

Attachment 19

Water Licence - Kennady Lake Advanced Exploration Site (MV2003L2-0005)



Mackenzie Valley Land and Water Board

7th Floor - 4910 50th Avenue • P.O. Box 2130
YELLOWKNIFE, NT X1A 2P6
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April 29, 2010

File: MV2003L2-0005

Mr. Paul Cobban
De Beers Canada Inc.
Suite 300, 5102 - 50th Ave
YELLOWKNIFE NT X1A 3S8

Fax: (867) 766-7348

Dear Mr. Cobban:

Corrections Made to Water Licence MV2003L2-0005

The Mackenzie Valley Land and Water Board (the Board) met on April 29, 2010 to review De Beers Canada's request to rectify conditions in Part D, item 11; Part G, item 3; and SNP Part B, item 12 of the Water Licence.

The Board agrees that the references to related conditions in these parts are inaccurate, and the changes have been made to rectify the problem.

The MVLWB apologizes for any inconvenience this may have caused and hopes this rectifies any inconsistencies in the original Water Licence. The changes become effective on the date of this letter and the attached Water Licence supersedes the version issued on August 8, 2003 and its renewal of April 23, 2009.

If you have any questions or concerns, please contact Shannon Hayden at (867) 669-0506 or email permits@mvlwb.com.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Willard Hagen".

Willard Hagen
MVLWB Chair

Copied to: The Honourable Chuck Strahl, Minister Indian Affairs and Northern
Development
Marty Sanderson, A/District Manager, South Mackenzie District, INAC
Robert Jenkins, Water Resources Division, INAC
Shannon Hayden, Regulatory Officer, MVLWB

Attachments



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

De Beers Canada Inc

(Licensee)

of Suite 300, 5102 - 50th Ave, Yellowknife, Northwest Territories X1A 3S8

(Mailing Address)

hereafter called the Licensee, the right to alter, divert, or otherwise use Water subject to the restrictions and conditions contained in the *Northwest Territories Waters Act* and Regulations made hereunder and subject to and in accordance with the conditions specified in this Licence.

Licence number: MV2003L2-0005

Licence type: B

Water Management Area: Northwest Territories 01

Location: 63°23 - 63°38 N, 109°-110° W

Purpose: To use Water and dispose of Waste and associated uses

Description: Mineral Exploration

Quantity of water (**not to be exceeded**): 300 cubic metres daily

Effective date of Licence: April 23, 2009

Expiry date of Licence: April 22, 2014

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

Mackenzie Valley Land and Water Board

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Chair

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Witness

Part A: Scope and Definitions

Scope

This Licence entitles De Beers Canada Exploration Inc. to use Water and dispose of Waste for industrial undertakings in mining exploration and associated uses by De Beers Canada Exploration Inc., Kennady Lake/Gahcho Kue Exploration located at 63°25'48" N and 109°12'00" W, Northwest Territories. This operation is to be carried out as described in Water Licence Application MV2003L2-0005 and supporting materials, dated May 2, 2003.

Definitions

In this Licence: MV2003L2-0005

“Acid/Alkaline Rock Drainage” means the production of acidic or alkaline leachate, seepage, or drainage from Cuttings, underground workings, ore piles, Waste rock tailings, and overburden that can lead to the release of metals to groundwater and surface Water during the life of the mine and after mine closure.

“Act” means the *Northwest Territories Waters Act*.

“Analyst” means an Analyst designated by the Minister under subsection 35(1) of the *Northwest Territories Waters Act*.

“Artesian Aquifer” means a Water-bearing rock stratum, which when encountered during drilling operations, produces a pressurized flow of groundwater that reaches an elevation above the Water table or above the ground surface.

“Average Concentration” means the discrete average of four consecutive analytical results, or if less than four analytical results collected during a batch decant, and as submitted to the Board in accordance with the sampling and analysis requirements specified in the Surveillance Network Program.

“Board” means the Mackenzie Valley Land and Water Board established under Part 4 of the *Mackenzie Valley Resource Management Act*.

“Cuttings Containment Area” comprises the Cuttings containment basin(s) and the engineered structures designed to contain Cuttings and tailings as described in the document titled “Drill Cuttings and Processed Kimberlite Containment Facility, Kennady Lake Exploration Site”, prepared by EBA Engineering Consultants, August 1998.

