



GWICH'IN LAND AND WATER BOARD

Box 2018 Inuvik, NT X0E 0T0

Ph: 867-777-4954

Fx: 867-777-2304

www.glwb.com

REASON FOR DECISION

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

File Number:	G16L3-002 (Renewal of G99L3-004)	Type:	"B" Water Licence
Applicant:	Charter Community of Tsiigehtchic		
Activity:	Water Use and Deposit of Waste for Municipal Purposes		
Board Meeting:	Thursday, October 27, 2016		

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 Charter Community of Tsiigehtchic, with an estimated population of 130 in 2015, is located at the Confluence of the Mackenzie and Arctic Red Rivers, and 115 km south of Inuvik on the Dempster Highway #8. The Community was first issued a Type "B" Municipal Water Licence by the Gwich'in Land and Water Board in 1999; it was renewed in 2005, 2015 and again in 2016. The community has requested a ten (10) year renewal of their existing licence, which expires on October 31, 2016.

A complete application was received by Board staff on September 23, 2016. The application was distributed for public review on September 26, 2016, with comments due on October 19, 2016. Board staff prepared a draft Water Licence for the Board meeting scheduled October 27, 2016, reflecting updates to relevant legislation and comments received during the public review period.

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 Waters Act and Regulations made thereunder, the Board has determined that Water Licence G16L3-002 be issued, subject to the terms and conditions contained therein. The Board's reasons for this decision are set out below.

General Principles

The scope, definitions, and conditions set forth in the Water Licence have been developed in order to address the Board's statutory responsibilities and the concerns that arose during the regulatory process.

Requirements of Section 26 and 27 of the *Waters Act*

Existing Licensees

After reviewing the submissions made during the regulatory process and filed on the GLWB Public Registry, the Board is satisfied that, with respect to paragraph 26(5)(a) of the *Waters Act*, the granting of this Licence to the Charter Community of Tsiigehtchic will not adversely affect, in a significant way, any existing Licensee, provided the conditions of the Licence are adhered to. There are no other applicants with precedence.

Existing Water Users

Paragraph 26(5)(b) of the *Waters Act* prohibits the issuance of a Licence unless the Board is satisfied that appropriate compensation has been or will be paid by the Applicant to people who were, at the time when the Applicant filed its application with the Board, members of the classes of water users, depositors, owners, occupiers, or holders listed under paragraph 26(5)(b), who would be adversely affected by the use of waters, or deposit of waste proposed by the Applicant.

The Board received no claims for compensation either during the prescribed period or afterwards. Provided that compliance with the Water Licence conditions is achieved, the Board does not believe that any users or persons listed in paragraph 26(5)(b) of the *Waters Act* will be adversely affected by the use of Waters or the deposit of Waste proposed by the Applicant.

Water Quality Standards

Insofar as subparagraph 26(5)(c)(i) of the *Waters Act* is concerned, the Board is of the view that compliance with the Licence conditions will ensure that waste produced by the Charter Community of Tsiigehtchic will be treated and deposited in a manner that will maintain water quality consistent with applicable standards and the Board's *Water and Effluent Quality Management Policy*.

Effluent Quality Standards

Consistent with subparagraph 26(5)(c)(ii) of the *Waters Act*, the Board is satisfied that the effluent standards it has set out in the Licence as conditions are consistent with the Board's *Water and Effluent Quality Management Policy* and will protect the receiving waters and environment. These are further discussed below.

Requirements of Subsection 27(2) of the Waters Act

It is the opinion of the Board that adherence to the conditions of the Licence will ensure that any potential adverse impacts on other water users, which might arise as a result of the issuance of the Licence, will be minimized.

Requirements of Subsection 61 of the MVRMA

Pursuant to subsection 61(2) of the MVRMA, the Board may not issue a licence or permit except in accordance with any applicable land use plan. The Board acknowledges the Gwich'in Land Use Plan, and notes that the lands included in the scope of Licence G16L3-002 are within the boundaries of the Community of Tsiigehtchic; therefore, the Board is satisfied that the requirements of this subsection have been met.

