



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 DFO, ECCC, and INAC on issues identified. This information is attached for your consideration.¹

Sincerely,

Lootie Toomasie
Nunavut Water Board,
Chair

LT/db/ip

Enclosure: Licence No. **8BC-BTN1819**
Comments – ECCC, DFO, INAC

Cc: Distribution List – Qikiqtani

¹ Environment and Climate Change Canada (ECCC), April 30, 2018; Fisheries and Oceans Canada (DFO) May 1, 2018; Indigenous and Northern Affairs Canada (INAC), May 11, 2018

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DECISION

LICENCE NUMBER: 8BC-BTN1819

This is the decision of the Nunavut Water Board (NWB) with respect to an application dated February 4, 2018 for a new Water Licence made by:

THE CITY OF IQALUIT

to allow for the use of water during construction activities related to the Bridge to Nowhere – Repair to Abutments Project, located within the Qikiqtani Region, Nunavut. The geographical coordinates are as follows:

Project Extents:

Latitude: 63.7566° N

Longitude: 68.4628° W

Latitude: 63.7560° N

Longitude: 68.4615° W

DECISION

After having been satisfied that the Application is for a proposal that falls outside of an area with an approved land use plan¹, and, as such, a conformity determination is not required and as determined by the Nunavut Impact Review Board (NIRB)² a review of the Project is not required in accordance with s. 92(1)(a) of *NuPPAA* and is subject to *NIRB Screening Decision Report*, 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 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:

Licence No. 8BC-BTN1819 be issued subject to the terms and conditions contained therein. (Motion #: 2018-B1-010)

Signed this 23rd day of May, 2018 at Gjoa Haven, NU.

Lootie Toomasie
Nunavut Water Board,
Chair

LT/db/ip

¹ Nunavut Planning Commission, correspondence dated January 5, 2018

² Nunavut Impact Review Board, correspondence dated March 23, 2018



NUNAVUT WATER BOARD

WATER LICENCE

Licence No. **8BC-BTN1819**

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

THE CITY OF IQALUIT

(Licensee)

BOX 460, IQALUIT, NUNAVUT X0A 0H0

(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:

Licence Number/Type:	<u>8BC-BTN1819 / TYPE "B"</u>
Water Management Area:	<u>FROBISHER BAY WATERSHED (53)</u>
Location:	<u>BRIDGE TO NOWHERE QIKIQTANI REGION, NUNAVUT</u>
Classification:	<u>OTHER UNDERTAKING (CONSTRUCTION)</u>
Purpose:	<u>DIVERSION AND ALTERATION OF THE FLOW OF WATERS</u>
Quantity of Water use not to Exceed:	<u>NO DIRECT WATER USE IS AUTHORIZED</u>
Effective at:	<u>MAY 23, 2018</u>
Expiry of Licence:	<u>MAY 22, 2019</u>

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 for an Other Undertaking classified as per Schedule 1 of the *Regulations* at the Bridge to Nowhere – Repair to Abutments Project, located on Baffin Island approximately 3 km Northeast of the city of Iqaluit within the Qikiqtani Region, Nunavut.

The activities authorized under this Licence do not include any withdrawal of Water from a water body, rather the Water use under this Licence aligns with the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* which includes within its definition of water use “any alteration of the bed or banks of a river, stream, lake or other body of water”.

The activities authorized under this Licence include:

- Use sand bag coffer dam to isolate overflow culvert from the river.
 - Replace existing overflow culvert
 - Removal of coffer dam
 - Use sand bag coffer dam to divert all flow through the overflow culvert
 - Repair bridge abutments
 - Removal of coffer dam.
- 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);

“**ICP Scan**” means the laboratory method for determining trace metals in water through Emission Spectroscopy using inductively coupled plasma (including from approximately 22 to 32 elements, depending on the laboratory performing the analysis);

“**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;

“Riparian Management” means activities and efforts to minimize or mitigate impacts to the areas adjacent to waterbodies caused by the Project.

“Regulations” means the *Nunavut Waters Regulations* SOR/2013-69 18th 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 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;

“Use of Water” means, as defined in section 4 of the *Act*, direct or indirect use of any kind, including, but not limited to,

- (a) any use of water power and geothermal resources;
- (b) any diversion or obstruction of waters;
- (c) any alteration of the flow of waters; and
- (d) any alteration of the bed or banks of a river, stream, lake or other body of water, whether or not the body of water is seasonal.

However, it does not include navigation or any other use connected with shipping activities that are governed by the Canada Shipping Act.