“Cuttings” means material rejected from the mill after the recoverable valuable minerals have been extracted.

“Freeboard” means the vertical distance between the Water line and the lowest elevation of the effective Water containment crest on a dam or dyke’s upstream slope.

“Engineer” means a professional Engineer registered to practice in the Northwest Territories in accordance with the *Engineering and Geoscience Professions Act*, S.N.W.T. 2006, c.16.

“Greywater” means all liquid Wastes from showers, baths, sinks, kitchens, and domestic washing facilities, but does not include toilet Wastes.

“Inspector” means an Inspector designated by the Minister under subsection 35(1) of the *Northwest Territories Waters Act*;

“Landfarm” mean the area and associated engineered infrastructure designed to contain and treat hydrocarbon impacted soils.

“Licensee” means the holder of this Licence.

“Minewater” means any process Water, drill Waste Water ground Water or any other Water which is pumped or flows out of any the Cuttings Containment Area.

“Minister” means the Minister of Indian Affairs and Northern Development;

“Modification” means an alteration to a physical work that introduces a new structure or eliminates an existing structure and does not alter the purpose or function of the work but does not include an expansion.

“Permeability” means the capacity to transmit Water through a medium.

“Progressive Reclamation” means those activities conducted during the operating period of the Licence to modify and reclaim the land and Water to the satisfaction of the Board and the Water Resources Officer.

“Regulations” means Regulations proclaimed pursuant to section 33 of the *Northwest Territories Waters Act*.

“Sewage” means all toilet Wastes and Greywater;

“Sump” means a man-made pit, trench, hollow, or cavity in the earth's surface used for the purpose of depositing Waste material therein.

“Waste” means Waste as defined by section 2 of the *Northwest Territories Waters Act*.

“Waste Disposal Facilities” means all facilities designated for the disposal of Waste.

“Waste Rock” means all unprocessed rock materials, except ore and tailings, which are produced as a result of the exploration operations.

“Water Use” means a use of Water as defined by section 2 of the *Northwest Territories Waters Act* and shall include freshwater from all sources and minewater.

“Water Use Fee” means a fee for the use of Water as defined by section 33 of the *Northwest Territories Waters Act*.

“Water(s)” means any Waters as defined by section 2 of the *Northwest Territories Waters Act*.

Part B: General Conditions

- B.1. This Licence is issued subject to the conditions contained herein with respect to the taking of Water and the depositing of Waste of any type in any Waters or in any place under any conditions where such Waste or any other Waste that results from the deposits of such Waste may enter any Waters. Whenever new Regulations are made or existing Regulations are amended by the Governor in Council under the *Northwest Territories Waters 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.
- B.2. Compliance with the terms and conditions of this Licence does not absolve the Licensee from responsibility for compliance with the requirements of all applicable federal, territorial, and municipal legislation.
- B.3. The Water Use fee shall be paid annually in advance.
- B.4. Prior to the use of Water for the advanced exploration program or the disposal of Waste, the Licensee shall have posted and shall maintain a security deposit in the amount of \$100,000. pursuant to section 17(1) of the Act and section 12 of the Regulations. The security deposit shall be maintained until such time as it is fully or in part refunded by the Minister pursuant to section 17 of the Act. This clause shall survive the expiry of this Licence.
- B.5. The Licensee shall file an annual report with the Board not later than March 31 of the year following the calendar year reported which shall contain the following information:
- a) The monthly and annual quantities in cubic metres of fresh Water obtained from all sources;
 - b) The monthly and annual quantities in cubic metres of each and all Waste discharged;
 - c) Tabular summaries of all data generated under the Surveillance Network Program;
 - d) A list of unauthorized discharges;
 - e) An outline of any spill training and communications exercises carried out;
 - f) A summary of any closure and reclamation work completed during the year and an outline of any work anticipated for the next year;
 - g) A summary of any studies requested by the Board that relate to Waste disposal, Water Use or reclamation, and a brief description of any future studies planned;

