



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

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File No.: 8BW-REP1217

May 8, 2012

Senior Administrative Officer  
Hamlet of Repulse Bay  
P.O. Box 10  
Repulse Bay, Nunavut  
X0C 0H0

Mr. Nick Lawson  
Nunami Stantec Ltd.  
P.O. Box 1680  
Yellowknife, NT  
X1A 2A4

**RE: NWB Licence No.8BW-REP1217**

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Dear Hamlet of Repulse Bay:

Please find attached water licence no. 8BW-REP1217 (Licence) issued to the Hamlet of Repulse Bay (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 NIRB Screening Decision Report and comments received from interested persons on issues identified, particularly those comments from the Department of Fisheries and Oceans Canada related to fish and fish habitat. This information is

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attached for your consideration<sup>1</sup>.

In addition, the Board notes that the Hamlet of Repulse Bay's municipal water licence 3BM-REP0409 is expired. When the Hamlet submits its application to renew or obtain a new municipal water licence, it may consider incorporating this Licence into its municipal licence.

Sincerely,

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

Thomas Kabloona  
Nunavut Water Board  
Chair

TK/kt/pb

Enclosure: Licence No. 8BW-REP1217  
Comments  
NIRB Screening Decision Report

cc: Kivalliq Distribution List

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<sup>1</sup> Indian and Northern Affairs Canada (INAC), August 26, 2011; Environment Canada (EC), May 10, 2011; Government of Nunavut Department of Culture, Language, Elders, and Youth (GN-CLEY), April 27, 2011; Department of Fisheries and Oceans Canada (DFO), May 25, 2011.



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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYIT  
OFFICE DES EAUX DU NUNAVUT

## DECISION

**LICENCE NUMBER: 8BW-REP1217**

This is the decision of the Nunavut Water Board (NWB) with respect to an application for a new licence received March 15, 2011 made by:

### HAMLET OF REPULSE BAY

To allow for the installation and maintenance of stream crossing culverts during the construction and operation of an all-weather access road for, and including development to borrow sources, located at the Hamlet of Repulse Bay within the Kivalliq Region, Nunavut generally located within the geographic coordinates as follows:

66° 33' 13" N and 86° 25' 34" W  
66° 33' 45" N and 86° 16' 58" W  
66° 33' 03" N and 86° 16' 42" W; and  
66° 32' 45" N and 86° 25' 08" W

With respect to this application, the NWB gave notice to the public that the Hamlet of Repulse Bay had filed an application for a new water licence.

After having been satisfied that the application was reviewed by the Nunavut Planning Commission and received a positive conformity determination with the Keewatin Regional Land Use Plan in accordance with Article 11 of the *Nunavut Land Claim Agreement* (NLCA)<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 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:

<sup>2</sup> Letter from B.Suluk, NPC, to L.Payette, NIRB and P. Beaulieu, NWB, Re: NWB 8WB-REP Access Road Construction – Hamlet of Repulse Bay, dated August 6, 2009.

<sup>3</sup> NIRB Screening Decision Report NIRB File No. 11XN048: , dated January 16, 2012.

**Licence Number 8BW-REP1217 be issued subject to the terms and conditions contained therein. (Motion #: 2012-00-L08)**

SIGNED this 7<sup>th</sup> day of May, 2012 at Gjoa Haven, NU.



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Thomas Kabloona  
Nunavut Water Board  
Chair

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## **NWB LICENCE No. 8BW-REP1217**

### **I. BACKGROUND**

The Hamlet of Repulse Bay applied to the Nunavut Water Board (NWB) for a new water license to permit construction and operation of an all weather access road and to develop borrow sources for construction of the road as well as other community projects (the Project). Six (6) borrow sources have been identified northwest of the Hamlet and designs for the access road to these sites have been prepared.

