

7th Floor - 4922 48th Street
PO Box 2130, Yellowknife NT X1A 2P6

Tel: 867-669-0506 Fax: 867-873-6610
www.mvlwb.com

October 28, 2022

File: MV2019L8-0008
MV2019F0015

Mark Cliffe-Phillips
Mackenzie Valley Review Board
200 Scotia Centre
Box 938, 5102-50th Avenue
Yellowknife NT X1A 2N7

Sent by email

Dear Mark Cliffe-Phillips,

Re: Northwest Territories Power Corporation – Notice of Preliminary Screening Determination – Applications for Land Use Permit and Water Licence – Taltson Winter Road – Fort Smith, NT

The Mackenzie Valley Land and Water Board (Board) met on October 27, 2022 and considered the Amendment Requests from the Northwest Territories Power Corporation (NTPC) for Land Use Permit (Permit) MV2019F0015 and Water Licence (Licence) MV2019L8-0008 for the Taltson Winter Road in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board conducted a preliminary screening based on the public record for the proceeding. Based on the evidence provided, the Board is satisfied the screening has been completed according to section 125 of the MVRMA and has decided **not to refer** the Project to environmental assessment. The Board's Preliminary Screening Determination and Reasons for Decision, as required by section 121 of the MVRMA, is attached.

If the Board does not receive notice of referral to environmental assessment, it can proceed with the amendment requests for Permit MV2019F0015 and Licence MV2019L8-0008 on **Tuesday, November 8, 2022**.

The Board and staff look forward to continued communications throughout the pause period. Please contact Shelagh Montgomery [via email](#) or at (867) 766-7457 with any questions or concerns regarding this letter.

Yours sincerely,



Mavis Cli-Michaud
Chair, Mackenzie Valley Land and Water Board

BCC'd to: Akaitcho Distribution List
Patrick Smith, NTPC

Attached: Preliminary Screening Determination and Reasons for Decision



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Preliminary Screening Determination and Reasons for Decision

Water Licence and Land Use Permit Amendment Request	
File Number	MV2019L8-0008 and MV2019F0015
Company	Northwest Territories Power Corporation
Project	Taltson Hydroelectric Facility Winter Road
Location	Fort Smith, NT
Activity	Miscellaneous – Winter Road
Date of Decision	October 27, 2022

1.0 Decision

In accordance with subsection 124(1) of the *Mackenzie Valley Resource Management Act* (MVRMA), the Mackenzie Valley Land and Water Board (MVLWB or Board) met on October 27, 2022 to make a preliminary screening determination on the Amendment Request from the Northwest Territories Power Corporation (NTPC) (Applicant) for Land Use Permit MV2019F0015 (Permit)¹ and Water Licence MV2019L8-0008 (Licence)² for the Taltson Winter Road (Project).³

The Board has determined that some Project activities and/or areas are exempt from preliminary screening because they were previously screened. The Applicant has proposed new Project activities and/or areas, however, and the Board has decided not to refer the proposed changes to the Project to the Mackenzie Valley Environmental Impact Review Board (the Review Board) for Environmental

¹See MVLWB Online Registry www.mvlwb.com for [NTPC – Taltson Amendment Application – Sept20 22](#).

² See MVLWB Online Registry [NTPC – Taltson Amendment Application – Sept20 22](#).

³ The Project is the Taltson Winter Road, which is the proposed development, where “development” is defined in Part 5 of the MVRMA as:

“any undertaking, or any part or extension of an undertaking, that is carried out on land or water and includes an acquisition of lands pursuant to the *Historic Sites and Monuments Act* and measures carried out by a department or agency of government leading to the establishment of a park subject to the *Canada National Parks Act* or the establishment of a park under a territorial law.”

Assessment because, based on the evidence, it is the Board’s opinion that the proposed changes to the Project will not have a significant adverse impact on the environment or be cause of public concern.

