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Reasons for Decision

Issued pursuant to paragraph 40(2)(c) of the Mackenzie Valley Land Use Regulations (MVLUR)

Reference/File Number:	W2021Q0011 (Type "A" Land Use Permit)
Permittee:	Northwest Territories Power Corporation
Subject:	Permit Application

Decision from the Wek'èezhìi Land and Water Board Meeting of December 21, 2021

1.0 Decision

On December 21, 2021, the Wek'èezhìi Land and Water Board (the Board) met to consider the Land Use Permit application from Northwest Territories Power Corporation (NTPC) for a Type A Land Use Permit (W2021Q0011) to amalgamate the existing Land Use Permits for the Snare Hydroelectric Facility (the Facility).

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

1. If the Board does not receive a notice of referral to Environmental Assessment by December 31, 2021, from the Mackenzie Valley Environmental Impact Review Board (the Review Board) as per subsection 126(3) of the *Mackenzie Valley Resource Management Act*, the Board will issue Land Use Permit W2021Q0011 on January 4, 2022 for a period of five (5) years;
2. To approve Version 3.0 of the Engagement Plan;
3. To approve Version 4.0 of the Spill Contingency Plan;
4. To approve Version 3.0 of the Waste Management Plan;
5. To approve Version 1.0 of the Closure and Reclamation Plan;
6. To approve Version 1.0 of the Erosion and Sediment Control Plan;

7. If the Board does not receive a notice of referral to Environmental Assessment by December 31, 2021, from the Review Board as per subsection 126(3) of the Mackenzie Valley Resource Management Act, the Board will amend the expiry date of W2018Q0003 and W2019Q0003 to January 4, 2022.

2.0 Background

Northwest Territories Power Corporation (NTPC) submitted a complete application for a Type A Land Use Permit W2021Q0011 on November 17, 2021, for the Snare Hydroelectric Facility.^{1,2} Additionally, NTPC submitted multiple management plans including: an Operations and Maintenance Plan,³ a Vegetation and Wildlife Management and Monitoring Plan,⁴ an Engagement Plan,⁵ a Closure and Reclamation Plan,⁶ an Erosion and Sediment Control Plan,⁷ a Spill Contingency Plan,⁸ and a Waste Management Plan.⁹ NTPC operates the Snare Hydroelectric Facility (the Facility) located on the Snare River, northwest of Yellowknife, NT. Currently, the Facility operates under three separate Land Use Permits (i.e., W2014F0002, W2018Q0003, and W2019W0003) and two Water Licences (N11L4-0150 and W2014L4-0001). To reduce the regulatory burden on NTPC, stakeholders, and the Board, NTPC has applied to amalgamate the existing Permits. This Application also includes the addition of activities and area related to temporary satellite camps, temporary fuel storage locations, and expansion of the Snare Winter Road laydown area. NTPC is proposing the amalgamated Permit include the following activities and associated area:

- construction, maintenance, and use of winter roads;
- quarrying, crushing, and stockpiling of granular material;
- establishment and use of petroleum storage facilities;
- establishment and use of temporary satellite camps;
- use of vehicles and equipment; and
- use of explosives.

¹ See WLWB Online Registry (www.wlwb.ca) for [NTPC – Permit – Application – Cover Letter – Nov 13 21](#)

² See WLWB Online Registry for [NTPC – Permit – Application – Application Form – Nov 13 21](#)

³ See WLWB Online Registry for [NTPC – Permit – Operations and Maintenance Plan – Version 1.0 – Nov 13 21](#)

⁴ See WLWB Online Registry for [NTPC – Permit – Vegetation and Wildlife Management and Monitoring Plan – Version 2.0 – Nov 13 21](#)

⁵ See WLWB Online Registry for [NTPC – Permit – Engagement Plan – Version 3.0 – Nov 13 21](#)

⁶ See WLWB Online Registry for [NTPC – Permit – Closure and Reclamation Plan – Version 1.0 – Nov 13 21](#)

⁷ See WLWB Online Registry for [NTPC – Permit – Erosion and Sediment Control Plan – Version 1.0 – Nov 13 21](#)

⁸ See WLWB Online Registry for [NTPC – Permit – Spill Contingency Plan – Version 4.0 – Nov 13 21](#)

⁹ See WLWB Online Registry for [NTPC – Permit – Waste Management Plan – Version 3.0 – Nov 13 21](#)

