



April 14, 2016

AlecSandra MacDonald
Land and Water Technician
Gwich'in Land and Water Board
Box 2018
Inuvik, NT
X0E 0T0

Dear Ms. MacDonald,

**RE: DOT GNWT
Water Licence Amendment Application – G15L8-001
Water Licence Amendment Application – G15L8-002
Request for Comment**

The Department of Environment and Natural Resources (ENR), Government of the Northwest Territories has reviewed the amendment at reference based on its mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Forest Protection Act*, *Waters Act* and the *Wildlife Act* and provides the following comments and recommendations for the consideration of the Board.

Topic 1: Sediment and Erosion Control

Comment(s):

DOT has requested that the requirement for the submission of a report pertaining to sedimentation and sediment control methods be removed from the Water Licence. The rationale for this request includes the comment that clean material is used at the ferry landings, the Mackenzie River and Peele River both have high sediment loads, and that any material that DOT used on the landing is insignificant compared with the amount of naturally occurring sediment already present in the rivers. DOT also reference previous monitoring activities associated with the crossing. While DOT makes reference to inspection reports in various places, it is not clear how water quality monitoring for turbidity and or total suspended solids (TSS) occurs upstream and downstream of the ferry landings.

ENR notes that it is best management practice to incorporate erosion and sedimentation control methods for any construction or maintenance activities conducted in or next to water. ENR understands that natural suspended solid concentrations within the Mackenzie and Peel Rivers are elevated. It is because of this that the addition of sediment could be detrimental to aquatic organisms in the local area.

ENR commends DOT on the monitoring and community sessions it has held over the years, as well as, the commitment to continue appropriately scaled monitoring at these sites. ENR notes that if DOT has evidence (i.e. monitoring data) that suggests that suspended solid concentrations downstream of the crossing are similar to upstream concentrations, during and following DOT activities (e.g. maintenance), they should provide this information to the GLWB for its consideration.

Recommendation(s):

- 1) ENR recommends that best management practices for erosion and sedimentation control be utilized for the project, to the extent possible. If the proposed monitoring at some point indicates impacts to water, appropriate mitigations should be implemented. It is for this reason that ENR is of the opinion that the condition related to planned sediment control options be kept in the Water Licence.

Comments and recommendations were provided by ENR technical experts in the Water Resources Division and the Inuvik Region and were coordinated and collated by the Environmental Impact Assessment Section, Conservation, Assessment and Monitoring Division (CAM).

Should you have any questions or concerns, please do not hesitate to contact Patrick Clancy, Environmental Regulatory Analyst at (867) 767-9233 Ext: 53096 or email patrick.clancy@gov.nt.ca.

Sincerely,



Patrick Clancy
Environmental Regulatory Analyst
Environmental Impact Assessment Section
Conservation Assessment and Monitoring Division
Department of Environment and Natural Resources
Government of the Northwest Territories



Apr 13, 2016

Gwich'in Land and Water Board
P.O. Box 2018, Inuvik NT, X0E 0T0

Attention: AlecSandra Macdonald
Regulatory Officer

RE: Water Licence amendments G15L8_001 and G15L8-002 Peel, Mackenzie and Arctic Red Rivers ferry landing operations

Staff of the Gwich'in Renewable Resources Board have reviewed the request for an amendment to the terms and conditions of Water Licences G15L8-001 and G15L8-002 and offer the following comments:

1. RE: LAMP Report – Part B Section 6

Staff note that the LAMP program was established in 2011 according to the Terms and Conditions of the water licences issued in 2010 (G99L8-002 Part B. 3.c). The LAMP 2011 Summary (Section 1) defines the Purpose and Scope (Section 1.1) of the program which includes communicating an annual assessment of: i) river morphology, in addition to; ii) fish harvesting, and; iii) physical extent of ferry landings into the Mackenzie and Peel Rivers) at the beginning and end of the ferry seasons. Therefore; staff do not see how analysis of bathymetric maps and a discussion of changes in river morphology and comparison to changes in upstream control sites as per Terms and Conditions of the 2015 licence renewal falls outside the scope of the original LAMP.

The current LAMP harvest monitoring program provides limited information on current environmental conditions at the landings and no information on sites upstream or downstream of the landings. This information can form the basis for comparison of changes in environmental conditions over time and is necessary for assessing potential effects of the ferry landing operations on the health of fish and fish habitat compared to other cumulative effects within the context of a changing climate.

2. RE: LAMP Report – Part B Section 7

We again recommend that the Licencee implement the recommendations of the Aquatic Effects Study of 2001-2002 commissioned by the Dept of Transport including; using the approach of the Aquatic Effects Study as a model for an ongoing environmental monitoring

program that will effectively incorporate scientific knowledge and Traditional Knowledge (*Aquatic Effects Study 2002-2003, Chap 7-conclusions and recommendations*).

Staff support comments and recommendations made by the Gwich'in Social and Cultural Institute (GSCI), and the Gwich'ya and Tetlit Renewable Resources Councils that there be continuing monitoring of water quality, water flow, fish health and sustainability of the fishery as part of the Terms and Conditions of this and future water licenses.

