlife and Fish Habitat</p> | |
| <p>30. The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.</p> | <p>HABITAT DAMAGE</p> |
| <p>26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage</p> | |
| <p>31. The Permittee shall dispose of all Waste as described in the Waste Management Plan, 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>WASTE MANAGEMENT</p> |
| <p>32. The Permittee shall dispose of all garbage, Waste, and debris as described in the approved Waste Management Plan, unless otherwise authorized in writing by an Inspector.</p> | <p>REMOVE GARBAGE</p> |
| <p>33. The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan.</p> | <p>SEWAGE DISPOSAL - PLAN</p> |
| <p>26(1)(j) Protection of Historical, Archaeological, and Burial Sites</p> | |
| <p>34. The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground, except site KhPm-1. For site KhPm-1, the Permittee shall not operate any vehicle or equipment within the peninsula identified in red hatching by the figure provided with the Amendment Application (January 8, 2024). Outside of the peninsula, the Permittee shall not operate any vehicle or equipment within the 100 metre buffer of KhPm-1, with the exception of previously disturbed areas.</p> | <p>ARCHAEOLOGICAL BUFFER</p> |
| <p>35. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.</p> | <p>SITE DISTURBANCE</p> |

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| <p>36. The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:</p> <ul style="list-style-type: none"> a) immediately suspend operations on the site; b) notify the Board at (867) 765-4592 or an Inspector at (867) 767-9188; c) notify the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255; and d) notify the Manager of Research Operations of the Tłıchǫ Government by phone and email at (867) 392-6381 ext. 1357 and lands@tliche.ca. | <p>SITE DISCOVERY AND NOTIFICATION</p> |
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26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value

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26(1)(l) Security Deposit

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| <p>37. All costs to remediate the area under this Permit are the responsibility of the Permittee.</p> | <p>RESPONSIBILITY FOR REMEDIATION COSTS</p> |
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26(1)(m) Fuel Storage

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| <p>38. The Permittee shall:</p> <ul style="list-style-type: none"> a) examine all Fuel Storage Containers and Tank for leaks; and b) repair all leaks immediately. | <p>REPAIR LEAKS</p> |
| <p>39. 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>FUEL STORAGE SETBACK</p> |
| <p>40. The Permittee shall set up all refueling points with Secondary Containment.</p> | <p>SECONDARY CONTAINMENT - REFUELING</p> |
| <p>41. The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.</p> | <p>FUEL CONTAINMENT</p> |
| <p>42. The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours.</p> | <p>FUEL ON LAND</p> |
| <p>43. The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name.</p> | <p>MARK CONTAINERS AND TANKS</p> |
| <p>44. The Permittee shall mark all stationary fuel caches and fuel storage facilities with flags, posts, or similar devices so that they are at all times plainly visible to local vehicle travel.</p> | <p>MARK FUEL LOCATION</p> |

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| 45. | The Permittee shall have a maximum of 300,000 litres of fuel stored on the land use site at any time, unless otherwise approved by the Board. | MAXIMUM FUEL ON SITE |
| 46. | The Permittee shall comply with the Spill Contingency Plan , 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. | SPILL CONTINGENCY PLAN |
| 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. | SPILL RESPONSE |
| 48. | All equipment that may be parked for two hours or more, shall have a haz-mat/drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately. | DRIP TRAYS |
| 49. | The Permittee shall clean up all leaks, spills, and contaminated material immediately | CLEAN UP SPILLS |
| 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"> • Telephone: (867) 920-8130 • Fax: (867) 873-6924 • E-mail: spills@gov.nt.ca • Online: Spill Reporting and Tracking Database <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> | REPORT SPILLS |
| 26(1)(n) Methods and Techniques for Debris and Brush Disposal | | |
| 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 | BRUSH DISPOSAL/ TIME |

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| 52. | The Permittee shall not clear areas larger than identified in the complete application. | MINIMIZE AREA
CLEARED |
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26(1)(o) Restoration of the Lands

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| 53. | All outstanding liabilities and obligations of the Permittee in relation to work performed or required to be performed under Land Use Permit W2014F0002, W2018Q0003, and W2019Q0003 are fully incorporated into and subsumed under this Permit, and the Permittee must therefore complete the restoration and other obligations set out in or incurred under Permit W2014F0002, W2018Q0003, and W2019Q0003, as well as such further obligations as may be set out in or incurred under this Permit. | TRANSFER OF
LIABILITIES |
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| 54. | The Permittee shall dispose of all overburden as approved by the Board, or as otherwise authorized in writing by an Inspector. | DISPOSAL OF
OVERBURDEN |
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| 55. | 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. | SAVE AND PLACE
ORGANIC SOIL |
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| 56. | Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used as outlined in the approved Closure and Reclamation Plan . | FINAL CLEANUP AND
RESTORATION |
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| 57. | Prior to the end of the land-use operation, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation. | NATURAL VEGETATION |
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| 58. | The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so. | PROGRESSIVE
RECLAMATION |
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26(1)(p) Display of Permits and Permit Numbers

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| 59. | The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation. | DISPLAY PERMIT |
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| 60. | The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation. | COPY OF PERMIT |
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26(1)(q) Biological and Physical Protection of the Land

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| 61. | The Permittee shall not move any equipment or commence any drilling when one or more caribou are within 500 metres. | CARIBOU
DISTURBANCE |
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| 62. If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them. | MIGRATORY BIRD
NEST DISTURBANCE |
| 63. 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. | RESUBMIT PLAN |
| 64. The Permittee shall comply with the Engagement Plan , 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. | ENGAGEMENT PLAN |
| 65. All revised plans submitted to the Board shall include a brief summary of the changes made to the plan. | SUMMARY OF
CHANGES |