



GWICH'IN LAND AND WATER BOARD
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WATER LICENCE

Pursuant to the *Mackenzie Valley Resource Management Act* and Regulations, and the *Waters Act*, the Gwich'in Land and Water Board, hereinafter referred to as the Board, hereby grants to:

Government of the Northwest Territories – Department of Infrastructure

(Licensee)

of P.O. Box 2038 Inuvik, NT X0E 0T0


(Mailing Address)

hereinafter called the Licensee, the right to alter, divert or otherwise use water subject to the restrictions and conditions contained in the *Waters Act* and Regulations made thereunder and subject to and in accordance with the conditions specified in this Licence.

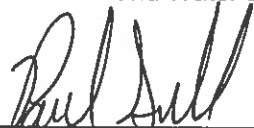
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|-----------------------------------------------|--------------------------------------------------------------------------------------------------------|
| Licence Number: | <u>G15L8-001</u> |
| Licence Type: | <u>"B"</u> |
| Water Management Area: | <u>Northwest Territories 03</u> |
| Location: | <u>67.3408N/134.8703W and 67.3384N/134.8791W (Peel River Ferry Crossing, Dempster Hwy km 74.5)</u> |
| Purpose: | <u>Watercourse Training & Deposit of Waste</u> |
| Description: | <u>Construction and Maintenance of Ferry Landings</u> |
| Quantity of water <u>not to be exceeded</u> : | <u>n/a</u> |
| Effective Date of Licence: | <u>November 30, 2015 (Amended May 18th, 2016)</u> |
| Expiry Date of Licence: | <u>November 30, 2020</u> |

This Licence issued and recorded at Inuvik includes and is subject to the annexed conditions.

Signed the 25th Day of July 2017, on behalf of the Gwich'in Land and Water Board



Witness – Mr. Leonard DeBastien



Chair – Mr. Paul Sullivan

PART A: SCOPE AND DEFINITIONS

1. **Scope**

- a) This Licence entitles the Department of Infrastructure of the Government of the Northwest Territories to water course training (construction and maintenance of ferry landings) and the deposit of waste (up to 500 m³ of granular material per year in total) at the Peel River at 67.3408N/134.8703W (Inuvik side), 67.3384N/134.8791W (Yukon side), Northwest Territories.
- b) This Licence is issued subject to the conditions contained herein with respect to the taking of water and the depositing of waste of any type in any waters or in any place under any conditions where such waste or any other waste that results from the deposits of such waste may enter any waters. Whenever new Regulations are made or existing Regulations are amended by the Governor in Council under the *Waters Act*, or other statutes imposing more stringent conditions relating to the quantity or type of waste that may be so deposited or under which any such waste may be so deposited, this Licence shall be deemed, upon promulgation of such Regulations, to be automatically amended to conform with such Regulations.
- c) Compliance with the terms and conditions of this Licence does not absolve the Licensee from responsibility for compliance with the requirements of all applicable Federal, Territorial, and Municipal legislation.
- d) The Licensee shall take every reasonable precaution to protect the environment.
- e) In conducting its activities under this Licence, the Licensee shall make best efforts to consider and incorporate any scientific and Traditional Knowledge that is made available to the Licensee.

2. **Definitions**

Act - the *Waters Act*, S.N.W.T. 2014, c.18.

Board - the Gwich'in Land and Water Board established under subsection 99(1) of the *Mackenzie Valley Resource Management Act*.

Inspector - an Inspector designated by the Minister under Section 65(1) of the *Act*;

Licensee - the holder of this Licence

Minister - a duly appointed member of the Executive Council who is responsible for the *Waters Act* or the department responsible for administering that Act.

Regulations - Regulations promulgated pursuant to section 63 of the *Act*.

Traditional Knowledge - the cumulative collective body of knowledge, experience and values

built up by a group of people through generations of living in close contact with nature. It builds upon the historic experiences of a people, and adapts to social, economic, environmental, spiritual and political change.

Waste – any waste as defined by Section 1 of the *Act*.

Water - any Water as defined by Section 1 of the *Act*.

Water Use - a use of Water as defined by Section 1 of the *Act*.

PART B: GENERAL CONDITIONS

1. The Licensee shall ensure a copy of this Licence is maintained at the site of operations at all times.
2. All references to policies, guidelines, codes of practice, statutes, Regulations or other authorities shall be read as a reference to the most recent versions, unless otherwise denoted.
3. All information submitted to the Board, as required by this Licence, shall:
 - a) Be in accordance with the Mackenzie Valley Land and Water Board's March 2012, Document Submission Standards; and
 - b) Include a section within each submission which identifies where the pertinent requirements of the Licence are addressed.
4. The Licensee shall file an Annual Report with the Board, with a copy to the Inspector, not later than March 31st of the year following the calendar year reported which shall contain the following information:
 - a) tabular summaries for each of the ferry landings (67.3408N/134.8703W, 67.3384N/134.8791W), specifying the volumes of granular material placed /recovered, the date of placement /recovery, the difference between volumes placed and the volumes recovered, and the source of the granular material;
 - b) a detailed record of the community meeting referred to in Part B, Item 5;
 - c) a summary of activities under the approved Local Area Monitoring Plan referred to in Part B, Item 7;
 - d) a copy of the completed waste log referred to in Part D, Item 3;
 - e) a description of sediment control measures referred to in Part C, Item 2, and an assessment of their effectiveness;

- f) a list of unauthorized discharges;
 - g) an outline of any spill training and communications exercises carried out;
 - h) any revisions to the approved Spill Contingency Plan;
 - i) any other details on water use or waste disposal requested by the Board by November 1st of the year being reported;
 - j) a summary of any studies conducted or in progress
5. The Licensee shall meet with the community of Fort McPherson annually to:
- a) present tabular summaries of the volumes of all granular material placed and removed for each ferry landing location, specifying dates of placement as well as dates of removal, and the source of the granular material;
 - b) report on the activities and findings under the approved Local Area Monitoring Plan referred to in Part B, Item 7;
 - c) update the community on any studies conducted or in progress;
 - d) receive and document community observations, concerns, and suggestions associated with the licenced undertaking;
 - e) update the community on any changes in operation

Note: A detailed record of the meeting will be required.

