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P.O. Box 2018, Inuvik, NT X0E 0T0

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www.glwb.com

September 21, 2020

File: G20X007

Mr. Reid Campbell  
Transport Canada  
Prairie and Northern Region  
344 Edmonton Street  
Winnipeg MB R3C 0P6

sent via email

Dear Mr. Campbell:

**Issuance of Type A Land Use Permit  
Installation of Monitoring Wells at Inuvik Airport – Inuvik, NT**

Attached is Type B Land Use Permit G20X007 granted by the Gwich'in Land and Water Board (MVLWB or the Board) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA). This Permit has been approved for a period of one (1) year, effective September 21, 2020 and expiring September 20, 2021

Permit Conditions

Please read all conditions carefully. For the purpose of submitting plans in accordance with this Permit, the date of this letter, September 21, 2020, is the date of commencement.

Management Plans - Approved

The Board hereby approves the following Plans as summarized in Table 1:

**Table 1: Management Plans**

Condition Number	Title of Plan/Program/Report	Date Received
19	Waste Management Plan,	July 30, 2020
40	Engagement Plan	July 30, 2020

Management Plans – Resubmission Required

The Board hereby requires that Transport Canada resubmit the Spill Contingency Plan in accordance with commitments made during this proceeding, as summarized in Table 2. This Plan will be considered to be approved, upon written conformity of confirmation from Board staff.

**Table 2: Plans Requiring Resubmission**

<b>Condition Number</b>	<b>Title of Plan/Program/Report</b>	<b>Date Received</b>	<b>LUP Requirement</b>
31	Spill Contingency Plan	July 30, 2020	Update SCP once contractor is finalized, and prior to the commencement of land-use operation.

The Board hereby requires that Transport Canada submit Spill Contingency Plan Version 1.1 for confirmation of conformity prior to commencement of activities under Permit G20X007.

Discontinuance

Should you wish to discontinue your land-use operation at any time prior to the expiry date set out in the Permit, a written notice of discontinuance is required as per section 37 of the MVLUR, in addition to the submission of a final plan.

Public Registry

A copy of this Permit and all related correspondence and documents has been filed on the [Public Registry](#) at the GLWB office. Please be advised that this letter, with its attached procedures, inspection reports, and related correspondence is part of the Public Registry and is intended to keep all interested parties informed of the manner in which the Permit requirements are being met. All Public Registry material will be considered if an amendment to the Permit is requested.

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

Yours sincerely,



Elizabeth Wright  
GLWB, Chair

Copied to: GLWB Distribution List

Attached: Land Use Permit G20X007  
Reasons for Decision



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## LAND USE PERMIT

Permit Class	Permit No	Amendment No
A	G20X007	-

Subject to the Mackenzie Valley Resource Management Act, the Mackenzie Valley Land Use Regulations and the terms and conditions in this Permit, authority is hereby granted to:

Transport Canada

(Permittee)

to proceed with the land use operation described in application of:

Signature Reid Campbell	Date June 17 , 2020
Type of Land Use Operation Drilling to Install Groundwater Monitoring Wells	
Location Inuvik Airport ( 68.30497, -133.5200)	

This permit may be assigned, extended, discontinued, suspended or cancelled pursuant to the Mackenzie Valley Land Use Regulations.

Dated at Inuvik this 21 day of August , 2020

**Witness - Leonard DeBastien**

**Chair - Elizabeth Wright**

**Commencement Date**

**Expiry Date**

August 21, 2020

August 20, 2021

**Note:** It is a condition of this Permit that the Permittee comply with the provisions of the *Mackenzie Valley Resource Management Act* and Regulations and the terms and conditions set out herein. A failure to comply may result in suspension or cancellation of this Permit.

## Conditions Annexed to and Forming Part of Land Use Permit # G20X007

### Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operations:
  - a) Use of earth-drilling machinery for the purpose of groundwater monitoring well installation at the Inuvik Airport former landfill site.
2. This Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, item 1 of this Permit.
3. Compliance with the terms and conditions of this Permit does not excuse the Permittee from its obligation to comply with the requirements of any applicable Federal, Territorial or Municipal laws.

