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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

File No: **8BC-IMI2122**

June 09, 2021

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**RE: NWB Licence No: 8BC-IMI2122**

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Dear Mr. Bédard-Richard:

Please find attached Licence No: **8BC-IMI2122** issued to Tower Arctic (TA) by the Nunavut Water Board (NWB or Board) pursuant to its authority under Article 13 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Agreement)*. The terms and conditions of the attached Licence related to Water use and Waste disposal are an integral part of this approval.

If the Licensee contemplates the renewal of this Licence, it is the responsibility of the Licensee to apply to the NWB for its renewal. The past performance of the Licensee, new documentation and information, and issues raised during a public hearing, if the NWB is required to hold one, will be used to determine the terms and conditions of the Licence renewal. Note that if the Licence expires before the NWB issues a new one, then Water use and waste disposal must cease, or the Licensee may be in contravention of the *Nunavut Land Claims Agreement* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*. However, the expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the Licence. The NWB recommends that an application for the renewal of this Licence be filed at least three (3) months prior to the Licence expiry date.

If the Licensee contemplates or requires an amendment to this Licence, the NWB may decide, in the public's interest, to hold a public hearing. The Licensee should submit applications for amendment as soon as possible to give the NWB sufficient time to go through the amendment process. The process and timing may vary depending on the scope of the amendment; however, a minimum of sixty (60) days is required from time of acceptance by the NWB. It is the responsibility of the Licensee to ensure that all application materials have been received and are

acknowledged by the Manager of Licensing.

The NWB strongly recommends that the Licensee consult the comments received by interested persons on issues identified. This information is attached for your consideration.<sup>1</sup>

Sincerely,

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Lootie Toomasie  
Nunavut Water Board  
Chair

LT/as/rqd

Enclosure: Licence No: **8BC-IMI2122**  
Comments – CIRNA, DFO, ECCC

Cc: Qikiqtani Distribution List

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<sup>1</sup> Crown Indigenous Relations and Northern Affairs Canada (CIRNA), May 21, 2021; Department of Fisheries and Oceans (DFO), May 19, 2021; Environment and Climate Change Canada (ECCC), May 14, 2021.

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## DECISION

### LICENCE NUMBER: 8BC-IMI2122

This is the decision of the Nunavut Water Board (NWB) with respect to an application received on April 28, 2021 for a new Type “B” Water Licence made by:

#### TOWER ARCTIC LTD.

to allow for the use of water in support of construction activities for the Iqaluit Deep Sea Port Marine Infrastructure Project, located in the City of Iqaluit within the Qikiqtani Region, Nunavut, generally located at the geographical coordinates as follows:

Latitude: 63°45'22.7"N      Longitude: 68°27'45.05"W

## DECISION

After having been satisfied that the application is for a proposal that falls outside of an area with an approved land use plan, and, is exempt from screening by the Nunavut Impact Review Board (NIRB) under section 12.4.3 of the *Nunavut Agreement* as per Nunavut Planning Commission (NPC) April 20, 2021<sup>2</sup>, the NWB decided that the application could proceed through the regulatory process. In accordance with s. 55.1 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (Act)* and Article 13 of the *Nunavut Agreement*, public notice of the application was given and interested persons were invited to make representations to the NWB.

After reviewing the submission of the Applicant and considering the representations made by interested persons, the NWB, having given due regard to the facts and circumstances, the merits of the submissions made to it and to the purpose, scope and intent of the *Nunavut Agreement* and of the *Act*, waived the requirement to hold a public hearing, and determined that:

**Licence No: 8BC-IMI2122 be issued subject to the terms and conditions contained therein. (Motion #: 2021-B1-003)**

Signed this 9<sup>th</sup> day of June, 2021 at Gjoa Haven, NU.

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Lootie Toomasie  
Nunavut Water Board, Chair  
LT/as/rqd

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<sup>2</sup> Nunavut Planning Commission (NPC) Conformity Determination, April 20, 2021.

## I. BACKGROUND

The Application is by Tower Arctic Ltd. (TA) for a new Type “B” licence to use water. The term requested is one year and five months. Construction for the Iqaluit Deep Sea Port Marine Infrastructure Project started in 2018 and has been ongoing through three open-water (June to October) seasons. No water use and waste disposal was required at that time.

