

NUNAVUT IMALIRIYIN KATIMAYINGI

File No.: 1BR-FOD0606

May 16, 2006

Philip Warren
Environmental Officer
Defence Construction Canada
Constitution Square, Suite 1720
35 Albert Street.
Ottawa, ON K1A 0K3
Email: eva.schulz@uma.aecom.com
Email: Philip.warren@dcc-cdc.gc.ca

RE: NWB Licence No. 1BR-FOD0606

Dear Mr. Warren:

Please find attached Licence No. **1BR-FOD0606** issued to Defence Construction Canada by the Nunavut Water Board **Motion #: 2006-09** pursuant to its authority under Article 13 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada*. The terms and conditions of the attached Licence related to water use and waste disposal are an integral part of this approval.

Sincerely,

Philippe di Pizzo

Philippe di Pizzo
Chief Administrative Officer

PDP/sg/pb

Enclosure: Licence No. **1BR-FOD0606**

Cc: Jim Rogers, INAC
Peter Kusugak, INAC
Pat Larocque, INAC
Carson Gillis, NTI
Salamonie Shoo, QIA
Tania Gordanier, DFO
Colette Spagnuolo, EC
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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI

DECISION

LICENCE NUMBER: 1BR-FOD0606

This is the decision of the Nunavut Water Board (NWB) with respect to an application for a renewal of Licence dated December 13, 2005 made by:

DEFENCE CONSTRUCTION CANADA

to allow for the use of water and disposal of waste during camp operations and site investigation at the FOX-3 Dewar Lakes located within the Qikiqtani Region, Nunavut (located at the general latitude of 68°40' and general longitude 71°14' W).

DECISION

After having been satisfied that the application was in conformity with the applicable Land Use Plan and exempt from the requirement for screening by the Nunavut Impact Review Board in accordance with Schedule 12.1, Paragraph 5 of the *Nunavut Land Claim Agreement* (NLCA), the NWB decided that the application could proceed through the regulatory process. In accordance with S.55.1 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA) and Article 13 of the NLCA, public notice of the application was given and interested persons were invited to make representations to the NWB.

After reviewing the submission of the Applicant and representations made by interested persons, the NWB, having given due regard to the facts and circumstances, the merits of the submissions made to it and to the purpose, scope and intent of the NLCA and of the NWNSRTA, decided to waive the requirement to hold a public hearing and determined that:

Licence Number 1BR-FOD0606 be issued subject to the terms and conditions contained therein. (Motion #: 2006 - 09)

SIGNED this 16th day of May 2006 at Gjoa Haven, NU.


Philippe di Pizzo
Chief Administrative Officer

III. LICENCE 1BR-FOD0606

Pursuant to the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* and the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada*, the Nunavut Water Board, hereinafter referred to as the Board, hereby grants to

DEFENCE CONSTRUCTION CANADA

(Licensee)

of

CONSTITUTION SQUARE, SUITE 1720, 35 ALBERT ST, OTTAWA, ON K1A 0K3

(Mailing Address)

hereinafter called the Licensee, the right to alter, divert or otherwise use water for a period subject to restrictions and conditions contained within this licence:

1BR-FOD0606

Licence Number

NUNAVUT 05

Water Management Area

FOX-3 DEWAR LAKES, QIKIQTANI REGION, NUNAVUT

Location

WATER USE AND WASTE DISPOSAL

Purpose

Industrial – TYPE “B”

Classification of Undertaking

3 CUBIC METRES DAILY

Quantity of Water Not to Exceed

MAY 16, 2006

Date of Licence

OCTOBER 1, 2006

Expiry Date of Licence

Dated this 16th day of May 2006 at Gjoa Haven, NU.

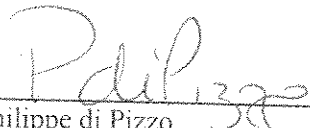

Philippe di Pizzo
Chief Administrative Officer

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I. INTRODUCTION

On December 13, 2005, a water licence application was filed with the Nunavut Water Board by Defence Construction Canada for water use and waste disposal activities during camp operations and drilling operations at the FOX-3 Dewar Lakes located within the Qikiqtani Region, Nunavut (general latitude 68°40' and general longitude 71°14' W). This application was supplemented with additional information by the Licensee on January 25, 2006. After having been satisfied that the application was exempt from the requirement for screening by the Nunavut Impact Review Board in accordance with Schedule 12.1, Paragraph 5 of the *Nunavut Land Claim Agreement (NLCA)*, the NWB decided that the application could proceed through the regulatory process.

