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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

File No: **8BC-ABH2125**

December 17, 2021

Eleanor McEwan  
Senior Project Engineer  
Fisheries and Oceans Canada – Small Craft Harbours  
501 University Crescent  
Winnipeg, Manitoba R3T 2N6  
Phone: (204) 984-1102

Email: [Eleanor.McEwan@dfo-mpa.gc.ca](mailto:Eleanor.McEwan@dfo-mpa.gc.ca)

**RE: NWB Licence No: 8BC-ABH2125**

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Dear Ms. McEwan:

Please find attached Licence No: **8BC-ABH2125** issued to Department of Fisheries and Oceans – Small Craft Harbours (DFO-SCH) by the Nunavut Water Board (NWB or Board) 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 Water use and Waste disposal are an integral part of this approval.

If the Licensee contemplates the renewal of this Licence, 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 may be in contravention of the *Nunavut Land Claims Agreement* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*. 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.

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 by interested persons 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/rqd/as

Enclosure:    Licence No: **8BC-ABH2125**  
                    Comments – CIRNA, DFO

Cc:    Qikiqtani Distribution List

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<sup>1</sup> Crown Indigenous Relations and Northern Affairs Canada (CIRNA), November 19, 2021; Department of Fisheries and Oceans (DFO), November 30, 2021.

## TABLE OF CONTENTS

<b>I.</b>	<b>BACKGROUND .....</b>	2
<b>II.</b>	<b>PROCEDURAL HISTORY.....</b>	3
	Pre-Licencing Licence requirements .....	3
	Licence Application documents .....	3
<b>III.</b>	<b>FILE HISTORY .....</b>	4
<b>IV.</b>	<b>GENERAL CONSIDERATIONS .....</b>	4
	Term of the Licence .....	4
	Annual Reports .....	4
	Water Use .....	5
	Waste Disposal.....	5
	Monitoring Plan .....	5
	Management Plans and Related Information .....	6
	<b>WATER LICENCE.....</b>	7
	<b>PART A: SCOPE, DEFINITIONS AND ENFORCEMENT.....</b>	8
1.	<b>Scope .....</b>	8
2.	<b>Definitions .....</b>	8
3.	<b>Enforcement.....</b>	10
	<b>PART B: GENERAL CONDITIONS.....</b>	10
	<b>PART C: CONDITIONS APPLYING TO WATER USE .....</b>	12
	<b>PART D: CONDITIONS APPLYING TO WASTE DISPOSAL .....</b>	12
	<b>PART E: CONDITIONS APPLYING TO CONSTRUCTION AND OPERATIONS ....</b>	13
	<b>PART F: CONDITIONS APPLYING TO DRILLING OPERATIONS .....</b>	14
	<b>PART G: CONDITIONS APPLYING TO MODIFICATIONS.....</b>	14
	<b>PART H: CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING .....</b>	14
	<b>PART I: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION .</b>	15
	<b>PART J: CONDITIONS APPLYING TO THE MONITORING PROGRAM .....</b>	16

## **DECISION**

### **LICENCE NUMBER: 8BC-ABH2125**

This is the decision of the Nunavut Water Board (NWB) with respect to an application received on October 15, 2021 for a new Type “B” Water Licence made by:

### **DEPARTMENT OF FISHERIES AND OCEANS – SMALL CRAFT HARBOURS**

to allow for the use of water in support of construction activities for the Arctic Bay Harbour Development Project, located in the Hamlet of Arctic Bay within the Qikiqtani Region, Nunavut, generally located at the geographical coordinates as follows:

Latitude: 73° 1.529' N

Longitude: 85° 7.203' W

### **DECISION**

After having been satisfied that the application is for a proposal which conforms to the North Baffin Regional Land Use Plan (NBRLUP) as per Nunavut Planning Commission (NPC) Determination<sup>2</sup>, and a review of proposal is not required pursuant to Article 12, Section 12.4.4(a) of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and s. 92(1)(a) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*) subject to the terms and conditions included within the Nunavut Impact Review Board (NIRB) Screening Decision Report<sup>3</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 (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:

**Licence No: 8BC-ABH2125 be issued subject to the terms and conditions contained therein.  
(Motion #: 2021-B1-021)**

Signed this 17<sup>th</sup> day of December, 2021 at Gjoa Haven, NU.

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Lootie Toomasie  
Nunavut Water Board, Chair  
LT/rqd/as

<sup>2</sup> Nunavut Planning Commission (NPC) Conformity Determination, January 27, 2021.