Water will be required to support dust suppression and for the production of concrete and crushed aggregates during the 2021 open-water season. The City of Iqaluit has confirmed that the water requirements for the construction activities of the Project cannot be met with the municipal water supply and requested that alternative options be explored.

The proposed withdrawal site along the Niaqunguk River is approximately 870 m downstream of an approved water withdrawal site for the City of Iqaluit to support the municipal water supply. A small water pump and a water truck will be used to withdraw water. Access to the withdrawal site is already developed so no work will be required at the site. A daily maximum of 30 cubic meters (m<sup>3</sup>) will be extracted for use in construction activities. The total volume of water required throughout the season (June to October 2021) is expected to be between 500 m<sup>3</sup> to 800 m<sup>3</sup>.

## II. PROCEDURAL HISTORY

The NWB received the Type “B” water licence application and supporting information (Application No. 8BC-IMI----) for the project on April 28, 2021. The Application consisted of the following documents:

- Water Licence Application
- Summary English
- Appendix 1 Letter of Authorization
- Appendix 2 Project Map
- Appendix 3 NPC Decision Letter
- Appendix 4 NIRB Screening Decision
- Appendix 5 Spill Response Plan
- Appendix 6 Interim Code of Practice End-of-Pipe-Fish-Protection-Screen

On **April 30, 2021**, the NWB concluded that the Application generally met the requirements of section 48(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA or Act) and forwarded notice of the Application to interested parties. Parties were invited to make representations to the NWB within twenty-one (21) days by **May 21, 2021**.

By the deadline for comments, submissions were received from Crown Indigenous Relations and Northern Affairs (CIRNA) and Department of Fisheries and Oceans (DFO). Environment and Climate Change Canada (ECCC) responded with no comments. The comments were recommendations to the NWB to include specific terms and conditions in the Licence and did not require a response from the Applicant.

The NWB has placed in its Public Registry copies of the Application and all comments received

from Interveners. This information can be accessed on the NWB’s FTP site using the following link:

<ftp://ftp.nwb-oen.ca/registry/8%20MISCELLANEOUS/8B/8BC%20-%20Construction/8BC-IMI2122%20Tower%20Arctic%20Ltd/>

### **III. FILE HISTORY**

According to information included on the NWB’s file transfer protocol (FTP) site, no licences have been issued by the Nunavut Water Board (NWB) to Tower Arctic in the past for this undertaking classified as “Other”.

### **IV. GENERAL CONSIDERATIONS**

The following sections provide background information relevant to the terms and conditions included in this Licence, in the context of submissions received and/or the Board’s rationale.

#### **Term of the Licence**

In accordance with s. 45 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA or Act), the NWB may issue a licence for a term not exceeding twenty-five (25) years. In determining an appropriate term for a renewal licence, the Board generally takes into consideration several factors including interveners’ comments, the Licensee’s compliance history, as well as the rationale contained in the application.

The Licensee requested in its Application, a one (1) year and five months term for the licence, with a proposed expiry date in November 2022. The interveners in their submissions did not comment on the term requested. The Board, in examining the requirements of the licensee, felt that a two year term was appropriate. The Board has therefore granted the term requested by the Licensee. In so doing, the Board believes and expects that the **eighteen month term** will provide the Licensee enough time to complete their construction project.

#### **Annual Reports**

Under Part B, Item 1 of the Licence, the Licensee is required to submit Annual Reports for the purpose of ensuring that the NWB has an accurate annual update of activities related to Water use and deposit of Waste during each calendar year. This information is maintained on the Public Registry and is available to interested parties upon request. A “Standardized Form for Annual Reporting” is to be used by the Licensee and is available from the NWB FTP site under the Public Registry link at the NWB Website:

<ftp://ftp.nwb-oen.ca/other documents/Standardized Forms/>

#### **Water Use**

The Licensee has stated that the total volume of water required throughout the construction

season (June to October) is expected to be between 500 m<sup>3</sup> to 800 m<sup>3</sup>. Water will be extracted from the Niaqunguk River (Apex River) approximately 870m downstream of an approved water withdrawal site for the City of Iqaluit's municipal water supply. The daily extraction rate is estimated to be between 5 to 10 m<sup>3</sup>. The City of Iqaluit extracted 358,615 m<sup>3</sup> of water from the Niaqunguk River between June 21 and July 28, 2020, with daily volumes ranging from 0 to 17,520 m<sup>3</sup>.

