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www.mvlwb.com

October 7, 2024

File: MV2024L8-0004

Dane Cruickshank
Government of the Northwest Territories – Department of Infrastructure
Box 1320
Yellowknife NT X1A 2L9

Sent by email

Dear Dane Cruickshank,

Re: Jean Marie River Bridge Project – Administrative Update – Government of the Northwest Territories – Department of Infrastructure – Miscellaneous – Jean Maire River, NT

The Mackenzie Valley Land and Water Board (Board) met on September 26, 2024 addressed an administrative error which was noted in the Reasons for Decision that were distributed on September 6, 2024 for the Jean Marie River Bridge Project, the Board has updated the Reasons for Decision.

Please direct questions or concerns regarding this letter to Kathy Racher via [email](#).

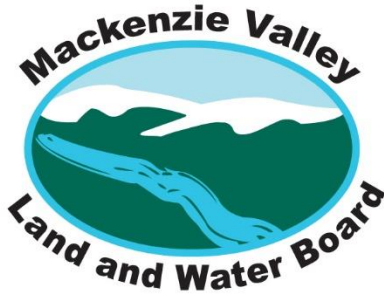
Yours sincerely,

A handwritten signature in blue ink that reads "Tanya MacIntosh".

Tanya MacIntosh
Chair, Mackenzie Valley Land and Water Board

BCC'd to: Dehcho Distribution List
Wendy Bidwell – Inspector, GNWT-ECC
Rick Walbourne – Director, Regulatory and Permitting, GNWT-ECC

Attached: Water Licence MV2024L8-0004 with updated Reasons for Decision



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Government of the Northwest Territories – Department of Infrastructure

Water Licence MV2024L8-0004

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

Government of the Northwest Territories – Department of Infrastructure

(Licensee)

of

Box 1320 Yellowknife NT X1A2L9

(Mailing Address)

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

| | |
|--|------------------------------------|
| Location: | Jean Marie River Bridge |
| Water Management Area: | 3 |
| Purpose: | Miscellaneous – Bridge Replacement |
| Type: | Type B |
| Quantity of Water not to be exceeded: | 99m ³ /day |
| Effective Date: | September 6, 2024 |
| Expiry Date: | September 5, 2029 |

Handwritten signature of Tanya MacIntosh in blue ink.

Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

Handwritten signature of Amanda Gauthier in blue ink.

Amanda Gauthier, Witness

Type B Water Licence MV2024L8-0004

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 use Water and deposit Waste for miscellaneous activities at the Jean Marie River Bridge Project: The scope of this Licence includes the following: a) Withdrawal of Water; b) Deposit of Waste from to approved facilities; c) Construction, operation, and maintenance of a bridge; d) Bridge removal; and e) Progressive Reclamation and associated Closure and Reclamation activities. | SCOPE |
| 2. The scope of the Project is as described in the Preliminary Screening Determination for MV2024L8-0004, dated August 24, 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, or municipal legislation. | LEGISLATIVE COMPLIANCE |

Defined Terms:¹

Board – the Mackenzie Valley Land and Water Board established under subsection 99(1) of the *Mackenzie Valley Resource Management Act*.

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

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.

Discharge – a direct or indirect deposit or release of any Water or Wastewater to Water in the Receiving Environment.

Effluent – a Wastewater Discharge.

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 bridge associated with the Project.

Greywater – all liquid Waste from showers, baths, sinks, kitchens, and domestic washing facilities, but does not include Toilet Waste.

Groundwater – as defined in section 1 of the Waters Regulations: all water in a zone of saturation below the land surface, regardless of its origin.

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 Climate Change.

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

Defined Terms:¹

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 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.

Spill Contingency Plan – 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 Release – a release to the Receiving Environment of any Water or Waste not authorized under this Licence.

Defined Terms:¹

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 – 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, Sewage, Minewater, and Effluent.

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.

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 |
|---|---|
| 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: <ul style="list-style-type: none"> a) Are in accordance with the LWB <i>Document Submission Standards</i> and, if applicable, <i>Geospatial Data Submissions Standards</i>; and b) Include any additional information requested by the Board. | SUBMISSION FORMAT |
| 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. | 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 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. | ANNUAL REVIEW |

