

**DRAFT Type B Water Licence MV2017L1-0002**  
**Enbridge Pipelines (NW) Inc. – Industrial Use – Pipeline Replacement and Associated Activities**

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## Part A: Scope and Definitions

### 1. Scope

- a) This Licence entitles the Licensee to use Water and dispose of Waste for industrial undertakings for the off Right-of-Way activities associated with the installation of a new segment of pipeline, including the following:
  - i. Withdrawal and use of Water from the Mackenzie River and the Liard River;
  - ii. Construction, use, and maintenance of all access roads, well sites, camps, barge landing site, sumps, and related facilities;
  - iii. Installation, use, and maintenance of a bridge and culverts;
  - iv. Installation and maintenance of erosion control measures;
  - v. Other related activities, including Reclamation; and
  - vi. Fuel and hazardous materials storage.
- b) 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 deposit of such Waste may enter any Waters. Whenever new Regulations are made or existing Regulations are amended by the Commissioner in Executive Council under the 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) The Licensee shall take every reasonable precaution to protect the environment.
- d) In conducting its activities under this Licence, the Licensee shall make best efforts to consider and incorporate any scientific and Traditional Knowledge that is made available to the Licensee.
- e) Compliance with the term and conditions of this Licence does not excuse the Licensee from its obligation to comply with the requirements of any applicable Federal, Territorial, or Municipal laws.

## 2. Definitions

In this Licence: MV2017L1-0002

**Act** - the *Waters Act*, S.N.W.T. 2014, c.18.

**Analyst** - an Analyst designated by the Minister by subsection 65(1) of the Act.

**Artesian Aquifer** - 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.

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

**Engagement Plan** - a document, developed in accordance with the Board's June 2013 *Engagement and Consultation Policy and the Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits* describes proposed engagement activities during the life of the undertaking.

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

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

**Minister** - a duly appointed member of the Executive Council who is responsible for the *Waters Act* or the department responsible for administering that Act.

**Modification** - 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 the "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 predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

**Permeability** - the capacity to transmit Water through a medium.

**Project** - the undertaking described in Part A, item 1.

**Receiving Environment** - for the purpose of this Licence, the natural aquatic environment outside of the Controlled Area that receives any deposit or discharge of Waste, including Seepage, runoff or Wastewater, from the Project.

**RECLAIM** - the current version of a computer-based spreadsheet program developed by Brodie Consulting Ltd., used to estimate mine Reclamation costs.

**Reclamation** - the activities which facilitate the return of areas affected by the Project to viable and, wherever

practicable, self-sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.

**Regulations** - Regulations promulgated pursuant to section 63 of the Act.

**Spill Contingency Plan** - a document, developed in accordance with Indian and Northern Affairs Canada's April 2007 *Guidelines for Spill Contingency Planning*, that describes the set of procedures to be implemented to minimize the effects of a spill.

**Sump** - a man-made pit or natural depression in the earth's surface used for the purpose of depositing waste that does not contain Toxic Material, such as non-toxic Drilling Waste or Sewage, therein.

**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 or spill of any Water or Waste not authorized under this Licence.

**Waste** - any Waste as defined in section 1 of the Act.

**Wastewater** - the Water that is generated by the Project or originates on-site and contains Waste that requires treatment or any other Water management activity.

**Waste Management Plan** - a document, developed in accordance with the Board's March 2011 *Guidelines for the Development of a Waste Management Plan* which describes the methods of Waste management from Waste generation to final disposal.

**Water** - any Water as defined in section 1 of the Act.

**Watercourse** - a natural body of flowing or standing water or an area occupied by water during part of the year, and includes streams, springs, swamps and gulches but does not include groundwater.