We recommend that the GSCI be consulted about the development of an appropriate Traditional Knowledge survey.

3. RE: Sediment Control - Part B Section 8

We recommend that alternative sediment control measures be explored and their use implemented. If the current methods used are adequate, then the methods used and their efficacy must be explained to communities at the in-person meeting. If it is not possible or feasible to adopt sediment control measures, then this must also be explained.

4. RE: Communication

We support the Licencee's commitment to continuing to improve community participation in, and communication about, ferry landing operations. We encourage the Licencee to meaningfully consult with the communities before the beginning of the ferry operations season to explain operations procedures in order to address any concerns that may arise in advance, and again after the operations season, to review the season activities. Efforts should also be made to communicate mid-season changes in the use of ferry landings or location of landings to be used in advance of the change.

In person meetings and, to a lesser extent, the use of newsletters, will permit the Licencee to respond to community concerns; adapt to changes in technology and apply best management practices in ferry landing operations.

- a. In particular, we recommend that DOT continue to engage affected communities directly in face to face meetings in order to address community and stakeholder concerns, and;
- b. continue to provide annual reports to the Board as directed in Part B – General Conditions

If you have questions concerning these comments you may contact me by phone at (867) 777-6615 or by email: jboxwell@grrb.nt.ca

Sincerely,

Janet Boxwell
Renewable Resources Manager
Gwich'in Renewable Resources Board



Tetlit Gwich'in Renewable Resource Council

P.O. Box 30 Fort McPherson, NT X0E 0J0

Phone: (867) 952-2330

Fax: (867) 952-2212

April 14, 2016

AlecSandra MacDonald
Regulatory Specialist
Gwich'in Land and Water Board
Box 2018
Inuvik, NT X0E 0T0

Dear AlecSandra;

Re: Amendment to Water Licence G15L8-001 (Peel River Ferry Landing) G15L8-002 (Mackenzie River and Arctic Red River Ferry Landings)

The Tetlit Gwich'in R.R.C. held their regular meeting on April 13, 2016 the above mentioned was review by the Board of Directors.

Local Area Monitoring Program:

Extension for one year to Part B: section 7 of the license, from March 31, 2016 to March 31, 2017.

Sedimentation and Sediment Control Report:

The TGRRC does not approve of amendment to remove this requirement of Sedimentation and Sediment Control report for Part B: Section 8. Furthermore the council feels that it is important that this stays in the license so that communities are aware of how much granular material is being put in and taken out each year. The council requested that a monitor is present when material is being put in and taken out from the ferry landings.

If you have any questions, please call the T.G.R.R. C. at 952-2330.

Thank you,

Mary Rose Tetlich
President
Tetlit Gwich'in R.R.C.

Gwichya Gwich'in Renewable Resources Council

Box 58, Tsiigehtchic, NT X0E 0B0

April 13, 2016

Attention: AlecSandra Macdonald

Regulatory Officer

Gwich'in Land and Water Board

RE: Water License amendments G15L8_002, Mackenzie and Arctic Red River ferry landings

The Gwichya Gwich'in Renewable Resources Council responds to the request for an amendment to the terms and conditions of Water Licence G15L8-002 after careful review. We offer the following comments according to the letter from the Dept. of Transportation, Regional Superintendent – Inuvik, Gurdev Jugpal's letter to the Gwich'in Land and Water Board Chairperson, Paul Sullivan. There is no date on the letter to reference.

To begin, we support the response letter from Janet Boxwell, Gwich'in Renewable Resources Board, dated April 13, 2016. They have the technical expertise to understand the various types of studies for the analysis of bathymetric maps and the changes to river morphology and other types of studies that should be conducted throughout the life of the ferry operations every 10 years.

RE: LAMP Report – Part B, Sections 6 and 7

The GRRRC agree that increased communication is very important to the community of Tsiigehtchic. We are interested in face to face meetings before the ferry is launched in the spring to give us an overview of ferry operations for the season. We can accept a newsletter in place of the meeting if a detailed newsletter provides information on the schedule, and other relevant information of interest to local residents who fish from early June to Late October or early November. In addition we request a face to face meeting at the end of the ferry season.

The GRRRC requests that the LAMP program include traditional knowledge studies jointly carried out with the Gwich'in Social and Cultural Institute who have the professional expertise to formulate the surveys to achieve expanded results as we are aware of instances where people have to move their nets away from the route of the ferry to avoid having their nets run over. The sediment issues are not only at

the ferry landings, there is a very detrimental effect of sediment accumulation downstream of the landings which interferes with the fishing eddies at all four landings, two at the Inuvik landing, one at the McPherson landing and one at the Tsiigehtchic landing.

Section 6, A and C:

- a) The GRRRC understands that the Dept, of Transportation made a commitment in the original 2010 Application for Renewal of their Water Licence to provide information on their bathymetry maps produced for the LAMP report. We request all the relevant information that will help the community to better understand all the impacts on each landing. If the present LAMP program does not accommodate the inclusion of this information, the GRRRC requests it be included as we are looking for a fully detailed report which includes all aspects of the studies conducted.
- C) The GRRRC agrees to December 2016 to acquire aerial imagery of the landings. We request that DOT expand their LAMP program to include 3D models as per the 2010 LAMP proposal.

