

## Part A: Scope and Defined Terms

### Scope:

1. This Licence entitles the Licensee to use Water and deposit Waste for miscellaneous activities at the Whati Access Rehabilitation Project.

The scope of this Licence includes the following:

- a) Withdrawal of Water for dust suppression;
- b) Depositing of Waste to approved facilities;
- c) Construction, operation, and maintenance of a bridge; and
- d) Progressive Reclamation and associated Closure and Reclamation activities.

2. The scope of this Licence is as described in the Preliminary Screening for W2021L8-0002, dated XXXXXXXX, 2021.

3. Option 1:

This Licence is issued subject to the conditions contained herein with respect to the use of Water and the deposit of Waste in any Waters or in any place under any conditions where such Waste or any other Waste that results from the deposits of such Waste may enter any Waters. Any change made to the *Waters Act* and/or the Waters Regulations that affects licence conditions and defined terms will be deemed to have amended this Licence.

4. Compliance with this Licence does not relieve the Licensee from responsibility for compliance with the requirements of any applicable federal, territorial, Tłı̨chǫ, or municipal legislation.

SCOPE

SCOPE – PRELIMINARY  
SCREENING

LEGISLATION SUBJECT TO  
CHANGE

LEGISLATIVE COMPLIANCE

## Defined Terms:

**Board** – the Wek’èezhii Land and Water Board established under Part 3 of the *Mackenzie Valley Resource Management Act*.

**Closure and Reclamation** – the process and activities that facilitate the return of areas affected by the Project to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment and human activities.

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

**Construction** – any activities undertaken during any phase of the Project to construct or build any structures, facilities or components of, or associated with, the development of the Project.

**Engagement Plan** – a document, developed in accordance with the MVLWB *Engagement and Consultation Policy* and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*, that clearly describes how, when, and which engagement activities will occur with an affected party during the life of the Project.

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

**Freeboard** – the vertical distance between the Water or Wastewater line and the lowest elevation of the effective Water or Wastewater containment crest on the upstream slope of a containment structure.

**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 discharged.

**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 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).

**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 deposit of Waste from the Project.

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

**Sewage** – all Toilet Wastes and Greywater.

**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*.

**Sump** – a human-made excavation or a natural depression designated for depositing Water and/or Waste.

**Toilet Wastes** – all human excreta and associated products, not including Greywater.

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

**Waste** – as defined in section 1 of the *Waters Act*:

- a) a substance that, if added to water, would degrade or alter or form part of a process of degradation or alteration of the quality of the water to an extent that is detrimental to its use by people or by an animal, fish or plant, or
- b) water that contains a substance in such a quantity or concentration, or that has been so treated, processed or changed, by heat or other means, that it would, if added to other water, degrade or alter or form part of a process of degradation or alteration of the quality of that water to the extent described in paragraph (a), and includes
- c) a substance or water that, for the purposes of the *Canada Water Act*, is deemed to be waste,
- d) a substance or class of substances prescribed by regulations made under subparagraph 63(1)(b)(i),
- e) water that contains a substance or class of substances in a quantity or concentration that is equal to or greater than a quantity or concentration prescribed in respect of that substance or class of substances by regulations made under subparagraph 63(1)(b)(ii), and
- f) water that has been subjected to a treatment, process or change prescribed by regulations made under subparagraph 63(1)(b)(iii).

**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.

**Water** – as defined in section 1 of the *Waters Act*: water under the administration and control of the Commissioner, whether in a liquid or frozen state, on or below the surface of land.

**Watercourse** – as defined in section 1 of the Waters Regulations: a natural watercourse, body of Water or Water supply, whether usually containing Water or not, and includes Groundwater, springs, swamps, and gulches.