In accordance with S.55.1 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)* and Article 13 of the *NLCA*, public notice of the application was given and interested persons were invited to make representations to the NWB. No public concerns were expressed, and after reviewing the submission of the Applicant and representations made by interested persons, the NWB, having given due regard to the facts and circumstances, the merits of the submissions made to it and to the purpose, scope and intent of the *NLCA* and of the *NWNSRTA*, decided to waive the requirement to hold a public hearing.

II. GENERAL CONSIDERATIONS

A. Term of the Licence

In accordance with the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* S. 45, the NWB may issue a licence for a term not exceeding twenty-five years. The NWB believes that a term of approximately six months is appropriate. The licence term will allow the Licensee to properly carry out the terms and conditions of the licence and will ensure that sufficient time is given to permit the Licensee to develop, submit and implement the plans required under the licence to the satisfaction of the NWB.

B. Annual Report

The requirements imposed on the Licensee in this licence are for the purpose of ensuring that the NWB has an accurate annual update of water use and depositions of waste during a calendar year. This information is maintained on the public registry and is available to any interested parties upon request. The requirements of this Annual Report can be found in Part B, Item 2. A standard form for annual reporting under Part B, Item 2, can be downloaded from the NWB ftp site at <ftp://ftp.nunavut.ca/nwb/> in the administration folder.

C. Spill Contingency Planning

The Board generally requires that all Licensees prepare a comprehensive Spill Contingency Plan to establish a state of readiness to ensure a prompt and effective response to possible spills or system failure events. The site-specific spill contingency plan will assist the Licensee in

responding to emergencies such that the impacts to water in particular and the environment and public health in general are minimized. The Plan submitted January 25, 2006 by the Licensee has been approved by the Board with the requirement that additional information be submitted as an addendum to the approved Plan as per Part H, Item 1 of this license.

D. Abandonment and Restoration (A&R)

To ensure that all facilities are reclaimed in an appropriate manner upon abandonment, the NWB requires Licensees to prepare and submit an Abandonment and Restoration Plan.

III. LICENCE 1BR-FOD0606

Pursuant to the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* and the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada*, the Nunavut Water Board, hereinafter referred to as the Board, hereby grants to

DEFENCE CONSTRUCTION CANADA
(Licensee)
of
CONSTITUTION SQUARE, SUITE 1720, 35 ALBERT ST, OTTAWA, ON K1A 0K3
(Mailing Address)

hereinafter called the Licensee, the right to alter, divert or otherwise use water for a period subject to restrictions and conditions contained within this licence:

Licence Number 1BR-FOD0606

Water Management Area NUNAVUT 05

Location FOX-3 DEWAR LAKES, QIKIQTANI REGION, NUNAVUT

Purpose WATER USE AND WASTE DISPOSAL

Classification of Undertaking Industrial – TYPE “B”

Quantity of Water Not to Exceed 3 CUBIC METRES DAILY

Date of Licence MAY 16, 2006

Expiry Date of Licence OCTOBER 1, 2006

Dated this 16th day of May 2006 at Gjoa Haven, NU.

Original signed by:

Philippe di Pizzo
Chief Administrative Officer

PART A: SCOPE, DEFINITIONS AND ENFORCEMENT

1. Scope

This Licence allows for the use of water and the disposal of waste for an undertaking classified as Industrial at FOX-3 Dewar Lakes, located approximately 180 km south of the Clyde River and 220 km east of Qikiktarjuaq within the Qikiqtani Region, Nunavut (latitude 68°40'N and longitude 71°14'W);

- i. This Licence is issued subject to the conditions contained herein with respect to the taking of water and the depositing of waste of any type in any waters or in any place under any conditions where such waste or any other waste that results from the deposits of such waste may enter any waters. Whenever new Regulations are made or existing Regulations are amended by the Governor in Council under the Nunavut Waters and Nunavut Surface Rights Tribunal Act, or other statutes imposing more stringent conditions relating to the quantity or type of waste that may be so deposited or under which any such waste may be so deposited, this Licence shall be deemed, upon promulgation of such Regulations, to be subject to such requirements; and;
- ii. Compliance with the terms and conditions of this Licence does not absolve the Licensee from responsibility for compliance with the requirements of all applicable Federal, Territorial and Municipal legislation.

