

DRAFT Type B Water Licence G22L3-003
Mackenzie/ Arctic Red River Ferry Landings - Water Licence

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Part A: Scope and Defined Terms

Scope:

		Condition Title
1.	<p>This Licence entitles the Licensee to carry out Water Use and the deposit of Waste for miscellaneous undertakings at the Mackenzie and Arctic Red Rivers.</p> <p>The scope of this Licence includes the following:</p> <ul style="list-style-type: none">a) Deposit of Waste of up to 500 m³ / year of granular materials (per landing) into the Mackenzie and Arctic Red Rivers;b) Construction, operation and maintenance of the Mackenzie and Arctic Red River Ferry Landings; andc) Removal of granular material from the Mackenzie and Arctic Red River.	SCOPE
2.	<p>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 <i>Waters Act</i> and/or the Waters Regulations that affects licence conditions and defined terms will be deemed to have amended this Licence.</p>	LEGISLATION SUBJECT TO CHANGE
3.	<p>Compliance with this Licence does not relieve the Licensee from responsibility for compliance with the requirements of any applicable federal, territorial, or municipal legislation.</p>	LEGISLATIVE COMPLIANCE

Defined Terms

Board – Gwich'in 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.

Closure and Reclamation Plan (CRP) – a document, developed in accordance with this Licence, that clearly describes the Closure and Reclamation for the Project.

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 – Environment and Natural Resources.

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 as per the territorial *Engineering and Geoscience Professions Act* and whose professional field of specialization is appropriate to address the components of the Project at hand.

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

Project – the undertaking described in Part A, Condition 1.

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.

Traditional Knowledge – As defined by Gwich'in Tribal Council's *Working with Gwich'in Traditional Knowledge In The Gwich'in Settlement Region*, that body of knowledge, values, beliefs and practices passed from one generation to another by oral means or through learned experience, observation and spiritual teachings, and pertains to the identity, culture and heritage of the Gwich'in. This body of knowledge reflects many millennia of living on the land. It is a system of classification, a set of empirical observations about the local environment, and a system of self-management that governs the use of resources and defines the relationship of living beings with one another and with their environment.

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).

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.

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

Water Treatment Facilities – the area(s) and structures designed to collect, treat, and supply Water for the Project.

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*.

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	Condition	Condition Title
	Part B: General Conditions	
1.	The Licensee shall ensure a copy of this Licence is maintained at the municipal office at all times.	COPY OF LICENCE
2.	The Licensee shall take every reasonable precaution to protect the environment.	PRECAUTION TO PROTECT ENVIRONMENT
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.	INCORPORATE SCIENTIFIC INFORMATION AND TRADITIONAL KNOWLEDGE
4.	In each submission required by this Licence or by any directive from the Board, the Licensee shall identify all recommendations based on Traditional Knowledge received, describe how the recommendations were incorporated into the submission, and provide justification for any recommendation not adopted.	IDENTIFY TRADITIONAL KNOWLEDGE
5.	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.	REFERENCES
6.	The Licensee shall ensure all submissions to the Board: <ul style="list-style-type: none"> a) Are in accordance with the MVLWB <i>Document Submission Standards</i>; b) Include a conformity statement or table which identifies where the requirements of this Licence, or other directives from the Board, are addressed; and c) Include any additional information requested by the Board. 	SUBMISSION FORMAT AND CONFORMITY
7.	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.	MANAGEMENT PLAN FORMAT

8.	The Licensee shall comply with all plans - including revisions, approved pursuant to the conditions of this Licence.	COMPLY WITH SUBMISSIONS AND REVISIONS
9.	The Licensee shall conduct an annual review of all approved plans and make any revisions necessary to reflect changes in operations, contact information, or other details.	ANNUAL REVIEW
10.	The Licensee may, at any time, propose changes to any plan by submitting revisions 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.	REVISIONS
11.	The Licensee shall revise any submission and submit it as per the Board's directive.	REVISE AND SUBMIT
12.	If any date for any submission falls on a weekend or holiday, the Licensee may submit the item on the following business day.	SUBMISSION DATE
13.	The Licensee shall comply with the Schedules , which are annexed to and form part of this Licence, and any updates to the Schedules as may be made by the Board.	COMPLY WITH SCHEDULE(S)
14.	The Schedules, the Surveillance Network Program, and any compliance dates specified in this Licence may be updated at the discretion of the Board.	UPDATES TO COMPLIANCE DATE(S)
15.	The Licensee shall comply with all directives issued by the Board in respect of the implementation of the conditions of this Licence.	COMPLY WITH BOARD DIRECTIVES
16.	The Licensee shall measure the volumes of Waste discharged to the satisfaction of an Inspector.	MEASURE WASTE DEPOSITED
17.	Beginning March 31, 2023 and no later than every March 31 thereafter, the Licensee shall submit an Annual Water Licence Report to the Board and an Inspector. The Report shall be in accordance with the requirements of Schedule 1, Condition 1.	ANNUAL WATER LICENCE REPORT

