



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

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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYIT  
OFFICE DES EAUX DU NUNAVUT

File No.: 8BW-CLY1216 Renewal/Amendment

February 28, 2012

Mr. Harry Flaherty, Project Director  
Qikiqtaaluk Corporation  
P.O. Box 1228  
Iqaluit, NU  
X0A 0H0

**RE: NWB Licence No.8BW-CLY1216 Renewal / Amendment**

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Dear Mr. Flaherty:

Please find attached water licence renewal no. 8BW-CLY1216 (Licence) issued to the Qikiqtaaluk Corporation (Licensee) 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 Land Claims Agreement or NLCA). The terms and conditions of the attached Licence related to water use 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* (NWNSTRTA). 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, if 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 from interested persons on issues identified. This information is attached for your consideration<sup>1</sup>.

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<sup>1</sup> Indian and Northern Affairs Canada (INAC), March 18, 2011; Environment Canada (EC), March 7, 2011; Government of Nunavut Department of Culture, Language, Elders, and Youth (GN-CLEY), March 10, 2011.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Kabloona', with a long horizontal stroke extending to the right.

Thomas Kabloona  
Nunavut Water Board  
Chair

TK/kt/pb

Enclosure:      Licence No. 8BW-CLY1216  
                         Comments

cc:      Qikiqtani Distribution List



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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYIT  
OFFICE DES EAUX DU NUNAVUT

## DECISION

### LICENCE NUMBER: 8BW-CLY1216

This is the decision of the Nunavut Water Board (NWB) with respect to an application for a licence renewal and amendment received August 18, 2010 made by:

### QIKIQTAALUK CORPORATION

To allow for the use of water and disposal of waste during abandonment and restoration activities along the Clyde River Road including impacted grounds and waters along the old roadway and excluding the Clyde River bridge, located within the Qikiqtani Region, Nunavut generally located at the triangular geographic coordinates as follows:

70° 30' N and 68° 16' W; 70° 30' N and 68° 31' W; 70° 28' N and 68° 22' W;  
and 70° 29' N and 68° 29' W (Clyde River Bridge Crossing)

With respect to this application, the NWB gave notice to the public that Qikiqtaaluk Corporation had filed an application for a water licence renewal and amendment.

### DECISION

After having been satisfied that the application was for a file previously reviewed by the Nunavut Planning Commission for a conformity determination with the North Baffin Land Use Plan<sup>2</sup> and subject to a 12.4.4(a) Screening Decision by the Nunavut Impact Review Board in accordance with Article 12 of the *Nunavut Land Claim Agreement* (NLCA)<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* (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-CLY1216 be issued subject to the terms and conditions contained therein. (Motion #: 2011-21-02)**

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<sup>2</sup> Email from B. Aglukark, NPC, to P. Beaulieu, NWB, Re: NWB # 8BW-CLY0810 - QC Clyde River Construction - Amendment, dated October 26, 2009

<sup>3</sup> NIRB Screening Decision Report NIRB File No.: 08RN070, dated July 12, 2011

SIGNED this 28<sup>th</sup> day of February, 2012 at Gjoa Haven, NU.



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Thomas Kabloona  
Nunavut Water Board  
Chair

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## **NWB LICENCE No. 8BW-CLY1216**

### **I. BACKGROUND**

Water license 8BW-CLY0810 was issued to the Qikiqtaaluk Corporation on March 3, 2009 to allow for the repair of a sixteen (16) km abandoned road between the Hamlet of Clyde River and the former Long Range Navigation (LORAN) Station at Cape Christian. The repair included one (1) bridge crossing over the Clyde River and eight (8) culvert installations in unnamed creeks. The bridge crossing and four (4) of the culvert installations were identified by the Department of Fisheries and Oceans (DFO) as fish habitat (crossing nos. 2, 3, 5 and 8).

Road repair works were conducted by Qikiqtaaluk Logistics from June to September 2009. A permanent steel free standing bridge was constructed over the Clyde River and culverts were installed at the water crossings. Several fish habitat compensation measures were also implemented. However, due to unsatisfactory ground conditions, a portion of the road could not be stabilized and was therefore re-routed. The re-routed portion of the road and the alternate water crossings were constructed in the absence of NWB approval.

