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

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www.glwb.com

September 12, 2023

File: **G23H002**

Shah Alam, Project Officer  
GNWT Department of Infrastructure  
106 Veterans Way  
Bag Service #1 Inuvik, NT, X0E 0T0

sent via email

**Re: Issuance of Type "A" Land Use Permit  
(Dempster Highway Maintenance Camp – km 14, Dempster Highway #8)**

Dear Shah,

The Gwich'in Land and Water Board has approved GNWT INF's Land Use Permit application, for James Creek Highway Maintenance Camp at km 14 Dempster Highway #8. The Land Use Permit has been issued for a term of 5 years, in accordance with subsection 26(6) of the Mackenzie Valley Land Use Regulations, and now expires on September 11, 2028.

All outstanding liabilities and obligations of the Permittee in relation to work performed or required to be performed under Land Use Permit G20H006 are fully incorporated into and subsumed under this Permit, and Permit G20H006 is now closed.

Please be advised that a copy of this letter, along with the Land Use Permit, all inspection reports and correspondence related thereto, will be filed in the GLWB Online Public Registry, and at the offices of the Gwich'in Land and Water Board in Inuvik, NT, as per the Mackenzie Valley Resource Management Act. This is intended to keep all interested parties informed of the manner in which the Land Use Permit requirements are being met.

Should you have questions, do not hesitate to contact AlecSandra Macdonald by email or by phone at (867) 777-4954.

Sincerely,

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

CC: Gwich'in Distribution List



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## Land Use Permit G23H002

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 \_\_\_\_\_ 106 Veterans Way, Bag Service #1, Inuvik NT, X0E 0T0  
(Mailing Address)

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

<b>Location:</b>	James Creek Highway Maintenance Camp, km 14 Dempster Highway #8
<b>Purpose:</b>	Fuel Storage and Camp Operations
<b>Type:</b>	A
<b>Effective Date:</b>	September 12, 2023
<b>Expiry Date:</b>	September 11, 2028

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

\_\_\_\_\_  
Leonard DeBastien, Witness

## Conditions Annexed to and Forming Part of Land Use Permit # G23H002

### Part A: Scope of Permit

This Permit entitles the Permittee to conduct the following land-use operation, at the James Creek Highway Maintenance camp, km 14.2 Dempster Highway#8.

- a) Fuel Storage; and
- b) Operation and maintenance of highway maintenance camp and associated facilities.

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.

**Fuel Storage Tank** - a closed container for the storage of petroleum or allied petroleum products with a capacity of more than 230 litres.

**Greywater** - all liquid wastes from showers, baths, sinks, kitchens, and domestic washing facilities but not including toilet wastes.

**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**

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|---|-------------------------------|
| 1. The Permittee shall only conduct this land-use operation on lands designated in the application.   | <b>LOCATION OF ACTIVITIES</b> |
| 2. The Permittee shall locate all camps on Durable Land or previously cleared areas, and a minimum of 100 metres from the Ordinary High-Water Mark. | <b>CAMP SETBACK</b>           |
| 3. The Permittee shall use an existing campsite, as described in the complete application.  | <b>USE EXISTING CAMP</b>      |

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

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| 4. <u>Option 1:</u><br>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) <u>867-678-8090</u>  | <b>INITIAL NOTIFICATION – CONTACT INSPECTOR</b> |
| 5. At least 48 hours prior to commencement of the land-use operation, the Permittee shall provide the following information, in writing, to the Board and an Inspector:<br><br>a) the name(s) of the person(s) in charge of the field operation;<br>b) alternates; and<br>c) all methods for contacting the above person(s). | <b>IDENTIFY AGENT</b>                           |
| 6. At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of:<br><br>a) the plan for removal or storage of equipment and materials;<br>b) when final cleanup and reclamation of the land used will be completed; and<br>c) when the Final Plan will be submitted.      | <b>REPORTS BEFORE FINAL REMOVAL</b>             |

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

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| 7. The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application. | <b>USE APPROVED EQUIPMENT</b> |
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**26(1)(d) Methods and Techniques**