- h) Any revisions to the approved Contingency Plan;
 - i) Any revisions to the approved Closure and Reclamation Plan;
 - j) A summary of exploration and development activities as they relate to Water Use and Waste disposal; and
 - k) Any other details on Water Use or Waste disposal requested by the Board by November 1 of the year being reported.
- B.6. The Licensee shall comply with the Surveillance Network Program annexed to this Licence and any amendment to the said Surveillance Network Program as may be made from time to time, pursuant to the conditions of this Licence.
- B.7. The Surveillance Network Program and compliance dates specified in the Licence may be modified at the discretion of the Board.
- B.8. Meters, devices, or other such methods used for measuring the volumes of Water Used and Waste discharged shall be installed, operated, and maintained by the Licensee to the satisfaction of an Inspector.
- B.9. The Licensee shall, within 30 days of the issuance of this Licence, post the necessary signs, where possible, to identify the stations of the Surveillance Network Program. All postings shall be located and maintained to the satisfaction of an Inspector. This Licensee shall have applied for and received a new Water licence for mining and milling undertakings before any ore bodies in the areas referred to in Part A, item 1 are brought into production, other than for the mining of a bulk ore sample.
- B.10. The Licensee shall ensure a copy of this Licence is maintained at the site of operation at all times.

Part C: Conditions Applying to Water Use

- C.1. The Licensee shall obtain all Water for domestic purposes from Kennady Lake as approved by the Board.
- C.2. The annual quantity of Water Used for all purposes shall not exceed 10,000 cubic metres for domestic and associated uses.
- C.3. Daily Water Use shall not exceed 300 cubic metres.
- C.4. The Water intake hose used on the Water pumps shall be equipped with a screen with a mesh size of 2.54 millimetres.

Part D: Conditions Applying to Waste Disposal

- D.1. The Cuttings containment facility shall be constructed, operated, and maintained to engineering standards such that:
- a) A freeboard limit of 1 metre shall be maintained at all times or as recommended by a qualified Engineer and as approved by the Board;
 - b) Seepage from the Cuttings Containment Area is minimized;

- c) Any seepage that occurs is collected and immediately returned to the Cuttings Containment Area;
 - d) Erosion of constructed facilities is addressed immediately;
 - e) Weekly inspections of the dam(s) and catchment basin(s) shall be carried out and records of these inspections shall be kept for review upon the request of an Inspector. More frequent inspections shall be performed at the request of an Inspector; and
 - f) An inspection of the Cuttings Containment Area shall be carried out annually by September by a qualified Engineer registered in the Northwest Territories. The Engineer's report shall be submitted to the Board within 60 days of the inspection, including a covering letter from the Licensee outlining an implementation plan to respond to the Engineer's recommendations.
- D.2. The Licensee shall remove all drill cutting residues from the ice surface and dispose into the Cuttings Containment Area.
- D.3. The Licensee shall discharge all Cuttings and tailings to the approved Cuttings Containment Area.
- D.4. The Licensee shall provide at least five days notice to an Inspector prior to any planned discharges of Waste from the Cuttings Containment Area.
- D.5. Sewage is to be disposed of as described in the Water Licence Application and to the satisfaction of an Inspector.
- D.6. The Licensee shall obtain written approval for Sewage and Greywater discharge from the Regional Health Board, prior to disposal of any Sewage Wastes.
- D.7. All Wastes discharged by the Licensee from the Cuttings Containment Facility shall meet the following effluent quality requirements:

Parameter	Maximum Average Concentration	Maximum Concentration of Any Grab Sample
Total Aluminium	1.50 mg/L	3.0 mg/L
Total Arsenic	0.05 mg/L	0.10 mg/L
Total Cadmium	0.0015mg/L	0.003 mg/L
Total Chromium	0.02 mg/L	0.04 mg/L
Total Copper	0.02 mg/L	0.04 mg/L
Total Lead	0.01 mg/L	0.02 mg/L
Total Nickel	0.05 mg/L	0.10mg/L
Total Zinc	0.10 mg/L	0.20mg/L
Total Suspended Solids	15.0 mg/L	25.0 mg/L
Oil and Grease	2.50 mg/L	5.0 mg/L
Nitrite	1.0 mg/L	2.0 mg/L
Turbidity	10 NTU	15 NTU

The Waste discharged shall have a pH between 6.0 and 8.4 and no visible sheen of oil and grease.