An amendment water licence 8BW-CLY0810 was issued authorizing the re-routed portion of the road including the addition of three (3) new culvert installations at creek crossings (2a, 3a, and 7a), the removal of five (5) culvert installations (1, 2, 3, 7 and 8) at creek crossings granted through the original Licence which were no longer required, and the restoration of impacted grounds and waters along the old roadway.

The Licensee completed all work for the clean up of the LORAN Station at Cape Christian during the summer of 2010 and the road is therefore no longer required. This renewal and amendment is required to address some compliance issues regarding the restoration of impacted grounds and waters along the old roadway and to complete abandonment and restoration of the road, except for the bridge over the Clyde River.

### **II. PROCEDURAL HISTORY**

On March 3, 2009 the Nunavut Water Board (NWB) issued water licence 8BW-CLY0810 to the Qikiqtaaluk Corporation (Licensee) to allow for the disposal of waste during road construction and watercourse crossing activities at the Clyde River Road Construction Project located in the Qikiqtani Region of Nunavut.

On October 26, 2009, the Nunavut Planning Commission confirmed that the Application did not require a conformity determination with the North Baffin Regional Land Use Plan and the terms of the previous conformity review dated October 28, 2008 continue to apply.

On August 16, 2010, the NWB issued an amendment to water licence 8BW-CLY0810 authorizing re-routing of the road; the addition of three (3) new culverts installations at creek crossings (2a, 3a, and 7a); the removal of five (5) culvert installations (1, 2, 3, 7 and 8) at creek crossings granted through the original Licence which were no longer required; and the restoration of impacted grounds and waters along the old roadway.

On August 18, 2010, the NWB received an application for renewal and amendment of water licence 8BW-CLY0810 from the Licensee to complete abandonment and restoration of the road in 2011, leaving the bridge in place (Application). The Application included the following documents:

- Email chain from H. Flaherty, [hflaherty@qcorp.ca](mailto:hflaherty@qcorp.ca), to P. Simon, [psimon@qenv.ca](mailto:psimon@qenv.ca), Subject: Clyde River road repair, dated August 19, 2010;
- Location map;
- Completed application for water licence renewal, signed by P. Simon on August 19, 2010;
- Email chain from K. Wasylyshen, [kwasylyshen@gov.nu.ca](mailto:kwasylyshen@gov.nu.ca), to C. Baptista, [cbaptista@qenv.ca](mailto:cbaptista@qenv.ca), Subject: Land Use and Quarrying Permit, dated April 30, 2010;
- Email and attachment from P. Simon, [psimon@qenv.ca](mailto:psimon@qenv.ca), to P. Beaulieu, [licensing@nunavutwaterboard.org](mailto:licensing@nunavutwaterboard.org), Subject: Compliance with 8BW-CLY0810 amendment, dated August 20, 2010;
- Email and attachment from P. Simon, [psimon@qenv.ca](mailto:psimon@qenv.ca), to P. Beaulieu, [licensing@nunavutwaterboard.org](mailto:licensing@nunavutwaterboard.org), and P. Simon, [psimon@qenv.ca](mailto:psimon@qenv.ca), Subject: Compliance with 8BW-CLY0810 amendment, dated August 20, 2010;
- Document entitled “Application for Water Licence Renewal, Licence 8BW-CLY0810, English summary”;
- Above document translated into Inuktitut;
- Figure entitled “Road between Cape Christian and Clyde River, Location of impacted areas and constructed water crossings” prepared by Qikiqtaaluk Logistics Inc., dated August 18, 2010;
- Cape Christian Clyde River as-built drawings stamped by P. Simon, Registered Professional Engineer, NWT, signed August 19, 2010 by Qikiqtaaluk Environmental including:
  - Crossing 2a, dated 15/12/2009
  - River cross 3, dated 28/07/2010
  - Crossing 5, dated 15/12/2009
  - Crossing 9, dated 15/12/2009
  - Crossing 10, dated 15/12/2009
  - Crossing 11, dated 15/12/2009

On October 1, 2010 water licence 8BW-CLY0810 expired.

On October 6, 2010, the NWB requested additional information from the Licensee to address various administrative compliance issues.