**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*.

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**Part B: General Conditions**

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.	In each submission required by this Licence or by any directive from the Board, the Licensee shall identify all recommendations based on Traditional Knowledge received, describe how the recommendations were incorporated into the submission, and provide justification for any recommendation not adopted.	IDENTIFY TRADITIONAL KNOWLEDGE
5.	All references to policies, guidelines, codes of practice, statutes, regulations, or other authorities shall be read as a reference to the most recent versions, unless otherwise noted.	REFERENCES
6.	The Licensee shall ensure all submissions to the Board: a) Are in accordance with the MVLWB <i>Document Submission Standards</i> ; b) Include a conformity statement or table which identifies where the requirements of this Licence, or other directives from the Board, are addressed; and c) Include any additional information requested by the Board.	SUBMISSION FORMAT AND CONFORMITY
7.	The Licensee shall ensure management plans are submitted to the Board in a format consistent with the MVLWB <i>Standard Outline for Management Plans</i> , unless otherwise specified.	MANAGEMENT PLAN FORMAT
8.	The Licensee shall comply with all plans, including revisions, approved pursuant to the conditions of this Licence.	COMPLY WITH SUBMISSIONS AND REVISIONS
9.	The Licensee shall conduct an annual review of all plans and make any revisions necessary to reflect changes in operations, contact information, or other details. No later than XXXXXXXXXXXXXXXX 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
10.	The Licensee may propose changes at any time by submitting revised <b>Spill Contingency Plan, Waste Management Plan, and Engagement Plan</b> 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 are annexed to and form part of this Licence, and any updates to the Schedules as may be made by the Board.	COMPLY WITH SCHEDULE(S)
14.	The Licensee shall comply with the <b>Surveillance Network Program</b> , which is annexed to and forms part of this Licence, and any updates to the Surveillance Network Program as may be made by the Board.	COMPLY WITH SURVEILLANCE NETWORK PROGRAM

15.	The Schedules, the Surveillance Network Program, and any compliance dates specified in this Licence may be updated at the discretion of the Board.	<b>UPDATES TO COMPLIANCE DATE(S)</b>
16.	The Licensee shall comply with all directives issued by the Board in respect of the implementation of the conditions of this Licence.	<b>COMPLY WITH BOARD DIRECTIVES</b>
17.	The Licensee shall install, operate, and maintain meters, devices, or other such methods for measuring the volumes of Water used and Waste discharged to the satisfaction of an Inspector.	<b>MEASURE WATER USE AND WASTE DISCHARGED</b>
18.	Beginning <b>XXXXXXX</b> and no later than every one year 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 <b>Schedule 1, Condition 1</b> .	<b>ANNUAL WATER LICENCE REPORT</b>
19.	The Licensee shall comply with the <b>Engagement Plan</b> , once approved.	<b>ENGAGEMENT PLAN</b>
20.	Within 90 days following the effective date of this Licence the Licensee shall submit to the Board, for approval, a revised Engagement Plan. The Licensee shall not commence Project activities prior to Board approval of the Plan.	<b>ENGAGEMENT PLAN – REVISED</b>
21.	A minimum of 10 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.	<b>NOTIFICATION – 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

1. The Licensee shall only obtain Water for the Project from the Lac la Martre. The Licensee may withdraw up to 299 m<sup>3</sup> of Water from this source.
2. In any single ice-covered season, the Licensee shall not withdraw greater than 10% of the available Water volume of any Watercourse, as calculated using the appropriate maximum expected ice thickness.
3. Prior to withdrawing Water from an approved 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.
4. The Licensee shall construct and maintain the Water intake(s) with a screen designed to prevent impingement or entrapment of fish.

**WATER SOURCE AND MAXIMUM VOLUME**

**MAXIMUM UNDER-ICE WATER WITHDRAWAL VOLUME**

**POST WATER INTAKE SIGN(S)**

**WATER INTAKE SCREEN**

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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.
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.
3. The Licensee shall only use material that is clean and free of contaminants and is from a source that has been authorized in writing by an Inspector.
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.
5. The Licensee shall maintain geochemical records of Construction materials for the bridge and make them available at the request of the Board or an Inspector.
6. A minimum of 90 days prior to the commencement of Construction of any Engineered Structures, the Licensee shall submit to the Board, for approval, a **Design and Construction Plan**. The Plan shall be in accordance with the requirements of **Schedule 2, Condition 1**. The Licensee shall not commence Construction of the Engineered Structure(s) prior to Board approval of the Plan.
7. A minimum of 90 days prior to the commencement of Construction of any Engineered Structures, the Licensee shall submit to the Board, **Design Drawings** stamped and signed by a Professional Engineer. A minimum of 90 days prior to implementing any proposed changes to the Design Drawings, the Licensee shall submit revised Design Drawings to the Board.
8. A minimum of 30 days prior to the commencement of Construction of the Bridge, the Licensee shall submit to the Board, a **Design and Construction Plan**. The Plan shall be in accordance with the requirements of **Schedule 2, Condition 1**. A minimum of 30 days prior to implementing any proposed changes to the Plan, the Licensee shall submit a revised Plan to the Board.
9. 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.
10. The Licensee shall ensure that all Engineered Structures are constructed in accordance with the **Design and Construction Plan**.
11. Within 90 days of the completion of the Construction of each Engineered Structure, the Licensee shall submit to the Board, an **As-Built Report** 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 **Design and Construction Plan**; and
  - c) any data used to support these decisions.