Water Licence G16L3-002 Term and Conditions

Water Licence Term

The Charter Community of Tsiigehtchic requested a ten (10) year renewal of their existing water Licence. The Board has granted a five (5) year term water licence, with updates to the terms and conditions that reflect recent changes to legislation, requirements of recent municipal water licenses, and comments received during the public review process. The 5 year term was decided

Part A: Scope and Definitions

Scope

The scope of the Licence authorizes the Licensee to use water and dispose of Waste for municipal undertakings.

Definitions

The Board has updated a number of definitions in the Licence in order to ensure a common understanding of Licence conditions and avoid future differences in interpretation. The definitions use wording similar to that found in other water licences issued by the Board.

Part B: General Conditions

The General Conditions section stipulates matters regarding compliance and conformity with the MVRMA and the *Waters Act*, and an assortment of conditions that support the other Parts of the Licence. This includes conditions that pertain to the Surveillance Network Program (SNP), measuring devices, signage, and annual reporting. These are standard conditions found in other the Community's existing Licence and in other water licences issued by the Board.

Part C: Conditions Applying to Water Use

The conditions in Part C of the Licence address the sources and maximum amounts of freshwater that can be used for the municipal undertaking, and stipulate other restrictions related to water

withdrawals. The conditions in this Licence are consistent with the previous licence and standard conditions found in other water licences issued by the Board.

Part D: Conditions Applying to Waste Disposal

The conditions in Part D of the Licence address waste disposal requirements. The conditions in this Licence are generally consistent with standard conditions found in other water licences issued by the Board.

Part E: Conditions Applying to Operation and Maintenance

Operation and Maintenance Plans for the Wastewater Treatment Facilities, Solid Waste Facility, and Water Intake Facilities were submitted to the Board with the Water Licence application. Part E, Item 5 is related to the review of management plans for the operation and maintenance of the Sewage Disposal Facilities and Solid Waste Disposal Facilities. This condition is consistent with other Licences issued by the Board.

Part F: Conditions Applying to Contingency Plans

The conditions under Part F of the Licence are standard conditions to ensure procedures are in place to respond to spills. The planning and reporting requirements in this part ensure that the Licensee has identified the lines of authority and responsibility for spill response, established reliable reporting and communication procedures, and has an action plan for spill response. The intent is to ensure that any spills are effectively controlled and cleaned up in order to prevent or minimize damage to the receiving environment.

Part G: Conditions Applying to Modifications

Part G of the Licence contains conditions outlining when and how Modifications of the engineered structures may be authorized. The conditions ensure that the Board and the Inspector are kept informed and have the opportunity to request more information or reject a proposed Modification. This section is closely linked to the Construction section (Part H). Part G relies on the definition of Modification, which does not include expansions or alterations of the purpose or function of a structure. The conditions in this section are consistent with other Licences issued by the Board.

Part H: Conditions Applying to Construction

Part H of the Licence addresses a variety of issues related to Construction, including designs, maintenance, record-keeping, as-built drawings, notifications, and Board approval requirements. The main purpose of this Part is to ensure that Construction is carried out to appropriate standards with proper oversight, in order to facilitate good performance, avoid failures, and ultimately, to protect the environment. The conditions in this part are consistent with other municipal water licences issued by the Board.

Part I: Conditions Applying to Closure and Reclamation

Part I of the Licence pertains to closure and reclamation of the water supply or waste disposal facilities. The general condition is similar to those in other licences.

Surveillance Network Program Sampling Requirements

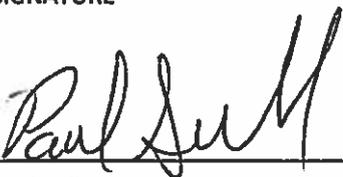
Effluent quality criteria and the locations at which they must be met have been carried over from the previous water licence. The SNP is annexed to the Licence to detail sampling and monitoring requirements related to compliance with conditions and plans required under the Licence. Requirements for measuring flows, volumes, and meteorological data are based on standard water licence conditions as are the reporting requirements. The Board may consider changes to the timing, frequency, and location of samples if additional evidence becomes available.

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 water use and waste disposal associated with the Charter Community of Tsiigehtchic 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 G16L3-002 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



Paul Sullivan
Chair, Gwich'in Land and Water Board

October 27, 2016

Date