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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

**File No: 1BW-DUV2025**

October 16, 2020

Nyasha Kamera  
Chief Administrative Officer  
Hamlet of Pangnirtung  
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Email: [pang\\_sao@qiniq.com](mailto:pang_sao@qiniq.com)

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Community Government Services  
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Email: [broy@gov.nu.ca](mailto:broy@gov.nu.ca)

**RE: NWB Replacement Water Licence No: 1BW-DUV2025**

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Dear Nyasha Kamera, Bhabesh Roy:

Please find attached Licence No: 1BW-DUV2025 issued to the Hamlet of Pangnirtung by the Nunavut Water Board (NWB) 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 (Nunavut Agreement)*. The terms and conditions of the attached Licence related to the use of Water and the deposit of Waste are an integral part of this approval.

If the Licensee contemplates the continuing of this Undertaking after the Water Licence expires, it is the responsibility of the Licensee to apply to the NWB for a renewal water licence. 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 renewal Water Licence. Note that if the Licence expires before the NWB issues a new one, then the use of Water and the deposit of Waste must cease, or the Licensee may be in contravention of the *Nunavut Agreement* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSTRA)*. However, the expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the licence. The NWB recommends that an application for the renewal of this Licence be filed at least **three (3) months** prior to the Licence expiry date. It should be noted that in accordance with s. 75(1)(a) of the *Nunavut Planning and Project Assessment Act (NuPPAA)*, the Board is not allowed to issue a permit or authorization for any project proposal that has not been submitted to the Nunavut Planning Commission (NPC) in accordance with s. 76 of *NuPPAA*.

If the Licensee contemplates or requires an amendment to this licence, the NWB may decide, in the public's interest, to hold a public hearing. 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 and timing may vary depending on the scope of the amendment, however, a minimum of **sixty (60) days** is required from time of acceptance by the NWB. It is the responsibility of the Licensee to ensure that all application materials have been received and are acknowledged by the Manager of Licensing.

The NWB strongly recommends that the Licensee consult the comments received from Crown-Indigenous Relations and Northern Affairs (CIRNA) on issues identified. This information is attached for your consideration.<sup>1</sup>

Sincerely,

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Lootie Toomasie  
Nunavut Water Board,  
Chair

LT/ak/rqd

Enclosure: Replacement Licence No: 1BW-DUV2025

Comments – CIRNA

Cc: Distribution List – Qikiqtani

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<sup>1</sup> Crown-Indigenous Relations and Northern Affairs (CIRNA), dated September 16, 2020 and September 29, 2020.

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## DECISION

### LICENCE NUMBER: 1BW-DUV2025

This is the decision of the Nunavut Water Board (NWB) with respect to an application dated August 5, 2020 for a renewal of a Water Licence made by:

#### HAMLET OF PANGNIRTUNG

to allow for the use of Water and the deposit of Waste during the continued use, maintenance and eventual abandonment of a watercourse crossing and associated drainage redirection structure originally constructed in support of the Pangnirtung Small Craft Harbour Project and now used by the Hamlet of Pangnirtung for Municipal Purposes at the Duval River Crossing & Drainage Redirection Project located within the Qikiqtani Region, Nunavut, generally located at the geographical coordinates as follows:

##### Project Extents:

Duval River Crossing

Latitude: 69° 9' 2.87" N

Longitude: 65° 41' 30.01" W

Drainage Redirection

Latitude: 66° 8' 40" N

Longitude: 65° 42' 55" W

## **DECISION**

After having been satisfied that the Application is for a proposal that was previously reviewed by the NPC and for which the conformity determinations, dated July 14, 2011, April 19, 2015 and December 24, 2018, remain applicable and is exempt from the requirements for screening as described within s. 12.4.3 / Schedule 12-1 of the *Nunavut Agreement* as determined by the Nunavut Planning Commission (NPC)<sup>1</sup>, 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 (NWSRTA or Act)* and Article 13 of the *Nunavut Agreement*, 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 considering the 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 *Nunavut Agreement* and of the *Act*, waived the requirement to hold a public hearing, and determined that:

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<sup>1</sup> Nunavut Planning Commission, Conformity Determination, December 20, 2019.

