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October 28, 2020

File: **G15L8-001**

Jon Posynick
GNWT Department of Infrastructure
PO Box 1320
5015 49th Street
Yellowknife, NT X1A 2L9

Sent via email

Mr. Posynick,

RE: Renewal of GNWT Infrastructure Water Licence G15L8-001, Peel River Ferry Landings

Please find attached Water Licence G15L8-001, granted to the GNWT Department of Infrastructure by the Gwich'in Land and Water Board (GLWB) in accordance with the *Waters Act* and *Mackenzie Valley Resource Management Act*. The Board has, on its own initiative, renewed this Licence pursuant to subparagraph 36(1)(a)(ii) of the *Waters Act* for a period of one year, ending on November 30, 2021.

A copy of this Water Licence has been filed in the Public Registry at the office of the GLWB, and is also available [online](#). Please be advised that this letter, with attached procedures, all Inspection Reports, and correspondence related thereto, are part of the Public Registry, and are intended to keep all interested parties informed of the manner in which the Water Licence requirements are being met.

The full cooperation of GNWT INF is anticipated and appreciated. If you have any questions or concerns, please contact AlecSandra Macdonald at (867) 777-4954.

Sincerely,

Elizabeth Wright,
GLWB Chair

Copied to: GLWB Distribution List



GWICH'IN LAND AND WATER BOARD

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WATER LICENCE

Pursuant to the *Mackenzie Valley Resource Management Act* and Regulations, 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.

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; 67.3384N/134.W; (Peel River Crossings, km 74.5 Dempster Hwy)</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 18, 2016)</u>
Expiry Date of Licence:	<u>November 30, 2021</u>

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

Signed the 28th day of October, 2020 on behalf of the Gwich'in Land and Water Board

Witness – Leonard DeBastien

Chair – Elizabeth Wright

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
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);
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

This part was intentionally left blank

GWICH'IN LAND AND WATER BOARD



Leonard DeBastien, Witness



Elizabeth Wright, Chair



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Reasons for Decision

File Number:	G15L8-001	Type:	"B" Water Licence
Applicant:	Government of the Northwest Territories Department of Infrastructure (GNWT INF)		
Activity:	Watercourse Training and the Deposit of Waste Peel River Ferry Landings		
Board Meeting:	October 28, 2020		

With respect to this renewal, the Board has invoked subparagraph 36(1)(a)(ii) of the *Waters Act*. There was no public hearing held in association with this application.

BACKGROUND

On July 17, 2020 the Government of the Northwest Territories Department of Infrastructure (GNWT INF) requested a one year renewal of each of G16L8-001 and G15L8-002, both of which expire November 30, 2020. GNWT INF indicated that due to the COVID-19 state of emergency, it faced challenges in gathering information and conducting pre-application engagement for the licence applications and would be unable to fulfill the requirements of the new applications prior to the expiry the existing authorizations. The proposed renewals would carry over the terms and conditions of the existing Licences, with no changes to the Licence, except to the expiry dates.

In consideration of this request, and similar requests from other Licensees, On October 9, 2020 the Board circulated a Notice of Intent to renew both Water Licences, on its own motion, for a period of one year.

By the close of the public review period on October 23, comments were received from:

- GTC Department of Lands and Resources (GTC DLR)
- GTC Department of Cultural Heritage (GTC DCH)
- Gwich'in Renewable Resources Board (GRRB)

No concerns regarding the one year renewal were identified.

DECISION

After reviewing the submission of the Applicant and the written comments and submissions received by the Board, and having due regard to the facts and circumstances, the merits of the submissions made to

it, and to the purpose, scope, and intent of the MVRMA and the Regulations made thereunder, the Board has determined that: Land Use Permit G15L8-001 be issued, subject to the terms and conditions contained therein.

REASONS

- The Board is satisfied that adequate consultation has been conducted and that advice has been sought and considered in accordance with sections 63 and 64 of the MVRMA.
- No significant or unmitigable public concern was made known to the Board.
- It is the opinion of the Board that the conditions attached to G15L8-001 pursuant to the *Waters Act*, will significantly reduce the potential environmental impacts resulting from water use and/or deposit of waste.
- The use of water and/or deposit of waste proposed by the Applicant is of a nature contemplated by the MVRMA and the *Waters Act*.
- The Board has notified the Applicant, through a statement included in the scope of this Licence, that compliance with the terms and conditions of this Licence does not absolve the Licensee from responsibility for compliance with the requirements of any other legislation.
- There is an obvious requirement that the Licensee continue to provide essential transportation services along the Dempster Highway
- The operation will likely contribute to the socio-economic well-being and economic development of the region.
- The renewal of Licence G15L8-001 appears to the Board to be in the public interest.
- The renewal of Licence G15L8-001 for a one-year period will provide a reasonable length of time for GNWT-INF to develop and submit to the Board a complete application.

CONCLUSION

Subject to the term and conditions set out in the Licence, and for the reasons expressed herein, the GLWB is of the opinion that the licensed undertaking for watercourse training and waste disposal associated with the construction of ferry landings can be completed by the Licensee while providing for the conservation, development, and utilization of waters in a manner that will provide the optimum benefit for all Canadians, and in particular, for the residents of The Gwich'in Settlement Area.

Water Licence G15L8-001 contains provisions that the Board feels necessary to ensure and monitor compliance with the MVRMA and the *Waters Act* and the Regulations made thereunder and to provide appropriate safeguards in respect of the Applicant's use water and deposit of waste.

SIGNATURE



Elizabeth Wright,
Chair, Gwich'in Land and Water Board

October 28, 2020

Date