



105 Veterans Way
PO Box 2018, Inuvik NT X0E 0T0

Tel: 867-777-4954 Fax 867-777-2304
www.glwb.com

September 4, 2024

File: G24L8-001 and G24X001

Mahabub Rahman
Project Officer
GNWT Department of Infrastructure
5051 49th Street
Yellowknife, NT X1A 2L9

Sent by email

Dear Mahabub,

Re: GNWT INF – Culvert Replacement km 40.2 - Issuance Package – Water Licence G24L8-001 and Land Use Permit G24X001

The Gwich'in Land and Water Board (Board) met on August 22, 2024 and considered the Application Package submitted by the Government of the Northwest Territories Department of Infrastructure (GNWT-INF) for the Water Licence G24L8-001 and Land Use Permit G24X001 for culvert replacements at km 40.2 Dempster Highway #8.

The Board has approved Water Licence (Licence) G24L8-001 (attached) for a term of two (2) years, effective September 3, 2024 and expiring September 2, 2026. The Licence is supported by the Board's Reasons for Decision. These documents are posted to the Board's Public Registry.¹

The Board has approved Land Use Permit (Permit) G24X001 (attached) for a term of two (2) years, effective September 3, 2024 and expiring September 2, 2026. The Permit is supported by the Board's Reasons for Decision. These documents are posted to the Board's Public Registry.²

Submission Requirements

Please refer to Annex B of the Licence and Annex B of the Permit for a complete summary and timetable of submissions required for this Project. The Board's decisions on submissions that were considered in conjunction with the Application Package are set out below.

¹ See GLWB Online Registry for [G24L8-001](#)

² See GLWB Online Registry for [G24X001](#)

Management Plans – Approved

The Board has approved the following Plans:

- Waste Management Plan;
- Spill Contingency Plan ;
- Engagement Plan; and
- Environmental Protection Plan

Contact information for Inspectors and Analyst

Please note that the Inspectors referred to in the Licence can be contacted at the regional GNWT-ENR offices.³ The Analyst referred to in the Surveillance Network Program annexed to the Licence can be contacted at the Taiga Environmental Laboratory.⁴

Processes and Additional Information

Sections 5 and 6 of the Board's [Guide to the Water Licensing Process](#) (Guide) contain detailed information on licence enforcement and potential post-issuance processes, such as amendments to conditions, and assignment to another company. Please be familiar with these sections of the Guide and reach out to Board staff with any questions about Board processes related to the Licence.

Sections 5 and 6 of the Board's [Guide to the Land Use Permitting Process](#) (Guide) contain detailed information on permit enforcement and potential post-issuance processes, such as amendments to conditions, and assignment to another company. Please be familiar with these sections of the Guide and reach out to Board staff with any questions about Board processes related to the Permit.

Full cooperation of The Government of the Northwest Territories Department of Infrastructure with the terms and conditions of the Licence and Permit is anticipated and appreciated. Please contact Regulatory Specialist AlecSandra Macdonald at 867-777-4954 with any questions or concerns regarding this letter.

Yours sincerely,



Elizabeth Wright
Chair, Gwich'in Land and Water Board

BCC'd to: GLWB Distribution List

Attached: Water Licence G24L8-001, Permit G24X001 and Reasons for Decision

³ See GNWT-ENR Regional Offices webpage (<https://www.enr.gov.nt.ca/en/regional-offices>) for regional contact information.

⁴ ⁴ See GNWT-ENR Taiga Environmental Laboratory webpage (<https://www.enr.gov.nt.ca/en/services/taiga-environmental-laboratory>) for contact information.



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Water Licence G24L8-001

Pursuant to the *Waters Act* and the Waters Regulations,
the Gwich'in Land and Water Board grants this Water Licence to:

The Government of the Northwest Territories – Department of Infrastructure

(Licensee)

of **5051 49th Street, Yellowknife, NT X1A 2**

(Mailing Address)

hereinafter called the Licensee, to proceed with the following undertaking, subject to the annexed definitions and conditions contained therein:

Location:	Km 40.2 Dempster Highway #8
Water Management Area:	Northwest Territories 03
Purpose:	Culvert Replacement
Type:	B
Quantity of Water not to be exceeded:	99 m ³ per day
Effective Date:	September 3, 2024
Expiry Date:	September 2, 2026

Elizabeth Wright, Chair
Gwich'in Land and Water Board

AlecSandra Macdonald, Witness

Type B Water Licence G24L8-001

Government of the Northwest Territories - Department of Infrastructure

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Part A: Scope and Defined Terms

Scope:	Condition Title
<p>1. This Licence entitles the Licensee to deposit Waste for miscellaneous activities at the Culvert Replacement.</p> <p>The scope of this Licence includes the following:</p> <ul style="list-style-type: none">a) Construction, operation, and maintenance of culverts;b) Deposit of Waste to approved facilities;c) Progressive Reclamation and associated Closure and Reclamation activities.	SCOPE
<p>2. The scope of the Project is as described in the Preliminary Screening Determination for G24L8-001, dated August 22, 2024.</p>	SCOPE – PRELIMINARY SCREENING
<p>3. This Licence is issued subject to the conditions contained herein with respect to the use of Water and the Deposit of Waste in any Waters or in any place under any conditions where such Waste or any other Waste that results from the Deposit of such Waste may enter any Waters. Any change made to the <i>Waters Act</i> and/or Waters Regulations that affects licence conditions and defined terms will be deemed to have amended this Licence.</p>	LEGISLATION SUBJECT TO CHANGE
<p>4. Compliance with this Licence does not relieve the Licensee from responsibility for compliance with the requirements of any applicable federal, territorial, Tłıchǫ, or municipal legislation.</p>	LEGISLATIVE COMPLIANCE

Defined Terms:¹

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

Closure and Reclamation – the process and activities that facilitate the return of areas affected by the Project to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment and human activities.

Closure and Reclamation Plan (CRP) – a document, developed in accordance with this Licence, that clearly describes the Closure and Reclamation for the Project.

Construction – any activities undertaken during any phase of the Project to construct, build, upgrade, or replace any structures, facilities, or components of, or associated with, the Project.

Deposit of Waste – a deposit of Waste in any Water or in any other place under conditions in which the Waste, or any other Waste that results from the deposit of that Waste, may enter any Waters.

Engagement Plan – a document, developed in accordance with the LWB *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.

Engineered Structure – any structure or facility related to Water Use or the disposal or Deposit of Waste that is designed by a Professional Engineer, including but not limited to the culverts associated with the Project.

Hazardous Waste – a Waste which, because of its quantity, concentration, or characteristics, may be harmful to human health or the environment when improperly treated, stored, transported, or disposed of.

Inspector – an Inspector designated by the Minister under subsection 65(1) of the *Waters Act*.

Licensee – the holder of this Licence.

Minister – the Minister of the Government of the Northwest Territories (GNWT) – Department of Environment and Climate Change.

Ordinary High-Water Mark – the usual or average level to which a Watercourse rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing Watercourses (rivers, streams), this refers to an 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 predominantly aquatic vegetation to

¹ Defined terms are capitalized throughout the License, including when used in other definitions.

Defined Terms:¹

terrestrial vegetation (excepting Water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

Professional Engineer – a person registered with the Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists to practice as a Professional Engineer in the Northwest Territories as per the territorial *Engineering and Geoscience Professions Act* and whose professional field of specialization is appropriate to address the components of the Project at hand.

Progressive Reclamation – Closure and Reclamation activities conducted during the operating phase of the Project.

Project – the undertaking described in Part A, Conditions 1 and 2.

Receiving Environment – the natural environment that, directly or indirectly, receives any Waste from the Project.

Remediation – the removal, reduction, or neutralization of substances, Wastes, or hazardous materials from a site in order to prevent or minimize any adverse effects on the environment and public safety, now or in the future.

Runoff – the overland flow of Water or Wastewater that occurs when precipitation, meltwater, or other Water is not absorbed by the land.

Sewage Disposal Facilities – the area(s) and structures designated to contain and treat Sewage.

Solid Waste Disposal Facilities – the area(s) and structures designated to contain solid Waste.

Spill Contingency Plan (SCP) – a document developed for the Project in accordance with INAC's *Guidelines for Spill Contingency Planning*.

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.

Unauthorized Release – a release to the Receiving Environment of any Water or Waste not authorized under this Licence.