### OBJECTIVE – CONSTRUCTION

### ENGINEERED STRUCTURES – GENERAL

### CONSTRUCTION MATERIAL – SOURCE(S)

### CONSTRUCTION RECORDS

### GEOCHEMICAL RECORDS

### DESIGN AND CONSTRUCTION

**Commented [BS1]:** At this time, it is not known if the bridge will be an engineered structure so both sets of conditions are included.

### DESIGN DRAWINGS

### DESIGN AND CONSTRUCTION

**Commented [BS2]:** At this time, it is not known if the bridge will be an engineered structure so both sets of conditions (Engineered Structure for Board approval or not) are included.

### NOTIFICATION – CONSTRUCTION – ENGINEERED STRUCTURES

### CONSTRUCT AS DESIGNED – ENGINEERED STRUCTURE

### AS-BUILT REPORT – ENGINEERED STRUCTURE(S)

## Part F: Waste and Water Management

1. The Licensee shall manage Waste and Water with the objective of minimizing the impacts of the Project on the quantity and quality of Water in the Receiving Environment through the use of appropriate mitigation measures, monitoring, and follow-up actions.
2. The Licensee shall minimize erosion by implementing suitable erosion control measures that shall be located and maintained to the satisfaction of an Inspector.

### Management and Monitoring Plans

3. The Licensee shall comply with **Waste Management Plan** once approved.
4. The Licensee shall ensure that geotechnical inspections of the bridge is conducted annually, and following any events that exceed design criteria, by a Professional Engineer. The Licensee shall:
  - a) A minimum of two weeks prior to the annual inspection, and when events that exceed design criteria occur, provide written notification to an Inspector; and
  - b) Within 90 days of completing the inspection, submit the Professional Engineer's full **Geotechnical Inspection Report** to the Board and an Inspector. The Report shall include:
    - i. a covering letter from the Licensee outlining an implementation plan to respond to any recommendations made by the Professional Engineer, including rationale for any decisions that deviate from the Professional Engineer's recommendations; and
    - ii. a summary of any actions taken by the Licensee to address the recommendations made following the previous year's inspection.

### Discharge and Disposal Locations and Rates

5. A minimum of ten days prior to depositing any Waste into a licenced municipal facility, the Licensee shall provide written notification to the Board and an Inspector.

**OBJECTIVE – WASTE AND WATER  
MANAGEMENT**

**EROSION CONTROL**

**WASTE MANAGEMENT PLAN**

**ANNUAL GEOTECHNICAL**

**Commented [BS3]:** At this time, it is not known if the bridge will be an engineered structure that will require a geotechnical inspection report.

**NOTIFICATION – WASTE DEPOSIT**

## Part H: Spill Contingency Planning

1. The Licensee shall ensure that Unauthorized Discharges associated with the Project do not enter any Waters.
2. The Licensee shall comply with the **Spill Contingency Plan**, once approved.
3. 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 H, Condition 2;
  - b) Report it immediately using the NU-NT Spill Report Form by one of the following methods:
    - Telephone: (867) 920-8130
    - Fax: (867) 873-6924
    - E-mail: [spills@gov.nt.ca](mailto:spills@gov.nt.ca)
    - Online: Spill Reporting and Tracking Database
  - c) Notify the Board and an Inspector immediately; and
  - 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.
4. The Licensee shall ensure that spill prevention infrastructure and spill response equipment is in place prior to commencement of the Project.
5. The Licensee shall restore all areas affected by spills and Unauthorized Discharges to the satisfaction of an Inspector.
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.

