



File No.: **8BW-IGD1516**

May 27, 2015

Mathew Hamp, Director of Engineering
Engineering Department
City of Iqaluit
P.O. Box 460
Iqaluit, Nunavut X0A 0H0

Email M.Hamp@city.iqaluit.nu.ca
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RE: NWB Licence No. 8BW-IGD1516

Dear Mr. Hamp:

Please find attached Licence No. **8BW-IGD1516** issued to City of Iqaluit 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 (Nunavut Land Claims Agreement or NLCA)*. The terms and conditions of the attached Licence related to Water use and Waste deposit are an integral part of this approval.

If the Licensee contemplates the renewal of this Licence, it is the responsibility of the Licensee to apply to the NWB for its renewal. The past performance of the Licensee, new documentation and information, and issues raised during a public hearing, if the NWB is required to hold one, will be used to determine the terms and conditions of the Licence renewal. Note that if the Licence expires before the NWB issues a new one, then Water use and Waste disposal must cease, or the Licensee may be in contravention of the *Nunavut Land Claims Agreement* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*. However, the expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the licence. The NWB recommends that an application for the renewal of this Licence be filed at least three (3) months prior to the Licence expiry date.

If the Licensee contemplates or requires an amendment to this licence, the NWB may decide, in the public's interest, to hold a public hearing. The Licensee should submit applications for amendment as soon as possible to give the NWB sufficient time to go through the amendment process. The process and timing may vary depending on the scope of the amendment; however, a minimum of sixty (60) days is required from time of acceptance by the NWB. It is the responsibility of the Licensee to ensure that all application materials have been received and are

acknowledged by the Manager of Licensing.

The NWB strongly recommends that the Licensee consult the comments received from interested persons on issues identified. This information is attached for your consideration.¹

Sincerely,

Draft

Thomas Kabloona
Nunavut Water Board
Chair

TK/sj/ri

Enclosure: Licence No. **8BW-IGD1516**
Comments – AANDC

Cc: Qikiqtani Distribution List

¹ Aboriginal Affairs and Northern Development Canada (AANDC), February 16, 2015 and March 13, 2015.

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DECISION

LICENCE NUMBER: 8BW-IGD1516

This is the decision of the Nunavut Water Board (NWB) with respect to an application dated September 26, 2014 for a new Water Licence made by:

THE CITY OF IQALUIT

to allow for the construction of three (3) water crossings along a 4-kilometre road proposed by the City of Iqaluit (the City) to access a granular deposit located northwest of the City for a project known as the Design, Contract Administration, and Construction Management for the Development of Northwest Iqaluit Granular Deposit (Northwest Granular Deposit Project), located within municipal boundaries of the City of Iqaluit, in the Qikiqtani Region, Nunavut, at the following general geographic coordinates:

Latitude: 63° 47' 20.94" N	Longitude: 68° 33' 35.58" W
Latitude: 63° 49' 23.40" N	Longitude: 68° 35' 12.42" W (Proposed Road)
Latitude: 63° 47' 44.52" N	Longitude: 48° 34' 0.84" W (Water Crossing No. 1)
Latitude: 63° 48' 8.04" N	Longitude: 68° 34' 8.94" W (Water Crossing No. 2)
Latitude: 63° 49' 48.4" N	Longitude: 68° 35' 12.41" W (Water Crossing No. 3)

DECISION

After having been satisfied that the application was for a location that falls outside of an area with an approved Land Use Plan¹ as determined by the Nunavut Planning Commission (NPC) and subject to a 12.4.4(a) Screening Decision by the Nunavut Impact Review Board² in accordance with Article 12 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 (Act)* 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 *Act*, waived the requirement to hold a public hearing, and determined that:

Licence No. 8BW-IGD1516 be issued subject to the terms and conditions contained therein. (Motion #: 2015-B1-007)

Signed this 23rd day of May 2015 at Gjoa Haven, NU.

DRAFT

Thomas Kabloona
Nunavut Water Board, Chair

TK/sj/ri

¹ Nunavut Planning Commission (NPC), Land Use Conformity Determination, March 11, 2015.

² Nunavut Impact Review Board (NIRB), Screening Determination, May 15, 2015.



