



P.O. Box 119
GJOA HAVEN, NU X0B 1J0
TEL: (867) 360-6338
FAX: (867) 360-6369

ᓄᓇᓂᓪ ᐃᓕᓕᓂᓪᓴᓪ ᑲᑎᓕᓴᓪ
NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI

DECISION

LICENSE NUMBER: NWB2SIS0406 -Type “B”

This is the decision of the Nunavut Water Board (NWB) with respect to an application for a License dated February 25, 2004, made by:

COGEMA Resources Inc.

to allow for the use of water and disposal of waste during camp operations and drilling operations in the Kiggavik Project Area, located approximately 80 km W of Baker Lake, within the Kivalliq Region, Nunavut (64°25'N; 97°52' W). With respect to this application, the NWB gave notice to the public that COGEMA Resources Inc. had filed an application for a water license.

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 parties 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 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 NWB2SIS0406 -Type “B” be issued subject to the terms and conditions contained therein. (Motion #: 2004-23)

SIGNED this 19th day of July 2004 at Gjoa Haven, NU.

Original signed by:

Philippe di Pizzo
Chief Administrative Officer

TABLE OF CONTENTS

DECISION	i
TABLE OF CONTENTS.....	ii
I. INTRODUCTION.....	1
II. GENERAL CONSIDERATIONS	1
A. Term of the License	1
B. Annual Report.....	1
C. Spill Contingency Planning	2
D. Abandonment and Restoration	2
III. LICENSE NWB2SIS0406 - Type "B"	3
PART A: SCOPE AND DEFINITIONS.....	4
PART B: GENERAL CONDITIONS	5
PART C: CONDITIONS APPLYING TO WATER USE	7
PART D: CONDITIONS APPLYING TO WASTE DISPOSAL	7
PART E: CONDITIONS APPLYING TO CAMP AND ACCESS INFRASTRUCTURES	8
PART F: CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING....	8
PART G: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION.....	9
PART H: CONDITIONS APPLYING TO THE MONITORING PROGRAM.....	10

I. INTRODUCTION

On February 25, 2004, an application was filed with the Nunavut Water Board by COGEMA Resources Inc. for a water license for water use and waste disposal activities during camp operations in the Kiggavik Project Area, located approximately 80 km W of Baker Lake, within the Kivalliq Region, Nunavut (64°25'N; 97°52' W). 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 Nunavut Land Claim Agreement (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 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.

II. GENERAL CONSIDERATIONS

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.

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.

Spill Contingency Planning

The Board 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 NWB requires that the Licensee submit to the Board a Spill Contingency Plan prepared in accordance with the Board's "Spill Contingency Guidelines" (1987) within thirty (30) days of issuance of the license.

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 the Proponent at least ninety (90) days prior to the cessation of on-site operations.

LICENSE NWB2SIS0406 -Type "B"

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

COGEMA RESOURCES INC.

(Licensee)
of **817-45th Street West, Saskatoon, SK S7K 3X5**

(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 license:

NWB2SIS0406 -Type "B"
License Number _____

NUNAVUT 06
Water Management Area _____

KIGGAVIK PROJECT AREA, KIVALLIQ REGION, NUNAVUT
Location _____

WATER USE AND WASTE DISPOSAL
Purpose _____

INDUSTRIAL UNDERTAKINGS
Description _____

10 CUBIC METRES DAILY
Quantity of Water Not to be Exceeded _____

JULY 19, 2004
Date of License _____

JULY 31, 2006
Expiry Date of License _____

Dated this 19th day of July 2004 at Gjoa Haven, NU.

Original signed by:

Philippe di Pizzo
Chief Administrative Officer

PART A: SCOPE AND DEFINITIONS

1. Scope

- a. This License allows for water use and waste disposal activities during camp operations in the Kiggavik Project Area, located approximately 80 km W of Baker Lake, within the Kivalliq Region, Nunavut (64°25'N; 97°52' W)
- b. This License 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 License shall be deemed, upon promulgation of such Regulations, to be subject to such requirements; and;
- c. Compliance with the terms and conditions of this License does not absolve the Licensee from responsibility for compliance with the requirements of all applicable Federal, Territorial and Municipal legislation.