2. Definitions

In this Licence: **1BR-FOD0606**

“Act” means the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*;

“Amendment” means a change to original terms and conditions of this licence requiring correction, addition or deletion of specific terms and conditions of the licence; modifications inconsistent with the terms of the set terms and conditions of the Licence;

“Appurtenant Undertaking” means an undertaking in relation to which a use of waters or a deposit of waste is permitted by a licence issued by the Board;

“Board” means the Nunavut Water Board established under the *Nunavut Land Claims Agreement* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*;

“Chief Administrative Officer” means the Executive Director of the Nunavut Water Board;

“Engineer” means a professional engineer registered to practice in Nunavut in accordance with the Engineering, Geological and Geophysical Act (Nunavut) S.N.W.T. 1998, c.38, s.5;

“Greywater” means all liquid wastes from showers, baths, sinks, kitchens and domestic washing facilities, but does not include toilet wastes;

“Inspector” means an Inspector designated by the Minister under Section 85 (1) of the *Act*;

“Licensee” means the holder of this Licence

“Modification” means an alteration to a physical work that introduces a new structure or eliminates an existing structure and does not alter the purpose or function of the work, but does not include an expansion;

“Nunavut Land Claims Agreement” (NLCA) means the *“Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada”*, including its preamble and schedules, and any amendments to that agreement made pursuant to it;

“Regulations” means the *Northwest Territories Water Regulations* sor/93-303 8th June, 1993.

“Sewage” means all toilet wastes and greywater;

“Spill Contingency Plan” means a Plan developed to deal with unforeseen petroleum and chemical events that may occur during the operations conducted under the Licence;

“Sump” means an excavation in soil for the purpose of catching or storing water or waste

“Toilet Wastes” means all human excreta and associated products, but does not include greywater;

“Waste” means, as defined in S.4 of the *Act*, any substance that, by itself or in combination with other substances found in water, would have the effect of altering the quality of any water to which the substance is added to an extent that is detrimental to its use by people or by any animal, fish or plant, or any water that would have that effect because of the quantity or concentration of the substances contained in it or because it has been treated or changed, by heat or other means;

3. Enforcement

- i. Failure to comply with this Licence will be a violation of the *Act*, subjecting the Licensee to the enforcement measures and the penalties provided for in the *Act*;
- ii. All inspection and enforcement services regarding this Licence will be provided by Inspectors appointed under the *Act*; and
- iii. For the purpose of enforcing this Licence and with respect to the use of water and deposit or discharge of waste by the licensee, Inspectors appointed under the *Act*, hold all powers, privileges and protections that are conferred upon them by the *Act* or by other applicable law.

PART B: GENERAL CONDITIONS

1. Licensee shall file an Annual Report on the appurtenant undertaking with the Board no later than March 31st of the year following the calendar year being reported which shall contain the following information:
 - i. A summary report of water use and waste disposal activities;
 - ii. A list of unauthorized discharges and a summary of follow-up actions taken;
 - iii. Revisions to the Spill Contingency Plan and Abandonment and Restoration Plan;
 - iv. Progressive reclamation work undertaken; and
 - v. Any other details on water use or waste disposal requested by the Board by November 1 of the year being reported.
2. The Licensee shall notify the NWB of any changes in operating plans or conditions associated with this project at least thirty (30) days prior to any such change.
3. The Licensee shall install flow meters or other such devices, or implement suitable methods required for the measuring of water volumes, to be operated and maintained to the satisfaction of an Inspector.
4. If the Licensee contemplates the renewal of Licence No. 1BR-FOD0606, it is the responsibility of the Licensee to apply to the NWB for its renewal. The past performance of the Licensee, new documentation and information, and issues raised during a public hearing, if the NWB is required to hold one, will be used to determine the terms and conditions of the Licence renewal. Note that if the Licence expires before the NWB issues a new one, then water use and waste disposal must cease, or the Licensee will be in

contravention of the Nunavut Land Claims Agreement. The NWB recommends that an application for the renewal of Licence No. 1BR-FOD0606 be filed at least three months before the Licence expiry date.

