

Land and Water Boards of the Mackenzie Valley
DRAFT Standard Water Licence Conditions:
Responses to Review Comments and Recommendations (April 2020)

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Notes on the Organization of this Document

#	Condition	Condition Name	Rationale	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<p>Final condition with any significant changes identified.</p> <ul style="list-style-type: none">- For changes that were proposed prior to the public review, new and revised wording is set out in red text, and a black line is drawn through deleted or replaced text.- For changes that were made following the public review, new and revised wording is set out in blue text, and a blue line is drawn through deleted or replaced text. <p>Green highlighting is used to identify any areas where staff will need to fill in or choose text to customize the condition when preparing a draft licence.</p>	<p>An identity tag for the condition for quick reference.</p>	<p>A description of the purpose of the restrictions, limitations, or requirements imposed by the condition.</p> <p>For changes made following the public review, new and revised wording is set out in blue text, and a blue line is drawn through deleted or replaced text.</p>	<p>Review comments and recommendations are compiled in these two columns next to the applicable condition(s). A short form of the reviewer name and colour coding are used to identify the reviewer.</p> <p>Note that the condition numbering referenced in the review comments may not match the condition numbering in the document due to revisions to the conditions since the public review.</p>		<p>Responses to reviewer recommendations are aligned with the relevant comment, where applicable. Revisions that are not associated with specific reviewer recommendations are explained separately.</p>

Reponses to Common Topics Identified During the Public Review

Reponses to Common Topics Identified During the Public Review	
The LWBs appreciate the comments and recommendations provided by all parties regarding the draft Standard Water Licence Conditions. Several topics were identified in a number of the review comments provided, and these common topics are addressed below.	
Topic	Response
Applicability of Conditions	<p>The Standard Conditions include conditions that will apply to the full range of types and sizes of projects. Not all conditions will be included in every licence. Where possible, the rationale component of the Standard Conditions provides information about when a particular condition might be included; however, it is not practical or appropriate to strictly define which conditions will be used for each type or size of project. Additionally, although the rationale may generally refer to small or large projects, there are no legislated definitions, thresholds, or criteria distinguishing small and large projects, and it is not the LWBs’ intent to create a formal distinction or threshold between small and large projects.</p> <p>In developing the licence conditions for each project, the Board will always consider the project details and the evidence gathered during the regulatory process. During renewals and amendments, the Board will also consider the conditions set out in the existing licence. In these cases, the Board will usually update the format and wording of the conditions to match the Standard Conditions; however, the Board will consider the evidence gathered during the renewal/amendment process when determining whether the specific requirements and limitations set out in the existing licence conditions should be changed, added to, or removed. During the regulatory process for new licences, amendments, and renewals, parties are often provided the opportunity to submit comments and recommendations on a draft licence prior to the Board’s decision.</p> <p>Ultimately, issuance of a water licence is always accompanied by the Board’s Reasons for Decision, which describe the Board’s rationale for the requirements and limitations set out in the licence.</p>
Timelines	<p>The 90-day submission timeline is typically set out in these Standard Conditions because it allows adequate time for the Boards’ standard public review and decision process, which must account for both procedural fairness and the duty to consult. In developing the licence conditions for each project, the Board will always consider the evidence gathered during the regulatory process, which often includes a public review of a draft licence. All parties are welcome to make project-specific recommendations for conditions or timelines during the regulatory process. Additionally, licensees can submit requests to change submission dates if necessary following licence issuance, and can always provide information regarding timelines and logistical considerations when submitting documents for Board decision.</p>
Administrative Monetary Penalties (AMPs)	<p>At present, AMPs are being developed under the <i>Mackenzie Valley Resource Management Act</i> (MVRMA) and will only apply to certain provisions of the MVRMA, the Mackenzie Valley Land Use Regulations, and the Mackenzie Valley Federal Areas Waters Regulations. In other words, they will apply to licences in federal areas and to permits in federal and non-federal areas, and not to licences in non-federal areas. It is unclear whether the GNWT will develop a similar framework; however, comments and recommendations regarding AMPs will be forwarded to both CIRNAC and the GNWT.</p>
Schedules	<p>Standard Water Licence Schedules are included for the Annual Water Licence Report, the Aquatic Effects Monitoring Program Annual Report, and some of the required closure and reclamation submissions. Standard Schedules have not yet been developed for other submissions. Once drafts of these additional Schedules have been prepared, they will be provided for public review. In the interim, applicants are encouraged to use the public registry to look at recently-issued licences for similar projects.</p>
Progressive Reclamation	<p>Progressive reclamation is an important part of the closure and reclamation process, but progressive reclamation activities should be reviewed and approved prior to being implemented. Recognizing that the overall Closure and Reclamation Plan (CRP) for a project can undergo many iterations before being finalized, the LWBs require a process for obtaining the detailed</p>

	<p>information needed to consider and approve progressive reclamation until a final CRP is in place. Several of the additions and revisions to Part J: Closure and Reclamation reflect the need to establish such a process and to provide options that accommodate various circumstances.</p> <p>The options for obtaining approval for progressive reclamation include:</p> <ul style="list-style-type: none">• Through an interim or final overall CRP, noting this may come in the form of approval of the CRP in its entirety, or in the form of approval of specific sections of the CRP addressing progressive reclamation activities; or• Through a Component-Specific CRP. <p>For small projects, progressive reclamation will usually be approved either through the CRP; or, if there is no approved CRP in place, or there is no stand-alone CRP, the licensee can request approval from the Board to carry out planned progressive reclamation activities. For municipal licences, progressive reclamation will be approved through Operations and Maintenance Manuals, and Component-Specific CRPs.</p> <p>Minor or more general progressive reclamation activities will generally be considered and approved through the overall CRP. The need for Component-Specific CRPs for some or all major components of a project will depend on the development and finalization process for the overall CRP, which varies considerably between projects. In its issuance decision, or its decisions on the overall CRP (initial and subsequent revisions), the Board will provide direction on what components require a Component-Specific CRP as appropriate. This direction may change with subsequent revisions of the overall CRP, depending on project timelines and the progression of the overall CRP. If the level of detail provided in the overall CRP is adequate, and the overall CRP is approved, Component-Specific CRPs would not be required. Note that all Component-Specific CRPs will undergo a standard public review and decision process and may not be approved if significant concerns are raised and cannot be addressed.</p> <p>The final closure criteria for the project do not need to be approved prior to commencing progressive reclamation; however, in making a decision regarding progressive reclamation activities, the Board will consider proposed closure criteria and any associated evidence available on the public record. If progressive reclamation is approved and completed prior to approval of a final overall CRP for the project, the licensee must remain aware that the final closure criteria for the site may be different than what is proposed at the progressive reclamation stage. The Board acknowledges that there is, therefore, some level of risk involved in proceeding with progressive reclamation prior to approval of final closure criteria and that this risk may affect the amount of security returned following completed progressive reclamation.</p>
Water Licence Closure/Security Refund Process	There is no legislated process for closing water licences. Relinquishment requirements are summarized in the MVLWB/AANDC Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories , and the LWBs are continuing to work on clarifying the processes for closing water licences and returning security.
Traditional Knowledge Conditions and Expectations	The LWBs are currently exploring how to provide guidance on traditional knowledge requirements and expectations for applicants and licensees/permittees.

