

Type B Water Licence
MV2019L8-0008
Northwest Territories Power Corporation – Taltson Winter Road

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Part A: Scope and Definitions

Scope

1. This Licence entitles the Licensee to use Water for the Construction, operation, and maintenance of a winter access road originating at Fort Smith, Northwest Territories and terminating at the Taltson Hydroelectric Facility airport. **SCOPE**

The scope of this Licence includes the following:

- a) Water withdrawal for the Construction, operation, and maintenance of a winter access road; and
 - b) Progressive Reclamation activities and associated Closure and Reclamation activities.
2. This Licence is issued subject to the conditions contained herein with respect to the taking use of Water and the deposit 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 Commissioner in Executive Council under the *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. **REGULATIONS SUBJECT TO CHANGE**
 3. Compliance with the defined terms 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. **LEGISLATIVE COMPLIANCE**

Definitions¹

Board – the Mackenzie Valley Land and Water Board established under subsection 99(1) 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, human activities, and the surrounding environment.

Closure and Reclamation Plan – a document, developed in accordance with this Licence, that clearly describes the Closure and Reclamation activities 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.

Discharge – the direct or indirect release of any Waters or Waste to the Receiving Environment.

¹ Defined terms are capitalized throughout the License, including when used in other definitions.

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 (GNWT) – Environment and Natural Resources.

Ordinary High Water Mark – the usual or average level to which a Watercourse body of Water 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, 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 so as in order to prevent or minimize any adverse effects on the environment and public safety, now or in the future.

Spill Contingency Plan – a document, developed in accordance with INAC's *Guidelines for Spill Contingency Planning*.

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

Waste – any substance defined as Waste by section 1 of the *Waters Act*.

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

Water – any Water as per section 1 of the *Waters Act*.

Watercourse – 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 Supply Facilities – the area(s) and structures designated to collect and supply Water for the Project.

Water Use – a use of Water as per section 1 of the *Waters Act*.

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Part B: General Conditions

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| 1. | The Licensee shall ensure a copy of this Licence is maintained on site 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. | 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. | USE UP-TO-DATE REFERENCES |
| 5. | The Licensee shall ensure all submissions to the Board:
a) Are in accordance with the MVLWB's <i>Document Submission Standards</i> ;
b) Includes a conformity statement or table which identifies where the requirements of this Licence, or other directives from the Board, are addressed; and
c) Includes any additional information requested by the Board. | SUBMISSION FORMAT AND CONFORMITY |
| 6. | The Licensee shall ensure management plans are submitted to the Board in a format consistent with the MVLWB's <i>Standard Outline for Management Plans</i> unless otherwise specified. | MANAGEMENT PLAN FORMAT |
| 7. | The Licensee shall comply with all Plans approved pursuant to the conditions of this Licence, including such revisions made as per the conditions of this Licence, and as approved by the Board. | COMPLY WITH SUBMISSIONS AND REVISIONS |
| 8. | The Licensee shall conduct an annual review of all Plans and make any revisions necessary to reflect changes in operations, contact information, or other details. No later than June 30 each year, the Licensee shall send a notification letter to the Board, listing the documents that have been reviewed and do not require revisions. | ANNUAL REVIEW |
| 9. | The Licensee may propose changes at any time by submitting revised Plans 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 |
| 10. | The Licensee shall revise any submission and submit it as per the Board's directive. | REVISE AND SUBMIT |

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| 11. | 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 |
| 12. | The Schedules and any compliance dates specified in this Licence may be updated at the discretion of the Board. | UPDATES TO COMPLIANCE DATE(S) |
| 13. | The Licensee shall install, operate, and maintain meters, devices, or other such methods used for measuring the volumes of Water used and Waste Discharged to the satisfaction of an Inspector. | MEASURE WATER USE AND WASTE DISCHARGED |
| 14. | Beginning on June 30, 2020 and no later than every June 30 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 |
| 15. | The Licensee shall comply with the Engagement Plan , once approved. | ENGAGEMENT PLAN |
| 16. | A minimum of ten days prior to seasonal commencement of the Project, 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 notifications shall be provided to the Board and an Inspector if any changes occur. | NOTIFICATION – COMMENCEMENT |
| 17. | The Licensee shall immediately provide written notification to the Board and an Inspector of any non-compliance with the conditions of this Licence or any direction from the Board pursuant to the conditions of this Licence. | NOTIFICATION – NON-COMPLIANCE |
| 18. | The Licensee shall submit a current Project schedule to the Board and an Inspector upon request. | SUBMIT CURRENT PROJECT SCHEDULE |