CIRNA, in their technical review comments, voiced concerns about the cumulative effect of these withdrawals on the Niaqunguk River. The withdrawal of between 5 and 10 m<sup>3</sup> per day later in the season, during periods of lower flow, may have some further negative downstream effects on the river and aquatic habitat.

To try and mitigate such effects as much as possible, CIRNA has the following recommendations:

1. To include a condition in the Licence to ensure that the Licensee coordinates water withdrawals with the City of Iqaluit so that their total combined abstraction rate does not exceed 10% of the instantaneous flow of the Niaqunguk River. Also, to ensure that water is extracted only when the natural flow is above 30% of the mean annual discharge.
2. To conduct water level monitoring to analyze the possible downstream effects on the Niaqunguk River.
3. CIRNA recommend the following updates to the Spill Response Plan and submission with the 2021 annual report:
  - a. A complete inventory of the resources available to the Proponent to control, contain and clean up and remediate grounds and waters in the event of an uncontrolled or release of a hydrocarbon or other hazardous substance into the environment.
  - b. Submission of a detailed training plan provided to on-site staff.
  - c. Submission of MSDS sheets for all hazardous substances on site and used in the construction phase of the project.
  - d. A copy of the Spill Report form for use when reporting spill to the Spill Line.
  - e. A copy of the names and contact information for regulators for spill reporting.
  - f. To include in the list of Hazardous goods contained on site a description of the storage capacity and the type and number of storage containers, and the locations for each of these materials.

The NWB has included under **Part H, Item 2** of this Licence a requirement to submit within the 2021 Annual Report, an updated the Spill Response Plan for Board review, incorporating all technical review recommendations.

The Department of Fisheries and Oceans (DFO) also submitted comments during the technical review. Their comment was as follows:

Provided that the plans are implemented in the manner, and during the timeframe, described, the Program is of the view that the proposal will not require an authorization under the *Fisheries Act*, the *Aquatic Invasive Species Regulations* or the *Species at Risk Act*.

### **Waste Disposal**

The Licensee has stated that no waste will be generated as a result of water extraction. **Part D** of the Licence contains general conditions for waste management.

### **Monitoring Plan**

Under **Part J** of this Licence, the Board has included conditions for monitoring of water extraction volumes and Apex River water level during the course of the Licence.

The Licensee is required to seek approval and/or confirmation from the Board prior to making any changes to the monitoring program. It should also be noted that additional sampling may be required upon request by the Board or the Inspector.

### **Management Plans and Related Information**

The Applicant has submitted a Spill Response Plan, dated March 15, 2021. This plan is being approved with the issuance of this Licence. The Board has included a condition in the Licence to submit an updated plan along with the 2021 annual report as stated above. The updates must include CIRNA's recommendations received during the technical review of the Application.



## NUNAVUT WATER BOARD WATER LICENCE

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**Licence No: 8BC-IMI2122**

Pursuant to the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* and the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada*, the Nunavut Water Board, hereinafter referred to as the Board, hereby grants to

**TOWER ARCTIC LTD.**

(Licensee)

**1502 FEDERAL ROAD, P.O. BOX 717, IQALUIT, NU XOA 0H0**

(Mailing Address)

hereinafter called the Licensee, the right to alter, divert or otherwise use Water or dispose of waste for a period subject to restrictions and conditions contained within this Licence:

**Licence Number/Type: 8BC-IMI2122 TYPE "B"**

**Water Management Area: FROBISHER BAY WATERSHED (53)**

**Location: IQALUIT DEEP SEA PORT MARINE INFRASTRUCTURE PROJECT, IQALUIT, QIKIQTANI REGION, NUNAVUT**

**Classification: OTHER UNDERTAKING**

**Purpose: DIRECT WATER USE**

**Quantity of Water Use Not to Exceed: 800 CUBIC METERS PER YEAR AT MAXIMUM RATE OF 30 CUBIC METERS PER DAY**

**Date of Licence Issuance: JUNE 09, 2021**

**Expiry of Licence: DECEMBER 31, 2022**

This Licence, issued and recorded at Gjoa Haven, Nunavut, includes and is subject to the annexed conditions.