Waste – as defined in section 1 of the *Waters Act*:

- a) a substance that, if added to water, would degrade or alter or form part of a process of degradation or alteration of the quality of the water to an extent that is detrimental to its use by people or by an animal, fish or plant, or
- b) water that contains a substance in such a quantity or concentration, or that has been so treated, processed or changed, by heat or other means, that it would, if added to other water, degrade or alter or form part of a process of degradation or alteration of the quality of that water to the extent described in paragraph (a), and includes.
- c) a substance or water that, for the purposes of the *Canada Water Act*, is deemed to be waste,

Defined Terms:¹

- d) a substance or class of substances prescribed by regulations made under subparagraph 63(1)(b)(i),
- e) water that contains a substance or class of substances in a quantity or concentration that is equal to or greater than a quantity or concentration prescribed in respect of that substance or class of substances by regulations made under subparagraph 63(1)(b)(ii), and
- f) water that has been subjected to a treatment, process or change prescribed by regulations made under subparagraph 63(1)(b)(iii).

Waste Management Plan (WMP) – a document, developed in accordance with the MVLWB *Guidelines for Developing a Waste Management Plan*, that describes the methods of Waste management for the Project from Waste generation to final disposal.

Wastewater – any Water that is generated by Project activities or originates on-site, and which contains Waste, and may include, but is not limited to, Runoff, Seepage and Sewage.

Water – as defined in section 1 of the *Waters Act*: water under the administration and control of the Commissioner, whether in a liquid or frozen state, on or below the surface of land.

Watercourse – as defined in section 1 of the Waters Regulations: a natural watercourse, body of Water or Water supply, whether usually containing Water or not, and includes, but is not limited to, Groundwater, springs, swamps, and gulches.

Water Management Area – a geographical area of the Northwest Territories established by section 2 and Schedule A of the Waters Regulations.

Waters Regulations – the regulations proclaimed pursuant to section 63 of the *Waters Act*.

Water Use – as defined in section 1 of the *Waters Act*: a direct or indirect use of any kind, including, but not limited to,

- a) a diversion or obstruction of waters,
- b) an alteration of the flow of waters, and
- c) an alteration of the bed or banks of a river, stream, lake or other body of water, whether or not the body of water is seasonal, but does not include a use connected with shipping activities that are governed by the *Canada Shipping Act, 2001*.

Condition	Condition Title
Part B: General Conditions	
1. The Licensee shall ensure a copy of this Licence is maintained on site at all times.	COPY OF LICENCE
2. The Licensee shall take every reasonable precaution to protect the environment.	PRECAUTION TO PROTECT ENVIRONMENT
3. In conducting its activities under this Licence, the Licensee shall make every reasonable effort to consider and incorporate any scientific information and Traditional Knowledge that is made available to the Licensee.	INCORPORATE SCIENTIFIC INFORMATION AND TRADITIONAL KNOWLEDGE
4. In each submission required by this Licence or by any directive from the Board, the Licensee shall identify all recommendations based on Traditional Knowledge received, describe how the recommendations were incorporated into the submission, and provide justification for any recommendation not adopted.	IDENTIFY TRADITIONAL KNOWLEDGE
5. 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 noted.	REFERENCES
6. The Licensee shall ensure all submissions to the Board: a) Are in accordance with the LWB <i>Document Submission Standards</i> and, if applicable, <i>Geospatial Data Submissions Standards</i> ; and b) Include any additional information requested by the Board.	SUBMISSION FORMAT
7. The Licensee shall ensure management plans are submitted to the Board in a format consistent with the LWB <i>Standard Outline for Management Plans</i> , unless otherwise specified.	MANAGEMENT PLAN FORMAT
8. The Licensee shall comply with plans, including revisions, approved pursuant to the conditions of this Licence.	COMPLY WITH SUBMISSIONS AND REVISIONS
9. The Licensee shall conduct an annual review of all plans and make any revisions necessary to reflect changes in operations, contact information, or other details. No later than March 31 each year, the Licensee shall send a notification letter to the Board, listing the documents that have been reviewed and do not require revisions.	ANNUAL REVIEW

Condition		Condition Title
10.	The Licensee may propose changes at any time by submitting revised plans to the Board, for approval, a minimum of 90 days prior to the proposed implementation date for the changes. The Licensee shall not implement the changes until approved by the Board.	REVISIONS
11.	The Licensee shall revise any submission and submit it as per the Board's directive.	REVISE AND SUBMIT
12.	If any date for any submission falls on a weekend or holiday, the Licensee may submit the item on the following business day.	SUBMISSION DATE
13.	The Licensee shall comply with the Schedules , which form part of this Licence, and any updates to the Schedules as may be made by the Board.	COMPLY WITH SCHEDULE(S)
14.	The Schedules and any compliance dates specified in this Licence may be updated at the discretion of the Board.	UPDATES TO SCHEDULES AND COMPLIANCE DATE(S)
15.	The Licensee shall comply with all directives issued by the Board in respect of the implementation of the conditions of this Licence.	COMPLY WITH BOARD DIRECTIVES
16.	Beginning March 31, 2025 and no later than every March 31 thereafter, the Licensee shall submit an Annual Water Licence Report to the Board and an Inspector. The Report shall be in accordance with the requirements of Schedule 1, Condition 1.	ANNUAL WATER LICENCE REPORT
17.	The Licensee shall submit a Final Report which is to be submitted March 31 the year after the construction is completed.	FINAL CONSTRUCTION REPORT
18.	The Licensee shall comply with the Engagement Plan , once approved.	ENGAGEMENT PLAN
19.	A minimum of ten days prior to the initial commencement of Project activities, the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the commencement date, and the name and contact information for the individual responsible for overseeing the Project. Written notification shall be provided to the Board and an Inspector if any changes occur.	NOTIFICATION – COMMENCEMENT
20.	A minimum of ten days prior to re-commencement of Project activities following a temporary shut-down period, the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the commencement date, and the name and contact information for the individual responsible for overseeing the Project. Written notification shall be provided to the Board and an Inspector if any changes occur.	NOTIFICATION – RE-COMMENCEMENT

	Condition	Condition Title
21.	The Licensee shall immediately provide written notification to the Board and an Inspector of any non-compliance with the conditions of this Licence.	NOTIFICATION – NON-COMPLIANCE WITH CONDITIONS
22.	The Licensee shall immediately provide written notification to the Board of any non-compliance with a Board directive issued in respect of the implementation of the conditions of this Licence.	NOTIFICATION – NON-COMPLIANCE WITH DIRECTIVES
23.	The Licensee shall ensure that a copy of any written authorization issued to the Licensee by an Inspector is provided to the Board.	COPY – WRITTEN AUTHORIZATION
24.	The Licensee shall submit a current Project schedule to the Board and an Inspector upon request.	SUBMIT CURRENT PROJECT SCHEDULE

Part C: Security

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Part D: Water Use

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Part E: Construction

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| 1. | The Licensee shall ensure that all structures intended to contain, withhold, divert, or retain Water or Waste are designed, constructed, and maintained to minimize the escape of Waste to the Receiving Environment. | OBJECTIVE – CONSTRUCTION |
| 2. | The Licensee shall ensure that all Engineered Structures are constructed and maintained in accordance with the recommendations of the Professional Engineer responsible for the design, including, but not limited to, recommendations regarding field supervision and inspection requirements. | ENGINEERED STRUCTURES – GENERAL |
| 3. | The Licensee shall only use material that is clean and free of contaminants and has been authorized in writing by an Inspector. | CONSTRUCTION MATERIAL – SOURCE(S) |
| 4. | The Licensee shall maintain records of Construction materials for all structures and make them available at the request of the Board or an Inspector. | CONSTRUCTION RECORDS |
| 5. | The Licensee shall maintain geochemical records of Construction materials for culvert installation and make them available at the request of the Board or an Inspector. | GEOCHEMICAL RECORDS |
| 6. | A minimum of ten days prior to the commencement of Construction of any Engineered Structure(s), the Licensee shall provide written notification to the Board | NOTIFICATION – CONSTRUCTION – |

Condition	Condition Title
and an Inspector. Notification shall include the Construction commencement date, and the name and contact information for the individual responsible for overseeing Construction. Written notification shall be provided to the Board and an Inspector if any changes occur.	ENGINEERED STRUCTURES
7. Within 90 days of the completion of the Construction of each Engineered Structure, the Licensee shall submit to the Board, an As-Built Report stamped and signed by a Professional Engineer, which shall include, but not be limited to, the following information:	AS-BUILT REPORT – ENGINEERED STRUCTURE(S)
a) final as-built drawings of the Engineered Structure(s), stamped and signed by a Professional Engineer;	
b) documentation, with rationale, of field decisions that deviate from the Structure Description and Construction Plan and Design Drawings ; and	
c) any data used to support these decisions.	

