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www.mvlwb.com

March 18, 2024

File: MV2023L8-0012

Alexis Campbell  
Government of the Northwest Territories – Department of infrastructure  
Box 1320  
Yellowknife NT X1A2L9

Sent by email

Dear Alexis Campbell,

**Re: Government of the Northwest Territories – Department of Infrastructure – Issuance Package – Water Licence MV2023L8-0012 – Miscellaneous, Highway #3, NT**

The Mackenzie Valley Land and Water Board (Board) met on February 29, 2024 and considered the Application Package from Government of the Northwest Territories – Department of Infrastructure (GNWT – INF) for Water Licence (Licence) MV2023L8-0012 for the Culvert Replacement and Installation and Road Grade Increase (Project) in accordance with the *Waters Act*.

The Board has approved Water Licence MV2023L8-0012 (attached) for a term of 2 years, effective March 18, 2024 and expiring March 17, 2026. The Licence is supported by the Board's Reasons for Decision. These documents are posted to the Board's Public Registry.<sup>1</sup>

Submission Requirements

Please refer to Attachment A of the Licence for a complete summary and timetable of submissions required for the Licence. The Board's decisions on submissions that were considered in conjunction with the Application Package are set out below.

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<sup>1</sup> See MVLWB Online Registry [www.mvlwb.com](http://www.mvlwb.com) for [MV2023L8-0012](#)

### Management Plans – Approved

The Board has approved the following Plans:

Condition Number and Title	Title of Plan (Version)
Part B, Condition 19, ENGAGEMENT PLAN	Engagement Plan (V1.0) <sup>2</sup>
Part F, Condition 4, WASTE MANAGEMENT PLAN	Waste Management Plan (V1.0) <sup>3</sup>
Part H, Condition 2, SPILL CONTINGENCY PLAN	Spill Contingency Plan (V1.0) <sup>4</sup>
Part F, Condition 3, SEDIMENT AND EROSION CONTROL PLAN	Sediment and Erosion Control Plan (V1.0) <sup>5</sup>

### Inspectors

The Inspectors referred to in the Licence can be contacted at the regional GNWT-ECC offices.<sup>6</sup>

### Licence Processes and Additional Information

Sections 5 and 6 of the Land and Water Board (LWB) *Guide to the Water Licensing Process*<sup>7</sup> (Guide) contain detailed information on licence enforcement and potential post-issuance processes, such as amendments to conditions, and assignment to another company. Please be familiar with these sections of the Guide and reach out to Board staff with any questions about LWB processes related to the Licence.

Full cooperation of Government of the Northwest Territories – Department of Infrastructure is anticipated and appreciated. Please contact Tyree Mullaney via [email](#) or at (867) 766-7464 with any questions or concerns regarding this letter.

Yours sincerely,



Tanya MacIntosh

Chair, Mackenzie Valley Land and Water Board

BCC'd to: Dehcho Distribution List  
Wek'èezhì Distribution List  
Nahum Lee – Inspector – GNWT-ECC  
Meaghan MacIntyre-Newell – Inspector, GNWT-ECC  
Rick Walbourne – Director, Regulatory and Permitting, GNWT-ECC

Attached: Water Licence MV2023L8-0012  
Reasons for Decision

<sup>2</sup> See MVLWB Online Registry for GNWT - INF – [Engagement Plan – Version 1.0 – Oct25 23](#)

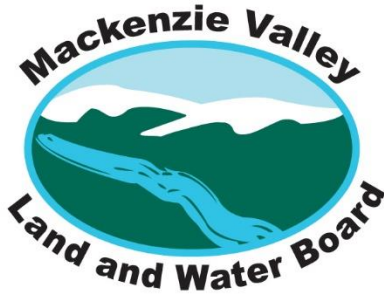
<sup>3</sup> See MVLWB Online Registry for GNWT - INF – [Waste Management Plan – Version 1.0 – Oct25 23](#)

<sup>4</sup> See MVLWB Online Registry for GNWT - INF – [Spill Contingency Plan – Version 1.0 – Oct25 23](#)

<sup>5</sup> See MVLWB Online Registry for GNWT - INF – [Sediment and Erosion Control Plan – Version 1.0 – Dec5 23](#)

<sup>6</sup> See GNWT-ECC Regional Offices webpage (<https://www.ecc.gov.nt.ca/en/regional-offices>) for regional contact information.

<sup>7</sup> See MVLWB Policies and Guidelines webpage for LWB [Guide to the Water Licensing Process](#).



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**Government of the Northwest Territories – Department of Infrastructure**

**Water Licence MV2023L8-0012**

Pursuant to the *Waters Act* and the Waters Regulations,  
the Mackenzie Valley Land and Water Board grants this Water Licence to:

Government of the Northwest Territories – Department of Infrastructure

(Licensee)

of Box 1320 Yellowknife NT X1A2L9

(Mailing Address)

hereinafter called the Licensee, to proceed with the following undertaking, subject to the annexed definitions and conditions contained therein:

<b>Location:</b>	Birch Lake, NT
<b>Water Management Area:</b>	WMA 3
<b>Purpose:</b>	Miscellaneous – Culvert Replacement and Installation
<b>Type:</b>	Type B
<b>Quantity of Water not to be exceeded:</b>	Not applicable.
<b>Effective Date:</b>	March 18, 2024
<b>Expiry Date:</b>	March 17, 2026

Handwritten signature of Tanya MacIntosh in blue ink.

Tanya MacIntosh, Chair  
Mackenzie Valley Land and Water Board

Handwritten signature of Amanda Gauthier in blue ink.

Amanda Gauthier, Witness

# Type B Water Licence MV2023L8-0012

## Government of the Northwest Territories - Department of Infrastructure

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## Part A: Scope and Defined Terms

Scope:	Condition Title
<p>1. This Licence entitles the Licensee to deposit Waste for miscellaneous activities at the Culvert Replacement.</p> <p>The scope of this Licence includes the following:</p> <ul style="list-style-type: none"><li>a) Construction, operation, and maintenance of culverts;</li><li>b) Deposit of Waste to approved facilities;</li><li>c) Progressive Reclamation and associated Closure and Reclamation activities.</li></ul>	<b>SCOPE</b>
<p>2. The scope of the Project is as described in the Preliminary Screening Determination for MV2023L8-0012, dated February 29, 2024.</p>	<b>SCOPE – PRELIMINARY SCREENING</b>
<p>3. 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 Deposit of such Waste may enter any Waters. Any change made to the <i>Waters Act</i> and/or Waters Regulations that affects licence conditions and defined terms will be deemed to have amended this Licence.</p>	<b>LEGISLATION SUBJECT TO CHANGE</b>
<p>4. Compliance with this Licence does not relieve the Licensee from responsibility for compliance with the requirements of any applicable federal, territorial, Tłıchǫ, or municipal legislation.</p>	<b>LEGISLATIVE COMPLIANCE</b>

## Defined Terms:<sup>1</sup>

**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 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, build, upgrade, or replace any structures, facilities, or components of, or associated with, the Project.