The Board’s determinations, including reasons for its decisions, are detailed in sections [3.0](#) and [4.0](#).

2.0 List of Defined Terms and Acronyms

Applicant	Northwest Territories Power Corporation
Applications	The complete amendment request application package submitted by the Applicant for Water Licence MV2019L8-0008 and Land Use Permit MV2019F0015.
Board	Mackenzie Valley Land and Water Board
GNWT	Government of the Northwest Territories
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
ORS	Online Review System (www.new.onlinereviewsystem.ca)
Party	As per the MVLWB Rules of Procedures , an applicant, a person, or an organization participating in the regulatory proceeding for the Applications.
Project	Taltson Winter Road, which is the proposed development (as defined in Part 5 of the MVRMA). ⁴
Review Board	Mackenzie Valley Environmental Impact Review Board
Standard Licence Conditions	MVLWB Standard Water Licence Conditions Template
Standard Permit Conditions	MVLWB Standard Land Use Permit Conditions Template

3.0 Background and Scope of Screening

The initial Taltson Winter Road Application was received in May of 2019 and approved by the Board in July 2019, issuing Licence MV2019L8-0008 and Permit MV2019F0015. On September 9, 2022, NTPC submitted its amendment request for the Taltson Winter Road to include two additional water sources, to increase water use volumes, and to allow tree bridging along sections of the road. According to NTPC, the amendments requested would improve safety and efficiencies during construction and operation of the road while the tree bridging would act as foundation in sections of the road that have running water intersecting the alignment during construction. The September 9, 2022, submission included water use amendment requests that would have bumped the authorization from a Type B to a Type A Water Licence, and as a result, NTPC withdrew the request on September 14, 2022.

On September 15, 2022, NTPC resubmitted its amendment request with smaller water volume amendments requested, maintaining limits to a Type B Licence. Some information on water sources,

⁴ “development” is defined in Part 5 of the MVRMA as:

“any undertaking, or any part or extension of an undertaking, that is carried out on land or water and includes an acquisition of lands pursuant to the *Historic Sites and Monuments Act* and measures carried out by a department or agency of government leading to the establishment of a park subject to the *Canada National Parks Act* or the establishment of a park under a territorial law.”

capacity calculations, and water extraction locations from this submission required clarification and on September 22, 2022, a complete application for the Taltson Winter Road Amendment Request was provided.

NTPC engaged with number of aboriginal, municipal, territorial, and federal governments, governmental organizations, and private organizations as part of the Taltson winter road water licence and land use permit amendment request process. Engagement included a combination of phone calls, emails, and public meetings, where requested. Meetings were held with the Salt River First Nation, the Fort Resolution Métis Council, and the Northwest Territories Métis Nation.

The current expiry date for the Taltson Winter Road authorizations is August 1, 2024. No changes to this expiry have been requested as part of this amendment.

On July 22, 2019, the Board completed a preliminary screening on the initial Taltson Winter Road Applications, concluding that the proposed development will not have a significant adverse impact on the environment; and that proposed development is not a cause of public concern.⁵ As noted, the Amendment Request includes proposed changes to the Project. Under Part 1, Schedule 1, section 2.1 of the Exemption List Regulations to the MVRMA, project areas and activities that have already been subject to Part 5 of the MVRMA are exempt from preliminary screening. It is only the new Project activities and areas that require screening by the Board in accordance with subsection 124(1) of the MVRMA. The Amendment Request does not include significant alterations to the Project.

In accordance with paragraph 125(1)(a) of the MVRMA, the Board must conduct a preliminary screening of the proposed changes to the Project to determine and report to the Review Board whether, in its opinion, the proposed changes to the Project might have significant adverse impact on the environment or might be a cause of public concern. The details of the Board's analysis are set out in section [4.0](#) below.