<sup>3</sup> Nunavut Impact review Board (NIRB) Screening Decision Report, October 4, 2021.

## I. BACKGROUND

The Application is by Department of Fisheries and Oceans – Small Craft Harbours (DFO-SCH) for a new Type “B” water licence to use water (watercourse training or diversion of small water courses) for the Arctic Bay Harbour Development Project. The period requested is three years and nine months. Construction for the project is expected to start in July 2022 and is expected to continue until the end of 2025.

The Project is part of the Inuit Impact and Benefit Agreement (IIBA) (IIBA 2019) negotiated for the Tallurutiup Imanga (Lancaster Sound) National Marine Conservation Area. The Project will improve safety and access to water, functionality of boating activities, and reduce the congestion and environmental risks associated with the current use of the harbour.

The permanent components of the Project include the construction of a new breakwater with fixed wharf, a boat launch ramp, small craft floating docks, laydown area and harbour lighting. Aggregates for the construction of the Small Craft Harbour (SCH) will be obtained and transported from a quarry that is about 2 km from the construction site. However, quarrying (including construction of access road(s)) is not part of the scope of the current Application.

Along the SCH shoreline there are seven existing culverts that drain into the bay. The project design redirects these culverts around the harbour with a series of ditches and new culverts to manage discharge. This is required to reduce sediment accumulation within the harbour and prevent future maintenance dredging. The water will be redirected through the site and discharge into the same waterbody (i.e., the bay).

During the initial review of the Application, the NWB inquired why construction activities requiring use of water and deposit of waste have not been included in the scope. DFO-SCH advised NWB that specific details such as water requirements for the construction phase (e.g. water use for the construction camp or dust suppression) will be provided in a subsequent application made upon hiring of the contractor<sup>4</sup>. Therefore, no direct use of water or disposal of waste is allowed under this Licence at this time.

According to the document “Arctic Bay Harbour Development – Project Specific Information Requirements”, DFO-SCH anticipate that the contract for construction will be awarded by April 2022. The Applicant will then apply for an amendment to this Licence to include water use and waste disposal activities along with construction, quarrying, drilling and access road. The need for site-specific management plans will be assessed along with the completion of application for amendment.

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<sup>4</sup>Email correspondence between Mohammad Ali Shaikh (NWB) and Chris McDermid (DFO-SCH), on October 25, 2021

## II. PROCEDURAL HISTORY

### Pre-Licencing Licence requirements

#### **NPC Conformity Determination**

On January 27, 2021, the Nunavut Planning Commission indicated that “the activities associated with this proposal were previously reviewed by NPC (NPC file no: 149437), and conformity determinations were issued on June 03, 2019 (NPC file no: 149159) and December 10, 2020 (NPC file no: 149425) which still apply. The project conforms to the North Baffin Regional Land Use Plan (NBRLUP). In addition, the activities were previously screened by the Nunavut Impact Review Board (NIRB FILE NO.: 19YN031)”. NPC stated that the project proposal requires screening by the NIRB under section 12.4.3 of the *Nunavut Agreement* because it is a significant modification to the general scope of the original or previously amended project activities.

#### **NIRB Impact Assessment**

On October 04, 2021, the Nunavut Impact Review Board’s (NIRB or Board) issued its Screening decision Report, advising that a “review of Fisheries and Oceans Canada – Small Craft Harbours’ (DFO – SCH) “Arctic Bay Small Craft Harbour Development” is not required pursuant to Article 12, Section 12.4.4(a) of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and s. 92(1)(a) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*)”. NIRB stated that subject to the Proponent’s compliance with the terms and conditions outlined in the NIRB’s Screening Decision Report, the NIRB is of the view that the project proposal is not likely to cause significant public concerns, and it is unlikely to result in significant adverse environmental and social impacts.

### Licence Application documents

The NWB received the Type “B” water licence application and supporting information (Application No. 8BC-ABH----) for the project on October 15, 2021. The Application consisted of the following documents:

- Water Licence Application
- Summaries in English and Inuktitut
- NPC Determination Letter
- NIRB Screening Decision
- Construction Environmental Management Plan (CEMP)
- Project Specific Information Requests (PSIR)
- Environmental & Socio-Economic Baseline Report (ESEB)

On November 01, 2021, the NWB concluded that the Application generally met the requirements of section 48(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA or Act) and forwarded notice of the Application to interested parties. Parties were invited to make representations to the NWB within twenty-one (21) days by November 22, 2021.