**Deposit of Waste** – a deposit of Waste in any Water or in any other place under conditions in which the Waste, or any other Waste that results from the deposit of that Waste, may enter any Waters.

**Engagement Plan** – a document, developed in accordance with the *LWB 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.

**Engineered Structure** – any structure or facility related to Water Use or the disposal or Deposit of Waste that is designed by a Professional Engineer, including but not limited to the culverts associated with the Project.

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

**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) – Department of Environment and Climate Change.

**Ordinary High-Water Mark** – the usual or average level to which a Watercourse rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing Watercourses (rivers, streams), this refers to an active channel/bank-full level, which is often the 1:2-year flood flow return level. In inland lakes, wetlands or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by Water so as to leave a mark on the land and where the natural vegetation changes from predominantly aquatic vegetation to

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

## Defined Terms:<sup>1</sup>

terrestrial vegetation (excepting Water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

**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, Conditions 1 and 2.

**Receiving Environment** – the natural environment that, directly or indirectly, receives any Waste from the Project.

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

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

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

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

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

**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 Release** – a release to the Receiving Environment 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,

## Defined Terms:<sup>1</sup>

- d) a substance or class of substances prescribed by regulations made under subparagraph 63(1)(b)(i),
- e) water that contains a substance or class of substances in a quantity or concentration that is equal to or greater than a quantity or concentration prescribed in respect of that substance or class of substances by regulations made under subparagraph 63(1)(b)(ii), and
- f) water that has been subjected to a treatment, process or change prescribed by regulations made under subparagraph 63(1)(b)(iii).

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

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

**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, but is not limited to, Groundwater, springs, swamps, and gulches.

**Water Management Area** – a geographical area of the Northwest Territories established by section 2 and Schedule A of the Waters Regulations.

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

**Water Use** – as defined in section 1 of the *Waters Act*: a direct or indirect use of any kind, including, but not limited to,

- a) a diversion or obstruction of waters,
- b) an alteration of the flow of waters, and
- c) an alteration of the bed or banks of a river, stream, lake or other body of water, whether or not the body of water is seasonal, but does not include a use connected with shipping activities that are governed by the *Canada Shipping Act, 2001*.



Condition	Condition Title
<b>Part B: General Conditions</b>	
1. The Licensee shall ensure a copy of this Licence is maintained on site at all times.	<b>COPY OF LICENCE</b>
2. The Licensee shall take every reasonable precaution to protect the environment.	<b>PRECAUTION TO PROTECT ENVIRONMENT</b>
3. In conducting its activities under this Licence, the Licensee shall make every reasonable effort to consider and incorporate any scientific information and Traditional Knowledge that is made available to the Licensee.	<b>INCORPORATE SCIENTIFIC INFORMATION AND TRADITIONAL KNOWLEDGE</b>
4. 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.	<b>IDENTIFY TRADITIONAL KNOWLEDGE</b>
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.	<b>REFERENCES</b>
6. The Licensee shall ensure all submissions to the Board: a) Are in accordance with the LWB <i>Document Submission Standards</i> and, if applicable, <i>Geospatial Data Submissions Standards</i> ; and b) Include any additional information requested by the Board.	<b>SUBMISSION FORMAT</b>
7. The Licensee shall ensure management plans are submitted to the Board in a format consistent with the LWB <i>Standard Outline for Management Plans</i> , unless otherwise specified.	<b>MANAGEMENT PLAN FORMAT</b>
8. The Licensee shall comply with plans, including revisions, approved pursuant to the conditions of this Licence.	<b>COMPLY WITH SUBMISSIONS AND REVISIONS</b>
9. 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 March 31 each year, the Licensee shall send a notification letter to the Board, listing the documents that have been reviewed and do not require revisions.	<b>ANNUAL REVIEW</b>

Condition		Condition Title
10.	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
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 <b>Schedules</b> , which form part of this Licence, and any updates to the Schedules as may be made by the Board.	COMPLY WITH SCHEDULE(S)
14.	The Licensee shall comply with the Annexes, which form part of this Licence.	COMPLY WITH ANNEX(ES)
15.	The Schedules and any compliance dates specified in this Licence may be updated at the discretion of the Board.	UPDATES TO SCHEDULES AND COMPLIANCE DATE(S)
16.	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
17.	Beginning March 31, 2025 and no later than every March 31 thereafter, the Licensee shall submit an <b>Annual Water Licence Report</b> to the Board and an Inspector. The Report shall be in accordance with the requirements of Schedule 1, Condition 1.	ANNUAL WATER LICENCE REPORT
18.	The Licensee shall submit a Final Report which is to be submitted March 31 the year after the construction is completed.	FINAL CONSTRUCTION REPORT
19.	The Licensee shall comply with the <b>Engagement Plan</b> , once approved.	ENGAGEMENT PLAN
20.	A minimum of ten days prior to the initial commencement of Project activities, the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the commencement date, and the name and contact information for the individual responsible for overseeing the Project. Written notification shall be provided to the Board and an Inspector if any changes occur.	NOTIFICATION – COMMENCEMENT

Condition		Condition Title
21.	A minimum of ten days prior to re-commencement of Project activities following a temporary shut-down period, the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the commencement date, and the name and contact information for the individual responsible for overseeing the Project. Written notification shall be provided to the Board and an Inspector if any changes occur.	<b>NOTIFICATION – RE-COMMENCEMENT</b>
22.	The Licensee shall immediately provide written notification to the Board and an Inspector of any non-compliance with the conditions of this Licence.	<b>NOTIFICATION – NON-COMPLIANCE WITH CONDITIONS</b>
23.	The Licensee shall immediately provide written notification to the Board of any non-compliance with a Board directive issued in respect of the implementation of the conditions of this Licence.	<b>NOTIFICATION – NON-COMPLIANCE WITH DIRECTIVES</b>
24.	The Licensee shall ensure that a copy of any written authorization issued to the Licensee by an Inspector is provided to the Board.	<b>COPY – WRITTEN AUTHORIZATION</b>
25.	The Licensee shall submit a current Project schedule to the Board and an Inspector upon request.	<b>SUBMIT CURRENT PROJECT SCHEDULE</b>