**Licence No: 1BW-DUV1520 be replaced by Licence No: 1BW-DUV2025 subject to the terms and conditions contained therein. (Motion #: 2020-B1-024)**

Signed this 16<sup>th</sup> day of October, 2020 at Gjoa Haven, NU.

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Lootie Toomasie  
Nunavut Water Board,  
Chair

LT/ak/rqd

## **WATER LICENCE NO: 1BW-DUV2025**

### **I. BACKGROUND**

In 2009, Fisheries and Oceans Canada (DFO) applied for and received from the Nunavut Water Board (NWB or Board) a water licence to construct a temporary crossing on the Duval River, near the Hamlet of Pangnirtung (Hamlet), Nunavut. Prior to expiry of the licence, DFO applied for and received a renewal licence for the project.

The crossing, a single-lane bridge constructed from culverts and rock-fill material, was used to support construction of the Pangnirtung Small Craft Harbour. In addition, the crossing was used to transport quarried material for municipal construction activities carried out by the Hamlet.

DFO's original project proposal included plans to deconstruct the crossing following completion of the Harbour Project. However, recognizing that the crossing provided a valuable access to the Hamlet's municipal quarry, the Hamlet of Pangnirtung arranged with DFO for the transfer of all responsibilities associated with the crossing to the Hamlet. That arrangement was later confirmed by formal requests filed with the Board by both DFO and the Hamlet for an assignment of the relevant water licence. Consequently, the NWB assigned Water Licence No. 1BW-DUV1520 from the DFO to the Hamlet on April 14, 2014. Shortly after the Licence was assigned, it expired on July 16, 2014. The Board granted renewal licence No: 1BW-DUV1520 on June 9, 2015, which expired on June 8, 2020.

### **II. FILE PROCEDURAL HISTORY**

On August 7, 2020, the NWB received from the Government of Nunavut – Community and Government Services (GN-CGS), on behalf of the Hamlet of Pangnirtung (Hamlet or Applicant or Licensee) an application and supporting information (Application) to renew water licence No: 1BW-DUV1520. The Application included the following information:

- Cover letter dated August 7, 2020;
- Executive summaries in English and Inuktitut, undated; and
- Authorization letter and Application for Water Licence Renewal, both dated August 5, 2020.

In addition, GN-CGS provided several clarifications and additional information.<sup>2</sup>

On December 20, 2019, the Nunavut Planning Commission (NPC) stated<sup>3</sup> that the proposed activities were outside the area of an applicable regional land use plan, and the previous determinations<sup>4</sup> still apply. In addition, the NPC noted that the project is exempt from screening by the Nunavut Impact Review Board (NIRB).

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<sup>2</sup> Government of Nunavut – Community and Government Services, dated August 16, 17, and 24, 2020.

<sup>3</sup> Nunavut Planning Commission Conformity Determination 149233, dated December 20, 2019.

<sup>4</sup> Nunavut Planning Commission Conformity Determinations, dated July 14, 2011, April 19, 2015 and December 24, 2018.

### III. GENERAL CONSIDERATIONS

In accordance with the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)* s. 45, the NWB may issue a licence for a term not exceeding twenty-five years. The Applicant requested a ten-year extension of the licence term. In considering the request, the Board noted the following:

- The Nunavut Planning Commission issued its determination in regards to a five-year extension only;
- The Licensee did not conduct the monitoring program as required by the previous licence to the full extent;
- The Licensee did not provide annual reports in the timeframe required by the previous licence; and
- The Licensee did not submit the updated Abandonment and Restoration Plan and Spill Contingency Plan by August 8, 2015 as prescribed by the previous licence.