NUNAVUT WATER BOARD WATER LICENCE

Licence No. 8BW-IGD1516

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

CITY OF IQALUIT

(Licensee)

P.O. BOX 460 IQALUIT, NUNAVUT, CANADA 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-IGD1516 TYPE "B"

Water Management Area: KOUKDJUAK WATERSHET (24)

Location: THE NORTHWEST IQALUIT GRANULAR DEPOSIT
PROJECT
QIKIQTANI REGION, NUNAVUT

Classification: OTHER UNDERTAKING

Purpose: INSTALATION OF WATER THREE (3) WATER CROSSINGS

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

Date of Licence Issuance: MAY 27, 2015

Expiry of Licence: MAY 26, 2016

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

Draft:

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

PART A: SCOPE, DEFINITIONS AND ENFORCEMENT

1. Scope

This Licence allows for the construction of three (3) Water crossings as part of a proposed 4-kilometre road for undertaking classified as Other as per Schedule 1 of the *Regulations* at the Northwest Iqaluit Granular Deposit Project, located within municipal boundaries of the City of Iqaluit, in the Qikiqtani Region, Nunavut. The scope of the licence does not include the operation of the proposed road and/or the development of any quarry or granular sources, which the Board may potentially consider under a future amendment to the Licence.

- a. This Licence is issued subject to the conditions contained herein with respect to the use 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;

“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 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 *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*;

“**High Water Mark**” means the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land (ref. Department of Fisheries and Oceans Canada, Operational Statement: Mineral Exploration Activities);

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

“**Licensee**” means the holder of this Licence;

“**Modification**” means an alteration to a physical work that introduces a new structure or eliminates an existing structure and does not alter the purpose or function of the work, but does not include an expansion;

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

“**Nunavut 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 *Nunavut Waters Regulations SOR/2013-69* 18th April, 2013;

“**Secondary Containment**” means an impermeable structure, external to and separate from primary containment, which prevents unplanned spills of hazardous materials and provides a minimum capacity of 110% of the original vessel. Where multiple vessels are stored within the containment, it must provide a minimum capacity equal to the sum of the largest vessel and 10% of the aggregate volume of all other vessels located in the containment. This structure shall also provide containment and control of hoses and nozzles

“**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**”

“Waste” means, as defined in S.4 of the *Act*, any substance that, by itself or in combination with other substances found in water, would have the effect of altering the quality of any water to which the substance is added to an extent that is detrimental to its use by people or by any animal, fish or plant, or any water that would have that effect because of the quantity or concentration of the substances contained in it or because it has been treated or changed, by heat or other means.

“Water” or “Waters” means waters as defined in section 4 of the *Act*.

3. **Enforcement**

- a. Failure to comply with this Licence will be a violation of the *Act*, subjecting the Licensee to the enforcement measures and the penalties provided for in the *Act*;
- b. All inspection and enforcement services regarding this Licence will be provided by Inspectors appointed under the *Act*; and
- c. For the purpose of enforcing this Licence and with respect to the use of water and deposit or discharge of waste by the Licensee, Inspectors appointed under the *Act*, hold all powers, privileges and protections that are conferred upon them by the *Act* or by other applicable law.

PART B: GENERAL CONDITIONS

1. The Licensee shall file an Annual Report on the Appurtenant Undertaking with the Board no later than March 31 of the year following the calendar year being reported, containing the following information:
 - a. Summary report of all construction activities;
 - b. Summary of the results of any characterization studies conducted for borrow materials used for construction as required under Part C, Item 12;
 - c. All information required under Part H;
 - d. A list of unauthorized discharges and summary of follow-up action taken;
 - e. A summary of any abandonment and restoration work completed during the year and an outline of any work anticipated for the next year;
 - f. Any revisions to approved plans and manuals as required by Part B, Item 9, submitted in the form of an addendum;
 - g. 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
 - h. Any other details on Waste disposal requested by the Board by the 1st of 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 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 condition of this Licence.
4. The Monitoring Program and compliance dates specified in the Licence may be modified at the discretion of the Board.
5. 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.
6. 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 or as otherwise indicated in the Board's notification provide a revised version of the Plan to the Board for review and/or approval in writing.
7. The Licensee shall, for all Plans submitted under this Licence, implement the Plan as approved by the Board in writing.
8. 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.
9. 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 addendums to be included with the Annual Report required by Part B, Item 1(f), complete with a revisions list detailing where significant content changes are made
10. 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, AANDC