**OBJECTIVE – PREVENT WASTE INTO WATER**

**SPILL CONTINGENCY PLAN**

**REPORT SPILLS**

**SPILL PREVENTION AND RESPONSE EQUIPMENT**

**CLEAN UP SPILLS**

**MATERIAL STORAGE – ORDINARY HIGH-WATER MARK**

**Part I: Closure and Reclamation**

1. Three years prior to the expiry date of this Licence, or a minimum of two years prior to the end of operations, whichever occurs first, the Licensee shall submit to the Board, for approval, a final **Closure and Reclamation Plan**.
2. The Licensee shall endeavor to carry out approved Progressive Reclamation as soon as is reasonably practicable.
3. The Licensee shall not conduct Progressive Reclamation except as approved by the Board.

**CLOSURE AND RECLAMATION  
PLAN – FINAL**

**PROGRESSIVE RECLAMATION**

**PROGRESSIVE RECLAMATION –  
CARRY OUT AS APPROVED**

Signed on behalf of the Wek'èezhii Land and Water Board

\_\_\_\_\_  
Enter NAME Chair, Chair

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Enter NAME of Witness, Witness

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## Schedule 1: Annual Water Licence Report

1. The **Annual Water Licence Report** referred to in Part B, Condition 18 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) The monthly and annual quantities in cubic metres of fresh Water obtained from all sources, as required in Part D, Condition 26 of this Licence;
  - d) A summary of engagement activities conducted in accordance with the approved **Engagement Plan**, referred to in Part B, Condition 19 of this Licence;
  - e) A summary of how Traditional Knowledge was incorporated into decision making;
  - f) A summary of Construction activities conducted in accordance with Part E of this Licence;
  - g) A summary of major maintenance activities conducted in accordance with this Licence;
  - h) The monthly and annual quantities, in cubic metres, of each and all Waste Discharges, and deposits to Waste Disposal Facilities, identified by location;
  - 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 Unauthorized Discharges, including the date, NWT spill number, volume, location, summary of the circumstances and follow-up actions taken, and status (i.e. open or closed), in accordance with the reporting requirements in Part H, Condition 1 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;
  - 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 [enter date] of the year being reported.

## Schedule 2: Design and Construction Plan

1. The **Design and Construction Plan** referred to in **Part E, Condition X** of this Licence shall include, but not be limited to, the following information:

- a) A description of the facilities to be constructed
- b) The proposed location for the structures;
- c) Any potential impacts to the aquatic environment;
- d) a description of any monitoring including, but not limited to, sampling locations, parameters measured, and frequencies of sampling to be carried out to determine impacts to the aquatic environment, with rationale;
- e) a detailed description of any measures used to prevent or mitigate impacts to the aquatic environment;
- f) a schedule for the Construction;
- g) construction drawings stamped by a Professional Engineer, construction specifications, and construction quality control/quality assurance plan; and
- h) description of adaptive management processes that systematically link monitoring results to management activities and allow management activities to be developed adaptively, in response to changes in the environment.

**Commented [BS4]:** Based on the requirements of the detailed design report and construction plan of the TASR WL

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### Schedule 3: Conditions Applying to Closure and Reclamation

1. The **Closure and Reclamation Plan** referred to in Part I, Condition 1 of this Licence shall include, but not be limited to the following information:
  - a) A plain language summary of the Plan;
  - b) A description of the overall goals for Closure and Reclamation of the Project, including expected future land use;
  - c) A description of the Closure and Reclamation planning team;
  - d) A description of engagement related to Closure and Reclamation planning, including a summary of completed and planned engagement, and links to the **Engagement Plan** referred to in Part B, Condition 19 for the Project;
  - e) A list of any other regulatory authorizations required for Closure and Reclamation of the Project;
  - f) For the Project site, a description of Closure and Reclamation plans, including, but not limited to:
    - i. Closure Objectives and Criteria;
    - ii. preferred Closure and Reclamation option and method for each Project component identified in condition (h) above;
    - iii. design drawings, signed and stamped by a Professional Engineer, for any Engineered structures;
    - iv. Water management and restoration of natural drainage;
    - v. predicted environmental effects during and after Closure and Reclamation activities;
    - vi. post-closure monitoring, maintenance, and reporting;
    - vii. uncertainties and contingencies;
    - viii. climate change considerations; and
    - ix. Closure and Reclamation Research plans.
  - g) A description of any planned Progressive Reclamation;
  - h) An implementation schedule that includes Progressive Reclamation and final Closure and Reclamation activities; and