**Part C: Security**

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**Part D: Water Use**

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**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.	<b>OBJECTIVE – CONSTRUCTION</b>
2.	The Licensee shall ensure that all Engineered Structures are constructed and maintained in accordance with the recommendations of the Professional Engineer responsible for the design, including, but not limited to, recommendations regarding field supervision and inspection requirements.	<b>ENGINEERED STRUCTURES – GENERAL</b>
3.	The Licensee shall only use material that is clean and free of contaminants and has been authorized in writing by an Inspector.	<b>CONSTRUCTION MATERIAL – SOURCE(S)</b>

Condition		Condition Title
4.	The Licensee shall maintain records of Construction materials for all structures and make them available at the request of the Board or an Inspector.	<b>CONSTRUCTION RECORDS</b>
5.	The Licensee shall maintain geochemical records of Construction materials for culvert installation and make them available at the request of the Board or an Inspector.	<b>GEOCHEMICAL RECORDS</b>
6.	Unless otherwise authorized in writing by an Inspector, a minimum of 90 days prior to the commencement of Construction of all structures, excluding Engineered Structures, intended to contain, withhold, divert, or retain Water or Wastes, the Licensee shall submit to the Board, for approval, a <b>Structure Description and Construction Plan</b> . The Plan shall be in accordance with the requirements of Schedule 2, Condition 1. The Licensee shall not commence Construction of the structure(s) prior to Board approval of the Plan.	<b>STRUCTURE DESCRIPTION AND CONSTRUCTION PLAN</b>
7.	A minimum of ten days prior to the commencement of Construction of any Engineered Structure(s), the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the Construction commencement date, and the name and contact information for the individual responsible for overseeing Construction. Written notification shall be provided to the Board and an Inspector if any changes occur.	<b>NOTIFICATION – CONSTRUCTION – ENGINEERED STRUCTURES</b>
8.	A minimum of ten days prior to the commencement of Construction of any structure(s) intended to contain, withhold, divert, or retain Water or Wastes, the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the Construction commencement date, and the name and contact information for the individual responsible for overseeing the Construction. Written notification shall be provided to the Board and an Inspector if any changes occur.	<b>NOTIFICATION – CONSTRUCTION</b>
9.	The Licensee shall ensure that all structures intended to contain, withhold, divert, or retain Water or Wastes, excluding Engineered Structures, are constructed in accordance with the approved <b>Structure Description and Construction Plan(s)</b> .	<b>CONSTRUCT AS DESIGNED – STRUCTURE(S)</b>
10.	Within 90 days of the completion of the Construction of each Engineered Structure, the Licensee shall submit to the Board, an <b>As-Built Report</b> stamped and signed by a Professional Engineer, which shall include, but not be limited to, the following information: a) final as-built drawings of the Engineered Structure(s), stamped and signed by a Professional Engineer; b) documentation, with rationale, of field decisions that deviate from the Structure Description and Construction Plan and <b>Design Drawings</b> ; and c) any data used to support these decisions.	<b>AS-BUILT REPORT – ENGINEERED STRUCTURE(S)</b>

Condition	Condition Title
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## 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. | <b>OBJECTIVE – WASTE AND WATER MANAGEMENT</b> |
| 2. The Licensee shall minimize erosion by implementing suitable erosion control measures that shall be located and maintained to the satisfaction of an Inspector.  | <b>EROSION CONTROL</b>                        |

### Management and Monitoring Plans

- |   |  |
|---|--|
| 3. The Licensee shall comply with the <b>Sediment and Erosion Control Plan</b> , once approved. | <b>SEDIMENT AND EROSION CONTROL PLAN</b> |
|---|--|

### Discharge and Disposal Locations and Rates

- |   |                                      |
|---|--------------------------------------|
| 4. The Licensee shall dispose of all Waste as described in the approved <b>Waste Management Plan</b> .  | <b>WASTE MANAGEMENT PLAN</b>         |
| 5. A minimum of ten days prior to disposing of any Waste into a licenced municipal facility, the Licensee shall provide written notification to the Board and an Inspector. | <b>NOTIFICATION – WASTE DISPOSAL</b> |

## Part G: Aquatic Effects Monitoring

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## Part H: Spill Contingency Planning

- |   |   |
|---|---|
| 1. The Licensee shall ensure that Unauthorized Releases associated with the Project do not enter any Water.   | <b>OBJECTIVE – PREVENT WASTE INTO WATER</b> |
| 2. The Licensee shall comply with the <b>Spill Contingency Plan</b> , once approved.  | <b>SPILL CONTINGENCY PLAN</b>               |
| 3. If a spill or an Unauthorized Release occurs or is foreseeable, the Licensee shall: <ul style="list-style-type: none"> <li>a) Implement the approved <b>Spill Contingency Plan</b> referred to in Part H, Condition 2;</li> <li>b) Report it immediately using the NU-NT Spill Report Form by one of the following methods: <ul style="list-style-type: none"> <li>• Telephone: (867) 920-8130</li> <li>• Fax: (867) 873-6924</li> </ul> </li> </ul> | <b>REPORT SPILLS</b>                        |

Condition	Condition Title
<ul style="list-style-type: none"> <li>• E-mail: spills@gov.nt.ca</li> <li>• Online: Spill Reporting and Tracking Database</li> </ul> <p>c) Notify the Board and an Inspector immediately; and</p> <p>d) Within 30 days of initially reporting the incident, or within a timeframe authorized by an Inspector, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Written notification shall be provided to the Board and an Inspector if any changes occur.</p>	
<p>4. The Licensee shall ensure that spill prevention infrastructure and spill response equipment is in place prior to commencement of the Project.</p>	<p><b>SPILL PREVENTION AND RESPONSE EQUIPMENT</b></p>
<p>5. The Licensee shall restore all areas affected by spills and Unauthorized Releases to the satisfaction of an Inspector.</p>	<p><b>CLEAN UP SPILLS</b></p>
<p>6. The Licensee shall not establish any fuel storage facilities or refueling stations, or store chemicals or Wastes within 100 metres of the Ordinary High-Water Mark of any Watercourse.</p>	<p><b>MATERIAL STORAGE – ORDINARY HIGH-WATER MARK</b></p>

**Part I: Closure and Reclamation**

<p>1. The Licensee shall endeavor to carry out approved Progressive Reclamation as soon as is reasonably practicable.</p>	<p><b>PROGRESSIVE RECLAMATION</b></p>
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## Schedule 1: Annual Water Licence Report