Part C: Water Use

1. The Licensee may only obtain fresh Water for the Project as set out in the following table:

**WATER SOURCE AND
MAXIMUM VOLUME**

Water Source Name	Location and Coordinates	Type of Watercourse	Purpose of Water Use	Maximum Quantity (m³/day)
Slave River	-111.9100 and 60.0367	River	Winter Road Construction and maintenance	299 m ³ /day
Unnamed Slough near Slave River	-111.8716 and 60.0574	River/Slough	Winter Road Construction and maintenance	80 m ³ /day
Little Bent Tree Lake	-111.6011 and 60.1885	Lake	Winter Road Construction and maintenance	80 m ³ /day
Thetul River	-111.5493 and 60.2188	River	Winter Road Construction and maintenance	80 m ³ /day
Kenneth River	-111.5479 and 60.2207	River	Winter Road Construction and maintenance	80 m ³ /day
Powell Creek	-111.5399 and 60.2300	Creek	Winter Road Construction and maintenance	80 m ³ /day
Powell Creek/Long Lake N	-111.3576 and 60.2896	Creek/Lake	Winter Road Construction and maintenance	80 m ³ /day
Powell Creek/Long Lake S	-111.5291 and 60.2443	Creek/Lake	Winter Road Construction and maintenance	80 m ³ /day
Lake 5-0 N (Beaver Creek)	-111.4521 and 60.3331	Creek/Lake	Winter Road Construction and maintenance	80 m ³ /day
Lake 5-0 S (Beaver Creek)	-111.4698 and 60.3103	Creek/Lake	Winter Road Construction and maintenance	80 m ³ /day
Lake 7-0 (Unnamed Lake 10)	-111.4521 and 60.3646	Lake	Winter Road Construction and maintenance	80 m ³ /day
Unnamed Watercourse 9-0	-111.4427 and 60.3445	River	Winter Road Construction and maintenance	80 m ³ /day
Gertrude Lake	-111.3576 and 60.3734	Lake	Winter Road Construction and maintenance	80 m ³ /day

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| 2. | The Licensee shall only withdraw Water from authorized Water sources (lakes) with a minimum depth of three metres. | MINIMUM WATER SOURCE DEPTH |
| 3. | In any single ice-covered season, the Licensee shall not withdraw greater than 10% of the available Water volume of any approved Water source, as calculated using the appropriate maximum expected ice thickness and bathymetric data, or, where bathymetric data is not available, in accordance with the MVLWB/GNWT <i>Method for Determining Available Winter Water Use Capacity for Small-Scale Projects</i> . | MAXIMUM UNDER-ICE WATER WITHDRAWAL VOLUME |
| 4. | Prior to Water use, the Licensee shall submit a Field Verification Report demonstrating that proposed Water sources meet the MVLWB/GNWT <i>Method for Determining Available Winter Water Use Capacity for Small-Scale Projects</i> and DFO <i>Framework for Assessing the Ecological Flow Requirements to Support Fisheries in Canada</i> . | SOURCE VERIFICATION |
| 5. | The Licensee shall only withdraw Water using the Water Supply Facilities, unless otherwise authorized in writing by an Inspector. | WATER WITHDRAWAL – FACILITIES |
| 6. | Prior to obtaining Water from a licensed Water source, the Licensee shall post sign(s) to identify the intake for the Water Supply Facilities. All sign(s) shall be located and maintained to the satisfaction of an Inspector. | POST WATER INTAKE SIGN(S) |
| 7. | The Licensee shall construct and maintain the Water intake(s) with a screen designed to prevent impingement or entrapment of fish. | WATER INTAKE SCREEN |
| 8. | Prior to locating a Water intake in a fish-bearing Watercourse, the Licensee shall obtain written authorization for the location from an Inspector. | WATER INTAKE LOCATION – AUTHORIZATION |
| 9. | The daily quantity of fresh Water withdrawn shall not exceed 299m ³ . | MAXIMUM WATER USE |

Part D: 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.
2. The Licensee shall only use material that is clean and free of contaminants and is from a source that has been approved in writing by an Inspector.