Therefore, taking into account the Applicant's compliance history and its request to the Nunavut Planning Commission, the Board granted a five-year Replacement Water Licence No: 1BW-DUV2025 (Licence).

#### A. Scope, Definitions and Enforcement

##### *Scope*

There were no changes requested to the scope of the Licence. The Licence allows for the use of Water and deposit of Waste in support of an Industrial Undertaking.

##### *Enforcement*

To ensure that the Licensee complies with the terms and conditions of the Licence, Inspectors designated and empowered by the Minister may inspect or examine works, activities, and undertakings associated with the use of waters and/or the deposit of waste for the purposes of exercising their powers in accordance with the *NWNSRTA*.<sup>5</sup>

##### *Compliance*

The Hamlet of Pangnirtung should note that compliance with the terms and conditions of this Licence does not necessarily absolve the Licensee from the responsibility to comply with all other applicable legislation, guidelines, and directives.

#### B. General Conditions

Part B of the Licence addresses the general terms and conditions that apply to the Undertaking, such as annual report submission, protocols for handling documents related to the Licence, posting of signage at sites associated with the undertaking, and more.

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<sup>5</sup> Sections 85-88 of the *NWNSRTA*.

### **C. Conditions Applying to Water Use**

The Licensee is not authorized to use Water under the terms and conditions of the Licence.

### **D. Conditions Applying to Waste Disposal**

The Licensee shall locate areas designated for Waste disposal at a minimum distance of thirty-one (31) metres from the ordinary High Water Mark of any water body such that the quality, quantity or flow of Water is not impaired, unless otherwise approved by the Board in writing.

### **E. Conditions Applying for Access Infrastructures and Operations**

Provisions are made to ensure prevention of deposition of sediment into water due to erosion, use of equipment, stockpiling or any other operational activities.

### **F. Conditions Applying to Drilling Operations**

Drilling activities are not permitted.

### **G. Conditions Applying to Modifications**

The Applicant is required to obtain permission from the NWB for modifications that do not meet the definition of modifications or the criteria of Part G, Item 1 of the Licence. Without written consent from the NWB, the Licensee is not allowed to carry out any modifications. Changes that do not meet the definition of a Modification under the Licence or the requirements of Part G may be considered amendments to the Licence.

### **H. Conditions Applying to Spill Contingency Planning**

The Board has previously approved the Plan entitled “Spill Contingency Plan” dated September 15, 2012. The Licensee shall submit for Board review within six (6) months from the issuance of the Licence a revised Spill Contingency Plan reflecting the current holder of the Licence and purposes for which the crossing is now used in accordance with the commitment made by GN-CGS.<sup>6</sup> In addition, the plan shall include the revisions in accordance with the recommendations made by CIRNA in its September 16, 2020 and September 29, 2020 submissions.

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<sup>6</sup> Bhabesh Roy (GN-CGS) to Richard Dwyer (NWB), Re: Response for Duval River WL, Pangnirtung, dated September 27, 2020.

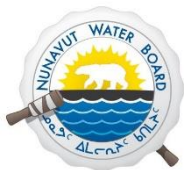


## **I. Conditions Applying to Closure and Reclamation**

The Licensee shall complete all restoration work prior to the expiry of this Licence. The Board has previously approved the Plan entitled “Abandonment and Restoration Plan” dated January 2013. The Licensee shall submit for Board review within six (6) months from the issuance of the Licence a revised Abandonment and Restoration Plan reflecting the current holder of the Licence and purposes for which the crossing is now used. In addition, the plan shall include the revisions in accordance with the recommendations made by CIRNA in its September 16, 2020 and September 29, 2020 submissions, as well as GN-CGS commitments dated September 27, 2020.

## **J. Conditions Applying to the Monitoring Program**

The Licensee shall conduct monitoring at Monitoring Program Stations DUV-1 and DUV-2. In this part, the Board included provisions for the monitoring of water quality up- and downstream of the crossing and set the conditions for all data gathered in accordance with the monitoring program to be included in annual reports.



