

# Type B Water Licence S20L8-002

## GNWT-INF – Prohibition Creek Access Road Construction Project

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### Instructions and Notes for Using this Document

**Green highlighting** is used to identify areas where staff had filled in or chose text to customize the condition when preparing a draft licence.

**Yellow highlighting** is used to identify the areas needing special attention from reviewers; staff seeks comments/recommendations/feedback to improve the condition(s).

## Part A: Scope and Defined Terms

### Scope:

1. This Licence entitles the Licensee to use Water and deposit Waste for Miscellaneous activities at the Prohibition Creek Access Road Construction Project.

**SCOPE**

The scope of this Licensee includes the following:

- a) Withdrawal and use of water from Mackenzie River;
  - b) Withdrawal and Use of water for Construction of an all-season access road between Prohibition Creek and Canyon Creek within the existing Mackenzie Valley Winter Road (MVWR) Right of Way (ROW). Construction activity will commence at the end of the Canyon Creek All Season Access Road (CCASAR) approximately 450 m southeast of the Canyon Creek bridge and end on the approach to the Prohibition Creek bridge (approximately 300 m northwest of Prohibition Creek);
  - c) Installation of equalization and drainage channel culverts at select locations within the ROW;
  - d) Sourcing and use of water from the Mackenzie River to provide dust suppression, material compaction, and temporary working surfaces during frozen ground conditions;
  - e) Progressive Reclamation and associated Closure and Reclamation activities.
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* or *Waters Regulations* that affects licence conditions and defined terms will be deemed to have amended this Licence.
  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.

**LEGISLATION  
SUBJECT TO  
CHANGE**

**LEGISLATIVE  
COMPLIANCE**

## Defined Terms:

**Board** – the Sahtu Land and Water Board, established under Part 3 of the *Mackenzie Valley Resource Management Act*.

**Closure and Reclamation** – the process and activities that facilitate the return of areas affected by the Project to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment and human activities.

**Discharge** – a direct or indirect deposit or release of any Water or Waste to the Receiving Environment.

**Effluent** – a Wastewater Discharge.

**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.

**Greywater** – all liquid Waste from showers, baths, sinks, kitchens, and domestic washing facilities, but does not include Toilet Waste.

**Hazardous Waste** - a Waste which, because of its quantity, concentration, or characteristics, may be harmful to human health or the environment when improperly treated, stored, transported, or discharged.

**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).

**Progressive Reclamation** – Closure and Reclamation activities conducted during the operating phase of the Project.

**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.

**Remediation** – the removal, reduction, or neutralization of substances, Wastes, or hazardous materials from a site in order to prevent or minimize any adverse effects on the environment and public safety, now or in the future.

**Runoff** – the overland flow of Water or Wastewater that occurs when precipitation, meltwater, or other Water is not absorbed by the land.

**Sewage** – all Toilet Wastes and Greywater.

**Sewage Disposal Facilities** – the area(s) and structures designated to contain and treat Sewage.

**Solid Waste Disposal Facilities** – the area(s) and structures designated to contain solid Waste.

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

**Toilet Wastes** – all human excreta and associated products, not including Greywater.

**Traditional Knowledge** – the cumulative, collective body of knowledge, experience and values built up by a group of people through generations of living in close contact with nature. It builds upon the historic experiences of a people and adapts to social, economic, environmental, spiritual, and political change.

**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 Disposal Facilities** – the area(s) and structures designated for the disposal of Waste, including, but not limited to, the Sewage Disposal Facilities, Solid Waste Disposal Facilities and Hazardous Waste Disposal Facilities.

**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.

**Wastewater** – any Water that is generated by Project activities or originates on-site, and which contains Waste, and may include, but is not limited to, Runoff, Seepage, Sewage, Minewater, and Effluent.

**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*.

**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.

<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.	In conducting its activities under this Licence, the Licensee shall make every reasonable effort to consider and incorporate any scientific information and Traditional Knowledge that is made available to the Licensee.	<b>INCORPORATE SCIENTIFIC INFORMATION AND TRADITIONAL KNOWLEDGE</b>
4.	The Licensee shall ensure management plans are submitted to the Board in a format consistent with the <i>MVLWB Standard Outline for Management Plans</i> , unless otherwise specified.	<b>MANAGEMENT PLAN FORMAT</b>
5.	The Licensee shall comply with all Management Plans and Operation Plans (Waste Management Plan, Spill Contingency Plan, Engagement Plan, Quarry Operations Plan, and Permafrost and Erosion Plan) including revisions, approved pursuant to the conditions of this Licence.	<b>COMPLY WITH SUBMISSIONS AND REVISIONS</b>
6.	The Licensee may propose changes at any time by submitting revised Management Plans and Operation Plans (Waste Management Plan, Spill Contingency Plan, Engagement Plan, Quarry Operations Plan, and Permafrost and Erosion Plan) 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>
7.	The Licensee shall revise any submission and submit it as per the Board's directive.	<b>REVISE AND SUBMIT</b>
8.	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>
9.	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>

