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NUNAVUT WATER BOARD

NUNAVUT IMALIRIYIN KATIMAYINGI

DECISION

LICENCE NUMBER: NWB5SAR0406 – Type “B”

This is the decision of the Nunavut Water Board (NWB) with respect to an application for a Licence dated April 13, 2004 made by:

Indian and Northern Affairs Canada (INAC)

to allow for water use and the disposal of waste during DEW Line Clean-up Activities at the CAM-F DEW Line Site, Sarcpa Lake, Melville Peninsula, Nunavut, With respect to this application, the NWB gave notice to the public that INAC had filed an application for a water licence.

DECISION

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 the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* S. 55.1 and Article 13 of the *Nunavut Land Claims Agreement*, public notice of the application was posted. The application was then referred for review and comments to Federal, Territorial and local organizations. After reviewing the submission of the Applicant and written comments expressed by interested parties, 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 *Nunavut Land Claims Agreement* and of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA), decided to waive the requirement to hold a public hearing and furthermore to delegate its authority to approve the application to the Chief Administrative Officer pursuant to S. 13.7.5 of the NLCA and S. 49(a) of the NWNSRTA and determined that:

Licence Number NWB5SAR0406 – Type “B” be issued subject to the terms and conditions contained therein. (Motion #: 2004-16)

SIGNED this 7th day of July, 2004 at Gjoa Haven, NU.

Original Signed By:

Philippe di Pizzo

Chief Administrative Officer

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I. INTRODUCTION

On April 13, 2004, INAC filed an application with the Nunavut Water Board for a water licence for water use and waste disposal activities associated with environmental site assessment and contaminant delineation activities at the CAM-F DEW Line Site located at Sarcpa Lake, Melville Peninsula, Nunavut. 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 the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* S. 55.1 and Article 13 of the *Nunavut Land Claims Agreement*, public notice of the application was posted. The application was then referred for review and comments to Federal, Territorial and local organizations. No public concerns were expressed, and after reviewing the submission of the Applicant and written comments expressed by interested parties, 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 *Nunavut Land Claims Agreement* and of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWSRTA), decided to waive the requirement to hold a public hearing and furthermore to delegate its authority to approve the application to the Chief Administrative Officer pursuant to s.13.7.5 of the NLCA and S.49(a) of the NWSRTA.

II. GENERAL CONSIDERATIONS

A. Term of the License

In accordance with the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* S. 45, the NWB may issue a license for a term not exceeding twenty-five years. The NWB believes that a term of two years is appropriate. The 2-year license will allow the Licensee to properly carry out the terms and conditions of the license and will ensure that sufficient time is given to permit the Licensee to develop, submit, and implement the plans required under the license to the satisfaction of the NWB.

B. Annual Report

The requirements imposed on the Licensee in this license 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.

C. Spill Contingency Planning

The Board generally requires that all Licensees prepare 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 emergency response 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 NWB requires that a revised Spill Contingency Plan be submitted to the Board within thirty (30) days of issuance of the licence.

D. Abandonment and Restoration (A&R)

To ensure that all future abandoned facilities are reclaimed in an appropriate manner, the NWB request Licensees to submit an Abandonment and Restoration Plan. To ensure that all future abandoned facilities are reclaimed in an appropriate manner, the NWB has imposed the requirement for the submission of an Abandonment and Restoration Plan by Proponents. The NWB requires that a plan should be submitted by the Licensee six (6) months prior to the completion of on-site camp operation activities.

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

INDIAN AND NORTHERN AFFAIRS CANADA (INAC)

(Licensee) _____
P.O. BOX 100,
IQALUIT, NU X0A 0H0
of _____
(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:

NWB5SAR0406 – Type “B”

Licence Number _____

NUNAVUT 05

Water Management Area _____

CAM-F DEW LINE SITE, SARCPA LAKE,
MELVILLE PENINSULA, NUNAVUT (68°33' N; 83 °19' W)

Location _____

WATER USE AND WASTE DISPOSAL

Purpose _____

CAMP MOBILIZATION & OPERATION,
ENVIRONMENTAL SITE INVESTIGATION AND ASSOCIATED USES

Description _____

10 CUBIC METRES DAILY

Quantity of Water Not to be Exceeded _____

JULY 7, 2004

Date of Licence _____

JUNE 30, 2006

Expiry Date of Licence _____

Dated this 7th day of July 2004 at Gjoa Haven, NU.