## NUNAVUT WATER BOARD WATER LICENCE

Licence No: 1BW-DUV2025

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

### **HAMLET OF PANGNIRTUNG**

(Licensee)

**P.O. BOX 253 PANGNIRTUNG, NU X0A 0R0**

(Mailing Address)

hereinafter called the Licensee, the right to alter, divert or otherwise use water or dispose of Waste for a period subject to restrictions and conditions contained within this Licence Renewal-Amendment:

Licence Number/Type: **1BW-DUV2025 / TYPE "B"**

Water Management Area: **NORTHERN CUMBERLAND SOUND WATERSHED (51)**

Location: **DUVAL RIVER CROSSING & DRAINAGE REDIRECTION PROJECT/QIKIQTANI REGION, NUNAVUT**

Classification: **INDUSTRIAL UNDERTAKING**

Purpose: **CONTINUED OPERATION AND MAINTAINANCE OF A WATER CROSSING**

Quantity of Water use not to Exceed: **NO USE OF WATER ALLOWED**

Date of Licence Issuance: **OCTOBER 16, 2020**

Expiry of Licence: **OCTOBER 15, 2025**

This Licence renewal, issued and recorded at Gjoa Haven, Nunavut, includes and is subject to the annexed conditions.

**Lootie Toomasie**  
**Nunavut Water Board, Chair**

## **PART A: SCOPE, DEFINITIONS AND ENFORCEMENT**

### **1. Scope**

This Licence allows for the use of Water and the deposit of Waste for an Industrial undertaking classified as per Schedule 1 of the *Regulations* at the Duval River Crossing & Drainage Redirection Project in support of activities related to the operation, maintenance and eventual abandonment of the temporary Duval River crossing, including the berm on the upstream side and the haul road on the downstream side of the structure, located within the municipal boundary of the Hamlet of Pangnirtung in the Qikiqtani Region, Nunavut.

- a. This Licence is issued subject to the conditions contained herein with respect to the taking of Water and the deposit 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
- b. 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**

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

“**Addendum**” means the supplemental text that is added to a full plan or report usually included at the end of the document and is not intended to require a full resubmission of the revised report;

“**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;

“**Applicant**” means the Licensee;

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

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

**“Closure and Reclamation Plan”** means a Plan developed to reach the closure goal and taking in account the “Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories” 2013;

**“Effluent”** means treated or untreated liquid Waste material that is discharged into the environment from a structure such as a settling pond, landfarm or a treatment plant;

**“Engineer”** means a professional engineer registered to practice in Nunavut in accordance with the *Consolidation of Engineers and Geoscientists Act S. Nu 2008, c.2* and the *Engineering and Geoscience Professions Act S.N.W.T. 2006, c.16 Amended by S.N.W.T. 2009, c.12*;

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

**“High Water Mark”** means 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 (ref. Department of Fisheries and Oceans Canada, Operational Statement: Mineral Exploration Activities);

**“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 Agreement”** 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 *Nunavut Waters Regulations* SOR/2013-69 18<sup>th</sup> April, 2013;

**“Secondary Containment”** means an impermeable structure, external to and separate from primary containment, which prevents unplanned spills of hazardous materials and provides a minimum capacity of 110% of the original vessel. Where multiple vessels are stored within the containment, it must provide a minimum capacity equal to the sum of the largest vessel and 10% of the aggregate volume of all other vessels located in the containment. This structure shall also provide containment and control of hoses and nozzles;

**“Sewage”** means all Toilet Wastes and Greywater;

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

**“Sump or Sumps”** A structure or depression that collects, controls, and filters liquid Waste before it is released to the environment. This structure should be designed to prevent erosion while allowing percolation of liquid 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;