The Hamlet of Repulse Bay is located at the south-western end of the Melville Peninsula at the Rae Isthmus (66° 31' N, 86° 14' W) in the Kivalliq Region of Nunavut. FSC Architects and Engineers identified six major new deposits of granular aggregate west of the community following a well-established all-terrain vehicle (ATV) trail. The newly identified granular deposits have estimated quantities of materials ranging from 10,000 to 225,000 m<sup>3</sup>. The access road is proposed to be approximately 8.729 km long, 11 m wide at its base with additional width for shoulders and culverts. The Project route crosses six (6) streams and the tip of the Tariugaq tidal flat. Three (3) ponds and three (3) small lakes are also present within the Project area. The Hamlet began construction of the access road in 2007, continued until 2010, and completed approximately 4.4 km. An ATV trail is also present extending from the end of the constructed access road to the North Pole River.

Three (3) of the streams to be crossed by the proposed access road are expected to be ephemeral, and the other three (3) are reported to flow throughout the ice-free season but freeze to bottom in the winter. Fish were not observed within any of the water crossings; however, ninespine stickleback were observed in two small waterbodies adjacent to the access road. Fish and fish habitat may be present within Tariugaq Inlet, and the headwater and/or downstream waterbodies of most streams.

Culverts will be installed at all water crossings for the proposed access road. Culverts will be either 800 or 1600 mm diameter with varying lengths. The constructed portion of the access road presently crosses two (2) streams as well as the Tariugaq Inlet tidal flat. Rudimentary culverts were installed at the stream crossings, however no culverts were installed at the Tariugaq Inlet crossing and water presently drains through the large riprap of the constructed road. Culverts will be installed or replaced at these three (3) crossings.

### **II. PROCEDURAL HISTORY**

In February 2009, Nunami Stantec Ltd, on behalf of the Hamlet of Repulse Bay (Applicant/Licensee), applied for a new water licence to construct an access road to identify granular resources. The access road application included several water crossings and installation of culverts.

On August 9, 2009 the Nunavut Planning Commission notified the NWB of the completion of its review of the Application with the Keewatin Regional Land Use Plan, determining that the Application conformed to the Plan in accordance with Article 11 of the *Nunavut Land Claims Agreement* (NLCA).

In mid 2010, the Applicant completed additional work for road design finalization and heritage resource impact assessments to support access road construction. Following the additional work, the

Applicant realized that the Project required extraction of identified granular resources, including quarrying and pitting, as well as access road construction and culvert installation. On December 17, 2010 the Applicant requested that the NWB cancel the 2009 water licence application and resubmit a new application. On January 6, 2011 the NWB closed the file.

On March 15, 2011, the Nunavut Water Board (NWB) received an application for a new water licence from Nunami Stantec Ltd. on behalf of the Hamlet of Repulse Bay (Applicant / Licensee) for construction and operation of an access road and borrow source development. The Application included the following documents:

- Cover letter from Nunami Stantec to NWB dated March 10, 2011;
- Application summary in English;
- Application summary in Inuktitut;
- Completed and signed General Water Licence Application Form;
- Completed Miscellaneous Supplemental Information Guideline for General Water Works; and
- Nunami Stantec for Department of Community Government Services Government of Nunavut, Construction and Operation of an Access Road and Borrow Sources at Repulse Bay, NU. Environmental Screening, March 2011.

On April 7, 2011, the NWB received correspondence from the Nunavut Planning Commission with respect to the project proposal which indicated that the project, as proposed, conforms to the Keewatin Regional Land Use Plan.

On April 18, 2011, the NWB concluded that the Application met the requirements of section 48(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA 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 May 10, 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 the following additional information:

- A stand alone project/ site specific spill contingency plan for the construction and operation of the road and quarries;
- Flow estimates and drainage areas to explain culvert sizing for the water crossings and barring better peak flow estimates, contingencies for upstream ponding by the road and washouts;
- Information regarding culvert alignment and stream bed changes;
- Information regarding the four general drainage culverts; and
- Details regarding progressive reclamation and the timing of reclamation.

On May 25, 2011, following the Board's deadline, additional comments were received from the Department of Fisheries and Oceans Canada (DFO) related to fish and fish habitat.

The NWB forwarded INAC's request to the Applicant on June 16, 2011 and on June 30, 2011 the Applicant provided a response. Upon returning the Applicant's response to INAC for a final review, INAC concluded on August 26, 2011 that it was satisfied.

