



Gwich'in Land and Water Board

Box 2018 Inuvik NT X0E 0T0
PH 867 777 7860 FX 867 777 7870

WATER LICENCE

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

GNWT Department of Transportation
(Licensee)

of P.O. Box 1320, Yellowknife, NT X1A 2L9
(Mailing Address)

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

Licence Number:	<u>G10L8-002</u>
Licence Type:	<u>"B"</u>
Water Management Area:	<u>Northwest Territories 03</u>
Location:	<u>67°59.202'N/133°27.783'W (km 209.4 Hwy No. 8)</u>
Purpose:	<u>Water Course Training</u>
Description:	<u>Replace existing culvert</u>
Quantity of water <u>not to be exceeded</u> :	<u>N/A</u>
Effective Date of Licence:	<u>June 28, 2010</u>
Expiry Date of Licence:	<u>June 27, 2015</u>

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

Signed the 24th day of June, 2010 on behalf of the Gwich'in Land and Water Board



Witness - Robert Alexie



Chair - Mr. Paul Sullivan

PART A: SCOPE AND DEFINITIONS

Scope

1. This Licence is issued subject to the conditions contained herein with respect to the taking of water and the depositing of waste of any type in any waters or in any place under any conditions where such waste or any other waste that results from the deposits of such waste may enter any waters. Whenever new Regulations are made or existing Regulations are amended by the Governor in Council under the *Northwest Territories Waters Act*, or other statutes imposing more stringent conditions relating to the quantity or type of waste that may be so deposited or under which any such waste may be so deposited, this Licence shall be deemed, upon promulgation of such Regulations, to be automatically amended to conform with such Regulations.
2. Compliance with the terms and conditions of this Licence does not absolve the Licensee from responsibility for compliance with the requirements of all applicable Federal, Territorial and Municipal legislation.

Definitions

In this Licence: **G10L8-002**

- “Act”** means the *Northwest Territories Waters Act*;
- “Regulations”** means Regulations proclaimed pursuant to Section 33 of the *Northwest Territories Waters Act*;
- “Minister”** means the Minister of Indian Affairs and Northern Development;
- “Board”** means the Gwich'in Land and Water Board established under Part 3 of the *Mackenzie Valley Resource Management Act*;;
- “Inspector”** means an Inspector designated by the Minister under Section 35(1) of the *Northwest Territories Waters Act*;
- “Licensee”** means the holder of this Licence:
- “Waste”** means waste as defined by Section 2 of the *Northwest Territories Waters Act*;
- “Modification”** means an alteration to a physical work that introduces a new structure or eliminates an existing structure and does not alter the purpose or function of the work, but does not include an expansion.
- “Geotechnical Engineer”** means a professional engineer registered with the Association of Professional Engineers, Geologists, and Geophysicists of the Northwest Territories and whose principal field of specialization is the design and construction of earthworks in a permafrost environment.
- “Water Use”** means a use of Water as defined by Section 2 of the *Northwest Territories*

Waters Act and shall include freshwater from all sources and minewater.

“Waters”

means any Waters as defined by Section 2 of the *Northwest Territories Waters Act*.

PART B: GENERAL CONDITIONS

1. The Licensee shall submit to the Board, for approval, an Environmental Management Plan (EMP). No project activities may commence prior to the approval of the EMP. The EMP shall address, but not be limited to the following:
 - a) protection of fish and fish habitat;
 - b) fish passage during described works;
 - c) sediment and erosion management;
 - d) water management;
 - e) site restoration;
 - f) waste management;
 - g) environmental monitoring and reporting
2. The Licensee shall file an Annual Report with the Board, as well as with the Inspector, not later than February 1st of the year following the calendar year reported which shall contain the following information:
 - a) details of work completed, including restoration;
 - b) an outline of any work anticipated for the next year;
 - c) a list of unauthorized discharges;
 - d) a list of all wastes generated, complete with a description of the disposal method(s) and location(s);
 - e) an outline of any spill training and communications exercises carried out;
 - f) any revisions to the approved Environmental Management Plan;
 - g) any revisions to the Spill Contingency Plan.
3. The Licensee is expected to adhere to all comments and procedures stated in the Water Licence application unless otherwise stated in the Terms and Conditions of this Water Licence, or authorized by the Inspector.
4. The Licensee shall ensure a copy of this Licence is maintained at the site of operation at all times.

PART C: CONDITIONS APPLYING TO WATER USE

1. The water intake hose used on the water pumps shall be equipped with a screen with a mesh size sufficient to ensure no entrainment of fish.

PART D: CONDITIONS APPLYING TO WASTE DISPOSAL

1. The Licensee shall implement all waste management measures described in the approved Environmental Management Plan referred to in Part B, Item1, unless authorized to do otherwise by the Inspector.
2. The Licensee shall ensure that any unauthorized wastes associated with the "B" undertaking do not enter any waters.