Part F: Waste and Water Management

1. The Licensee shall manage Waste and Water with the objective of minimizing the impacts of the Project on the quantity and quality of Water in the Receiving Environment through the use of appropriate mitigation measures, monitoring, and follow-up actions.	OBJECTIVE – WASTE AND WATER MANAGEMENT
2. The Licensee shall minimize erosion by implementing suitable erosion control measures that shall be located and maintained to the satisfaction of an Inspector.	EROSION CONTROL

Management and Monitoring Plans

3. The Licensee shall comply with the Environmental Protection Plan , once approved.	ENVIRONMENTAL PROTECTION PLAN
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Discharge and Disposal Locations and Rates

4. The Licensee shall dispose of all Waste as described in the approved Waste Management Plan .	WASTE MANAGEMENT <u>PLAN</u>
5. A minimum of ten days prior to disposing of any Waste into a licenced municipal facility, the Licensee shall provide written notification to the Board and an Inspector.	NOTIFICATION – WASTE DISPOSAL

Part G: Aquatic Effects Monitoring

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Condition	Condition Title
Part H: Spill Contingency Planning	
1. The Licensee shall ensure that Unauthorized Releases associated with the Project do not enter any Water.	OBJECTIVE – PREVENT WASTE INTO WATER
2. The Licensee shall comply with the Spill Contingency Plan , once approved.	SPILL CONTINGENCY PLAN
3. If a spill or an Unauthorized Release occurs or is foreseeable, the Licensee shall: <ul style="list-style-type: none"> a) Implement the approved Spill Contingency Plan referred to in Part H, Condition 2; b) Report it immediately using the NU-NT Spill Report Form by one of the following methods: <ul style="list-style-type: none"> • Telephone: (867) 920-8130 • E-mail: spills@gov.nt.ca • Online: Spill Reporting and Tracking Database c) Notify the Board and an Inspector immediately; and d) Within 30 days of initially reporting the incident, or within a timeframe authorized by an Inspector, 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. Written notification shall be provided to the Board and an Inspector if any changes occur. 	REPORT SPILLS
4. The Licensee shall ensure that spill prevention infrastructure and spill response equipment is in place prior to commencement of the Project.	SPILL PREVENTION AND RESPONSE EQUIPMENT
5. The Licensee shall restore all areas affected by spills and Unauthorized Releases to the satisfaction of an Inspector.	CLEAN UP SPILLS
6. The Licensee shall not establish any fuel storage facilities or refueling stations, or store chemicals or Wastes within 100 metres of the Ordinary High-Water Mark of any Watercourse.	MATERIAL STORAGE – ORDINARY HIGH-WATER MARK

Part I: Closure and Reclamation

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| 1. | The Licensee shall endeavor to carry out approved Progressive Reclamation as soon as is reasonably practicable. | PROGRESSIVE RECLAMATION |
|----|---|--------------------------------|

Schedule 1: Annual Water Licence Report

	Condition
1.	<p>The Annual Water Licence Report referred to in Part B, Condition 17 of this Licence shall include, but not be limited to, the following information about activities conducted during the previous calendar year:</p> <ul style="list-style-type: none"> a) A brief summary of Project activities; b) An updated Project schedule; c) A summary of engagement activities conducted in accordance with the approved Engagement Plan, referred to in Part B, Condition 19 of this Licence; d) A summary of how Traditional Knowledge was incorporated into decision making; e) A summary of Construction activities conducted in accordance with Part E of this Licence; f) A summary of major maintenance activities conducted in accordance with this Licence; g) A summary of activities conducted in accordance with the approved Waste Management Plan, referred to in Part F, Condition 4 of this Licence, including: <ul style="list-style-type: none"> i. A summary of approved updates or changes to the process or facilities required for the management of Waste; ii. Monthly and annual quantities, in cubic metres, of Waste disposed of, by location and iii. Monthly and annual quantities of Waste disposed of, by location. h) A summary of activities conducted in accordance with the approved Environmental Protection Plan referred to in Part F, Condition 3 of this Licence, including: <ul style="list-style-type: none"> i. A summary of approved updates or changes to the process or facilities required for the management of erosion and sedimentation; ii. A description of any erosion susceptible areas encountered; iii. A summary of activities undertaken to prevent or mitigate erosion; iv. A report of the performance of mitigations applied to each area; v. A summary and interpretation of monitoring results, including any Action Level exceedances; and vi. A description of actions taken in response to any Action Level exceedances. i) A summary of activities conducted in accordance with the approved Spill Contingency Plan, referred to in Part H, Condition 2 of this Licence, including: <ul style="list-style-type: none"> i. A list and description for all Spills and Unauthorized Releases, including the date, NWT spill number, volume, location, summary of the circumstances and follow-up actions taken, and status (i.e., open or closed), in accordance with the reporting requirements in Part H, Condition 3 of this Licence; and ii. An outline of any spill training carried out. j) A summary of any Closure and Reclamation work completed; k) A list of any non-compliance(s) with the conditions of this Licence or any directive from the Board pursuant to the conditions of this Licence;

Condition

- l) A summary of actions taken to address concerns, non-conformances, or deficiencies in any reports filed by an Inspector;
- m) Any other details requested by the Board by November 1 of the year being reported.

Attachments

Attachment A – Concordance Table of Items Requiring Submission

The table below summarizes the items the Licensee is required to submit as per the Licence conditions. In the event of a discrepancy between this table and the Licence conditions, the Licence conditions shall prevail.

Condition Location	Item	Date
Part B, Condition 9	Annual Review	March 31, 2025 and every March 31 thereafter
Part B, Condition 17	Annual Water Licence Report	March 31, 2025 and every March 31 thereafter
Part B, Condition 18	Final Construction Report	March 31 after the completion of construction.
Part E, Condition 10	As-Built Report – Engineered Structure(s)	Within 90 days of the completion of the Construction of each Engineered Structure

Attachment B – Revision History Table

The table below summarizes revisions made to the Licence since its effective date (as set out on the Cover Page).

Date	Location of Change	Description of Change



105 Veterans Way
PO Box 2018, Inuvik NT X0E 0T0

Tel: 867-777-4954 Fax 867-777-2304
www.glwb.com

Land Use Permit G24X001

Pursuant to the *Mackenzie Valley Resource Management Act* and Mackenzie Valley Land Use Regulations, the Gwich'in Land and Water Board grants this Land Use Permit to:

Government of the Northwest Territories – Department of Infrastructure
(Permittee)

of 5051 49th Street, Yellowknife, NT X1A 2L9

(Mailing Address)

hereinafter called the Permittee, to proceed with the following land-use operation, subject to the annexed definitions and conditions contained therein:

Location:	Km 40.2 Dempster Highway #8
Purpose:	Culvert Replacement
Type:	A
Effective Date:	September 3, 2024
Expiry Date:	September 2, 2026

Elizabeth Wright, Chair
Gwich'in Land and Water Board

AlecSandra Macdonald, Witness

Conditions Annexed to and Forming Part of Land Use Permit # G24X001

Part A: Scope of Permit

This Permit entitles the Permittee to conduct the following land-use operation at km 40.2 Dempster Highway #8:

- a) The use of equipment, vehicles, machines and drills for the purpose of culvert replacement
- 1. 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.
- 2. 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.

Closure and Reclamation - the process and activities that facilitate the return of areas affected by the Project to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.

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.

Fuel Storage Container - a container for the storage of petroleum or allied petroleum products with a capacity of less than 230 litres.

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.

Permafrost - ground (soil or rock) that remains at or below 0°C for at least two consecutive years.

Progressive Reclamation - Closure and Reclamation activities conducted during the operating phase of the project.

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.

Sewage - all toilet wastes and Greywater.