**Water Use** - a use of Water as defined in section 1 of the Act.

## Part B: General Conditions

1. The Licensee shall ensure a copy of this Licence is maintained on site at all times.
2. 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.
3. The Water Use Fee shall be paid annually in advance of any Water Use, in accordance with the Mackenzie Valley Land and Water Board's March 2013 *Water Use Fee Policy*.
4. All information submitted to the Board, as required by this Licence, shall:
  - a) Be submitted in a form acceptable to the Board;
  - b) Be in accordance with the Board's *Document Submission Standards*; and
  - c) Include a section within each submission which identifies wherein the pertinent requirements of this Licence are addressed.
5. The Licensee shall operate in accordance with approved plans referred to in this Licence, including such revisions as may be made pursuant to the conditions of this Licence and as approved by the Board. If any plan is not approved by the Board, the Licensee shall revise the plan as directed and resubmit it to the Board for approval.
6. The Licensee shall annually review the plans referred to in this Licence and make any necessary revisions to reflect changes in operations, or as directed by the Board. All revisions to plans shall include a brief summary of the changes made, be in a format consistent with the Mackenzie Valley Land and Water Board's *Standard Outline for Management Plans*, and be submitted to the Board for approval at least 60 days prior to any proposed changes to the requirements in the approved plans.
7. Any compliance dates specified in this Licence may be changed at the discretion of the Board. If any date for any submission falls on a weekend or holiday, the item shall be submitted on the following business day.
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.
9. The Licensee shall act in accordance with the **Engagement Plan**, once approved by the Board.
10. Beginning March 31, 2018, and no later than every March 31st thereafter, the Licensee shall submit to the Board, an **Annual Water Licence Report**, which shall include, but not be limited to the following information:
  - a) The monthly and annual quantities in cubic metres of fresh Water obtained from all sources;
  - b) A summary of engagement activities conducted in accordance with the approved **Engagement Plan**, required in Part B of this Licence, undertaken during the previous calendar year and shall include a brief description of activities planned for the forthcoming year;
  - c) A summary of **Construction** activities conducted in accordance with Part E of this Licence, undertaken during the previous year calendar year;
  - d) A summary of **Modifications** and/or major maintenance work conducted in accordance with Part F of this Licence, undertaken during the previous year calendar year;
  - e) A summary of activities conducted in accordance with the approved **Waste Management Plan**, required in Part G of this Licence, undertaken during the previous calendar year;

- f) A summary of activities conducted in accordance with the approved **Sediment and Erosion Control Plan**, required in Part G of this Licence, undertaken during the previous calendar year, including:
  - i. A description and performance evaluation of each preventative and mitigative measure implemented to address erosion control issues and an assessment of any re-vegetation programs;
  - ii. A description of any erosion susceptible areas encountered and a summary of activities to prevent or mitigate erosion; and
  - iii. A report of the performance of erosion mitigations applied in previous years.
- g) A summary of activities conducted in accordance with the approved **Spill Contingency Plan**, required in Part I of this Licence, undertaken during the previous calendar year, including:
  - i. A list and description for all Unauthorized Discharges that occurred during the previous calendar year, 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 I of this Licence; and
  - ii. An outline of any spill training and communications exercises carried out during the previous calendar year.
- h) A summary of activities conducted in accordance with the approved **Closure and Reclamation Plan**, required in Part J of this Licence, completed during the previous calendar year, including a summary of updates or changes made, and an outline of any work anticipated for the next year;
- i) A summary of actions taken to address concerns, non-conformances, or deficiencies in any reports filed by an Inspector; and
- j) Any other details requested by the Board by November 1st of the year being reported.

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

1. Prior to the use of Water or the disposal of Waste, the Licensee shall post and maintain a security deposit in the amount of \$ [REDACTED], pursuant to Section 35(1) of the Act and section 11 of the Regulations.
2. Upon request of the Board, the Licensee shall submit an updated Project reclamation liability estimate utilizing the current version of RECLAIM or another method acceptable to the Board.
3. The amount of the security deposit required by Part C, item 1 may be revised by the Board based on estimates of the Project's reclamation liability referred to in Part C, item 2 or based on such other information as may become available to the Board.
4. If the amount of the security deposit is revised by the Board as described under Part C, item 3, the Licensee shall post the revised amount with the Minister within 90 days of the Board giving notice of the revised amount.

**Commented [Staff1]:** Board Staff are seeking Reviewer input.

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

1. The Licensee shall obtain all Water from the Mackenzie River or the Liard River unless otherwise approved by the Board.
2. The total daily quantity of fresh Water withdrawn shall not exceed 299 cubic metres.
3. The total annual quantity of fresh Water withdrawn shall not exceed 40,000 cubic metres.
4. The Licensee shall equip and maintain the Water intake with a screen designed to prevent impingement and/or entrainment of fish. The screen shall have a mesh size sufficient to ensure no entrainment of fish, as outlined in Fisheries and Oceans Canada's 1995 *Freshwater Intake End-of-Pipe Fish Screen Guidelines*.