3.1 Scope of Screening:

Previously Screened Areas and Activities:

The Taltson Winter Road is approximately 56 km long; the start point is a temporary laydown area at the northeast corner of the Fort Smith airport, and the road ends at a temporary laydown area at the southern end of the Taltson Facility airfield. It consists of 12 over land portions (portages) and 12 over ice portions (lakes/rivers). The total length of portages is approximately 45.3 km (81%) and the total length of lakes/rivers is 10.7 km (19%).

Equipment with a low ground bearing pressure is initially used to travel the route and compact the snow cover. Water is required for construction of overland sections, construction of ramps, and for maintenance of over ice sections.

⁵ See MVLWB Online Registry for [NTPC – Taltson Road – Preliminary Screening Report – Jul18 22](#).

Initially, vegetation clearing was minimized to brushing and danger tree removal only. Sand and gravel used for traction control on the portage ramps is scraped off and left on a flat area on each portage at the end of each winter road season so that it is not washed into the lakes and streams during the spring freshet and create sedimentation issues.

If open water remains at crossings, temporary culverts may be installed with a minimum cover of 30 cm snow or ice constructed over the top. The previously approved Operations and Maintenance Plan identified the need for up to 250 m³/day from the Slave River and up to 30m³/day from all other sources (Little Bent Tree Lake, Thetul River, Kenneth River, Lake 2-0, Powell Lake, Lake 5-0, Lake 7-0, and Gertrude Lake) for a total volume use of up to 9,200 m³ per season. Daily water use is not to exceed 299 m³.

Equipment required to construct and maintain the winter road include: Pick-up trucks with 500L fuel tanks, an Amphibious Vehicle (to support Ground Penetrating Radar operations), Snowcats, a Tandem Wheel Plow Truck, Tandem Wheel Water Trucks with heated water tanks, a Nodwell with heated water tank, a Grader, a Loader, Mechanics Service Truck, and Ground Penetrating Radar.

Activities that the Board understands to have been previously considered,⁶ and which therefore do not require preliminary screening at this time, are listed below:

- Use of vehicles and equipment;
- Water withdrawal from previously identified sources for the construction, operation, and maintenance of a winter access road; and
- Progressive reclamation activities and associated closure and reclamation activities for the winter access road originating at Fort Smith, Northwest Territories and terminating at the Taltson Hydroelectric Facility airport.