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 October 26, 2011, the NIRB issued a letter<sup>4</sup> with respect to the project and indicated confirmation from the Nunavut Planning Commission of no further requirement for screening:

On September 21, 2011 the Government of Nunavut, Community & Government Services (GN-CGS) referred the project proposal to the NIRB for screening. Furthermore, on September 27, 2011 the NPC confirmed that a conformity determination would not be required for this project proposal.

On January 16, 2012, 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 No.8BW-REP1217.

### **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 (25) years. The Applicant originally requested a term of two (2) years to complete construction of the road; however, on August 29, 2011, the Applicant revised its requested term to 15 years to allow for ongoing operation of the road and borrow sources.

No comments were submitted by parties regarding the term of Licence. The Board has decided to issue the Licence for a five (5) year term to allow it an opportunity to review the Project's progress as well as the Licensee's compliance.

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* (NWNSTRA). 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

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<sup>4</sup> Letter, NIRB to Nunami Stantec re: Opportunity to address comments received regarding Nunami Stantec's "Access Road and Borrow Source at Repulse Bay" project proposal, dated October 26, 2011

expiry date.

## **Annual Report**

The Board has included a condition in Part B, Item 1 of the Licence requiring submission of an annual report no 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.

## **Spill Contingency Plan**

On June 30, 2011, at the recommendation of INAC and the request of the NWB, the Applicant submitted its Spill Contingency Plan entitled "*Spill Contingency Plan for Construction and Operation of an Access Road and Borrow Sources, Repulse Bay, NU.*"; prepared by Nunami Stantec; Project Number 123510486; dated March 2011. No further comments were submitted from INAC regarding the Plan. The Board has approved the Spill Contingency Plan for implementation during construction and operation of the Hamlet of Repulse Bay's access road and borrow sources.

## **Abandonment and Restoration**

In their submissions dated August 26, 2011 and May 10, 2011, INAC and EC recommended that the Licensee prepare an abandonment and restoration plan for the access road and all borrow sources. The Board agrees with the parties and requires as a condition in Part G Item 1 of this Licence, that the Licensee submit to the Board for approval in writing, within ninety (90) days of issuance of the Licence, an Abandonment and Restoration Plan for the road and borrow sources.

## **Other Issues**

On May 25, 2011, following the Board's deadline for submissions from interested parties, comments were received from the Department of Fisheries and Oceans Canada (DFO) related to fish and fish habitat under the *Species at Risk Act* and the habitat protection provisions of the *Fisheries Act*. The Board encourages the Licensee to contact the DFO regarding their concerns and is advised that compliance with this Licence does not absolve the Licensee from the responsibility to comply with other applicable legislation



## 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

### HAMLET OF REPULSE BAY

(Licensee)

P.O. BOX 10, REPULSE BAY, NU, X0C 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-REP1217**

Water Management Area: NUNAVUT 06

Location: REPULSE BAY ROAD AND BORROW SOURCE PROJECT,  
KIVALLIQ REGION, NUNAVUT

Classification: MISCELLANEOUS – TYPE “B”

Purpose: INSTALLATION OF WATER CROSSINGS FOR THE  
CONSTRUCTION AND OPERATION OF AN ALL-WEATHER  
ROAD AND BORROW SOURCES

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

Date of Licence Issuance: MAY 07, 2012

Expiry of Licence: MAY 31, 2017

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

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

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

### **SCOPE**

- a. This Licence allows for the construction and operation of an access road including water crossings and development of borrow sources, in the Hamlet of Repulse Bay, within the Kivalliq Region of Nunavut, during an undertaking classified as Miscellaneous as per Schedule II of the *Regulations*.
- 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.