2.1 Public Review

The Board distributed the Application package^{10,11,12,13} and a Draft Permit¹⁴ for public review on November 17, 2021, inviting reviewers to provide comments and recommendations on the Application using the Online Review System (ORS). Comments were due December 8, 2021, with responses from the Applicant due December 10, 2021. Comments and recommendations were received by the deadline from the Government of the Northwest Territories – Lands Inspector (GNWT-Inspector), the GNWT – Lands, Environment and Climate Change Canada (ECCC), and the GNWT – Prince of Wales Northern Heritage Centre (GNWT-PWNHC); Board staff also submitted comments. The Tłı̨chǫ Government (TG) submitted comments after the reviewer deadline. The Wek'èezhii Renewable Resources Board (WRRB) and GNWT – Environment and Natural Resources (GNWT-ENR) indicated they had no comments or recommendations at this time. Reviewer comments and recommendations, as well as the proponent responses are available on the WLWB Online Registry.¹⁵

Since no concerns regarding timelines were received during the public review and no requests to extend the reviewer comment deadline were received, 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 *Mackenzie Valley Resource Management Act* (MVRMA). The Board is also satisfied that the Tłı̨chǫ Government has been consulted in accordance with section 63(3) of the MVRMA.

3.0 Reasons for Decision

3.1 Eligibility

As per section 18 of the MVLUR, eligibility must be determined before the Board can issue a permit. As part of the Application, NTPC indicated that the facility is located on Tłı̨chǫ Lands and therefore section 18(b) of the regulations applies. NTPC provided supporting documentation to demonstrate it has the right to occupy the land to carry out activities. NTPC described that the Project area comprised of existing titled lands, leases and easements for the permanent facilities, and Tłı̨chǫ Quarry Permits and/or Access Agreements for temporary activities (e.g., winter roads and quarries). In a letter from the TG submitted by NTPC as part of the Application, the TG confirmed eligibility.¹⁶ Based on confirmation from the TG, the Board has confirmed that eligibility under paragraph 18(b) of the MVLUR has been satisfied.

3.2 Conformity to the Tłı̨chǫ Wenek'e

As per section 61 of the MVRMA, where an approved Land Use Plan applies, the Board must confirm conformity with the Land Use Plan before issuing a permit. As described above, the Tłı̨chǫ Wenek'e (Tłı̨chǫ

¹⁰ See WLWB Online Registry for [NTPC – Permit – Application – Engagement Log – Nov 13 21](#)

¹¹ See WLWB Online Registry for [NTPC – Permit – Application – Figures – Nov 13 21](#)

¹² See WLWB Online Registry for [NTPC – Permit – Application – GIS Data – Nov 13 21](#)

¹³ See WLWB Online Registry for [NTPC – Permit – Application – Lands Information – Nov 13 21](#)

¹⁴ See WLWB Online Registry for [NTPC – Permit – Application – Draft Permit – Nov 17 21](#)

¹⁵ See WLWB Online Registry for [NTPC – Permit – Application – Review Summary and Attachments – Dec 10 21](#)

¹⁶ See WLWB Online Registry for [NTPC – Permit – Application – Lands Information – Nov 13 21](#)

Land Use Plan) applies in the Project area. The Application included a letter from the TG stating that it would provide additional feedback on conformity with the TLUP once the Application was submitted to the Board.¹⁷ During the public review, the TG commented that the Snare Hydroelectric Facilities overlap with the Tł̄chq Nawoo Kè Dèt'ahot'ì and Ası Haxowı Gha Enehatq (Cultural Heritage Zone and Enhanced Management Zone) of the TLUP (TG comment 1). The TG noted the hydro-power generation is considered a land use within that area, but the Snare Rapids Silt Pit is not considered a land use within the Tł̄chq Nawoo Kè Dèt'ahot'ì and Ası Haxowı Gha Enehatq zone and therefore requires an exemption under Land Protection Directive 6.1.J of the TLUP. The TG described that the Chief Executive Council met on December 8, 2021 and approved an exemption for NTPC to use the Snare Rapids Silt Pit.¹⁸ As a result of this decision, the TG recommended the Board proceed with the regulatory process as all activities conform to the TLUP.¹⁹ Based on the TG's confirmation, the Board has confirmed that the activities included in the Application conform to the TLUP.

3.3 Preliminary Screening

The Board conducted a preliminary screening of those activities and areas not previously screened in accordance with subsection 124(1) of the *Mackenzie Valley Resource Management Act* (MVRMA). 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. The Board distributed the Preliminary Screening Determination to the Review Board and the Wek'èezhii Distribution List on December 21, 2021.²⁰

The Board did not receive a referral to Environmental Assessment during the 10-day pause period; therefore, as discussed in section 3.4.5 of this Reasons for Decision, the Board is issuing Land Use Permit W2021X0011.