All samples collected at SNP Stations 1725-10 and 1725-11 shall meet the following effluent quality criteria:

Parameter	Maximum Average Concentration	Maximum Concentration of Any Grab Sample
Oil and Grease	5.0 mg/L	10.0 mg/L
EPH	5 ppm	10 ppm
Benzene	4 ppm	
Ethyl Benzene	2 ppm	
Toluene	0.39 ppm	

- D.8. The Licensee shall ensure that any unauthorized Wastes associated with the advanced exploration undertaking do not enter any Waters.
- D.9. All Waste discharged shall be conducted in such a manner to minimize surface erosion.
- D.10. The Licensee shall submit to the Board for approval by September 1, 2004, an updated Acid/Alkaline Rock Drainage generating potential monitoring plan which will evaluate the acid/alkaline generation potential of the current and future ore and Waste Rock generated during the extraction of the bulk samples. The monitoring program shall, at a minimum, be in accordance with the Department of Indian Affairs and Northern Development's "Guidelines for Acid Rock Drainage Prediction in the North", September 1992.
- D.11. The Licensee shall implement the plan referred to in Part D, item 10 as and when approved by the Board.
- D.12. The disposal of groundwater to other than a self-contained area requires the approval of an Inspector.
- D.13. The Licensee shall provide to the Board for approval 90 days prior to the remediation of contaminated soils, a work plan that includes but is not limited to the following:
- a. Qualitative and quantitative description of remediation options;
 - b. Justification of selected option; and
 - c. A design of the selected remediation option signed and stamped by an Engineer that includes, but is not limited to, the following:
 - i. Description of site physical, surface, and subsurface characteristics, site Water management, and geotechnical characteristics;

- ii. Construction and materials specifications and construction and materials QA/QC program;
- iii. Geotechnical analysis that contributes to the containment of Waste and Waters, which may include, but not be limited to: settlement, slope stability, groundwater seepage and contaminant transport, and any liner performance;
- iv. Details of a volume balance and Landfarm sizing that considers the expected hydrocarbon contaminated soil and snow to be contained and Landfarm configuration;
- v. Details of leachate management that include details of, but not be limited to, estimate of leachate generated, leachate collection and disposal, and leachate sampling and monitoring;
- vi. Operations plan that details, but not be limited to, acceptable soil types to the Landfarm facility, remediation clean up levels, and methods and frequency of any soil condition to promote remediation;
- vii. Spatial and temporal monitoring of soil chemistry within the Landfarm facility;
- viii. Identification of location for the proposed Landfarm on a map to scale GPS coordinates; and
- ix. Detailed closure plan for the Landfarm facility.

Part E: Conditions Applying to Modifications

- E.1. The Licensee may, without written approval from the Board, carry out Modifications to the planned undertakings provided that such Modifications are consistent with the terms of this Licence and the following requirements are met:
- a) The Licensee has notified the Board in writing of such proposed Modifications at least 60 days prior to beginning the Modifications;
 - b) Such Modifications do 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 Modifications, informed the Licensee that review of the proposal will require more than 60 days; and
 - d) The Board has not rejected the proposed Modifications.
- E.2. Modifications for which all of the conditions referred to in Part E, item 1 have not been met may be carried out only with written approval from the Board.
- E.3. The Licensee shall provide to the Board stamped and signed as-built plans and drawings, by an Engineer, of the Modifications referred to in Part E, item 1 within 90 days of completion of the Modifications.

Part F: Conditions Applying to Contingency Planning

- F.1. The Licensee shall, if any changes are required, by February 1, 2004, submit to the Board for approval an updated contingency plan in accordance with the Board's "Guidelines for Contingency Planning", January 1987.