Original Signed By: _____
Philippe di Pizzo
Chief Administrative Officer

PART A: SCOPE, DEFINITIONS & ENFORCEMENT

1. SCOPE

- i. This Licence entitles Indian and Northern Affairs Canada (INAC) to use water and dispose of waste during operations associated with a site investigation being completed to delineate the extent of contamination present at the CAM-F Distant Early Warning (DEW) Line Site, Sarcpa Lake, Melville Peninsula, Nunavut (68°33' N; 83°19' W). Activities include: construction camp mobilization and operation, road construction and maintenance, and sampling activities associated with site assessment and contaminant delineation activities on the CAM-F DEW Line site.
- ii. 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.
- iii. Compliance with the terms and conditions of this Licence does not absolve the Licensee from responsibility for compliance with all applicable legislation, guidelines and directives.

2. DEFINITIONS

In this Licence: **NWB5SAR0406 – Type “B”**

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

“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*;

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

“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 individual or organization to whom Licence NWB5GLA0308 is issued or assigned;

“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;

“Hazardous Waste” means waste classified as “hazardous” by Nunavut Territorial or Federal Legislation, or as “dangerous goods” under the *Transportation of Dangerous Goods Act* at the time of clean-up;

“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;

“Sewage” means all toilet wastes and greywater

“Monitoring Program” means a program established to collect data on surface water and groundwater quality to assess impacts to the environment of an appurtenant undertaking.

“Spill Contingency Plan” means a plan submitted to deal with unforeseen events

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

“Waste” means waste as defined in Section 85 (1) of the *Act*;

“Water Supply Facilities” comprises the Water Supply Lake area and associated infrastructure designed to collect and supply water, as described in the Application for Water Licence filed by the Applicant on April 13, 2003, and illustrated in Map 2: General Layout and Topography of the Sarcpa Lake DEW Line Site.

3. ENFORCEMENT

- i. Failure to comply with this Licence will be a violation of the *Act*, exposing 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. Inspectors appointed under the *Act* enjoy-with respect to this Licence, and for the purpose of enforcing this Licence, and with respect to the use of water and deposit or discharge of waste by the licensee-all powers, privileges and protections that are conferred upon them by the *Act* or by other applicable law

PART B: GENERAL CONDITIONS

1. The Licensee shall file an Annual Report on the Appurtenant Undertaking with the Board no later than March 31 of the year following the calendar year reported, which shall contain the following information:
 - i. The monthly and annual quantities (in cubic metres) of fresh water obtained from all sources;
 - ii. A summary of any construction work, modification and major maintenance work carried out on the water supply and solid waste disposal facilities, including all associated structures;
 - iii. Tabular summaries for all data and information generated under the “Monitoring Program”;
 - iv. An analysis of data collected during the “Monitoring Program” and a brief description of any future studies planned by the Licensee;
 - v. A summary of any abandonment and restoration work undertaken during the year and an outline of any work anticipated for the next year;
 - vi. A summary of any studies requested by the Board that relate to waste disposal, water use or reclamation, and a brief description of any future studies planned;
 - vii. A list of unauthorized discharges and summary of follow-up actions taken;
 - viii. Any revisions to the “Spill Contingency Plan”;
 - ix. A public consultation/participation report describing consultation with local organizations and the residents of the nearby communities;
 - x. A brief summary of work done to address concerns or deficiencies listed in the inspection reports and/or compliance reports prepared by an Inspector;
 - xi. An executive summary in English and Inuktitut of all plans, reports, or studies conducted under this Licence; and
 - xii. Any other details on water use or waste disposal requested by the Board by November 1st of the year being reported.
2. Flow meters or other such devices used for measuring the volumes of water used shall be installed by the Licensee, and operated and maintained to the satisfaction of an Inspector.

3. Modifications to the “Monitoring Program” may be made only upon written approval of the Chief Administrative Officer.
4. The Licensee shall, within sixty (60) days of issuance of this Licence, post signs in the appropriate area to inform the public of the location of the Water Supply Facility and the stations of the “Monitoring Program”. All postings shall be in the Official Languages of Nunavut and located and maintained to the satisfaction of an Inspector.
5. The Licensee shall ensure a copy of this Licence is maintained at the camp site office and at the site of operation 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

6. 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.

PART C: CONDITIONS APPLYING TO WATER USE

1. The Licensee shall obtain all freshwater for camp supply purposes from the lake known as

Water Supply Lake using the Water Supply Facilities or as otherwise approved by the Board.

2. The Licensee shall implement measures to prevent the deposition of dust and/or sediment arising from contractor activities or on-site vehicular travel into water.
3. The daily quantity of water obtained for all purposes shall not exceed 10 cubic metres.
4. The freshwater intake shall be equipped with a screen with a mesh size sufficient to ensure no entrainment of fish.