By the deadline for comments, a submission was received from Crown Indigenous Relations and Northern Affairs (CIRNA) on November 19, 2021. The Department of Fisheries and Oceans (DFO) submitted their comments on November 30, 2021.

The NWB has placed in its Public Registry copies of the Application and all comments received from Intervenors. This information can be accessed on the NWB's FTP site using the following link:

<ftp://ftp.nwb-oen.ca/registry/8%20MISCELLANEOUS/8B/8BC%20-%20Construction/8BC-ABH2125%20DFO>

### **III. FILE HISTORY**

According to information included on the NWB's Public Registry, no licences have been issued by the Nunavut Water Board (NWB) to Department of Fisheries and Oceans – Small Craft Harbours in the past for this particular Undertaking classified as “Other” as per *Nunavut Waters Regulations (Regulations)*.

### **IV. GENERAL CONSIDERATIONS**

The following sections provide background information relevant to the terms and conditions included in this Licence, in the context of submissions received and/or the Board's rationale.

#### **Term of the Licence**

In accordance with s. 45 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA or Act), the NWB may issue a licence for a term not exceeding twenty-five (25) years. In determining an appropriate term for a renewal licence, the Board generally takes into consideration several factors including interveners' comments, the Licensee's compliance history, as well as the rationale contained in the application.

The Licensee requested in its Application, a little more than three (3) term for the licence, with a proposed expiry date in October 2025. The interveners in their submissions did not comment on the term requested. The Board, in examining the requirements of the licensee, felt that the term was appropriate. The Board has therefore granted the term requested by the Licensee. In so doing, the Board believes and expects that the term of licence will provide the Licensee with enough time to complete their construction project.

#### **Annual Reports**

Under Part B, Item 1 of the Licence, the Licensee is required to submit Annual Reports for the purpose of ensuring that the NWB has an accurate annual update of activities related to Water use and deposit of Waste during each calendar year. This information is maintained on the Public Registry and is available to interested parties upon request. A “Standardized Form for Annual Reporting” is to be used by the Licensee and is available from the NWB FTP site under the Public Registry link:

## **Water Use**

No direct/consumptive water use is authorized under this Licence. The proposed water use is related to the watercourse training or diversions of small water courses along with construction/installation of ditches and culverts.

The Licensee has been advised that they will need to amend the Licence to include activities (quarrying, access road(s) construction, dust suppression etc.) associated with the direct/consumptive use of Water and deposit of Waste in the scope of the Licence. The Licensee has agreed to do so once a contractor has been selected for the completion of project in April 2022<sup>5</sup>.

Crown-Indigenous Relations and Northern Affairs (CIRNA), in their technical review comments, voiced concerns about not including activities associated with aggregate quarrying and hauling, under the scope of this new water licence application.

The Department of Fisheries and Oceans (DFO) also submitted comments during the technical review. Their comment was as follows:

Provided that the plans are implemented in the manner, and during the timeframe, described, the Program is of the view that the proposal will not require an authorization under the *Fisheries Act*, the *Aquatic Invasive Species Regulations* or the *Species at Risk Act*.

However, the construction of harbour including the fixed wharf, breakwater, revetment and laydown area will require a *Fisheries Act* Authorization. The Program has received an Application for *Fisheries Act* Authorization from the proponent and the application is currently under review

## **Waste Disposal**

No waste disposal was requested and has been so authorized in this Licence. The Licensee is authorized to divert water around the construction site using ditches and culverts.

The Licensee has stated that an amendment application will be submitted once the contractor for the construction project has been selected. **Part D** of the Licence contains general conditions for waste management.

## **Monitoring Plan**

General monitoring conditions are included in **Part J** of this Licence. This **Part** will be further

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<sup>5</sup> Arctic Bay Harbour Development – Project Specific Information Requirements (PSIR), dated August 9, 2021

amended once the scope is amended to include construction activities.

The Licensee is required to seek approval and/or confirmation from the Board prior to making any changes to the monitoring program. It should also be noted that additional sampling may be required upon request by the Board or the Inspector.

### **Management Plans and Related Information**

The Applicant has not submitted any management plans at this time.

The document “Arctic Bay Harbour Development – Construction Environmental Management Plan” dated August 13, 2021, outlines management plans that will be required during the construction phase of the project. The list includes the following:

- Traffic Management Plan
- Contractor Construction Environmental Management Plan
- Spill Prevention and Response Plan
- Quarry and Blasting Management Plan

The Applicant has stated that the contractor will be responsible for developing and submitting these plans when applying for the amendment to this Licence and before commencing construction activities.



