

**Inuvialuit Water Board
Reasons for Decision**

Issued pursuant to section 48 (1) of the
Waters Act, S.N.W.T. 2014, c.18

Water Licence Number: N5L1-1843 (Type B)

This is the decision of the Inuvialuit Water Board, made on January 30, 2020 regarding an application made by:

**Government of Northwest Territories, Department of Infrastructure
PO Box 1320
5015 – 49 Street, Yellowknife
Northwest Territories, X1A 2L9**

for the issuance of a Water Licence for the crossing of a watercourse for an industrial undertaking as described in the Water Licence application, project description reports, supplementary information, and the record of this licensing proceeding.

Background:

The Government of Northwest Territories, Department of Infrastructure (GNWT-INF) applied to the Inuvialuit Water Board (IWB) for the issuance of a Water Licence to cross a watercourse associated with the replacement of an existing culvert with an open bottom concrete arch bridge at Gunghi Creek, approximately 14 km south of Tuktoyaktuk, Northwest Territories. The application was filed with the IWB on November 20, 2019. The application included a project description report, which includes design drawings of the proposed open bottom concrete arch bridge “Project Description Report: Gunghi Creek Crossing Replacement, Project: EB193003, November 2019” prepared on behalf of GNWT-INF by Wood Environment & Infrastructure Solutions. The IWB requested additional information from the proponent on November 27, 2019 and received this information on December 6, 2019. IWB accepted the application as complete on December 11, 2019.

The IWB gave public notice on December 16, 2019 and December 19, 2019, in accordance with the *Waters Act* subsections 43 (1)(a) and 43 (1)(b), that it received a Type B Water Licence application from GNWT-INF.

In accordance with IWB processes, a copy of the Water Licence application and supplementary information was provided to the Environmental Impact Screening Committee (EISC), a body created by the Inuvialuit Final Agreement, as required under section 3.2.7 of their Environmental Impact Screening Guidelines. Copies were also provided to the Government of the Northwest Territories, Departments of: Lands (DOL), Environment and Natural Resources (ENR), Municipal and Community Affairs (MACA), Health and Social Services (H&SS); as well as the Department of Fisheries and Oceans Canada (DFO), Environment and Climate Change Canada (ECCC), the Canadian Northern Economic Development Agency (CanNor), Crown Indigenous Relations and Northern Affairs Canada (CIRNAC), Inuvialuit Land Administration (ILA), Inuvialuit Regional Corporation (IRC), Inuvialuit Game Council (IGC), Wildlife Management Advisory Council (NWT) (WMAC – NWT), Fisheries Joint Management Committee (FJMC), Tuktoyaktuk Community Corporation (TCC), Tuktoyaktuk Hunters and Trappers Committee (THTC), Inuvik Hunters and Trappers Committee (IHTC), Inuvik Community Corporation (ICC) for a 44 day review period (December 12, 2019 – January 24, 2020). Responses regarding the application were received

from DFO and ENR and taken into consideration by the Board during its decision-making process related to the Licence.

Given the scope of the application and the limited public comment, the IWB determined there would be no public hearing.

Scope of the Licence:

Upon review of the application and evidence in the public register, the IWB has determined that the scope of the undertaking covered by the Water Licence includes a watercourse crossing associated with an industrial undertaking for replacement of an existing culvert with an open bottom concrete arch bridge at Gunghi Creek, approximately 14 km south of Tuktoyaktuk, in the Inuvialuit Settlement Region (ISR) of the Northwest Territories with coordinates 69°20'37.957" North and 133°2'17.542" West.

Requirements of the *Waters Act*:

GNWT-INF has provided the IWB with an application and supporting information for its consideration as required by section 34(1) of the *Waters Act*.

The IWB, as required by section 4 of the *Waters Act*, has notified the applicant of its obligation to comply with any and all other legislation pertinent to the activities authorized under this licence.

The IWB is in accordance with subsection 26(5)(a) of the *Waters Act* by ensuring that the granting of a Water Licence to GNWT-INF will not adversely affect, in a significant way, any existing Licensee, providing the conditions of the Licence are met. There are no other applicants with precedence.

The IWB does not believe that any users or persons listed in subsection 26(5)(b) of the *Waters Act* will be adversely affected by the watercourse crossing proposed by the Licensee provided that the Licensee operates in accordance with the terms and conditions of the Water Licence.

The IWB is of the view that compliance with the Water Licence terms and conditions will ensure that the waste produced by the undertaking will be treated and deposited in a manner that will maintain water quality in the area and will be consistent with applicable water quality standards in accordance with subsection 26(5)(c)(i) of the *Waters Act*.

The IWB is satisfied that the effluent standards set out in the terms and conditions of the Water Licence are consistent with subsection 26(5)(c)(ii) of the *Waters Act* and will protect the receiving waters and environment.

Decision to Issue:

The watercourse crossing proposed by the applicant is of a nature contemplated by the *Waters Act*.

The EISC issued a decision document signed on the 8th day of January 2020 stating "The development, if authorized subject to environmental terms and conditions recommended by the Screening Committee, will not have such significant environmental impact and may proceed without environmental impact assessment and review under the Inuvialuit Final Agreement (IFA 11.17(b)). Any recommendations relating to water use and waste disposal are included within the Terms and Conditions of this water licence.

No objection by any person to the issuance of this Licence was made known to the IWB.

In accordance with 37 (b) (i) of the *Waters Act* the IWB has the authority to issue this Water Licence.

The IWB has reviewed the Water Licence application and all written comments received by the IWB. Upon consideration of the facts and circumstances, the merits of the submissions made to it and the purpose, scope and intent of the *Waters Act* and the Waters Regulations, the IWB has determined that it can issue Water Licence N5L1-1843 to the Government of Northwest Territories, Department of Infrastructure subject to the terms and conditions contained therein.

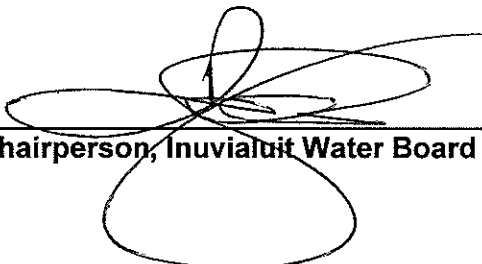
Water Licence Number N5L1-1843 contains terms and conditions the IWB considers necessary to ensure compliance with the *Waters Act* and the Waters Regulations and provides appropriate safeguards for the Government of Northwest Territories, Department of Infrastructure's watercourse crossing associated with the industrial undertaking.

For all of the above reasons the IWB has issued Licence N5L1-1843 to the Government of Northwest Territories, Department of Infrastructure in accordance with section 27 of the *Waters Act* for the watercourse crossing.

Term of the Water Licence:

The IWB has determined that the term of the Water Licence will be for February 1, 2020 to January 31, 2025.

SIGNED this 31st day of January 2020 on behalf of the Inuvialuit Water Board.



Chairperson, Inuvialuit Water Board