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October 1, 2020

File: MV2020L8-0004

Sean Smiley  
Design and Technical Services  
Government of the Northwest Territories – Department of Infrastructure  
Box 1320  
Yellowknife NT X1A 2L9

Sent by E-mail

Dear Sean Smiley:

**Re: GNWT-Department of Infrastructure– Issuance Package – Water Licence MV2020L8--0004 – Miscellaneous – Dehcho Bridge, NT**

The Mackenzie Valley Land and Water Board (Board) met on September 17, 2020] and considered the Application from Government of the Government of the Northwest Territories – Department of Infrastructure for Water Licence (Licence) MV2020L8-0004 for the Bank Rehabilitation – Miscellaneous – Dehcho Bridge, in accordance with the *Waters Act*.

Water Licence MV2020L8-0004 (attached) has been granted for a term of 5 years, effective October 1, 2020 and expiring September 30, 2025 and is supported by the Board's Reasons for Decision. These documents are posted to the Board's Public Registry.<sup>1</sup>

Management Plans – Approved

The Board has approved the following Plans:

| Condition Number     | Title of Plan (Version)                              |
|----------------------|--|
| Part B, condition 14 | Engagement Plan (V1) <sup>2</sup>                    |
| Part F, condition 3  | Sediment and Erosion Control Plan (V1)] <sup>3</sup> |
| Part F, condition 4  | Waste Management Plan (V1) <sup>4</sup>              |
| Part H, condition 2  | Spill Contingency Plan (V1) <sup>5</sup>             |

.../2

<sup>1</sup> See MVLWB Online Registry for [MV2020L8-0004](#)

<sup>2</sup> See MVLWB Online Registry for Engagement Plan – Version 1 – June 23, 2020 ([hyperlink](#)).

<sup>3</sup> See MVWB Online Registry for Sediment and Erosion Control Plan – Version 1 – July 30, 2020 ([hyperlink](#)).

<sup>4</sup> See MVLWB Online Registry for Waste Management Plan – Version 1 – June23, 2020 ([hyperlink](#)).

<sup>5</sup> See MVLWB Online Registry for – Spill Contingency Plan – Version 1 – June 23, 2020 ([hyperlink](#)).

Inspectors:

Inspectors referred to in this Licence can be contacted at the following office:

GNWT-ENR - Dehcho Regional Office  
PO Box 240  
Fort Simpson, NT X0E 0N0  
Phone: 1-867-695-7450

Analyst:

The Analyst referred to in the Surveillance Network Program annexed to this Licence can be contacted as follows:

Street Address:

Taiga Environmental Laboratory  
4601 – 52<sup>nd</sup> Ave  
Yellowknife, NT  
X1A 1L4

Mailing Address:

Taiga Environmental Laboratory  
P.O. Box 1320  
Yellowknife, NT  
X1A 2L9

Phone: (867) 767-9235, ext 53151  
Fax: (867) 920-8740

Full cooperation of the Government of the Northwest Territories – Department of Infrastructure is anticipated and appreciated. Please contact Tyree Mullaney at (867) 766-7464 with any questions or concerns regarding this letter.

Yours sincerely,



Mavis Cli-Michaud  
Mackenzie Valley Land and Water Board, Chair

Copied to: Dehcho Distribution List  
Sonja Martin-Elson – Inspector, GNWT-ENR  
Meghan Beveridge – Director, Water Resources, GNWT-ENR

Attached: Water Licence MV2020L8-0004  
Reasons for Decision



**Mackenzie Valley Land and Water Board  
Water Licence**

Pursuant to the *Mackenzie Valley Resource Management Act* and Regulations, the Mackenzie Valley Land and Water Board, hereinafter referred to as the Board, hereby grants to:

Government of the Northwest Territories – Department of Infrastructures  
(Licensee)

of **Box 1320, Yellowknife NT, X1A 2L9**  
(mailing address)

hereinafter called the Licensee, the right to alter, divert, or otherwise use water subject to the restrictions and conditions contained in the *Waters Act* and Regulations made thereunder and subject to and in accordance with the conditions specified in this Licence.

|   |  |
|---|--|
| Licence number:                               | <u>MV2020L8-0004</u>   |
| Licence type:                                 | <u>B</u>   |
| Water Management Area:                        | <u>Northwest Territories 03</u>  |
| Location:                                     | <u>N 61°16'14.17" – W 117°31'26.09"</u><br><u>N 61°15'32.37" – W 117°31'42.04"</u> |
| Purpose:                                      | <u>To use water and dispose of waste and associated uses</u>                       |
| Description:                                  | <u>Miscellaneous</u>   |
| Quantity of water <b>not to be exceeded</b> : | <u>0 cubic metres (m<sup>3</sup>)</u>  |
| Effective date of Licence:                    | <u>October 1, 2020</u>   |
| Expiry date of Licence:                       | <u>September 30, 2025</u>  |

This Licence, issued and recorded at Yellowknife, includes and is subject to the annexed conditions.

**Mackenzie Valley Land and Water Board**

Handwritten signature of Mavis Cli-Michaud in blue ink.

Mavis Cli-Michaud, Chair

Handwritten signature of Amanda Gauthier in black ink.

Amanda Gauthier, Witness

**Type B Water Licence MV2020L8-0004**  
**Government of the Northwest Territories – Department of Infrastructure –**  
**Riverbank Rehabilitation**

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## Part A: Scope and Defined Terms

### Scope:

1. This Licence entitles the Licensee to use Water and deposit Waste for miscellaneous activities at the Dehcho Bridge Bank Rehabilitation Project **SCOPE**  
  
The scope of this Licence includes the following:
  - a) Depositing of Waste; and
  - b) Construction, operation, and maintenance of bank rehabilitation.
  