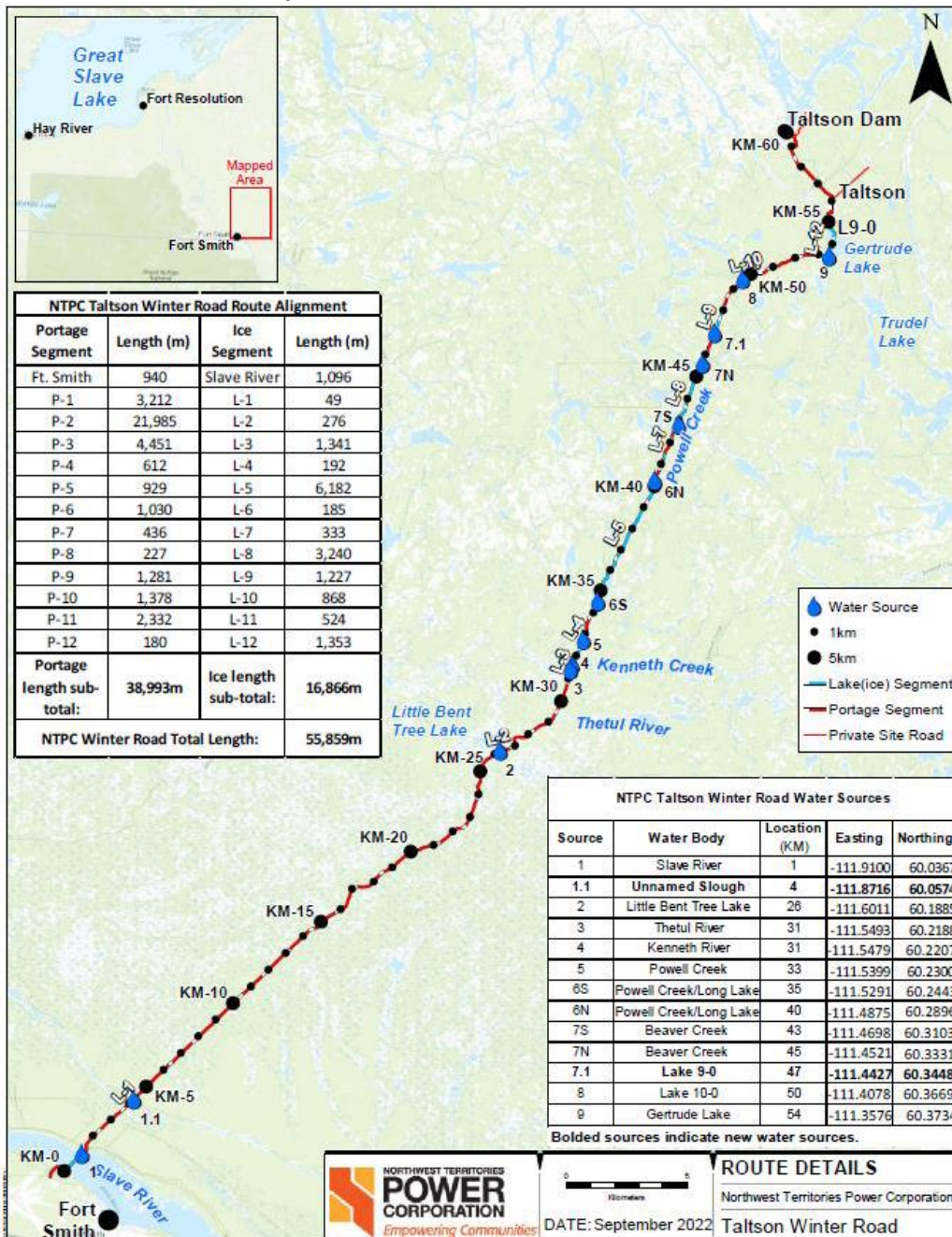
New Areas and Activities:

The scope of the activities under the proposed amendment are outlined in detail in the application and include:

- Addition of two new water sources: 1.1, an unnamed watercourse on the north side of the Slave River, and 7.1, an unnamed watercourse along the north portion of the road (Please refer to attached Figure 1);
- Daily water usage limit increases from 30m³/day to 80m³/day for all water sources excluding the Slave River and daily water usage limit increase from 250 m³/day to 299 m³/day for the Slave River but no more than 299m³/day total;
- Changes to the names and coordinates for the previously permitted water sources, including North and South draw points for larger water bodies; and
- Tree Bridging to act as foundation in sections that have running water intersecting the road alignment during construction.

⁶ See MVLWB Online Registry for [NTPC – Taltson Road – Preliminary Screening Report – Jul18 22](#).

Figure 1: Taltson Winter Road Map



3.2 Public Record and Regulatory Proceeding

To assist the Board in its preliminary screening determination for the Project, the Board distributed the Applications and a draft Licence and Permit for public review on September 22, 2022, inviting reviewers to provide comments and recommendations on the Applications and the preliminary screening (e.g., on impacts and mitigation measures) using the Online Review System (ORS). Comments were due October 13, 2022, with responses from the Applicant due October 17, 2022. The Board received comments and recommendations from Fisheries and Oceans Canada (DFO); Environment and Climate Change Canada

(ECCC); Government of the Northwest Territories (GNWT) – Department of Environment and Natural Resources (ENR); GNWT – Department of Lands – South Slave Region (Inspector) (attached).⁷ Board staff also submitted comments.

Since there were no requests to extend the reviewer comment deadline, 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 MVRMA.