### Part B: Definitions (defined terms are capitalized throughout the Permit)

**Act** - the *Mackenzie Valley Resource Management Act*.

**Board** – the Gwich'in Land and Water Board established under Part 3 of the Act.

**Borehole** - a hole that is made in the surface of the ground by drilling or boring.

**Drilling Waste** - all materials or chemicals, solid or liquid, associated with drilling, including drill cuttings and Drilling Fluids.

**Engagement Plan** - a document, developed in accordance with the Board's *Engagement and Consultation Policy* and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*, that clearly describes how, when, and which engagement activities will occur with an affected party during the life of the project.

**Flowing Artesian Well** - a well in which water:

- a) Naturally rises above the ground surface or the top of any casing; and
- b) Flows naturally, either intermittently or continuously.

**Habitat** - the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes.

**Inspector** - an Inspector designated by the Minister under the *Act*.

**Minister** - the Minister of Indian Affairs and Northern Development Canada or the Minister of the Government of the Northwest Territories – Department of Lands, as the case may be.

**Ordinary High Water Mark** - the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the "active channel/bank-full level" which is often the 1:2 year flood flow return

level. In inland lakes, wetlands, or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

**Permittee** - the holder of this permit.

**Secondary Containment** - containment that prevents liquids that leak from Fuel Storage Tanks or containers from reaching outside the containment area and includes double-walled Tanks, piping, liners, and impermeable barriers.

**Spill Contingency Plan** - a document, developed in accordance with Aboriginal Affairs and Northern Development Canada's *Guidelines for Spill Contingency Planning* (April 2007), that describes the set of procedures to be implemented to minimize the effects of a spill.

**Toxic Material**- any substance that enters or may enter the environment in a quantity or concentration or under conditions such that it:

- a) Has or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- b) Constitutes or may constitute a danger to the environment on which life depends; or
- c) Constitutes or may constitute a danger in Canada to human life or health.

**Waste** - as defined in section 51 of the Act.

**Waste Management Plan** - a document, developed in accordance with the Board's Guidelines for Developing a Waste Management Plan, that describes the methods of Waste management from Waste generation to final disposal.

**Watercourse** - a natural body of flowing or standing water or an area occupied by water during part of the year, and includes streams, springs, swamps and gulches but does not include groundwater.

**Part C: Conditions Applying to All Activities** (headings correspond to subsection 26(1) of the Mackenzie Valley Land Use Regulations)

**26(1)(a) Location and Area**

- |    |   |                               |
|----|---|-------------------------------|
| 1. | The Permittee shall not conduct this land-use operation on any lands not designated in the complete application.  | <b>LOCATION OF ACTIVITIES</b> |
| 2. | The Permittee shall, within 90 days of completion of drilling, submit the final drill locations on a 1:50,000-scale map with coordinates and map datum to the Board and an Inspector. | <b>DRILL LOCATIONS</b>        |

**26(1)(b) Time**

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|----|---|---|
| 3. | At least 48 hours prior to the initial commencement of the land-use operation, the Permittee's Field Supervisor shall notify the Board and contact an Inspector at (867) 777-8900.  | <b>INITIAL NOTIFICATION – CONTACT INSPECTOR</b> |
| 4. | At least 48 hours prior to commencement of the land-use operation, the Permittee shall provide the following information, in writing, to the Board and an Inspector:<br><ul style="list-style-type: none"> <li>a) the name(s) of the person(s) in charge of the field operation;</li> <li>b) alternates; and</li> <li>c) all methods for contacting the above person(s).</li> </ul> | <b>IDENTIFY AGENT</b>                           |
| 5. | At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of:<br><ul style="list-style-type: none"> <li>a) the plan for removal or storage of equipment and materials;</li> <li>b) when final cleanup and reclamation of the land used will be completed; and</li> <li>c) when the Final Plan will be submitted.</li> </ul>      | <b>REPORTS BEFORE FINAL REMOVAL</b>             |
| 6. | The Permittee shall complete all clean up and restoration of the lands used prior to the expiration date of this Land Use Permit.   | <b>CLEAN-UP</b>                                 |