On December 13, 2010, the NWB received additional information from the Licensee including the following documents:

- Email from the Acting Senior Administration Officer of Clyde River authorizing disposal of waste in the community’s landfill in accordance with Part D Item 3 of water licence 8BW-CLY0810 (Licence);
- As-built drawings of the bridge and crossing 7a in accordance with Part G Item 5 of the Licence and clarification regarding the status of the other crossings;
- Response to the requirements of Part G Item 6 of the Licence; and

- Response to the requirements of Part J Item 4 of the Licence.

On December 14, 2010, the NWB acknowledged receipt of the additional information and requested submission of an Abandonment and Restoration Plan in accordance with Part I Item 5 of licence 8BW-CLY0810 before proceeding with the licence renewal and amendment.

On January 19, 2011, the NWB received the requested Abandonment and Restoration Plan entitled “Road Between the Hamlet of Clyde River and Cape Christian Abandonment and Restoration Plan Licence No. 8BW-CLY0810”, dated December 2010.

On February 1, 2011 the NWB concluded that the Application met the requirements of section 48(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSTRA or Act) and forwarded notice of the Application to regulators, council of the municipality most affected by the project and other interested parties. Parties were invited to make representations to the NWB within thirty (30) days.

By March 18, 2011, the NWB was in receipt of comments from Indian and Northern Affairs Canada (INAC), Environment Canada (EC), and Government of Nunavut Department of Culture, Language, Elders and Youth (GN-CLEY). In its submission, INAC requested clarification regarding the role of the leading authority for the land on which the road and associated infrastructure had been built. On April 18, 2011, the NWB forwarded INAC’s request to the Licensee and on June 6, 2011 the Licensee provided a response.

No public concern was expressed during the notice period. Therefore, the NWB waived the requirement to hold a public hearing and proceeded with the application process.

On July 12, 2011, the Nunavut Impact Review Board issued a 12.4.4(a) screening determination in accordance with Article 12 of the *Nunavut Land Claims Agreement* allowing the project to proceed subject to the terms and conditions contained within its screening decision report.

Based upon the results of the detailed assessment of the Application, including consideration of any potential accidents, malfunctions, or impacts to water that the overall project might have in the area, the Board has approved the Application and has issued water licence 8BW-CLY1216.



### III. ISSUES

#### Term of Licence

In accordance with section 45 of the Act, the NWB may issue a licence for a term not exceeding twenty-five years. In determining an appropriate term of a water licence, the Board considers a number of factors, including the results of Indian and Northern Affairs Canada (INAC) site inspections and the compliance record of the Applicant.

There are no INAC inspection reports on file further to those considered during the review of amendment 1 of water licence 8BW-CLY0810.

An internal review of administrative compliance for the expired licence 8BW-CLY0810 revealed the following issues:

- a) Submission of as-built plans and drawings of the constructed roadway in accordance with Part G Item 6;
- b) Submission of an addendum to the document entitled “Mitigation Plan to Restore all Impacted Grounds and Waters on the “Old Roadway” – Road Between Clyde River and Cape Christian”, dated August 31, 2009 to address parties’ comments during the review process, in accordance with Part I Item 10; and
- c) Submission of weekly progress reports in accordance with Part J Item 10.

With regards to item (a), the Licensee noted in its email correspondence dated December 13, 2010, that it will not be submitting stamped plans and drawings for the constructed roadway as plans have changed to abandon the roadway.

In email correspondence from the Applicant dated June 20, 2011, the Licensee requested a licence term of approximately 1.5 years, expiring October 2012. During the review process, INAC recommended a term no longer than 10 years. The Board notes that the Licensee’s Abandonment and Restoration Plan, proposes two years of annual monitoring of the site following the completion of reclamation. The Board has decided upon a licence term of 4 years to allow for completion of abandonment and reclamation activities, annual monitoring, and achievement of licence compliance.

The NWB reminds the Licensee of its responsibility to be in compliance with the conditions of the Licence.

#### Leading Authority

In its submission dated March 18, 2011, INAC requested written consent to dispose of the road from the leading authority and requested that the Licensee inform the Commissioner of Nunavut as well as the Government of Nunavut and the Municipal Corporation of their planned activities prior to proceeding with a licence renewal or INAC enforcing the terms and conditions of the licence.

On June 6, 2011, the NWB received a written motion from the Municipality of Clyde River approving disposal of the road including removal of culverts, filling of ditches, and landscaping of the area. And on June 20, 2011, the NWB was forwarded email correspondence between the Licensee and the Government of Nunavut regarding the status of their land use permit.