**OBJECTIVE –
CONSTRUCTION**

**CONSTRUCTION
MATERIAL – SOURCE(S)**

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Part E: Waste and Water Management

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| 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 minimize erosion by implementing suitable erosion control measures that shall be located and maintained to the satisfaction of an Inspector. | EROSION CONTROL |
| 3. | The Licensee shall comply with the Waste Management Plan , once approved. | WASTE MANAGEMENT PLAN |
| 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 Project activities prior to Board approval of the Plan. | WASTE MANAGEMENT PLAN - REVISED |
| 5. | The Licensee shall comply with the Operations and Maintenance Plan , once approved. | OPERATIONS AND MAINTENANCE PLAN |
| 6. | A minimum of 90 days prior to commencement of activities, the Licensee shall submit to the Board, for approval, a revised Operations and Maintenance Plan. The Licensee shall not commence Project activities prior to Board approval of the Plan. | OPERATIONS AND MAINTENANCE PLAN - REVISED |

Part F: Spill Contingency Planning

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| 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. | A minimum of 90 days prior to the commencement of Project activities, the Licensee shall submit to the Board, for approval, a revised Spill Contingency Plan. The Licensee shall not commence Project activities prior to Board approval of the Plan. | SPILL CONTINGENCY PLAN – REVISED |
| 4. | During the period of this Licence, if a spill or an Unauthorized Discharge occurs or is foreseeable, the Licensee shall:

a) Implement the approved Spill Contingency Plan referred to in Part F, Condition 2;

b) Report it the incident immediately using the NU-NT Spill Report Form by one of the following methods: NWT 1752/0593, and the Instructions for Completing the NT-NU Spill Report Form, as follows: <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
c) Within 24 hours, notify Report each spill or Unauthorized Discharge to the Board and an Inspector; and

d) Within 30 days of initially reporting the incident, submit a detailed report on each spill or Unauthorized Discharge 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. | REPORT SPILLS |
| 5. | The Licensee shall ensure that adequate 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 |
| 7. | The Licensee shall not establish any fuel storage facilities or refueling stations, or store chemical or deleterious substances within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. | MATERIAL STORAGE – ORDINARY HIGH WATER MARK |

Part G: Closure and Reclamation

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| 1. | The Licensee shall endeavor to carry out approved Progressive Reclamation of areas as soon as is reasonably practicable. | PROGRESSIVE RECLAMATION |
| 2. | A minimum of ten days prior to the commencement of any Progressive Reclamation, the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the name and contact information for the individual responsible for overseeing the Progressive Reclamation. | PROGRESSIVE RECLAMATION – NOTIFICATION |
| 3. | The Licensee shall comply with the Closure and Reclamation Plan , once approved. | CLOSURE AND RECLAMATION PLAN |
| 4. | A minimum of 90 days prior to the commencement of Project activities, the Licensee shall submit to the Board, for approval, a revised Closure and Reclamation Plan. The Licensee shall not commence Project activities prior to Board approval of the Plan. | CLOSURE AND RECLAMATION PLAN – REVISED |
| 5. | Within 90 days of completing Closure and Reclamation of the Project, or as otherwise directed by the Board, the Licensee shall submit to the Board for approval, a Post-Closure and Reclamation Monitoring and Maintenance Plan . | POST-CLOSURE AND RECLAMATION MONITORING AND MAINTENANCE PLAN |

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

Mavis Cli-Michaud, Chair

Amanda Gauthier, Witness

Schedule 1 – Annual Report
Type B Water Licence MV2019L8-0008
Northwest Territories Power Corporation – Taltson Winter Road

1. The Annual Water Licence Report referred to in Part B of this Licence shall include, but not be limited to, the following information about activities conducted during the previous calendar year:
 - a) A summary of Project activities during the previous year;
 - b) A brief summary of Project activities for the upcoming year;
 - c) An updated Project schedule;
 - d) A summary of engagement activities conducted in accordance with the approved Engagement Plan, referred to in Part B of this Licence;
 - e) A summary of how Traditional Knowledge influenced decision making;
 - f) A summary of Water use in accordance with Part C of this Licence;
 - g) A summary of Construction activities conducted in accordance with Part D of this Licence;
 - h) A summary of activities conducted in accordance with the Waste Management Plan, required in Part E of this Licence;
 - i) A summary of activities conducted in accordance with the Operations and Maintenance Plan, required in Part E of this Licence, including an analysis of monitoring results at the end of each season and a discussion of changes required to adaptively manage the project;
 - j) A summary of activities conducted in accordance with the approved Spill Contingency Plan, required in Part F of this Licence, including:
 - 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 of this Licence; and
 - ii. An outline of any spill training and communications exercises carried out;
 - k) A summary of activities conducted in accordance with the Closure and Reclamation Plan, required in Part G of this Licence, including:
 - i. Details of any Remediation/Progressive Reclamation undertaken;
 - l) A summary of actions taken to address concerns, non-conformances, or deficiencies in any reports filed by an Inspector; and
 - m) Any other details requested by the Board by February 1 of the year being reported.

Annex A - Concordance Table of Items Requiring Submission
Type B Water Licence MV2019L8-0008
Northwest Territories Power Corporation – Taltson Winter Road

Date	Location of Change	What was Changed
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