General/Overall Comments – Public Review			
Topic	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	DBCI – GK:De Beers would like to thank MVLWB for the opportunity to provide review and comments on the draft water licence conditions.	N/A	-
	Avalon: Thank you for this opportunity to comment. We anticipate a second opportunity will be forthcoming when the Schedules and Annexes are available. Note that the term "proponent" has sometimes been substituted for "licensee"		Please see the Reponses to Common Topics Identified During the Public Review.
	Avalon: A number of important Schedules and Annexes were not include, so a comprehensive review is NOT possible	Please provide all Schedules and Annexes for comment prior to proceeding with these conditions in a futue round or review.	Please see the Reponses to Common Topics Identified During the Public Review.
	Dominion: Dominion would like to thank the MVLWB for putting these Draft Standard WL Conditions (Draft Conditions) together and allowing for there to be a review. Dominion encourages the MVLWB to continue to seek input during the further development and refinement of these Draft Conditions. In general, many of the conditions propose timelines that do not account for the need of operational flexibility and may not be achievable for some types and scales of projects. Within the business context decisions may need to be made quickly so as to provide for the continued successful development or operation of the project/business; this is both in the economic and environmental context. For example, it is not always possible to provide submissions as far in advance as 90 days prior for approval or to wait that length of time for something to become approved by the Board. This might be due to new information being collected, the short monitoring and construction seasons, and 90 days resulting in a stoppage of work. There needs to be more of an understanding from the Boards (and the regulatory system in general) that timely, responsive, achievable, reasonable processes and decisions are needed in order to facilitate continued economic and resource development in the North. It can start with these Draft Standard WL conditions; by building flexibility into the conditions that can help all of the parties involved conduct their respective business or processes efficiently and effectively.	None	-
	SRRB: The SRRB has reviewed the proposed Standard Water Licence Conditions and have no comments on the proposed	None.	-

General/Overall Comments – Public Review			
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	changes. The SRRB will continue to provide comments on the water licence conditions during the permitting process on relevant individual projects in the Sahtú.		
		The GRRB thinks it is good to be providing a template for generating standardized water licences. This will streamline GRRB's ability to provide useful comments on water licence applications as part of the public review process.	-
	INAC – CARD: CARD appreciates the opportunity to review and provide input into the standard licence conditions proposed by the MVLWB. It is also very helpful to have the rationale clearly laid out so everyone can better understand what drives the various standard conditions. This helps with understanding intention if there is any discrepancy in future interpretation of conditions.	CARD would encourage the Boards to continue to engage on such initiatives and including the rationale for proposed standards.	-
	INAC – GMRP: The GMRP thanks the MVLWB for the opportunity to review the standard water licence conditions.	None	-
	City of YK: The City of Yellowknife is supportive of the standardization of water licence conditions as this ensures consistency in licences being issued.	N/A	-
Applicability	DBCI -GK: It is unclear if the new conditions will apply to new water licence or to amended/renewed water licence. When a water licence is due for renewal, existing facilities and operations of the facilities would have been well established under the previous approval. It will be difficult to adopt a number of proposed new conditions in this document for existing facilities and well-established operation procedures. The implementation scope of those new conditions and requirements should be clarified to reduce uncertainty at the time of the licence amendment and renewal.	At the time of water licence renewal or amendment, the new requirements in red should not be applied to the existing facilities.	Please see the Reponses to Common Topics Identified During the Public Review.
Applicability	KBL: The draft license conditions are mostly related to Mining and Milling Operations, but then also tries to capture Municipal, Waste, and Remediation operations. It is unclear when conditions would apply to which type of operation and the rationale as to why it would apply.	Provide more clarity to the scope of application of standard conditions for types of operations or develop standard conditions based on type of operation.	Please see the Reponses to Common Topics Identified During the Public Review.
Applicability	KBL: It is unclear in the standard conditions when the requirements would apply to smaller projects (Type B licenses). While assumptions could be made, it would be less	Provide more clarity to what standard conditions would apply to Type B licenses vs. Type A licenses.	Please see the Reponses to Common Topics Identified During the Public Review.