2. This Licence is issued subject to the conditions contained herein with respect to the use of Water and the deposit of Waste 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. Any change made to the *Mackenzie Valley Resource Management Act* or *Waters Act* that affects licence conditions and defined terms will be deemed to have amended this Licence. **LEGISLATION  
SUBJECT TO  
CHANGE**
  
3. Compliance with this Licence does not relieve the Licensee from responsibility for compliance with the requirements of any applicable federal, territorial, or municipal legislation. **LEGISLATIVE  
COMPLIANCE**

### Defined Terms:<sup>1</sup>

**Board** – the Mackenzie Valley Land and Water Board established under subsection 99(1) of the *Mackenzie Valley Resource Management Act*.

**Construction** – any activities undertaken during any phase of the Project to construct or build any structures, facilities or components of, or associated with, the development of the Project.

**Engagement Plan** – a document, developed in accordance with the MVLWB *Engagement and Consultation Policy* and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*, that clearly describes how, when, and which engagement activities will occur with an affected party during the life of the Project.

**Inspector** – an Inspector designated by the Minister under subsection 65(1) of the *Waters Act*.

**Licensee** – the holder of this Licence.

**Minister** – the Minister of the Government of the Northwest Territories (GNWT) – Environment and Natural Resources.

**Ordinary High-Water Mark** – the usual or average level to which a Watercourse rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing Watercourses (rivers, streams), this refers to an active channel/bank-full level, which is often the 1:2-year flood flow return level. In inland lakes, wetlands or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by Water so as to leave a mark on the land and where the natural vegetation changes from predominantly aquatic vegetation to terrestrial vegetation (excepting Water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

**Project** – the undertaking described in Part A, Conditions 1 and 2.

**Receiving Environment** – the natural environment that, directly or indirectly, receives any deposit of Waste from the Project.

**Spill Contingency Plan (SCP)** – a document developed for the Project in accordance with INAC's *Guidelines for Spill Contingency Planning*.

**Unauthorized Discharge** – a Discharge of any Water or Waste not authorized under this Licence

**Waste** – as defined in section 1 of the *Waters Act*:

- a) a substance that, if added to water, would degrade or alter or form part of a process of degradation or alteration of the quality of the water to an extent that is detrimental to its use by people or by an animal, fish or plant, or
- b) water that contains a substance in such a quantity or concentration, or that has been so treated, processed or changed, by heat or other means, that it would, if added to other water, degrade or alter or form part of a process of degradation or alteration of the quality of that water to the extent described in paragraph (a), and includes
- c) a substance or water that, for the purposes of the *Canada Water Act*, is deemed to be waste,
- d) a substance or class of substances prescribed by regulations made under subparagraph 63(1)(b)(i),
- e) water that contains a substance or class of substances in a quantity or concentration that is equal to or greater than a quantity or concentration prescribed in respect of that substance or class of substances by regulations made under subparagraph 63(1)(b)(ii), and
- f) water that has been subjected to a treatment, process or change prescribed by regulations made under subparagraph 63(1)(b)(iii).

**Waste Management Plan (WMP)** – a document, developed in accordance with the MVLWB *Guidelines for Developing a Waste Management Plan*, that describes the methods of Waste management for the Project from Waste generation to final disposal.

**Water** – as defined in section 1 of the *Waters Act*: water under the administration and control of the Commissioner, whether in a liquid or frozen state, on or below the surface of land.

**Watercourse** – as defined in section 1 of the Waters Regulations: a natural watercourse, body of Water or Water supply, whether usually containing Water or not, and includes Groundwater, springs, swamps, and gulches.

**Water Management Area** – a geographical area of the Northwest Territories established by section 2 and Schedule A of the Waters Regulations.

**Waters Regulations** – the regulations proclaimed pursuant to section 63 of the *Waters Act*.

**Water Use** – as defined in section 1 of the *Waters Act*: a direct or indirect use of any kind, including, but not limited to,

- a) a diversion or obstruction of waters,
- b) an alteration of the flow of waters, and
- c) an alteration of the bed or banks of a river, stream, lake or other body of water, whether or not the body of water is seasonal, but does not include a use connected with shipping activities that are governed by the *Canada Shipping Act, 2001*.

|                                   | Condition   | Condition Title                              |
|-----------------------------------|---|--|
| <b>Part B: General Conditions</b> |   |  |
| 1.                                | The Licensee shall ensure a copy of this Licence is maintained on site at all times.  | <b>COPY OF LICENCE</b>                       |
| 2.                                | The Licensee shall take every reasonable precaution to protect the environment.   | <b>PRECAUTION TO PROTECT ENVIRONMENT</b>     |
| 3.                                | All references to policies, guidelines, codes of practice, statutes, regulations, or other authorities shall be read as a reference to the most recent versions, unless otherwise noted.  | <b>REFERENCES</b>                            |
| 4.                                | <p>The Licensee shall ensure all submissions to the Board:</p> <ul style="list-style-type: none"> <li>a) Are in accordance with the MVLWB <i>Document Submission Standards</i>;</li> <li>b) Include a conformity statement or table which identifies where the requirements of this Licence, or other directives from the Board, are addressed; and</li> <li>c) Include any additional information requested by the Board.</li> </ul> | <b>SUBMISSION FORMAT AND CONFORMITY</b>      |
| 5.                                | The Licensee shall ensure management plans are submitted to the Board in a format consistent with the MVLWB <i>Standard Outline for Management Plans</i> , unless otherwise specified.  | <b>MANAGEMENT PLAN FORMAT</b>                |
| 6.                                | The Licensee shall comply with all plans, including revisions, approved pursuant to the conditions of this Licence.   | <b>COMPLY WITH SUBMISSIONS AND REVISIONS</b> |
| 7.                                | The Licensee shall conduct an annual review of all plans and make any revisions necessary to reflect changes in operations, contact information, or other details. No later than March 31 each year, the Licensee shall send a notification letter to the Board, listing the documents that have been reviewed and do not require revisions.  | <b>ANNUAL REVIEW</b>                         |
| 8.                                | The Licensee may propose changes at any time by submitting revised plans to the Board, for approval, a minimum of 90 days prior to the proposed implementation date for the changes. The Licensee shall not implement the changes until approved by the Board.  | <b>REVISIONS</b>                             |
| 9.                                | The Licensee shall revise any submission and submit it as per the Board's directive.  | <b>REVISE AND SUBMIT</b>                     |
| 10.                               | If any date for any submission falls on a weekend or holiday, the Licensee may submit the item on the following business day.   | <b>SUBMISSION DATE</b>                       |
| 11.                               | The Schedules and any compliance dates specified in this Licence may be updated at the discretion of the Board.   | <b>UPDATES TO COMPLIANCE DATE(S)</b>         |
| 12.                               | The Licensee shall comply with all directives issued by the Board in respect of the implementation of the conditions of this Licence.   | <b>COMPLY WITH BOARD DIRECTIVES</b>          |