## **Annual Report**

In accordance with Part B Item 1 of expired water licence 8BW-CLY0810, annual reports were to be filed with the Board not later than March 31<sup>st</sup> of the year following the calendar year reported. On March 30, 2010 the NWB received the 2009 annual report and on April 7, 2010, the NWB distributed the 2009 annual report to interested parties for review and comment. No comments were received; however, the Board provided the results of its review noting a couple of deficiencies to the Licensee for its consideration in the preparation of the 2010 annual report. To date, the 2010 annual report has not been submitted.

The NWB would like to emphasize the requirement to produce an annual report for submission not later than March 31<sup>st</sup> of the year following the calendar year being reported. The requirement to produce annual reports is to ensure that the NWB has an accurate and timely annual update of activities during a calendar year. This information is maintained on the NWB's public registry and is available to interested parties upon request. A "*Standardized Form for Annual Reporting*" is available for use from the NWB file transfer protocol (ftp) site under the Public Registry link below, or through the NWB Website at [www.nunavutwaterboard.org](http://www.nunavutwaterboard.org).

Link = <ftp://nunavutwaterboard.org/ADMINISTRATION/Standardized%20Forms/>

This form is to be used when reporting; however, additional information may be required of the annual report and can be provided as an appendix.

## **Waste Disposal**

In its Application, Qikiqtaaluk Corporation proposes to dispose of any waste generated during abandonment and restoration activities at the Hamlet of Clyde River's solid waste disposal facility, and submitted to the Board as part of its Application in accordance with Part D, Item 3 of expired water licence 8BW-CLY0810, documented authorization from the community.

The Board notes; however, that the Hamlet of Clyde River's water licence allowing for operation of its solid waste disposal facility expired on November 13, 2009. Therefore, the Board is requiring, as condition of Part D Item 3 of this Licence renewal and amendment, that all waste be backhauled and disposed of at an approved waste disposal facility.

## **Spill Contingency Plan**

Part H Item 8 of expired water licence 8BW-CLY0810 Amendment No. 1 required the Licensee to submit to the Board for review an addendum to its Spill Contingency Plan dated August 2009 to address parties' comments during the review process. On September 2, 2010, the NWB received a revised Spill Contingency Plan, dated September 2010 from the Licensee. On September 22, 2010, the NWB acknowledged receipt of the Plan including its determination that the Plan satisfied the requirements of the Licence.

Given that plans for the project have changed from operation of the road to abandonment and restoration of the road, the Board is requiring as a condition in Part E Item 1 of this Licence renewal and amendment, submission of a revised Spill Contingency Plan to address activities during abandonment and restoration.

## **Mitigation Plan to Restore all Impacted Grounds and Waters on the “Old Roadway” – Road Between Clyde River and Cape Christian**

Part I Item 10 of expired water licence 8BW-CLY0810 Amendment No. 1 required the Licensee to submit to the Board for review, an addendum to the document entitled “Mitigation Plan to Restore all Impacted Grounds and Waters on the “Old Roadway” – Road Between Clyde River and Cape Christian”, dated August 31, 2009 to address parties’ comment during the review process. As noted above, to date, this addendum has not been submitted. The Board understands that mitigation work on the old roadway was scheduled to continue in 2011, possibly in 2012 as well and is therefore continuing to require the addendum as a condition in Part F Item 2 of this Licence renewal and amendment.

### **Abandonment and Restoration**

Part I Item 5 of expired water licence 8BW-CLY0810 required submission of an Abandonment and Restoration Plan six (6) months prior to the planned decommissioning of the road. The NWB received the Licensee’s Abandonment and Restoration Plan entitled “Road Between the Hamlet of Clyde River and Cape Christian Abandonment and Restoration Plan Licence No. 8BW-CLY0810”, dated December 2010 on January 19, 2011.

The Board is satisfied with the Licensee’s Abandonment and Restoration Plan and is therefore requiring the Licensee, as a condition in Part F Item 3 of this Licence renewal and amendment, to undertake the abandonment and restoration of the road between Clyde River and Cape Christian as described in the Licensee’s Plan, or subsequent revisions, subject to the conditions of the Licence.