General/Overall Comments – Public Review			
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	confusing if there was more clarity provided as to when plans, or standard conditions would be applied to Type B licenses.		
Applicability	Avalon: The license reflects the requirement of large mining operations that have significant potential to leach metals or ions with potential to impact the environment. Monitoring and reporting requirements identified here are excessive for small scale mines and will drive them out of the NWT.	Consider the development of a "Water License Light" that recognizes small scale mines and/or operations that only operate for part of the year and/or produce metals or wastes that are much more benign and/or have miniscule water requirements etc. Such mines exist but are not in the experience of the NWT. This water license as designed will cost likely in excess of \$2 million/year to operate. Small scale mines, especially those in the important smaller markets that provide metals and minerals for the green technology industry frequently cannot carry this kind of burden. If the NWT want to get into these small markets, it must identify license criteria that represent the level of risk. Encourage the development of small low impact mines in this important market area with appropriate levels of oversight and cost. (For example, annual international lithium production is equivalent to approximately 15 minutes of iron ore production. are small footprint, low energy, low water and do not produce AMD (No S in the ore). This is the kind of mine you want to encourage, not discourage with exorbitant license requirements.)	Please see the Reponses to Common Topics Identified During the Public Review.
Applicability	INAC – Inspectors: The Inspector recommends that the LWB explain and inform Licensee's that some of these conditions are not intended to be added to all water licences as there have been concerns sent to the Inspector by Licensee's on the excessiveness of some of these conditions as they relate to their project.	Provide the above recommend information to help the Licensee's understand what the intention of this review is.	Please see the Reponses to Common Topics Identified During the Public Review.
Applicability	INAC – YK: It is clear that the conditions are not going to be used for all projects, but details are limited.	It would be beneficial to have more details on what types of project the conditions would be applied to. One way to do this could be adding columns for various project types and having a yes, no, case-by-case or criteria that would trigger the condition.	Please see the Reponses to Common Topics Identified During the Public Review.
Applicability	INAC – YK: Some of the conditions, as worded, seem appropriate for long term, full scale mining projects, but could prove difficult to meet for proponents of smaller projects such as exploration projects and remediation projects.	Clarification on when conditions would apply would be beneficial. For example, Part E - 21, 22, Part G - 10, Part J - 3, 6.	Please see the Reponses to Common Topics Identified During the Public Review.
Applicability	INAC – CARD: The draft licence conditions overall seem to mostly relate specifically to Mining and Milling Operations, but	Clarify scope of application of standard conditions- types of operations OR alternatively develop standard conditions per	Please see the Reponses to Common Topics Identified During the Public Review.

General/Overall Comments – Public Review			
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	there are also references to Remediation operations and Municipal Operations, but it is not clear which conditions would apply to which type of operation and why (or why not). It should be clearly stated which conditions apply when. Without this clarity, the proponent cannot plan or budget their regulatory obligations with any level of certainty. Some publicly funded remediation projects only have confirmed budget within defined timelines, and therefore unexpected regulatory delays could jeopardize entire projects.	type of operation (Municipal, Misc., etc.) so that it is clear which conditions would apply per project type.	
Applicability	INAC – CARD: There seems to be an assumption of overall scale of operation that requires extensive plans and submissions, many of which are likely only relevant to Type A Water Licences. It should be clearly stated the scale of operation that would trigger these "standard" conditions. Without this clarity, the proponent cannot plan or budget their regulatory obligations with any level of certainty. Some publicly funded remediation projects only have confirmed budget within defined timelines, and therefore unexpected regulatory delays could jeopardize entire projects.	Clarify scale of operation for which these standard conditions apply - Type A vs Type B licences.	Please see the Reponses to Common Topics Identified During the Public Review.
Applicability	INAC – CARD: There seems to be several exemptions to standard conditions for municipal water licences that are not extended to other licences intended to provide a public service, such as remediation projects. For example, landfills or other municipal facilities also have a lifespan that needs to be considered for eventual closure. Incorporating TK and planning for eventual licence closure are elements to which any licensee should be held to the same standard.	Ensure consistency in applicability of requirements across different licence holders, or create general standard conditions per schedule for greater clarity.	The exemptions set out for municipal licences are not related to providing a public service, but are generally a recognition of limited capacity in most small northern communities. Note that municipalities are not exempt from closure planning; municipalities initially provide this information through the Operations and Maintenance Manuals rather than through a separate CRP, and then provide more detailed information through Component-Specific CRPs. Engagement requirements for municipalities will be considered in the next revision of the Engagement Guidelines.
Guidelines	INAC – CARD: A number of times within the rationale of a condition, there is reference to "requirements" of various "guidelines". If they are guidelines, then they are not requirements but instead recommendations or best practices. (For example, the rationale for condition 19 regarding the Engagement Plan states this reflects the requirements of the Engagement Guidelines...)	Reconsider the appropriateness of using guidelines as standards. Therefore, suggest rewording "requirements" within the document and only use where they are requirements. Suggest revision of "shall" to "should" when referencing use of	This language is intended to clearly reflect the LWBs' expectations regarding the application of guidelines. Guidelines that have been developed or adopted by the LWBs set out the best practices and approaches to land and water management that are acceptable to the LWBs. If a licence condition directs the licensee to apply specific guidelines, then the licensee is required to do so in order to comply with the licence.

General/Overall Comments – Public Review			
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	There are also licence conditions that state a plan "shall" be in accordance with a specific guideline. In using that terminology, the guidelines are no longer guidelines but in fact requirements.	guidelines, understanding the need for variance due to site-specific considerations.	
Management Plans	Avalon: The inclusion of the broad spectrum of Management Plans in the Draft Conditions makes these subject to legal enforcement by ENR and potentially others, which is no doubt the intent. Combined with the anticipation of Administrative Penalties that can potentially be assigned by relatively low level bureaucrats and without a due diligence defence, creates an unintentional negative impact to environmental protection and an extremely adversarial condition between proponents and regulators when developing these plans. The following scenario is an example of an untenable position that mining companies are put in. Monitoring of a number of upstream inputs into a tailing management area for example, is an excellent way to catch upset conditions early and prevent non-compliance at final discharge points. However, for any of a dozen or more reasons, upstream samples could be lost. This could lead to an administrative penalty that can have serious personal and company reputational impacts and material negative effects (to stock price for example), while the company remains fully compliant with final effluent discharge limits. (I.e. nothing wrong upstream, just did not get a sample). I.e. It is a disincentive to upstream monitoring and companies will argue that only final effluent limits can be put into management plans. While both proponents and regulators agree that upstream samples are important, mining companies cannot accept the situation described above. It thus creates an adversarial situation, when working together to develop management plans and protect the environment should be the objective.	A number of options exist to correct this concern. Management plans must be modified to have required actions and semi-voluntary or precautionary actions that are not subject to administrative penalties. Final effluent limits for example are already put into water licenses. Alternately, remove management plans from the license, or have management plans as "best efforts" or allow a due diligence defence for non-compliance monitoring. Or remove them from the licenses. I suspect that there are other options. Failure to modify this puts mining companies in the position of having administrative penalties while being fully in compliance with effluent conditions and not creating any environmental impacts. This is completely unacceptable! It is one more disincentive for investment in the mining industry in the NWT.	Please see the Responses to Common Topics Identified During the Public Review .
Management Plans	GNWT – Lands: There seems to be an increasing shift towards the use of Board approved management plans. To some extent this makes sense given that our northern environment requires flexibility in management approaches, however an unintended consequence of this is that it creates an expectation that these management plans will be enforced by regulated parties and	To reduce the burden on regulated parties, reviewers and inspectors resulting from the increased reliance on detailed management plans, the GNWT-Lands encourages the Board to continue to consider the use of outcome/performance-based conditions where appropriate, similar to what is contemplated for the Tailings Containment Facilities outlined in Part E,	The Standard Conditions include both performance-based conditions and requirements for detailed management plans, and in most cases, both types of conditions will be included in a licence. Although relying more heavily on performance-based conditions could provide more flexibility, it would also transfer more responsibility to Inspectors. Under the applicable