### Condition

1. The **Annual Water Licence Report** referred to in Part B, Condition 17 of this Licence shall include, but not be limited to, the following information about activities conducted during the previous calendar year:
  - a) A brief summary of Project activities;
  - b) An updated Project schedule;
  - c) A summary of engagement activities conducted in accordance with the approved **Engagement Plan**, referred to in Part B, Condition 19 of this Licence;
  - d) A summary of how Traditional Knowledge was incorporated into decision making;
  - e) A summary of Construction activities conducted in accordance with Part E of this Licence;
  - f) A summary of major maintenance activities conducted in accordance with this Licence;
  - g) A summary of activities conducted in accordance with the approved **Waste Management Plan**, referred to in Part F, Condition 4 of this Licence, including:
    - i. A summary of approved updates or changes to the process or facilities required for the management of Waste;
    - ii. Monthly and annual quantities, in cubic metres, of Waste disposed of, by location and
    - iii. Monthly and annual quantities of Waste disposed of, by location.
  - h) A summary of activities conducted in accordance with the approved **Sediment and Erosion Control Plan**, referred to in Part F, Condition 3 of this Licence, including:
    - i. A summary of approved updates or changes to the process or facilities required for the management of erosion and sedimentation;
    - ii. A description of any erosion susceptible areas encountered;
    - iii. A summary of activities undertaken to prevent or mitigate erosion;
    - iv. A report of the performance of mitigations applied to each area;
    - v. A summary and interpretation of monitoring results, including any Action Level exceedances; and
    - vi. A description of actions taken in response to any Action Level exceedances.
  - i) A summary of activities conducted in accordance with the approved **Spill Contingency Plan**, referred to in Part H, Condition 2 of this Licence, including:
    - i. A list and description for all Spills and Unauthorized Releases, 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 3 of this Licence; and
    - ii. An outline of any spill training carried out.
  - j) A summary of any Closure and Reclamation work completed;
  - k) 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;

### Condition

- l) A summary of actions taken to address concerns, non-conformances, or deficiencies in any reports filed by an Inspector;
- m) Any other details requested by the Board by November 1 of the year being reported.



## Schedule 2: Conditions Applying to Construction

### Condition

1. The **Structure Description and Construction Plan** referred to in Part E, Condition 6 shall include, but not be limited to, the following:
  - a) Information regarding the facilities:
    - i. A description of the facilities to be constructed, including the purpose of the facilities;
    - ii. The proposed location(s) of the facilities, with GPS coordinates and a map to scale;
    - iii. Relevant background information for the area beneath the footprint of the facilities, including the results of any investigations;
    - iv. Construction specifications and performance parameters;
    - v. A description of any operations and maintenance requirements associated with the facilities; and
    - vi. An explanation of why the facilities do not need to be designed by a Professional Engineer.
  - b) Information regarding the Construction of the facilities:
    - i. A Construction schedule, including sequencing information;
    - ii. A description of the materials required for Construction, including, but not limited to:
      - a. sources;
      - b. quantities;
      - c. physical characteristics; and
      - d. geochemical characteristics.
    - iii. A description of any potential effects on the Receiving Environment associated with Construction of the facilities; and
    - iv. A description of any mitigation measures that will be undertaken to minimize the potential impacts identified as per (b)(iii).
  - c) Information regarding monitoring during Construction, including:
    - i. A description of any monitoring that will be conducted to determine the potential impacts to the Receiving Environment and the effectiveness of the mitigation measures described as per (b)(iv), including, but not limited to:
      - a. locations;
      - b. parameters;
      - c. frequencies; and
      - d. rationale.
    - ii. Linkages to other monitoring programs required in this Licence.
  - d) A description of how monitoring will be evaluated and what actions may be taken in response to monitoring results.

Signed on behalf of the Mackenzie Valley Land and Water Board



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Tanya MacIntosh, Chair

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Amanda Gauthier, Witness

## Attachments

### Attachment A – Concordance Table of Items Requiring Submission

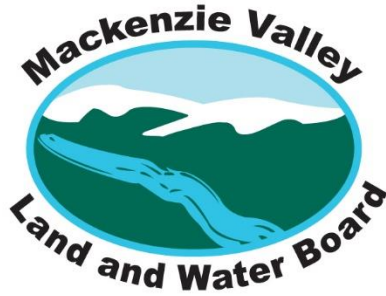
The table below summarizes the items the Licensee is required to submit as per the Licence conditions. In the event of a discrepancy between this table and the Licence conditions, the Licence conditions shall prevail.

Condition Location	Item	Date
Part B, Condition 17	Annual Water Licence Report	March 31, 2025 and every March 31 thereafter
Part B, Condition 18	Final Construction Report	March 31 after the completion of construction.
Part B, Condition 19	Engagement Plan	Annual
Part E, Condition 6	Structure Description and Construction Plan	Aa minimum of 90 days prior to the commencement of Construction of all structures, excluding Engineered Structures, intended to contain, withhold, divert, or retain Water or Wastes, the Licensee shall submit to the Board, for approval, a <b>Structure Description and Construction Plan</b> .
Part E, Condition 10	As-Built Report – Engineered Structure(s)	Within 90 days of the completion of the Construction of each Engineered Structure, the Licensee shall submit to the Board, an <b>As-Built Report</b> stamped and signed by a Professional Engineer
Part F, Condition 3	Sediment and Erosion Control Plan	Annual
Part F, Condition 4	Waste Management Plan	Annual
Part H, Condition 2	Spill Contingency Plan	Annual

**Attachment B – Revision History Table**

The table below summarizes revisions made to the Licence since its effective date (as set out on the Cover Page).

Date	Location of Change	Description of Change



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## Reasons for Decision

Issued pursuant to section 72.25 of the *Mackenzie Valley Resource Management Act* (MVRMA) and subsection 26(1) of the *Waters Act*.

Water Licence Application	
<b>File Number</b>	MV2023L8-0012
<b>Company</b>	Government of the Northwest Territories – Department of Infrastructure
<b>Project</b>	Birch Lake Culverts and Fill
<b>Location</b>	NWT Highway 3, NT
<b>Activity</b>	Miscellaneous
<b>Date of Decision</b>	February 29, 2024

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On February 29, 2024, the Mackenzie Valley Land and Water Board (MVLWB or Board) met and considered the Application made by Government of the Northwest Territories – Department of Infrastructure (GNWT-INF) (Applicant) to the Board on October 25, 2023 for Water Licence (Licence) MV2023L8-0012 for the deposit of waste for the Birch Lake Culvert and Fill project (the Project) on NWT Highway #3. After reviewing the Application and the evidence gathered during the regulatory proceeding, the Board has made the following decisions:

- 1) To issue Water Licence MV2023L8-0012 for a term of 2 years;
- 2) To approve Version 1.0 of the Engagement Plan;
- 3) To approve Version 1.0 of the Waste Management Plan;
- 4) To approve Version 1.0 of the Sediment and Erosion Control Plan; and
- 5) To approve Version 1.0 of the Spill Contingency Plan.