In addition to conforming to the Guidelines, the plan shall also address the following items:

- a) Action to be taken should Wastes to be discharged not meet the Licence effluent quality requirements; and
 - b) Action to be taken should an excess of Minewater, beyond the capacity that can be treated by the Cuttings containment facility, be encountered.
- F.2. If not approved by the Board, the Contingency Plan referred to in Part F, item 1 shall be revised and resubmitted within three months of receiving notification of the Board's decision.
- F.3. The Licensee shall review the Contingency Plan annually and modify the plan as necessary to reflect changes in operation and technology. Any proposed Modifications shall be submitted to the Board for approval.
- F.4. If, during the period of this Licence, an unauthorized discharge of Waste occurs or if such a discharge is foreseeable, the Licensee shall:
- a) Employ the appropriate Contingency Plan;
 - b) Report the incident immediately via the 24-Hour NWT Spill Report Line. Currently the number is (867) 920-8130; and
 - c) Submit to an Inspector a detailed report on each occurrence not later than 30 days after initially reporting the event.

Part G: Conditions Applying to Abandonment and Restoration

- G.1. The Licensee shall submit to the Board a revised closure and reclamation plan within six months following the issuance date of the Licence in accordance with the Department of Indian Affairs and Northern Development's "Mine Site Reclamation Guidelines for the Northwest Territories" of 2007 or subsequent closure and reclamation guidelines as required by the Board. The Closure and Reclamation Plan shall reflect the scenario of final closure. The Licensee shall submit to the Board for approval a closure and reclamation plan which addresses the following:
- a) The Water intake facilities;
 - b) The Cuttings containment facilities;
 - c) Any Waste Rock storage areas;
 - d) The petroleum and chemical storage areas;
 - e) Any site affected by Waste spills;
 - f) The natural runoff Waters from the development site;
 - g) The restoration of natural drainage and the restoration of stream banks at the operation site(s);
 - h) The potential for groundwater contamination;
 - i) Any facilities or areas which may have been affected by development such that potential pollution problems exist;
 - j) A phased approach and implementation schedule;

- k) Maps delineating all disturbed areas, borrow material locations, and site facilities;
 - l) A proposal identifying measures by which restoration costs will be financed by the Licensee upon abandonment;
 - m) The Waste rock and ore storage areas; and
 - n) The acid generation potential and leachability of Cuttings, tailings, Waste Rock, and ore piles, and any other areas identified as having the potential to leach or be acid generating.
- G.2. The Licensee shall revise the plan referred to in Part G, item 1 if not approved. The revised plan shall be submitted to the Board for approval within six months of receiving notification of the Board's decision.
- G.3. Notwithstanding the time schedule referred to in the Closure and Reclamation Plan, the Licensee shall endeavour to carry out progressive restoration of areas which are abandoned prior to closure of operations.
- G.4. The Licensee shall complete the restoration work within the time schedule specified in the Closure and Reclamation Plan, or as subsequently revised and approved by the Board.
- G.5. The Licensee shall review the Closure and Reclamation Plan annually and shall modify the plan as necessary to reflect changes in operation, technology, and results of reclamation and/or other studies. The proposed Modifications shall be submitted to the Board for approval.
- G.6. Upon implementation of the Closure and Reclamation Plan, the Licensee shall provide to the Board updates of all closure and reclamation activities by March 31 and October 31 of each year.
- G.7. Compliance with the Closure and Reclamation Plan specified in this Licence does not limit the legal liability of the Licensee, other than liability arising from provisions of the Act and its Regulations.

Part H: Conditions Applying to Construction

- H.1. Prior to construction of any dams, dykes, or structures intended to contain, withhold, divert, or retain Water or Wastes other than as contemplated in the Contingency Plan, the Licensee shall submit to the Board for approval design drawings stamped by a qualified Engineer registered in the Northwest Territories.
- H.2. Construction of designed structures shall be carried out as approved by the Board.
- H.3. As-built drawings of any changes from the original design, including rationale for the changes to any of the dams, dykes, or structures referred to in part H, item 2 shall be stamped by an Engineer and submitted to the Board within 90 days of completion of the facility.

H.4. Fill materials used for construction must be obtained from an approved source and be clean and free of contaminants.