**“Water” or “Waters”** means waters as defined in section 4 of the *Act*.

### 3. **Enforcement**

- a. 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*;
- b. All inspection and enforcement services regarding this Licence will be provided by Inspectors appointed under the *Act*; and
- c. 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. The Licensee shall file an Annual Report on the Appurtenant Undertaking with the Board no later than March 31<sup>st</sup> of the year following the calendar year being reported, containing the following information:
  - a. A summary report of Waste disposal activities;
  - b. Quantity of Waste disposed of on on-site Waste disposal facility;
  - c. Quantity of Waste backhauled to approved facility for disposal;
  - d. A list of unauthorized discharges and a summary of follow-up actions taken;
  - e. Any revisions to the management plans as required by Part B, Item 6, submitted in the form of an Addendum;
  - f. A description of all progressive and or final reclamation work undertaken, including photographic records of site conditions before, during and after completion of operations;
  - g. A summary of all information requested and results of the Monitoring Program;

- h. A summary, including photographic records before, during and after any relevant construction activities or Modifications and/or major maintenance work carried out on facilities under this Licence and an outline of any work anticipated for the next year; and
  - i. Any other details on Water use or Waste disposal requested by the Board by the 1<sup>st</sup> November 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, for all Plans submitted under this Licence, include a proposed timetable for implementation. Plans submitted, cannot be undertaken without subsequent written Board approval and direction. The Board may alter or modify a Plan if necessary to achieve the legislative objectives and will notify the Licensee in writing of acceptance, rejection or alteration of the Plan.
- 4. The Licensee shall, for all Plans submitted under this Licence, implement the Plan as approved by the Board in writing.
- 5. The Licensee shall review the Plans referred to in this Licence, as required by changes in operation and/or technology, and modify the Plan accordingly. Revisions to the Plans shall be submitted in the form of an Addendum to be included with the Annual Report.
- 6. Every Plan to be carried out pursuant to the terms and conditions of this Licence shall become a part of this Licence, and any additional terms and conditions imposed upon approval of a Plan by the Board become part of this Licence. All terms and conditions of the Licence should be contemplated in the development of a Plan where appropriate.
- 7. 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:

**(a) Manager of Licensing:**  
Nunavut Water Board  
P.O. Box 119  
Gjoa Haven, NU X0B 1J0  
Telephone: (867) 360-6338  
Fax: (867) 360-6369  
Email: [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca)

**(b) Inspector Contact:**  
Manager of Field Operations, CIRNA  
Nunavut District, Nunavut Region  
P.O. Box 100  
Iqaluit, NU X0A 0H0  
Telephone: (867) 975-4295  
Fax: (867) 979-6445

8. The Licensee shall submit an 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.
9. The Licensee shall ensure that all documents or correspondence submitted by the Licensee to the NWB are received and acknowledged by the Manager of Licensing.
10. This Licence is assignable as provided for in Section 44 of the *Act*.
11. The expiry or cancellation of this Licence does not relieve the Licensee from any obligation imposed by the Licence, or any other regulatory requirement.

**PART C: CONDITIONS APPLYING TO WATER USE**

1. The use of Water is prohibited unless authorized and approved by the Board in writing.
2. The Licensee shall not conduct any work below the ordinary High Water Mark of any water body unless approved by the Board in writing.
3. The Licensee shall not cause erosion to the banks of any body of Water and shall provide necessary controls to prevent such erosion.
4. Sediment and erosion control measures shall be implemented prior to and maintained during the undertaking 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 a minimum distance of thirty-one (31) metres from the ordinary High Water Mark of any water body such that the quality, quantity or flow of Water is not impaired, unless otherwise approved by the Board in writing.
2. The Licensee shall not practice on-site land filling of domestic Waste, unless otherwise approved by the Board in writing.
3. The Licensee shall not open burn plastics, wood treated with preservatives, electric wire, Styrofoam, asbestos or painted wood to prevent the deposition of Waste materials of incomplete combustion and/or leachate from contaminated ash residual, from impacting any surrounding Waters, unless otherwise approved by the Board in writing.
4. The Licensee shall provide to the Board documented authorization from all communities in Nunavut receiving Wastes from the Duval River Crossing & Drainage Redirection Project prior to any backhauling and disposal of Wastes to those communities.