These Reasons for Decision set out the Board’s regulatory process for the Application and rationale for decisions regarding the Licence. A summary of the Application and the main issues identified during the proceeding is provided in sections [2.0](#) and [3.0](#) below, followed by an outline of the regulatory process for the Application in [section 4.0](#). [Section 5.0](#) describes how the applicable legislative requirements have been met. The Board’s decisions and supporting rationale are set out in [section 6.0](#) for the Licence.

## 1.0 List of Defined Terms and Acronyms

Applicant/Licensee/	Government of the Northwest Territories – Department of Infrastructure
Application	The complete application package submitted by the Applicant for Water Licence MV2023L8-0012
CRP	Closure and Reclamation Plan
DFO	Fisheries and Oceans Canada
Distribution List	The list of individuals and organizations to whom materials from the regulatory proceeding were circulated. <sup>1</sup>
EA/EIR	Environmental Assessment/Environmental Impact Review
GNWT	Government of the Northwest Territories
GNWT-ECC	Government of the Northwest Territories – Environment and Climate Change
Inspector	An Inspector designated under subsection 65(1) of the <a href="#">Waters Act</a>
Licence	Water Licence MV2023L8-0012
LWBs	Land and Water Boards of the Mackenzie Valley
MVEIRB	Mackenzie Valley Environmental Impact Review Board
MVLUR	<a href="#">Mackenzie Valley Land Use Regulations</a>
MVLWB or Board	Mackenzie Valley Land and Water Board
MVRMA	<a href="#">Mackenzie Valley Resource Management Act</a>
Minister	Minister of the Government of the Northwest Territories – Environment and Climate Change
ORS	Online Review System ( <a href="https://new.onlinereviewsystem.ca/reviews">https://new.onlinereviewsystem.ca/reviews</a> )

<sup>1</sup> To access the Distribution List, see the LWBs’ Online Review System for GNWT - INF – [GNWT – INF – Dec5\\_23](#)

Party	As per the LWB <a href="#">Rules of Procedure</a> , an applicant, a person, or an organization participating in this regulatory process.
Project	the undertaking as described in Part A of the Licence.
Review Board	Mackenzie Valley Environmental Impact Review Board
SCP	Spill Contingency Plan
Standard Licence Conditions	LWB <a href="#">Standard Water Licence Conditions Template</a>
TG	Tłıchǫ Government
WMP	Waste Management Plan

## 2.0 **Summary of Application**

On October 25, 2023, the Applicant submitted application for a new Licence MV2023L8-0012 (the Application).<sup>2</sup> The Application is to replace two culverts which have reached their life span, the installation of a new culvert to improve flow and drainage, as well as the placement of fill to bring to grade of the road up. These activities are located within a non-federal area of the Dehcho Region.

In making its decision and preparing these Reasons for Decision, the Board has reviewed and considered:

- 1) The Application as submitted by the Applicant for the Project;
- 2) The evidence and submissions received by the Board from the Applicant in relation to the Licence; and
- 3) The comments and recommendations, evidence, and submissions received by the Board from Parties during the regulatory proceeding.

## 3.0 **Main Issues Raised During the Regulatory Proceeding**

These Reasons for Decision focus primarily on the following key issues raised during the regulatory proceeding.

Issues that were resolved by Parties to the Board’s satisfaction during the proceeding are not addressed in detail in these Reasons.

## 4.0 **Regulatory Process**

On October 25, 2023, the Applicant submitted the Application, which was deemed incomplete on October 31, 2023.<sup>3</sup> On November 29, 2023, additional information was received<sup>4</sup> and the Application was subsequently deemed complete and circulated to the Distribution List for public review on the Online

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<sup>2</sup> See MVLWB Online Registry ([www.mvlwb.com](http://www.mvlwb.com)) for GNWT – INF – [Licence Application – Oct25 23](#)

<sup>3</sup> See MVLWB Online Registry for GNWT – INF – [Licence Application Incomplete – Oct31 23](#)

<sup>4</sup> See MVLWB Online Registry for GNWT – INF – [Additional Information – Nov 29, 23](#)



Review System (ORS).<sup>5</sup> Public notice of the Application was published in *News North* during the week of December 5, 2023 to fulfill paragraphs 43(1)(a) of the [Waters Act](#).<sup>6</sup>

As part of the public review, Board staff requested comments and recommendations to assist with the Board's preliminary screening determination. Board staff also circulated a draft Licence for review with the Application to allow all Parties the opportunity to comment on the specific wording of the draft conditions.

By January 25, 2024, the Board received comments and recommendations regarding the Application from the following Parties: Government of the Northwest Territories – Department of Environment and Climate Change (Inspector) and the Department of Fisheries and Oceans (DFO). On February 1, 2024, the Applicant responded to the Parties' comments and recommendations.<sup>7</sup>

On February 29, 2024, the Board met and made its preliminary screening determination for the Project.<sup>8</sup>

On February 29, 2024, the Board met to make decisions regarding the Application. These decisions and related reasons are described in sections [5.0](#) and [6.0](#).

## **5.0 Legislative Requirements Related to Licence Issuance**

This Project is subject to the [MVRMA](#), the [Waters Act](#), and the [Waters Regulations](#) with respect to licensing, because it is located in a non-federal area.

As per the [Waters Regulations](#), the proposed deposit of waste for this Project requires a licence. Accordingly, the Board has jurisdiction to issue the Licence as per subsection 60(1.1) and section 102 of the [MVRMA](#).

In conducting its regulatory process for the Application (as described in sections [3.0](#) and [4.0](#) above), the Board has ensured that section 62 of the [MVRMA](#) and all applicable legislative requirements have been satisfied as outlined in the subsections below. The Board has considered the people and users of the land and water in the Mackenzie Valley, and any Traditional Knowledge and scientific information that was made available to the Board during the regulatory proceeding, as per section 60.1 of the [MVRMA](#). The consideration of information provided to the Board is discussed in detail below and in sections [6.0](#).

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<sup>5</sup> See MVLWB Online Review System for GNWT – INF – [Culvert Replacement/ Install and Road Grade Increase – Dec5 23](#)

<sup>6</sup> See MVLWB Online Registry for GNWT – INF – [Notice of Application – Dec11 23](#)

<sup>7</sup> See MVLWB Online Registry for GNWT – INF – [Review Summary Table – Mar 6 24](#).

<sup>8</sup> See MVLWB Online Registry for GNWT – INF – [Preliminary Screening Determination and RFD – Mar 6 24](#).

## 5.1 Consultation, Engagement, and Public Notice

As per paragraph 60.1(a) of the [MVRMA](#), in exercising its authority, the Board must consider the importance of conservation to the well-being and way of life of Indigenous peoples of Canada, specifically those to whom section 35 of the *Constitution Act*, 1982, applies and who use an area of the Mackenzie Valley. Accordingly, the Board works with applicants, affected parties (including Indigenous governments and organizations), and other parties (such as other boards and regulators) to ensure that potential impacts of proposed projects, including impacts on rights under section 35, are understood and carefully considered before decisions are made with respect to the issuance of permits and licences.