3.4 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 (2019) *Standard Land Use Permit Conditions Template* (Standard Conditions) and the existing Permits for the Snare Hydroelectric Facility (W2014F0004, W2018Q0003, and W2019Q0003). In the draft Permit, non-standard conditions were highlighted in green and areas where specific feedback was requested was highlighted in yellow. Comments and recommendations regarding the Draft Permit were provided by the GNWT-Inspector, the GNWT-PWNHC, the TG, and NTPC; Board staff also submitted questions. In its response to comment 1 from the GNWT-Inspector, NTPC provided a draft Permit with comments and recommendations for updates to the Permit (NTPC draft Permit).

Conditions/definitions that were included in the draft Permit distributed for review and for which no comments were received were included in the Permit and are not discussed in these Reasons for Decision.

¹⁷ See WLWB Online Registry for [NTPC – Permit – Application – Lands Information – Nov 13 21](#)

¹⁸ See WLWB Online Registry for [NTPC – Permit – Application – Review Summary and Attachments – Dec 10 21](#)

¹⁹ *Ibid.*

²⁰ See WLWB Online Registry for [NTPC - Permit – Preliminary Screening Determination and Reasons for Decision – Dec 21 21](#)

3.4.1 Permit 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 operation:

- a) Construction, maintenance, and use of winter roads;
- b) Quarrying, crushing, and stockpiling of granular material;
- c) Use of legacy borrow pit for the Snare Hydroelectric Facility near Snare Falls Plant;
- d) Establishment of a petroleum fuel storage facility;
- e) Establishment of a camp and satellite camps;
- f) Use of vehicles and equipment;
- g) Use of explosives

During the public review, NTPC submitted comments and recommendations on the draft Scope (see NTPC draft Permit in response to GNWT-Inspector comment 4). NTPC recommended clarifying that there are multiple legacy borrow pits at the Snare Hydroelectric Facility, multiple fuel storage facilities that would be established, and only temporary camps. Because the changes recommended by NTPC provide additional clarity on the operations at the Facility, the Board has decided to adopt NTPC's proposed changes.

In the draft Permit submitted by NTPC, there was a comment asking why the use of legacy borrow pits for the Snare Hydroelectric Facility near Snare Falls Plant was separated from quarrying, crushing, and stockpiling granular material. The scope of the draft Permit was consistent with the existing Permits and NTPC did not propose a change to the scope in its comment. Given that the Application outlines the location of all quarrying activities, this use of the legacy borrow pits is covered in item (b) of the draft Permit Scope. Therefore, the Board has decided to remove the specific reference to the legacy borrow pits for the Snare Hydroelectric Facility near the Snare Falls Plant from the draft Permit Scope.

3.4.2 Permit Definitions

Two changes were made to the definitions included in the draft Permit that was distributed for public review. As part of its Application, a Closure and Reclamation Plan was submitted for NTPC's Permit activities. The Board has included a condition that requires NTPC to complete closure activities as outlined in the Closure and Reclamation Plan (see section 3.4.3 of this Reasons for Decision); therefore, the definition **Closure and Reclamation Plan** was included in the Permit. In addition, the definition for **Shut Down Period** was removed from the Permit as the Project is continuously operational and is not referenced in any Permit conditions.

3.4.3 Permit Conditions

Camp Setback

The Standard Condition CAMP SETBACK was included in the draft Permit and requires camps be located at a minimum setback of 100-metres from the Ordinary High-Water Mark. During the public review, NTPC

recommended that the camp setback distance be reduced to 30 metres because the Snare Rapids and the Snare Cascades temporary camps are located on previously cleared areas, 30 metres from the Ordinary High-Water Mark (NTPC draft Permit). The condition has been updated to allow NTPC to locate a temporary camp within 100 metres of the Ordinary High-Water Mark if authorized in writing by the Inspector.

Tree Screen

The Standard Condition TREE SCREEN was included in the draft Permit and requires the Permittee to leave a buffer strip of undisturbed vegetation at least 30 metres in width between cleared areas and public roads. In the draft Permit submitted by NTPC, it recommended adding “unless otherwise authorized in writing by an Inspector.” Given that NTPC maintains roads and transmission lines that may intersect with public roads, this addition would allow for the Inspector to authorize any clearing within 30 metres of a public road, if necessary. Therefore, the Board has included an update to the TREE SCREEN Standard Condition to reflect this recommendation.

