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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYIT  
OFFICE DES EAUX DU NUNAVUT

**File: 2BW-MEL1215/E13**

May 23, 2012

Eric. M. Lamontagne  
Agnico-Eagle Mines Ltd.  
93, Rue Arsenault bureau 202  
Val d'Or, QB J0P 0E9

c/o John Witteman  
601-2 Street,  
Canmore, AB T1W 2K2

**Subject: Clarification Letter from the Nunavut Water Board Regarding Part E Item 13 of Licence 2BW-MEL1215**

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Dear Mr. Lamontagne and Mr. Witteman:

On behalf of the Nunavut Water Board (NWB or Board) I am replying to your letter and attachments of May 8, 2012, where you identified that because the construction of the Char and Meliadine Bridges will now be taking place during the open water season instead of during the winter, as original envisioned, there will be a need for machinery to ford the rivers a numbers of times this coming open water season.

As you correctly point out, Part E Item 13 of the current Water Licence states the following:

*Machinery is not permitted to travel up the stream bed and fording of any water body is to be kept to a minimum and limited to one area and a one-time event. Equipment used should be well cleaned and free of oil and grease and maintained free of fluid leaks.*

Also, as you have referenced in your letter, this Item is a standard clause that is typically included in this type of Licence at the request of the Department of Fisheries and Oceans (DFO), as it is consistent with DFO's "Operational Statement for Temporary Stream Crossings". However, in contrast to the DFO statement where "one-time event" is further described as "over and back", in the Water Licence, the term "one-time event" is not further defined or described.

Consequently, to interpret whether the interval of time associated with the term "one-time event" under Part E Item 13 of the Water Licence was intended to apply only to a single crossing or multiple crossings associated with a single activity or undertaking such as construction/installation, the Board has had regard to the general definition of "event" as "something that occurs in a certain place during a particular interval of time". On this basis, the Board has determined that when viewed in context, "one-time event" as used in the Water Licence is sufficiently broad to apply to a single activity or undertaking, such as construction/installation that may take place over time and is not intended to limit fording to a single return crossing. Consequently, the Board has determined, for this particular request, that the single

activity of bridge construction/installation can be considered under Part E Item 13 to constitute a “one-time event”.

The Board is confident that this interpretation is in keeping with the Board’s water protection mandate and in that respect we considered the guidance from DFO that was included with AEM’s letter, indicating that in their view the multiple crossings associated with the single event of bridge construction/installation presents a low risk of harm.

Also please note that, as the Board is not responsible for enforcement of the terms and conditions of the Water Licence, the Board has also consulted with Aboriginal Affairs and Northern Development Canada (AANDC) enforcement personnel to ensure that they are aware of this clarification letter.

If you require any clarification with respect to this matter, please contact me directly at (780) 443-4406 or at [dts@nunavutwaterboard.org](mailto:dts@nunavutwaterboard.org).

Sincerely,

*Original Signed By:*

David Hohnstein, C.E.T.  
Director of Technical Services

cc: Bobby Bedingfield, DFO  
Andrew Keim, AANDC