| 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 Schedules , 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. | The Licensee shall install, operate, and maintain meters, devices, or other such methods for measuring the volumes of Water used and Waste disposed of to the satisfaction of an Inspector. | MEASURE WATER USE AND WASTE DISCHARGED |
| 18. | Beginning March 31, 2025 and no later than every March 31 thereafter, the Licensee shall submit an Annual Water Licence Report to the Board and an Inspector. The Report shall be in accordance with the requirements of Schedule 1, Condition 1. | ANNUAL WATER LICENCE REPORT |
| 19. | The Licensee shall submit a Final Report which is to be submitted March 31 the year after the construction is completed. | FINAL CONSTRUCTION REPORT |
| 20. | The Licensee shall comply with the Engagement Plan , once approved. | ENGAGEMENT PLAN |
| 21. | 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 |
|-----------|--|--|
| 22. | 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. | NOTIFICATION – RE-COMMENCEMENT |
| 23. | The Licensee shall immediately provide written notification to the Board and an Inspector of any non-compliance with the conditions of this Licence. | NOTIFICATION – NON-COMPLIANCE WITH CONDITIONS |
| 24. | 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. | NOTIFICATION – NON-COMPLIANCE WITH DIRECTIVES |
| 25. | The Licensee shall ensure that a copy of any written authorization issued to the Licensee by an Inspector is provided to the Board. | COPY – WRITTEN AUTHORIZATION |
| 26. | The Licensee shall submit a current Project schedule to the Board and an Inspector upon request. | SUBMIT CURRENT PROJECT SCHEDULE |

Part C: Security

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Part D: Water Use

- | | | |
|----|---|--|
| 1. | The Licensee shall only obtain fresh Water for the Project from the NOTED SOURCES. The Licensee may withdraw up to a combined total of 99m ³ /day of Water from these sources. | WATER SOURCE AND MAXIMUM VOLUME |
|----|---|--|

| Source | Location |
|------------------|--------------------------------|
| Borrow Pit 1 | 61°24'48.9" N 121°22'54.6"W |
| Borrow Pit 2 | 61°25'09.5" N 121°21'40.2"W |
| Borrow Pit 3 | 61°22'33.8" N 121°05'23.0"W |
| Borrow Pit 4 | 61°22'23.9" N 121°01'51.9"W |
| Jean Maire River | 61.447727 121.237695 |

| Condition | Condition Title |
|--|--|
| 2. The Licensee shall only withdraw Water using the Water Supply Facilities, unless otherwise authorized temporarily in writing by an Inspector. | WATER WITHDRAWAL – FACILITIES |
| 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. | POST WATER INTAKE SIGN(S) |
| 4. The Licensee shall construct and maintain the Water intake(s) with a screen designed to prevent impingement or entrainment of fish. The screen shall be in accordance with the best practices outlined in Fisheries and Oceans Canada’s <i>Interim Code of Practice: End-of-Pipe Fish Protection Screens for Small Water Intakes in Freshwater</i> and <i>Fish Screen Design Criteria for Flood and Water Truck Pumps</i> . | WATER INTAKE SCREEN |
| 5. Prior to locating a Water intake in a fish-bearing Watercourse, the Licensee shall obtain written authorization for the location from an Inspector. | WATER INTAKE LOCATION – AUTHORIZATION |

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. | OBJECTIVE – CONSTRUCTION |
| 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. | ENGINEERED STRUCTURES – GENERAL |
| 3. The Licensee shall only use material that is clean and free of contaminants identified in the application and/or has been authorized in writing by an Inspector. | CONSTRUCTION MATERIAL – SOURCE(S) |
| 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. | CONSTRUCTION RECORDS |
| 5. 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. | DESIGN DRAWINGS |

| Condition | | Condition Title |
|-----------|---|--|
| 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. | NOTIFICATION – CONSTRUCTION – ENGINEERED STRUCTURES |
| 7. | A minimum of ten days prior to the commencement of Construction of any structure(s) intended to contain, withhold, divert, or retain Water or Wastes, the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the Construction commencement date, and the name and contact information for the individual responsible for overseeing the Construction. Written notification shall be provided to the Board and an Inspector if any changes occur. | NOTIFICATION – CONSTRUCTION |
| 8. | The Licensee shall ensure that all Engineered Structures are constructed in accordance with the Design Drawings . | CONSTRUCT AS DESIGNED – ENGINEERED STRUCTURE(S) |
| 9. | <p>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:</p> <ul style="list-style-type: none"> 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 Drawings; and c) any data used to support these decisions. | 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. | OBJECTIVE – WASTE AND WATER MANAGEMENT |
| 2. | The Licensee shall minimize erosion by implementing suitable erosion control measures that shall be located and maintained to the satisfaction of an Inspector. | EROSION CONTROL |

| Condition | Condition Title |
|-----------|-----------------|
|-----------|-----------------|