Pursuant to Schedule 4.1 of the Northwest Territory Métis Nation (NWTMN) Interim Measures Agreement, the Board determined that written notice was given to the NWTMN and that a reasonable period of time was allowed for NWTMN to make representations with respect to the Applications.

Pursuant to subsection 1.6, paragraphs (a) and (b) of the Akaitcho Territory Dene First Nations (ATDFN) Interim Measures Agreement, the Board determined that written notice was given to the ATDFN and that a reasonable period of time was allowed for ATDFN to make representations with respect to the Applications.

4.0 Potential Impacts and Proposed Mitigations

Table 1 below summarizes:

- the potential impacts of the proposed changes to the Project;
- the concerns that were identified during the regulatory proceeding and how the Applicant addressed those concerns;
- the proposed and potential mitigations for the potential impacts; and
- the Board’s analysis of the potential impacts and proposed mitigations.

⁷ See MVLWB [Online Review System](#).

Table 1: Potential Impacts and Proposed Mitigations for the Proposed Changes to the Project

Potential Impact	Activity	Proposed Mitigations <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	Board Analysis and Determination
Water Volumes, impacts on overwintering fish	Winter Road Construction and Maintenance	<ul style="list-style-type: none"> • The withdrawal of any water will not exceed 10% of the under-ice volumes and/or instantaneous flow, in order to maintain existing fish habitat. • The withdrawal of water will occur in accordance with the Board’s <i>Method for Determining Available Water Volumes for Small Scale Projects</i>, the Department of Fisheries and Oceans (DFO) protocol for winter water withdrawal (2010), and the <i>DFO Framework for Assessing the Ecological Flow Requirements to Support Fisheries in Canada</i> • Water use limits and water sources identified in Licence conditions⁸: WATER SOURCE AND MAXIMUM VOLUME MINIMUM WATER SOURCE DEPTH MAXIMUM UNDER-ICE WATER WITHDRAWAL VOLUME MAXIMUM WATERCOURSE WATER WITHDRAWAL – INSTANTANEOUS FLOW SOURCE VERIFICATION 	<p>Adequate mitigation. Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.</p> <p>Locations of new water sources have been engaged upon and no concerns have been identified during the course of the review. Proposed water volume needs will meet the Board’s guidelines and those provided by DFO.</p> <p>The Taltson Winter Road is anticipated to be constructed for only two more winters so that NTPC can transport supplies it needs to complete work underway to upgrade the Taltson Hydroelectric Facility</p>

⁸ See the MVLWB Policies and Resources webpage to access the MVLWB [Standard Water Licence Conditions Template](#) .

Impacts on Existing Water Users	Winter Road Construction and Maintenance	<ul style="list-style-type: none"> Engagement with local land users identified no concerns. 	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.</p> <p>Locations of new water sources have been engaged upon and no concerns have been identified during the course of the review. Proposed water volume needs will meet the Board’s guidelines and those provided by DFO.</p> <p>The Taltson Winter Road is anticipated to be constructed for only two more winters so that NTPC can transport supplies it needs to complete work underway to upgrade the Taltson Hydroelectric Facility</p>
Water Flow, drainage	Tree Bridging	<ul style="list-style-type: none"> The trees will be felled in such a pattern to provide solid support on frozen base with sufficient flow area between tree trunks and branches to allow water to flow with minimal restriction to prevent drainage pattern changes. Trees will be removed at the end of each season. Standard conditions require the use of clean materials⁹: NATURAL DRAINAGE 	<p>Adequate mitigation. Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.</p> <p>Tree bridging is required to improve safety and efficiencies during construction and operation of the road acting as a foundation in sections of the road that have running water intersecting the alignment during construction.</p> <p>All materials used in the construction of the tree bridges will be locally resources and removed prior to break-up for re-use.</p>

⁹ See the MVLWB Policies and Resources webpage to access the MVLWB [Standard Land Use Permit Conditions Template](#).