*Section left intentionally blank.*

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

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| 8. The Permittee shall ensure that the land use area is kept clean at all times. | <b>CLEAN WORK<br/>AREA</b> |
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**26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land**

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| 9. The land-use operation shall not cause obstruction to any natural drainage.  | <b>NATURAL<br/>DRAINAGE</b>                  |
| 10. The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses.  | <b>PROGRESSIVE<br/>EROSION<br/>CONTROL</b>   |
| 11. The Permittee shall apply appropriate mitigation at the first sign of erosion.  | <b>REPAIR<br/>EROSION</b>                    |
| 12. The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High-Water Mark of any Watercourse.                          | <b>EQUIPMENT:<br/>WATERCOURSE<br/>BUFFER</b> |
| 13. The Permittee shall not excavate land within 100 metres of the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. | <b>EXCAVATION<br/>SETBACK</b>                |

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

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| 14. <u>Option 1:</u><br>The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility. | <b>WASTE<br/>PETROLEUM<br/>DISPOSAL</b> |
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**26(1)(h) Wildlife and Fish Habitat**

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| 15. The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation. | <b>HABITAT DAMAGE</b> |
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**26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage**

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| 16. The Permittee shall dispose of all Waste as described in the <b>Waste Management Plan</b> , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | <b>WASTE<br/>MANAGEMENT</b> |
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| 17. The Permittee shall keep all garbage and debris in a secure container until disposal. | <b>GARBAGE<br/>CONTAINER</b> |
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**26(1)(j) Protection of Historical, Archaeological, and Burial Sites**

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| 18. The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground.   | <b>ARCHAEOLOGICAL<br/>BUFFER</b>               |
| 19. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.  | <b>SITE DISTURBANCE</b>                        |
| 20. The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:  | <b>SITE DISCOVERY<br/>AND<br/>NOTIFICATION</b> |
| <ul style="list-style-type: none"> <li>a) immediately suspend operations on the site; and</li> <li>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.</li> </ul> |  |

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

*Section left intentionally blank*

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

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| 21. All costs to remediate the area under this Permit are the responsibility of the Permittee. | <b>RESPONSIBILITY<br/>FOR<br/>REMEDICATION<br/>COSTS</b> |
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**26(1)(m) Fuel Storage**

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| 22. The Permittee shall:   | <b>REPAIR LEAKS</b>                              |
| <ul style="list-style-type: none"> <li>a) examine all Fuel Storage Containers and Tank for leaks; and</li> <li>b) repair all leaks immediately.</li> </ul>   |  |
| 23. 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. | <b>FUEL STORAGE<br/>SETBACK</b>                  |
| 24. The Permittee shall ensure that all fuel caches have adequate Secondary Containment.   | <b>FUEL CACHE<br/>SECONDARY<br/>CONTAINMENT</b>  |
| 25. The Permittee shall set up all refueling points with Secondary Containment.  | <b>SECONDARY<br/>CONTAINMENT -<br/>REFUELING</b> |
| 26. The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.   | <b>FUEL<br/>CONTAINMENT</b>                      |



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| 27. The Permittee shall comply with the <b>Spill Contingency Plan</b> , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.   | <b>SPILL<br/>CONTINGENCY<br/>PLAN</b> |
| 28. Prior to commencement of the land-use operation the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills.   | <b>SPILL RESPONSE</b>                 |
| 29. 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.   | <b>DRIP TRAYS</b>                     |
| 30. The Permittee shall clean up all leaks, spills, and contaminated material immediately  | <b>CLEAN UP SPILLS</b>                |
| 31. During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall: <ul style="list-style-type: none"> <li>a) implement the approved Spill Contingency Plan;</li> <li>b) report it-immediately using the NU-NT Spill Report Form by one of the following methods: <ul style="list-style-type: none"> <li>• Telephone: (867) 920-8130</li> <li>• Fax: (867) 873-6924</li> <li>• E-mail: <a href="mailto:spills@gov.nt.ca">spills@gov.nt.ca</a></li> <li>• <u>Online: Spill Reporting and Tracking Database</u></li> </ul> </li> <li>c) within 24 hours, notify the Board and an Inspector; and</li> <li>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.</li> </ul> | <b>REPORT SPILLS</b>                  |