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**Lootie Toomasie,  
Nunavut Water Board, Chair**

## **PART A: SCOPE, DEFINITIONS AND ENFORCEMENT**

### **1. Scope**

This Licence allows for the use of Water for an undertaking classified as Other as per Schedule 1 of the *Regulations*, for the Iqaluit Deep Sea Port Marine Infrastructure Project, located near Iqaluit, within the Qikiqtani Region, Nunavut.

- a. 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 *Nunavut Waters and Nunavut Surface Rights Tribunal 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 subject to such requirements; and
- b. 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.

### **2. Definitions**

In this Licence: 8BC-IMI2122

“**Act**” means the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*;

“**Addendum**” means the supplemental text that is added to a full plan or report usually included at the end of the document and is not intended to require a full resubmission of the revised report;

“**Amendment**” means a change to original terms and conditions of this Licence requiring correction, addition or deletion of specific terms and conditions of the Licence; modifications inconsistent with the terms of the set terms and conditions of the Licence;

“**Appurtenant Undertaking**” means an undertaking in relation to which a use of Water or a deposit of waste is permitted by a licence issued by the Board;

“**Board**” means the Nunavut Water Board established under the *Nunavut Land Claims Agreement* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*;

“**Effluent**” means treated or untreated liquid waste material that is discharged into the environment from a structure such as a settling pond, landfarm or a treatment plant;

“**Engineer**” means a professional engineer registered to practice in Nunavut in accordance with the *Consolidation of Engineers and Geoscientists Act S. Nu 2008, c.2* and the *Engineering and Geoscience Professions Act S.N.W.T. 2006, c.16 Amended by S.N.W.T. 2009, c.12*;

“**Grey Water**” means all liquid wastes from showers, baths, sinks, kitchens and domestic washing facilities, but does not include toilet wastes;

“**Hazardous Waste**” means Waste classified as “hazardous” by Nunavut Territorial or Federal legislation, or as “dangerous goods” under the Transportation of Dangerous Goods Act;

“**High Water Mark**” means the usual or average level to which a body of Water rises at its highest point and remains for sufficient time so as to change the characteristics of the land (ref. Department of Fisheries and Oceans Canada, Operational Statement: Mineral Exploration Activities);

“**Inspector**” means an Inspector designated by the Minister under Section 85 (1) of the *Act*;

“**Licensee**” means the holder of this Licence;

“**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;

“**Monitoring Program**” means a monitoring program established to collect data on surface water and groundwater quality to assess impacts to the freshwater aquatic environment of an appurtenant undertaking;

“**Nunavut Agreement**” means the “*Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada*”, including its preamble and schedules, and any amendments to that agreement made pursuant to it;

“**Regulations**” means the *Nunavut Waters Regulations SOR/2013-69 18<sup>th</sup> April, 2013*;

“**Sewage**” means all toilet wastes and greywater;

“**Spill Contingency Plan**” means a Plan developed to deal with unforeseen petroleum and hazardous materials events that may occur during the operations conducted under the Licence;

“**Waste**” means, as defined in S.4 of the *Act*, any substance that, by itself or in combination with other substances found in Water, would have the effect of altering the quality of any Water to which the substance is added to an extent that is detrimental to its use by people or by any animal, fish or plant, or any Water that would have that effect

because of the quantity or concentration of the substances contained in it or because it has been treated or changed, by heat or other means;

**“Water” or “Waters”** means Waters as defined in section 4 of the Act.

### 3. **Enforcement**

- a. Failure to comply with this Licence will be a violation of the *Act*, subjecting the Licensee to the enforcement measures and the penalties provided for in the *Act*;
- b. All inspection and enforcement services regarding this Licence will be provided by Inspectors appointed under the *Act*; and
- c. For the purpose of enforcing this Licence and with respect to the use of Water and deposit or discharge of waste by the Licensee, Inspectors appointed under the *Act*, hold all powers, privileges and protections that are conferred upon them by the *Act* or by other applicable law.