Management and Monitoring Plans

- | | | |
|----|---|---|
| 3. | The Licensee shall comply with the Sediment and Erosion Control Plan, once approved. | SEDIMENT AND EROSION CONTROL PLAN |
| 4. | The Licensee shall conduct daily erosion inspections of Discharge locations, during periods of Discharge, or more frequently as directed by an Inspector. Records of these inspections shall be made available to the Board or an Inspector upon request. | DAILY INSPECTIONS OF DISCHARGE LOCATIONS |

Discharge and Disposal Locations and Rates

- | | | |
|----|---|---|
| 5. | The Licensee shall dispose of all Waste as described in the approved Waste Management Plan . | WASTE MANAGEMENT PLAN |
| 6. | 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. | NOTIFICATION – WASTE DISPOSAL |
| 7. | The Licensee shall not dispose of Waste, including Wastewater, to any Watercourse, or to the ground surface within 100 metres of the Ordinary High-Water Mark of any Watercourse. | DISPOSAL LOCATION – ORDINARY HIGH-WATER MARK |

Part G: Aquatic Effects Monitoring

Intentionally left blank.

Part H: Spill Contingency Planning

- | | | |
|----|--|---|
| 1. | The Licensee shall ensure that Unauthorized Releases associated with the Project do not enter any Water. | OBJECTIVE – PREVENT WASTE INTO WATER |
| 2. | The Licensee shall comply with the Spill Contingency Plan , once approved. | SPILL CONTINGENCY PLAN |
| 3. | If a spill or an Unauthorized Release occurs or is foreseeable, the Licensee shall: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> • Telephone: (867) 920-8130 • Fax: (867) 873-6924 • E-mail: spills@gov.nt.ca | REPORT SPILLS |

| Condition | Condition Title |
|---|--|
| <ul style="list-style-type: none"> • 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. | SPILL PREVENTION AND RESPONSE EQUIPMENT |
| 5. The Licensee shall restore all areas affected by spills and Unauthorized Releases to the satisfaction of an Inspector. | CLEAN UP SPILLS |
| 6. The Licensee shall not establish any fuel storage facilities or refueling stations, or store chemicals or Waste within 100 metres of the Ordinary High-Water Mark of any Watercourse. | MATERIAL STORAGE – ORDINARY HIGH-WATER MARK |

Part I: Closure and Reclamation

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

Schedule 1: Annual Water Licence Report

Condition

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 B, Condition 17 (MEASURE WATER USE AND WASTE DISPOSAL) of this Licence;
 - d) A summary of the calibration and status of the meters and devices referred to in Part B, Condition 17 (MEASURE WATER USE AND WASTE DISPOSAL) of this Licence;
 - e) A summary of engagement activities conducted in accordance with the approved **Engagement Plan**, referred to in Part B, Condition 19 of this Licence;
 - f) A summary of how Traditional Knowledge was incorporated into decision making;
 - g) A summary of Construction activities conducted in accordance with Part E of this Licence;
 - h) A summary of activities conducted in accordance with the approved **Waste Management Plan**, referred to in Part F, Condition 5 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 solid Waste disposed of, by location;
 - iii. Monthly and annual quantities liquid Waste disposed of;
 - iv. Monthly and annual quantities, in cubic metres, of Sewage solids and/or sludge removed; and
 - vi. A map depicting the location of the Sumps.
 - i) A summary of activities conducted in accordance with the approved **Erosion and Sedimentation Management 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; and
 - iv. A report of the performance of mitigations applied to each area
 - j) 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

Condition

- (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.

 - k) A summary of any Closure and Reclamation work completed.

 - l) 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;

 - m) A summary of actions taken to address concerns, non-conformances, or deficiencies in any reports filed by an Inspector;

 - n) Any other details requested by the Board by November 1 of the year being reported.

Signed on behalf of the Mackenzie Valley Land and Water Board



Tanya MacIntosh, Chair

Amanda Gauthier, Witness

Attachments

Attachment A – Concordance Table of Items Requiring Submission

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

| Condition Location | Item | Date |
|----------------------|---|---|
| Part B, Condition 18 | Annual Water Licence Report | March 31, 2025 and every March 31 thereafter. |
| Part B, Condition 19 | Final Construction Report | March 31 after the completion of construction. |
| Part B, Condition 20 | Engagement Plan | Annual |
| Part E, Condition 5 | Design Drawings | 90 days prior to the commencement. |
| 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 As-Built Report stamped and signed by a Professional Engineer. |
| Part F, Condition3 | Sediment and Erosion Control Plan | Annual |
| Part F, Condition 5 | 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 |
|------|--------------------|-----------------------|
| | | |
| | | |
| | | |
| | | |
| | | |