|     |  |  |
|-----|--|--|
| 13. | Beginning March 31, 2020 and no later than every March 31 thereafter, the Licensee shall submit an <b>Annual Water Licence Report</b> to the Board and an Inspector. The Report shall be in accordance with the requirements of Schedule 1, Condition 1.   | <b>ANNUAL WATER LICENCE REPORT</b>                   |
| 14. | The Licensee shall comply with the <b>Engagement Plan</b> , once approved.   | <b>ENGAGEMENT PLAN</b>                               |
| 15. | A minimum of ten days prior to the initial commencement of Project activities, the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the commencement date, and the name and contact information for the individual responsible for overseeing the Project. Written notification shall be provided to the Board and an Inspector if any changes occur. | <b>NOTIFICATION – COMMENCEMENT</b>                   |
| 16. | The Licensee shall immediately provide written notification to the Board and an Inspector of any non-compliance with the conditions of this Licence.   | <b>NOTIFICATION – NON-COMPLIANCE WITH CONDITIONS</b> |
| 17. | The Licensee shall immediately provide written notification to the Board of any non-compliance with a Board directive issued in respect of the implementation of the conditions of this Licence.   | <b>NOTIFICATION – NON-COMPLIANCE WITH DIRECTIVES</b> |
| 18. | The Licensee shall ensure that a copy of any written authorization issued to the Licensee by an Inspector is provided to the Board.  | <b>COPY – WRITTEN AUTHORIZATION</b>                  |
| 19. | The Licensee shall submit a current Project schedule to the Board and an Inspector upon request.   | <b>SUBMIT CURRENT PROJECT SCHEDULE</b>               |

**Part C: Security**

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**Part D: Water Use**

*Intentionally left blank.*

**Part E: Construction**

|    |  |  |
|----|--|--|
| 1. | The Licensee shall ensure that all structures intended to contain, withhold, divert, or retain Water or Waste are designed, constructed, and maintained to minimize the escape of Waste to the Receiving Environment.  | <b>OBJECTIVE – CONSTRUCTION</b>          |
| 2. | The Licensee shall only use material that is clean and free of contaminants and is from a source that has been authorized in writing by an Inspector.  | <b>CONSTRUCTION MATERIAL – SOURCE(S)</b> |
| 3. | The Licensee shall maintain records of Construction materials for all structures and make them available at the request of the Board or an Inspector.  | <b>CONSTRUCTION RECORDS</b>              |
| 4. | A minimum of ten days prior to the commencement of Construction of any structure(s) intended to contain, withhold, divert, or retain Water or Wastes, the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the Construction commencement date, and the name | <b>NOTIFICATION – CONSTRUCTION</b>       |



and contact information for the individual responsible for overseeing the Construction. Written notification shall be provided to the Board and an Inspector if any changes occur.

## Part F: Waste and Water Management

|    |  |   |
|----|--|---|
| 1. | The Licensee shall manage Waste and Water with the objective of minimizing the impacts of the Project on the quantity and quality of Water in the Receiving Environment through the use of appropriate mitigation measures, monitoring, and follow-up actions. | <b>OBJECTIVE – WASTE AND WATER MANAGEMENT</b> |
|----|--|---|

|    |   |                        |
|----|---|------------------------|
| 2. | The Licensee shall minimize erosion by implementing suitable erosion control measures that shall be located and maintained to the satisfaction of an Inspector. | <b>EROSION CONTROL</b> |
|----|---|------------------------|

### Management and Monitoring Plans

|    |  |  |
|----|--|--|
| 3. | The Licensee shall comply with the <b>Sediment and Erosion Control Plan</b> , once approved. | <b>SEDIMENT AND EROSION CONTROL PLAN</b> |
|----|--|--|

### Discharge and Disposal Locations and Rates

|    |  |                              |
|----|--|------------------------------|
| 4. | The Licensee shall deposit all Waste as described in the approved <b>Waste Management Plan</b> . | <b>WASTE MANAGEMENT PLAN</b> |
|----|--|------------------------------|

|    |  |                                     |
|----|--|-------------------------------------|
| 5. | A minimum of ten days prior to depositing any Waste into a licenced municipal facility, the Licensee shall provide written notification to the Board and an Inspector. | <b>NOTIFICATION – WASTE DEPOSIT</b> |
|----|--|-------------------------------------|

## Part G: Aquatic Effects Monitoring

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## Part H: Spill Contingency Planning

|    |   |   |
|----|---|---|
| 1. | The Licensee shall ensure that Unauthorized Discharges associated with the Project do not enter any Waters. | <b>OBJECTIVE – PREVENT WASTE INTO WATER</b> |
|----|---|---|

|    |   |                               |
|----|---|-------------------------------|
| 2. | The Licensee shall comply with the <b>Spill Contingency Plan</b> , once approved. | <b>SPILL CONTINGENCY PLAN</b> |
|----|---|-------------------------------|

|    |  |                      |
|----|--|----------------------|
| 3. | If a spill or an Unauthorized Discharge occurs or is foreseeable, the Licensee shall:                        | <b>REPORT SPILLS</b> |
|    | a) Implement the approved Spill Contingency Plan referred to in Part H, Condition 2;                         |                      |
|    | b) Report it immediately using the NU-NT Spill Report Form by one of the following methods:                  |                      |
|    | <ul style="list-style-type: none"> <li>• Telephone: (867) 920-8130</li> <li>• Fax: (867) 873-6924</li> </ul> |                      |