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

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| 32. The Permittee shall not clear areas larger than identified in the complete application. | <b>MINIMIZE AREA<br/>CLEARED</b> |
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**26(1)(o) Restoration of the Lands**

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| 33. All outstanding liabilities and obligations of the Permittee in relation to work performed or required to be performed under Land Use Permit G20H006 are fully incorporated into and subsumed under this Permit, and the Permittee must therefore complete the restoration and other obligations set out in or incurred under Permit G20H006, as well as such further obligations as may be set out in or incurred under this Permit. | <b>TRANSFER OF<br/>LIABILITIES</b> |
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| 34. Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used.                  | <b>FINAL CLEANUP<br/>AND<br/>RESTORATION</b> |
| 35. Prior to the end of the land-use operation, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation. | <b>NATURAL<br/>VEGETATION</b>                |
| 36. The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so.                            | <b>PROGRESSIVE<br/>RECLAMATION</b>           |

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

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| 37. The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation. | <b>DISPLAY PERMIT</b> |
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**26(1)(q) Biological and Physical Protection of the Land**

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| 38. The Permittee shall not move any equipment or commence any drilling when one or more caribou are within five hundred (500) metres.  | <b>CARIBOU<br/>DISTURBANCE</b>                 |
| 39. If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them.  | <b>MIGRATORY BIRD<br/>NEST<br/>DISTURBANCE</b> |
| 40. 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.  | <b>RESUBMIT PLAN</b>                           |
| 41. The Permittee shall comply with the <b>Engagement Plan</b> , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | <b>ENGAGEMENT<br/>PLAN</b>                     |
| 42. All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.   | <b>SUMMARY OF<br/>CHANGES</b>                  |



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## Reasons for Decision

<b>File Number:</b>	<a href="#">G23H002</a>
<b>Applicant:</b>	GNWT Department of Infrastructure
<b>Project:</b>	James Creek Highway Maintenance Camp
<b>Subject:</b>	Type "A" Land Use Permit Renewal Application
<b>Meeting Date:</b>	September 12, 2023

Issued pursuant to paragraph 40(2)(c) of the Mackenzie Valley Land Use Regulations (MVLUR) and Sections 72.25 and 121 of the *Mackenzie Valley Resource Management Act* (MVRMA)

### 1. Decision

On September 12, 2023, the Gwich'in Land and Water Board (GLWB or the Board) met and considered a Type A Land Use Permit (Permit) Application<sup>1</sup> made by the Government of the Northwest Territories Department of Infrastructure (GNWT INF or the Applicant) for the purpose fuel storage in association with the operation and maintenance of the James Creek Highway Maintenance Camp, km 14.2 Dempster Highway #8.

The Board has decided:

- To issue Type A Land Use Permit G23H002 for a period of five years;
- To approve the associated Spill Contingency Plan, Waste Management Plan and Engagement Plan.

### 2. Summary of Application

On July 12, 2023, the Applicant submitted a complete Application<sup>1</sup> to renew Permit G20H006 (former G13H004, G06H008) for fuel storage at the James Creek Highway Maintenance camp. The camp is used for equipment storage,

<sup>1</sup> See GLWB Online Registry for [G23H002 - GNWT INF - James Creek Highway Maintenance Camp - Permit Renewal Application - Jul12\\_23](#)

and worker lodging, and consists of two camp trailers and a maintenance garage. A 90,000 L fuel tank and a legacy landfarm are also located on the site. There are usually one or two workers staying at the two-trailer camp, which can accommodate up to ten people. Camp waste is trucked from location and disposed of at the Hamlet Waste Disposal Facilities.

The Applicant requested the maximum five-year permit term, as the project is ongoing.

### 3. Regulatory Process

Table 1 Presents a tabular summary of the Regulatory Process for Applications G23H002. Public Review comments are summarized below.

