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November 16, 2023

File: W2023L4-0001

Rick Walbourne
A/Director, Regulatory and Permitting
Government of the Northwest Territories - Department of Environment and Climate Change
PO Box 1320
Yellowknife, NT X1A 2L9

Sent by email

Dear Rick Walbourne,

Re: Snare Hydroelectric Facility – Type A Water Licence Renewal – Maximum Term of a Type A Water Licence – Power – Snare River, NT

On November 10, 2023, Wek'èezhì Land and Water Board (Board) staff received a letter from the Government of the Northwest Territories - Department of Environment and Climate Change (GNWT-ECC) regarding the legal interpretation related to the maximum licence term of a Type A Water Licence permitted by the *Waters Act*.¹ This legal issue was raised during the Northwest Territories Power Corporation's (NTPC's) Type A Water Licence Renewal proceeding for the Snare Hydroelectric Facility. On October 6, 2023, a public review² was initiated to request comments and recommendations from Parties in response to GNWT-ECC's interpretation³ on the maximum term of a Type A Water Licence. This legal issue was explicitly discussed at the Board's recent pre-hearing conference (PHC) held on November 7, 2023. The Board holds PHCs and conducts them on a "Without Prejudice" basis so that concerns like those set out in the GNWT-ECC's November 10th letter can be candidly discussed when all Parties are present.

¹ See the WLWB Online Registry for [Snare Hydro - WL Renewal - Technical Session - GNWT-ECC Letter Re. WL Term - Nov 10 23](#)

² See the WLWB Online Review System for [Snare Hydroelectric Facility - Maximum Term of a Type A Water Licence - Legal Interpretation](#)

³ See the WLWB Online Registry for [Snare Hydro - WL Renewal - Technical Session - GNWT-ECC IR #7 Response - Oct 5 23](#)

The Board is aware of its fairness obligations and appreciates GNWT-ECC's concerns and submissions regarding the importance of ensuring a full and fair exchange of argument on this maximum licence term issue.

The GNWT-ECC Intervention filed on November 10, 2023⁴ included a reply to the Tłıchq Government's and NTPC's responses from the public review.⁵ Board staff had suggested at the PHC that Interventions not include legal argument and indicated that reply argument could be accommodated later in the work plan. Notwithstanding the different approach taken by GNWT-ECC the Board accepts GNWT-ECC's reply argument at this time. This completes the response by Tłıchq Government and NTPC and reply by GNWT-ECC on this legal issue. The Board will, if necessary, address this interpretation issue in due course.

Looking forward in accordance with the work plan, NTPC will have the final opportunity to file argument in the overall proceeding.

We trust that this response addresses the concerns raised in the GNWT-ECC's November 10th letter.

Please contact Ryan Fequet via [email](#) or at (867) 765-4589 with any questions or concerns regarding this letter.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Ryan Fequet', written in a cursive style.

Ryan Fequet
Executive Director

BCC'd to: NTPC Distribution List

⁴ See the WLWB Online Registry for [Snare Hydro - WL Renewal - GNWT-ECC - Intervention - Nov 10 23](#)

⁵ See the WLWB Online Review System for [Snare Hydroelectric Facility - Maximum Term of a Type A Water Licence - Legal Interpretation](#)