



Snare Hydroelectric Facility Water Licence Renewal

W2023L4-0001

December 6, 2023

Government of
Northwest Territories

A stylized line drawing of several evergreen trees of varying heights, positioned at the bottom left of the slide. The trees are drawn with simple, sketchy lines.

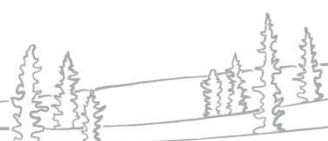
Overview

- Water Licence Term
- Minimum Water Levels
- Septic Field Verification
- Geochemical Characterization and Management Plan
- Plan Updates
- Closure Water Licence Conditions



Water Licence Term

- The Northwest Territories Power Corporation (NTPC) has applied for a Water Licence term of 39 years, set to expire one year after the lease agreement with Dogrib Power Corporation (DPC).
 - There is no sound reason why any clauses and requirements that will be in the renewed lease between Dogrib Power and NTPC should have any bearing on the term of this renewed Water Licence.
 - Both the Water Licence and lease will be legally binding and NTPC will be legally obliged to comply with the most stringent requirement.



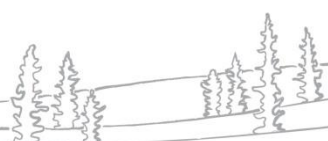
Water Licence Term

- In review of the application, GNWT-ECC noted that, in accordance with s. 26(2) of the *Waters Act*, the renewed Licence should have a term of 25 years at most.
- GNWT-ECC's response to IR #7 provided further explanation regarding interpretation of s. 26(2) of the *Waters Act*.
- The response to IR #7 was issued by the Wek'èezhì Land and Water Board (the Board) for review and NTPC and Tłıchǫ Government (TG) responded.



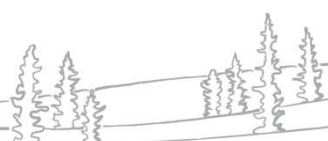
Water Licence Term

- GNWT-ECC respectfully disagrees with NTPC's interpretation set out in its response.
 - NTPC's response does not consider or analyze whether upon the repeal and replacement of the *Northwest Territories Waters Act* with the *Waters Act* and the amendments, the *Waters Regulations* could be interpreted as now prescribing all classes of Type A undertakings in relation to s. 26(2)(a) of the *Waters Act*.
 - The quote provided in paragraph 34 of NTPC's response is Hansard and can only be given limited weight, especially as it was made by an unelected official.



Water Licence Term

- GNWT-ECC respectfully disagrees with NTPC's interpretation set out in its response.
 - To clarify misunderstanding, GNWT-ECC's submission is that all classes of undertaking are currently prescribed as being subject to the maximum 25-year term limit in relation to s. 26(2)(a) of the *Waters Act*; not that any class of Type A undertaking would need to be prescribed as being exempt from this term limit for a longer term to be possible.
 - GNWT-ECC's interpretation is not that a land and water board would have to issue a Licence for the maximum term of any prescribed Type A undertaking. As always, a land and water board has discretion within the scope of the applicable legislation to issue a Licence for whatever term it believes is appropriate.



Water Licence Term

- GNWT-ECC respectfully disagrees with TG on whether a Type A licence can currently be issued for a term of more than 25 years.
 - GNWT-ECC shares TG's perspective that there is considerable ambiguity regarding the interpretation of this issue.

1. GNWT-ECC recommends that the term of the renewed Type A Licence be 25 years at most in accordance with the *Waters Act*.



Minimum Water Levels

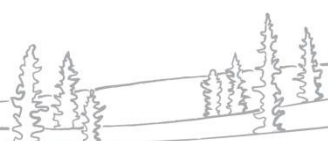
- NTPC has requested that the minimum water levels listed in the Licence for the Big Spruce Reservoir and the Snare Falls forebay each be reduced by 0.3 m.
- In response to IR #1, NTPC proposed timing windows to limit drawdown of Big Spruce Reservoir and the Snare Falls Forebay to the proposed lower limits.
- The IR specifically requested that “the response should explain the operational limitations that must be considered by NTPC, while also minimizing potential impacts to the environment”, which was not provided in NTPC’s response.



Minimum Water Levels

- At this time, GNWT-ECC is not recommending alternative timing windows, but believes this information is necessary to understand potential environmental impacts and operational implications.