## **PART B: GENERAL CONDITIONS**

1. The Licensee shall file an Annual Report on the Appurtenant Undertaking with the Board no later than March 31 of the year following the calendar year being reported, containing the following information:
  - a. A summary report of Water use activities;
  - b. Daily and Annual volume of Water obtained from Niaqunguk River;
  - c. Summary report of all construction activities including photographic records before, during and after construction;
  - d. Summary report of acid rock drainage and metal leaching characterization of the fill material to be used for construction as required under Part E, Item 5;
  - e. A list of unauthorized discharges and a summary of follow-up actions taken;
  - f. Any revisions to the Spill Response Plan and any other Plans associated with this Licence, as required by Part B, Item 5, submitted in the form of an Addendum;
  - g. A description of all progressive and or final reclamation work undertaken, including photographic records of site conditions before, during and after completion of operations;
  - h. A summary of all information requested and results of the Monitoring Program; and
  - i. Any other details on Water use or waste disposal requested by the Board by November 1 of the year being reported.
2. The Licensee shall notify the NWB of any changes in operating plans or conditions associated with the Project at least thirty (30) days prior to any such change.
3. The Licensee shall, for all Plans submitted under this Licence, include a proposed timetable for implementation. Plans submitted, cannot be undertaken without subsequent

written Board approval and direction. The Board may alter or modify a Plan if necessary to achieve the legislative objectives and will notify the Licensee in writing of acceptance, rejection or alteration of the Plan.

4. The Licensee shall, for all Plans submitted under this Licence, implement the Plan as approved by the Board in writing.
5. The Licensee shall review the Plans referred to in this Licence, as required by changes in operation and/or technology, and modify the Plan accordingly. Revisions to the Plans shall be submitted in the form of an Addendum to be included with the Annual Report.
6. Every Plan to be carried out pursuant to the terms and conditions of this Licence shall become a part of this Licence, and any additional terms and conditions imposed upon approval of a Plan by the Board shall become part of this Licence. All terms and conditions of the Licence should be contemplated in the development of a Plan where appropriate.
7. The Licensee shall ensure a copy of this Licence is maintained at the site of operations at all times. Any communication with respect to this Licence shall be made in writing to the attention of:
  - (a) **Manager of Licensing:**  
Nunavut Water Board  
P.O. Box 119  
Gjoa Haven, NU X0B 1J0  
Telephone: (867) 360-6338  
Fax: (867) 360-6369  
Email: [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca)
  - (b) **Inspector Contact:**  
Manager of Field Operations, CIRNA (known previously as CIRNAC)  
Nunavut District, Nunavut Region  
P.O. Box 100  
Iqaluit, NU X0A 0H0  
Telephone: (867) 975-4284  
Fax: (867) 979-6445
8. The Licensee shall submit one electronic copy of all reports, studies, and plans to the Board. Reports or studies submitted to the Board by the Licensee shall include a detailed executive summary in Inuktitut.
9. The Licensee shall ensure that any document(s) or correspondence submitted by the Licensee to the NWB is received and acknowledged by the Manager of Licensing.
10. This Licence is assignable as provided for in Section 44 of the *Act*.

**PART C: CONDITIONS APPLYING TO WATER USE**

1. The Licensee shall obtain all Water to support construction activities (concrete production, compaction and dust control) from the Niaqunguk River. Total daily volume of water for all purposes under this licence shall not exceed 30 cubic metres. Total volume of water for all purposes under this licence shall not exceed 800 cubic metres *per year*.
2. The Licensee will coordinate water withdrawals with the City of Iqaluit so that the total combined abstraction rates only occur when the natural flow in the Niaqunguk River is above 30% of the mean annual discharge and their total combined withdrawals will not exceed 10% of the instantaneous flow of the Niaqunguk River.
3. The use of Water from streams or any Water bodies not identified in Part C, Items 1 is prohibited unless authorized and approved by the Board in writing.
4. The Licensee shall equip all Water intake hoses with a screen of an appropriate mesh size to ensure that fish are not entrained and shall withdraw Water at a rate such that fish do not become impinged on the screen.
5. The Licensee shall not remove any material from below the ordinary High Water Mark of any Water body unless authorized.
6. The Licensee shall not cause erosion to the banks of any body of Water and shall provide necessary controls to prevent such erosion.
7. The Licensee shall implement sediment and erosion control measures prior to and maintain those measures during the undertaking to prevent entry of sediment into Water.