7th Floor - 4922 48th Street
PO Box 2130, Yellowknife NT X1A 2P6

Tel: 867-669-0506 Fax: 867-873-6610
www.mvlwb.com

Reasons for Decision

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

| Water Licence Application | |
|---------------------------|--|
| File Number | MV2024L8-0004 |
| Company | Government of the Northwest Territories – Department of Infrastructure |
| Project | Jean Marie River Bridge Replacement Project |
| Location | Jean Marie River, NT |
| Activity | Miscellaneous |
| Date of Decision | August 21, 2024 |

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On August 21, 2024, the Mackenzie Valley Land and Water Board (MVLWB or Board) met and considered the Application made by the Government of the Northwest Territories – Department of Infrastructure (GNWT-INF) (Applicant) to the Board on April 8, 2024 for Water Licence (Licence) MV2024L8-0004 for the use of water and the deposit of waste for the Jean Marie River Bridge Replacement Project (the Project) near the community of Jean Marie River, NT. After reviewing the Application and the evidence gathered during the regulatory proceeding, the Board has made the following decisions:

- 1) To issue Water Licence MV2024L8-0004 for a term of five years.
- 2) To require revisions to Version 1.0 of the Waste Management Plan Version 1.0 as required by Water Licence MV2024L8-0004. Government of the Northwest Territories – Department of Infrastructure is required to submit a revised submission (Version 1.1) in accordance with comments and commitments made during this review by October 25, 2024, for confirmation of conformity from Board staff.
 - a) To require revisions to Version 1.0 of the Spill Contingency Plan Version 1.0 as required by Water Licence MV2024L8-0004. Government of the Northwest Territories – Department of Infrastructure is required to submit a revised submission (Version 1.1) in accordance with comments and commitments made during this review by October 25, 2024, for confirmation of conformity from Board staff.
- 3) To require revisions to Version 1.0 of the Sediment and Erosion Control Plan Version 1.0 as required by Water Licence MV2024L8-0004. Government of the Northwest Territories – Department of Infrastructure is required to submit a revised submission (Version 1.1) in accordance with comments and commitments made during this review by October 25, 2024, for confirmation of conformity from Board.
- 4) To require revisions to Version 1.0 of the Engagement Plan Version 1.0 as required by Water Licence MV2024L8-0004 which includes an updated Engagement Log. Government of the Northwest Territories – Department of Infrastructure is required to submit a revised submission (Version 1.1) in accordance with comments and commitments made during this review by October 25, 2024, for confirmation of conformity from Board staff.
- 5) To approve Version 1.0 of the Closure and Reclamation Plan as submitted as part of the complete Application.

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

1.0 List of Defined Terms and Acronyms

| | |
|-------------|--|
| Applicant | Government of the Northwest Territories – Department of Infrastructure |
| Application | The complete application package submitted by the Applicant for Water Licence MV2023L8-0004. |
| Board | Mackenzie Valley Land and Water Board |
| GNWT | Government of the Northwest Territories |

| | |
|-----------------------------|--|
| GNWT-ECC | Government of the Northwest Territories – Environment and Climate Change |
| MVLWB | Mackenzie Valley Land and Water Board |
| MVRMA | Mackenzie Valley Resource Management Act |
| Minister | Minister of the Government of the Northwest Territories – Environment and Climate Change |
| ORS | Online Review System (www.new.onlinereviewssystem.ca) |
| Party | As per the LWB Rules of Procedure , an applicant, a person, or an organization participating in the regulatory proceeding for the Application. |
| Project | Fort Liard Ferry Maintenance, which is the proposed development (as defined in Part 5 of the MVRMA). ¹ |
| Review Board | Mackenzie Valley Environmental Impact Review Board |
| Standard Licence Conditions | LWB Standard Water Licence Conditions Template |

2.0 Summary of Application

On April 8, 2024, the Applicant submitted application for a new Licence MV2024L8-0004 (the Application).² The Project involves the replacement of the existing Jean Marie River Bridge with a new single span bridge. Activities involved in replacing the existing bridge include:

- Construction of a temporary detour bridge;
- Demolition, disposal and reclamation of the existing bridge; and
- Construction of the new single span bridge.

Construction of a detour bridge entails:

- Use of machinery for site clearing and preparation, grading, and earth movement;
- Construct approaches for the detour bridge;
- Preparing foundations out of stream;
- Installing prefabricated bridge;
- Dismantlement and disposal of detour bridge after installation of the permanent bridge; and
- Construction of the detour bridge may start in 2024 and it could be exposed to spring freshet condition. Contract specifications will require the contractor to protect the bridge and approaches.