**26(1)(c) Type and Size of Equipment**

- |    |  |                               |
|----|--|-------------------------------|
| 7. | The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application. | <b>USE APPROVED EQUIPMENT</b> |
|----|--|-------------------------------|

**26(1)(d) Methods and Techniques**

*Intentionally left blank*

**26(1)(e) Type, Location, Capacity, and Operation of All Facilities**

8. The Permittee shall ensure that the land use area is kept clean at all times. **CLEAN WORK AREA**

**26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land**

9. The land-use operation shall not cause obstruction to any natural drainage. **NATURAL DRAINAGE**

10. The Permittee shall, where flowing water from a Borehole is encountered: **FLOWING ARTESIAN WELL**
- a) plug the Borehole in such a manner as to permanently prevent any further outflow of water; and
  - b) immediately report the occurrence to the Board and an Inspector.

11. The Permittee shall apply appropriate mitigation at the first sign of erosion. **REPAIR EROSION**

**26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material**

12. The Permittee shall not, in any circumstances, deposit or allow the deposit of any deleterious substances (including but not limited to fuels, lubricants, hydraulics, and coolants) of any type into any waters, or in any place under any conditions where the deleterious substances may enter any waters. **DEPOSITING DELETERIOUS SUBSTANCES**

13. When drilling within 100 metres of the Ordinary High Water Mark of any Watercourse, and when drilling on ice, the Permittee shall contain all drill water and Drilling Waste in a closed circuit system for reuse, off-site disposal, or deposit into a land-based Sump or natural depression. **DRILLING NEAR WATER OR ON ICE**

14. The Permittee shall not allow any Drilling Waste to spread to the surrounding lands or Watercourses. **DRILLING WASTE CONTAINMENT**

15. The Permittee shall remove all Drilling Waste containing Toxic Material to an approved disposal facility. **DRILLING WASTE DISPOSAL**

16. The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility. **WASTE PETROLEUM DISPOSAL**

17. The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan. **WASTE CHEMICAL DISPOSAL**

**26(1)(h) Wildlife and Fish Habitat**

18. The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation. **HABITAT DAMAGE**

**26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage**

19. The Permittee shall dispose of all Waste as described in the **Waste Management Plan**, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. **WASTE MANAGEMENT PLAN**

**26(1)(j) Protection of Historical, Archaeological, and Burial Sites**

20. The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground. **ARCHAEOLOGICAL BUFFER**

21. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. **SITE DISTURBANCE**

22. The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered: **SITE DISCOVERY AND NOTIFICATION**
- a) immediately suspend operations on the site; and
  - b) notify the Board at (867) 777-4954 or an Inspector at (867) 777- 8900 and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71250 or ext. 71251.

**26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value**

23. The Permittee shall take all reasonable precautions to avoid impacts to traditional harvest activities. **TRADITIONAL USE**

**26(1)(l) Security Deposit**

24. All costs to remediate the area under this Permit are the responsibility of the Permittee. **RESPONSIBILITY FOR REMEDIATION COSTS**

**26(1)(m) Fuel Storage**

25. The Permittee shall: **REPAIR LEAKS**
- a) examine all Fuel Storage Containers and Tank for leaks; and
  - b) repair all leaks immediately.

