

GWICH'IN LAND AND WATER BOARD

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11/30/2015

Reason for Decision

Issued Pursuant to Section 54 of the *Waters Act*.

Licence Number:	G15L8-001 (G99L8-001 Renewal)	Type:	"B" Water Licence
Applicant:	GNWT Department of Transportation (DOT)		
Activity:	Construct and maintain ferry landings at the Peel River crossing (Watercourse training and the deposit of waste)		
Location:	Peel River ferry landings: 67.3408N/134.8703W, 67.3384N/134.8791W (Dempster Highway km 74.5)		
Effective Date:	November 30, 2015	Expiry Date:	November 30, 2020

With respect to this application, notice was given in accordance with sections 63 and 64 of the *Mackenzie Valley Resource Management Act (MVRMA)*, and section 43(1) of the *Waters Act*.

Background

The undertaking was first licensed in 1999, and was renewed in 2004 and in 2010. There have been no changes to the licensed activities since the initial application in 1999.

Decision

After reviewing the submission of the Applicant and the written comments received by the Board, the Board, 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 *Waters Act* and the Regulations made thereunder, has determined that:

Water Licence G15L8-002 to be issued subject to the terms and conditions contained therein.

The Board's reasons for this decision are as follows:

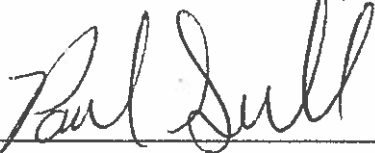
- The Board is satisfied that adequate consultation has been conducted and that advice has been sought and considered in accordance with sections 63 and 64 of the *MVRMA*.
- The Board has met referral obligations to the Gwich'in Land Use Planning Board, as outlined in section 61 of the *MVRMA*. The project is in accordance with the Land Use Plan.

- The Board has notified the Applicant, through a statement included in the scope of this Licence, that compliance with the terms and conditions in the Licence does not absolve the Licensee from responsibility for the compliance with the requirements of any other legislation.
- The undertaking contributes to the socio-economic well-being of the region.
- The Licence terms of 5 years, versus the 25 years requested by the Licensee, has been chosen on account of the Licensee's past performance (i.e. past non-compliance issues, and community concerns with regards to effective engagement, sediment control and adequate spill response). The 5 year term will give the Board and stakeholders the opportunity to effectively re-assess the Licensee's performance, while allowing the Licensee adequate time to demonstrate improved performance.
- Concerns regarding the impact of landing construction operations on traditional fishing activities continue to be brought forward by area land users. In order to identify changes to river morphology and/or fish health that might be taking place near the ferry landings, a Local Area Monitoring Plan was developed by the Licensee in 2010, and continued monitoring will be required through 2020. A review of sedimentation control measures and updates to the Licensee's Spill Contingency Plan have also been requested.
- In the past, community members have indicated that they would like to be better informed on the activities taking place under the Licence. The Licensee has upheld its 2010 commitment to meet annually with the Hamlet of Fort McPherson in order to provide information and solicit feedback on their operations. This annual requirement has been extended by the current Licence Terms, and the Applicant has volunteered to publish a semi-annual newsletter in an effort to further improve communication with the community.

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 there under and to provide appropriate safeguards in respect of the applicant's use of the waters and deposit of waste affected by the Licence.

SIGNATURE

Gwich'in Land and Water Board



Paul Sullivan, Chair

November 30, 2015

Date