General/Overall Comments – Public Review			
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	the Board. This situation creates increased burden on inspector resources. In addition to verifying compliance with the terms and conditions of individual authorizations, inspectors must also keep track of and ensure these management plans are properly and effectively implemented on-site. This is an issue for inspectors as often times management plans tend to be all encompassing and contain prescriptive commitments which are not enforceable under the Mackenzie Valley Resource Management Act (MVRMA) or Waters Act (e.g. Air quality emissions associated with waste incineration specified in a Waste Management Plan).	condition#20. By using outcome/performance based conditions regulated parties can choose the methods to achieve the required outcome and compliance is measured through the establishment of performance measures and regular reporting. A key benefit of this approach is that regulated parties can focus on achieving outcomes rather than fulfilling prescribed behaviors. Similarly, inspectors can rely on performance data to verify compliance rather than ensuring the multitude of prescriptive commitments described in various management plans are being met on-site.	legislation, the LWBs have limited ability to transfer their authority regarding water use and waste deposit to the Inspectors. Additionally, given the variations and complexity of many projects, the Inspector may not have the level of expertise needed to provide direction and assess risk in many situations. Through the public review and decision process for management plans, various experts and affected parties can assist in determining what is acceptable. To improve flexibility in this approach, applicants and licensees are encouraged to include more contingencies in their plans, so that approved options are available to both the licensees and the Inspectors.
Management Plans	INAC – CARD: Several conditions refer to submission of revised plans to be submitted if not approved when the licence is issued (For example, Condition 20: Engagement Plan), but must be approved prior to any activities commencing. This effectively means the issuance of the licence gives you no authority to do work. Previously the conceptual or preliminary plans that were submitted with a licence application were allowed to be used until detailed ones were submitted and approved. For smaller projects on tight timelines, this could be problematic.	Clarify that conditional approvals of plans can be provided with minor revisions to follow, without the need for re-approval. This would allow work to be initiated without delay, outside of the scope related to the required revision. This would also apply to below water licence trigger elements of the work (under Land use permit or otherwise).	The Board’s decisions regarding any management plans that were submitted as part of the application package will always consider the evidence gathered during the regulatory process. The requirement to have an approved version of any given plan prior to commencing activities will be considered as part of this decision. Issuance of a water licence is always accompanied by the Board’s Reasons for Decision, which describe the Board’s rationale for the requirements and limitations set out in the licence.
Management Plans	INAC – CARD: Project plans often overlap, and therefore a change in one plan could have ripple effects in others. Consideration should be given to allowing plan changes through one approval process (at least for minor changes) - clarifying the overall change, and then outline impacts to various plans such as amendments, supplements or addendums rather than resubmitting all the extensive detailed plans for re-review and approval, which taxes reviewers and indigenous partners with unnecessary review processes.	Re-consider approach to approvals of revised plans to allow one single approval of a change across all impacted plans.	The public review and decision process for proposed changes that affect multiple submissions will be addressed in the MVLWB <i>Guide to the Water Licensing Process</i> , which is currently in draft form. This comment will be considered during further development of the Guide, but does not affect the Standard Conditions.
Climate Change Considerations	GRRB: As a more general comment, we suggest consideration of permafrost thaw and slumping as a problem to consider re: erosion and sedimentation control, when proponents are applying for longer-term water licences. The landscape stability and contours may change significantly over time during the duration of a 10- or 25-year water licence. We would like to see some way to indicate the risk of wastewater or sediment entering water bodies over time, as the landscape underneath		Climate change projections and considerations should be included at the planning and design stage, and also in any monitoring programs. This will be specified as appropriate in the Schedules for various submissions, which will be developed at a later date.

General/Overall Comments – Public Review			
Topic	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	proposed structures (like dams or settling ponds, or the natural course of a river) changes. Perhaps that is something that could be part of annual reports, when necessary?		Reporting on climate change observations and effects will be included in Annual Water Licence Report requirements on a case-by-case basis, rather than as a standard requirement.
Renewal	SLEMA: Water Licence Renewal processes are important, as they allow for the reassessment of license conditions, such as water quality criteria in the event that environmental performance of the development during operations does not meet the proponent's original predictions as laid out during the licensing process. Renewals also allow for incorporation of new technologies for water quality protection and new scientific understanding of how aquatic life responds to external stressors. Therefore Water Licences should not be granted for the entire duration of a project, from construction to closure, unless the project has a short life (under 10 years).	Recommendation 3: The Agency recommends instituting a standard 5-7 year Water Licence Renewal frequency for long term industrial projects (lasting more than 10 years).	This recommendation is noted, but it does not affect the Standard Conditions.
SNP	SLEMA: Dikes built within water bodies to support an industrial development (such as mining within a lake) should have regularly scheduled Surveillance Network Program (SNP) water monitoring in place in close proximity to the subaqueous heel of the dike. This SNP program would gauge whether any contaminants such as metals in the dike's building materials are leaching from the dike into the water body and if so, whether the contaminant loadings are enough to adversely impact the lake's water quality in such a way that aquatic life and/or human users would be affected.	Recommendation 10: The Agency recommends that dikes built within water bodies to support an industrial development (such as mining within a lake) should have SNP water monitoring in place in close proximity to the subaqueous heel of the dike. Water at these stations should be sampled on a regular schedule.	This recommendation is noted, but it does not affect the Standard Conditions at this time.