Section 7:

The GRRRC agrees with the offer to expand the scope of the LAMP program, we suggest that bathymetry stay in the scope in addition to evaluating the sediment movement as well as measuring and monitoring of total suspended solids or turbidity. We agree to extend the one year extension to March 31, 2017 as long as the LAMP activities are expanded to include a wider scope as per the 2010 LAMP proposal.

RE: Sedimentation and Sediment Control Report – Part B: Section 8

- a) The GRRRC agrees with the Gwich'in Land and Water Board request to DOT to produce a report on sedimentation and sediment control methods on the river and at the ferry landings. The March 31, 2016 deadline has passed and the report should be provided at a later date.
- b) We are interested to know who conducts the sediment control inspection.
- c) And d) The GRRRC disagrees with DOT's position that the accumulation of sediment is a natural occurrence. In Tsiigehtchic, the people contribute the large sandbars cutting off the fishing eddies and inability of the local people to access their traditional fishing spot to set up a camp for the summer season below the Fort McPherson landing to sediment flowing and being settled downstream of each landing. The people used to rush to set their nets under the ice in the fall all the way into the bay past that landing. They are unable to conduct this traditional practice to this day in that area. At the Inuvik landing, there is so much sediment accumulating in the water downstream past the point, as a result, those travelling by boat and motor have to travel in the middle of the river or on the opposite side of the river to avoid the sandbars that are not visible.

On page 6, there is a statement that DOT recognizes and respects the Gwich'in Comprehensive Land Claim Agreement, however DOT does not see any rationale to discuss Chapter 19.1.12 of the land claim agreement with the Gwich'in Tribal Council at this time. The GRRRC draws attention to Chapter 19.1.8 of the GCLCA 1992, which says:

- a) The Gwich'in have the right to have waters which are on or flow through or are adjacent to Gwich'in lands remain substantially unaltered as to quality, quantity and rate of flow when such waters are on or flow through or are adjacent to Gwich'in lands

The landings may not be directly on Gwich'in lands or flowing through or adjacent to Gwich'in Lands but the landings are located in the Gwich'in Settlement area.

The GRRRC were approached last year from one resident Gwichya Gwich'in requesting help to seek compensation for his loss of traditional activities in the bay downstream from Fort McPherson ferry landing. The matter was brought to the Gwich'in Tribal Council Annual Assembly for support and action. The matter is still being considered to be actioned by the resident.

This indicates the seriousness of traditional harvesters and their dissatisfaction of how their concerns are not understood and accommodated by DOT.

Consultation is a very important element of the monitoring program but DOT has to work with key parties in a team approach to arrive at the best outcome for all those involved.

The GRRRC is very thankful for this process which allows us to provide our traditional knowledge and input but our concerns must be taken to heart and actioned to our satisfaction. Some information we provided in our first response was not captured in any of the studies cited by DOT.

If you have concerns to these comments, contact me at (867) 953-3011 or by email: ggcpräsident@northwestel.net.

Respectfully,

Grace Blake
Preside



Gwich'in Social & Cultural Institute

www.gwichin.ca

Head Office

P.O. Box 46
Tsiigehtchic, NT X0E 0B0
Tel: (867)953-3613
Fax: (867)953-3820
Alestine Andre, Heritage Researcher
aandre@learnnet.nt.ca

Executive Director Office

P.O. Box 30
Fort McPherson, NT X0E 0J0
(867) 952-2524
(867) 952-2238
Sharon Snowshoe, Executive Director
gsciexecutivedirector@learnnet.nt.ca

Language Office

P.O. Box 54
Fort McPherson, NT X0E 0J0
(867)952-2377
(867)952-2433
Wm. Firth, Language Manager
wgfirth@learnnet.nt.ca

Research Office

Suite 202B, 4912-49 St.
Yellowknife, NT X1A 1P3
(867)669-9743
(867)669-7733
Ingrid Kritsch, Research Director
Ingrid_Kritsch@learnnet.nt.ca

AlecSandra Macdonald
Regulatory Specialist
Gwich'in Land and Water Board
P.O. Box 2018 Inuvik, NT X0E 0T0
Via email: amacdonald@glwb.com

April 12, 2016

Dear AlecSandra,

Re: Amendment– G15L8 001 and 002 Water Licenses

We have reviewed the above application against our heritage databases. For the amendment to Section 7 (Re: the LAMP timelines), the GSCI has no concerns with the extended deadline as long as the previous data collection activities will continue while planning for the new LAMP. Additionally, the GSCI would like to review the new LAMP research outline to ensure basic standards of anthropological data collection are used.

As with any application, if archaeological or heritage materials are encountered during development within the Gwich'in Settlement Area, all work must cease immediately as required by law, and the GSCI and the Prince of Wales Northern Heritage Centre in Yellowknife must then be contacted.

Sincerely,

Sharon Snowshoe
Executive Director, GSCI

c.c. Tom Andrews, PWNHC