- E-mail: [spills@gov.nt.ca](mailto:spills@gov.nt.ca)
  - Online: Spill Reporting and Tracking Database
- c) Notify the Board and an Inspector immediately; and
- d) Within 30 days of initially reporting the incident, or within a timeframe authorized by an Inspector, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Written notification shall be provided to the Board and an Inspector if any changes occur

- |    |  |   |
|----|--|---|
| 4. | The Licensee shall ensure that spill prevention infrastructure and spill response equipment is in place prior to commencement of the Project.  | <b>SPILL PREVENTION<br/>AND RESPONSE<br/>EQUIPMENT</b>      |
| 5. | The Licensee shall restore all areas affected by spills and Unauthorized Discharges to the satisfaction of an Inspector.   | <b>CLEAN UP SPILLS</b>                                      |
| 6. | The Licensee shall not establish any fuel storage facilities or refueling stations, or store chemicals or Wastes within 100 metres of the Ordinary High-Water Mark of any Watercourse. | <b>MATERIAL STORAGE<br/>– ORDINARY HIGH-<br/>WATER MARK</b> |

**Part I: Closure and Reclamation**

*Intentionally left blank.*

Signed on behalf of the Mackenzie Valley Land and Water Board

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Mavis Cli-Michaud, Chair

---

Amanda Gauthier, Witness

## Schedule 1: Annual Water Licence Report

### Condition

1. The **Annual Water Licence Report** referred to in Part B, Condition 15 of this Licence shall include, but not be limited to, the following information about activities conducted during the previous calendar year:
  - a) A brief summary of Project activities;
  - b) An updated Project schedule;
  - c) A summary of engagement activities conducted in accordance with the approved **Engagement Plan**, referred to in Part B, Condition 16 of this Licence;
  - d) A summary of Construction activities conducted in accordance with Part E of this Licence;
  - e) A summary of major maintenance activities conducted in accordance with this Licence;
  - f) A summary of activities conducted in accordance with the approved **Waste Management Plan**, referred to in Part F, Condition 5 of this Licence, including:
    - i. A summary of approved updates or changes to the process or facilities required for the management of Waste;
    - ii. Monthly and annual quantities, in cubic metres, of Waste discharged, by location;
  - g) A summary of activities conducted in accordance with the approved **Sediment and Erosion Control Plan**, referred to in Part F, Condition 3 of this Licence, including:
    - i. A summary of approved updates or changes to the process or facilities required for the management of erosion and sedimentation;
    - ii. A description of any erosion susceptible areas encountered;
    - iii. A summary of activities undertaken to prevent or mitigate erosion;
    - iv. A report of the performance of mitigations applied to each area;
    - v. A summary and interpretation of monitoring results, including any Action Level exceedances; and
    - vi. A description of actions taken in response to any Action Level exceedances.
  - h) A summary of the results and any actions taken as a result of the following inspections:
  - i) A summary of activities conducted in accordance with the approved **Spill Contingency Plan**, referred to in Part H, Condition 2 of this Licence, including:
    - i. A list and description for all Unauthorized Discharges, including the date, NWT spill number, volume, location, summary of the circumstances and follow-up actions taken, and status (i.e. open or closed), in accordance with the reporting requirements in Part H, Condition 2 of this Licence; and
    - ii. An outline of any spill training carried out.
  - j) A summary of any Closure and Reclamation work completed;
  - k) A list of any non-compliance(s) with the conditions of this Licence or any directive from the Board pursuant to the conditions of this Licence;
  - l) A summary of actions taken to address concerns, non-conformances, or deficiencies in any reports filed by an Inspector; and
  - m) Any other details requested by the Board by November 30 of the year being reported.

## Annex A: Table of Items Requiring Resubmission

Attached to Water Licence MV2020L8-0004

*Supplemental information to be submitted by Licensee as required through Water Licence conditions.*

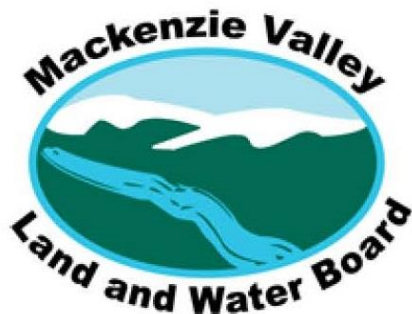
| Part | Item                         | Date  |
|------|------------------------------|---|
| B    | Annual Water Licence Report  | <ul style="list-style-type: none"><li>• March 31,2021</li><li>• Annually on each March 31</li></ul> |
| B    | Engagement Plan              | <ul style="list-style-type: none"><li>• Annual Review</li></ul>                                     |
| F    | Sediment and Erosion Control | <ul style="list-style-type: none"><li>• Annual Review</li></ul>                                     |
| F    | Waste Management Plan        | <ul style="list-style-type: none"><li>• Annual Review</li></ul>                                     |
| H    | Spill Contingency Plan       | <ul style="list-style-type: none"><li>• Annual Review</li></ul>                                     |

## Annex B: Revisions to Water Licence MV2020L8-0004

Attached to Water Licence MV2020L8-0004

*List of changes that have been made to the Water Licence since issuance.*

| Date | Location of Change | What has changed |
|------|--------------------|------------------|
| -    | -                  | -                |
|      |                    |                  |
|      |                    |                  |



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P.O. Box 2130, Yellowknife NT X1A 2P6

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### Reasons for Decision

Issued pursuant to paragraph 40(2)(c) of the Mackenzie Valley Land Use Regulations (MVLUR) and Sections 72.25 and 121 of the *Mackenzie Valley Resource Management Act* (MVRMA) and sections 36 and 54 of the *Waters Act*

| Water Licence               |  |
|-----------------------------|--|
| <b>Preliminary Screener</b> | MVLWB  |
| <b>File Number</b>          | MV2020L8-0004  |
| <b>Company</b>              | Government of the Northwest Territories – Department of Infrastructure |
| <b>Project</b>              | Miscellaneous – Dehcho Region, Fort Providence, NT                     |
| <b>Date of Decision</b>     | September 17, 2020   |

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These Reasons for Decision set out the Mackenzie Valley Land and Water Board’s (the MVLWB/Board) regulatory process and decisions on Application made by the Government of the Northwest Territories – Department of Infrastructure (GNWT-INF) to the Board on June 23, 2020 for Water Licence (Licence) MV2020L8-0004 for the Riverbank Rehabilitation Project.