**PART D: CONDITIONS APPLYING TO WASTE DISPOSAL**

1. The Licensee shall locate areas designated for Waste disposal at a minimum distance of thirty-one (31) metres from the ordinary High Water Mark of any Water body such that the quality, quantity or flow of Water is not impaired, unless otherwise approved by the Board in writing.
2. The Licensee shall not practice on-site landfilling of domestic waste, unless otherwise approved by the Board in writing.
3. The Licensee shall not open-burn plastics, wood treated with preservatives, electric wire, Styrofoam, asbestos or painted wood to prevent the deposition of waste materials of incomplete combustion and/or leachate from contaminated ash residual, from impacting any surrounding Waters, unless otherwise approved by the Board in writing.
4. The Licensee shall provide to the Board, documented authorization from all communities

in Nunavut receiving Waste from the undertaking prior to the backhauling any Waste.

5. The Licensee shall maintain records of all Waste backhauled and records of confirmation of proper disposal of backhauled waste. These records shall be made available to an Inspector upon request.

**PART E: CONDITIONS APPLYING TO CONSTRUCTION AND OPERATIONS**

1. The Licensee shall not erect camps or store material on the surface of frozen streams or lakes including the immediate banks except what is for immediate use.
2. The Licensee shall adhere to, where applicable, the recommendations contained in INAC's *Northern Land Use Guidelines, Access: Roads and Trails* (2010).
3. The Licensee shall conduct all activities in such a manner as to minimize impacts on surface drainage and shall immediately undertake corrective measures in the event of any impacts on surface drainage.
4. The Licensee shall, within ninety (90) days of completion of construction activities, submit to the Board for review a Construction Summary Report that includes stamped as-built plans and drawings, explanation for any deviation from construction drawings, and consideration of construction and field decisions and their effects on the performance of engineered facilities.
5. All surface runoff or discharges impacted by construction activities associated with the Project, where flow may directly or indirectly enter Water, shall not exceed the following Effluent quality limits:

<b>Parameter</b>	<b>Maximum Average Concentration (mg/L)</b>	<b>Maximum Concentration of Any Grab Sample (mg/L)</b>
Total Suspended Solids	50.0	100
Oil and Grease	No Visible Sheen	No Visible Sheen
pH	Between 6.0 and 9.5	Between 6.0 and 9.5

6. The Licensee shall ensure that all fill material used for the project is from an approved source, shall be free of all contaminants, and shall be characterized and confirmed to not possess acid generating potential or metal leaching properties prior to its use, with results and assessment to be submitted within the annual reporting requirements of Part B, Item 1.
7. Sediment and erosion measures must be used to mitigate the deposition of debris and sediment into or onto any water body during the construction and operation. These materials shall be disposed at a distance of at least thirty-one (31) metres from the ordinary High Water Mark in such a fashion that they do not enter Water.

8. The Licensee shall not gather rock or construction materials from below the ordinary High Water Mark of any Water body.
9. With respect to access road, pad construction or other earthworks, the deposition of debris or sediment into or onto any water body is prohibited. These materials shall be disposed of at a distance of at least thirty-one (31) metres from the ordinary High Water Mark in such a fashion that they do not enter the Water.
10. The Licensee shall limit any in-stream activity to low water periods. In-stream activity is prohibited during fish migration.
11. The Licensee shall not mobilize heavy equipment or vehicles for trenching or other activities unless the ground surface is capable of fully supporting the equipment or vehicles without rutting or gouging. Overland travel of equipment or vehicles shall be suspended if rutting occurs.
12. The Licensee shall not cut any stream bank or remove any material from below the ordinary High Water Mark of any water body.

**PART F: CONDITIONS APPLYING TO DRILLING OPERATIONS**

1. The Licensee is not authorized to drill under the provisions of this Licence.

**PART G: CONDITIONS APPLYING TO MODIFICATIONS**

1. The Licensee may, without written consent from the Board, carry out Modifications to the Water supply facilities provided that such Modifications are consistent with the terms of this Licence and the following requirements are met:
  - a. the Licensee has notified the Board in writing of such proposed Modifications at least sixty (60) days prior to beginning the Modifications;
  - b. such Modifications do not place the Licensee in contravention of the Licence or the *Act*;
  - c. such Modifications are consistent with the NIRB Screening Decision;
  - d. the Board has not, during the sixty (60) days following notification of the proposed Modifications, informed the Licensee that review of the proposal will require more than sixty (60) days; and
  - e. the Board has not rejected the proposed Modifications.
2. Modifications for which all of the conditions referred to in Part G, Item 1 have not been met can be carried out only with written approval from the Board.
3. The Licensee shall provide as-built plans and drawings of the Modifications referred to in this Licence within ninety (90) days of completion of the Modification. These plans

and drawings shall be stamped by an Engineer.