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

Safety Data Sheet - a technical document, typically written by the manufacturer or supplier of a chemical, that provides information about the hazards associated with the product, advice about safe handling and storage, and emergency response procedures.

Sump - a human-made pit or natural depression in the earth's surface used for the purpose of depositing Waste that does not contain Toxic Material, such as non-toxic Drilling Waste or Sewage, therein.

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 - any garbage, debris, chemical, or Toxic Material to be used, stored, disposed of, or handled on land, and also 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 only conduct this land-use operation on lands designated in the application.

**LOCATION OF
ACTIVITIES**

26(1)(b) Time

2. Option 1:
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) 678-8090
3. 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:
 - a) the name(s) of the person(s) in charge of the field operation;
 - b) alternates; and
 - c) all methods for contacting the above person(s).
4. At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of:
 - a) the plan for removal or storage of equipment and materials;
 - b) when final cleanup and reclamation of the land used will be completed; and
 - c) when the Final Plan will be submitted.

**INITIAL
NOTIFICATION –
CONTACT
INSPECTOR**

IDENTIFY AGENT

**REPORTS BEFORE
FINAL REMOVAL**

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

5. The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application.

**USE APPROVED
EQUIPMENT**

26(1)(d) Methods and Techniques

Section left intentionally blank.

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

6. 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

7. The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses.	PROGRESSIVE EROSION CONTROL
8. The Permittee shall apply appropriate mitigation at the first sign of erosion.	REPAIR EROSION
9. The Permittee shall install and maintain culverts such that scouring does not occur.	CULVERT SIZE
26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material	
10. The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility.	WASTE PETROLEUM DISPOSAL
26(1)(h) Wildlife and Fish Habitat	
11. 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	
12. 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
13. The Permittee shall keep all garbage and debris in a secure container until disposal.	GARBAGE CONTAINER
26(1)(j) Protection of Historical, Archaeological, and Burial Sites	
14. 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
15. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.	SITE DISTURBANCE

16. The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:	SITE DISCOVERY AND NOTIFICATION
<ul style="list-style-type: none"> a) immediately suspend operations on the site; and b) notify the Board at (867) 777-4954 or an Inspector at (867) 777-8600 and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255. 	
26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value	
17. The Permittee shall take all reasonable precautions to prevent impacts to traditional harvesting activities	TRADITIONAL USE
26(1)(l) Security Deposit	
18. All costs to remediate the area under this Permit are the responsibility of the Permittee.	RESPONSIBILITY FOR REMEDIATION COSTS
26(1)(m) Fuel Storage	
19. The Permittee shall:	REPAIR LEAKS
<ul style="list-style-type: none"> a) examine all Fuel Storage Containers and Tank for leaks; and b) repair all leaks immediately. 	
20. The Permittee shall place Fuel Storage Containers and or Tanks a minimum of 100 metres from the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.	FUEL STORAGE SETBACK
21. The Permittee shall set up all refueling points with Secondary Containment.	SECONDARY CONTAINMENT - REFUELING
22. The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	FUEL CONTAINMENT
23. The Permittee shall comply with the Spill Contingency 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.	SPILL CONTINGENCY PLAN
24. 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.	SPILL RESPONSE

25. All equipment that may be parked for two hours or more, shall have a hazmat/drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately.	DRIP TRAYS
26. The Permittee shall clean up all leaks, spills, and contaminated material immediately	CLEAN UP SPILLS
27. During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall: <ul style="list-style-type: none"> a) implement the approved Spill Contingency Plan; b) report it immediately using the NU-NT Spill Report Form by one of the following methods: <ul style="list-style-type: none"> • Telephone: (867) 920-8130 • Fax: (867) 873-6924 • E-mail: spills@gov.nt.ca • <u>Online: Spill Reporting and Tracking Database</u> c) within 24 hours, notify the Board and an Inspector; and 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. 	REPORT SPILLS
26(1)(n) Methods and Techniques for Debris and Brush Disposal	
28. The Permittee shall not clear areas larger than identified in the complete application.	MINIMIZE AREA CLEARED
26(1)(o) Restoration of the Lands	
29. Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used.	FINAL CLEANUP AND RESTORATION
30. Prior to the end of the land-use operation, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation.	NATURAL VEGETATION
31. The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so.	PROGRESSIVE RECLAMATION
26(1)(p) Display of Permits and Permit Numbers	
32. The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation.	COPY OF PERMIT
26(1)(q) Biological and Physical Protection of the Land	
33. The Permittee shall not move any equipment or commence any drilling when one or more caribou are within five hundred (500) metres.	CARIBOU DISTURBANCE

- | | |
|---|--|
| 34. If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them. | MIGRATORY BIRD
NEST
DISTURBANCE |
| 35. If any plan is not approved by the Board, the Permittee shall revise the plan according to the Board's direction and re-submit it to the Board for approval. | RESUBMIT PLAN |
| 36. The Permittee shall comply with the Engagement Plan , 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. | ENGAGEMENT
PLAN |
| 37. All revised plans submitted to the Board shall include a brief summary of the changes made to the plan. | SUMMARY OF
CHANGES |



105 Veterans Way
PO Box 2018, Inuvik NT X0E 0T0

Tel: 867-777-4954 Fax 867-777-2304
www.glwb.com

Reasons for Decision

Issued pursuant to paragraphs 22(2)(a) and 40(2)(c) of the Mackenzie Valley Land Use Regulations (MVLUR) and section 72.25 of the *Mackenzie Valley Resource Management Act* (MVRMA) and subsection 26(1) of the *Waters Act*.

Water Licence and Land Use Permit Applications	
File Number	G24L8-001and G24X001
Company	Government of the Northwest Territories – Department of Infrastructure
Project	KM 40.2 Culvert Replacement
Location	Dempster Highway #8
Activity	Land and Water Use for Culvert Replacement.
Date of Decision	August 22, 2024

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1.0 DECISIONS

On August 22, 2024 the Gwich'in Land and Water Board (GLWB or Board) met and considered the Applications made by the Government of the Northwest Territories Department of Infrastructure (GNWT-INF or Applicant) to the July 18, 2024 for Water Licence (Licence) G24L8-001 and Land Use Permit (Permit) G24X001 for the use of land, water and the deposit of Waste for culvert replacements at km 40.2 Dempster highway #8 (Project). After reviewing the Applications and the evidence gathered during the regulatory proceeding, the Board has made the following decisions:

- 1) To issue Water Licence G24L8-001 for a term of 2 years;
- 2) To issue Land Use Permit G24X001 for a term of 2 years;
- 3) To approve Version 1 of the Engagement Plan;
- 4) To approve Version 1 of the Waste Management Plan;
- 5) To approve Version 1 of the Spill Contingency Plan; and
- 6) To approve version 1 of the Environmental Protection Plan

These Reasons for Decision set out the Board's regulatory process for the Applications and rationale for decisions regarding the Licence and Permit.

2.0 REGULATORY PROCESS

2.1 Summary of Applications

GNWT-INF applied for a new Type A land use permit (permit) and a new Type B water licence. The purpose of these Applications is to replace a culvert located at km 40.2 Dempster Highway #8.

A new 3000 mm by 49.0 m culvert will be installed on the unnamed creek via a trenchless installation methodology, and the existing 2000 mm diameter culvert shall be decommissioned in situ and sealed via grouting. The Project will involve rerouting the creek at the crossing location to accommodate flow through the new culvert and avoid potential erosion and further degradation of the existing culvert.

A tunnel boring machine will be used, which requires the use of lands outside of the highway right-of-way and on Gwich'in private lands and GNWT Territorial lands. This Project is outside the scope of existing Permit G21E001, which authorizes the operation and maintenance of the Dempster Highway #8 within the right-of-way.¹

¹ See GLWB online registry for [G21E001](#)

Water for the Project will be withdrawn from Midway Lake. A total maximum of 79 m³ of water will be withdrawn for the Project, for the purpose of grout mixing and civil works. The Applicant has requested a two-year term for both the Permit and Licence.