A summary of the Applications is provided in Section 2 below, followed by the regulatory process in Section 3. Section 4 describes the legislative requirements applicable to this regulatory process, leading to the Board’s decisions with supporting rationale in Sections 5.

## 1.0 List of Abbreviations

|                   |  |
|-------------------|--|
| Applicant         | Government of the Northwest Territories – Department of Infrastructure   |
| Application       | Government of the Northwest Territories – Department of Infrastructure’s submissions in support of Water Licence MV2020L8-0004 |
| GNWT              | Government of the Northwest Territories  |
| Inspector         | Government of the Northwest Territories – Environment and Natural Resources – Water Resource Officer (Inspector)               |
| Licence           | Water Licence MV2020L8-0004  |
| MVLWB or Board    | Mackenzie Valley Land and Water Board  |
| MVRMA             | <i>Mackenzie Valley Resource Management Act</i>  |
| Minister          | Minister of Environment and Natural Resources for the Government of the Northwest Territories                                  |
| Project           | Riverbank Rehabilitation Project   |
| Standard Template | Board’s <i>Standard Water Licence Conditions Template</i>  |

## 2.0 Summary of Application(s)

On June 23, 2020, the Government of the Northwest Territories – Department of Infrastructure submitted an Application for a new Licence MV2020L8-0004.<sup>1</sup> This Application is to place clean armor stone to protect the road embankments at the North ferry landing from ice scour, the South ferry landing is to be cover to prevent exposed reinforcing steel and concrete from further erosion into the river.

There is a large stockpile of clean armor stone stored near the Dehcho Bridge which will be utilized. The project involves loading the stone in a dump truck, hauling it to the roadway, then placing the stone with an excavator. Each stone will be picked up and placed individually by the excavator which will have a thumb with a bucket to hold the stones while placing. The placing of the stones will begin with the largest stones (over 1 m in diameter) being placed at the toe of the embankment. The larger stone will act as a base then work up toward the roadway, covering the rest of the embankments with smaller stone. Only a portion of the larger stone will be below the waterline. Covering the concrete vault (south side) will proceed in a similar fashion.

The activities is located within a Non-Federal area.

### 2.1 Distribution List

This document refers uses the term “distribution list” for the list of parties with whom materials from this regulatory process were circulated. As this Riverbank Rehabilitation Project is in the Deh Cho

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<sup>1</sup> See Water Licence MV2020L8-0004 Application ([hyperlink](#)), submitted to the MVLWB on June 23, 2020.



Territory, the appropriate core organizational reviewers, governments, First Nations, and aboriginal organizations were included in the list. The list was periodically updated, and (when requested) individuals with specific interests in the Riverbank Rehabilitation Project were also added to the distribution list.

### **3.0 Regulatory Process**

#### **3.1 Details of the Regulatory Process**

On June 23, 2020, the Government of the Northwest Territories – Department of Infrastructure submitted an Application for a new Licence MV2020L8-0004. The Application was deemed incomplete on June 24, 2020.<sup>2</sup> By August 12, 2020, additional information was received, and the Application was subsequently deemed complete and the review commenced. Distribution of the completeness letter advised the parties that the Applications were in the form and contained the information required by section 72.1 of the MVRMA, and section 34 of the *Waters Act*; that the regulatory process would proceed; and that the legislated timelines defined in the *Waters Act* had commenced.

On August 12, 2020, Board staff circulated the Application and supporting documents along with draft Licence conditions to parties for review and comment, this was done using the Online Review System. On September 1, 2020, comments and recommendations were provided by the GNWT – Environment and Natural Resources (Environmental Assessment and Monitoring).

A public notice of the Applications and the public hearing was published in *News North* during the week of August 24, 2020 to fulfill paragraphs 41(1)(a) and 43(2)(a) of the *Waters Act*.<sup>3</sup>

On September 17, 2020, the Board met to make decisions regarding the Application.

### **4.0 Legislative Requirements**

In conducting the review process for the Applications as described in Sections 2 and 3 above, the Board has ensured that all applicable legal and procedural requirements have been satisfied, as required by section 62 of the MVRMA and as outlined below.

#### **4.1 General**

The use of water, and the deposit of waste proposed is of a nature contemplated by the MVRMA and the *Waters Act*.

As this Project is located on a Non-Federal Area, the MVRMA and *Waters Act* applies.

#### **4.2 MVRMA Part 2: Land Use Planning**

The project is not in an area of a Land Use Plan

#### **4.3 MVRMA Part 3: Duty to Consult**

In exercising its authority under the MVRMA, the Board must ensure that the concerns of people have been taken into account as per paragraph 114(c) of the MVRMA. It must also consider the importance of conservation to the well-being and way of life of Aboriginal peoples of Canada, as per paragraph

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<sup>2</sup> See MVLWB Letter – Application Incomplete ([hyperlink](#)), dated June 24, 2020.

<sup>3</sup> See Notice of Application ([hyperlink](#)), dated August 24, 2020.

60.1(a) of the MVRMA, specifically those to whom section 35 of the *Constitution Act*, 1982 applies and who use an area of the Mackenzie Valley. Accordingly, the Board works with applicants, affected parties (including Aboriginal organizations and governments), and other parties (such as other boards and regulators) to ensure that potential impacts of proposed projects are understood and carefully considered before decisions are made with respect to the issuance of Licences.

To ensure that all potentially affected parties were aware of this process the application and supporting documents were distributed to all potentially affected parties identified in Table 1 below.

