

Sahtu Land and Water Board

Type B Water Licence S16L8-002

Department of Fisheries and Oceans – Wharf Repair Norman Wells

TERM AND CONDITIONS

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Part A: Scope and Definitions

1. Scope

- a) This Licence S16L8-002 entitles the Licensee to remove more than 100 m³ of material from the Mackenzie River shoreline to complete repairs to their wharf located within the Town of Norman Wells, NT.
- b) This Licence is issued subject to the conditions contained herein with respect to the taking of Water and the depositing 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. Whenever new **Regulations** are made or existing Regulations are amended by the Governor-in-Council under the *Mackenzie Valley Resource Management Act*, or other statutes imposing more stringent conditions relating to the quantity or type of Waste that may be so deposited or under which any such Waste may be so deposited, this Licence shall be deemed upon promulgation of such Regulations, to be automatically amended to conform with such Regulations.
- c) Compliance with the term and conditions of this Licence does not relieve the Licensee from responsibility for compliance with the requirements of any applicable federal, territorial, or municipal legislation.

2. Definitions

In this Licence: S16L8-002

Act - the *Mackenzie Valley Resource Management Act*.

Board - the Sahtu Land and Water Board established under Part 3, section 60 of the Act.

Contingency Planning - a plan to establish a state of readiness that will enable prompt and effective response to a spill or system failure.

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

Inspector - an Inspector designated by the Minister under subsection 84(1) of the Act.

Licensee - the holder of this Licence.

Minister – the Minister of Indigenous and Northern Affairs Canada or the Minister of the Government of the Northwest Territories – Environment and Natural Resources, as the case may be.

Modification – in respect of a structure, means a change, other than an expansion, that does not alter the purpose or function of a structure.

Ordinary High Water Mark – 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. In flowing Waters (rivers, streams), this refers to as 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).

Professional Engineer – a person registered with the Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists to practice as a Professional Engineer in the Northwest Territories in accordance with the *Engineering and Geoscience Professions Act*, S.N.W.T. 2006, V.16, or amendments, and those whose professional field of specialization is appropriate to address the components of the Project at hand.

Project – the undertaking described in Part 1, item 1a).

Receiving Environment – the natural/aquatic environment that receives any deposit or Discharge of Waste or Water, including runoff, from the undertaking.

Regulations - Regulations proclaimed pursuant to subsection 90.3(1) of the Act.

Spill Contingency Plan – a document, developed in accordance with Aboriginal Affairs and Northern Development Canada's *Guidelines for Spill Contingency Planning*, that describes the set of procedures to be implemented to minimize the effects of a spill.

Unauthorized Discharge – a release or Discharge of any Waters or Waste not authorized under this Licence.

Waste – any substance defined as Waste by section 51 of the Act.

Waste Management Plan – a document, developed in accordance with the Board's *Guidelines for Developing a Waste Management Plan*, that describes the methods of Waste management from Waste generation to final disposal.

Watercourse - a natural watercourse, body of water or water supply, whether usually containing water or not, and includes groundwater, springs, swamps, and gulches, as defined in the *Mackenzie Valley Federal Areas Waters Regulations*.

Waters - any inland Waters, whether in a liquid or frozen state, on or below the surface of the land as defined in Part 3, section 51 of the Act.

Part B: General Conditions

1. The **Licensee** shall file an **Annual Report** with the **Board** not later than March 31st of each year following the calendar year reported. The report shall be in accordance with Schedule 1, item 1.
2. The Licensee shall ensure a copy of this Licence is maintained on site at all times.
3. The Licensee shall take every reasonable precaution to protect the environment.
4. All information submitted to the Board for this Licence shall:
 - a) Be submitted in a form acceptable to the Board;
 - b) Be in accordance with the Mackenzie Valley Land and Water Board's *Document Submission Standards*; and
 - c) Include a section within each submission which identifies where the pertinent requirements of the Licence are addressed.
5. The Licensee shall act in accordance with the **Engagement Plan**, once approved.
6. The Licensee shall act in accordance with the **Environmental Management Plan**, once approved.
7. All equipment will be cleaned prior to initial use to prevent the introduction of invasive species.
8. No building materials or equipment shall be stored within any **Watercourse**.
9. No fuel shall be kept below the **Ordinary High Water Mark** of any waterbody or **Watercourse**.
10. No heavy equipment shall enter open Water at any time.
11. Every effort shall be made to retain riparian vegetation, as it is critical for the protection of littoral and riparian fish habitats as well as for providing cover and enhancing bank stability.
12. All materials used for construction or materials used for bank restoration, including infill gravel materials, must be obtained from an approved source, and be clean and free of contaminants. Such material shall not be removed or gathered from below the Ordinary High Water Mark of any waterbody, or from any other Watercourse.
13. All sites affected by construction or removal activities shall be stabilized, groomed and landscaped as necessary and suitable erosion control measures implemented to minimize sediment deposition into any Watercourse.

14. As-built drawings of the excavation shall be stamped by a **Professional Engineer** and submitted to the Board within 90 ninety days of completion of the installation.

Part C: Water Use

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Part D: Waste and Water Management

1. The Licensee shall manage Waste and Water with the objective(s) 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.
2. The Licensee shall act in accordance with the **Waste Management Plan**, once approved.