5. The Licensee shall backhaul and dispose of all hazardous Wastes, Waste oil and non-combustible Waste generated through the course of the operation at a licensed Waste disposal site.
6. The Licensee shall maintain records of all Waste backhauled and records of confirmation of proper disposal of backhauled Waste. These records shall be made available to an Inspector upon request.

**PART E: CONDITIONS FOR ACCESS INFRASTRUCTURES AND OPERATIONS**

1. No camp activities are authorized under the provisions of this Licence.
2. The Licensee shall conduct all activities in such a way as to minimize impacts on surface drainage and the Licensee shall immediately undertake corrective measures in the event of any impacts on surface drainage.
3. The Licensee shall not mobilize heavy equipment or vehicles unless the ground surface is capable of fully supporting the equipment or vehicles without rutting or gouging. Overland travel of equipment or vehicles shall be suspended if rutting occurs.
4. The Licensee shall ensure that all fill material used is from an approved source and shall be free of contaminants.
5. The Licensee shall not cause erosion to the banks of any body of Water and shall provide necessary controls to prevent such erosion.
6. The Licensee shall implement sediment and erosion control measures prior to and be maintained during the operation to prevent entry of sediment into Water.
7. The Licensee shall prepare all sites in such manner as to prevent rutting of the ground surface to minimize impacts on surface drainage.
8. The Licensee shall undertake appropriate corrective measures to mitigate impacts on surface drainage resulting from the Licensee's operations.
9. The Licensee shall limit any in-stream activity to low water period. In-stream activity is prohibited during fish migration.
10. The Licensee shall locate stream crossings to minimize approach grades. Approaches shall be stabilized during construction, upon completion of the project and during operations and maintenance of the crossing, to control runoff, erosion and subsequent siltation in to any water body.
11. Machinery is not permitted to travel up the stream bed and fording is to be kept to a minimum and limited to one area.



12. Equipment used should be well cleaned and free of oil and grease and maintained free of fluid leaks. The Licensee shall ensure that pollutants from machinery used during construction or operation of the water crossing do not enter Water.
13. The Licensee shall locate equipment storage holding areas on gravel, sand or other durable land, a distance of at least thirty-one (31) metres above the ordinary High Water Mark of any water body in order to minimize impacts on surface drainage and Water quality.
14. The Licensee shall designate an area for the deposition of any excavated and stockpiled materials that is at least thirty-one (31) metres above the ordinary High Water Mark of any Water body.
15. The Licensee shall not utilize any equipment or vehicles in the course of this undertaking unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging. Overland travel of equipment or vehicles shall cease if rutting occurs.

**PART F: CONDITIONS APPLYING TO DRILLING OPERATIONS**

1. The Licensee is not authorized to drill under the provisions of this Licence.

**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 Licence and the following requirements are met:
  - a. the Licensee has notified the Board in writing of such proposed Modifications at least sixty (60) days prior to beginning the Modifications;
  - b. such Modifications do not place the Licensee in contravention of the Licence or the *Act*;
  - c. such Modifications are consistent with the NIRB Screening Decision;
  - d. 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
  - e. 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 Licence 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 implement the Plan entitled “Spill Contingency Plan” dated September 15, 2012 that was previously approved by the Board.
2. The Licensee shall submit within six (6) months of issuance of the Licence, a revision of the Plan referred to in Part H, Item 1, in the format set out by the Consolidation of Spill Contingency Planning and Reporting Regulations R-068-93 reflecting the commitments and intervener recommendations made during the 2020 licensing process.
3. The Licensee shall prevent any chemicals, petroleum products or Wastes associated with the project from entering Water. All Sumps and fuel caches shall be located at a distance of at least thirty-one (31) metres from the ordinary High Water Mark of any adjacent water body and inspected on a regular basis.
4. The Licensee shall conduct any equipment maintenance and servicing in designated areas and shall implement special procedures (such as the use of drip pans) to manage motor fluids and other 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:
  - a. Employ the approved Spill Contingency Plan;
  - b. Report the spill immediately to the NWT/NU 24-Hour Spill Line at (867) 920-8130 and to the Inspector at (867) 975-4295; and
  - c. For each spill occurrence, submit to the Inspector, no later than thirty (30) days after initially reporting the event, a detailed report that will include the amount and type of spilled product, the GPS location of the spill, and the measures taken to contain and clean up the spill site.
6. The Licensee shall, in addition to Part H, Item 5, regardless of the quantity of releases of harmful substances, report to the NWT/NU 24-Hour Spill Line if the release is near or into a Water body.