Repair Erosion

The Standard Condition REPAIR EROSION was included in the draft Permit and requires the Permittee to apply appropriate mitigation at the first sign of erosion. This condition was duplicated in the draft Permit and the GNWT-Inspector recommended the duplicate condition be removed (GNWT-Inspector comment 2). The Permit reflects this recommendation.

Erosion and Sediment Control Plan

As part of the Application, NTPC submitted an Erosion and Sediment Control Plan. This Plan was not required by any existing conditions or conditions proposed in the draft Permit. As discussed in the Preliminary Screening Determination and Reasons for Decision, the Erosion and Sediment Control Plan is one of the measures proposed by NTPC to mitigate potential impacts associated with the Project. To ensure the mitigations proposed in the Plan and considered by Parties are implemented, the Board has included a non-standard condition which requires the Permittee to comply with the approved Plan (i.e., EROSION AND SEDIMENT CONTROL PLAN).

Off-Road Vehicle Travel

The Standard Condition OFF-ROAD VEHICLE TRAVEL was included in the draft Permit and requires the Permittee to only conduct off-road vehicle travel on snow covered surfaces. The GNWT-Inspector commented that this would restrict NTPC from clearing brush to maintain transmission lines and right-of-ways to the winter season (GNWT-Inspector comment 3). The GNWT-Inspector recommended that this condition be removed from the Permit to allow NTPC to conduct maintenance of transmission lines and conduct tree-clearing activities year-round. NTPC responded that it supports this recommendation. Inclusion of this condition would add additional restriction to operations; thus, the Board has not included the condition in the Permit.

Construct Ice Bridges Snowfills

The Standard Condition CONSTRUCT ISE BRIDGES SNOWFILLS was included in the draft Permit and requires the Permittee to only use clean water and snow in the construction of ice bridges and snow fills. In the draft Permit submitted by NTPC, NTPC recommended the addition of “Tree bridging will be permitted if authorized, in writing, by the Inspector,” to allow for emergency tree bridging to be used if approved by the Inspector. The MVLWB Standard Land Use Permit Conditions Template describes the intent of this condition: “to keep Waste out of Watercourses. Logs, planks, sawdust, soil, etc. are prohibited because they become difficult, to remove before Spring Break Up. If not removed, they would be deposited into the Watercourse.” Given that the purpose of this Standard Condition is to address the difficulty of removing logs and other material prior to break-up, the Board has not modified the Standard Condition. The Board encourages NTPC to discuss options available in the case of an emergency with the Inspector.

Garbage Container

The Standard Condition GARBAGE CONTAINER was included in the draft Permit and requires that the Permittee keep all garbage and debris in a secure container until disposal. In the draft Permit submitted by NTPC, it recommended that this condition be removed because there is a waste facility on site. The MVLWB Standard Land Use Permit Conditions Template states that this condition applies to small camps where the volume of garbage produced is not enough to warrant daily burning or removal. The GARBAGE CONTAINER standard condition was included in the draft Permit to address garbage produced at the temporary camps; however, the Waste Management Plan describes that solid waste must be stored in designated wildlife-proof containers and the Permit includes the requirement to dispose of all Waste as described in the Waste Management Plan. Therefore, the Board agrees that this Standard Condition is not required and has not included GARBAGE CONTAINER in the Permit.

Archaeological Buffer

The GNWT-PWNHC commented that a previously recorded archaeological site (KhPm-1) is located within 150 metres of the proposed activities (GNWT-PWNHC comment 1). GNWT-PWNHC recommended the Standard Condition ARCHAEOLOGICAL BUFFER be updated to allow for operations in closer proximity to KhPm-1. The language GNWT-PWNHC recommended adding was: “except site KhPm-1. With regard to KhPm-1 the Permittee shall not operate any vehicle or equipment within 100 metres.” This recommended language reflects the language used in the ARCHAEOLOGICAL BUFFER condition of the existing Permit W2014F0002 and NTPC supported this recommendation. Thus, the Board has included an updated ARCHAEOLOGICAL BUFFER condition in the Permit to reflect GNWT-PWNHC’s recommendation.