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**Part E: Conditions Applying to Construction**

1. The Licensee shall ensure that all structures intended to contain, withhold, divert, or retain Water or Wastes are designed, constructed, and maintained to prevent escape of Waste to the Receiving Environment.

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**Part F: Conditions Applying to Modifications**

1. The Licensee may, without written approval from the Board, carry out Modifications to any structures, provided the following requirements are met:
  - a) The Licensee has notified the Board and an Inspector, in writing, of such proposed Modifications at least 60 days prior to beginning the Modifications;
  - b) The 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 further information is required or that review of the proposal will require more than 60 days;
  - d) An Inspector has authorized the proposed Modifications and provided a letter of notification to the Board; and
  - e) The Board has not rejected the proposed Modifications.
2. Modifications for which all of the conditions referred to in Part F, item 1, have not been met, may be carried out only with written approval from the Board.

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**Part G: Conditions Applying to Water and Waste Management**

1. The Licensee shall manage Water and Waste with the objectives of minimizing impacts of the Project on the quality of Water in the Receiving Environment through the use of appropriate mitigation measures, monitoring, and follow-up actions.
2. The Licensee shall ensure that any unauthorized Wastes do not enter any Waters.

**Management Plans and Monitoring Programs**

3. The Licensee shall act in accordance with the **Waste Management Plan**, once approved by the Board.
4. If during operations, an uncontrolled flow of liquids at surface is encountered, including that produced from an Artesian Aquifer, the Licensee shall notify an Inspector and then the Board immediately. The Licensee shall collect and sample water from the flowing source at the point of discharge from the well as directed by the Inspector.
5. The Licensee shall contain any fluids generated to surface and obtain approval from an Inspector prior to disposal.
6. The Licensee shall construct and maintain the Sump(s) to the satisfaction of an Inspector.
7. If the initial Sump is not constructed of low Permeability materials, the Licensee shall construct an off-site Sump to the satisfaction of an Inspector.
8. The Licensee shall not discharge or decant Wastes, including Wastewater, to any Watercourse or to the ground surface within 100 metres of the Ordinary High Water Mark of any Watercourse.
9. Prior to the discharge or decant of Wastes, including Wastewater, the Licensee shall:
  - a) Obtain a representative sample of the Waste or Wastewater using the best methods available and describe in detail the prevailing conditions and how the sample was obtained;
  - b) Conduct the analysis in accordance with Part G, item 11;
  - c) Locate all discharge areas to the satisfaction of an Inspector; and
  - d) Indicate in writing to an Inspector and the Board;
    - i. The results of the sampling and analysis;
    - ii. The location of decant;
    - iii. The volume of decant;
    - iv. The method of decant;
    - v. The direction of flow;
    - vi. The location of fresh waterbodies where the decanted Wastes or Wastewater may go, if applicable; and
    - vii. The ability of all discharge areas to absorb the decanted Wastes or Wastewater under different conditions.
10. The Licensee may commence decanting upon receipt of an Inspector's approval.

11. All analyses shall be conducted in accordance with methods prescribed in the current edition of *Standard Methods for the Examination of Water and Wastewater* or by such other methods as may be approved by the Analyst.
12. Within 60 days following issuance of this Licence, the Licensee shall submit to the Board, for approval, a **Sediment and Erosion Control Plan**. The Plan shall meet the objectives listed in Part G, item 1, and shall include, but not be limited to, information regarding the following:
  - a) Information regarding erosion and sediment control methodologies;
    - i. A summary, with appropriate maps or diagrams, of the Project site identifying areas susceptible to erosion;
    - ii. The process and criteria for assessing erosion risk;
    - iii. A description of the best management practices that will be employed for different Project activities and for different levels of assessed risk;
    - iv. Any other information required to describe how erosion and sediment release into the Receiving Environment will be minimized.
  - b) Information about monitoring including:
    - i. Details for monitoring, including rationale, that will be undertaken with respect to erosion and sediment control during all phases of the Project; and
    - ii. Any other information about monitoring that will be performed to meet the objectives in Part G, item 1 of this Licence.
  - c) Information about responses to monitoring results:
    - i. A description of how the monitoring information will be assessed and generally what types of actions will be taken in response to the monitoring results.
13. The Licensee shall implement and maintain sediment and erosion control measures, where appropriate, to prevent entry of sediment into any Watercourse.