In addition, in accordance with the Nunavut Impact Review Board’s (NIRB) screening decision report, the Board has incorporated NIRB’s recommendation to re-establish vegetation and/or stabilize exposed soils before removing erosion control measures as a condition in Part F Item 10 of this Licence renewal and amendment.

### **Monitoring**

Part J Item 10 of expired water licence 8BW-CLY0810 required submission of weekly progress reports to the Board and the Inspector. As noted above, to date no weekly progress reports have been received by the Board. Therefore, the Board is requiring as a condition in Part G Item 4 of this Licence renewal and amendment, submission of a summary progress report including pictures of any remediation work achieved on areas identified in the document entitled “Mitigation Plan to Restore all Impacted Grounds and Waters on the “Old Roadway” – Road Between Clyde River and Cape Christian”, dated August 31, 2009, or subsequent revisions.

The Licensee’s Abandonment and Restoration Plan submitted as part of the Application included a Monitoring Plan proposing two (2) years of annual visual monitoring of the site in late summer. In its comments dated March 18, 2011, INAC noted that it was satisfied that the Licensee’s Monitoring Plan will visually capture any problem areas that will arise from the closure activities; but that it should also include water quality sampling and should be implemented for the term of the Licence. The Board agrees with INAC regarding the time for plan implementation and is requiring, as a condition in Part G Item 5 of this Licence renewal and amendment, annual inspections of the site by a geotechnical engineer including the submission of the engineer’s report to the Board within sixty (60) days of the inspection.

Furthermore, should the results of the visual and geotechnical inspections identify erosion or sedimentation issues, the Board or the Inspector may, as conditions in Part G Items 8 and 10 of this Licence renewal and amendment, impose additional water quality monitoring requirements.



## NUNAVUT WATER BOARD WATER LICENCE

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

QIKIQTAAALUK CORPORATION

(Licensee)

P.O. BOX 1228, IQALUIT, NU, 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:

Licence Number/Type: 8BW-CLY1216

Water Management Area: NUNAVUT 05

Location: CLYDE RIVER ROAD CONSTRUCTION PROJECT,  
QIKIQTANI REGION, NUNAVUT

Classification: MISCELLANEOUS – TYPE “B”

Purpose: ABANDONMENT AND RESTORATION OF ROAD BETWEEN  
CLYDE RIVER AND CAPE CHRISTIAN

Quantity of Water use not  
to Exceed: NO WATER USE AUTHORIZED

Date of Licence Issuance: FEBRUARY 28, 2012

Expiry of Licence: MARCH 1, 2016

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

**Thomas Kabloona,**  
**Nunavut Water Board, Chair**

8BW-CLY1216

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

### **1. SCOPE**

- a. This Licence allows for the abandonment and restoration of the Clyde River Road located between the Hamlet of Clyde River and the former Long Range Navigation (LORAN) Station at Cape Christian including removal of culverts, backfilling of trenches and ditches, and leaving the Clyde River Bridge in place, during an undertaking classified as Miscellaneous as per Schedule II of the *Regulations* and within the Qikiqtani Region of Nunavut.
- b. This Licence is issued subject to 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 Act, or other statutes imposing more stringent conditions relating to the quantity, type or manner under which any such Waste may be so deposited, this Licence shall be deemed to be subject to such requirements; and
- c. Compliance with the terms and conditions of this Licence does not absolve the Licensee from responsibility for compliance with all applicable legislation, guidelines and directives.

### **2. DEFINITIONS**

In this Licence: **8BW-CLY1216**

**“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 submission 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 and/or modifications inconsistent with the terms of the set terms and conditions of the Licence;

**“Analyst”** means an Analyst designated by the Minister under Section 85 (1) of the Act;

**“Applicant”** means the Licensee;

**“Appurtenant Undertaking”** means an undertaking in relation to which a use of Waters 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*;

**“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*;

**“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 new structure or eliminates an existing structure and does not alter the purpose or function of the work, but does not include an expansion, and changes to the operating system that are consistent with the terms of this Licence and do not require amendment;

**“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 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 sor/93-303 8<sup>th</sup> June, 1993* omitting Section 5, Water Use or Waste Disposal Without a Licence;