5. If Licence No. 1BR-FOD0606 requires an amendment, a public hearing may be required. The Licensee should submit applications for amendment as soon as possible to give the NWB sufficient time to go through the amendment process. The process may vary depending on the scope of the amendment requested.
6. The Licensee shall ensure a copy of this Licence is maintained at the site of operations at all times. Any communication with respect to this Licence shall be made in writing to the attention of:

(i) Chief Administrative Officer:

Executive Director
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0
Telephone: (867) 360-6338
Fax: (867) 360-6369

(ii) Inspector Contact:

Water Resources Officer
Nunavut District, Nunavut Region
P.O. Box 100
Iqaluit, NU X0A 0H0
Telephone: (867) 975-4298
Fax: (867) 979-6445

7. The Licensee shall submit one paper copy and one electronic copy of all reports, studies, and plans to the Board. Reports or studies submitted to the Board by the Licensee shall include a detailed executive summary in Inuktitut.
8. This Licence is not assignable except as provided in Section 44 of the *Act*.

PART C: CONDITIONS APPLYING TO WATER USE

1. The Licensee shall obtain water for domestic use from Water Supply Lake up to a maximum of 3 cubic meters per day.
2. The Licensee shall equip all water intake hoses with a screen of an appropriate mesh size to ensure that there is no entrainment of fish and shall withdraw water at a rate such that

- fish do not become impinged on the screen.
3. The Licensee shall not remove any material from below the ordinary high water mark of any water body.
 4. The Licensee shall not do anything that will cause erosion to the banks of any body of water and shall provide necessary controls to prevent such erosion.
 5. Sediment and erosion control measures shall be implemented prior to and maintained during the operation to prevent entry of sediment into water.

PART D: CONDITIONS APPLYING TO WASTE DISPOSAL

1. The Licensee shall locate areas designated for waste disposal at least thirty (30) metres above the ordinary high water mark of any water body such that the quality, quantity or flow of water is not impaired, unless otherwise authorized by the Board.
2. No open burning or on-site land filling of domestic waste is permitted.
3. The Licensee shall incinerate all combustible waste, and shall ensure that all hazardous wastes, waste oil, laboratory wastes and non-combustible waste generated through the course of the operation are securely stored in one of the buildings on-site. The storage location shall be indicated in the Annual Report as per Part B, Item 1.
4. The Licensee shall contain all greywater in a sump located at least thirty (30) metres above the ordinary high water mark of any water body, at a site where direct flow into a water body is not possible and no additional impacts are created.
5. The Licensee shall contain all sewage in latrine pits located at least thirty (30) metres above the ordinary high water mark of any water body. These latrine pits shall be treated with lime and covered with native material to achieve the pre-existing natural contours of the land prior to abandonment. Where the use of incineration toilets is used as an alternative to pit privies the Licensee shall contain all sewage by use of Pacto Toilets and disposal by incineration on a daily basis. Ashes and any remaining residue generated through the course of the operation are to be backhauled and disposed of in an approved waste disposal site.

PART E: CONDITIONS FOR CAMPS, ACCESS INFRASTRUCTURES AND OPERATIONS

1. The Licensee shall not erect camps or store material on the surface of frozen streams or lakes except what is for immediate use. Camps shall be located such as to minimize impacts on surface drainage.
2. All activities shall be conducted in such a way as to minimize impacts on surface drainage and the Licensee shall immediately undertake any corrective measures in the event of any impacts on surface drainage.
3. Winter lake and stream crossings, including ice bridges, shall be constructed entirely of water, ice or snow; stream crossings shall be removed or notched prior to spring break-up.
4. With respect to access road, pad construction or other earthworks, the deposition of debris or sediment into any water body is prohibited. These materials shall be disposed of above the ordinary high water mark in such a fashion that they do not enter the water.