PART D: CONDITIONS APPLYING TO WASTE DISPOSAL

1. The Licensee shall not deposit any waste in any body of water, or on the banks thereof, which may impair the quality, quantity, or flow of water.
2. The Licensee shall discharge and contain all toilet waste in pits located at least thirty (30) metres from 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.
3. The Licensee shall discharge and contain all greywater in a sump located at least thirty (30) metres from 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.
4. The Licensee shall incinerate all combustible waste in an approved incinerator.
5. The Licensee shall containerize, and securely store, all non-combustible waste generated during site activities for later disposal in an approved landfill.
6. The Licensee shall ensure that all hazardous wastes generated through the course of the operation are disposed of in an approved offsite waste disposal facility.
7. The Licensee shall not bury any scrap metal and other bulky wastes. All scrap metal, discarded machinery and parts, and other bulky material shall be disposed of in an approved disposal site.

PART E: CONDITIONS APPLYING TO THE UNDERTAKING

1. The Licensee shall implement proper handling, storage and transportation procedures for

hazardous materials during clean-up activities.

2. The Licensee shall minimize disturbance to terrain, permafrost and drainage during extraction of granular material, development and closure of landfills, movement of contractor's equipment and personnel around the site and removal of site debris.
3. Stream crossings shall be appropriately designed and constructed to minimize erosion or contamination of waterways.
4. The Licensee shall ensure that the existing creek channels are maintained at their normal width and depth to the extent possible, both during and after construction.
5. Granular materials and rock rip-rap used for any temporary stream crossings, approaches or as may be required for bank stabilization must be obtained from a source approved by an Inspector, and be clean and free of contaminants. Such material must not be removed or gathered from below the ordinary high water mark of the creek, stream or from any nearby water body.
6. All sites affected by construction or removal activities shall be stabilized, landscaped as necessary, and suitable erosion control measures implemented to minimize sediment deposition into watercourses located on or adjacent to the site, to the satisfaction of an Inspector.

PART F: CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING

1. The Licensee shall ensure that any fuels, chemicals, or wastes associated with this undertaking do not enter any waters. All fuel is to be stored at a location that is a minimum of thirty (30) metres from the ordinary high water mark of any water source.
2. The Licensee shall, within thirty (30) days of the issuance of this license, submit a Spill Contingency Plan developed in accordance with the Board's "Guidelines for Contingency Planning" (1987) which contains the following information:
 - i. A clear response pathway to be followed in the event of a spill of chemicals, petroleum products or waste associated with the project onto land, or into water;
 - ii. A spill response contact list for Nunavut, including DIAND Water Resources and Environment Canada personnel in Iqaluit; and
 - iii. Reporting requirements, including the 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.
3. The Licensee shall revise the "Spill Contingency Plan" referred to in Part F, Item 2, if not

acceptable to the Board. The Revised Plan shall be submitted to the Board for approval within thirty (30) days after notification.

4. The Licensee shall revise their Spill Contingency Plan annually (if necessary) to reflect changes in personnel, operations and/or technology or as directed by the Board. Revision shall be submitted as an addendum to the original plan in accordance with Part B, Item 1(iii).
5. If, during the period 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 Reporting Line (867) 920-8130 and to an Inspector; and
 - iii. Submit to an Inspector a detailed report on each occurrence no later than thirty (30) days after initially reporting the event.

PART G: CONDITIONS APPLYING TO CONSTRUCTION AND MODIFICATIONS

1. The Licensee shall submit to the Board for approval design drawings stamped by a qualified engineer registered in Nunavut prior to the construction of any dams, dykes or structures intended to contain, withhold, divert or retain water or wastes.
2. The Licensee may, without written approval from the Board, carry out modification to the water supply and waste disposal facilities provided that such modifications are consistent with the terms of this Licence 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 Licence and/or *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 modification.
3. Modifications for which all of the conditions referred to in Part G, Item 2 have not been met may be carried out only with written approval from the Board.
4. The Licensee shall provide to the Board as-built plans and drawings of the modifications referred to in Part G, Item 2 within ninety (90) days of completion of the modifications.

PART H: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION

1. The Licensee shall submit to the Board six (6) months prior to the completion of onsite activities an Abandonment and Reclamation Plan, prepared in accordance with applicable sections of the "*Guidelines for Abandonment and Restoration Planning for Mines in the Northwest Territories (1990)*", to address contractor demobilization and camp site remediation operations.
2. If not approved by the Board, the plan referred to in Part H, Item 1 shall be revised and resubmitted within thirty (30) days of receiving the Boards decision.
3. The Licensee shall implement the Plan referred to in Part H, Item 1 within the time schedule specified in the Plan submitted to the Board, unless otherwise approved by the Board.
4. The Licensee shall restore and stabilize all areas affected by the undertaking upon completion of the work, to the satisfaction of an Inspector.

PART I: 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 and drilling 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 wastes associated with camp operations and drilling operations are deposited.
3. An Inspector may request additional sampling and analysis.
4. The Licensee shall include all of the data and information required by the "Monitoring Program" in the Licensee's Annual Report, as required *per* Part B, Item 1.
5. Modifications to the Monitoring Program may be made only upon written approval of the Chief Administrative Officer.