



October 13, 2023

Ryan Fequet
Executive Director
Wek'èezhìi Land and Water Board
1-4905 48th Street
Yellowknife NT X1A 3S3

Dear Mr. Fequet:

Information Requests Resulting from Northwest Territories Power Corporation (NTPC) Technical Session – Type A Water Licence Renewal (W2023L4-0001)

The Government of the Northwest Territories – Environment and Climate Change (GNWT-ECC) participated in a technical session related to NTPC's water licence renewal application for the Snare Hydroelectric Facility on September 26, 2023. Following that technical session, the Wek'èezhìi Land and Water Board (WLWB) issued several Information Requests (IRs) including IRs #7, #10 and #11 to GNWT-ECC.

GNWT-ECC notes that a response to IR #7 was provided on October 5, 2023, while the Board granted an extension for IRs #10 and #11 until Friday, October 13, 2023. The extension from the Board is appreciated.

Prior to outlining the remaining responses, we would like to note some concern regarding the scope of the IRs outlined below as they relate to the ongoing water licence renewal proceeding. While staff did formally agree to accept these IRs during the technical session, the underlying issues are related to land use permitting, interpretation of the Mackenzie Valley Land Use Regulations (MVLUR), and other related issues which are much broader in scope than the specific camp(s) under discussion related to the Snare Hydroelectric Facility and may be better suited to multi-party discussions.

It is important to note that as the MVLUR and *Mackenzie Valley Resource Management Act* (MVRMA) are federal legislation, any interpretation or explanation of the legislation should also include perspectives from Crown Indigenous Relations and Northern Affairs Canada (CIRNAC), as well as other interested governments or parties.

The GNWT-ECC response to IRs #10 and #11 are as follows:

IR#10 to the GNWT-ECC

GNWT to confirm whether it believes a land use permit is required for any of the camps at NTPC based on the number of person-days.

GNWT-ECC notes that Land Use Permit W2021Q0011 is an active land use permit for the Snare Hydroelectric Facility and that the scope of this permit covers the associated satellite camps. The GNWT believes that the satellite camps regulated under W2021Q0011, based on the land use operations described by NTPC, required a land use permit.

IR#11 to the GNWT-ECC

GNWT to confirm if it believes that the camps at the NTPC project fall under the definition of a camp as per the Mackenzie Valley Land Use Regulations, along with a fulsome legal rationale.

While the MVLUR do include prohibitions related to the use of a campsite without a land use permit, the term “camp” (as outlined in the IR) or “campsite” (as described in the regulations) are not defined in either the MVLUR or MVRMA. In the absence of defined terms, or case law on the terminology in an MVRMA context, the GNWT would rely upon the ordinary meaning of the terms. As noted above, the MVLUR and MVRMA are federal legislation, and discussions on interpretations should include CIRNAC and other interested governments or parties.

If you require further information, please contact Rick Walbourne, A/Director, Regulatory and Permitting Division, at Rick.Walbourne@gov.nt.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'V Stretch', written in a cursive style.

Vanessa Stretch
A/Assistant Deputy Minister
Regulatory, Authorizations and Assessment
Environment and Climate Change