Demolition of existing bridge entails:

- Installation of catchment system (to prevent debris falling into the river);
- Use of machinery to dismantle the existing bridge;
- Removal of bridge deck;
- Removal of trusses and remaining bridge superstructure;
- Removal of bridge abutment or foundation;

¹ “development” is defined in Part 5 of the [MVRMA](#) as:
“any undertaking, or any part or extension of an undertaking, that is carried out on land or water and includes an acquisition of lands pursuant to the *Historic Sites and Monuments Act* and measures carried out by a department or agency of government leading to the establishment of a park subject to the *Canada National Parks Act* or the establishment of a park under a territorial law.”

² See MVLWB Online Registry www.mvlwb.com for GNWT-INF – Jean Maire River Bridge – [Licence Application – Apr8 24](#).

- Cutting the existing piles to one meter below the grade;
- Cutting of bridge structure into smaller pieces for disposal;
- Disposal of existing bridge and support structures; and
- Contract specifications will require the contractor to put erosion control measures and check turbidity of water.

Construction of new single span bridge:

- Use of machinery for site clearing and preparation- grading, earth movement, and removal of the existing slope protection riprap;
- Driving piles for the foundations;
- Construction of abutments above the high-water mark using precast components and grouting the connections on site on either side of the Jean Marie River;
- Bridge installation;
- Transportation and installation of steel girders;
- Transportation and installation of precast deck panels and grouting for connections;
- Installation of bridge rail and guard rail;
- Abutment backfills and compaction;
- Bringing fill and grading of approach roads and access to the river and adjacent properties;
- Installing riprap for slope protection and scour and erosion control at the abutments. Riprap will extend below the highwater mark;
- Road surfacing; and
- Clean up and reclamation.

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

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

3.0 Main Issues Raised During the Regulatory Proceeding

These Reasons for Decision focus primarily on the following key issues raised during the regulatory proceeding. Issues that were resolved by Parties to the Board's satisfaction during the proceeding are not addressed in detail in these Reasons.

4.0 Regulatory Process

On April 8, 2024, the Applicant submitted the Application, which was deemed incomplete on April 15, 2024.³ On May 21, 2024, additional information was received and the Application was subsequently deemed complete and circulated to the Distribution List for public review on the Online Review System

³ See MVLWB Online Registry for GNWT-INF – Jean Marie River Bridge – [Licence Application Incomplete – Apr15 24](#).

(ORS).⁴ Public notice of the Application was published in *News North* during the week of June 3, 2024 to fulfill paragraphs 43(1)(a) of the [Waters Act](#).⁵

As part of the public review, Board staff requested comments and recommendations to assist with the Board's preliminary screening determination.

By June 24, 2024, the Board received comments and recommendations regarding the Application from the following Parties: Łíídlıı Kúęę First Nation, GNWT-ECE – Prince of Wales Northern Heritage Centre, GNWT-ECC, Transport Canada, and Fisheries and Oceans Canada. On July 4, 2024, the Applicant responded to the Parties' comments and recommendations.⁶

On July 12, 2024, Board staff also circulated a draft Licence for review after received comments on the Application to allow all Parties the opportunity to comment on the specific wording of the draft conditions. By July 26, 2024, the Board received comments and recommendations on the draft conditions from the following Parties: Łíídlıı Kúęę First Nation, GNWT-ECC, and Fisheries and Oceans Canada. On August 1, 2024, the Applicant responded to the Parties' comments and recommendations.⁷

On August 21, 2024, the Board met and made its preliminary screening determination for the Project.⁸

On August 21, 2024, the Board met to make decisions regarding the Application. These decisions and related reasons are described in sections [5.0](#) and [6.0](#) below.

5.0 Legislative Requirements Related to Licence Issuance

This Project is subject to the [MVRMA](#), the [Waters Act](#), and the [Waters Regulations](#) with respect to licensing, because it is located outside of federal areas.

As per the [Waters Regulations](#), the proposed use of water, and the deposit of waste for this Project require a licence. The required authorization is within the Board's jurisdiction as per section 26 of the Water Act. In conducting its regulatory process for the Application (as described in sections [3.0](#) and [4.0](#) above), the Board has ensured that section 62 of the [MVRMA](#) and all applicable legislative requirements have been satisfied as outlined in the subsections below. The Board has considered the people and users of the land and water in the Mackenzie Valley, and any Traditional Knowledge and scientific information that was made available to the Board during the regulatory proceeding, as per section 60.1 of the [MVRMA](#). The consideration of information provided to the Board is discussed in detail below and in sections [6.0](#).