Site Discovery and Notification

The TG commented that the Facility is surrounded by Tłı̨ch̨o Lands and the TG is the custodian of heritage resources on these lands and would like to ensure that any historical, archaeological site, or burial sites are still protected (TG comment 2). The TG recommended that NTPC be required to notify the Manager of Research Operations at the TG of the discovery of any artifacts, heritage sites, or burial sites and consult

with the TG prior to moving any artifacts or disturbing ground within 150 metres of a burial site. NTPC responded that it will ensure the TG is notified of the discovery of any artifacts, heritage sites, or burial sites and consultation with the TG will occur. To reflect NTPC's commitment to notify the TG, the standard condition SITE DISCOVERY AND NOTIFICATION was updated to include the Manager of Research Operations at the TG.

Archaeological Overview and Archaeological Impact Assessment (AIA)

During the public review, the TG recommended the inclusion of standard permit conditions for archaeological overviews and assessments (TG comment 2). Archaeological overviews are to take place prior to any new land disturbance. Based on the Application, the only activity that has the potential to involve new land disturbances is the expansion of the Snare Winter Road laydown area. When NTPC applied for the Permit to construct the winter road, an Archaeological Assessment was completed and confirmed "there are no sites recorded within a margin of .5 miles [805 metres] on either side of the road..."²¹ Although new land disturbances may occur, the previous Archaeological Assessment covered the complete area for the expanded Snare Winter Road laydown area; thus, the Board has decided not to include the ARCHEOLICAL OVERVIEW condition nor any of the companion AIA conditions.

Fuel Storage Setback

The Standard Condition FUEL STORAGE SETBACK was included in the draft Permit and requires the Permittee to place Fuel Storage Containers and or Tanks a minimum distance of 100 metres from the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. In the draft Permit submitted by NTPC, it recommended that the setback distance be reduced from 100 metres to 30 metres because the fuel storage for Snare Rapids, Snare Cascades, and other pre-established locations are within 100 metres of the Ordinary High-Water Mark. Currently, the condition allows the Permittee to gain approval for the existing sites through the Inspector. To ensure all fuel storage is located greater than 100 metres from the Ordinary High-Water Mark or has been approved by the Inspector, the Board has maintained the standard setback distance of 100 metres.

Mark Containers and Tanks

The standard condition MARK CONTAINERS AND TANKS requires the Permittee to mark all Fuel Storage Containers and Tanks with the Permittee's name. NTPC recommended removal of this condition as contractors will be providing tanks for quarrying. The intent of this condition is to allow the Inspector to identify who is responsible for any containers during operations and after operations are complete. NTPC would be responsible for the remediation or removal of fuel that is stored under its Permit regardless of whether NTPC or a contractor brought the fuel to site. Additionally, it is noted that this condition was included in the existing Permit W2019Q0003. Therefore, the Board has included the MARK CONTAINERS AND TANKS Standard Condition.

²¹ See WLWB Online Registry for [W2014F0002 – NTPC – LUP Application – Archaeological Assessment – Sep 9 14](#)

Maximum Fuel on Site

The Standard Condition MAXIMUM FUEL ON SITE was included in the draft Permit and requires the Permittee to not exceed a specific volume of fuel on site unless approved by the Board. The volume of fuel was not included in the draft Permit and reviewers were asked to provide feedback on what the volume should be. The GNWT-Inspector and Board staff asked NTPC to confirm the maximum volume of fuel that will be on site at any given time (GNWT-Inspector comment 3; Board staff comment 4). NTPC responded that a maximum of 300,000 liters of fuel will be on site at one time. No other comments were received about the amount of fuel NTPC will have on site. Therefore, the MAXIMUM FUEL ON SITE Standard Condition was included to reflect this volume.

Final Cleanup and Restoration

The Standard Condition FINAL CLEANUP AND RESTORATION was included in the draft Permit and requires that prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used. As part of the Application, NTPC submitted a Closure and Reclamation Plan for the activities related to the Land Use Permit. There was no requirement for a Closure and Reclamation Plan in the draft Permit that was distributed for public review. The Board has updated this condition to require final cleanup and restoration to be conducted “as outlined in the approved Closure and Reclamation Plan,” to ensure the cleanup activities proposed in the Plan and considered by Parties are implemented.

Natural Vegetation

The draft Permit distributed for public review included the Standard Condition NATURAL VEGETATION which requires the Permittee to prepare the site to facilitate natural revegetation prior to the end of the land use operation. The MVLWB Standard Land Use Permit Conditions Template states that this condition is an alternative to the ACTIVE REVEGETATION Standard Condition and that “Unless more specific criteria are specified by the Board in this condition, Inspector’s discretion will be used to determine the adequacy of site preparation.”

