

# **DRAFT** Type B Water Licence G24L8-002

## **Government of the Northwest Territories - Department of Infrastructure**

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## Part A: Scope and Defined Terms

| Scope:  | Condition Title               |
|---|-------------------------------|
| 1. This Licence entitles the Licensee to deposit Waste for miscellaneous activities at the Culvert Replacement.   | SCOPE                         |
| The scope of this Licence includes the following:   |                               |
| a) Construction, operation, and maintenance of culverts;  |                               |
| b) Deposit of Waste to approved facilities;   |                               |
| c) Progressive Reclamation and associated Closure and Reclamation activities.   |                               |
| 2. The scope of the Project is as described in the Preliminary Screening Determination for G24L8-002, dated XXX 2024.   | SCOPE – PRELIMINARY SCREENING |
| 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. | LEGISLATION SUBJECT TO CHANGE |
| 4. Compliance with this Licence does not relieve the Licensee from responsibility for compliance with the requirements of any applicable federal, territorial, Tłchq, or municipal legislation.   | LEGISLATIVE COMPLIANCE        |

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

**Board** – the Gwich'in 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, 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:<br>a) Are in accordance with the LWB <i>Document Submission Standards</i> and, if applicable, <i>Geospatial Data Submissions Standards</i> ; and<br>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. 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> |
| 7. 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: <ul style="list-style-type: none"> <li>a) final as-built drawings of the Engineered Structure(s), stamped and signed by a Professional Engineer;</li> <li>b) documentation, with rationale, of field decisions that deviate from the Structure Description and Construction Plan and <b>Design Drawings</b>; and</li> <li>c) any data used to support these decisions.</li> </ul> | <b>AS-BUILT REPORT – ENGINEERED STRUCTURE(S)</b>           |

**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 <u>PLAN</u></b> |
|--|-------------------------------------|

| Condition   | Condition Title                      |
|---|--------------------------------------|
| 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: <ol 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> <li>• E-mail: spills@gov.nt.ca</li> <li>• Online: Spill Reporting and Tracking Database</li> </ul> </li> <li>c) Notify the Board and an Inspector immediately; and</li> <li>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.</li> </ol> | <b>REPORT SPILLS</b>                               |
| 4. The Licensee shall ensure that spill prevention infrastructure and spill response equipment is in place prior to commencement of the Project.   | <b>SPILL PREVENTION AND RESPONSE EQUIPMENT</b>     |
| 5. The Licensee shall restore all areas affected by spills and Unauthorized Releases to the satisfaction of an Inspector.  | <b>CLEAN UP SPILLS</b>                             |
| 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.  | <b>MATERIAL STORAGE – ORDINARY HIGH-WATER MARK</b> |

**Part I: Closure and Reclamation**

1. The Licensee shall endeavor to carry out approved Progressive Reclamation as soon as is reasonably practicable.

**PROGRESSIVE  
RECLAMATION**

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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.

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## 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

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## 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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