2. Definitions

In this License: **NWB2SIS0406 – Type “B”**

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

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

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

“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 License

“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;

“Spill Contingency Plan” means an approved “Spill Response Plan” prepared in accordance with Nunavut Water Board’s “Spill Contingency Guidelines” (1987), to deal with unforeseen events during camp operation and exploratory drilling activities;

“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;

PART B: GENERAL CONDITIONS

1. The Water use fee shall be paid in accordance with the requirements of the *Act*.
2. The Licensee shall file an Annual Report with the Board not later than March 31st of the year following the calendar year 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;
 - iv. Progressive reclamation work undertaken;
 - v. The GPS co-ordinates (in degrees, minutes and seconds of latitude and longitude) of all locations where wastes associated with camp operations are deposited; and
 - vi. Any other details on water use or waste disposal requested by the Board by November 1 of the year being reported.

3. 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.
4. 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.
5. If the Licensee contemplates the renewal of License No. NWB2SIS0406 – Type “B”, it is its responsibility 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 License renewal. Note that if the License 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 License No. NWB2SIS0406 – Type “B” be filed at least three months before the License’s expiry date.
6. If License No. NWB2SIS0406 – Type “B” 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
7. The Licensee shall ensure a copy of this License is maintained at the site of operations at all times. Any communication with respect to this License 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

8. 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 water for domestic use from the un-named lake adjacent to the Kiggavik project camp site up to a maximum of 10 cubic metres per day.
2. The Licensee shall equip all water intake hoses with a screen with an appropriate mesh size to ensure that there is no entrainment of fish.
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 of the banks of any body of water on or adjacent to the land 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. Areas designated for waste disposal that may impair the quality, quantity, or flow of water shall not be located within thirty (30) metres of the ordinary high water mark of any water body, 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 and non-combustible waste generated through the course of the operation are backhauled and disposed of in an approved waste disposal site.
4. The Licensee shall discharge all greywater to, and contain all greywater in, a sump located at least thirty (30) metres from the 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 discharge all sewage into latrine pits located at least thirty (30) metres from the high water mark of any water body. These latrine pits shall be treated with lime and covered with 0.5 m of native material prior to abandonment.

PART E: CONDITIONS APPLYING TO CAMPS AND ACCESS INFRASTRUCTURES

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 and 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 high water mark in such a fashion that they do not enter the water.

PART F: CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING

1. The Licensee shall submit to the Board for approval within thirty (30) days of issuance of the licence a Spill Contingency Plan in accordance with the Board's "Spill Contingency Guidelines (1987)". The Plan shall contain the following information:
 - i. A clear response pathway to be followed in the event of a spill chemicals, petroleum products or waste associated with the project;
 - 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;
 - iv. The location (including GPS and map sheets coordinates) of all fuel storage areas associated with the undertaking;
 - v. The provision of a diagram indicating the camp layout, including the location of spill response kits and additional spill response resources; and
 - vi. The inclusion of spill response training requirements (including training exercises) for both COGEMA Resources Inc. personnel and site contractors.
2. If not approved by the Board, the plan referred to in Part F, Item 1 shall be revised and resubmitted within fifteen (15) days of receiving notification of the Board's decision.
3. The Licensee shall revise the Spill Response Plan annually (if necessary) to reflect changes in personnel, operations and/or technology or as directed by the Board. Revisions shall be submitted in addendum to the original plan in accordance with Part B, Item 1(iii).
4. 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 normal high water mark of any adjacent water body.

5. The Licensee shall ensure that equipment maintenance and servicing shall be conducted only in designated areas and shall implement special procedures (such as the use of drip pans during re-fueling operations) to manage fluids, waste and contain potential spills.
6. If, during the duration of this License, an unauthorized discharge of waste occurs, or if such a discharge is foreseeable, the Licensee shall at a minimum:
 - i. Employ the approved Emergency Response 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 a detailed report, including the GPS location, on each occurrence no later than thirty (30) days after initially reporting the event.

PART G: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION

1. The Licensee shall submit to the Board for approval, six (6) months prior to the permanent cessation of on-site activities, an Abandonment and Restoration Plan prepared in accordance with applicable sections of the "*Guidelines for Abandonment and Restoration Planning for Mines in the Northwest Territories (1990)*". The plan shall be revised annually to reflect changes in operation and/or technology.
2. If not approved by the Board, the Plan referred to in Part G, Item 1 shall be revised and resubmitted
3. The Licensee shall backfill, and restore to the satisfaction of an Inspector, all camp waste disposal sumps to the pre-existing contours of the land prior to the permanent cessation of on-site activities.
4. The Licensee shall undertake progressive restoration for any components of the project no longer required for the Licensee's operations.
5. All disturbed areas shall be stabilized and re-vegetated as required, upon completion of work, and restored to a pre-disturbed state.

PART H: 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.