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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI

DECISION

LICENCE NUMBER: NWB4MAG0406-Type “B”

This is the decision of the Nunavut Water Board (NWB) with respect to an application for a new Licence dated August 20, 2003 made by:

THE HAMLET OF ARVIAT

to allow for the installation of several culverts, one new bridge and the up-grading of an existing bridge during the construction of an all weather recreational road for the Maguse Lake Project located within the Kivalliq Region, Nunavut (contained within NTS Map No.55E/7 and E/8 and general latitudes 61°16' and 61°21'N; and general longitudes 94°14' and 94°45'W).

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 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*, decided to waive the requirement to hold a public hearing and furthermore to delegate 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 NWB4MAG0406 -Type “B” be issued subject to the terms and conditions contained therein. (Motion #: 2004 -30)

SIGNED this 5th day of August 2004 at Gjoa Haven, NU.

Original signed by:

Philippe di Pizzo
Chief Administrative Officer

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I. INTRODUCTION

On August 20, 2003, a water licence application was filed with the Nunavut Water Board by the Hamlet of Arviat for water use and waste disposal activities and the installation of several culverts, and new bridge and the up-grading of an older bridge during construction of an all-weather road for the Maguse Lake Project located within the Kivalliq Region, Nunavut (within the general latitudes of 61°16' and 61°21'N; and general longitudes 94°14' and 94°45'W as outlined in the application). After having been satisfied that the application was 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. No public concerns were expressed, and after reviewing the submission of the Applicant and 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, decided to waive the requirement to hold a public hearing and furthermore to delegate 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.

II. GENERAL CONSIDERATIONS

A. Term of the Licence

In accordance with the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* S. 45, the NWB may issue a licence for a term not exceeding twenty-five years. The NWB believes that a term of approximately two years is appropriate. The licence term will allow the Licensee to properly carry out the terms and conditions of the licence and will ensure that sufficient time is given to permit the Licensee to develop, submit, and implement the plans required under the licence to the satisfaction of the NWB.

B. Annual Report

The requirements imposed on the Licensee in this licence are for the purpose of ensuring that the NWB has an accurate annual update of water use and depositions of waste during a calendar year. This information is maintained on the public registry and is available to any interested parties upon request.

C. Spill Contingency Planning

The Board generally requires that all Licensees prepare a comprehensive Spill Contingency Plan to establish a state of readiness to ensure a prompt and effective response to possible spills or system failure events. The site-specific spill contingency plan will assist the Licensee in responding to emergencies such that the impacts to water in particular and the environment and public health in general are minimized. The Licensee is required to submit a Spill Contingency Plan as per Part E, Item 1.

D. Abandonment and Restoration (A&R)

To ensure that all future abandoned facilities are reclaimed in an appropriate manner, the NWB has imposed terms and conditions to address these concerns within the Licence as outlined under Part F.

LICENCE NWB4MAG0406 –Type “B”

Pursuant to the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* and the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada*, the Nunavut Water Board, hereinafter referred to as the Board, hereby grants to

THE HAMLET OF ARVIAT

of
(Licensee)

P.O. BOX 150 ARVIAT, NUNAVUT X0C 0E0

(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:

NWB4MAG0406 - Type “B”

License Number _____

NUNAVUT 06

Water Management Area _____

MAGUSE LAKE PROJECT – ALL WEATHER ROAD

Location _____

**CONSTRUCTION OF A BRIDGE OF MORE THAN 5 METRES IN
WIDTH AND THE INSTALLATION OF CULVERTS**

Purpose _____

MISCELLANEOUS UNDERTAKING

Description _____

NOT APPLICABLE

Quantity of Water Not to Exceed _____

AUGUST 5, 2004

Date of Licence _____

JULY 31, 2006

Expiry Date of Licence _____

Dated this 5th day of August 2004 at Gjoa Haven, NU.

Original signed by:

Philippe di Pizzo
Chief Administrative Officer

PART A: SCOPE AND DEFINITIONS

1. Scope

- a. This Licence authorizes the construction of a bridge of approximately 6 metres in width at the ordinary high water mark at point of construction, the up-grading of one bridge and installation of several culverts for the miscellaneous undertaking in construction of an all weather road from the Hamlet of Arviat to Maguse Lake within the Kivalliq Region, Nunavut (approximately 61°16'N to 61° 21'N and 94° 32' to 94° 45'W on NTS Map No.55 E/7 and E/8);
- b. 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;
- c. 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

In this Licence: **NWB4MAG0406 -Type “B”**

“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 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* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*;

“Chief Administrative Officer” means the Executive Director of the Nunavut Water Board;

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

“Licensee” means the holder of this Licence

“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;

“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;

“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;

PART B: GENERAL CONDITIONS

1. Licensee shall file an Annual Report on the appurtenant undertaking with the Board not later than March 31st of the year following the calendar year reported which shall contain the following information:
 - i. A summary report of all construction activities;
 - ii. A list of unauthorized discharges and a summary of follow-up actions taken;
 - iii. Revisions to the Spill Contingency Plan and Abandonment and Restoration Plan;
 - iv. Progressive reclamation work undertaken;
 - v. All information as required by Part G
 - vi. 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. If the Licensee contemplates the renewal of Licence No. NWB4MAG0406, 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 Licence No. NWB4MAG0406 be filed at least three months before the Licence

expiry date.