**Table 1: Organizations on the Distribution List for Applications for Licence MV2020L8-0004**

|  |  |
|--|--|
| Acho Dene Koe First Nation                                 | GNWT – MACA (Municipal and Community Affairs)                          |
| Canadian Northern Economic Development Agency – NWT Region | GNWT – PPCA (Policy, Planning, Communications and Analysis (w/in ITI)) |
| CIRNAC – Inspector   | GNWT – PWNHC (Prince of Wales Northern Heritage Centre (w/in ECE))     |
| CIRNAC – CARD  | Hamlet of Fort Liard   |
| Dehcho Land Use Planning Committee                         | Hamlet of Fort Providence  |
| Dehcho First Nation  | Ka’a’gee Tu First Nation   |
| Dene Nation  | Kát’odeeche First Nation   |
| Dene Tah First Nation                                      | Fort Liard First Nation (Yukon)  |
| Deninu K’ue First Nation                                   | Liidii Kue First Nation (Fort Simpson)                                 |
| Digaa Enterprises Ltd.                                     | Mackenzie Valley Environmental Impact Review Board                     |
| Environment and Climate Change Canada                      | Nahᓃᓴ Dehé Dene Band   |
| Fisheries and Oceans Canada                                | North Slave Métis Alliance   |
| Fort Providence Métis Council #57                          | Kát’odeeche First Nation   |
| Fort Providence Resource Management Board                  | Fort Liard First Nation (Yukon)  |
| Fort Simpson Métis Local 52                                | Liidii Kue First Nation (Fort Simpson)                                 |
| Forward Mining   | NWT – OROGO  |
| GLWB   | Pehdzéh Kí First Nation  |
| GNWT – ENR (Environment and Natural Resources)             | Ross River Dena Council  |
| GNWT – ENR – Dehcho  | Sambaa k’e First Nation  |
| GNWT – ENR – EAM (Environmental Assessment and Monitoring) | Snap Lake Environmental Monitoring Agency                              |
| GNWT – ENR – North Slave                                   | Tłı̄chǫ Government   |
| GNWT – ENR – South Slave Region – Fort Smith               | Town of Hay River  |
| GNWT – Executive and Indigenous Affairs                    | Transport Canada   |
| GNWT – HSS (Health and Social Services)                    | Tthetsekehdeli First Nation  |
| GNWT – ITI (Industry, Tourism and Investment)              | Wek’èezhì Renewable Resource Board                                     |
| GNWT – Lands   | West Point First Nation  |
| GNWT – Lands – Dehcho Region                               | WLWB   |
| GNWT- Lands Hay River Region                               | Wood PLC   |
| GNWT – Lands – North Slave Region                          |  |
| GNWT – Lands – South Slave Region – Fort Smith             |  |

The Board's requirements for engagement are set out in its *Engagement and Consultation Policy* (the Policy).<sup>4</sup> The Policy was developed to ensure that the Board's obligations for achieving meaningful consultation (as set out by land claims and applicable legislation) with all affected parties, including Aboriginal groups in the Mackenzie Valley, are met and consultation results clearly articulated. The Board is satisfied all potentially affected parties were aware of this process and engagement requirements were met.

#### **4.4 MVRMA Part 3 and 4 and Waters Act: Land and Water Regulation and MVLWB**

The Board has jurisdiction to issue this Licence as per subsection 60(1.1) and section 102 of the MVRMA

##### *4.4.1 General*

The Board has considered the people and users of the Mackenzie Valley, and any traditional knowledge and scientific information that was made available to it during this regulatory proceeding, as per section 60.1 of the MVRMA.

##### *4.4.2 Public Notice*

Notice and copies of the Application was given to fulfill sections 63 and 64 of the MVRMA. The Board is satisfied that a reasonable amount of time was given to communities, First Nations, and the public to participate in this regulatory process by making submissions to the Board.

##### *4.4.3 Water Use Fees*

The Government of the Northwest Territories – Department of Infrastructure is exempt from paying fees for the right to use water and deposit waste due to the exemption in section 3 of the Waters Regulations because the territorial government is not required to pay fees.

##### *4.4.4 Existing Licences*

With respect to 26(5)(a) of the *Waters Act*, no other Licensees contacted the Board during the statutory period, and there are no applicants with precedence in the watershed as per subsection 72.26(1) of the MVRMA/59(1) of the *Waters Act*. The Board is satisfied that the granting of this Licence will not adversely affect, in a significant way, any existing Licensee if compliance with the Licence occurs.

##### *4.4.5 Compensation to Existing Water Uses*

Paragraph 26(5)(b) of the *Waters Act* prohibits the issuance of the Licence unless the Board is satisfied that appropriate compensation has been or will be paid by the applicant to persons who would be adversely affected by the use of waters, or deposit of waste proposed by the applicant, at the time when the applicant filed its application with the Board.

The Board received no claims for compensation either during the prescribed period or afterwards. Provided compliance with the Licence conditions takes place, the Board finds that there are no water users or persons listed in paragraph 26(5)(b) of the *Waters Act* who will be adversely affected by the use of waters or the deposit of waste proposed.

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<sup>4</sup> See [www.mvlwb.com](http://www.mvlwb.com) → Resources → Policies and Guidelines: [MVLWB Engagement and Consultation Policy](#) (June 1, 2013).

#### 4.4.6 *Water Quality Standards*

With regards to subparagraph 26(5)(c)(i) of the *Waters Act*, the Board is satisfied that compliance with the Licence conditions will ensure that waste produced by the Project will be collected and disposed of in a manner which will maintain water quality consistent with applicable standards.

#### 4.4.7 *Effluent Quality Standards*

There are no effluent quality standards prescribed in the Waters Regulations. The Board has considered its *Water and Effluent Quality Management Policy* to be protective of the receiving waters and environment. The Board is satisfied that compliance with the Licence conditions will protect the receiving waters and environment.