6. The Licensee shall submit to the Board, by December 31, 2016, a summary report of the 2011-2015 Local Area Monitoring Plan for the Peel River ferry landings. This Report shall include, but not be limited to:
- a) an analysis of the suite of bathymetric maps;
 - b) a summary of fish harvesting statistics, including a discussion on any trends in the data, and comments on the relationship (if any) between the changes in river morphology and fish harvest success;
 - c) a discussion of the effectiveness of aerial imagery as a means to identify changes in river morphology;
 - d) a discussion of any changes or modifications made to the original monitoring plan, and lessons learned from these changes;

- e) suggestions for future updated to the study design that could improve the effectiveness of the monitoring plan
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- 7. The Licensee shall, in consultation with the Gwich'in Renewable Resources Board, the Gwyichya Gwich'in Renewable Resources Council and/or the Tetlit Gwich'in Renewable Resources Council, submit to the Board for approval, by March 31, 2017, an updated version of the Local Area Monitoring Plan for the Peel River ferry landings. This updated report shall include, but not be limited to:
 - a) the incorporation of Traditional Knowledge in the study design;
 - b) methods for capturing, reporting and analyzing qualitative fish health data;
 - c) any of the improvements, as outlined in Part B, Item 6(e);
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- 8. The Licensee shall submit to the Board for approval, by October 31, 2016, a report pertaining to sedimentation and sediment control methods. This report shall address, but not be limited to:
 - a) the types of sediment control measures that were employed over the course of the 2010-2015 Licence period and a discussion of their effectiveness
 - b) plans to address sediment control in the upcoming renewal period;
 - c) background information on natural sedimentation in the Peel and Mackenzie Rivers;
 - d) a discussion on the cumulative effects of sediment deposition into the river systems by various sources, including ferry landing operations.

PART C: CONDITIONS APPLYING TO WATER USE

1. Granular materials used for construction of the ferry landings must be obtained from an approved source, consist of clean gravel (GW or GP as defined under the Unified Soil Classification System), and be free of contaminants.
2. The Licensee shall employ sediment control measures during in-water works; these may include, but are not limited to, those measures determined in Part B, Item 8(b). The Licensee shall continue to monitor the effectiveness of these measures. (In-water works includes the deposit of gravel into the water or on the riverbank.)
3. The Licensee shall employ a staged approach in recovering granular material at the end of each ferry season by progressively recovering material as the river level decreases.

PART D: CONDITIONS APPLYING TO WASTE DISPOSAL

1. The Licensee shall attempt to recover all the granular material placed below the high water mark during the course of this undertaking at the end of each ferry season; the maximum allowable difference between the total volume of granular material placed and total volume of granular material recovered shall be 500 m³;
2. The Licensee shall ensure that any unauthorized wastes associated with the undertaking do not enter any waters.
3. Any wastes generated in the course of this undertaking, other than that referred to in Part. D, Item 1, shall be recorded on a waste log, and disposed of in accordance with all applicable local, territorial and federal laws.

PART E: CONDITIONS APPLYING TO MODIFICATIONS

1. The Licensee may carry out modifications to the planned undertakings:
 - a) without written approval from the Board, provided that such modifications are consistent with the terms of this Licence and the Licensee has notified the Board in writing of such modifications at least ten (10) days prior to beginning the modifications; or
 - b) with the written approval of the Board and under such conditions decided by the Board.

PART F: CONDITIONS APPLYING TO CONTINGENCY PLANNING

1. The Licensee shall review the Spill Contingency Plan annually and modify the Plan as necessary to reflect changes in operation and technology. Any proposed modifications shall be submitted to the Board for approval.

2. If, during the period of this Licence, an unauthorized discharge of waste occurs, or if such a discharge is foreseeable, the Licensee shall:
 - a) employ the appropriate contingency plan;
 - b) report the incident immediately via the 24 Hour NWT Spill Report Line. Currently the number is (867) 920-8130; and
 - c) submit to an Inspector, with a copy to the Board, a detailed report on each occurrence not later than thirty (30) days after initially reporting the event.

3. The Licensee shall ensure that all fuels, chemicals, or wastes, authorized or unauthorized, used in this undertaking are stored at least hundred (100) metres from the ordinary high water mark and that all necessary steps are taken to ensure they do not enter any waters.

PART G: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION

1. The Licensee shall submit to the Board for approval, with a copy to the Inspector, an Abandonment and Restoration Plan at least six months prior to permanent removal of the ferry landings.
 Note: This does not pertain to recovery of granular material at the end of each ferry season.

PART H: CONDITIONS APPLYING TO CONSTRUCTION

This part was intentionally left blank

PART I: CONDITIONS APPLYING TO OPERATION AND MAINTENANCE

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GWICH'IN LAND AND WATER BOARD



Leonard DeBastien, Witness



Paul Sullivan, Chair