Part A: Scope and Defined Terms

Defined Terms¹:

Defined Terms	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<p>References to the application and/or specific figures have been removed throughout the definitions. Revisions or modifications can occur over the life of a licence, and these changes do not necessarily require amendments, but may occur through modifications and/or management/O&M plan revisions.</p> <p>References to all phases or life of the project have been removed throughout the definitions (except where the definition would apply only to a specific phase of the project). The definitions will apply throughout the term of the licence, which will apply to all licenced phases of a project.</p>	-	-	<p>Based on the overall comments on the defined terms, the following approach has been applied for all definitions that come from legislation or guidelines:</p> <ul style="list-style-type: none">- For definitions based in legislation, both the full definition and the legislative reference are included. This avoids needing to look up the definition, and also clarifies why the definition may not correlate to a common-use definition of the term. As per the standard condition LEGISLATION SUBJECT TO CHANGE, these definitions will be considered amended accordingly if there are changes to the applicable legislation.- For definitions based on guidelines, the full definition is written out.
		ECCC: When defining terms and referring to an external guideline, the guideline version should be specified (e.g., latest version or updated version).	N/A - comment provided for the MVLWB's benefit.	This is addressed in the general condition USE UP-TO-DATE REFERENCES.
Acid Rock Drainage – acidic Water, often with elevated sulphate concentrations, that occurs as a result of oxidation of sulphide minerals contained in rock or other materials that are exposed as a result of	If alkaline rock drainage is identified as a project-specific concern, will use the definition for Metal Leaching instead.	INAC – YK: The note refers to if alkaline rock drainage is identified, then the metal leaching conditions can be used.	Clarification as to what is meant by alkaline rock drainage would be useful.	Although metal leaching under acidic conditions is a common concern, metal leaching can occur under acidic, neutral, or alkaline conditions. The pH conditions under which metal leaching could occur at a particular project will need to be

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

Defined Terms	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
natural weathering processes, Construction, or Project activities.				determined during the regulatory phase, and the appropriate terms should be used in the licence conditions; however, a standard definition for alkaline rock drainage is not necessary.
Act – the [enter Mackenzie Valley Resource Management Act for federal area OR Waters Act for non-federal area].	Where needed, the licence will reference the MVRMA or the Waters Act directly. References to either of these Acts are not common in the licence, so there is little benefit to using a shortened defined term. This also eliminates potential confusion for split-interest areas.	-	-	-
Action Level – a predetermined qualitative or quantitative trigger which, if exceeded, requires the Licensee to take appropriate actions including, but not limited to: further investigations, changes to operations, or enhanced mitigation measures.	Revised to be consistent with the MVLWB/GNWT <i>Guidelines for Aquatic Effects Monitoring Programs</i> .	IEMA: Action Level: Defined in the document as: "a predetermined qualitative or quantitative trigger which, if exceeded, requires the Licensee to take appropriate actions" (emphasis added). It may be instructive to proponents to elaborate on what "appropriate actions" refers to.	Recommendation 2: The Agency recommends the MVLWB amend their definition of "Action Levels" to clarify what "appropriate actions" means. Suggested wording: "a predetermined qualitative or quantitative trigger which, if exceeded, requires the Licensee to take appropriate actions to either reverse the exceedance or mitigate environmental impacts from it".	Action levels and associated response actions will be set out in management and monitoring plans as specified in licence conditions. The revisions that were made to this definition through the development of the MVLWB/ GNWT Guidelines for Aquatic Effects Monitoring Programs were intended to avoid conflict with response actions set out in approved plans. For example, reversing or mitigating may not be appropriate for all action levels (e.g., some low action levels).
-	-	IEMA: Adaptive Management: Acknowledging that "Adaptive Management" is defined in the guidance document MVLWB/GNWT <i>Guidelines for Aquatic Effects Monitoring Programs</i> , nevertheless the term should be defined in the Draft Standard Water Licence Conditions (DSWLC) document, since it is mentioned in the draft document definition for Response Frameworks.	Recommendation 1: The Agency recommends the MVLWB add the definition of "Adaptive Management" to the list of Definitions in the DSWLC.	This term is only used in the Response Framework definition and in the AEMP Annual Report schedule. Because it is used in such a limited way, it is not necessary to include this in the standard defined terms. If needed in a specific licence, a definition is available in the MVLWB/ GNWT Guidelines for Aquatic Effects Monitoring Programs .

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-	-	SLEMA: "Adaptive Management" is mentioned a number of times and is not defined	Include a definition for "Adaptive Management: means a management plan that provides a flexible framework for the mitigation measures to be implemented and actions to be taken when specified thresholds are exceeded; "	
<u>Option 1:</u> Analyst – an Analyst designated by the Minister under subsection 65(1) of the <i>Waters Act</i> . OR <u>Option 2:</u> Analyst – an Analyst designated by the Minister under subsection 84(2) of the <i>Mackenzie Valley Resource Management Act</i> .	<u>Option 1:</u> for non-federal areas. <u>Option 2:</u> for federal areas.	-	-	-
Application – the Application for a type A/B Water Licence and all supporting documents as submitted to the Board.	This term has primarily been used in other definitions, and sometimes in the scope, but is not otherwise used in the conditions. References to the application have been removed from the defined terms and conditions, since this approach can cause challenges for amendments, renewals, and management plan revisions. The reasons for decision (RFD) for any licence should specify what constitutes the complete application, and which documents were considered in the decision, so it is not necessary to capture this in a defined term.	-	-	-
Aquatic Effects Monitoring Program (AEMP) – a monitoring program developed for the Project in accordance with this Licence and the MVLWB/GNWT <i>Guidelines for Aquatic Effects Monitoring Programs</i> . a	Revised to be consistent with the MVLWB/GNWT <i>Guidelines for Aquatic Effects Monitoring Programs</i> .	Dominion: The proposed change to the AEMP definition no longer defines what the AEMP is intended to do but now refers to what the AEMP was developed in accordance with (i.e.,	Update text to provide a clear definition of an Aquatic Effects Monitoring Program. Add text in a more suitable part of the Conditions document regarding AEMP	This definition follows the standard wording and format for documents that have applicable guidelines.

