

Inuvik to Tuktoyaktuk Highway Water Licencing Proceeding – Inuvialuit Game Council Submission

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October 7, 2013



Inuvialuit Game Council

- Established by s.14(73) of the Inuvialuit Final Agreement (the “IFA”) as one of two rights bearing organizations responsible for implementing the IFA.
- IGC plays a central role in protecting and managing wildlife, fish and the environment in the Inuvialuit Settlement Region.
- Acts on behalf of beneficiaries in matters related to fish, wildlife and land management in order to contribute to the conservation of arctic wildlife biological productivity.



Structure of Presentation

- Regulatory Context
- IGC Concerns respecting the deposit of waste
- Borrow Areas, Operations and Closure
- Effects of the Project on fish, wildlife, and Inuvialuit harvesting
- Scope and Term of the Licence
- Water Use conditions
- Aquatic Effects Monitoring and adaptive management



The Regulatory Context

- The Water Board is responsible for licencing the use of water and deposit of waste pursuant to the *NWT Waters Act*.
- As an agent of the Government of Canada, the Board is required (by CEAA) to implement recommendations made by the Review Panel and accepted by the Governor in Council.
- IGC believes the Board must also consider and incorporate into the Licence the the recommendations of the Panel where intent was accepted by the Minister.



The Regulatory Context (con't)

- Accepted recommendations
 - Any water withdrawal from a lake or water body should comply with DFO's Protocol for Winter Water Withdrawal from Ice-covered Water Bodies in the NWT and Nunavut (10% max.)
 - Pit development plans should be developed and approved prior to construction to address the effects of quarrying on the environment. HTC's should be consulted on the content.
 - The Pit development plans must include conceptual closure and reclamation plans.
 - The Developer's estimates of future quarry size, based on projected need for aggregate and AANDC's independent quantity estimates, must be presented to the Water Board for its water licencing process.



The Regulatory Context (con't)

- Pertinent Recommendations where intent accepted:
 - The Developer will work with parties to ensure that monitoring, mitigation and management commitments to wildlife, fish and harvesting are met.
 - The Developer will develop a fish and fish habitat protection plan, determine mitigation measures before using a dust suppressant on the highway, and develop a long term maintenance plan for Hans Creek and Zed Creek crossings.
 - The Developer will consult with communities, HTC's and co-management boards on the development and content of its environmental management plans relating to the Husky Lakes area.



The Regulatory Context (con't)

- Pertinent recommendations where intent accepted:
(con't)
 - A follow-up program compatible with cumulative effects monitoring, mitigation and adaptive management programs for the ISR must be developed by Responsible Authorities.
 - A body should be established to coordinate the monitoring, mitigation and adaptive management of the ITH projects impacts.
 - A project specific monitoring, mitigation and adaptive management program shall be developed for the Project.
 - The adaptive management program shall be in place before major construction is initiated for the project.



The Regulatory Context (con't)

- Pertinent Recommendations where intent accepted:
(con't)
 - The Developer shall complete pre-construction surveys for muskrat push-ups on lakes where winter snow removal and/or winter-water withdrawal will take place.
 - AANDC and the NWT Water Board shall ensure that the same road alignments are not used to access aggregate sources every year to avoid the vegetation and terrain damage caused by repeated use.

Inuvialuit Game Council Submission

Concerns related to proposed Project



Concerns Respecting the Deposit of Waste

- Waste deposit should be managed through the development of plans aimed at minimizing and preventing unauthorized deposit.
- Potential for development impacts on Husky Lakes Area.
- Recommendation:
 - A monitoring program addressing the authorized/unauthorized deposit of waste from the Project should be developed.
 - The program should be linked to any follow-up programs adaptive management framework.



Concerns Respecting Borrow Sources

- Pit Development Plans (PDPs) are strictly conceptual and only cover three years of construction.
- There is no indication how borrow sources will be used for maintenance during operations or how they will be managed.
- NWTWB must implement the EIRB panel recommendations accepted by the Minister related borrow sources [R38, R39, R45].
- The content of the PDPs outlined by the Proponent must also take into account the requirements accepted by the Minister in EIRB R39.