10.	The Licensee shall install, operate, and maintain meters, devices, or other such methods for measuring the volumes of Water used and Waste discharged to the satisfaction of an Inspector.	<b>MEASURE WATER USE AND WASTE DISCHARGED</b>
11.	Beginning <b>November 1, 2021</b> and no later than every <b>November 1</b> 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 <b>Schedule 1, Condition 1</b> .	<b>ANNUAL WATER LICENCE REPORT</b>
12.	The Licensee shall comply with the <b>Engagement Plan</b> , once approved.	<b>ENGAGEMENT PLAN</b>
13.	A minimum of <b>ten days</b> 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>
14.	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>
15.	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>
16.	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>
17.	The Licensee shall submit a current Project schedule to the Board and an Inspector upon request.	<b>SUBMIT CURRENT PROJECT SCHEDULE</b>
	<b>Part C: Security</b>	
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	<b>Part D: Water Use</b>	
1.	The Licensee shall only obtain Water for the Project from the Mackenzie River. The Licensee may withdraw up to 299 m <sup>3</sup> /day of Water from this source.	<b>WATER SOURCE AND MAXIMUM VOLUME</b>
2.	The Licensee shall construct and maintain the Water intake(s) with a screen designed to prevent impingement or entrapment of fish.	<b>WATER INTAKE SCREEN</b>
	<b>Part E: Construction</b>	
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	<b>Part F: Waste and Water Management</b>	
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>
3.	The Licensee shall comply with the Waste Management Plan, once approved.	<b>WASTE MANAGEMENT PLAN</b>
4.	A minimum of 90 days prior to commencement of activities, the Licensee shall submit to the Board, for approval, a revised Waste Management Plan. The Licensee shall not commence the Project activities (Prohibition Creek Access Road Construction and related activities) prior to Board approval of the Plan.	<b>WASTE MANAGEMENT PLAN – REVISED</b>
5.	The Licensee shall deposit all Waste as described in the approved Waste Management Plan.	<b>SEWAGE, SOLID WASTE, HAZARDOUS WASTE – APPROVED FACILITIES IN NORMAN WELLS AND WITHIN/OUTSIDE NWT</b>




6.	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>
7.	The Licensee shall not discharge Waste, including Wastewater, to any Watercourse, or to the ground surface within 100 metres of the Ordinary High-Water Mark of any Watercourse.	<b>DISCHARGE LOCATION – ORDINARY HIGH-WATER MARK</b>
	<b>Part G: Aquatic Effects Monitoring</b>	
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	<b>Part H: Spill Contingency Planning</b>	
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.	A minimum of 90 days prior to the commencement of <b>Prohibition Creek Access Road Construction and related project activities</b> , the Licensee shall submit to the Board, for approval, a revised <b>Spill Contingency Plan</b> . The Licensee shall not commence <b>Prohibition Creek Access Road Construction and related project activities</b> prior to Board approval of the Plan.	<b>SPILL CONTINGENCY PLAN – REVISED</b>
4.	<p>If a spill or an Unauthorized Discharge occurs or is foreseeable, the Licensee shall:</p> <p>a) Implement the approved Spill Contingency Plan referred to in <b>Part H, Condition 2;</b></p> <p>b) Report it immediately using the NU-NT Spill Report Form by one of the following methods:</p> <ul style="list-style-type: none"> <li>• Telephone: (867) 920-8130</li> <li>• Fax: (867) 873-6924</li> <li>• E-mail: <a href="mailto:spills@gov.nt.ca">spills@gov.nt.ca</a></li> <li>• Online: Spill Reporting and Tracking Database</li> </ul> <p>c) Notify the Board and an Inspector immediately; and</p> <p>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</p>	<b>REPORT SPILLS</b>

5.	The Licensee shall ensure that spill prevention infrastructure and spill response equipment is in place prior to commencement of the Project.	<b>SPILL PREVENTION AND RESPONSE EQUIPMENT</b>
6.	The Licensee shall restore all areas affected by spills and Unauthorized Discharges to the satisfaction of an Inspector.	<b>CLEAN UP SPILLS</b>
7.	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 – ORDINARY HIGH-WATER MARK</b>
<b>Part I: Closure and Reclamation</b>		
1.	The Licensee shall endeavor to carry out approved Progressive Reclamation as soon as is reasonably practicable.	<b>PROGRESSIVE RECLAMATION</b>
2.	The Licensee shall not conduct Progressive Reclamation except as approved by the Board.	<b>PROGRESSIVE RECLAMATION – CARRY OUT AS APPROVED</b>

**Signed on behalf of the Sahtu Land and Water Board**

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**Larry Wallace, Chair**

  
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**Aswathy Mary Varghese, Witness**

### Schedule 1: Annual Water Licence Report

1.	The <b>Annual Water Licence Report</b> referred to in <b>Part B, Condition 11</b> 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) The monthly and annual quantities in cubic metres of fresh Water obtained from all sources, as required in <b>Part B, Condition 11</b> of this Licence;
	d) A summary of the calibration and status of the meters and devices referred to in <b>Part B, Condition 11</b> of this Licence;
	e) A summary of engagement activities conducted in accordance with the approved <b>Engagement Plan</b> , referred to in <b>Part B, Condition 11</b> of this Licence;
	f) A summary of how Traditional Knowledge was incorporated into decision making.