Contents of Applications G24L8-001 and G24X001

1. [Licence Application Form](#)
2. [Permit Application Form](#)
3. [Supporting Information](#)
4. [Design Memo](#)
5. [Engagement Record and Plan](#)
6. [Spill Contingency Plan](#)
7. [Waste Management Plan](#)
8. [Environmental Protection Plan](#)

2.2 Regulatory Process and Public Record

On July 18, 2024, the Applicant submitted complete Applications to the Board. The Applications, as well as a Draft Water Licence and Draft Land Use Permit, were circulated to the Distribution List for public review on the Online Review System (ORS) on July 18, 2024.² As part of the public review, Board staff requested comments and recommendations to assist the Board in reaching its preliminary screening determination and developing appropriate terms and conditions for the licence and permit. Board staff also circulated a draft Licence and Permit for review with the Applications to allow all Parties the opportunity to comment on the specific wording of the draft conditions.

By August 7, 2024, the Board received comments and recommendations regarding the Application from the following Parties: Gwich'in Tribal Council – Dept of Cultural Heritage (GTC DCH), and Transport Canada. GNWT-INF provided responses to reviewer comments by the August 14, 2024 response deadline.

On August 22, 2024 the Board met and the Board met and made its preliminary screening determination for the Project.³ The Board then proceeded to make decisions regarding the Applications. These decisions and related reasons are described in sections 3.0, 4.0, and 5.0 below.

² See GLWB Online Review System for [New Type A Land Use Permit and Type B Licence Applications \(G24X001 and G24L8-001\)](#)

³ See GLWB Online Registry for [GNWT-INF - Dempster Culverts km 40.2 - Preliminary Screening and RFD - Aug 22 24](#)

3.0 REASONS - Legislative Requirements Related to Licence and Permit Issuance

This Project is subject to the [MVRMA](#), the [Waters Act](#), and the [Waters Regulations](#) with respect to licensing, because it is located in a non-federal area, within the Mackenzie Valley, NWT. With respect to permitting, the [MVRMA](#) and the [MVLUR](#) apply.

As per the [Waters Regulations](#) and the [MVLUR](#), the proposed use of land and water for this Project require a licence and a permit. Accordingly, the Board has jurisdiction to issue the Licence and Permit as per subsection 59(1), subsections 60(1.1), and section 102 of the [MVRMA](#).

In conducting its regulatory process for the Applications (as described in sections [2.0](#) above), the Board has ensured that section 62 of the [MVRMA](#) and all applicable legislative requirements have been satisfied as outlined in the subsections below. The Board has considered the people and users of the land and water in the Mackenzie Valley, and any Traditional Knowledge and scientific information that was made available to the Board during the regulatory proceeding, as per section 60.1 of the [MVRMA](#). The consideration of information provided to the Board is discussed in detail below and in sections 4.0 and 5.0.

3.1 Consultation, Engagement, and Public Notice

As per paragraph 60.1(a) of the [MVRMA](#), in exercising its authority, the Board must consider the importance of conservation to the well-being and way of life of Indigenous peoples of Canada, specifically those to whom section 35 of the *Constitution Act*, 1982, applies and who use an area of the Mackenzie Valley. Accordingly, the Board works with applicants, affected parties (including Indigenous governments and organizations), and other parties (such as other boards and regulators) to ensure that potential impacts of proposed projects, including impacts on rights under section 35, are understood and carefully considered before decisions are made with respect to the issuance of permits and licences.

The Board's requirements for engagement are set out in the LWBs' [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#). The Policy and Guidelines were developed to ensure that the Board's obligations for achieving meaningful consultation (as set out by land claims and applicable legislation) with all affected parties, including Indigenous groups in the Mackenzie Valley, are met and engagement and consultation results clearly articulated.

The Applicant undertook pre-submission engagement beginning in December 2023. In accordance with the Policy and Guidelines, the Applicant's engagement efforts and proposed procedures are detailed in the Engagement Record and Plan (Version 1), respectively,⁴ submitted with the Applications. The Board

⁴ See GLWB Online Registry for [GNWT-INF - Dempster Culverts km 40.2 - Engagement Plan and Record - Jul12 24](#)

has approved the Applicant's Engagement Plan (Version 1), and the Board's reasons for this decision are described below in [section 4.3](#). Following issuance, the Applicant must continue engagement efforts as outlined in the Engagement Plan, once approved, and as required in the Licence and Permit.

The Applications were posted to the Board's Public Registry and distributed through the ORS. As the Project is located in the Gwich'in Settlement Area, the appropriate organizations, governments, First Nations, and Indigenous organizations were included in the Distribution List.⁵ The Distribution List was used throughout this proceeding to circulate submissions, information, and updates relevant to the proceeding; the List was updated if needed, and (if requested) individuals with specific interests in the Project were added. More information about the proceeding for the Applications is provided above in [section 2.0](#).

In accordance with sections 63 and 64 of the [MVRMA](#), the Board is satisfied that notice of and access to copies of the Applications was provided, and that a reasonable amount of time was given to communities, First Nations, and the public to participate in this proceeding and make submissions to the Board.

3.2 Eligibility for Land Use Permit

As per section 18 of the [MVLUR](#), eligibility must be determined before the Board can issue a permit. This Project takes place on both GNWT Commissioners Lands and GTC Private Lands. In accordance with paragraph 18b of the MVLUR, the Applicant provided access authorizations from both GNWT-ECC and GTC Department of Lands and Resources.^{6 7} information provided, the Board concludes that eligibility requirements under section 18 of the MVLUR have been satisfied.

3.3 Land Use Plan Conformity

As per section 61 of the [MVRMA](#), where an approved Land Use Plan (GLUP) applies, the Board must confirm conformity with the Land Use Plan before issuing a permit or licence.

The Gwich'in Land Use Plan (GLUP) considers all lands within the Gwich'in Settlement Area.⁸ The Project is located within the Dempster Highway: Transportation Special Management Zone (Dempster Highway: Yukon/NWT Border to Peel River).

In its Application to the Board, GNWT-INF acknowledged conformity with the Land Use Plan: Porcupine caribou migration will not be diverted or interfered with during construction. A wildlife monitor will be

⁵ To access the Distribution List, see the LWBs' Online Review System for [New Type A Land Use Permit and Type B Licence Applications \(G24X001 and G24L8-001\)](#)

⁶ See GLWB Online Registry for [GNWT-INF - Dempster Culverts km 40.2 - GNWT-ECC Access Authorization - Jul12_24.pdf](#)

⁷ See GLWB Online Registry for [GNWT-INF - Dempster Culverts km 40.2 - GTC Access Authorization - Jul18_24](#)

⁸ See [gwichinplanning.nt.ca](#) for [Nanh' geenjit gwitr'it t'igwaa'in/Working for the Land - Gwich'in Land Use Plan](#)

provided to assess for the presence of migrating caribou. Due to the nature of construction, Porcupine caribou should not be prevented from using the migration corridor. There will be no new barriers to wildlife migration as a result of construction. As the Project will be constructed in support of highway maintenance of the Dempster Highway, the condition to protect tourism value is exempted.

Based on the submissions made during the regulatory proceeding, the Board has confirmed that the Project conforms with the *Gwich'in Land Use Plan*.

3.4 Land Use Fees

The Project is located wholly outside of federal areas, so no land-use fees apply.

3.5 Water Use Fees

GNWT-INF is exempt from paying fees for the right to use water as per section 3 of the Waters Act.

3.6 Existing Licences

During the time period established in the Notice of Applications, no licensees or applicants contacted the Board to identify potential effects from the Project on other projects, and there are no other applicants with precedence. Accordingly, with respect to paragraph 26(5)(a) of the [Waters Act](#) the Board is satisfied that issuing the Licence to the Applicant will not adversely affect, in any significant way, any existing licensee or any other applicant, provided the Applicant complies with the conditions of the Licence.

3.7 Compensation to Existing Water Users

Paragraph 26(5)(b) of the [Waters Act](#) prohibits the issuance of the Licence unless the Board is satisfied that appropriate compensation has been or will be paid by the Applicant to persons who would be adversely affected by the use of waters, or deposit of waste proposed by the Applicant, at the time when the Applicant filed the Applications with the Board.

The Board received no claims for compensation either during the time period established in the Notice of Applications, or during the remainder of the proceeding. Provided the Applicant complies with the Licence conditions, the Board is satisfied there are no water users or persons listed in paragraph 26(5)(b) of the [Waters Act](#) who will be adversely affected by the proposed use of waters or deposit of waste.