**“Waste”** means, as defined in section 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”** means water 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;
- 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 with the Board for review, no later than March 31<sup>st</sup> of the year following the calendar year being reported, which shall contain the following information collected during that period:
    - a. Tabular summaries of all data generated under the Monitoring Program;
    - b. The monthly and annual quantities of Wastes removed for disposal;
    - c. A list of unauthorized discharges and summary of follow-up action taken;
    - d. A summary of any abandonment and restoration work completed during the year and an outline of any work anticipated for the next year;
    - e. Any revisions to approved plans and manuals as required by Part B, Item 11, submitted in the form of an addendum;
    - f. A summary of any studies or reports requested by the Board that relate to Water use and Waste disposal or restoration, and a brief description of any future studies planned; and
    - g. Any other details on Water use or Waste disposal requested by the Board by November 1<sup>st</sup> of the year being reported.
  2. The Licensee shall submit all data and information pertaining to the 2010 Annual Report to the Board within thirty (30) days of Licence issuance including the summary progress report required by Part G Item 4.
  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. The Licensee shall comply with the Monitoring Program described in this Licence, and any amendments to the Monitoring Program as may be made from time to time, pursuant to the conditions of this Licence.
  5. The Monitoring Program and compliance dates specified in the Licence may be modified at the discretion of the Board.
  6. The Licensee shall, within ninety (90) days after the first visit by the Inspector following issuance of this Licence, post the necessary signs to identify the stations of the Monitoring Program. All signage postings shall be in English and Inuktitut.
  7. 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.
  8. In the event that a Plan is not found acceptable to the Board, the Licensee shall, within thirty (30) days of notification by the Board provide a revised version to the Board for review or approval in writing.
  9. The Licensee shall, for all Plans submitted under this Licence, implement the Plan as approved by the Board in writing.
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10. 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 condition 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.
11. The Licensee shall review the Plans referred to in this Licence as required by changes in operation and/or technology and modify the Plans or Manuals accordingly. Revisions to the Plans or Manuals are to be submitted in the form of an addendum to be included with the Annual Report required by Part B, Item 1(e), complete with a revisions list detailing where significant content changes are made.
12. The Licensee shall ensure a copy of this Licence is maintained onsite at all times.
13. 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](mailto:licensing@nunavutwaterboard.org)
  - (b) **Inspector Contact:**  
Water Resources Officer  
Nunavut District, Nunavut Region  
P.O. Box 100  
Iqaluit, NU X0A 0H0  
Telephone: (867) 975-4295  
Fax: (867) 979-6445
14. The Licensee shall submit one (1) paper copy and one (1) electronic copy of all reports, studies, and plans to the Board or as otherwise requested by the Board. Reports or studies submitted to the Board by the Licensee shall include an executive summary in English and Inuktitut.
15. The Licensee shall ensure that any document(s) or correspondence submitted by the Licensee to the Board, is received by the Board and maintain on file a copy of the acknowledgment of receipt issued by the Manager of Licensing.
16. This Licence is assignable as provided in Section 44 of the Act.
17. 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 THE PROTECTION OF WATER**

1. The Licensee shall not remove any material from below the ordinary high water mark of any Water body unless authorized.
2. The Licensee shall not cause erosion to the banks of any body of Water and shall provide necessary controls to prevent such erosion.
3. Sediment and erosion control measures shall be implemented prior to and maintained during abandonment and restoration activities to prevent entry of sediment into Water.
4. The Licensee shall undertake appropriate corrective measures to mitigate impacts on surface drainage resulting from the Licensee's activities.
5. The Licensee shall limit any in-stream activity to low Water period. In stream activity is prohibited during fish migration.
6. 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.
7. 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.
8. The Licensee shall ensure that pollutants from machinery fording the crossing do not enter Water.
9. The Licensee shall use fill material from an approved source and is confirmed to be free of all contaminants.
10. The Licensee shall prepare all sites in such a manner as to prevent rutting of the ground surface in order to minimize impacts on surface drainage,.
11. The Licensee shall stage and locate equipment storage holding areas on gravel, sand or other durable land, a distance of at least thirty one (31) meters above the ordinary high Water mark of any Water body in order to minimize impacts on surface drainage and Water quality.
12. The Licensee shall designate an area for the deposition of excavated and stockpiled materials that is at least thirty one (31) metres above the ordinary high water mark of any Water body.
13. 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 one (31) metres from the ordinary high Water mark of any Water body such that they 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 landfilling of Waste unless otherwise approved by the Board in writing.
3. The Licensee shall backhaul and dispose of all domestic Waste at an approved Waste disposal facility.
4. The Licensee shall backhaul and dispose of all hazardous Waste, Waste oil, and non-combustible Waste generated through the course of the operation to 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 SPILL CONTINGENCY PLANNING**