In the draft Permit submitted by NTPC, it recommended removing this condition because quarries are intermittently used, and natural revegetation should not be required at quarries that may be used again in the future. The Board notes that this Standard Condition would apply beyond quarries and is consistent with the natural revegetation of winter roads described in the submitted Closure and Reclamation Plan. The Board notes that this Standard Condition has been used in previous quarry permits, including W2018Q0003 and W2019Q0003. The Board understands the planned intermittent use of the quarry and notes that the condition requires natural revegetation “prior to the end of the land use operation.” The Board encourages NTPC to discuss any concerns with the expectations and associated timing of this requirement with the Inspector.

Removed Conditions

In the draft Permit, some conditions that did not apply to the activities proposed by NTPC were identified by the GNWT-Inspector. These conditions included: INSPECT LOCATIONS AND LEVEL STOCKPILES (GNWT-

Inspector comments 1 and 5). NTPC agreed with the GNWT-Inspector's recommendations to remove these standard conditions. The Board has accepted the GNWT-Inspector recommendations and has not included the identified conditions in the Permit.

In the draft Permit submitted by NTPC, it indicated that although the winter roads may shut down, there is no Shut Down Period for the Project. The Board has therefore not included the following Standard Conditions related to a Shut Down Period: SEASONAL NOTIFICATION – CONTACT INSPECTOR and REPORTS BEFORE SEASONAL REMOVAL.

3.4.4 Security

As per paragraph 32 of the MVLUR, the Board may require security to be posted by a Permittee before the start of a land-use operation. As a crown corporation, NTPC is exempt from posting security under Section 20 of the MVLUR; however, the company is responsible for all costs to remediate the Project area. To address this, the Standard Condition FINAL CLEANUP AND RESTORATION has been included in the Permit. Additionally, because this is an amalgamation of three existing Permits, the Board has included the Standard Condition TRANSFER OF LIABILITIES in the Permit to ensure all outstanding liabilities and obligations from the existing Permits are fully incorporated into and subsumed under this Permit. Both conditions were included in the draft Permit distributed for review and no comments from reviewers or NTPC were received.

3.4.5 Permit Issuance

After reviewing the Application, as well as all reviewer comments and proponent response submitted during the public review, the Board has decided to issue this Type A Land Use Permit for a term of five (5) years.

- ***Decision #1: If the Board does not receive a notice of referral to Environmental Assessment from the Review Board by December 31, 2021 as per subsection 126(3) of the Mackenzie Valley Resource Management Act, the Board will issue Land Use Permit W2021Q0011 on January 4, 2022 for a period of five (5) years.***

3.5 Management Plans

As part of the Application, NTPC submitted multiple management plans including an Engagement Plan,²² a Spill Contingency Plan,²³ a Waste Management Plan,²⁴ a Closure and Reclamation Plan,²⁵ an Erosion and Sediment Control Plan,²⁶ an Operations and Maintenance Plan,²⁷ and a Vegetation and Wildlife

²² See WLWB Online Registry for [NTPC – Permit – Engagement Plan – Version 3.0 – Nov 13 21](#)

²³ See WLWB Online Registry for [NTPC – Permit – Spill Contingency Plan – Version 4.0 – Nov 13 21](#)

²⁴ See WLWB Online Registry for [NTPC – Permit – Waste Management Plan – Version 3.0 – Nov 13 21](#)

²⁵ See WLWB Online Registry for [NTPC – Permit – Closure and Reclamation Plan – Version 1.0 – Nov 13 21](#)

²⁶ See WLWB Online Registry for [NTPC – Permit – Erosion and Sediment Control Plan – Version 1.0 – Nov 13 21](#)

²⁷ See WLWB Online Registry for [NTPC – Permit – Operations and Maintenance Plan – Version 1.0 – Nov 13 21](#)

Management and Monitoring Plan.²⁸ As discussed below, there are currently existing versions of some of the management plans for the Snare Hydroelectric Facility that have been updated for this Application.

NTPC was asked to clarify if the management plans were intended to apply to all authorizations for the Facility (Board staff comment 5). NTPC responded that the Spill Contingency Plan and the Waste Management Plan were submitted to apply to the entire site. The Operations and Maintenance Plan, the Closure and Reclamation Plan, the Erosion and Sediment Control Plan, and the Vegetation and Wildlife Management and Monitoring Plan only apply to the Permit. It is noted that when the management plans were distributed for public review, it was not clear that any of the management plans applied to any other authorizations for the Facility and therefore the Board's approval only applies to the Permit. NTPC is encouraged to reach out to Board staff to discuss how these updated plans could be applied to additional authorizations in the future. Moving forward, if NTPC intends to have a submission apply to multiple authorizations, it should be indicated in the cover letter.