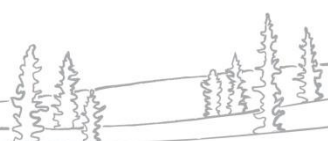
2. GNWT-ECC recommends NTPC explain the operational limitations that must be considered by NTPC, while also minimizing potential impacts to the environment with regards to the proposed dates or duration which it would recommend to limit drawdown of Big Spruce Reservoir and the Snare Falls Forebay to the proposed lower limits.



Septic Field Verification

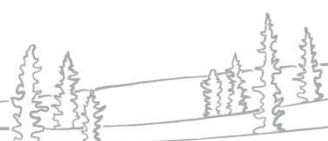
- GNWT-ECC supports NTPC's proposal to conduct a Special Study to verify that the septic fields are not depositing waste to receiving waters.
- GNWT-ECC notes that the submission of the final report should be a Water Licence requirement for Board approval rather than a Schedule requirement.

3. GNWT-ECC recommends the Water Licence require a report from the Septic Field Verification Study be submitted for Board approval.



Geochemical Characterization and Management Plan

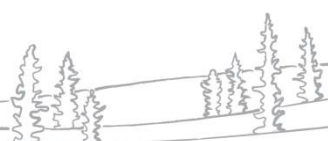
- In response to IR #5, NTPC proposed that the Licence require the submission of a Geochemical Characterization and Management Plan, at least 90 days prior to the use of quarry rock for construction material within 100 meters of a waterbody.
- GNWT-ECC agrees with NTPC's proposal to require submission of a Geochemical Characterization and Management Plan.
- However, the requirement should not be limited to the use of material within a certain distance of a waterbody.



Geochemical Characterization and Management Plan

- Negative environmental impacts from acid rock drainage and metal leaching can occur regardless of the proximity to a waterbody.
- Ensuring the quarry, and any stockpiled material, meet the geochemical criteria in the management plan minimizes risk to the environment.

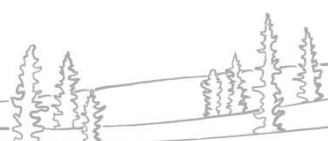
4. GNWT-ECC recommends the Water Licence require the submission of a Geochemical Characterization and Management Plan, for Board approval, at least 90 days prior to use of quarry rock as construction material. GNWT-ECC notes this submission should not be constrained by a distance from a waterbody where construction material will be used.



Geochemical Characterization and Management Plan

- Standard Water Licence Conditions Part E, Condition 5 requires material used in construction to meet the geochemical criteria outlined in the management plan.
- Part E, Condition 8 requires the maintenance of geochemical records of construction materials.

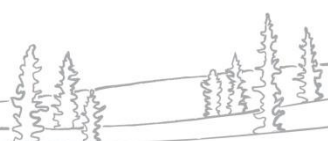
5. GNWT-ECC recommends the Water Licence include the Standard Water Licence Conditions Part E Conditions 5 and 8.



Plan Updates

- In review of the Application, several comments were submitted regarding updates to various plans.
- Any plan that does not conform to licence requirements once the Licence has been issued should also be submitted for Board approval post-issuance.

6. GNWT-ECC recommends the Water Licence require the submission of all plans requiring revisions, for Board approval, post-issuance of the Water Licence.



Closure Water Licence Conditions

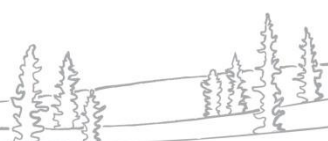
- GNWT-ECC understands that NTPC does not intend to conduct progressive reclamation, nor temporary or permanent closure.
- In response to IR #2, NTPC agreed with the inclusion of Standard Water Licence Conditions, Part I, Conditions 3 and 5-11 in the Water Licence.
 - Part I, Condition 5 is: “The Licensee shall endeavor to carry out approved Progressive Reclamation as soon as is reasonably practicable.”
- NTPC has not proposed a condition to require submission and approval of an interim Closure and Reclamation Plan (CRP).



Closure Water Licence Conditions

- At the Technical Session, NTPC proposed that a path forward may be to include a condition in the Licence to require the submission of a CRP in the event closure and reclamation is planned to occur at a future date.
- GNWT-ECC agrees this is an acceptable path forward.

7. GNWT-ECC recommends the Water Licence include a condition requiring the submission of an interim CRP within a timeframe determined by the Board, in advance of any closure and reclamation, including progressive reclamation or temporary closure.



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