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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

File No.: **8BW-CLY0810**

March 3, 2009

Harry Flaherty, Project Director
Qikiqtaaluk Corporation
PO Box 1228
Iqaluit, NU X0A 0H0

Email: hflaherty@qcorp.ca

RE: NWB Licence No. 8BW-CLY0810

Dear Mr. Flaherty,

Please find attached Licence No. **8BW-CLY0810** issued to Qikiqtaaluk Corporation 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*. 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 will be in contravention of the *Nunavut Land Claims Agreement* (NLCA) and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA). 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 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 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 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.

During review of the application the Licensee indicated that upon expiry of the Licence, maintenance of the road and water crossings could potentially be transferred to the Hamlet of Clyde River. If the Licensee chooses to assign the Water Licence to the Hamlet or other entity, an assignment application would be required prior to the expiry of this Licence. Otherwise the complete abandonment and restoration of the road will be required prior to the expiry of the Licence.

Sincerely,



Thomas Kabloona
Nunavut Water Board, Chair

TK/dc/rqd

Enclosure: Licence No. **8BW-CLY0810**
 Comments NIRB, GN-DOE and GN-CLEY

cc: Distribution – Qikiqtani

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DECISION

LICENCE NUMBER: 8BW-CLY0810

This is the decision of the Nunavut Water Board (NWB) with respect to an application for a new Water Licence dated April 14, 2008 made by:

QIKIQTAAULK CORPORATION

to allow for the use of water and disposal of waste during road construction and watercourse crossing activities at the Clyde River Road Construction Project located within the Qikiqtani Region, Nunavut generally located at the triangular geographical coordinates as follows:

70° 30'N; 68° 16'W

70° 30'N; 68° 31'W

70° 28'N; 68° 22'W; and

Latitude: 70° 29' 23"N; Longitude: 68° 29' 27"W (Clyde River Bridge Crossing)

DECISION

After having been satisfied that the application was in conformity with the Baffin Land Use Plan and subject to a 12.4.4(a) Screening Decision 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 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 *NLCA* and of the *NWNSRTA*, waived the requirement to hold a public hearing, and determined that:

**Licence Number 8BW-CLY0810 be issued subject to the terms and conditions contained therein.
(Motion #: 2008-16-B1-03)**

SIGNED this 3rd day of March 2009 at Gjoa Haven, NU.



Thomas Kabloona
Nunavut Water Board, Chair

TK/dc/rqd

LICENCE NO. 8BW-CLY0810

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

QIKIQTAALUK CORPORATION

(Licensee)

of

PO BOX 1228 IQALUIT, NU X0A 0H0

(Mailing Address)

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

8BW-CLY0810

Licence Number

NUNAVUT 05

Water Management Area

**CLYDE RIVER ROAD CONSTRUCTION PROJECT
QIKIQTANI REGION, NUNAVUT**

Location

**ROAD REHABILITATION AND WATER CROSSINGS
(CULVERTS AND A BRIDGE)**

Purpose

MISCELLANEOUS – TYPE “B”

Classification of Undertaking

NO WATER USE AUTHORIZED

Quantity of Water Not to Exceed

FEBRUARY 19, 2009

Date of Licence

OCTOBER 1, 2010

Expiry Date of Licence

Dated this 3rd day of March 2009 at Gjoa Haven, NU.



Thomas Kabloona
Nunavut Water Board, Chair

PART A: SCOPE, DEFINITIONS AND ENFORCEMENT

1. Scope

This Licence allows for the repair of a sixteen (16) km road between Clyde River and the former Long Range Navigation (LORAN) Station at Cape Christian, including water crossings over one river and four creeks that are fish bearing and four non-fish bearing water crossings, during an undertaking classified as Miscellaneous as per Schedule II of the *Regulations* at the Clyde River Road Construction Project, based at Clyde River 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

“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*;

“Engineer” means a professional engineer registered to practice in Nunavut in

accordance with the Engineering, Geological and Geophysical Act (Nunavut) S.N.W.T. 1998, c.38, s.5;

“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 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;

“Regulations” means the *Northwest Territories Water Regulations* s0r/93-303 8th June, 1993, omitting Section 5, Water Use or Waste Deposit Without a Licence;

“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 an excavation in impermeable soil for the purpose of catching or storing water or 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.

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 construction activities including photographic records before, during and after construction;
 - b. A list of unauthorized discharges and a summary of follow-up actions taken;
 - c. Up-dates as required under Part H, Item 2, to the approved Spill Contingency Plan, including contact information;
 - 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; and
 - f. 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 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. 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.

6. 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@nunavutwaterboard.org

(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

7. 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.
8. The Licensee shall ensure that any document(s) or correspondence submitted by the Licensee to the Board is received and acknowledged by the Manager of Licensing.
9. This Licence is not assignable except as provided in Section 44 of the *Act*.