### **DEFINITIONS**

In this Licence: **8BW-REP1217**

**“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*;

**“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;

**“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;

## **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. Summary report of all construction activities;
  - b. Summary of acid rock drainage and metal leaching characterization of the borrow materials to be 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 Water use or Waste disposal requested by the Board by November 1<sup>st</sup> 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 conditions 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 provide a revised version to the Board for review 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 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.
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 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.
10. The Licensee shall ensure a copy of this Licence is maintained onsite at all times.
11. 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

12. 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.
13. 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.
14. This Licence is assignable as provided in Section 44 of the Act.
15. 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 all fill material used is from an approved source, shall be free of all contaminants, and shall be characterized for acid generating and metal leaching potential prior to its use, with results and assessment to be submitted within the annual reporting requirements of 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, 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.
17. The Licensee shall maintain an undisturbed buffer zone of at least one hundred (100) metres between any proposed borrowing operation and the ordinary High Water Mark of any water body.
18. All excavation and/or removal of material from the borrow area shall only take place to within one (1) meter of the ordinary High Water Mark above the ground water table.

**PART D: CONDITIONS APPLYING TO WASTE DISPOSAL**

1. The Licensee shall locate areas designated for temporary Waste disposal at a minimum distance of thirty one (31) metres above 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 in an approved Waste disposal site.
5. The Licensee shall maintain records of all Waste backhauled and records of confirmation of proper disposal of backhauled Waste. These records shall be made available to an Inspector upon request.

**PART E: CONDITIONS APPLYING TO CONSTRUCTION AND MODIFICATION**

1. The Licensee shall submit to the Board for approval in writing, 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.
2. 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 impacts 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.
3. Modifications for which all of the conditions referred to in Part E, Item 2, have not been met, may only be carried out upon approval from the Board in writing.

4. 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 Contingency Plan For Construction and Operation of an Access Road and Borrow Sources, Repulse Bay, NU”, dated March 2011, submitted as additional information for the Application.
2. The Licensee shall submit within thirty (30) days of issuance of the Licence, an Addendum to the Plan referred to in Part F, Item 1, in the format set out by the *Consolidation of Spill Contingency Planning and Reporting Regulations R-068-93* addressing the following issues:
  - a. Update contact information to include: Water Resources Inspector should be contacted through the Manager of Field Operations at Ph. 867-975-4295; Aboriginal Affairs and Northern Development Canada Water Resources Division at Ph. 867-975-4550; the Kivalliq Inuit Association at Ph. 867-(867) 645-5725;
  - b. Review and include as reference materials the Government of Nunavut’s *Consolidation of Spill Contingency Planning and Reporting Regulations R-068-93* under the Environmental Protection Act and the accompanying guideline Contingency Planning and Spill Reporting in Nunavut, A Guide to the New Regulations; and
  - c. Other relevant contact information such as local health services, RCMP.
3. 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.
4. 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.
5. 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.

6. 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 the water.
7. The Licensee shall remove and treat any hydrocarbon contaminated soils at an approved facility.

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

1. The Licensee shall submit to the Board for approval in writing, within ninety (90) days of issuance of this Licence, an Abandonment and Restoration Plan for the road and borrow sources. Where applicable, the Plan shall include information on the following:
  - a. Reclamation objectives;
  - b. Petroleum and chemical storage areas;
  - c. Any site affected by waste spills;
  - d. An implementation schedule;
  - e. Maps delineating all disturbed areas, and site facilities;
  - f. Stream crossings;
  - g. Consideration of altered drainage patterns;
  - h. Type and source of cover materials;
  - i. Future area use;
  - j. Hazardous wastes; and
  - k. A proposal identifying measures by which restoration costs will be financed by the Licensee upon abandonment.
2. 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.
3. The Licensee shall carry out progressive reclamation of any components of the project no longer required for the Licensee's operations.
4. The Licensee shall re-establish vegetation and/or stabilize exposed soils before removing erosion control measures.
5. 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 MONITORING PROGRAM**

1.     The Licensee shall monitor all activities for signs of erosion and shall implement and maintain sediment and erosion control measures prior to the undertaking to prevent entry of sediment into any Water body.
2.     The Licensee shall obtain a digital photographic record of the water crossing before, during, and after construction has been completed.
3.     The Licensee shall determine the GPS co-ordinates (in degrees, minutes and seconds of latitude and longitude) of all locations where 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.     Modifications to the Monitoring Program may be made only upon written request and subsequent approval of the Board in writing.