

**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: N3L8-1842 (Type B)

This is the decision of the Inuvialuit Water Board, made on February 17, 2020 regarding an application made by:

**Government of Northwest Territories, Department of Infrastructure
P.O. Box 1320
5015 - 49 Street
Yellowknife, NT, X1A 2L9**

for the issuance of a miscellaneous undertaking Water Licence for the drainage diversion and improvement project as described in the Water Licence application, project description reports, supplementary information, and the record of this proceeding.

Background:

Government of the Northwest Territories Department of Infrastructure (GNWT INF) applied to the Inuvialuit Water Board (IWB) for the issuance of a Water Licence associated with a drainage diversion and improvement project at the Freddy Carmichael Aklavik Airport located in the Inuvialuit Settlement Region (ISR) of the Northwest Territories. The application was filed with the IWB on May 22, 2019. The application included a 'Project Description Report – Aklavik Airport Drainage Improvements – November 2019' prepared on behalf of GNWT-INF by Tetra Tech Canada Inc. The IWB requested additional information from the proponent on May 27, 2019 and October 29, 2019 and received this information on October 4, 2019 and December 3, 2019 respectively. The 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 subsections 43 (1)(a) and 43 (1)(b) of the *Waters Act*, 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 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), Aklavik Community Corporation (ACC), Aklavik Hunters and Trappers Committee (AHTC), Ehdiitat Gwich'in Council (EGC), and Ehdiitat Renewal Resource Council (ERRC) for a 51-day review period (December 12, 2019 – January 31, 2020). One response was received from GNWT ENR which indicated "no comments or recommendations" for IWB consideration.

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 drainage diversion associated with a miscellaneous undertaking for the drainage diversion and improvement project at the Freddy Carmichael Aklavik Airport in the Inuvialuit Settlement Region (ISR) of the Northwest Territories with coordinates 68° 13' 23.57" North and 135° 00' 23.03" 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 drainage diversion and improvement project 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 any waste produced by the undertaking will be 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*.

Decision to Issue:

The drainage diversion and improvement project proposed by the applicant is of a nature contemplated by the *Waters Act*.

The EISC issued a decision document on August 28, 2018 stating "The EISC has reviewed your project summary and has determined that your project does meet the definition of development as defined under the Inuvialuit Final Agreement, but your project qualifies for an exemption from environmental impact screening under Exclusion Item # 13 of the EISC Guidelines".

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 N3L8-1842 to Government of Northwest Territories

Department of Infrastructure subject to the terms and conditions contained therein.

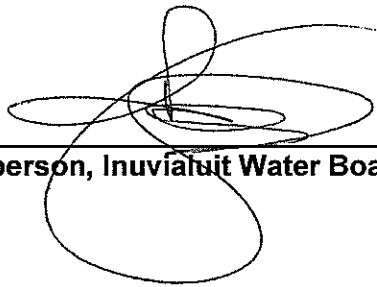
Water Licence Number N3L8-1842 contains terms and conditions the IWB considers necessary to ensure compliance with the *Waters Act* and the Waters Regulations, and provides appropriate safeguards associated with the miscellaneous undertaking for Government of Northwest Territories Department of Infrastructure's drainage diversion and improvement project.

For all of the above reasons the IWB has issued Licence N3L8-1842 to Government of Northwest Territories Department of Infrastructure in accordance with section 27 of the *Waters Act* for the Freddy Carmichael Aklavik Airport drainage diversion and improvement project.

Term of the Water Licence:

The IWB has determined that the term of the Water Licence will be for May 1, 2020 to April 30, 2021.

SIGNED this 17th day of February 2020 on behalf of the Inuvialuit Water Board.



Chairperson, Inuvialuit Water Board