⁴ See MVLWB Online Review System for GNWT-INF – Jean Maire River Bridge – [New Type B Water Licence – May21 24](#).

⁵ See MVLWB Online Registry for GNWT-INF – Jean Maire River Bridge – [Notice of Application – June3 24](#).

⁶ See MVLWB Online Review System for GNWT-INF – Jean Maire River Bridge – [New Licence – July 4 24](#).

⁷ See MVLWB Online Review System for GNWT-INF – Jean Maire River Bridge – [Draft Water Licence – Aug 1 24](#).

⁸ See MVLWB Online Registry for GNWT-INF – Jean Maire River Bridge – [Preliminary Screening Determination and RFD – August 24 24](#).

5.1 Consultation, Engagement, and Public Notice

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

The Board's requirements for engagement are set out in the LWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#).⁹ The Policy and Guidelines were developed to ensure that the Board's obligations for achieving meaningful consultation (as set out by land claims and applicable legislation) with all affected parties, including Indigenous groups in the Mackenzie Valley, are met and engagement and consultation results clearly articulated. Engagement commenced February 2023 and concluded February 6, 2024. In accordance with the Policy and Guidelines, the Applicant's engagement efforts and proposed procedures are detailed in the Engagement Record and Plan (Version 1.0), respectively,¹⁰ submitted with the Application. The Board has approved, with revisions required, the Applicant's Engagement Plan (Version 1.0), and the Board's reasons for this decision are described below in [section 6.3](#). Following issuance, the Applicant must continue engagement efforts as outlined in the Engagement Plan, once approved, and as required in the Licence.

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

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

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

¹⁰ See MVLWB Online Registry for GNWT-INF – Jean Maire River Bridge – [Engagement Plan V1.0 – May21 24](#) and GNWT-INF – Jean Marie River Bridge – [Engagement Record V1.0 – Apr8 24](#).

¹¹ To access the Distribution List, see the LWBs' Online Review System for GNWT-INF – [Fort Liard Ferry Landing Maintenance – Type B Water Licence – May29 24](#).

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

In accordance with the Minister of Indian Affairs and Northern Development's 2004 [Policy Direction regarding the Deh Cho First Nations Interim Measures Agreement](#),¹³ the Dehcho First Nation was notified of the Application through the ORS distribution. The Dehcho First Nation member nations, Łı́ı́dlı́ Kúé First Nation, participated in the proceeding, the Board considered the information and recommendations provided by these Parties. More detailed information about how this evidence was specifically considered is set out in sections [6.0](#).

5.2 Land Use Plan Conformity

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

No approved Land Use Plans apply in the Project area.

5.3 Water Use Fees

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

5.4 Existing Licences

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

5.5 Compensation to Existing Water Users

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

The Board received no claims for compensation either during the time period established in the Notice of Application, or during the remainder of the proceeding. Provided the Applicant complies with the Licence

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

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

conditions, the Board is satisfied there are no water users or persons listed in paragraph 26(5)(b) of the [Waters Act](#) who will be adversely affected by the proposed deposit of waste.

5.6 Water Quality Standards

With regards to subparagraph 26(5)(c)(i) of the [Waters Act](#), no water quality standards have been prescribed in the [Waters Regulations](#); however, the LWB [Waste and Wastewater Management Policy](#) applies to the Licence, and the primary objective of the Policy is “protection of water quality in the receiving environment.”¹⁴ The Board is satisfied that the conditions set out in the Licence are consistent with the Policy and compliance with these conditions will ensure that waste will be managed and disposed of in a manner that will be protective of water quality in the receiving environment. These conditions and detailed rationale are described in [section 6.7](#) (Licence).

5.7 Effluent Quality Standards

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

5.8 Financial Responsibility

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

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

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

5.9 Minimization of Adverse Effects

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

Regardless, as noted above in sections 5.9 and 5.10, and as detailed in [section 6](#), the Board has set conditions in the Licence to regulate waste management for the purpose of protecting the receiving

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

environment. Additionally, as described in [section 6.5](#), based on the evidence, the Board has set conditions regarding the use of water for the Project, including limitations on the sources and volumes of water the Licensee can use. It is the opinion of the Board that compliance with the Licence conditions that have been set to protect the water sources and the receiving environment will also minimize any potential adverse effects on other water and land users in the Project area.

5.10 Time Limit

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

5.11 Environmental Review (Part 5 of the MVRMA)

5.11.1 Preliminary Screening

On August 21, 2024, the Board met and decided not to refer the project to Environmental Assessment.¹⁵ The Board is satisfied that the requirements of Part 5 of the [MVRMA](#) have been met for the Project.