Water Quality	Tree Bridging	<ul style="list-style-type: none"> Materials used for tree bridges will be removed, collected, and stored for future use so as not to wash downstream as the road melts. Standard conditions require the use of clean materials: CLEAN WORK AREA CONSTRUCT ICE BRIDGES/ SNOWFILLS 	<p>Adequate mitigation. Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern. Tree bridging is required to improve safety and efficiencies during construction and operation of the road acting as a foundation in sections of the road that have running water intersecting the alignment during construction.</p> <p>All materials used in the construction of the tree bridges will be locally resources and removed prior to break-up for re-use.</p>
Loss of Vegetation, loss of habitat	Tree Bridging	<ul style="list-style-type: none"> Any vegetation clearing required will be limited to brushing, danger tree removal, and felling trees for tree bridging only. Tree bridging will only be conducted in areas in which snow filling alone will not be adequate Standard conditions used to mitigate the described impacts include: MINIMIZE AREA CLEARED 	<p>Adequate mitigation. Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern. Tree bridging is required to improve safety and efficiencies during construction and operation of the road acting as a foundation in sections of the road that have running water intersecting the alignment during construction.</p> <p>All materials used in the construction of the tree bridges will be locally resources and removed prior to break-up for re-use.</p>

4.1 Consideration of Potential Impacts

Based on the potential impacts and proposed mitigations identified above in Table 1, the Board considered whether the changes to the Project might have a significant adverse impact on the environment. In general, impacts of the changes to the Project on the environment can be mitigated through the use of permit and licence conditions of two general types:

1. conditions in the existing Permit and/or Licence, including requirements for management and monitoring plans, with revisions where necessary; and
2. new or unique conditions that may be needed to mitigate potential impacts of the changes to the Project that may not be addressed by the conditions in the existing Permit and/or Licence, and which may be from the Board's standard conditions list or established by the Board as per the MVLWB [Standard Process for Creating New Conditions](#).

These conditions may include requirements for management and monitoring plans that provide detailed information regarding the implementation of mitigation measures and the evaluation of their effectiveness. This includes the requirement for a Field Verification Report to confirm the suitability of use for proposed water sources and locations.

A draft Licence and Permit were circulated for review during the regulatory proceeding, and all Parties were given the opportunity to provide comments and recommendations on the draft conditions. In finalizing the conditions, the Board will consider all of the evidence provided through the regulatory proceeding.

4.2 Consideration of Public Concern

In addition to considering the potential impacts of the changes to the Project, the Board considered whether the changes to the Project might be a cause of public concern.

Based on the evidence provided during the regulatory proceeding, the Board did not identify any comments or issues that indicate that the Project is a cause of public concern.

5.0 Conclusion

The Board completed a preliminary screening of the Project on July 22, 2019;¹⁰ however, the Amendment Requests include proposed changes to the Project. Accordingly, the Board has determined that Project activities that have already been subject to Part 5 of the MVRMA are exempt from preliminary screening under Part 1, Schedule 1, section 2.1 of the Exemption List Regulations to the MVRMA. The Board has conducted a preliminary screening of the proposed changes to the Project.

¹⁰ See MVLWB Online Registry for [NTPC – Taltson Road – Preliminary Screening Report – Jul18 22](#).

The Board has reviewed all the evidence received during the regulatory process with respect to the Preliminary Screening of the proposed changes to the Project. Based on the evidence, it is the Board’s opinion that the proposed changes to the Project will not have a significant adverse impact on the environment or be cause of public concern, as set out in paragraph 125(1)(a) of theMVRMA. The Board has therefore decided not to refer the proposed changes to the Project to Environmental Assessment. If the Board does not receive a notice of referral to environmental assessment by November 7, 2022, the Board can issue the Permit and Licence on November 8, 2022.

SIGNATURE



Mavis Cli-Michaud, Chair
Mackenzie Valley Land and Water Board

October 28, 2022

Date