The Board's requirements for engagement are set out in the LWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#).<sup>9</sup> The Policy and Guidelines were developed to ensure that the Board's obligations for achieving meaningful consultation (as set out by land claims and applicable legislation) with all affected parties, including Indigenous groups in the Mackenzie Valley, are met and engagement and consultation results clearly articulated. Engagement started in May 2023 and ended October 20, 2023. In accordance with the Policy and Guidelines, the Applicant's engagement efforts and proposed procedures are detailed in the Engagement Record and Plan (Version 1.0), respectively,<sup>10</sup> submitted with the Application. The Board has approved the Applicant's Engagement Plan (Version 1.0), and the Board's reasons for this decision are described below in [section 6.3](#). Following issuance, the Applicant must continue engagement efforts as outlined in the Engagement Plan, once approved, and as required in the Licence.

The Application was posted to the Board's Public Registry and distributed through the ORS. As the Project is located in the Dehcho Region, the appropriate organizations, governments, First Nations, and Indigenous organizations were included in the Distribution List.<sup>11</sup> The Distribution List was used throughout this proceeding to circulate submissions, information, and updates relevant to the proceeding; the List was updated if needed, and (if requested) individuals with specific interests in the Project were added. More information about the proceeding for the Application is provided above in [section 4.0](#).

In accordance with sections 63 and 64 of the [MVRMA](#), the Board is satisfied that notice of and access to copies of the Application was provided, and that a reasonable amount of time was given to communities, First Nations, and the public to participate in this proceeding and make submissions to the Board.

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<sup>9</sup> See MVLWB Policies and Guidelines webpage to access the LWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#).

<sup>10</sup> See MVLWB Online Registry for GNWT – INF – [Engagement Record V1.0 – Engagement Plan V1.0 – Oct25 23](#)

<sup>11</sup> To access the Distribution List, see the LWBs' Online Review System for GNWT – INF – [Culvert Replacement/Install and Road Grade Increase – Dec5 23](#).

In accordance with the [Northwest Territory Métis Nation Interim Measures Agreement](#),<sup>12</sup> the Northwest Territory Métis Nation was notified of the Application through the ORS distribution. The Board did not receive any evidence from the Northwest Territory Métis Nation during the proceeding.

In accordance with the Minister of Indian Affairs and Northern Development's 2004 [Policy Direction regarding the Deh Cho First Nations Interim Measures Agreement](#),<sup>13</sup> the Dehcho First Nation was notified of the Application through the ORS distribution. The Board did not receive any evidence from the Dehcho First Nation member nations during the proceeding.

## **5.2 Land Use Plan Conformity**

As per section 61 of the [MVRMA](#), where an approved Land Use Plan applies, the Board must confirm conformity with the Land Use Plan before issuing a permit or licence.

No approved Land Use Plans apply in the Project area.

## **5.3 Water Use Fees**

The Applicant is exempt from paying fees for the right to use water as per section 3 of the [Waters Act](#).

## **5.4 Existing Licences**

During the time period established in the Notice of Application, no licensees or applicants contacted the Board to identify potential effects from the Project on other projects, and there are no other applicants with precedence. Accordingly, with respect to paragraph 26(5)(a) of the [Waters Act](#), the Board is satisfied that issuing the Licence to the Applicant will not adversely affect, in any significant way, any existing licensee or any other applicant, provided the Applicant complies with the conditions of the Licence.

## **5.5 Compensation to Existing Water Users**

Paragraph 26(5)(b) of the [Waters Act](#) prohibits the issuance of the Licence unless the Board is satisfied that appropriate compensation has been or will be paid by the Applicant to persons who would be adversely affected by the deposit of waste proposed by the Applicant, at the time when the Applicant filed the Application with the Board.

The Board received no claims for compensation either during the time period established in the Notice of Application, or during the remainder of the proceeding. Provided the Applicant complies with the Licence conditions, the Board is satisfied there are no water users or persons listed in paragraph 26(5)(b) of the [Waters Act](#) who will be adversely affected by the proposed deposit of waste.

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<sup>12</sup> See MVLWB Land Claims, IMAs, and Land Use Plans webpage to access the [Northwest Territory Métis Nation Interim Measures Agreement](#).

<sup>13</sup> See MVLWB Land Claims, IMAs, and Land Use Plans webpage to access the [Policy Direction regarding the Deh Cho First Nations Interim Measures Agreement](#).

## 5.6 Water Quality Standards

With regards to subparagraph 26(5)(c)(i) of the [Waters Act](#), no water quality standards have been prescribed in the [Waters Regulations](#); however, the LWB [Waste and Wastewater Management Policy](#) applies to the Licence, and the primary objective of the Policy is “protection of water quality in the receiving environment.”<sup>14</sup> The Board is satisfied that the conditions set out in the Licence are consistent with the Policy and compliance with these conditions will ensure that waste will be managed and disposed of in a manner that will be protective of water quality in the receiving environment.

## 5.7 Effluent Quality Standards

The Project does not entail the disposal of effluent, so subparagraph 26(5)(c)(ii) of the [Waters Act](#) does not apply.

## 5.8 Financial Responsibility

Under paragraph 26(5)(d) of the [Waters Act](#), before the Board can issue the Licence, it must be satisfied that the Applicant’s financial responsibility is adequate to complete the Project, including any required mitigation measures, and the closure and reclamation of the site.

The Applicant is a public government, and the Board is confident that the Applicant is capable of meeting any financial obligations set out in the [Waters Act](#) and Licence.

As a result, and for the reasons set out above, the Board is satisfied that the legislated requirement to establish the financial responsibility of the Applicant for the Project has been met.

## 5.9 Minimization of Adverse Effects

With regards to subsection 27(2) of the [Waters Act](#), the Board must ensure that the Licence conditions minimize potential adverse effects on other water and land users from the proposed deposit of waste. As discussed above in [section 5.1](#), the Applicant conducted pre-application engagement, and the Board also provided opportunities for potentially affected parties to make submissions to the Board during the regulatory proceeding. The Board did not receive notice of potentially adverse effects on other users of the water and lands in the Project area.

Regardless, as noted above in sections 5.9 and 5.10, and as detailed in [section 6](#), the Board has set conditions in the Licence to regulate waste management for the purpose of protecting the receiving environment. Additionally, as described in [section 6.5](#), based on the evidence, the Board has set conditions regarding the use of water for the Project, including limitations on the sources and volumes of water the Licensee can use. It is the opinion of the Board that compliance with the Licence conditions that

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<sup>14</sup> See MVLWB Policies and Guidelines webpage to access the LWB [Waste and Wastewater Management Policy](#).

have been set to protect the water sources and the receiving environment will also minimize any potential adverse effects on other water and land users in the Project area.