6.0 Decision – Water Licence MV2024L8-0004

Having due regard to the facts, circumstances, and the merits of the submissions made to it, and to the purpose, and provisions of the [MVRMA](#) and the [Waters Act](#), the Board has determined that Licence MV2024L8-0004 should be issued, subject to the scope, defined terms, conditions, and term contained therein. The Board’s determinations and reasons for this decision are set out below.

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

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

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

- Clearly part of LWBs’ authority;

¹⁵ See MVLWB Online Registry for GNWT-INF – Jean Maire River Bridge – [Preliminary Screening Determination and RFD – August 24 24](#).

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

- Has a clear purpose and rationale;
- Is practical and enforceable; and
- Does not conflict with existing legislation (i.e., is not less stringent).

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

6.1 Term of Licence

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

6.2 Part A: Scope and Defined Terms

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

6.2.1 Scope

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

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

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

6.2.2 Defined Terms

The Board defined certain terms in the Licence to ensure a common understanding of the conditions, to avoid future differences in interpretation of the Licence, to reflect Project-specific evidence, and to

support consistency across licences and permits issued by the LWBs. For the most part, the Board selected applicable defined terms relevant to the Project from the Standard Licence Conditions.

6.3 Part B: General Conditions and Schedules 1

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

Part B: UPDATES TO SCHEDULES AND COMPLIANCE DATES

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

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

Part B: ANNUAL WATER LICENCE REPORT and Schedule 1

The requirements for the Annual Water Licence Report are outlined in Condition 18 (ANNUAL WATER LICENCE REPORT), and Schedule 1, Condition 1. The purpose of the Annual Water Licence Report is to provide the Board and all interested parties the opportunity to be annually updated on Project components and activities and compliance with Licence conditions, and to provide a platform for interested parties to submit comments, observations, feedback, and questions as necessary. The Report is also an important tool for evaluating the effectiveness of the Licence conditions.

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

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

Part B: ENGAGEMENT PLAN – REVISED

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

An Engagement Record and Engagement Plan were included in the Application. GNWT-INF noted they engaged with the following Parties:

- Ttheke'ehdele First Nation;
- Łíídlı́ Kúé First Nation;
- Nahanni Butte Dene Band;
- Dehcho First Nation;
- Fort Simpson Métis Local; and
- Village of Fort Simpson.

Engagement took place at various times between 2023 and 2024.

- February 13 – 27, 2023.
- March 28 - 29 2023.
 - Pubic Meetings were held in both Jean Marie River and Fort Simpson.
- December 15 – 18, 2023.
- February 6, 2024.

In response to the comments received from LKFN, GNWT-INF stated that “There are no in-water activities associated with this project. The GNWT will enter into a contract for the construction of the project with a contractor via the GNWT’s Contract Events Opportunities webpage. The successful contractor will be required to conduct the work in accordance with the various environmental and regulatory frameworks.”

While the Board understands LKFN’s frustration about procurement opportunities, the implementation of the GNWT’s processes for tendering, procurement, and contracts rests solely with the GNWT. These issues can only be addressed though continued engagement between LKFN and GNWT-INF.

The Board notes that the GNWT Principles for Government Procurement, as specified in the [Report on the Review of GNWT Procurement Policies and Practices, July 2023](#), describe the principles the GNWT has accepted to inform its future procedures. Principles 3 and 4 state that the GNWT will "enhance opportunities for all NWT Indigenous businesses, including ensuring equitable access to government procurement opportunities by all NWT Indigenous businesses through fair and transparent practices;" and "generate opportunities and maximize employment and capacity development to provide immediate and long-term benefits for NWT residents and NWT businesses." The GNWT-INF should make every effort to follow its own stated principles of procurement for this Project.

¹⁷ See MVLWB Online Registry for GNWT-INF – Jean Maire River Bridge – [Engagement Plan V1.0 – May21 24](#) and GNWT-INF – Jean Marie River Bridge – [Engagement Record V1.0 – Apr8 24](#).

The Board requires that the Licensee revise the Engagement Plan and Engagement Log and submit Version 1.1, by October 25, 2024, to reflect updates as agreed to during the regulatory proceeding, to reflect the Project activities, to meet the applicable guidelines.

6.4 Part C: Conditions Applying to Security Requirements

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

6.5 Part D: Conditions Applying to Water Use

Part D of the Licence contains conditions related to water use for the Project. These are consistent with the Standard Licence Conditions.

The authorized water sources are listed in Condition 1 (WATER SOURCE AND MAXIMUM VOLUME). The maximum quantity of water that can be withdrawn from all sources combined is 99m³/day.