4. If Licence No. NWB4MAG0406 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
5. 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) Chief Administrative Officer:

Executive Director
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
Nunavut District, Nunavut Region
P.O. Box 100
Iqaluit, NU X0A 0H0
Telephone: (867) 975-4298
Fax: (867) 979-6445

6. 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.

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.
2. 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.
3. The Licensee shall limit any in-stream activity to low water period. In-stream activity is prohibited during fish migration.
4. The Licensee shall not deposit sediments into any water body.
5. The Licensee shall implement measures as required to control erosion resulting from surface disturbances and shall be required to undertake corrective measures to mitigate impacts on surface drainage resulting from the Licensee's operations.
6. 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.
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 general area. Equipment used should be well cleaned and free of oil and grease.
8. The Licensee shall ensure that pollutants from machinery fording the crossings do not enter water.
9. Crossing of any water body should be in shallow depth areas and should be selected to avoid damage/erosion of the bank and damage to shoreline vegetation. Repeated crossing should occur at the same locations.
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 not cut any stream bank or remove any material from below the ordinary high water mark of any water body unless authorized by the NWB.
12. The Licensee shall ensure that all fill material used is from an approved source and shall be free of contaminants.
13. To minimize impacts on surface drainage, the Licensee shall prepare all sites in such manner as to prevent rutting of the ground surface.

14. Equipment storage holding areas should be located on gravel, sand or other durable land in order to minimize impacts on surface drainage.
15. The Licensee shall designate an area for the deposition of excavated and stockpiled materials that is thirty (30) 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. All waste, shall be backhauled disposed of in an approved disposal facility, including solid waste and hazardous waste, all scrap metal, discarded machinery and parts, and other bulky material.
2. Areas designated for temporary waste disposal shall be located a minimum of thirty (30) metres above the ordinary high water mark of any water body, unless otherwise authorized. All garbage and debris shall be temporarily disposed of in a covered metal container.
3. The Licensee shall not deposit any waste in any body of water, or on the banks thereof, that may impair the quality, quantity, or flow of water.
4. No open burning or on-site land filling of domestic waste is permitted.
5. The Licensee shall ensure that the impact area is kept clean and tidy at all times.

PART E: CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING

1. The Licensee shall submit to the Board for approval, at least thirty (30) days prior to the commencement of construction, a Spill Contingency Plan prepared in accordance with the *“Guidelines for Contingency Planning, January 1987.”* In addition, the Plan shall include the following:
 - i) notification of the DIAND Water Resources Inspector at (867) 975-4298 following the occurrence of any spill of chemicals, petroleum products or waste associated with the project; and
 - ii) up-to-date MSDS information.
2. If the Plan referred to in Part E, Item 1 is not approved, the Licensee shall resubmit the plan

within thirty (30) days following notification from the Board.

3. The Licensee shall review the Spill Contingency Plan annually and modify the Plan as necessary to reflect changes in personnel, operations and/or technology. Any proposed modifications shall be submitted to the Board as an addendum to the original plan in accordance with Part B, Item 1(iii).
4. The Licensee shall ensure that vehicle and equipment maintenance and servicing shall be conducted only in designated areas well above the normal high watermark of any water body and shall implement special procedures (such as the use of impermeable spill mats or drip pans during re-fueling operations) to manage fluids, waste and provide containment for potential spills.
5. The Licensee shall ensure that any chemicals, petroleum products or wastes associated with the project do not enter water. All temporary granular material storage areas and fuel caches shall be located a minimum of thirty (30) metres above the normal high water mark and in such a manner that no fuel can enter water.
6. The Licensee shall examine on a regular basis all fuel and chemical storage containers for leaks. All leaks shall be repaired immediately.
7. If during the term of this Licence, an unauthorized discharge of waste occurs, or if such a discharge is foreseeable, the Licensee shall:
 - i. Employ the Spill Contingency Plan;
 - ii. Report the spill immediately to the 24-Hour Spill Line at (867) 920-8130 and to the DIAND Water Resources Inspector at (867) 975-4298; and
 - iii. Submit to the DIAND Water Resources Inspector on each occurrence, a detailed report including the GPS location, no later than thirty (30) days after initially reporting the event.

PART F: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION

1. Upon abandonment, the Licensee shall remove all scrap metal, discarded machinery and parts, barrels, redundant sediment control structures and building material from the construction site.
2. The Licensee shall endeavor to carry out progressive reclamation for any components of the project no longer required for the Licensee's operations.
3. All disturbed areas shall be stabilized and re-vegetated as required, upon completion of

work, and restored to a pre-disturbed state to minimize impacts on surface drainage.

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 crossing points 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 water crossing locations.
4. Additional sampling and analysis may be requested by an Inspector.
5. The Licensee shall include all of the data and information required by the “Monitoring Program” in the Licensee's Annual Report, as required per Part B, Item 1(v).
6. Modifications to the Monitoring Program may be made only upon written approval of the Chief Administrative Officer.