1. The Licensee shall, should reclamation activity continue in 2012, submit to the Board for approval, within thirty (30) days of issuance of this Licence, a revision to the document entitled "Spill Contingency Plan – Road between Clyde River and Cape Christian" dated June 2008 (revision 3: September 2010), to address spill contingency plans during abandonment and restoration activities.
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 ensure that any equipment maintenance and servicing is 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.
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 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.

5. The Licensee shall have a spill kit with a minimum capacity of approximately 205 litres available at the site, in the event that fuel lines and/or hydraulic hoses rupture on equipment being used near water.

**PART F: CONDITIONS APPLYING TO ABANDONMENT, RESTORATION AND CLOSURE**

1. The Licensee shall implement the mitigation plans outlined in the document entitled “Mitigation Plan to Restore all Impacted Grounds and Waters on the “Old Roundway” – Road Between Clyde River and Cape Christian” dated August 31, 2009, or subsequent revisions.
2. The Licensee shall submit to the Board for review, within thirty (30) days of issuance of the Licence, an addendum to the document entitled “Mitigation Plan to Restore all Impacted Grounds and Waters on the “Old Roundway” – Road Between Clyde River and Cape Christian” dated August 31, 2009, or subsequent revisions. The addendum shall address parties’ comments during the 2009 amendment review process including the following:
  - a. Weekly reporting mechanism to regulators;
  - b. Map or diagram that clearly identifies the new road route, impacted sites and constructed water crossings; and
  - c. Plans to address ponded water adjacent to the roadway and the new road route to prevent thermokarst, erosion, and sedimentation of proximal water sources.
3. The Licensee shall undertake the abandonment and restoration of the road between Clyde River and Cape Christian as described in the Licensee’s Abandonment and Restoration Plan entitled “Road Between the Hamlet of Clyde River and Cape Christian Abandonment and Restoration Plan Licence No. 8BW-CLY0810”, dated December 2010, addendums or subsequent revisions, subject to the conditions of this Licence renewal and amendment.
4. The Licensee shall complete all restoration work prior to the expiry of this Licence.
5. The Licensee shall carry out progressive reclamation of any components of the project no longer required for the Licensee’s operations.
6. The Licensee shall backfill and restore all sumps to the pre-existing natural contours of the land.
7. 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, materials and equipment prior to the expiry of this Licence.
8. 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.
9. 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 Guidelines for Site Remediation, 2009. The use of reclaimed soils for the purpose of backfill or

general site grading may be carried out only upon consultation and approval by the Government of Nunavut, Department of Environment, and an Inspector.

10. The Licensee shall re-establish vegetation and/or stabilize exposed soils before removing erosion control measures.
11. All disturbed areas shall be contoured and stabilized upon completion of work and restored to a pre-disturbed state.

## **PART G: 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 all water crossings before, during, and after abandonment and restoration 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 abandonment and restoration are deposited.
4. The Licensee shall submit to the Board within thirty (30) days of Licence issuance, a summary progress report including pictures of the remediation work achieved on areas identified in the document entitled "*Mitigation Plan to Restore all Impacted Grounds and Waters on the "Old Roadway" – Road Between Clyde River and Cape Christian*", dated August 31, 2009, or subsequent revisions. This report shall be included with the 2010 Annual Report, required by Part B Item 2, if not submitted independently prior to March 31, 2012.
5. An inspection of the abandoned and restored sites shall be carried out annually in July or August by a Geotechnical Engineer. The Engineer's report shall be submitted to the Board within sixty (60) days of the inspection including a cover letter from the Licensee outlining an implementation plan addressing each of the Engineer's recommendations if required.
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.
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. Additional monitoring requirements may be requested by the Board or an Inspector.
9. The Licensee shall include in the Annual Report required under Part B, Item 1, all monitoring data and analysis and information required by this Part.
10. Modifications to the Monitoring Program may be made only upon written request and subsequent approval of the Board in writing.