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monitoring program designed to determine the short and long term effects in the aquatic environment / Receiving Environment resulting from the Project; to evaluate the accuracy of impact predictions; to assess the effectiveness of impact mitigation measure; and to identify additional impact mitigation measures to reduce or eliminate environmental effects of the licensed Project undertaking.		the Water Licence and Guidelines). This revised definition is not useful to readers less familiar with monitoring of environmental effects in the receiving environment. Furthermore, AEMPs established prior to the newly released Guidelines may differ in their design and so this new definition may not be correct.	development in accordance with the Water Licence and available Guidelines.	Licensees with existing AEMPs must continue to comply with the definitions and conditions in their current licence. As described in the MVLWB/ GNWT Guidelines for Aquatic Effects Monitoring Programs , revisions to AEMP definitions and conditions in existing licences will be considered by the Boards on a case-by-case basis based on the evidence presented during a regulatory process (e.g., renewal or amendment processes).
Artesian Aquifer – a Water-bearing rock stratum which, when encountered during drilling operations, produces a pressurized flow of Groundwater that reaches an elevation above the Water table or above the ground surface.		INAC – CARD: Artesian conditions can exist within a soil unit as well, they aren't unique to rock formations, they just need a confining layer or some kind (rock is a convenient one, but permafrost can be another or fine-grained soil).	Expand definition accordingly	This definition has been revised to refer broadly to water-bearing stratum, rather than specifying rock.
Average Concentration – the arithmetic mean/discrete average of four consecutive analytical results, [or if less than four analytical results, the arithmetic mean/discrete average of the analytical results collected during a batch decant.] as submitted to the Board in accordance with the sampling and analysis requirements specified in the Surveillance Network Program.		-	-	-
<u>Option 1:</u> Board – the [enter one of the regional Boards: Gwich'in Land and Water Board, Sahtu Land and Water Board, or Wekeezhii Land and Water Board] established under Part 3 of the <i>Mackenzie Valley Resource Management Act</i> . OR <u>Option 2:</u>		-	-	-

Defined Terms	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
Board – the Mackenzie Valley Land and Water Board established under subsection 99(1) of the <i>Mackenzie Valley Resource Management Act</i> .				
Closure Cost Estimate - an estimate of the cost to close and reclaim the Project. Closure Cost Estimate—has the same meaning as that in the MVLWB/GNWT/INAC Guidelines for Closure and Reclamation Cost Estimates for Mines.	This definition reflects the MVLWB/GNWT/INAC <i>Guidelines for Closure and Reclamation Cost Estimates for Mines</i> . The licence conditions have been updated to reflect this term (replacing reclamation liability estimate).	GNWT – ENR: Closure definitions reference the definition in the closure guidelines. It may be more useful to reiterate the definition here for clarity and update the standard conditions document when guidelines are updated.	ENR recommends that clear definitions be included in the standard Water Licence conditions document and in Water Licences as opposed to referencing definitions in external guidelines. The definitions could be verbatim but should still be included.	The definition has been revised to include the full written definition from the Guidelines.
		Imperial Oil: The definition provided for "Closure Cost Estimate" specifies Guidelines for Closure and Reclamation Cost Estimates for Mines. It is unclear whether this definition applies to all project types, specifically, oil and gas projects.	Provide clarity that the method of Closure Cost Estimate is the same for all mines, "other large projects" and small projects or provide additional guidance and definition on the methods for Closure Cost Estimates for non-mining related projects.	The information provided in the Guidelines is applicable to all types of projects; however, information about closure cost estimate methods will also be provided in the MVLWB <i>Guide to the Water Licensing Process</i> , which is currently in draft form.
Closure Criteria - standards that measure the success of selected closure activities in meeting closure objectives. Closure criteria may have a temporal component (e.g., a standard may need to be met for a pre-defined number of years). Closure criteria can be site-specific or adopted from territorial/federal or other standards and can be narrative statements or numerical values. Closure Criteria—has the same meaning as that in the MVLWB/AANDC Guidelines for the Closure and Reclamation of Advance Mineral Exploration and Mine Sites in the Northwest Territories.		GNWT – ENR: Closure definitions reference the definition in the closure guidelines. It may be more useful to reiterate the definition here for clarity and update the standard conditions document when guidelines are updated.	ENR recommends that clear definitions be included in the standard Water Licence conditions document and in Water Licences as opposed to referencing definitions in external guidelines. The definitions could be verbatim but should still be included.	The definition has been revised to include the full written definition from the Guidelines.