#### 4.4.8 *Financial Responsibility*

The Board must satisfy itself of the financial responsibility of Government of the Northwest Territories – Department of Infrastructure under paragraph 26(5)(c) of the *Waters Act* before it can issue the Licence. In this case, the Board is satisfied that The Government of the Northwest Territories – Department of Infrastructure is capable of meeting the obligations as they are a territorial government department

As a result, and for the reasons set out above, the Board is satisfied that the financial capacity of the Applicant, in this case, is adequate and meets the requirements of paragraph 26(5)(c) of the *Waters Act*.

#### 4.4.9 *Minimization of Adverse Effects*

With regards to subsection 27(2) of the *Waters Act*, it is the opinion of the Board that compliance with the Licence will ensure that any potential adverse effects on other water users, which might arise because of the issuance of the Licence, will be minimized.

#### 4.4.10 *Time Limit*

The Board is satisfied it has adhered to section 48(1) of the *Waters Act*, which requires it to make a decision within a period of nine months after the day on which an application is made or a notice advertised as per subsections 43(1) and 43(2) of the *Waters Act*.

### 4.5 **MVRMA Part 5: Environmental Review**

#### 4.5.1 *Preliminary Screening*

On September 17, 2020 the Board met and conducted a preliminary screening of the activities associated with the Application, to fulfill subsection 124(1) of the MVRMA. As per paragraph 125(1)(a) of the MVRMA, the Board determined that the activities associated with the Application would not have a significant adverse impact on the environment, and would not be a cause of public concern. The Board's Preliminary Screening Report includes its reasons for that decision, and is available on the Board's public registry.<sup>5</sup> The Board is satisfied the proposed development has been screened pursuant to the MVRMA.

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<sup>5</sup> See MVLWB Preliminary Screening and Reasons for Decision ([hyperlink](#)), dated September 17, 2020.

## **5.0 Decision – Water Licence MV2020L8-0004**

In making its decision and preparing these Reasons for Decision, the Board has reviewed and considered:

- 1) The comments and recommendations made during the regulatory processes;
- 2) The evidence and submissions from the Government of the Northwest Territories – Department of Infrastructure received by the Board;
- 3) The written comments and submissions from parties received by the Board; and
- 4) The Staff Report prepared for the Board.

Having due regard to the facts, circumstances, and the merits of the submissions made to it, and to the purpose, scope, and intent of the MVRMA and the *Waters Act*, the Board has determined that Licence MV2020L8-0004 should be issued, subject to the scope, definitions, conditions, and term contained therein. The Board's determinations and reasons for this decision are set out below.

The scope, definitions, conditions, and term set forth in the Licence have been developed to address the Board's statutory responsibilities and the concerns that arose during the regulatory process. The Reasons for Decision set out below focus on the major concerns and issues raised by parties, including those that were the subject of substantive argument submitted by one or more parties.

### **5.1 Term of Licence**

The Government of the Northwest Territories – Department of Infrastructure has applied for a term of 2 years for the Licence, stating that the work is to take and single year but an additional year as contingency.

Subsection 26(2) of the *Waters Act* allows for a Licence term of not more than 25 years or the duration of the undertaking. With the work being completed in and near the river, there is the ability that there may be erosion issues and the need for further reinforcement. After reviewing the submissions made during this regulatory process, the Board has determined an appropriate term for this undertaking is five years.

### **5.2 Part A: Scope and Definitions**

Part A of the Licence contains the scope and definitions for terms used throughout.

#### Scope

The scope of the Licence ensures the Licensee is entitled to conduct activities which have been applied for and screened by the Board. In setting out the scope of the Licence, the Board endeavoured to provide enough detail to identify and describe the authorized activities, without be unduly restrictive or prescriptive, and to allow for project flexibility throughout the life of the Licence.

Part A, conditions 1, 2 and three are consistent with previous Licences issued by the Board. These conditions ensure that the scope of the authorization includes all water uses and deposits of waste associated with the Project, reflect and comply with all applicable legislation for the life of the authorization, and consider and incorporate scientific and Traditional Knowledge where available in the Licensee's effort to protect the environment.

## Definitions

The Board defined items in the Licence to ensure a common understanding of conditions, to avoid future differences in interpretation, and to use wording similar to that found in previously issued Licences.

### **5.3 Part B: General Conditions and Schedule 1**

Part B and Schedule 1 of the Licence contain general administrative conditions regarding compliance and conformity with the *Waters Act*, and are consistent with standard conditions found in previous Licences issued by the Board.

Part B, condition 3, clarifies that all references to policies, guidelines, codes of practice, statutes, regulations or other authorities shall be read as a reference to the most recent versions, unless otherwise denoted. This standard practice allows for flexibility in Licence conditions when documents are updated during the life of the Licence.

This section addresses conformity and compliance with submissions to the Board. Annual review and submission of major updates or changes to management plans are required by Part B, condition 7, for Board approval. Such revisions must be approved by the Board prior to the implementation of activities not identified in existing, approved plans. This condition ensures that all applicable plans are regularly reviewed and updated so they reflect changes in technology and/or changes and phases of the project throughout the life of the authorization.

Part B, item 11 introduces the Schedules which are annexed to and form part of the Licence. Changes to these Licence components are largely administrative matters and are within the Board's authority.

#### Part B, condition 13 and Schedule 1, condition 1: Annual Water Licence Report

The requirements for the Annual Water Licence Report are outlined in Part B, condition 13, and Schedule 1, condition 1. The purpose of the Annual Water Licence Report is to provide the Board and all stakeholders the opportunity to be annually updated on project components and activities, and to provide a platform for stakeholders to submit comments, observations, feedback, and questions as necessary. The requirements are intended to provide clarity and summarize information already captured through existing submissions; they are not meant to be onerous. The Board organized these requirements to coincide with the layout of the Licence and to be consistent with recently issued licences.

#### Part B, condition 14: Engagement

The Board assesses engagement adequacy of applications through the Board's *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*, and the Board's *Engagement and Consultation Policy*. The Board notes that GNWT – INF's pre-engagement for the Applications was determined to be in accordance with the Guidelines and Policy. GNWT -INF included an Engagement Plan and Log in the Application.