3.5.1 Engagement Plan

The Engagement Plan is required by the ENGAGEMENT PLAN condition of the Permit. NTPC clarified this Plan to be an update to the Engagement Plan Version 2.0, which was previously approved Permit W2019Q0003.²⁹ The Board is of the opinion that the updates from Version 2.0 align with the MVLWB Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits (2018).³⁰ During the public review, no comments or recommendations were received on the Engagement Plan. Therefore, the Board has decided to approve Version 3.0 of the Engagement Plan.

- **Decision #2: The Board has decided to approve Version 3.0 of the Engagement Plan.**

3.5.2 Spill Contingency Plan

The Spill Contingency Plan is required by the SPILL CONTINGENCY PLAN condition included in the Permit. NTPC clarified this Plan to be an update to the previously approved Spill Contingency Plans.^{31,32} The Board is of the opinion that the updates from the approved Plans align with the INAC Guidelines for Spill Contingency Planning (2007).³³ The GNWT-Inspector commented that the Spill Contingency Plan was reviewed, and no concerns were identified (GNWT-Inspector comment 6). No other comments or recommendations were received. Therefore, the Board has decided to approve Version 4.0 of the Spill Contingency Plan.

- **Decision #3: The Board has decided to approve Version 4.0 of the Spill Contingency Plan.**

²⁸ See WLWB Online Registry for [NTPC – Permit – Vegetation and Wildlife Management and Monitoring Plan – Version 2.0 – Nov 13 21](#)

²⁹ See WLWB Online Registry for [NTP – Strutt Lake – Engagement plan – Version 2.0 – May 28 20](#)

³⁰ See WLWB Policies and Guidelines for the [MVLWB Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits \(2018\)](#)

³¹ See WLWB Online Registry for [N1L4-0150 - NTPC - Spill Contingency Plan - Version 3.1 - Jan 7 15](#)

³² See WLWB Online Registry for [NTPC - Snare Hydro Spill Contingency Plan - Version 2.1 - Jan 27 20.pdf](#)

³³ See WLWB Policies and Guidelines for the [INAC Guidelines for Spill Contingency Planning \(2007\)](#)

3.5.3 Waste Management Plan

The Waste Management Plan is required by the WASTE MANAGEMENT condition included in the Permit. NTPC clarified this Plan to be an update to the previously approved Waste Management Plan.³⁴ The Board is of the opinion that the updates from the approved Plan align with the MVLWB Guidelines for Developing a Waste Management Plan (2011).³⁵ The GNWT-Inspector commented that the Waste Management Plan was reviewed, and no concerns were identified (GNWT-Inspector comment 7). No other comments or recommendations were received. Therefore, the Board has decided to approve Version 3.0 of the Waste Management Plan.

- ***Decision #4: The Board has decided to approve Version 3.0 of the Waste Management Plan.***

3.5.4 Closure and Reclamation Plan

As part of the Application, NTPC submitted a Closure and Reclamation Plan. As discussed in section 3.4 of this Reasons for Decision, there was no requirement for a Closure and Reclamation Plan in the draft Permit that was distributed for public review. In the draft Permit distributed for review, there were conditions related to Closure and Reclamation: TRANSFER OF LIABILITY, FINAL CLEANUP AND RESTORATION, and PROGRESSIVE RECLAMATION. As discussed above, the Board decided to update the Standard Condition FINAL CLEANUP AND RESTORATION to include the requirement for cleanup and restoration to be completed as outlined in the approved Closure and Reclamation Plan.

No comments or recommendations were received during the public review with regards to the Closure and Reclamation Plan. Therefore, the Board has decided the Plan is appropriate for the scope of the Project and has approved Version 1.0 of the Closure and Reclamation Plan.

- ***Decision #5: The Board has decided to approve Version 1.0 of the Closure and Reclamation Plan.***

3.5.5 Erosion and Sediment Control Plan

NTPC submitted an Erosion and Sediment Control Plan as part of its Application. This information is beneficial for reviewers to understand how NTPC intends to mitigate any impacts related to erosion and sediment control and has been referenced extensively in the Impacts and Mitigations Table provided by NTPC as part of the Application. The draft Permit included several conditions related to the prevention of erosion (i.e., PROGRESSIVE EROSION CONTROL, REPAIR EROSION). The information provided in the Erosion and Sediment Control Plan provides additional detail on how NTPC will control sediment and erosion during the Project. To ensure the mitigations proposed in the Plan and considered by Parties are implemented, the Board has included a non-standard condition which requires the Permittee to comply with the approved Plan (EROSION AND SEDIMENT CONTROL PLAN). During the public review, no comments or recommendations were received regarding the Erosion and Sediment Control Plan. For these reasons, the Board has decided to approve Version 1.0 of the Erosion and Sediment Control Plan.