Defined Terms	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
<p>Closure Objectives - statements that describe what the selected closure activities are aiming to achieve; they are guided by the closure principles. Closure objectives are typically specific to project components, are measurable and achievable, and allow for the development of closure criteria.</p> <p>Closure Objectives—has the same meaning as that in the MVLWB/AANDC Guidelines for the Closure and Reclamation of Advance Mineral Exploration and Mine Sites in the Northwest Territories.</p>		<p>GNWT – ENR: Closure definitions reference the definition in the closure guidelines. It may be more useful to reiterate the definition here for clarity and update the standard conditions document when guidelines are updated.</p>	<p>ENR recommends that clear definitions be included in the standard Water Licence conditions document and in Water Licences as opposed to referencing definitions in external guidelines. The definitions could be verbatim but should still be included.</p>	<p>The definition has been revised to include the full written definition from the Guidelines.</p>
<p>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.</p> <p>Closure and Reclamation—the same as, and now replaces, the terms abandonment and restoration. Means leaving the Project area after the completion and cessation of the activities as described in the completed Water Licence Application, and the counteracting, mitigating and remedying of adverse environmental effects with the intent of restoring the Project area as nearly as possible to the same condition as it was prior to the commencement of the licensed activity, and approved by the Board.</p> <p>Reclamation—the activities which facilitate the return of areas affected by the Project to viable and, wherever practicable, self-</p>	<p>The MVLWB/AANDC Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories define reclamation, but do not define closure, or closure and reclamation. In the context of both the Guidelines and a licence, it is difficult to actually separate closure and reclamation into distinct definitions and/or stages of an overall process, and it is not clear when each term should be used alone. These two terms are now used together in licences, except in the context of closure objectives, criteria, and cost estimates, which are specific terms defined or used in the Guidelines. Separate definitions are also proposed for progressive reclamation and temporary closure, because these two types of activities may not encompass the entire spectrum of closure and reclamation.</p> <p>This definition reflects the closure goal and the definition for reclamation as set out in the Guidelines.</p>	<p>Imperial Oil: The definitions provided for "Closure and Reclamation" and "Progressive Reclamation" are streamlined and logical. We support these changes.</p> <p>Avalon: This definition does not clearly allow for beneficial reuse of some of all of the site post closure. Engagement may, and often does, identify beneficial reuses for facilities (camps for tourism, maintenance facilities for business development) and tailing management areas - large flat for agricultural purposes, solar wind farms or fish farming are proven examples. These can contribute to desired economic prosperity after closure, especially in projects that do not generate acid or metal leachates.</p> <p>GNWT – ENR: The proposed definition of closure and reclamation is “the process and activities that facilitate the return of areas affected by the Project to viable and, wherever</p>	<p>Propose that the Board maintain the proposed definitions.</p> <p>Add a phrase that allows for post closure beneficial uses that do not necessarily create "self sustaining ecosystems". (Under agreed upon terms an approval of course)</p> <p>ENR recommends the Board consider including wording that describes when closure and reclamation takes place in the definition of “closure and reclamation”.</p>	<p>The definitions have been maintained.</p> <p>This definition does not exclude the possibility of re-use of the site or site components, since it allows for ‘where practicable’ and specifies compatibility with human activities. Specific closure objectives for a project will be reviewed and approved through the CRP, which, in some cases, may include re-use of the site or site components.</p> <p>Closure and reclamation includes progressive reclamation, which can take place at any point during the life of a project, so this definition has not been limited to activities conducted at the end of</p>

Defined Terms	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.	This definition does not include a reference/link to the Closure and Reclamation Plan (where specific details and criteria that can be assessed are set out), because there are specific licence conditions regarding the CRP and progressive reclamation, and there are general conditions directing the licensee to comply with all plans (as approved by the Board).	practicable, self-sustaining ecosystems that are compatible with a healthy environment and human activities.” As proposed, the definition does not consider when closure and reclamation occurs. It is noted that the other definition for closure and reclamation with the strikethrough includes additional wording to describe the closure and reclamation phase: “Means the Project area after the completion and cessation of activities as described in the completed Water Licence Application...” In addition, the Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mines Sites in the Northwest Territories (MVLWB/AANDC, 2013) defines permanent closure, “Permanent closure is the final closure of a mine site with no foreseeable intent by the existing proponent to return to either active exploration or mining.”		a project. The timing, and the criteria that will be used to assess final closure and reclamation, will be set out and approved through the CRP rather than through this definition.
		GNWT – Lands The definition of “Closure and Reclamation” on which Part C: Security depends is difficult to interpret. From reading the phrase “return...areas affected...to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment and human activities” it is not clear that a full removal of all equipment, buildings, chemicals, etc. is required.	The GNWT-Lands recommends that the definition retain the concept of addressing "adverse environmental effects." The GNWT-Lands also recommends that the Boards consider retaining the definition of "reclamation."	Security deposit requirements in Part C depend on the closure cost estimate, which depends on the CRP itself, not on the definition of closure and reclamation. Details of what will be removed and how effects will be addressed will be reviewed and approved through the CRP; a full removal of everything may not be the final objective for all sites, so that will not be specified in the standard definition. Note that even for small projects, closure and reclamation plans should be described in the application. For small projects, this description will initially be considered as equivalent to the CRP – any subsequent

Defined Terms	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
				changes must be proposed through submission of a revised stand-alone CRP.
<p><u>Option 1:</u> Interim-Closure and Reclamation Plan (CRP) – a document, developed in accordance with this Licence and the MVLWB/AANDC <i>Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories</i>, that clearly describes the Closure and Reclamation activities for the Project. and encompasses the interim and final versions of the Plan.</p> <p>OR</p> <p><u>Option 2:</u> Closure and Reclamation Plan (CRP) – a document, developed in accordance with this Licence, that clearly describes the Closure and Reclamation activities for the Project.</p>	<p>This term no longer differentiates between interim and final versions of the CRP. This is consistent with proposed changes in the Closure and Reclamation Section of the licence.</p> <p><u>Option 1:</u> for mineral exploration and mining projects, oil and gas projects, and other large projects.</p> <p><u>Option 2:</u> for small projects that will have a schedule for the CRP, rather than referencing Guidelines. For municipal licences, the definition for Component-Specific CRP will be used instead, since municipal licences won't have an overall CRP.</p>	<p>ECCC: If this is to be used for municipal licence and small projects, rather than state "...for the Project" ECCC notes that the wording could specify "for the components of the licenced activities/Project" (although the definition of Project references to the section of the licence that covers all types of activities).</p>	<p>N/A - comment provided for the MVLWB's benefit.</p>	<p>A separate definition has been added for Component-Specific CRP (see below).</p>
		<p>Imperial Oil: The definition of "Closure and Reclamation Plan" is consistent with the previous use. However, because definitions aren't explicitly provided, it must still be assumed that oil and gas-related operations and facilities fall under the broad term "other large projects".</p>	<p>Provide specific definitions or project lists and examples of what constitutes "other large projects", i.e., projects other than mineral exploration and mining projects.</p>	<p>The inclusion of oil and gas projects as large projects has been clarified throughout the Standard Conditions where applicable.</p>
<p><u>Option 1:</u> Component-Specific Closure and Reclamation Plan (Component-Specific CRP) – a document, developed in accordance with this Licence and the MVLWB/AANDC <i>Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories</i>, that clearly describes the Closure and Reclamation for a component of the Project.</p> <p>OR</p> <p><u>Option 2:</u></p>	<p>This definition will be included if the Licence includes a requirement for Component-Specific CRPs.</p> <p><u>Option 1:</u> for mineral exploration and mining projects, oil and gas projects, and other large projects.</p> <p><u>Option 2:</u> for municipal licences and small projects that will have a schedule for the Component-Specific CRP, rather than referencing Guidelines. For municipal licences, ECCC's Guidelines have been adopted by the Boards, but are only for solid waste, so are not</p>	<p>-</p>	<p>-</p>	<p>This separate definition has been added for clarity (see comments on Closure and Reclamation Plan definition above).</p>