Mackenzie Valley Land and Water Board



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Witness



Licensee: De Beers Canada Inc.
Licence number: MV2003L2-0005
Effective date of Licence: December 1, 2003
Effective date of the Surveillance Network Program (SNP): October 19, 2005

Surveillance Network Program

A. Location of Surveillance Stations

Station Number	Description
1725-1	Kennady Lake at freshwater intake
1725-2	North Sump adjacent to the North Dyke of the Cuttings containment facility
1725-3	North decant from the North Dyke adjacent to the Cuttings containment facility, prior to entering into Kennady Lake
1725-4	Runoff from the North Dyke adjacent to the Cuttings containment facility, prior to entering into Kennady Lake
1725-5	South Sump adjacent to the South Dyke of the Cuttings containment facility
1725-6	Runoff from the South Dyke adjacent to the Cuttings containment facility, prior to entering Kennady Lake
1725-7	Greywater discharge prior to entering Kennady Lake
1725-8	Inlet to Kennady Lake
1725-9	Outlet of Kennady Lake
1725-10	Downstream of refuelling and fuel storage areas
1725-11	Downstream of workshop
1725-12	Discharge from Sewage Treatment Plant

B. Sampling and Analysis Requirements

1. Water at station numbers 1725-1 and 1725-9 shall be sampled once, prior to commencement of the bulk sampling program and the disposal of Wastes into the Cuttings containment facility, or more frequently at the request of an Inspector and analysed for the following parameters:

- total arsenic
- ICP metal scan (23 metals)
- pH
- total suspended solids
- oil and grease

2. During periods of open Water, Water at station numbers 1725-2 and 1725-5 shall be sampled once during the first week and monthly thereafter or more frequently at the request of an Inspector and analysed for the following parameters:

- total arsenic
- ICP metal scan (23 metals)
- pH
- total suspended solids

3. During periods of flow, effluent at station numbers 1725-4 and 1725-6 shall be sampled once during the first week and monthly thereafter, and analysed for the following parameters:

- total arsenic
- ICP metal scan (23 metals)
- pH
- total suspended solids
- oil and grease

4. During periods of Minewater discharge, effluent at station number 1725-3 shall be sampled once during the first week and weekly thereafter or more frequently at the request of an Inspector and analysed for the following parameters:

- total arsenic
- ICP metal scan (23 metals)
- pH
- total suspended solids
- oil and grease

5. Water at station numbers 1725-8 and 1725-9 shall be sampled annually during open Water or more frequently at the request of an Inspector and analysed for the following parameters:

- total Arsenic
- ICP metal scan (23 metals)
- pH
- total suspended solids
- oil and grease

6. Water at station numbers 1725-10 and 1725-11 shall be sampled biannually for oil and grease, extractable petroleum hydrocarbons (EPH), benzene, ethyl benzene, and toluene.
7. During periods of discharge, Water at station number 1725-12 shall be sampled monthly and analyzed for the following parameters:
 - pH
 - BOD
 - oil and grease
 - faecal coliforms
 - total suspended solids
8. More frequent sample collection may be required at the request of an Inspector.
9. All sampling, sample preservation, and analyses shall be conducted in accordance with methods prescribed in the current edition of "Standards Methods for the Examination of Water and Wastewater", or by such other methods approved by an Analyst.
10. All analyses shall be performed in a laboratory approved by an Analyst.
11. An update to the quality assurance/quality control plan, which includes both field and laboratory requirements, shall be submitted to an Analyst for approval not less than 60 days in advance of any sampling conducted.
12. The plan referred to in Part 2, item 11 (above), shall be implemented as approved by an Analyst.

C. Flow and Volume Measurement Requirements

1. The monthly quantity of Water pumped from SNP Station Number 1725-1 shall be measured and recorded in cubic metres.
2. The quantity of Minewater pumped from the mine shall be measured and recorded monthly in cubic metres (at SNP Station Number 1725-3).
3. The monthly quantities of the solid and liquid fractions of each Waste that is disposed into the Cuttings containment facility shall be measured and recorded in cubic metres.

D. Reports

1. The Licensee shall, within 30 days following the month being reported, submit to the Board all data and information required by the SNP including the results of the approved Quality Assurance Plan.

2. The Licensee shall, unless otherwise requested by an Inspector, include all of the data and information required by the SNP, including the results of the approved Quality Assurance/Quality Control Program, in the Licensee's Annual Report. The Annual Report shall be submitted to the Board on or before March 31 of the year following the calendar year being reported.

Mackenzie Valley Land and Water Board



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