“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 31st of the year following the calendar year being reported, containing the following information:
 - a. A summary report of Water use activities;
 - b. A list of unauthorized discharges and a summary of follow-up actions taken;
 - c. Any revisions to the Spill Contingency Plan and Closure and Reclamation Plan, as required by Part B, Item 5, submitted in the form of an Addendum;
 - d. A description of all progressive and or final reclamation work undertaken, including photographic records of site conditions before, during and after completion of operations;
 - e. A summary of all information requested and results of the Monitoring Program;
 - f. 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;
 - g. Any other details on Water use or Waste disposal requested by the Board by the 1st 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
 - (b) **Inspector Contact:**
Manager of Field Operations, INAC
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 Licensee is not authorized to withdrawal Water under the provisions of this Licence.
2. The Licensee shall conduct work below the ordinary High Water Mark of the Niaqunguk River (Apex River) in concordance with the Environmental Protection Plan referred to in Part E, Item 1.
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. The Licensee shall implement sediment and erosion control measures prior to and maintained during project activities to prevent entry of sediment into Water.
5. The Licensee shall undertake appropriate corrective measures to mitigate impacts on

surface drainage resulting from the Licensee's activities.

6. The Licensee shall limit any in-stream activity to either no-flow or low Water periods. In stream activity is prohibited during fish migration.
7. The Licensee shall locate stream crossings to minimize approach grades. Approaches shall be stabilized to control runoff, erosion and subsequent siltation of any Water body.
8. 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.

PART D: CONDITIONS APPLYING TO WASTE DISPOSAL

1. The Licensee is not authorized to permanently deposit Waste under the provisions of this Licence.
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 and dispose of all domestic Waste at an approved Waste disposal facility. The Licensee shall backhaul and dispose of all hazardous Waste, Waste oil, and non-combustible Waste generated through the course of the operation in an approved Waste disposal site.
5. 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 submit for Board review, within thirty (30) days following issuance of the Licence, an Environmental Protection Plan addressing the following issues:
 - a. Erosion & Sediment Control;
 - b. Contaminant Management;
 - c. Riparian Management (clearing, stabilization, re-vegetation, restoration); and
 - d. Guidance on use of machinery at the site including: cleaning, operation, fueling, washing, and fording.
2. 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. Should all site activities be complete during the first year of activity, this report could include all other reporting as required by Part B, Item 1.

3. The Licensee shall use rock and fill material for construction only from approved sources that have been demonstrated, by appropriate geochemical analyses, to not produce Acid Rock Drainage and to be Non-Metal Leaching, and free of contaminants.
4. The Licensee shall not gather rock or construction materials from below the ordinary High Water Mark of any Water body.
5. The Licensee shall maintain a minimum of thirty one (31) metres large undisturbed buffer zone between the periphery of quarry sites and the high water mark of any water body. The Licensee shall not excavate and/or remove material from the quarry beyond a depth of one (1) metre above the high water mark or above the groundwater table, to prevent the contamination of groundwater. The quarrying shall be in accordance with all applicable legislation and industry standards including the *Northern Land Use Guidelines, Pits and Quarries* (INAC, 2010).
6. With respect to construction or other earthworks where direct or indirect flow into a water body is possible, the deposition of debris or sediment into or onto any water body is prohibited. These materials shall be disposed 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.
7. All surface runoff during the construction of any facilities, where flow may directly or indirectly enter a water body, shall meet the following Effluent quality limits:

Parameter	Maximum Average Concentration (mg/L)	Maximum Concentration of Any Grab Sample (mg/L)
Total Suspended Solids	50.0	100.0

8. The Licensee shall ensure that all construction of engineered structures is supervised and field checked by an appropriately qualified and experienced Engineer in such a manner that the project specification can be enforced and, where required, the quality control measures can be followed. The Licensee shall maintain and make available at the request of the Board and/or an Inspector, all construction records of all engineered structures.

PART F: CONDITIONS APPLYING TO DRILLING OPERATIONS

1. The Licensee is not authorized to use Water or deposit Waste to water with respect to drilling 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 submit for Board approval within thirty (30) days following issuance of the Licence, a Spill Contingency Plan, prepared in the format set out by the Consolidation of Spill Contingency Planning and Reporting Regulations R-068-93.
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 Contingency Plan;
 - b. Report the spill immediately to the 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 and the NWB, 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 Spill Line if the release is near or into a Water body.
6. The Licensee shall have a spill kit with a minimum capacity of approximately 205 litres available at the site, in the event of fuel lines and/or hydraulic hoses rupture on equipment being used near the water.
7. The Licensee shall remove any hydrocarbon contaminated soils to an approved facility.

PART I: CONDITIONS APPLYING TO CLOSURE AND RECLAMATION OR TEMPORARY CLOSURE

1. The Licensee shall follow the Riparian Management components of the Environmental Protection Plan referred to in Part E, Item 1.
2. The Licensee shall complete all restoration work prior to the expiry of this Licence.
3. The Licensee shall carry out progressive reclamation of any components of the project no longer required for the Licensee's operations.
4. 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 (where present) 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.
5. The Licensee shall contour and stabilize all disturbed areas to a pre-disturbed state upon completion of work.
6. The Licensee shall re-establish vegetation and/or stabilize exposed soils before removing erosion control measures.

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. Additional monitoring requirements may be requested by the Inspector.
4. The Licensee shall include in the Annual Report required under Part B, Item 1 all data, monitoring results and information required by this Part.
5. Modifications to the Monitoring Program may be made only upon written request and subsequent approval of the Board in writing.