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|-----|--|--|
| 26. | The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.   | <b>FUEL CONTAINMENT</b>                          |
| 27. | The Permittee shall not place any Fuel Storage Containers or Tanks within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.   | <b>FUEL STORAGE<br/>SETBACK</b>                  |
| 28. | The Permittee shall set up all refueling points with Secondary Containment.  | <b>SECONDARY<br/>CONTAINMENT –<br/>REFUELING</b> |
| 29. | All equipment that may be parked for two hours or more, shall have a drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately.  | <b>DRIP TRAYS</b>                                |
| 30. | The Permittee shall adhere to the <b>Spill Contingency Plan</b> , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.   | <b>SPILL CONTINGENCY<br/>PLAN</b>                |
| 31. | Prior to commencement of the land-use operation the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills.   | <b>SPILL RESPONSE</b>                            |
| 32. | The Permittee shall clean up all leaks, spills, and contaminated material.   | <b>CLEAN UP SPILLS</b>                           |
| 33. | <p>During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall:</p> <p>a) implement the approved Spill Contingency Plan;</p> <p>b) report it immediately using the NU-NT Spill Report Form by one of the following methods:</p> <ul style="list-style-type: none"> <li>• Telephone: (867) 920-8130</li> <li>• Fax: (867) 873-6924</li> <li>• E-mail: spills@gov.nt.ca</li> <li>• Online: Spill Reporting and Tracking Database</li> </ul> <p>c) within 24 hours, notify the Board and an Inspector; and</p> <p>d) within 30 days of initially reporting the incident, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur.</p> | <b>REPORT SPILLS</b>                             |

**26(1)(n) Methods and Techniques for Debris and Brush Disposal**

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|-----|---|----------------------------------|
| 34. | The Permittee shall not clear areas larger than identified in the accepted application. | <b>MINIMIZE AREA<br/>CLEARED</b> |
|-----|---|----------------------------------|

**26(1)(o) Restoration of the Lands**

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|-----|--|--------------------------------------|
| 35. | The Permittee shall carry out progressive reclamation of disturbed areas as soon as it is practical to do so.        | <b>PROGRESSIVE RECLAMATION</b>       |
| 36. | Prior to the expiry date of this Permit, the Permittee shall complete all cleanup and restoration of the lands used. | <b>FINAL CLEANUP AND RESTORATION</b> |

**26(1)(p) Display of Permits and Permit Numbers**

- |     |   |                       |
|-----|---|-----------------------|
| 37. | The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation. | <b>COPY OF PERMIT</b> |
|-----|---|-----------------------|

**26(1)(q) Biological and Physical Protection of the Land**

- |     |  |  |
|-----|--|--|
| 38. | The Permittee shall not move any equipment or commence any drilling when one or more caribou are within five hundred (500) metres.   | <b>CARIBOU DISTURBANCE</b>             |
| 39. | If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them.   | <b>MIGRATORY BIRD NEST DISTURBANCE</b> |
| 40. | The Permittee shall comply with the <b>Engagement Plan</b> , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval | <b>ENGAGEMENT PLAN</b>                 |



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## Reasons for Decision

Issued pursuant to paragraph 40(2)(c) of the *Mackenzie Valley Land Use Regulations* (MVLUR)

<b>Applicant:</b> Transport Canada	<b>Type:</b> Type "A" Permit Application
<b>Location:</b> Inuvik, NT	<b>File Number:</b> G20X007
<b>Activity:</b> Drilling to Install Groundwater Monitoring Wells at Inuvik Airport Former Landfill	
<b>Date of Decision:</b> September 10, 2020	

These Reasons for Decision set out the Gwich'in Land and Water Board's (the Board or GLWB) decision on an Application made by Transport Canada to the Board on July 30, 2020 for Land Use Permit (Permit) G20X007

### 1. Decision

After reviewing the evidence and submissions of Transport Canada, the written comments and submissions received by the Board and the Staff Report prepared for the Board, the Board, having due regard to the facts, circumstances, the merits of the submissions made to it, and to the purpose, scope, and intent of the MVRMA and Regulations made thereunder, has determined that Land Use Permit G20X007 be issued subject to the term, scope, definitions, and conditions contained therein. The Board's determinations and reasons for this decision are set out below.

### 2. Background

Transport Canada applied to the GLWB for a Type 'A' Land Use Permit for the use of earth-drilling machinery, for the purpose of installing ground water monitoring well at the Inuvik Airport former landfill site. The wells are being installed to assess current environmental conditions and will inform future remediation work at location. There will be a total of (5) groundwater monitoring drilled on mostly disturbed land, minimal brush clearing may be required. The application was deemed complete on August 4, the application was circulated for public review on the same day, with reviewer comments due by August 25: comments were received from the Gwich'in Tribal Council – Dept of Cultural Heritage, Gwich'in Renewable Resources Board, and the Government of the Northwest Territories, Department of Environment and Natural Resources (GNWT-ENR).