³⁴ See WLWB Online Registry for [DPC - Waste Management Plan - Version 2.1 - Jan 13 15.pdf](#)

³⁵ See WLWB Policies and Guidelines for the [MVLWB Guidelines for Developing a Waste Management Plan \(2011\)](#)

- **Decision #6: The Board has decided to approve Version 1.0 of the Erosion and Sediment Control Plan.**

3.5.6 Operation and Maintenance Plan

NTPC submitted an Operation and Maintenance Plan as part of its Application. This information is beneficial for reviewers to understand how NTPC intends to operate the Facility; however, as outlined in the MVLWB Guide to the Land Use Permitting Process,³⁶ standard operating procedures do not require Board approval. Therefore, the Board has not included a requirement for this in the Permit and requests NTPC ensure the Operation and Maintenance Plan reflects current activities and provide updated copies to the Board if necessary.

3.5.7 Vegetation and Wildlife Management and Monitoring Plan

During the public review, ECCC submitted multiple comments regarding the Vegetation and Wildlife Management and Monitoring Plan. ECCC recommended: NTPC update Table 1 to reflect the current *Species at Risk Act* listing and Committee on the Status of Endangered Wildlife in Canada assessment of species (ECCC comment 1); contacts be added to the contact list for reporting wildlife incidents involving migratory birds and avian species at risk, incidents be reported immediately, and information the reports should include (ECCC comment 2); and that NTPC incorporate the Migratory Bird Convention Act and the Migratory Bird Regulations in Table A1 (ECCC comment 3). NTPC responded that it will update the Plan based on ECCC's recommendations. It is noted that there are several conditions in the Permit that are protective of wildlife and wildlife habitat aspects including: *Caribou Distance*, *Migratory Bird Nest Disturbance*, *Minimize Area Cleared* and *Habitat Damage*. There was no requirement for a Vegetation and Wildlife Management and Monitoring Plan in the draft Permit that was distributed for public review. No comments or recommendations were received that suggest a Wildlife Management and Monitoring Plan should be a requirement of the Permit. It is expected that NTPC will work collaboratively with the GNWT and ECCC on all aspects related to reporting wildlife incidences and mitigating potential impacts to wildlife.

3.6 Discontinuance of Existing Permits

NTPC applied for this Permit to amalgamate the existing Permits for the site. In the Cover Letter of its Application, NTPC submitted a written request to discontinue Permits W2018Q0003 and W2019Q0003. The Inspector was contacted on December 13, 2021 to comment on NTPC's request for discontinuance and no comments were provided; however, in the Inspector's response, NTPC was reminded that a Final Plan would be required for W2018Q0003 and W2019Q0003 within 60 days of the Permits expiring before the Inspector can recommend Final Clearance.^{37,38} As per the MVLUR subsections 29(1) and 37(4), Final

³⁶ See WLWB Policies and Guidelines for the [MVLWB Guide to the Land Use Permitting Process \(2021\)](#)

³⁷ See WLWB Online Registry for [W2018Q0003 – NTPC – Permit – Correspondence with Inspector re Discontinuance – Dec 13 21](#)

³⁸ See WLWB Online Registry for [W2019Q0003 – NTPC – Permit – Correspondence with Inspector re Discontinuance – Dec 13 21](#)

Plans are required within 60 days after the completion of the land-use operation or the expiration of the permit, whichever occurs first. The Board has amended the expiry date of W2018Q0003 and W2019Q0003 to January 4, 2022, the issuance date of the amalgamated Permit. Therefore, a Final Plan would be required no later than March 5, 2022.

- ***If the Board does not receive a notice of referral to Environmental Assessment from the Review Board as per subsection 126(3) of the Mackenzie Valley Resource Management Act, the Board will amend the expiry date of W2018Q0003 and W2019Q0003 to January 4, 2022.***

It is noted that the third Permit for the Snare Hydroelectric Facility expired on October 26, 2021 and NTPC indicated that the Final Plan will be submitted on or before December 26, 2021.

Signed the 4th Day of January, 2022, on behalf of the Wek'èzhìi Land and Water Board



Witness



Mason Mantla
Chair, Wek'èzhìi Land and Water Board