## **5.10 Time Limit**

As required under section 48(1) of the [Waters Act](#), the Board made its decision on the Licence within nine months after receiving the complete Application.

## **5.11 Environmental Review (Part 5 of the MVRMA)**

### **5.11.1 Preliminary Screening**

On February 29, 2024, the Board met and decided not to refer the proposed Project to Environmental Assessment.<sup>15</sup>

The Board is satisfied that the requirements of Part 5 of the [MVRMA](#) have been met for the Project.

## **6.0 Decision – Water Licence MV2023L8-0012**

Having due regard to the facts, circumstances, and the merits of the submissions made to it, and to the purpose, and provisions of the [MVRMA](#) and the [Waters Act](#), the Board has determined that Licence MV2023L8-0012 should be issued, subject to the scope, defined terms, conditions, and term contained therein. The Board’s determinations and reasons for this decision are set out below.

The Licence has been developed to address the Board’s statutory responsibilities; to protect the receiving environment and minimize potential adverse effects on other water users; and to address issues within the Board’s jurisdiction that were identified and investigated during the regulatory proceeding.

In developing the Licence, the Board considered the LWB [Standard Water Licence Conditions Template](#) (Standard Licence Conditions)<sup>16</sup> and included a number of these standard conditions that are relevant to the Project. As noted in [section 4.0](#), Board staff circulated a draft Licence for review to allow Parties to provide specific input to the Board on possible conditions, and the Board considered these review comments and recommendations in making its determination on the Licence conditions.

The Standard Licence Conditions have been established by the Land and Water Boards (LWBs) based on information from LWB policies and guidelines, other applicable guidelines and best practices, meetings with Inspectors, input from LWB staff, and feedback from a public review. Each standard condition has been evaluated against the following characteristics of an ideal condition:

- Clearly part of LWBs’ authority;
- Has a clear purpose and rationale;
- Is practical and enforceable; and

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<sup>15</sup> See MVLWB Online Registry for GNWT – INF – [Preliminary Screening Determination and RFD – Mar 6 24](#).

<sup>16</sup> See MVLWB Policies and Guidelines webpage to access the LWB [Standard Water Licence Conditions Template](#).

- Does not conflict with existing legislation (i.e., is not less stringent).

The Standard Licence Conditions include general rationale for each standard condition, and as such, the language of any standard condition included in the Licence is only discussed in detail in the following sections of these Reasons for Decision when it specifically relates to concerns or recommendations raised during the regulatory proceeding. The Board's reasons for developing and including Project-specific conditions, including discussion of any concerns and recommendations raised regarding these conditions, are detailed in the relevant sections below.

## **6.1 Term of Licence**

The Applicant has applied for a term of two years for the Licence. Subsection 26(2) of the [Waters Act](#) allows for a licence term of not more than 25 years for a type B licence. After reviewing the submissions made during this regulatory process, the Board has determined an appropriate term for the Licence is two years.

## **6.2 Part A: Scope and Defined Terms**

Part A of the Licence contains the scope and the defined terms used throughout the Licence.

### **6.2.1 Scope**

The scope of the Licence is written to ensure the Licensee is entitled to conduct activities which have been applied for and have been subject to Part 5 of the [MVRMA](#). In setting out the scope of the Licence, the Board endeavoured to provide enough detail to identify and describe the authorized activities, without being unduly restrictive or prescriptive, and to allow for Project flexibility, as contemplated in the Application, throughout the term of the Licence.

Based on the activities described in the Licence Application and on the scope outlined in the Standard Licence Conditions, Board staff included a draft scope in the draft Licence that was circulated for public review. The Board did not receive any comments or recommendations regarding the draft scope during the proceeding, so the Board accepted it as the scope of the Licence.

The conditions in Part A are consistent with the Standard Licence Conditions. These conditions ensure that the scope of the authorization includes deposits of waste associated with the Project, and also clarify that the Licensee must comply with applicable legislation, including any changes to legislation that are deemed to automatically amend the Licence.

### **6.2.2 Defined Terms**

The Board defined certain terms in the Licence to ensure a common understanding of the conditions, to avoid future differences in interpretation of the Licence, to reflect Project-specific evidence, and to support consistency across licences and permits issued by the LWBs. For the most part, the Board selected applicable defined terms relevant to the Project from the Standard Licence Conditions.

### **6.3 Part B: General Conditions and Schedules 1**

Part B of the Licence primarily contains general administrative conditions regarding implementation of the Licence, and compliance with the Licence conditions, Board directives, and LWB policies and procedures. This section also details compliance requirements and review and revision procedures for submissions required under the Licence. These conditions are consistent with the Standard Licence Conditions and are applicable to all licences.

#### Part B: UPDATES TO SCHEDULES AND COMPLIANCE DATES

Compliance dates are included in the Licence conditions for various submissions and other requirements, and Schedules are appended to the Licence to set out the detailed requirements associated with specific conditions in the main body of the Licence. The purpose of the Schedules is to provide greater clarity and to aid in interpretation of Licence conditions.

This standard Condition is included in the Licence to clarify that the Board may, at its discretion, update compliance dates and the Schedules and that such updates are not considered amendments to the Licence, unless otherwise directed by the Board. Such updates may be requested by the Licensee in writing at least 90 days in advance, or may be initiated by the Board based on the information available to it, and will undergo the Board's public review process before being considered by the Board.

#### Part B: ANNUAL WATER LICENCE REPORT and Schedule 1

The requirements for the Annual Water Licence Report are outlined in Condition 17 (ANNUAL WATER LICENCE REPORT), and Schedule 1, Condition 1. The purpose of the Annual Water Licence Report is to provide the Board and all interested parties the opportunity to be annually updated on Project components and activities and compliance with Licence conditions, and to provide a platform for interested parties to submit comments, observations, feedback, and questions as necessary. The Report is also an important tool for evaluating the effectiveness of the Licence conditions.

In establishing the Annual Report requirements in the Licence, the Board primarily included requirements from the Standard Licence Conditions that are applicable to the Project and reflect the Licence conditions. All of these requirements are intended to provide clarity and summarize information already captured through existing submissions; they are not meant to be onerous. The Board organized these requirements to coincide with the layout of the Licence and to be consistent with the Standard Licence Conditions.

For clarity, Annual Water Licence Reports are required each year, regardless of whether the Licensee has conducted any activity during the reporting year.