18.	The Licensee shall comply with the Engagement Plan , once approved.	ENGAGEMENT PLAN
19.	Within ninety (90) days following the effective date of this Licence, the Licensee shall submit to the Board, for approval, a revised Engagement Plan .	ENGAGEMENT PLAN – REVISED
20.	The Licensee shall immediately provide written notification to the Board and an Inspector of any non-compliance with the conditions of this Licence.	NOTIFICATION – NON-COMPLIANCE
21.	The Licensee shall ensure that a copy of any written authorization issued to the Licensee by an Inspector is provided to the Board.	COPY – WRITTEN AUTHORIZATION
	Part C: Security	
	<i>Section Left Intentionally Blank</i>	
	Part D: Water Use	
	<i>Section Left Intentionally Blank</i>	
	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.	OBJECTIVE – CONSTRUCTION
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.	CONSTRUCTION MATERIAL – SOURCE(S)
	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.	OBJECTIVE – WASTE AND WATER MANAGEMENT

2.	The Licensee shall deposit all Waste as described in the approved Waste Management Plan .	WASTE MANAGEMENT PLAN
3.	The Licensee shall employ sediment control measures while carrying out Project activities.	SEDIMENT CONTROL
4.	The Licensee shall attempt to recover all the granular material placed below the high water mark during the course of this undertaking at the end of each ferry season; the maximum allowable difference between the total volume of granular material placed and total volume of granular material recovered shall be 500 m ³ .	RECOVER MATERIAL
5.	The Licensee shall employ a staged approach in recovering granular material at the end of each ferry season by progressively recovering material as the river level decreases.	PROGRESSIVE RECOVERY
Part G: Aquatic Effects Monitoring		
<i>Section Left Intentionally Blank</i>		
Part H: Spill Contingency Planning		
1.	The Licensee shall ensure that Unauthorized Discharges associated with the Project do not enter any Waters.	OBJECTIVE – PREVENT WASTE INTO WATER
2.	The Licensee shall comply with the Spill Contingency Plan , once approved.	SPILL CONTINGENCY PLAN
3.	Within ninety (90) days following the effective date of this Licence the Licensee shall submit to the Board, for approval, a revised Spill Contingency Plan .	SPILL CONTINGENCY PLAN – REVISED

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 Part H, Condition x;</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"> • Telephone: (867) 920-8130 • Fax: (867) 873-6924 • E-mail: spills@gov.nt.ca • Online: Spill Reporting and Tracking Database <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>	REPORT SPILLS
5.	The Licensee shall ensure that spill prevention infrastructure and spill response equipment is in place prior to commencement of the Project.	SPILL PREVENTION AND RESPONSE EQUIPMENT
6.	The Licensee shall restore all areas affected by spills and Unauthorized Discharges to the satisfaction of an Inspector.	CLEAN UP SPILLS
Part I: Closure and Reclamation		
1.	A minimum of six months prior to the permanent closure and reclamation of the ferry landings, the Licensee shall submit to the Board, for approval, a facility-specific Closure and Reclamation Plan .	CLOSURE AND RECLAMATION PLAN

Schedule 1 Annual Water Licence Report

	Condition
1.	The Annual Water Licence Report referred to in Part B, Condition 19 of this Licence shall include, but not be limited to, the following information about activities conducted during the previous calendar year:
	a) Tabular summaries for each of the ferry landings, specifying the volumes of granular material placed/recovered, the date of placement/recovery, the difference between the volumes placed and the volumes recovered, and the source of the granular material
	b) A summary of activities conducted in accordance with the approved Spill Contingency Plan , referred to in Part H, Condition 2 of this Licence, including: <ul style="list-style-type: none"> 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 4 of this Licence; and ii. An outline of any spill training carried out.
	c) A summary of any updates or revisions to the Spill Contingency Plan, Engagement Plan, and/or Waste Management Plan, conducted under the Annual Review referred to in Part B Condition 9;
	d) A summary of engagement activities conducted in accordance with the approved Engagement Plan, referred to in Part B, Condition 18 of this Licence;
	e) A summary of how any Traditional Knowledge, referred to in Part B Condition 4, was incorporated into decision making;
	f) 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;
	g) A summary of actions taken to address concerns, noncompliance, or deficiencies in any reports filed by an Inspector;
	h) A summary of any studies requested by the Board , and/or a brief description of any future studies planned; and
	i) Any other details requested by the Board by December 31 of the year being reported.

Annex A: Concordance Table

Annexed to Water Licence G22L8 -003 - Items Requiring Submission

This table summarizes the information the Licensee is required to submit as per the Water Licence conditions. It supplements the Water Licence. If there are any discrepancies between this table and the body of the Water Licence, the Water Licence conditions prevail.

Table 1: Concordance Table of Items Requiring Submission

Condition	Requirement	Submission Timeline
ANNUAL REVIEW (B.9)	Conduct an annual review of all plans, programs, manuals, and studies and make any revisions necessary to reflect changes in operations, contact information, or other details.	No later than March 31 each year.
REVISIONS (B.10)	Submit revised plans, programs, manuals, and studies to the Board, for approval.	A minimum of 90 days prior to the proposed implementation date for the changes.
ANNUAL WATER LICENCE REPORT (B.17)	Submit an Annual Water Licence Report to the Board and an Inspector, in accordance with the requirements of Schedule 1, Condition 1.	Beginning March 31, 2023, and no later than every March 31 thereafter.
NOTIFICATION – NON-COMPLIANCE (B.20)	Notify Board and Inspector of any non-compliance with the Licence	Immediately
CLOSURE AND RECLAMATION PLAN (I.2)	Submit to the Board, for approval, a Closure And Reclamation Plan accordance with the requirements of Schedule 3	A minimum of six months prior to commencing permanent Closure and Reclamation of the ferry landings.

Annex B: Revision History table

Table 1: Updates and changes that have been made to Licence G22L8-003 since issuance.

Date	Location of Change	Description of Change