Concerns Respecting Borrow Sources

- Recommendation
 - The Water Board must be explicit in how it will regulate the development and reclamation of borrow sources used in construction and operation.
 - The Licence should set clear requirements for the filing of PDPs for approval.
 - PDPs should be final versions (not conceptual) prior to development of the borrow sources.
 - Before development is completed at any borrow source, the Licence should require that an approved closure and reclamation plan is in place.



Concerns Respecting Construction and Operation Effects on Fish, Wildlife and Harvesting

- Potential impacts to highly productive aquatic and terrestrial environments adjacent to the highway.
 - Long-term and cumulative effects of highway use will have on fish, fish habitat, wildlife and vegetation.
 - The Project activities must be carefully managed to protect and maintain Inuvialuit harvesting.



Concerns Respecting Construction and Operation Effects on Fish, Wildlife and Harvesting

- Recommendation
 - The Licence must be explicit in how it will regulate the Project to protect waters and aquatic environments.
 - Aquatic monitoring is required.
 - Aquatic monitoring must be linked to any follow-up programs.
 - Monitoring necessary to address concerns about Project changes to fish, wildlife and harvesting activities can be integrated into an Aquatic Effects Monitoring Program.



Concerns Respecting the Scope of the Water Licence

- The Water Board must ensure that only activities which have satisfied federal and IFA environmental impact assessment requirements and have been addressed in this proceeding are authorized under the Licence.
- This will place a legal limit on the scope of the Licence which we submit the Board must address in drafting the Licence.
- Recommendations
 - The scope of the licence should be specific and clear about a which are included as part of the undertaking.
 - As much detail as possible should be provided to meet legal requirements.



Concerns Respecting the Term of Water Licence

- Term of Licence:
 - The Licence should be long enough to allow for the construction and some operation of the highway, but short enough to allow for the critical assessment of DOT performance should difficulties occur.
 - A licence term of several years would ensure that monitoring programs established to identify project effects can operate, stabilize and generate several years of data for consideration before Licence Renewal.
 - Recommendation
 - IGC recommends a Licence term of 8 years.



Concerns Respecting Conditions Applying to Water Use

- The Inuvialuit are concerned about Water withdrawal from lakes and streams which support the harvesting of fish.
- DFO Protocol on Winter Water Withdrawal caps removal at 10%, this may be fine for large lakes, but may impact smaller bodies of water in a more significant way.
- The Inuvialuit are concerned about the impact water withdrawal may have on Muskrat harvesting, fish and fish habitat.



Concerns Respecting Conditions Applying to Water Use (con't)

- Recommendation
 - The Licence must incorporate DFO Protocol's 10% withdrawal limit in accordance with the Minister's decision.
 - A muskrat push-up survey must be completed before water withdrawal and/or snow removal takes place.
 - DOT should coordinate muskrat surveys with Inuvik and Tuktoyaktuk HTC's and conduct them with environmental monitors drawn from the HTC's.



Concerns Respecting Aquatic Effects Monitoring and Adaptive Management

- An Aquatic Effects Monitoring Program (AEMP) should be developed and implemented before construction.
- The AEMP should be developed in a way that builds on the principles of Adaptive Management.
- A draft Plan currently exists, but its contents are generic and not integrated with other plans important to the protection of water.



Concerns Respecting Aquatic Effects Monitoring and Adaptive Management

- Recommendation
 - The Licence should make the development of an AEMP a mandatory component of the Licence Framework.
 - The AEMP should be developed in a way that is consistent with AANDC and Wek'eezhi Land and Water Board Guidelines.
 - Licence terms and conditions should require an annual AEMP report for the construction period and the first years of operation.
 - A full review of AEMP results and reporting to the Board should be required at the end of construction and every three years after.



Conclusion

- The Inuvialuit are looking to the Water Board to provide clear performance requirements in the Licence terms and conditions.
- The requirements must be sufficient to protect the water resources and environment which may be impacted by the Project.



THANK YOU!