3.8 Water Quality Standards

With regards to subparagraph 26(5)(c)(i) of the [Waters Act](#), no water quality standards have been prescribed in the [Waters Regulations](#) however, the LWBs' [Water and Effluent Quality Management Policy](#) applies to the Licence, and the primary objective of the Policy is "protection of water quality in the

receiving environment.” This objective is directly reflected in the Licence Condition OBJECTIVE – WATER AND WASTE MANAGEMENT, and in accordance with the Policy and this objective, the Board has set out conditions in the Licence regarding effluent quality criteria, water and waste management, and management plan requirements. The Board is satisfied that the conditions set out in the Licence are consistent with the Policy and compliance with these conditions will ensure that waste will be collected and disposed of in a manner that will be protective of water quality in the receiving environment. These conditions and detailed rationale are described in [section 4.7](#).

3.9 Effluent Quality Standards

The Project does not entail the disposal of effluent, so subparagraph 26(5)(c)(ii) of the Waters Act does not apply.

3.10 Financial Responsibility

Under paragraph 26(5)(d) of the [Waters Act](#) before the Board can issue the Licence, it must be satisfied that the Applicant’s financial responsibility is adequate to complete the Project, including any required mitigation measures, and the closure and reclamation of the site.

The Applicant is a public government, and the Board is confident that the Applicant is capable of meeting any financial obligations set out in the Waters Act and Licence.

3.11 Minimization of Adverse Effects

With regards to subsection 27(2) of the [Waters Act](#), the Board must ensure that the Licence conditions minimize potential adverse effects on other water and land users from the proposed use of water and deposit of waste. As discussed above in [section 3.1](#), the Applicant conducted pre-application engagement, and the Board also provided opportunities for potentially affected parties to make submissions to the Board during the regulatory proceeding. The Board did not receive notice of potentially adverse effects on other users of the water and lands in the Project area. The Board has also confirmed that the Project conforms with the Gwich’in Land Use Plan.

Regardless, as detailed in [section 4](#), the Board has set conditions in the Licence to regulate waste management for the purpose of protecting the receiving environment. Additionally, as described in [section 4.5](#), based on the evidence, the Board has set conditions regarding the use of water for the Project, including limitations on the sources and volumes of water the Licensee can use. It is the opinion of the Board that compliance with the Licence conditions that have been set to protect the water sources and the receiving environment will also minimize any potential adverse effects on other water and land users in the Project area.

3.12 Time Limit

As required under section 48(1) of the [Waters Act](#), the Board made its decision on the Licence within nine months after receiving the complete Applications. As per section 22 of the [MVLUR](#), the Board is required to make its decision on a permit within 42 days of receiving a complete application, which it did.

3.13 Environmental Review (Part 5 of the MVRMA) - Preliminary Screening

On August 22, 2024, the Board met and reviewed all the evidence received during the regulatory process with respect to the Preliminary Screening of the proposed Project. Based on the evidence, it is the Board's opinion that the proposed Project will not have a significant adverse impact on the environment or be a cause of public concern, as set out in paragraph 125(1)(a) of the MVRMA. The Board has therefore decided not to refer the proposed Project to Environmental Assessment.⁹

In accordance with section 125 of the [MVRMA](#), the Board notified the Review Board of its preliminary screening determination, and in the ten days following the Board's preliminary screening determination notification to the Review Board, the Board did not receive notice of referral to environmental assessment (EA). Subsequently, the Board proceeded with issuing the Licence and Permit.

The Board is satisfied that the requirements of Part 5 of the [MVRMA](#) have been met for the Project.

4.0 REASONS – Water Licence G24L8-001

Having due regard to the facts, circumstances, and the merits of the submissions made to it, and to the purpose, and provisions of the [MVRMA](#) and the [Waters Act](#), the Board has determined that Licence G24L8-001 should be issued, subject to the scope, defined terms, conditions, and term contained therein. The Board's determinations and reasons for this decision are set out below.

The Licence has been developed to address the Board's statutory responsibilities; to protect the receiving environment and minimize potential adverse effects on other water users; and to address issues within the Board's jurisdiction that were identified and investigated during the regulatory proceeding.

In developing the Licence, the Board considered the LWBs' [Standard Water Licence Conditions Template](#) (Standard Licence Conditions) and included a number of these standard conditions that are relevant to the Project. As noted in [section 4.0](#), Board staff circulated a draft Licence for review to allow Parties to provide specific input to the Board on possible conditions, and the Board considered these review comments and recommendations in making its determination on the Licence conditions.

⁹ See GLWB Online Registry for [GNWT-INF - Dempster Culverts km 40.2 - Preliminary Screening and RFD - Aug 22 24](#)

The Standard Licence Conditions have been established by the Land and Water Boards (LWBs) based on information from LWB policies and guidelines, other applicable guidelines and best practices, meetings with Inspectors, input from LWB staff, and feedback from a public review. Each standard condition has been evaluated against the following characteristics of an ideal condition:

- Clearly part of LWBs' authority;
- Has a clear purpose and rationale;
- Is practical and enforceable; and
- Does not conflict with existing legislation (i.e., is not less stringent).

As noted in Section 3.0, Board staff circulated a draft Licence for review. The Draft Licence was developed using the MVLWB Standard Water Licence Conditions Template, and in consideration of comments and recommendations submitted to the Board during the Application review process. The intent of the draft licence to allow Parties to provide specific input to the Board on possible conditions, and the Board considered these review comments and recommendations in making its determination on the Licence conditions. The Standard Licence Conditions include general rationale for each standard condition, and as such, the language of any standard condition included in the Licence is only discussed in detail in the following sections of these Reasons for Decision when it specifically relates to concerns or recommendations raised during the regulatory proceeding. The Board's reasons for developing and including Project-specific conditions, including discussion of any concerns and recommendations raised regarding these conditions, are detailed in the relevant sections below.

4.1 Term of Licence

The Applicant has applied for a term of two (2) years for the Licence. Subsection 26(2) of the [Waters Act](#) allows for a licence term of not more than 25 years for a type B licence. After reviewing the submissions made during this regulatory process, and taking into consideration the closely linked Permit, the Board decided to set the term of the Licence for two years from the date of issuance.

4.2 Part A: Scope and Defined Terms

Part A of the Licence contains the scope and the defined terms used throughout the Licence.

4.2.1 Scope

The scope of the Licence is written to ensure the Licensee is entitled to conduct activities which have been applied for and have been subject to Part 5 of the [MVRMA](#). In setting out the scope of the Licence, the Board endeavoured to provide enough detail to identify and describe the authorized activities, without being unduly restrictive or prescriptive, and to allow for Project flexibility, as contemplated in the Application, throughout the term of the Licence.

Based on the activities described in the Licence Application and on the scope outlined in the Standard Licence Conditions, Board staff included a draft scope in the draft Licence that was circulated for public review. The Board did not receive any comments or recommendations regarding the draft scope during the proceeding, so the Board accepted it as the scope of the Licence.

The conditions in Part A are consistent with the Standard Licence Conditions. These conditions ensure that the scope of the authorization includes all water uses and/or deposits of waste associated with the Project, and also clarify that the Licensee must comply with applicable legislation, including any changes to legislation that are deemed to automatically amend the Licence.

4.2.2 *Defined Terms*

The Board defined certain terms in the Licence to ensure a common understanding of the conditions, to avoid future differences in interpretation of the Licence, to reflect Project-specific evidence, and to support consistency across licences and permits issued by the LWBs. For the most part, the Board selected applicable defined terms relevant to the Project from the Standard Licence Conditions.

4.3 Part B: General Conditions

Part B of the Licence primarily contains general administrative conditions regarding implementation of the Licence, and compliance with the Licence conditions, Board directives, and LWB policies and procedures. This section also details compliance requirements and review and revision procedures for submissions required under the Licence. These conditions are consistent with the Standard Licence Conditions and are applicable to all licences.

Part B: UPDATES TO COMPLIANCE DATES

Compliance dates are included in the Licence conditions for various submissions and other requirements, and Schedules are appended to the Licence to set out the detailed requirements associated with specific conditions in the main body of the Licence. The purpose of the Schedules is to provide greater clarity and to aid in interpretation of Licence conditions.

This standard Condition is included in the Licence to clarify that the Board may, at its discretion, update compliance dates and Schedules, and that such updates are not considered amendments to the Licence, unless otherwise directed by the Board. Such updates may be requested by the Licence in writing at least 90 days in advance, or may be initiated by the Board based on the information available to it, and will undergo the Board's public review process before being considered by the Board.