## NUNAVUT WATER BOARD WATER LICENCE

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**Licence No: 8BC-ABH2125**

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

**DEPARTMENT OF FISHERIES AND OCEANS – SMALL CRAFT HARBOURS**

(Licensee)

**501 UNIVERSITY CRESCENT, WINNIPEG, MB R3T 2N6**

(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:

**Licence Number/Type:** **8BC-ABH2125 TYPE “B”**

**Water Management Area:** **ADMIRALTY INLET WATERSHED (47)**

**Location:** **ARCTIC BAY HARBOUR DEVELOPMENT PROJECT,  
ARCTIC BAY, QIKIQTANI REGION, NUNAVUT**

**Classification:** **OTHER UNDERTAKING**

**Purpose:** **DIVERSION OF WATER COURSES**

**Quantity of Water Use  
Not to Exceed:** **NO DIRECT/CONSUMPTIVE WATER USE AUTHORIZED**

**Date of Licence Issuance:** **DECEMBER 17, 2021**

**Expiry of Licence:** **DECEMBER 16, 2025**

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

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

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

### **1. Scope**

This Licence allows for the use of Water (watercourse training or diversion of water courses) for an undertaking classified as Other as per Schedule 1 of the *Regulations*, for the Arctic Bay Harbour Development Project, located near Arctic Bay, within the Qikiqtani Region, Nunavut.

- a. 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
- 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**

In this Licence: 8BC-ABH2125

**“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;

**“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 Land Claims Agreement* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*;

**“Culvert”** means one or more pipes, pipe arches, or structures covered with soil and lying below the road surface, used to carry Water, but does not include log structures;

**“Divert”** means taking water from a stream and includes causing Water to leave the channel of a stream and making a change in or about the channel that permits Water to leave it;

**“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*;

**“Erosion”** means a process by which surface soil and rock is loosened, dissolved or worn away and moved from one place to another, usually by wind or Water;

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

**“Hazardous Waste”** means Waste classified as “hazardous” by Nunavut Territorial or Federal legislation, or as “dangerous goods” under the Transportation of Dangerous Goods Act;

**“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;

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

**“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*;

“**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**” means 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;

“**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 of the year following the calendar year being reported, containing the following information:
  - a. A summary report of Water use activities;
  - b. Summary report of all construction activities including photographic records before, during and after construction;
  - c. A list of unauthorized discharges and a summary of follow-up actions taken;
  - d. Any revisions to the Spill Response Plan and any other Plans associated with this Licence, as required by Part B, Item 5, submitted in the form of an Addendum;
  - e. A description of all progressive and or final reclamation work undertaken,

including photographic records of site conditions before, during and after completion of operations;

f. A summary of all information requested and results of the Monitoring Program; and

g. 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 the 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 shall 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 (known previously as CIRNAC)  
Nunavut District, Nunavut Region  
P.O. Box 100  
Iqaluit, NU X0A 0H0

Telephone: (867) 975-4284  
Fax: (867) 979-6445

8. The Licensee shall submit 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.
9. The Licensee shall ensure that any document(s) or correspondence submitted by the Licensee to the NWB is received and acknowledged by the Manager of Licensing.
10. This Licence is assignable as provided for in Section 44 of the *Act*.

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

1. No direct/consumptive use of Water Use is authorized under this Licence.
2. The Licensee is authorized to divert water away from the construction site using ditches and culverts as described in the Application.

**PART D: CONDITIONS APPLYING TO WASTE DISPOSAL**

1. Permanent disposal of Waste at site is not authorized.
2. The Licensee shall locate areas designated for temporary 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.
3. The Licensee shall not practice on-site land filling of domestic Waste, unless otherwise approved by the Board in writing.
4. The Licensee shall backhaul all Waste generated through the course of the operation to a licensed Waste disposal site.
5. The Licensee shall provide to the Board, documented authorization from all communities in Nunavut receiving Waste from the Project prior to the backhauling any Waste.
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 APPLYING TO CONSTRUCTION AND OPERATIONS**