PART C: CONDITIONS APPLYING TO THE PROTECTION OF WATER

1. The Board has approved the Plan entitled “Erosion, Sediment and Drainage Control Plan” undated, that was submitted August 14, 2008 as supplemental information.
2. The Licensee shall submit an addendum within thirty (30) days of this licence an addendum to the approved “Erosion, Sediment and Drainage Control Plan” to include a Total Suspended Solids Parameter with a Maximum Allowable Concentration of 15 mg/L
3. The Licensee shall not remove any material from below the ordinary high water mark of any water body unless authorized.
4. The Licensee shall not cause erosion to the banks of any body of water 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.
6. The Licensee shall undertake appropriate corrective measures to mitigate impacts on surface drainage resulting from the Licensee's operations.
7. The Licensee shall limit any in-stream activity to low water period. In-stream activity is prohibited during fish migration.
8. The Licensee shall locate stream crossings to minimize approach grades. Approaches shall be stabilized during construction and upon completion of the project, to control runoff, erosion and subsequent siltation to any water body.
9. 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.
10. The Licensee shall ensure that pollutants from machinery fording the crossings do not enter water.
11. The Licensee shall ensure that all fill material used is from an approved source and shall be free of contaminants.
12. To minimize impacts on surface drainage, the Licensee shall prepare all sites in such manner as to prevent rutting of the ground surface.
13. Equipment storage holding areas should be located on gravel, sand or other durable land, a distance of at least thirty (30) 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 excavated and stockpiled materials that is at least thirty (30) 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 D: CONDITIONS APPLYING TO WASTE DISPOSAL

1. The Licensee shall locate areas designated for waste disposal at a minimum distance of thirty (30) 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 provide to the Board, documented authorization from the community of Clyde River prior to the backhauling of any waste.
4. The Licensee shall backhaul and dispose of all hazardous wastes, 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.
6. Work on the bridge or shall cease if the downstream monitoring sample under Part J, Item 4 exceeds the upstream Total Suspended Solids concentration by twenty percent (20%).

PART E: CONDITIONS FOR CAMPS, ACCESS INFRASTRUCTURES AND OPERATIONS

1. The Licensee shall not erect camps or store material on the surface of frozen streams or lakes including immediate banks 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. The Licensee should minimize disturbance by locating ice bridges in an area that requires the minimum approach grading and the shortest crossing route. Stream crossings shall be removed or the ice notched prior to spring break-up.
4. With respect to access road, pad construction or other earthworks, 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 (30) metres from the ordinary high water mark in such a fashion that they do not enter the water.

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 CONSTRUCTION AND 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. 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
 - d. 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 to the Board 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.
4. The Licensee shall provide to the Board ninety percent complete plans and drawings of the bridge and culverts prior to construction and installation. These plans and drawings shall be stamped by an Engineer.
5. The Licensee shall provide to the Board as-built plans and drawings of the bridge and water crossings 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 Board has approved the Plan entitled "Spill Contingency Plan" dated December 2008 that was submitted as additional information on December 4, 2008.
2. An addendum to the approved plan shall be submitted within thirty (30) days of issuance of the Licence to address the following:
 - a. Update page numbering;
 - b. Update section 1 for the Nunavut EPA and the Nunavut Spill reporting regulations;
 - c. Spill report line is a NWT/NU line;
 - d. Include Fisheries and Oceans Canada contact info.

3. The Licensee shall review the Plan referred to in this Part as required by changes in operation and/or technology and modify the Plan accordingly. Revisions to the Plan are to be submitted in the form of an Addendum to be included with the Annual Report.
4. The Licensee shall prevent any chemicals, petroleum products or wastes associated with the project do not enter water. All sumps and fuel caches shall be located at a distance of at least thirty (30) metres from the ordinary high water mark of any adjacent water body and inspected on a regular basis.
5. The Licensee shall ensure any equipment maintenance and servicing be conducted only 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.
6. 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 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, 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.
7. The Licensee shall have a spill kit with a minimum capacity of approximately 205 litres available at the construction site and for use along the access trail, in the event that fuel lines and/or hydraulic hoses rupture on equipment being used near the water.

PART I: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION OR TEMPORARY CLOSING

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. An Abandonment and Restoration Plan shall be submitted six months prior to planned decommissioning of the road, bridge or stream crossings.
6. 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.
7. 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, January 2002. 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.
8. All disturbed areas shall be contoured and stabilized upon completion of work and restored to a pre-disturbed state.

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 construction has been completed.
3. The Licensee shall determine the GPS co-ordinates (in degrees, minutes and seconds of latitude and longitude) of all locations where wastes associated with construction operations are deposited.
4. The Licensee shall conduct basic water quality testing that includes pH, temperature, conductivity, total suspended solids, and total oil and grease, upstream and downstream of the Clyde River bridge construction site prior to, weekly during construction and upon completion.
5. 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.
6. All analyses shall be performed in a laboratory accredited according to ISO/IEC Standard 17025. The accreditation shall be current and in good standing.
7. Additional monitoring requirements may be requested by the Inspector.
8. The Licensee shall include in the Annual Report required under Part B, Item 2 all data, monitoring results and information required by this Part.