Part B: ANNUAL WATER LICENCE REPORT

The requirements for the Annual Water Licence Report are outlined in Part B: ANNUAL LICENCE REPORT, and Schedule 1. The purpose of the Annual Water Licence Report is to provide the Board and all interested parties the opportunity to be annually updated on Project components and activities and compliance with Licence conditions, and to provide a platform for interested parties to submit comments, observations, feedback, and questions as necessary. The Report is also an important tool for evaluating the effectiveness of the Licence conditions.

In establishing the Annual Report requirements in the Licence, the Board primarily included requirements from the Standard Licence Conditions that are applicable to the Project and reflect the Licence conditions. All of these requirements are intended to provide clarity and summarize information already captured through existing submissions; they are not meant to be onerous. The Board organized these requirements to coincide with the layout of the Licence and to be consistent with the Standard Licence Conditions.

For clarity, Annual Water Licence Reports are required each year, regardless of whether the Licensee has conducted any activity during the reporting year.

Part B: ENGAGEMENT PLAN

The Board assesses engagement adequacy through the LWBs' [*Engagement and Consultation Policy*](#) and [*Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*](#). In accordance with the Policy and Guidelines, the Applicant included an Engagement Record and Plan in the Applications,¹⁰ and these documents were distributed for public review with the Applications.

The Permit also includes conditions regarding the Engagement Plan, and the Board mirrored these Licence and Permit conditions as much as possible to ensure one submission will satisfy the requirements of both authorizations.

No comments or recommendations regarding engagement were submitted to the Board during the public review periods.

The Board has approved the Engagement Plan, Version 1 because it meets the requirements of the Policy and Guidelines and is appropriate for the Project activities.

¹⁰ See GLWB Online Registry for

4.4 Part C: Conditions Applying to Security Requirements

The Board did not include security requirements in the Licence. As per section 94 of the [MVRMA](#), territorial and federal governments are not required to post security for permits. Although this exemption does not include licences, it is Board practice to not require security for a water licence when the applicant is the territorial and federal government, as the liability with respect to the undertaking already rests with the government. The Board is satisfied that the Licensee will be accountable for carrying out closure and reclamation even though a security deposit is not required.

4.5 Part D: Conditions Applying to Water Use

Part D of the Licence contains conditions related to water use for the Project. These are consistent with the Standard Licence Conditions.

4.6 Part E: Conditions Applying to Construction

Part of the Licence contains conditions applying to Construction activities for the Project. These are consistent with the Standard Licence Conditions.

4.7 Part F: Conditions Applying to Waste and Water Management

Part F of the Licence contain conditions applying to Waste and Water management activities for the Project. These are consistent with the Standard Licence Conditions.

Part F: WASTE MANAGEMENT PLAN

All applicants must submit detailed waste management information, identifying all types of waste that will be produced by the project (including quantity and quality) and describing the disposal methods that are proposed for each type of waste. For most applicants, this will be in the form of a Waste Management Plan(WMP), developed in accordance with the LWBs' [Guidelines for Developing a Waste Management Plan](#), and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board. The Guidelines can be applied to a wide range of projects and are intended to ensure that all waste management activities are carried out in a way that is consistent with best practices and applicable guidelines to minimize waste released from a project.

The Permit also includes conditions regarding the WMP, and the Board mirrored these Licence and Permit conditions as much as possible to ensure one submission will satisfy the requirements of both authorizations.

The Licensee included a WMP in the Applications. The Board considered this Plan as part of the Application Package. No comments or recommendations regarding the WMP were submitted to the Board during the public review periods.

The Board has approved WMP Version 1 because it meets the requirements of the Policy and Guidelines and is appropriate for the Project activities.

Effluent Quality Criteria

The Board's approach to managing the deposit of waste to the receiving environment through water licence conditions is described in the LWBs' [Water and Effluent Quality Management Policy](#).

The Board did not include any EQC requirements in the Licence, because the project does not involve the deposit of waste, and the Board did not receive any evidence recommending or indicating that an EQC is needed.

4.8 Part G: Conditions Applying to Aquatic Effects Monitoring Program

If applicable, Part G of a licence will contain conditions applying to an Aquatic Effects Monitoring Program (AEMP). In accordance with the LWB/GNWT [Guidelines for Aquatic Effects Monitoring Programs](#), the Board will generally require AEMPS in type A mining/milling and oil/gas production licences, but may consider requiring an AEMP for other types of licences based on the evidence. In this case, the Board did not include any AEMP requirements in the Licence, because the Board did not receive any evidence recommending or indicating that an AEMP is needed.

4.9 Part H: Conditions Applying to Contingency Planning

Part H of the Licence contains conditions related to spill contingency planning and reporting, reclamation of spills and unauthorized discharges, and emergency response for the Project. These conditions are consistent with the Standard Licence Conditions.

Part H: SPILL CONTINGENCY PLAN

All applicants must describe spill contingency planning. For most applicants, this will be in the form of a Spill Contingency Plan (SCP), developed in accordance with the INAC [Guidelines for Spill Contingency Planning](#), and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board.

The Permit also includes conditions regarding the SCP, and the Board mirrored these Licence and Permit conditions as much as possible to ensure one submission will satisfy the requirements of both authorizations.

The Licensee included a SCP in the Applications.¹¹ The Board considered this Plan as part of the Application Package. No comments or recommendations regarding the WMP were submitted to the Board during the public review periods.

The Board has approved the SCP, Version 1 because it meets the requirements of the Guidelines and is appropriate for the Project activities

4.10 Part I: Conditions Applying to Closure and Reclamation

Part I of the Licence contain conditions applying to closure and reclamation, including progressive reclamation of the Project. These are consistent with the Standard Licence Conditions.

Part I: CLOSURE AND RECLAMATION PLAN

All applicants must describe closure and reclamation planning. For most applicants, this will be in the form of a Closure and Reclamation Plan (CRP) and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board.

Due to the small scale of the Project, in lieu of submitting a stand-alone CRP, the Licensee described the proposed closure and reclamation activities in the Application Form. In this case, the Board considered this information equivalent to a CRP, and the Board's decision on the Plan is set out below.

The Board has approved the CRP, Version 1 because it is appropriate for the Project activities. No comments or recommendations regarding the CRP were submitted to the Board during the public review period.

The Permit also includes conditions regarding the CRP, and the Board mirrored these Licence and Permit conditions as much as possible to ensure one submission will satisfy the requirements of both authorizations.

4.11 Annex A: Table of Submissions

Annex B of the Licence contains a table that summarizes the submissions required by the Licence conditions.

¹¹ See GLWB Online Registry for [GNWT-INF - Dempster Culverts km 40.2 - Spill Contingency Plan - Jul12 24](#)

4.12 Annex B: Table of Revision History

Annex C of the Licence contains a table which identifies updates and tracks changes made to the Licence. This table is currently blank because this is a new Licence, but it will be updated throughout the life of the Licence.

5.0 Reasons – Land Use Permit G24X001

Having due regard to the facts, circumstances, and the merits of the submissions made to it, and to the purpose, scope, and intent of the [MVRMA](#), the Board has determined that Permit G24X001 should be issued, subject to the scope, definitions, conditions, and term contained therein. The Board's determinations and reasons for this decision are set out below.

The Permit has been developed to address the Board's statutory responsibilities, to protect the receiving environment, and to address issues within the Board's jurisdiction that were identified and investigated during the regulatory proceeding.

In developing the Permit, the Board considered the LWBs' [Standard Permit Conditions Template](#) (Standard Permit Conditions) and included a number of these standard conditions that are relevant to the Project. As noted in section 4.0, Board staff circulated a draft Permit for review to allow Parties to provide specific input to the Board on possible conditions, and the Board considered these review comments and recommendations in making its determination on the Permit conditions.

The Standard Permit Conditions have been established by the LWBs based on information from LWB policies and guidelines, other applicable guidelines and best practices, meetings with Inspectors, input from LWB staff, and feedback from a public review. Each standard condition has been evaluated against the following characteristics of an ideal condition:

- Clearly part of LWBs' authority;
- Has a clear purpose and rationale;
- Is practical and enforceable;
- Matches the scale of the project; and
- Does not conflict with existing legislation (i.e., is not less stringent).