The Board has approved the Engagement Plan because it meets the Board's Guideline and Policy, and sufficiently reflects the scope of the proposed activities.

#### **5.4 Part C: Conditions Applying to Security Requirements**

Security is not applicable to this Water Licence Application. It is Board practice to not require security for a water licence when the applicant is the [territorial government, as the liability with respect to the undertaking already rests with the government.

#### **5.5 Part D: Conditions Applying to Water Use**

This section of the Water Licence has been left blank as the operation will not use water.

#### **5.6 Part E: Conditions Applying to Construction**

Part E of the Licence contains conditions applying to construction activities for the Riverbank Rehabilitation and is consistent with standard conditions found in previous Licences issued by the Board. The Board can ensure that monitoring requirements are in place prior to, during, and post-construction. In order to address environmental concerns, the Board has included conditions that require notification of commencement of construction as well as ensuring that the structures are designed, constructed and maintained to minimize the escape of Waste to the Receiving Environment.

#### **5.7 Part F: Conditions Applying to Waste and Water Management**

Part G of the Licence contains conditions applying to waste and water management activities for the [Project] and is consistent with standard conditions included in previous Licences issued by the Board. Site-specific conditions were developed where necessary.

Part G, condition 1 sets out the objectives for the management of water and waste for the Riverbank Rehabilitation Project. This condition is consistent with the principles of objective-based regulation: it essentially defines the objectives of any required management actions, plans or reports. This condition is standard for Licences issued by the Board and reminds the Licensee of the need to manage water and waste with the goal of minimizing impacts on the receiving environment.

##### Part G, condition 5: Waste Management Plan

The Boards' authority to regulate the management of waste is described in subsection 26(1) of the MVLUR and sections 11 and 27 of the *Waters Act*. As such, the Board developed, and approved, *Guidelines for Developing a Waste Management Plan*.<sup>6</sup> These guidelines can be applied to a wide range of projects and is intended to ensure that all waste management activities specific to each project are carried out in a way that is consistent with best practices and applicable guidelines to minimize waste released from the Project. Waste Management Plan is a defined term in the Licence, ensuring that the required Plan adheres to the Board's Guidelines.

Submittal and compliance with a Waste Management Plan is standard for Licences issued by the Board. The Government of the Northwest Territories – Department of Infrastructure included a Waste Management Plan in the Application.

The Board has approved the Waste Management Plan because it meets the Board's Guidelines, and sufficiently reflects the scope of the proposed activities.

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<sup>6</sup> See [www.mvlwb.com](http://www.mvlwb.com) → Resources → Policies and Guidelines: [MVLWB Guidelines for Developing a Waste Management Plan](#) (March 31, 2011).

### Part G, condition 3: Sediment and Erosion Control

Part G, condition 3 requires the Sediment and Erosion Control Plan and will be managed in accordance with the *Waters Act*.

The Board has approved the Sediment and Erosion Control Plan because it sufficiently reflects the scope of the proposed activities.

### **5.8 Part G: Conditions Applying to Aquatic Effects Monitoring Program**

This section of the Water Licence has been left blank

### **5.9 Part H: Conditions Applying to Contingency Planning**

Part H of the Licence contains conditions related to spill contingency planning and reporting, reclamation of spills and unauthorized discharges, and emergency response for the Riverbank Rehabilitation Project. The purpose of this part is to ensure that the Government of the Northwest Territories - Department of Infrastructure is fully prepared to respond to spills and unauthorized discharges. The planning and reporting requirements in this part ensure that the Government of the Northwest Territories – Department of Infrastructure has identified the lines of authority and responsibility, has an action plan for responses to spills and unauthorized discharges, and has established reliable reporting and communication procedures. This will ensure that any spills or unauthorized discharges are effectively controlled and cleaned up, with the goal of preventing or limiting damage to the receiving environment. The conditions in Part H are consistent with standard conditions found in previous Licences issued by the Board.

### Part I, condition 2: Spill Contingency Plan

Spill Contingency Plan is a defined term in the Licence, referencing the Indian and Northern Affairs Canada's *Guidelines for Spill Contingency Planning*.<sup>7</sup> The Government of the Northwest Territories – Department of Infrastructure included a Spill Contingency Plan in the Application.

The Board has approved the Spill Contingency Plan because it sufficiently meets the guidelines and reflects the scope of the proposed activities.

### **5.10 Part J: Conditions Applying to Closure and Reclamation**

This section of the Water Licence has been left blank

### **5.11 Annex A: Table of Submissions**

Annex B of the Licence contains a table that summarizes the information the Government of the Northwest Territories – Department of Infrastructure is required to submit as required by the Licence conditions.

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<sup>7</sup> See [www.mvlwb.com](http://www.mvlwb.com) → Resources → Policies and Guidelines: [INAC Guidelines for Spill Contingency Planning](#) (2009).



**5.12 Annex B: Table of Revision History**

Annex C of the Licence contains a table which identifies updates and tracks changes made to the Licence. This table is currently blank because this is a new Licence, but it will be updated throughout the life of the Licence.

**6.0 Conclusion**

Subject to the scopes, definitions, conditions, and terms set out in the Licence and for the reasons expressed herein, the MVLWB is of the opinion that the land-use activities, water use, and waste disposal associated with the Riverbank Rehabilitation can be completed by Government of the Northwest Territories – Department of Infrastructure while providing for the conservation, development, and utilization of waters in a manner that will provide the optimum benefit for all Canadians and in particular for the residents of the Mackenzie Valley.

Water Licence MV2020L8-0004 contains provisions that the Board deems necessary to ensure and monitor compliance with the MVRMA, *Waters Act*, and the Regulations made thereunder, and to provide appropriate safeguards in respect of Government of the Northwest Territories – Department of Infrastructures use of the land and water affected by the Licence.

SIGNATURE

Mackenzie Valley Land and Water Board



\_\_\_\_\_  
Mavis Cli-Michaud, Chair

September 17, 2020

\_\_\_\_\_  
Date