**PART H: CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING**

1. The Board has approved the Spill Response Plan, dated March 15, 2021, that was submitted as additional information with the Application.
2. The Licensee shall, within the 2021 Annual Report, submit an updated the Spill Response Plan for Board review to incorporate all recommendations received during the technical review.
3. The Licensee shall prevent any chemicals, petroleum products or wastes associated with the Project from entering Water. All Sumps and fuel caches shall be located at a distance of at least thirty-one (31) metres from the ordinary High Water Mark of any adjacent Water body and inspected on a regular basis.
4. The Licensee shall conduct any equipment maintenance and servicing in designated areas and shall implement special procedures (such as the use of drip pans) to manage motor fluids and other waste and contain potential spills.
5. If during the term of this Licence an unauthorized discharge of waste occurs, or if such a discharge is foreseeable, the Licensee shall:
  - a. Employ the approved Spill Response Plan;
  - b. Report the spill immediately to the NWT/NU 24-Hour Spill Line at (867) 920-8130 and to the Inspector at (867) 975-4284; and
  - c. For each spill occurrence, submit to the Inspector, no later than thirty (30) days after initially reporting the event, a detailed report that will include the amount and type of spilled product, the GPS location of the spill, and the measures taken to contain and clean up the spill site.
6. The Licensee shall, in addition to Part H, Item 5, regardless of the quantity of releases of harmful substances, report to the NWT/NU 24-Hour Spill Line if the release is near or into a Water body.

**PART I: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION**

1. The Licensee shall complete all restoration work prior to the expiry of this Licence.
2. The Licensee shall carry out progressive reclamation of any components of the Project no longer required for the Licensee's operations.
3. The Licensee shall backfill and restore all Sumps to the pre-existing natural contours of the land.

4. The Licensee shall remove from the site, all infrastructure and site materials, including all fuel caches, drums, barrels, buildings and contents, docks, Water pumps and lines, material and equipment prior to the expiry of this Licence.
5. All roads and airstrip, if any, shall be re-graded to match natural contour to reduce erosion.
6. The Licensee shall remove any culverts and restore the drainage to match the natural channel. Measures shall be implemented to minimize erosion and sedimentation.
7. In order to promote growth of vegetation and the needed microclimate for seed deposition, all disturbed surfaces shall be prepared by ripping, grading, or scarifying the surface to conform to the natural topography.
8. The Licensee shall contour and stabilize all disturbed areas to a pre-disturbed state upon completion of work.

**PART J: CONDITIONS APPLYING TO THE MONITORING PROGRAM**

1. The Licensee shall establish and maintain, at a minimum, the following monitoring program stations as required during the relevant phase(s) of the Project:

<b>Monitoring Program Station ID</b>	<b>Description</b>	<b>Status</b>
IMI-1	Water Intake at Niaqunguk River	Active (Volume)
IMI-2	Niaqunguk River level monitoring	Active (Water Level)

2. The Licensee shall conduct Niaqunguk River level monitoring, during periods of water extraction (June to October), to analyze the possible downstream effects of water extraction on the Niaqunguk River.
3. The Licensee shall measure and record, in cubic metres, the daily quantities of Water extracted for all purposes.
4. The Licensee shall provide the GPS co-ordinates (in degrees, minutes and seconds of latitude and longitude) of all locations where sources of Water are utilized for all purposes.
5. All sampling, sample preservation and analyses shall be conducted in accordance with methods prescribed in the current edition of *Standard Methods for the Examination of Water and Wastewater*, or by such other methods approved by the Board in writing.

6. All analyses shall be performed in a laboratory accredited according to ISO/IEC Standard 17025. The accreditation shall be current and in good standing.
7. The Licensee shall include in the Annual Report required under Part B, Item 1 all data, monitoring results, and information required by this Part.
8. Additional monitoring requirements may be requested by the Inspector and NWB.
9. Modifications to the Monitoring Program may be made only upon written request and subsequent approval of the Board in writing.