PART F: CONDITIONS APPLYING TO DRILLING OPERATIONS

1. The Licensee shall not conduct any land based drilling within thirty (30) metres of the ordinary high water mark of any water body unless otherwise approved by the Board.

PART G: CONDITIONS APPLYING TO MODIFICATIONS

1. The Licensee may, without written consent from the Board, carry out Modifications to the Water Supply Facilities and Waste Disposal Facilities provided that such Modifications are consistent with the terms of this License and the following requirements are met:
 - i. the Licensee has notified the Board in writing of such proposed Modifications at least sixty (60) days prior to beginning the Modifications;
 - ii. such Modifications do not place the Licensee in contravention of the License or the *Act*;
 - iii. the Board has not, during the sixty (60) days following notification of the proposed Modifications, informed the Licensee that review of the proposal will require more than sixty (60) days; and

- iv. the Board has not rejected the proposed Modifications.
- 2. Modifications for which all of the conditions referred to in Part G, Item 1 have not been met can be carried out only with written approval from the Board.
- 3. The Licensee shall provide as-built plans and drawings of the Modifications referred to in this License within ninety (90) days of completion of the Modification. These plans and drawings shall be stamped by an Engineer.

PART H: CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING

- 1. The Licensee shall within thirty (30) days of issuance of this licence, submit to the Board an addendum to the approved Spill Contingency Plan that is to include the following:
 - i. name, address and title of person in charge on-site;
 - ii. name, title and 24hr contact number of person responsible;
 - iii. fuel storage inventory and location of petroleum product storage onsite;
 - iv. a copy of the NWT Spill Report Form; and
 - v. notification of the DIAND Water Resources Inspector at (867) 975-4298 following the occurrence of any spill of chemicals, petroleum products or waste associated with the project.
- 2. If the addendum referred to in Part H, Item 1 is not accepted, the Licensee shall make the necessary changes and resubmit the addendum within thirty (30) days following notification from the Board.
- 3. The Licensee shall ensure that any chemicals, petroleum products or wastes associated with the project do not enter water. All sumps and fuel caches shall be located a minimum of thirty (30) metres above the ordinary high water mark of any adjacent water body and inspected on a regular basis. The Licensee is encouraged to use some form of secondary containment.
- 4. The Licensee shall ensure that any equipment maintenance and servicing be conducted only in designated areas and shall implement special procedures (such as the use of drip pans) to manage fluids, waste and contain potential spills.
- 5. If during the term of this Licence, an unauthorized discharge of waste occurs, or if such a

discharge is foreseeable, the Licensee shall:

- i. Employ the Spill Contingency Plan;
- ii. Report the spill immediately to the 24-Hour Spill Line at (867) 920-8130 and to the DIAND Water Resources Inspector at (867) 975-4298; and
- iii. Submit to the DIAND Water Resources Inspector on each occurrence, a detailed report including the GPS location, no later than thirty (30) days after initially reporting the event.

PART I: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION

1. A description of the storage containment and location of the wastes that will be stored onsite, because of the appurtenant undertaking as described in Part D Item 3, will be included in the annual report as indicated in Part B Item 1.
2. The Licensee shall backfill and restore, to the satisfaction of an Inspector, all camp waste disposal sumps to the pre-existing natural contours of the land prior to the expiry of this Licence.
3. All disturbed areas shall be stabilized and re-vegetated as required, upon completion of work, and restored to a pre-disturbed state.

PART J: CONDITIONS APPLYING TO THE MONITORING PROGRAM

1. The Licensee shall measure and record in cubic metres the daily quantities of water utilized for camp operations, for all purposes.
2. The Licensee shall determine the GPS co-ordinates (in degrees, minutes and seconds of latitude and longitude) of all locations where sources of water are utilized for all purposes.
3. The Licensee shall determine the GPS co-ordinates (in degrees, minutes and seconds of latitude and longitude) of all locations where wastes associated with camp operations are deposited.