Part E: Modifications

1. The Licensee may, without written approval from the Board, carry out **Modification(s)** to the planned undertaking provided that the following requirements are met:
 - a) The Licensee has notified the Board and an **Inspector**, in writing, of such proposed Modification(s) at least 60 days prior to the beginning of the Modification(s);
 - b) The Modification(s) does not place the Licensee in contravention of either the Licence or the **Act**;
 - c) The Board has not, during the 60 days following notification of the proposed Modification(s), informed the Licensee that further information is required or that a review of the proposal will require more than 60 days;
 - d) An Inspector has authorized the proposed Modification(s) and provided a letter of notification to the Board; and
 - e) The Board has not rejected the proposed Modification(s).
2. Modification(s) for which all of the conditions referred to in Part E, item 1, have not been met, may only be carried out with written approval from the Board.
3. Within 90 days of the completion of the Modification(s) referred to in Part E, item 1, the Licensee shall submit to the Board an **As-built Report**, which shall include as-built drawings and specifications of the modified structure, stamped and signed by a Professional Engineer.

Part F: Contingency Planning

1. The Licensee shall act in accordance with the **Spill Contingency Plan**, once approved.
2. The Licensee shall make available to all persons required to work on site, a copy of the Spill Contingency Plan, to be followed in the event of a spill.
3. All spills and **Unauthorized Discharges** of Water or Waste shall be reclaimed to the satisfaction of an Inspector.
4. If during the period of this Licence, a spill or an Unauthorized Discharge occurs, or is foreseeable, the Licensee shall:
 - a) Implement the Spill Contingency Plan;
 - b) Report the incident immediately in accordance with the NT-NU Spill Reporting Protocol, the NT-NU Spill Report Form NWT 1752/0593, and the Instructions for Completing the NT-NU Spill Report Form, as follows:
 - i. Telephone: (867) 920-8130;
 - ii. Fax: (867) 873-6924; or
 - iii. E-mail: spills@gov.nt.ca.
 - c) Report each spill or Unauthorized Discharge to the Board and an Inspector within 24 hours; and
 - d) Submit a detailed report on each spill or Unauthorized Discharge, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future, to the Board and an Inspector within 30 days of initially reporting the incident.
5. Spill clean-up kits shall be located at the construction site, in addition to the site office and refuelling stations. These kits should also include drip pans to be used during refuelling.
6. Equipment operating near stream banks and/or Watercourses shall be free of external fluid leaks, grease, oil, and mud. All activities including maintenance procedures and vehicular refuelling shall be controlled to prevent the entry of petroleum products, debris, slash, rubble or other deleterious substances into the Watercourse.
7. The Licensee shall ensure all fuel storage facilities, refueling stations, chemicals and deleterious substances are stored a minimum of 100 metres from the Ordinary High Water Mark of any Watercourse.

Part G: Closure and Reclamation

1. The Licensee shall submit to the Board for approval a **Sediment and Erosion Control Plan** no later than 60 days prior to commencing operations. This Plan shall be in accordance with Schedule 2, item 1.
2. Following excavation, all areas affected by construction or removal activities shall be stabilized, landscaped as necessary, and suitable erosion control measures implemented.

3. If re-seeding is necessary, every effort will be made to use a native seed source, or if not possible, to ensure that an uncontaminated seed source is used.
4. The Licensee shall monitor and inspect the project area affected by activities relating to the issued Water Licence for any negative environmental effects for a minimum of five years to ensure that mitigation, reseeding, erosion control, and restoration efforts have been successful. These efforts shall be performed to the satisfaction of the Board and an Inspector.
5. The Licensee shall inspect the project area for the requirements set out in Part G, item 3, once in the summer months to ensure that efforts to fulfill the conditions are successful. The inspection results shall be to the satisfaction of the Board and an Inspector.
6. During the five year monitoring period, any failure of the measures as set out in Part G, item 4, shall be reported to the Board and the Inspector within seven days of the discovery of said failure or failures.

Part H: Construction

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Part I: Operations and Maintenance

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Signed on behalf of the Sahtu Land and Water Board

Larry Wallace (Chairman)

Witness

Schedules
Attached to Water Licence S16L8-002
Department of Fisheries and Oceans – Wharf Repair, Norman Wells

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- Schedule 1 – Annual Water Licence Report
- Schedule 2 – Sediment and Erosion Control Plan

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Schedule 1

Part B: General Conditions – Annual Water Licence Report

The Annual Water Licence Report referred to in Part B, item 1 shall include, but not be limited to the following information:

- a) details of works completed, including restoration;
- b) a list of Unauthorized Discharges;
- c) any other details on water use or waste disposal requested by the Board by November 1st of the year being reported;
- d) a report detailing the results of the annual summer site inspections as set out in Part G, items 1 to 3;
- e) a summary of Modifications, repairs at the wharf referred to in Part E;
- f) updates or revisions to the Waste Management Plan referred to in Part D;
- g) updates or revisions to the Spill Contingency Plan referred to in Part F;
- h) Updates or revisions to the Engagement Plan referred to in Part B;
- i) Updates or revisions to the Environmental Management Plan referred to in Part B.

Schedule 2

Part G: Closure and Reclamation – Sediment and Erosion Control Plan

The Sediment and Erosion Control Plan referred to Part G, item 1 shall describe measures proposed to prevent, mitigate and remediate erosion that could lead to the deposit of sediment into Water, including but not limited to:

- a) Pre-operative measures;
- b) Measures to be taken during operations;
- c) Monitoring during operations, including monitoring criteria, parameters and action thresholds;
- d) Post-operations measures, including clean-up, reclamation, and remedial measures that may be employed to respond to outcomes of post-operations monitoring; and
- e) Post-operations monitoring, monitoring criteria, parameters, and action thresholds.