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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

DECISION

LICENCE NUMBER: 8BW-DIA0607

This is the decision of the Nunavut Water Board (NWB) with respect to an application for a new Water Licence dated June 6, 2005 made by:

HAMLET OF RANKIN INLET

to allow for the construction of a 30 kilometre All Terrain Vehicle trail and associated water crossings, at the Diana River Trail Project located within the Kivalliq Region, Nunavut (located between 62°50'N and 62°54'N latitude and 92°08'W and 92°31'W longitude).

DECISION

After having been satisfied that the application was in conformity with the applicable Land Use Plan and exempt from the requirement for screening by the Nunavut Impact Review Board in accordance with Schedule 12.1, Paragraph 5 of the *Nunavut Land Claim Agreement* (NLCA), the NWB decided that the application could proceed through the regulatory process. In accordance with S.55.1 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA) and Article 13 of the *NLCA*, public notice of the application was given and interested 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 furthermore delegated its authority to approve the application to the Chief Administrative Officer pursuant to S. 13.7.5 of the *NLCA* and S. 49(a) of the *NWNSRTA*, and determined that:

Licence Number 8BW-DIA0607 be issued subject to the terms and conditions contained therein. (Motion #: 2006-44)

SIGNED this 28th day of August 2006 at Gjoa Haven, NU.

Original Signed By :

Philippe di Pizzo
CHIEF ADMINISTRATIVE OFFICER

PDP/dh

LICENCE 8BW-DIA0607

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

HAMLET OF RANKIN INLET

(Licensee)

of

P.O. BOX 310, RANKIN INLET, NUNAVUT X0C 0G0

(Mailing Address)

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

8BW-DIA0607

License Number

NUNAVUT 06

Water Management Area

DIANA RIVER TRAIL PROJECT, KIVALLIQ REGION, NUNAVUT

Location

WATER CROSSING (CULVERTS)

Purpose

MISCELLANEOUS – TYPE “B”

Classification of Undertaking

NOT APPLICABLE

Quantity of Water Not to Exceed

AUGUST 26, 2006

Date of Licence

OCTOBER 1, 2007

Expiry Date of Licence

Dated this 28th day of August 2006 at Gjoa Haven, NU.

Original Signed By:

Philippe di Pizzo, Chief Administrative Officer

PART A: SCOPE, DEFINITIONS AND ENFORCEMENT

1. Scope

This Licence allows for the construction of fourteen (14) water crossings (culverts) as identified in the report accompanying the Application, during the construction of an all terrain vehicle trail referred to as the Diana River Trail Project, an undertaking classified as Miscellaneous as per Schedule II of the Regulations, contained within the geographical coordinates 62°50'N to 62°54'N latitude and 92°08'W to 92°31'W longitude.

- i. 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;
- ii. 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*;

“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;

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

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

“Licensee” means the holder of this 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* *sor/93-303 8th June, 1993*;

“Sewage” means all toilet wastes and greywater;

“Spill Contingency Plan” means a Plan developed to deal with unforeseen petroleum and chemical 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;

“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.

3. Enforcement

- i. 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*;
- ii. All inspection and enforcement services regarding this Licence will be provided by Inspectors appointed under the *Act*; and
- iii. 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 water use fees, in accordance with Section 9 of the *Regulations* are not applicable.
2. 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 which shall contain the following information:
 - i. A summary report of construction activities, including photographic records before, during and after construction;
 - ii. A list of unauthorized discharges and a summary of follow-up actions taken;
 - iii. A description of all progressive and or final reclamation work undertaken, including photographic records of site conditions before, during and after completion of operations;
 - iv. Results of the Monitoring Program; and
 - v. Any other details on water use or waste disposal requested by the Board by November 1 of the year being reported.
3. The Licensee shall notify the NWB of any changes in operating plans or conditions associated with this project at least thirty (30) days prior to any such change.
4. 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. The NWB recommends that an application for the renewal of this Licence be filed at least three months before the Licence expiry date.
5. If this Licence requires an amendment, a public hearing may be required. The Licensee should submit applications for amendment as soon as possible to give the NWB sufficient time to go through the amendment process. The process may vary depending on the scope of the amendment requested.
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:

(i) Manager of Licensing:

Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0
Telephone: (867) 360-6338
Fax: (867) 360-6369

(ii) Inspector Contact:

Water Resources Officer, 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. It is the responsibility of the Licensee to ensure that any documents or correspondence submitted by the Licensee to the Board have been acknowledged by the Manager of Licensing.
9. This Licence is not assignable except as provided in Section 44 of the *Act*.
10. The expiry or cancellation of this Licence does not relieve the holder from any obligations imposed by the Licence as *per* Section 46 of the *Act*.

PART C: CONDITIONS APPLYING TO THE PROTECTION OF WATER

1. The Licensee shall ensure that any chemicals, fuel or wastes associated with the undertaking do not enter any water body.
2. The Licensee shall not cut any stream bank or remove any material from below the ordinary high water mark of any water body.
3. The Licensee shall not do anything that will cause erosion to the banks of any body of water and shall provide necessary controls to prevent such erosion.
4. Sediment and erosion control measures shall be implemented prior to and maintained during the operation 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 operations.
6. The Licensee shall limit any in-stream activity to low water period. In-stream activity is prohibited during fish migration.
7. 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.
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.
9. The Licensee shall ensure that pollutants from machinery fording the crossings do not enter water.
10. Mechanized clearing is not licensed within thirty (30) metres of the normal high water mark of any water body in order to maintain a vegetative mat for bank stabilization.
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 authorized by the

Board.

2. No open burning or on-site land filling of domestic waste is permitted.

PART E: CONDITIONS APPLYING TO CONSTRUCTION

1. For the purposes of culvert installations, the Licensee shall not encroach on the natural channel width by the placement of abutments, footings or armouring below the ordinary high water mark, so that there is no restriction to the natural channel processes.
2. The Licensee shall not store material on the surface of frozen streams or lakes except what is for immediate use.
3. 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.
4. Winter lake and stream crossings, including ice bridges, shall be constructed entirely of water, ice or snow; stream crossings shall be removed or notched prior to spring break-up.
5. With respect to access road, pad construction or other earthworks, the deposition of debris or sediment into 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 cannot enter the water.

PART F: CONDITIONS APPLYING TO DRILLING OPERATIONS

1. No drilling activities are authorized.

PART G: CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING

1. The Licensee shall ensure that any chemicals, petroleum products or wastes associated with the project do not enter water.
2. 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.
3. The Licensee shall ensure that any emergency maintenance and servicing on equipment be conducted only in designated areas and shall implement special procedures (such as the use of drip pans and absorbents) 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:
 - i. Report the spill or potential spill immediately to the 24-Hour Spill Line at (867) 920-8130 and to the Inspector at (867) 975-4295 (a spill report form is available for use in reporting from the NWB ftp site at:
<ftp://ftp.nunavut.ca/nwb/NWB%20Administration/NWB%20GENERAL%20INFORMATION/Standardized%20Forms/>)
 - ii. 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.

PART H: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION

1. The Licensee shall complete all restoration work prior to the expiry of this Licence.
2. The Licensee shall carry out progressive reclamation of any components of the project no longer required for the Licensee's operations.
3. The Licensee shall remove from the site, any materials and equipment before the expiry of this License.
4. In order to promote natural 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.
5. Areas that have been contaminated by hydrocarbons from normal operating procedures shall be reclaimed to the satisfaction of an Inspector. The use of reclaimed soils for the purpose of back fill or general site grading may be carried out only upon approval by an Inspector.
6. All disturbed areas shall be contoured and stabilized upon completion of work and restored to a pre-disturbed state.

PART I: 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. An Inspector may impose additional monitoring requirements.
4. 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.
5. All analyses shall be performed in a laboratory accredited according to ISO/IEC Standard 17025. The accreditation shall be current and in good standing.
6. The Licensee shall include in the Annual Report required under Part B, Item 2 all data and information required by this Part.