PART E: CONDITIONS APPLYING TO MODIFICATIONS

1. The Licensee may carry out modifications to the planned undertakings:
 - a) without written approval from the Board, provided that such modifications are consistent with the terms of this Licence and the Licensee has notified the Board in writing of such modifications at least five (5) days prior to beginning the modifications; or
 - b) with the written approval of the Board and under such conditions decided by the Board.

PART F: CONDITIONS APPLYING TO CONTINGENCY PLANNING

1. The Licensee shall review the Spill Contingency Plan annually and modify the Plan as necessary. Copies of the modified Spill Contingency shall be submitted to the Board and the Inspector.
2. If, during the period of this Licence, an unauthorized discharge of waste occurs, or if such a discharge is foreseeable, the Licensee shall:
 - a) employ the appropriate contingency plan;
 - b) report the incident immediately via the 24 Hour NWT Spill Report Line. Currently the number is (867) 920-8130; and
 - c) report the unauthorized discharge of waste to the Inspector within twentyfour (24) hours; and
 - d) submit to the Inspector, a detailed report on each occurrence not later than thirty (30) days after initially reporting the event.

PART G: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION

1. The Licensee shall implement all restoration measures described in the approved Environmental Management Plan referred to in Part B, Item 1, unless authorized to do otherwise by the Inspector.

PART H: CONDITIONS APPLYING TO CONSTRUCTION

1. The Licensee shall ensure that culvert installation conforms to the proposed plans submitted with the Water Licence application.
2. The Licensee shall ensure that sedimentation management and water management are carried out as described in the approved Environmental Management Plan referred to in Part B, Item 1, unless authorized to do otherwise by the Inspector.
3. Prior to construction of any dams, dykes or structures intended to contain, withhold, divert or retain water or wastes other than as contemplated in the Contingency Plan, the Licensee shall submit to the Board for approval design drawings stamped by a qualified engineer registered in the Northwest Territories.
4. Fill materials used must be obtained from an approved source, be clean and free of contaminants.

PART I: CONDITIONS APPLYING TO OPERATION AND MAINTENANCE

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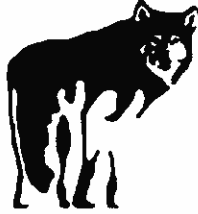


Robert Alexie, Witness

GWICH'IN LAND AND WATER BOARD



Paul Sullivan, Chair



Gwich'in Land and Water Board

Box 2018 Inuvik NT X0E 0T0

PH 867 777 7860 FX 867 777 7870

Preliminary Screener:	GLWB
Reference/File Number:	G10L8-002
Applicant:	GNWT Department of Transportation
Project:	Culvert Replacement, km 209.4 Dempster Highway, NT

DECISION from Gwich'in Land and Water Board Meeting of

June 24, 2010

REASONS FOR DECISION

Issued pursuant Section 26 of the *Northwest Territories Waters Act (NWTWA)*

DECISION:

The Board is satisfied that:

- the project has been screened pursuant to the *MVRMA*;
- any potential adverse environmental effects are insignificant or mitigable with known technology; and
- the project is not likely to be a source of significant public concern.

After reviewing the submission of the Applicant, the written comments received by the Board and the staff report prepared for the Board, the Board, having due regard to the facts and circumstances, the merits of the submissions made to it, and to the purpose, scope and intent of the *MVRMA* and the *NWTWA* and Regulations made thereunder, has determined that:

G10L8-002be issued subject to the terms and conditions contained therein.

The Board's reasons for this decision are as follows:

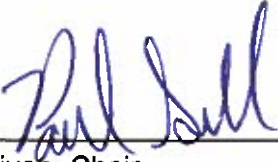
- The Board is satisfied that adequate consultation has been conducted and that advice has been sought and considered in accordance with Sections 63 and 64 of the *MVRMA*.
- No significant or unmitigable public concern was made known to the Board.
- There is an obvious requirement that the Licensee perform repairs to ensure the integrity of the Dempster Highway.

G10L8-002 contains provisions that the Board feels necessary to ensure and monitor compliance with the *MVRMA* and the *NWTWA* and the Regulations made there under and to

provide appropriate safeguards in respect of the Applicant's use of the waters affected by the License.

SIGNATURE

Gwich'in Land and Water Board



Paul Sullivan, Chair

June 24, 2010

Date



Gwich'in Land and Water Board

Box 2018 Inuvik NT X0E 0T0

PH 867 777 7860 FX 867 777 7870

June 24, 2010

File: G10L8-001
G10L8-002
G10X003
G10X004

GNWT Department of Transportation
Attn: Mr. Sean Smiley
P.O. Box 1320
Yellowknife, NT X1A 2L9

Re: Issuance of Water Licence G10L8-001 and Land Use Permit G10X003 for replacement (one installation & one lining) of culvert at km 146.8 Dempster Highway (No. 8); and
issuance of Water Licence G10L8-002 and Land Use Permit G10X004 for replacement of culvert at km 209.4 Dempster Highway (No. 8)

Mr. Smiley,

Attached are duplicates of Water Licence No. G10L8-001 and Land Use Permit No. G10X003, as well as Water Licence No. G10L8-002 and Land Use Permit No. G10X004, granted to the Department of Transportation (DOT) by the Gwich'in Land and Water Board (GLWB) in accordance with the Northwest Territories Waters Act and the Mackenzie Valley Resource Management Act and Regulations. The original documents have been filed in the Registry, and copies have been placed in the Public Registry at the GLWB office in Inuvik, NT.