## **PART I:      CONDITIONS APPLYING TO CLOSURE AND RECLAMATION**

1. The Licensee shall implement the Plan entitled “Abandonment and Restoration Plan” dated January 2013 that was previously approved by the Board.
2. The Licensee shall submit within six (6) months of issuance of the Licence, a revision to the Plan referred to in Part I, Item 1 reflecting the commitments and intervener recommendations made during the 2020 licensing process.
3. The Licensee shall complete all restoration work prior to the expiry of this Licence.
4. The Licensee shall carry out progressive reclamation of any components of the project no longer required for the Licensee’s operations.

5. The Licensee shall backfill and restore all sumps to the pre-existing natural contours of the land.
6. The Licensee shall remove from the site, all infrastructure and site materials prior to the expiry of this Licence or as otherwise approved by the Board in writing.
7. The Licensee shall remove any culverts and restore the drainage to match the natural channel. Measures shall be implemented to minimize erosion and sedimentation.
8. In order to promote growth of vegetation and the needed microclimate for seed deposition, all disturbed surfaces shall be prepared by ripping, grading, or scarifying the surface to conform to the natural topography.
9. Areas that have been contaminated by hydrocarbons from normal fuel transfer procedures shall be reclaimed to meet objectives as outlined in the Government of Nunavut's Environmental Guideline for Site Remediation, 2010. The use of reclaimed soils for the purpose of back fill or general site grading may be carried out only upon consultation and approval by the Government of Nunavut, Department of Environment and an Inspector.
10. The Licensee shall contour and stabilize all disturbed areas to reduce erosion and sedimentation to Water, upon completion of work upon completion of the undertaking and as per Part I, Item 4.

## **PART J: CONDITIONS APPLYING TO THE MONITORING PROGRAM**

1. The Licensee shall maintain Monitoring Stations at the following locations:

<b>Monitoring Program Station Number</b>	<b>Description</b>	<b>Status</b>
DUV-1	Upstream of Duval River Crossing	Active
DUV-2	Downstream of Duval River Crossing	Active

2. The Licensee shall monitor all activities for signs of erosion.
3. The Licensee shall obtain digital photographic records of the water crossing during operation, as well as before and after abandonment.
4. Licensee shall, during periods of low flow, conduct Water quality sampling at Monitoring Program Stations DUV-1 and DUV-2 as follows:
  - a. at least once annually during operation of the Duval River Crossing;
  - b. at least once immediately prior to decommissioning the crossing;
  - c. weekly during decommissioning activities; and
  - d. at least once following completion of decommissioning activities.

5. The Licensee shall, for samples collected under Part J, Item 4, analyze for the following parameters:

pH	Temperature	Total Oil and Grease
Conductivity	Total Suspended Solids	

6. All sampling, sample preservation and analyses shall be conducted in accordance with methods prescribed in the current edition of *Standard Methods for the Examination of Water and Wastewater*, or by such other methods approved by the Board in writing.
7. All analyses shall be performed in a laboratory accredited according to ISO/IEC Standard 17025. The accreditation shall be current and in good standing.
8. Additional monitoring requirements may be requested by the Inspector.
9. The Licensee shall include in the Annual Report required under Part B, Item 1 all data, monitoring results and information required by this Part.