## Part B: ENGAGEMENT PLAN – APPROVED

The Board assesses engagement adequacy through the LWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#). In accordance with the Policy and Guidelines, the Applicant included an Engagement Record and Plan in the Application,<sup>17</sup> and these documents were distributed for public review with the Application.

The Board has approved the Engagement Plan, Version 1.0 because it meets the requirements of the Policy and Guidelines and is appropriate for the Project activities.

FINAL CONSTRUCTION REPORT - Part B, condition 18 was added at the request of the Inspector, as work may be complete prior to the submission of the Annual Water Licence Report

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

The Board did not include security requirements in the Licence. As per section 94 of the [MVRMA](#), territorial and federal governments are not required to post security for permits. Although this exemption does not include licences, it is Board practice to not require security for a water licence when the applicant is the territorial and federal government, as the liability with respect to the undertaking already rests with the government. The Board is satisfied that the Licensee will be accountable for carrying out closure and reclamation even though a security deposit is not required.

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

Not applicable

### **6.6 Part E: Conditions Applying to Construction and Schedule 2**

Part E and Schedule 2 of the Licence contains conditions applying to Construction activities for the Project. These are consistent with the Standard Licence Conditions.

Conditions 7 and 8 (DESIGN AND CONSTRUCTION PLAN AND DESIGN DRAWING) were removed from the draft Licence as there are standards which have been written by the Government of the Northwest Territories for the design and construction parameters.

### **6.7 Part F: Conditions Applying to Waste and Water Management**

Part F of the Licence contain conditions applying to Waste and Water management activities for the Project. These are consistent with the Standard Licence Conditions. Project-specific conditions were developed where necessary.

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<sup>17</sup> See MVLWB Online Registry for GNWT – INF – [Engagement Plan V1.0 and Engagement Record V1.1 – Oct25 23](#)



## PART F: SEDIMENT AND EROSION CONTROL PLAN – APPROVED

The Licensee included a Sediment and Erosion Control Plan in the Application.<sup>18</sup>

The Board has approved the Sediment and Erosion Control Plan, Version 1 because it meets the requirements of the Guidelines and is appropriate for the Project activities. The schedule for the Sediment and Erosion Control Plan has been removed from the draft as the Plan as submitted meets the scope of the project.

## Part F: WASTE MANAGEMENT PLAN - APPROVED

All applicants must submit detailed waste management information, identifying all types of waste that will be produced by the project (including quantity and quality) and describing the disposal methods that are proposed for each type of waste. For most applicants, this will be in the form of a Waste Management Plan, developed in accordance with the LWB [Guidelines for Developing a Waste Management Plan](#),<sup>19</sup> and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board. The Guidelines can be applied to a wide range of projects and are intended to ensure that all waste management activities are carried out in a way that is consistent with best practices and applicable guidelines to minimize waste released from a project.

The Licensee included a Waste Management Plan in the Application.<sup>20</sup> The Board considered this Plan as part of the Application Package.

The Board has approved the Waste Management Plan, Version 1 because it meets the requirements of the Guidelines and is appropriate for the Project activities.

### **6.8 Part G: Conditions Applying to Aquatic Effects Monitoring Program**

Not applicable

### **6.9 Part H: Conditions Applying to Contingency Planning**

Part H of the Licence contains conditions related to spill contingency planning and reporting, reclamation of spills and unauthorized discharges, and emergency response for the Project. These conditions are consistent with the Standard Licence Conditions.

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<sup>18</sup> See MVLWB Online Registry for GNWT – INF – [Sediment and Erosion Control Plan V1.0 – Dec5 23](#)

<sup>19</sup> See MVLWB Policies and Guidelines webpage to access the LWB [Guidelines for Developing a Waste Management Plan](#).

<sup>20</sup> See MVLWB Online Registry for GNWT - INF– [Waste Management Plan V1.0 – Oct25 23](#)

## Part H: SPILL CONTINGENCY PLAN - APPROVED

All applicants must describe spill contingency planning. For most applicants, this will be in the form of a Spill Contingency Plan (SCP), developed in accordance with the INAC [Guidelines for Spill Contingency Planning](#),<sup>21</sup> and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board.

The Licensee included a SCP in the Application.<sup>22</sup> The Board considered this Plan as part of the Application Package.

The Board has approved the SCP, Version 1 because it meets the requirements of the Guidelines and is appropriate for the Project activities.

### **6.10 Part I: Conditions Applying to Closure and Reclamation**

Part I of the Licence contain conditions applying to closure and reclamation, including progressive reclamation of the Project. These are consistent with the Standard Licence Conditions.

## Part I: CLOSURE AND RECLAMATION PLAN

All applicants must describe closure and reclamation planning. For most applicants, this will be in the form of a Closure and Reclamation Plan (CRP), developed in accordance with the LWB/AANDC [Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories](#) (Closure Guidelines),<sup>23</sup> and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board.

Due to the small scale of the Project, in lieu of submitting a stand-alone CRP, the Licensee described the proposed waste management activities in the Application Form. In this case, the Board considered this information equivalent to a CRP. Therefore the requirement of the Closure and Reclamation Plan was removed from the draft.

### **6.11 Attachment A: Concordance Table of Submissions**

Attachment A of the Licence contains a table that summarizes the submissions required by the Licence conditions.

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<sup>21</sup> See MVLWB External Policies and Guidelines webpage to access the INAC [Guidelines for Spill Contingency Planning](#).

<sup>22</sup> See MVLWB Online Registry for GNWT – INF – [Spill Contingency Plan V1.0 – Oct25 23](#)

<sup>23</sup> See MVLWB Policies and Guidelines webpage to access the LWB/AANDC [Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories](#).

## 6.12 Attachment B: Revision History Table

Attachment B of the Licence contains a table which identifies updates and tracks changes made to the Licence. This table is currently blank because this is a new Licence, but it will be updated throughout the life of the Licence.

## 7.0 Conclusion

Subject to the scope, definitions, conditions, and term set out in the Licence, and for the reasons expressed herein, the MVLWB is of the opinion that the activities, and waste disposal associated with the Project can be completed by Government of the Northwest Territories – Department of Infrastructure while providing for the conservation, development, and utilization of waters in a manner that will provide the optimum benefit for all Canadians and in particular for the residents of the Mackenzie Valley.

Water Licence MV2023L8-0012 contains provisions that the Board deems necessary to ensure and monitor compliance with the MVRMA, *Waters Act*, and the Regulations made thereunder, and to provide appropriate safeguards in respect of Government of the Northwest Territories – Department of Infrastructure’s use of the water as authorized by the Licence.

SIGNATURE



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**Tanya MacIntosh, Chair**  
**Mackenzie Valley Land and Water Board**

March 18, 2024

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**Date**