Also attached are general procedures for the administration of Water Licences in the Northwest Territories. We request that you review these and address any questions to the Board's office.

Please be advised that this letter with attached procedures, all inspection reports, and correspondence related thereto are part of the Public Water Register, and are intended to keep all interested parties informed of the manner in which the Licence requirements are being met.

Letters of advice from Fisheries and Oceans Canada (DFO), Indian and Northern Affairs Canada (INAC), the Gwich'in Renewable Resource Board and the Gwich'in Social and Cultural Institute have been forwarded to you. We trust you have reviewed these documents as they do provide information regarding legal requirements under the jurisdiction of the respective departments, as well as other stated preferences and requests by the reviewers.


Please note that both, Water Licence G10L8-001 and Water Licence G10L8-002, contain a condition (B1) that requires DOT to prepare and submit an Environmental Management Plan (EMP) to the Board for approval. No project activities shall take place prior to approval of the EMP. The Board suggests that DOT consult with DFO and

INAC, prior to the submission of the EMP, to ensure that the departments' concerns have been addressed.

As the Licensee/Permittee, it is the responsibility of DOT to submit the EMP for approval, file the Annual Reports (Water Licence condition B2), and ensure all terms and conditions attached to the Water Licences and Land Use Permits are adhered to. It was somewhat unclear from the application whether or not DOT meant to transfer some of these responsibilities to the contractor. This should clarify the Board's expectations. Please advise if you have questions.

The full cooperation of the Department of Transportation is anticipated.

Sincerely,



Paul Sullivan, Chair

Copied: Conrad Baetz, District Manager – INAC North Mackenzie District
Michel Lanteigne, P.Eng., Manager – AECOM NWT
Amanda Joynt, Habitat Biologist – DFO
Jeanne Arseneault, Pollution Control Specialist - INAC Water Resources Div.

GENERAL PROCEDURES FOR THE ADMINISTRATION OF LICENCES
ISSUED UNDER THE NORTHWEST TERRITORIES WATERS ACT
IN THE NORTHWEST TERRITORIES

1. At the time of issuance, a copy of the Licence is placed on the Water Register in the office of the Gwich'in Land And Water Board (GLWB) in Inuvik, and is available to the public
2. To enforce the terms and conditions of the Licence, the Minister of Indian and Northern Affairs Canada has appointed Inspectors in accordance with Section 35 (1) of the Northwest Territories Waters Act. The inspectors coordinate their activities with the officials of the Gwich'in Land and Water Board Staff.
3. To keep the GLWB and members of the Public informed of the Licensee's conformity to the Licence conditions, the Inspectors prepare reports, which detail observations on how each item in the Licence has been met. These reports are forwarded to the Licensee with a covering letter indicating what action, if any, should be taken. The Inspection reports and covering letters are placed on the public Water Register, as are any responses received from the Licensee. pertaining to the inspection reports. It is therefore of prime importance that you react in all areas of concern regarding all inspection reports so that these concerns may be clarified.
4. If the renewal of Licence No. G09L8-001 is contemplated; it is the responsibility of the Licensee to apply to the GLWB for renewal. The past performance of the Licensee, new documentation and information, points raised during any public hearing, if required, will be used to determine the terms and conditions of any Licence Renewal. Please note that if the Licence expires and the Licensee has not been issued a new Licence, then activities must cease, or the Licensee, would be in contravention of the Northwest Territories Water Act. It is suggested that an application for renewal of this Licence be made at least three months in advance of the Licence expiry date.

If for some reason, Licence No. G09L8-001 requires an amendment, a public hearing may be required. You are reminded that applications for amendments should be submitted as soon as possible to provide the Board with ample time to go through the amendment process.

5. Specific clauses of your Licence may make reference to the Board, Analyst or Inspector. The contact person, address, phone and fax number of each is:

BOARD	Robert A. Alexie, Executive Director Gwich'in Land and Water Board P.O. Box 2018 INUVIK, NT X0E 0T0 Phone: (867) 777-7961 Fax: (867) 777-7970
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INSPECTOR	Jan Davies, Water Resources Inspector Indian and Northern Affairs Canada - Operations Division North Mackenzie District - Inuvik District Office P.O. Box 2100 INUVIK, NT X0E 0T0 Phone: (867) 777-8900 Fax: (867) 777-2090
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ANALYST	Analyst Taiga Environmental Laboratory Indian and Northern Affairs Canada - Northern Affairs Program P.O. Box 1500 4601 - 52 nd Avenue YELLOWKNIFE, NT X1A 2R3 Phone: (867) 669-2788 Fax: (867) 669-2718
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