Nunavut District, Nunavut Region
P.O. Box 100
Iqaluit, NU X0A 0H0
Telephone: (867) 975-4295
Fax: (867) 979-6445

11. The Licensee shall submit one (1) paper copy and one (1) 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.
12. 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.
13. This Licence is assignable as provided for in Section 44 of the *Act*.
14. 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 deposit or permit the deposit of sediment into any Water body.
2. The Licensee shall not remove any material from below the ordinary High Water Mark of any Water body unless authorized.
3. The Licensee shall not cause the obstruction of natural drainage, flooding, or channel diversion unless authorized.
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 minimize stream bank disturbances and shall provide necessary controls to prevent erosion of stream banks.
6. Sediment and erosion control measures shall be implemented prior to and maintained during project activities to prevent entry of sediment into Water.
7. The Licensee shall undertake appropriate corrective measures to mitigate impacts on surface drainage resulting from the Licensee's activities.
8. The Licensee shall limit any in-stream activity to either no-flow or low Water periods. In stream activity is prohibited during fish migration.
9. 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.

10. 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.
11. The Licensee shall ensure that pollutants from machinery fording the crossing do not enter Water.
12. The Licensee shall ensure that any fill material used is from an approved source, free of contaminants, and lack acid-generating and metal-leaching characteristics, with the results of any assessment conducted included within the annual reporting requirements in Part B, Item 1.
13. To minimize impacts on surface drainage, the Licensee shall prepare all sites in such a manner as to prevent rutting of the ground surface.
14. Equipment storage holding areas should be located on gravel, sand or other durable land, at 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.
15. 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.
16. 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 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 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 at 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 MODIFICATION

1. The Licensee shall notify the Board and the Inspector at least 10 days prior to the construction or installation of any of the water crossings associated with the project.
2. Surface runoff or discharges impacted by construction activities associated with the Project, where flow may directly or indirectly enter Water, shall not exceed the following effluent quality limits:

Parameter	Maximum Average Concentration	Maximum Concentration of Any Grab Sample (mg/L)
Total Suspended Solids	50	100
Oil and Grease	No Visible Sheen	No Visible Sheen
pH	Between 6.0 and 9.5	Between 6.0 and 9.5

3. The Licensee shall submit to the Board for acceptance in writing, for-construction drawings stamped and signed by an Engineer, prior to the construction of any dams, dykes or structures intended to contain, withhold, divert or retain Water or Wastes.
4. The Licensee may, without written approval from the Board, carry out Modifications to the water crossings 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 to include:
 - i. A description of the facilities and/or works to be constructed;
 - ii. The proposed location of the structure(s);
 - iii. Identification of any potential impact to the receiving environment;
 - iv. A description of any monitoring required, including sampling locations, parameters measured and frequencies of sampling;
 - v. Schedule for construction;
 - vi. Drawings of engineered structures, signed and stamped by an Engineer; and
 - vii. Proposed sediment and erosion control measures.
 - b. the proposed 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.

5. Modifications for which all of the conditions referred to in Part E, Item 4, have not been met, may only be carried out upon approval from the Board in writing.

6. 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 F CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING

- 1. The Board has approved the plan entitled *Spill Response and Erosion and Sediment Control*, dated December 2014, which was submitted as additional information for the Application.
- 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 above 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 a minimum of thirty-one (31) metres above the ordinary High Water Mark of any Water body and 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 remove and treat any hydrocarbon contaminated soils generated by the project at an approved facility for treatment and/or disposal.

PART G: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION

1. The Licensee shall complete all restoration work prior to the expiry of this Licence including the removal of all infrastructure, site materials, fuel caches, drums, barrels, and equipment from the site.
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 re-establish vegetation and/or stabilize exposed soils before removing erosion control measures.
4. All disturbed areas shall be contoured and stabilized upon completion of work and restored to a pre-disturbed state.

PART H CONDITIONS APPLYING TO THE MIONITORING 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 crossings 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 Water crossings are located and Wastes are deposited.
4. Additional monitoring requirements may be requested by the Inspector.
5. 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.
6. The Licensee shall, during periods of flow or following a major precipitation event, conduct monitoring on a monthly basis, prior to, during and following construction of water crossings, immediately upstream and downstream for criteria listed under Part E, Item 2.
7. Modifications to the Monitoring Program may be made only upon written request and subsequent approval of the Board in writing.