The Standard Permit Conditions include general rationale for each standard condition, and as such, the language of any standard condition included in the Licence is only discussed in detail in the following sections of these Reasons for Decision when it specifically relates to concerns or recommendations raised during the regulatory proceeding. The Board's reasons for developing and including Project-specific conditions, including discussion of any concerns and recommendations raised regarding these conditions, are detailed in the relevant sections below.

5.1 Term of Permit

The Applicant has applied for a term of two (2) years for the Permit. Subsection 26(5) of the [MVLUR](#) allows for a Permit term of not more than five years. After reviewing the submissions made during the regulatory proceeding, the Board has determined an appropriate term for the Permit is two years.

5.2 Part A: Scope of Permit

The scope of the Permit ensures the Permittee is entitled to conduct activities which have been applied for and which have been subject to Part 5 of the [MVRMA](#). In setting out the scope of the Permit, the Board endeavoured to provide enough detail to identify and describe the authorized activities, without being unduly restrictive or prescriptive, and to allow for Project flexibility, as contemplated in the Application, throughout the life of the Permit.

Based on the activities described in the Permit Application and on the scope outlined in the Standard Permit Conditions, Board staff included a draft scope in the draft Permit that was circulated for public review. The Board did not receive any comments or recommendations regarding the draft scope during the proceeding, so the Board accepted it as the scope of the Permit.

5.3 Part B: Definitions

The Board defined certain terms in the Permit to ensure a common understanding of the conditions, to avoid future differences in interpretation of the Permit, to reflect Project-specific evidence, and to support consistency across licences and permits issued by the LWBs. For the most part, the Board selected applicable definitions relevant to the Project from the Standard Permit Conditions.

5.4 Part C: Conditions Applying to All Activities

The subheadings below correspond to the headings in the conditions section of the Permit, as outlined in subsection 26(1) of the [MVLUR](#).

26(1)(a) Location and Area

The conditions included in this section are all consistent with the LWBs' Standard Permit Conditions.

26(1)(b) Time

The conditions included in this section are all consistent with the LWBs' Standard Permit Conditions.

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

The conditions included in this section are all consistent with the LWBs' Standard Permit Conditions.

26(1)(d) Methods and Techniques

The conditions included in this section are all consistent with the LWBs' Standard Permit Conditions.

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

The conditions included in this section are all consistent with the LWBs' Standard Permit Conditions.

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

The conditions included in this section are all consistent with the LWBs' Standard Permit Conditions.

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

The conditions included in this section are all consistent with the LWBs' Standard Permit Conditions.

26(1)(h) Wildlife and Fish Habitat

The [MVLUR](#) includes provisions related to the protection of wildlife habitat; however, requirements for Wildlife Management and Monitoring Plans (WMMPs) are under the jurisdiction of the GNWT through the *Wildlife Act*. Accordingly, all applicants are directed to contact the GNWT-ENR to determine whether a WMMP, which details mitigations to reduce or eliminate impacts to applicable wildlife and wildlife habitat, is required for the project and should be submitted to the Board with a permit and/or licence application.

The Permittee did not include a WMMP in the Applications. The Permit does not include a requirement for a WMMP.

The Board included the HABITAT DAMAGE condition in the Permit, which requires the Permittee to prevent damage to wildlife and fish habitat. This is a condition from the LWBs' Standard Permit Conditions and is intended to ensure the Permittee conducts their land-use operation in such a way as to minimize disturbance to wildlife habitat.

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

The conditions included in this section are all consistent with the LWBs' Standard Permit Conditions.

WASTE MANAGEMENT

All applicants must submit detailed waste management information, identifying all types of waste that will be produced by the project (including quantity and quality) and describing the disposal methods that are proposed for each type of waste. For most applicants, this will be in the form of a WMP, developed in accordance with the LWBs' [Guidelines for Developing a Waste Management Plan](#), and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board.

The Plan is also required under Part F of the Licence, and the Board's reasons for decision regarding the Plan are described above in section 4.7. The Board mirrored these Licence and Permit conditions as much as possible to ensure one submission will satisfy conditions of both the Licence and Permit.

The Licensee included a WMP in the Applications.¹² The Board considered this Plan as part of the Application Package. No comments or recommendations regarding the WMP were submitted to the Board during the public review periods.

The Board has approved WMP Version 1 because it meets the requirements of the Policy and Guidelines and is appropriate for the Project activities.

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

The conditions included in this section are all consistent with the LWBs' Standard Permit Conditions.

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

The Dempster highway corridor is an important area for caribou, harvesting and other cultural activities. Board included the TRADITIONAL USE condition, which requires the Permittee to take all reasonable precautions to prevent impact to harvesting activities.

26(1)(l) Security Deposit

The Board did not include security requirements in the Permit because, as per section 94 of the [MVRMA](#), the territorial government is not required to post security for permits pursuant to section 71 of the [MVRMA](#). The RESPONSIBILITY FOR REMEDIATION COSTS Condition establishes the Permittee's responsibility for all costs to remediate the Permit area, so the Board is satisfied that the Permittee will be accountable for carrying out closure and reclamation even though a security deposit is not required.

The conditions included in this section are all consistent with the LWBs' Standard Permit Conditions.

26(1)(m) Fuel Storage

The conditions included in this section are all consistent with the LWBs' Standard Permit Conditions.

SPILL CONTINGENCY PLAN

All applicants must describe spill contingency planning. For most applicants, this will be in the form of a SCP, developed in accordance with the INAC [Guidelines for Spill Contingency Planning](#), and licences and

¹² See GLWB online Registry for [GNWT-INF - Dempster Culverts km 40.2 - Waste Management Plan - Jul12 24](#)

permits will include standard conditions regarding compliance with the Plan, as approved by the Board. The Plan is also required under Part H of the Licence, and the Board's reasons for decision regarding the Plan are described above in [section 6.9](#). The Board mirrored these Licence and Permit conditions as much as possible to ensure one submission will satisfy conditions of both the Licence and Permit.

The Licensee included a SCP in the Applications.¹³ The Board considered this Plan as part of the Application Package. No comments or recommendations regarding the WMP were submitted to the Board during the public review periods.

The Board has approved the SCP, Version 1 because it meets the requirements of the Guidelines and is appropriate for the Project activities

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

The conditions included in this section are all consistent with the LWBs' Standard Permit Conditions.

26(1)(o) Restoration of the Lands

The conditions included in this section are all consistent with the LWBs' Standard Permit Conditions.

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

The conditions included in this section are all consistent with the LWBs' Standard Permit Conditions.

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

The conditions included in this section are all consistent with the LWBs' Standard Permit Conditions.

ENGAGEMENT PLAN

The Board assesses engagement adequacy through the LWBs' [Engagement and Consultation Policy](#), and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#). In accordance with the Policy and Guidelines, the Applicant included an Engagement Record and Plan in the Applications.¹⁴ The Plan is also required under Part B of the Licence, and the Board's reasons for decision regarding the Plan are described above in [section 4.3](#). The Board mirrored these Licence and Permit conditions as much as possible to ensure one submission will satisfy conditions of both the Licence and Permit.

¹³ See GLWB Online Registry for [GNWT-INF - Dempster Culverts km 40.2 - Spill Contingency Plan - Jul12_24](#)

¹⁴ See GLWB Online Registry for [GNWT-INF - Dempster Culverts km 40.2 - Engagement Plan and Record - Jul12_24](#)

6.0 Conclusion

In making its decision and preparing these Reasons for Decision, the Board has reviewed and considered:

- 1) The Applications as submitted by the Applicant for the Project;
- 2) The evidence and submissions received by the Board from the Applicant in relation to the Licence and Permit; and
- 3) The comments and recommendations, evidence, and submissions received by the Board from Parties during the regulatory proceeding.

Subject to the scopes, definitions, conditions, and terms set out in the Licence and Permit, and for the reasons expressed herein, the GLWB is of the opinion that the activities, land and water use, and waste disposal associated with the Project can be completed by GNWT-INF 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 Mackenzie Valley.

Water Licence G24L8-001 and Permit G24X001 contain provisions that the Board deems necessary to ensure and monitor compliance with the MVRMA, *Waters Act*, and the Regulations made thereunder, and to provide appropriate safeguards in respect of the Government of the Northwest Territories Department of Infrastructure's use of the water and land as authorized by the Licence and Permit.

SIGNATURE



August 22, 2024

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

Date