1. The Licensee shall not erect camps or store material on the surface of frozen streams or lakes including the immediate banks except what is for immediate use.
2. The Licensee shall adhere to, where applicable, the recommendations contained in INAC's *Northern Land Use Guidelines, Access: Roads and Trails* (2010).
3. The Licensee shall conduct all activities in such a manner as to minimize impacts on surface drainage and shall immediately undertake corrective measures in the event of any impacts on surface drainage.
4. The Licensee shall, within ninety (90) days of completion of construction activities, submit to the Board for review a Construction Summary Report that includes stamped as-built plans and drawings, explanation for any deviation from construction drawings, and consideration of construction and field decisions and their effects on the performance of engineered facilities.
5. All surface runoff or discharges impacted by construction activities associated with the Project, where flow may directly or indirectly enter Water, shall not exceed the following Effluent quality limits:

<b>Parameter</b>	<b>Maximum Average Concentration (mg/L)</b>	<b>Maximum Concentration of Any Grab Sample (mg/L)</b>
Total Suspended Solids	50.0	100
Oil and Grease	No Visible Sheen	No Visible Sheen
pH	Between 6.0 and 9.5	Between 6.0 and 9.5

6. The Licensee shall ensure that all fill material used for the project is from an approved source, shall be free of all contaminants, and shall be characterized and confirmed to not possess acid generating potential or metal leaching properties prior to its use, with results and assessment to be submitted within the annual reporting requirements of Part B, Item 1.
7. Sediment and erosion control measures must be used to mitigate the deposition of debris and sediment into or onto any water body during the construction and operation. These materials shall be disposed at a distance of at least thirty-one (31) metres from the ordinary High Water Mark in such a fashion that they do not enter Water.
8. With respect to access road, pad construction or other earthworks, the deposition of debris or sediment into or onto Water is prohibited. These materials shall be disposed of at a distance of at least thirty-one (31) metres from the ordinary High Water Mark in such a fashion that they do not enter the Water.
9. The Licensee shall limit any in-stream activity to low water periods. In-stream activity is

prohibited during fish migration.

10. The Licensee shall not mobilize heavy equipment or vehicles for trenching or other activities 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.
11. The Licensee shall not cut any stream bank or remove any material from below the ordinary High Water Mark of any water body.

#### **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 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, at least sixty (60) days prior to starting any construction activities, submit to the Board for approval a Spill Contingency Plan to be prepared as per *Spill Contingency Planning and Reporting Regulations for Nunavut*.

2. 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.
3. 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.
4. 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 Response Plan;
  - b. Report the spill immediately to the NWT/NU 24-Hour Spill Line at (867) 920-8130 and to the Inspector at (867) 975-4284; 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.
5. The Licensee shall, in addition to Part H, Item 4, 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 ABANDONMENT AND RESTORATION**

1. The Licensee shall complete all restoration work prior to the expiry of this Licence.
2. The Licensee shall carry out progressive reclamation of any components of the Project no longer required for the Licensee's operations.
3. The Licensee shall backfill and restore all Sumps to the pre-existing natural contours of the land.
4. The Licensee shall remove from the site, all infrastructure and site materials, including all fuel caches, drums, barrels, buildings and contents, docks, Water pumps and lines, material and equipment prior to the expiry of this Licence.
5. All roads and airstrip, if any, shall be re-graded to match natural contour to reduce erosion.
6. The Licensee shall remove any culverts and restore the drainage to match the natural channel. Measures shall be implemented to minimize erosion and sedimentation.

7. 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.
8. The Licensee shall contour and stabilize all disturbed areas to a pre-disturbed state upon completion of work.

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

1. The Licensee shall monitor all activities for signs of erosion and shall implement and maintain sediment and erosion control measures prior to the undertaking to prevent entry of sediment into any water body.
2. The Licensee shall obtain a digital photographic record of the water crossing before, during, and after the completion of construction activities.
3. The Licensee shall determine the GPS co-ordinates (in degrees, minutes and seconds of latitude and longitude) of the location where the watercourse crossing(s) (culverts) are located.
4. The Licensee shall, during periods of flow, conduct water quality testing immediately upstream and downstream of the water crossings, any significant water seeps in contact with the road and any significant seeps originating from earthworks prior to construction, weekly during the construction and upon completion.
5. The Licensee shall implement water crossings visual inspection and maintenance program prior to and during spring freshet and after heavy rainfall events to identify issues relating to watercourse crossings structural integrity and hydraulic function.
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. The Licensee shall include in the Annual Report required under Part B, Item 1 all data, monitoring results, and information required by this Part.
9. Additional monitoring requirements may be requested by the Inspector and NWB.
10. Modifications to the Monitoring Program may be made only upon written request and subsequent approval of the Board in writing.