6.6 Part E: Conditions Applying to Construction

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

6.7 Part F: Conditions Applying to Waste and Water Management

Part F of the Licence contain conditions applying to Waste and Water management activities for the Project. These are consistent with the Standard Licence Conditions.

Part F: WASTE MANAGEMENT PLAN – REVISED

All applicants must submit detailed waste management information, identifying all types of waste that will be produced by the project (including quantity and quality) and describing the disposal methods that are proposed for each type of waste. For most applicants, this will be in the form of a Waste Management Plan, developed in accordance with the LWB [Guidelines for Developing a Waste Management Plan](#),¹⁸ and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board. The Guidelines can be applied to a wide range of projects and are intended to ensure that all waste management activities are carried out in a way that is consistent with best practices and applicable guidelines to minimize waste released from a project.

¹⁸ See MVLWB Policies and Guidelines webpage to access the LWB [Guidelines for Developing a Waste Management Plan](#).

The Licensee included a Waste Management Plan in the Application.¹⁹ The Board considered this Waste Management Plan as part of the Application Package.

The Board requires that the Licensee revise the Waste Management Plan and submit Version 1.1, by October 25, 2024, to reflect updates as agreed to during the regulatory proceeding, to reflect the Project activities, to meet the applicable guidelines.

The Waste Management Plan will be considered approved when the Licensee receives written confirmation of conformity from Board staff. A public review will typically not be required to confirm conformity; however, if the revised Waste Management Plan includes additional information beyond what has been requested above, a public review may be required before it can be considered by the Board.

Part F: SEDIMENT AND EROSION CONTROL PLAN

The Licensee included a Sediment and Erosion Control Plan in the Application.²⁰ The Board considered this Sediment and Erosion Control Plan as part of the Application Package.

The Board requires that the Licensee revise the Sediment and Erosion Control Plan and submit Version 1.1, by October 25, 2024, to reflect updates as agreed to during the regulatory proceeding, to reflect the Project activities, to meet the applicable guidelines.

The Sediment and Erosion Control Plan will be considered approved when the Licensee receives written confirmation of conformity from Board staff. A public review will typically not be required to confirm conformity; however, if the revised Sediment and Erosion Control Plan includes additional information beyond what has been requested above, a public review may be required before it can be considered by the Board.

6.8 Part G: Conditions Applying to Aquatic Effects Monitoring Program

Not applicable.

6.9 Part H: Conditions Applying to Contingency Planning

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

¹⁹ See MVLWB Online Registry for GNWT-INF – Jean Marie River Bridge – [Waste Management Plan V1.0 – Apr8 24](#).

²⁰ See MVLWB Online Registry for GNWT-INF – Jean Marie River Bridge [Sediment and Erosion Control Plan V1.0 – Apr8 24](#).

Part H: SPILL CONTINGENCY PLAN – REVISED

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

The Licensee included a Spill Contingency Plan in the Application.²² The Board considered this Spill Contingency Plan as part of the Application Package.

The Board requires that the Licensee revise the Spill Contingency Plan and submit Version 1.1, by October 25, 2024, to reflect updates as agreed to during the regulatory proceeding, to reflect the Project activities.

The Spill Contingency Plan will be considered approved when the Licensee receives written confirmation of conformity from Board staff. A public review will typically not be required to confirm conformity; however, if the revised Spill Contingency Plan includes additional information beyond what has been requested above, a public review may be required before it can be considered by the Board.

6.10 Part I: Conditions Applying to Closure and Reclamation

Part I of the Licence contain a condition applying to closure and reclamation, including progressive reclamation of the Project.

Due to the small scale of the Project, in lieu of submitting a stand-alone Closure and Reclamation Plan, the Permittee described the proposed closure and reclamation activities in the Application form. In this case, the Board considered this information equivalent to a Closure and Reclamation Plan, and the Board's decision on the Closure and Reclamation Plan is set out below.

The Board has approved the Closure and Reclamation Plan, as described in the Application because it is appropriate for the Project activities.

6.11 Attachment A: Concordance Table of Submissions

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

6.12 Attachment B: Revision History Table

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

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

²² See MVLWB Online Registry for GNWT-INF – Jean Marie River Bridge – [Spill Contingency Plan V1.0 – Apr8 24](#).

7.0 Conclusion

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

Water Licence MV2024L8-0004 contains provisions that the Board deems necessary to ensure and monitor compliance with the MVRMA, *Waters Act*, and the Regulations made thereunder, and to provide appropriate safeguards in respect of Government of the Northwest Territories – Department of Infrastructure’s use of the water as authorized by the Licence.

SIGNATURE



Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

September 6, 2024

Date