**Table 1 – Regulatory Process Overview for G23H002**

<b>Date</b>	<b>Step in Proceeding</b>
July 12, 2023	Application received
July 21, 2023	Application deemed complete Application and draft Permit distributed to GLWB Distribution List for public review using Online Review System (ORS) <sup>2</sup>
August 11, 2023	Reviewer comments due
August 18, 2023	Applicant comments due
September 12, 2023	Application presented to the Board for decision

#### Public Review

By the end of the public review period, the GLWB received comments and recommendations from Environment and Climate Change Canada (ECCC), and GTC Department of Cultural Heritage (GTC DCH).<sup>3</sup>

- ECCC recommended that the incorrect project location be updated on the application; and
- GTC DCH commented that although an archeological assessment has already been undertaken, additional sites may still exist and that work must stop should one be encountered.

The Applicant did not respond to reviewer comments.

### 4. Legislative Requirements

#### 4.1 General

The proposed Project is on territorial public lands at km 14.2 of the Dempster Highway #8. It is on non-federal land and is of a nature contemplated by the MVRMA.

<sup>2</sup> See [new.onlinereviewssystem.ca](http://new.onlinereviewssystem.ca) for [James Creek Camp - Type A Permit Renewal Application \(G23H002\)](#)

<sup>3</sup> See GLWB Online Registry for [G23H002 - GNWT INF - James Creek Highway Maintenance Camp - Reviewer Comments - Sep12\\_23](#)

## 4.2 Gwich'in Land Use Plan Conformity

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

The Gwich'in Land Use Plan (GLUP) applies in the Project area.<sup>43</sup> The James Creek Camp is located within the Transportation Special Management Zone (TSMZ) of the GLUP. The goal of this zone is to allow for transportation-related activities within a two km wide buffer along the Dempster Highway while protecting the resource values of the area. The TSMZ is further broken into subzones that reflect the conservation values in particular areas along the highway. At km 14, and at all locations between the Yukon Border and Fort McPherson the specific conditions pertaining to tourism, and caribou must be satisfied.

This existing camp may be visible from the highway, however the project activities are related to ongoing highway operations. The Permit contains condition CARIBOU which requires that no equipment be moved if one or more caribou is within 500 M. The Board has determined that the proposed project to be in conformity with the Gwich'in Land Use Plan.

## 4.3 Eligibility

In accordance with Section 18 of the MVLUR, applicants must satisfy the right to occupy the lands proposed for use. They must hold an appropriate interest (e.g., a mineral claim, quarry permit, lease, or exploration licence from the Crown) or right of access (e.g., access agreement to go on private lands) for the type of operation and from the appropriate landowner. GNWT INF is eligible for this permit because the lands upon which the Project takes place have been reserved for departmental use under Land Reserve 106M04001.

## 4.4 Consultation and Engagement

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 MVLWB [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.

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<sup>4</sup> See [gwichinplanning.nt.ca](http://gwichinplanning.nt.ca) for [Nanh' geenjit gwitr'it t'igwaa'in/Working for the Land - Gwich'in Land Use Plan](#)

In accordance with this policy and related guidelines, the Applicant initiated engagement with potentially affected and interested parties. An engagement record and plan was submitted as part of the permit application. During the application review, the Board did not receive any comments or recommendations pertaining to engagement. The Board is satisfied that notice of and access to copies of the Application were 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.

#### **4.5 Land Use Fees**

Land Use Fees apply only to activities taking place on federal lands. The Project is located wholly outside of federal areas, so no land-use fees apply.

#### **4.6 Time Limit**

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, or September 1, 2023. The Board has surpassed this time limit, due to staff and board member constraints that occurred in conjunction with a NWT territorial-wide state of emergency declared on August 15, 2023, due to the wildfire situation.

#### **4.7 Preliminary Screening**

Preliminary Screening is the first level of Environmental Impact Assessment in the Mackenzie Valley; it is an initial examination of a proposed development's potential to cause significant adverse impacts on the environment and/or public concern. Proposed developments that might cause a significant adverse impact on the environment – or might cause significant public concern, and which cannot be mitigated through further studies or public hearings – must be referred to the Mackenzie Valley Environmental Review Board for Environmental Assessment. The GLWB may not issue a licence or permit for the carrying out of a proposed development unless the requirements of Part 5 of the MVRMA have been met.<sup>5</sup>

A Preliminary Screening Report for this project was completed in 2006 under Permit G06H008.<sup>6</sup> The report concluded that no significant environmental or socioeconomic impacts were predicted to occur as a result of this project. The Board has reviewed the report and has determined that no further screening is required at this time.