**Part H: Conditions Applying to Aquatic Effects Monitoring Program**

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**Part I: Conditions Applying to Spill Contingency Planning**

1. The Licensee shall act in accordance with the **Spill Contingency Plan**, once approved by the Board.
2. If, during the term of this Licence, a spill and/or an Unauthorized Discharge occurs or is foreseeable, the Licensee shall:
  - a) Implement the Spill Contingency Plan;
  - b) Report the incident immediately via the 24-hour NWT Spill Report Line at (867) 920-8130 in accordance with the instructions contained in the Spill Report Form NWT 1752/0593;
  - c) Report each spill and/or Unauthorized Discharge to the Board and an Inspector within 24 hours; and
  - d) Submit a detailed report on each spill and/or Unauthorized Discharge, including descriptions of root causes, response actions and any changes to procedures to prevent similar occurrences in the future, to the Board and an Inspector within 30 days.
3. All spills and Unauthorized Discharges of Water or Waste shall be reclaimed to the satisfaction of an Inspector.

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

1. Within 60 days following issuance of this Licence, the Licensee shall submit a **Closure and Reclamation Plan** to the Board for approval. The Plan shall include, but not be limited to, information regarding the following:
  - a) Project description;
  - b) Closure and end land use goals, objectives, and criteria;
  - c) Community engagement associated with closure and Reclamation planning;
  - d) Sites affected by spills or Unauthorized Discharges;
  - e) Requirements for closure and Reclamation including but not limited to:
    - i. Methods to restore natural drainage and watercourse banks;
    - ii. Any areas which may have been affected by the Project such that potential pollution problems exist;
  - f) A phased approach for completing the activities and implementation schedule;
  - g) Maps delineating all disturbed areas; and
  - h) Any other details pertaining to closure and Reclamation requested by the Board.
2. The Licensee shall endeavour to carry out progressive Reclamation of areas as soon as reasonably practicable.

**Part K: Conditions Applying to Watercourses**

1. The Licensee shall ensure materials placed below the Ordinary High Water Mark are free of any contaminants, debris or fine material.
2. The Licensee shall not remove naturally occurring material from the bed or banks of any Watercourse below the Ordinary High Water Mark.
3. The Licensee shall minimize the disturbance of riparian vegetation within the immediate boundary of any Watercourse crossing to the extent practicable.

**Signed on behalf of the Mackenzie Valley Land and Water Board**

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Chair

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Witness



**Annexes**  
**Annexed to Water Licence MV2017L1-0002**  
**Enbridge Pipelines (NW) Inc.**

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Annex A: Concordance Table of Items Requiring Submission

Annex B: Table of Revision History

**Annex A: Concordance Table of Items Requiring Submission in Water Licence MV2017L1-0002**

Table 1 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 Table 1 and the body of the Water Licence, the Water Licence conditions prevail.

**Table 1: Concordance Table of Items Requiring Submission**

<b>Part of Licence</b>	<b>Report Title/Require Action</b>	<b>Timeline for Submission</b>
<b>B</b>	Engagement Plan	-
<b>B</b>	Annual Water Licence Report	- March 31 each year
<b>C</b>	Security Deposit	- Prior to the use of Water or the disposal of Waste
<b>F</b>	Modifications - Notification	- 60 days prior to carrying out modifications
<b>G</b>	Waste Management Plan	-
<b>G</b>	Sediment and Erosion and Control Plan	- Within 60 days following issuance of this Licence
<b>I</b>	Spill Contingency Plan	-
<b>I</b>	Detailed Spill and Unauthorized Discharge Report	- Within 30 days of each spill and Unauthorized Discharge
<b>J</b>	Closure and Reclamation Plans	- Within 60 days following issuance of this Licence

**Annex B: Table of Revision History for Water Licence MV2017L1-0002**

**Table 1: Updates and changes that have been made to the Water Licence since issuance:**

Date	Location of change	Description of change