### 3. Reasons

- The Board is satisfied that appropriate consultation has been conducted and that advice has been sought and considered, in accordance with sections 63 and 64 of the MVRMA.

- The use of land proposed by Transport Canada is of a nature contemplated by the MVRMA.
- The operation will likely contribute to the socio-economic well-being and economic development of the region.
- The Board has reviewed the information contained in the September 10, 2020 Preliminary Screening Report regarding environmental impacts and/or public concerns.
- The scope of the Permit ensures Transport Canada is entitled to conduct activities which have been applied for and screened by the Board. In setting the scope, the Board endeavored to provide enough detail to identify and describe the authorized activities without being unduly restrictive or prescriptive, and to allow for project flexibility throughout the life of the Permit.
- The conditions set forth in the Permit have been imposed to address the Board's statutory responsibilities and ensure the land-use operation is conducted in a manner which ensures impacts to surrounding lands and waters are minimized.
- The Board has approved the Engagement Plan and the Waste Management Plan because they meet the applicable guidelines and sufficiently reflect the scope of the proposed activities.
- The Spill Contingency Plan cannot be approved at this time and should be revised and re-submitted prior to the start of the land use activity to reflect updates as agreed to during the public review, to reflect the scope of the proposed activities, to meet the applicable guidelines, and to include the following:
  - Identification of site representatives and contractor information;
  - Updated contact information, including contractor,
  - Any other relevant details
- The definitions and conditions in the Permit are from the MVLWB's *Standard Land Use Permit Conditions Template* (Standard Template) and are not discussed in detail in these reasons as no comments or suggested revisions were submitted during the public review period.

#### **4. Discussion**

##### Description of Application

Environmental risk from the project is expected to be minimal. The application and supplemental information (attached) provide information on mitigating risks.

##### Management Plans

A Waste Management Plan and Spill Contingency Plan were included with the Application. Board staff suggest that the Plans meets applicable guidelines and sufficiently reflect the scope of the proposed activities, except for information in the Spill Contingency Plan to be furnished by the drilling contractor

##### Engagement

An Engagement Record and Plan were included in the Application. No concerns were noted.

##### Eligibility

No specific right of access required for geotechnical drilling on commissioner's land; TC is therefore eligible for a permit as per subsection 18(b) of the Mackenzie Valley Land Use Regulations:

##### Fees

No application fee was required as the Applicant is the Government of Canada.

## Term

Transport Canada applied for a term of ten months but expects activities to take less one week. The Board settled on a one year term, to account for unexpected schedule delays.

## Public Review

The following summarizes the main issues raised during the review:

- GTC DCH provided general recommendations for the protection of heritage resources, and expressed frustration regarding what it views as piecemeal applications and screenings that do not reflect the cumulative nature of impacts to a proposed area.
- GRRB and ENR had no concerns

## Analysis of Adequacy of Management Plans

A Waste Management Plan, Spill Contingency Plan, and Engagement Plan were included with the Application. The Waste Management Plan and Engagement Plan were found to be adequate. The Spill Contingency Plan was required to be updated following identification of a drilling contractor. Updates included the identification of site representatives and the contractor; inclusion of contractor contact information.

## Preliminary Screening

The Preliminary Screening contains information from the Application and public review regarding environmental and socio-economic concerns, along with mitigations.

## Security

Security is not applicable to this Project as per section 94 of the *Mackenzie Valley Resource Management Act* (MVRMA), because the federal government is not required to post security pursuant to section 71 of the MVRMA.

## **5. Conclusion**

Land Use Permit G20X007 contains provisions that the Board deems necessary to ensure and monitor compliance with the MVRMA and the Regulations made thereunder, and to provide appropriate safeguards in respect of Transport Canada's use of the land affected by the Permit.

SIGNATURE



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

Sept 21, 2020

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Date