### **5. Reasons for Decision – Land Use Permit G23H002**

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 G23H002 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 this

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<sup>5</sup> See [62, 114\(c\), and 115\(b\) and \(c\) of the MVRMA](#)

<sup>6</sup> See GLWB Online Registry for [G06H008 -Preliminary Screening Report](#)

regulatory proceeding.

### **5.1 Term of Permit**

The Applicant has applied for a term of 5 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 this regulatory proceeding, the Board has determined an appropriate term for the Permit is five years.

### **5.2 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 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. To achieve this, the Board selected applicable definitions relevant to the Project from the Standard Permit Conditions.

### **5.4 Permit Conditions**

The Board's authority to include Permit conditions are outlined in subsection 26(1) of the [MVLUR](#). In developing the Permit, the Board considered the MVLWB [Standard Land Use Permit Conditions Template](#) (Standard Permit Conditions) and included a number of these standard conditions that are relevant to the Project. 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).

As noted in Section 3, above, 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 include

general rationale for each standard condition, and as such, the language of the standard condition included in the Permit are not discussed in detail in these Reasons for Decision.

### MANAGEMENT PLANS

In the Application, The Applicant submitted a Spill Contingency Plan, Waste Management details and an Engagement Record and Plan. These three components are mandatory for all applications and require Board approval. The Board's decisions on the three required management plans are set out below.

#### **WASTE MANAGEMENT PLAN - APPROVED**

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, developed in accordance with the MVLWB [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.

As required, the Applicant included Waste Management details in the Application that was distributed for public review. During the public review, no comments or recommendations were submitted to the Board in respect to the Waste Management Plan. The Board considered the Plan as part of the Application Package, and has approved the Waste Management Plan because it is appropriate for the proposed activities.

#### **SPILL CONTINGENCY PLAN - APPROVED**

All applicants must describe spill contingency planning. For most applicants, this will be in the form of a Spill Contingency Plan, 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 Plan is intended to ensure that an action plan for responses to spills and unauthorized discharges has been established to effectively control and clean up spills and unauthorized discharges, with the goal of preventing or limiting damage to the receiving environment.

As required, the Applicant included a Spill Contingency Plan in the Application. This document was distributed for public review with the Application. During the public review, no comments or recommendations were submitted to the Board in respect to the Spill Contingency Plan. The Board has approved Spill Contingency Plan because it meets the requirements of the Guidelines and is appropriate for the proposed activities.

#### **ENGAGEMENT PLAN – APPROVED**

The Board assesses engagement adequacy through the MVLWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#), and an Engagement Plan is a standard requirement for land use permits issued by the Board. This Plan is intended to ensure adequate and effective engagement with potentially affected parties has occurred prior to the submission of the Application (in the form of the Engagement Record) and is planned for throughout the life of the Project.



In accordance with the Policy and Guidelines, the Applicant included an Engagement Record and Plan in the Application, and these documents were distributed for public review. During the public review, no comments or recommendations were submitted to the Board in respect to the Engagement Record or Plan. The Board considered the Plan as part of the Application Package, and the Board has approved the Engagement Plan because it meets the requirements of the Guidelines and is appropriate for the proposed activities.

**6. Conclusion**

Subject to the scopes, definitions, conditions, and terms set out in the Permit, and for the reasons expressed herein, the GLWB is of the opinion that the land-use activities associated with the proposed Project can be completed by the Government of the Northwest Territories Department of Infrastructure, while providing for the conservation, development, and utilization of resources in a manner that will provide the optimum benefit for all Canadians and in particular for the residents of the Mackenzie Valley's Gwich'in Settlement Area.

Land Use Permit G23H002 contains provisions that the Board deems necessary to ensure and monitor compliance with the MVRMA and the Regulations made thereunder, and to provide appropriate safeguards in respect of GNWT INF's use of the land affected by the Permit.

SIGNATURE



**September 12, 2023**

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

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Date