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Component-Specific Closure and Reclamation Plan (Component-Specific CRP) – a document, developed in accordance with this Licence, that clearly describes the Closure and Reclamation for a component of the Project.	referenced here, but may be referenced in the CRP Schedule.			
Construction – any activities undertaken during any phase of the Project to construct or build any structures, facilities, or components of, or associated with, the development of the Project. including any Construction activities undertaken during operations and closure phases of the Project.	This definition (and the construction conditions) should apply to new construction during any phase of a project.	INAC – Inspectors: The Inspector is very supportive of the addition ‘during any phase of the project’ as this is a common question from Licencee’s on what aspects of the project are considered construction.	Add the recommended wording to the definition.	-
Dam – a Engineered structure that meets the definition of a Dam as per the <i>Dam Safety Guidelines</i> and is intended to contain, withhold, divert, or retain Water or Waste.	<p>Although dams are typically engineered, this definition should not be limited to engineered structures, since classification as a dam depends on the size and purpose, rather than whether or not the dam is engineered.</p> <p>This standard definition includes all structures that are classified as dams based on size. If the project includes structures that are being considered dams because of the potential consequences of failure (see below), these will be specifically added to this definition, so that it is clear that any licence requirements for dams also apply to these structures. The RFD will also identify any structures that are being considered dams in the context of the licence (both based on size and on consequence).</p>	-	-	-
Dam Class – the category of dam based on its failure consequences, as described in the <i>Dam Safety Guidelines</i> .	This definition is part of a new set of definitions and conditions developed by the Boards’ Dams Team in order to better align Board requirements for tailings dams with changes in regulatory practices following the Mount Polley Dam Failure in BC in 2014.	INAC – CARD: Dam Class - may want to use the same terminology as the CDA to prevent confusion. They use Dam Consequence Classification. Also, all dams should have a consequence classification, not just tailings dams.	Modify term to Dam Consequence Classification	Although the CDA classifies dams based on consequences, they do use the term ‘Dam Class’ in the classification table, so this term is consistent with the CDA Guidelines. This definition is not limited to tailings dams.

Defined Terms	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	This definition is usually only required for projects involving tailings dams but may also be used on a project-specific basis for other dams.			
Dam Safety Guidelines – the Canadian Dam Association (CDA) <i>Dam Safety Guidelines, including the CDA Dam Safety Guidelines Technical Bulletins</i> . The scope and application of the <i>Dam Safety Guidelines</i> referred to in the Licence is presented in Section 1 of the <i>Dam Safety Guidelines</i> .	This revision is part of a new set of definitions and conditions developed by the LWB Dams Team in order to better align Board requirements for tailings dams with changes in regulatory practices following the Mount Polley Dam Failure in BC in 2014. This addition will emphasize that licensees should be using the bulletins, not just the main document. .	-	-	-
-	-	SLEMA: "Deleterious Substances" is not defined	"Deleterious Substances" means a substance as defined in Section 34(1) of the Fisheries Act;	Rather than adding this definition, this term has been removed from the one condition that this term was used in (MATERIAL STORAGE – ORDINARY HIGH WATER MARK – see end of Part I). This condition is not typically included in licences unless there is no associated land use permit.
Dewatering – the complete removal of Water from an existing Watercourse, or portion thereof, by pumping or draining.	Not used in the basic conditions, but included here because it may be used in the scope for some projects.	INAC – CARD: Dewatering - can also mean removal of groundwater. Not sure if this exclusion was intended or not?	Clarify whether dewatering would also include groundwater	The definition for watercourse includes groundwater.
		INAC – CARD: The current wording "or portion thereof" could be interpreted as applying only to: a.) the complete removal of water from an existing Watercourse, or b.) the complete removal of water from a portion of a watercourse. Suspect the intent of the definition is to apply to the "complete or partial" removal of Water from an exiting Watercourse...".	Clarify whether "...or portion thereof..." applies to a portion of the watercourse, or a portion of the volume within a watercourse.	This defined term would apply to both the scenarios described, but not to partial removal of water from a watercourse. Partial removal of water from a watercourse would typically be defined in a licence as drawdown rather than dewatering; however, this defined term was not included in the draft Standard Conditions because it is less commonly used.

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Discharge – a the direct or indirect deposit or release of any Water or Waste to the Receiving Environment.	This term includes decants. Decant has been replaced throughout the licence.	GNWT – ENR: The standard conditions include both discharge of waste and deposit of waste. For example, the scope in Part A, Condition 1 states that “the Licence entitles the Licensee to use Water, and deposit Waste” whereas Part B Condition 17 states “The Licensee shall install, operate, and maintain meters, devices, or other such methods used for measuring the volumes of Water used and Waste discharged to the satisfaction of an Inspector.” ENR notes it may be confusing to stakeholders and proponents if similar language such as deposit and discharge are used. ENR notes that deposits would include solid waste such as waste rock, tailings, contaminated soil etc.	ENR recommends the definition of discharge be “a direct or indirect deposit or release of any Waters or Waste to the Receiving Environment.” Conditions in the Licence should also reference deposit or release of any Waters or Waste.	This definition has been revised to include ‘deposit or release.’
		INAC – CARD: Indirect release could include a multitude of mechanisms. The term "indirect release" should be defined within "definitions" section. Otherwise, it could be argued that irrelevant release mechanisms (e.g. evaporation) apply as "indirect releases to the receiving environment".	Define "indirect release" to describe the release mechanisms that are within the scope/limits of interest	This definition is consistent with the legislated licensing criteria, which refer to direct and indirect deposits of waste without defining ‘indirect.’ Identification of waste streams and potential discharge pathways is required in an application package and will be considered during the preliminary screening and regulatory process.

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Drilling Fluid – any liquid or liquid mixture, of including, but not limited to, clay, Water, sediment, drilling muds, hydrocarbons, or chemical-additives, or other Wastes that is pumped down-hole while drilling and is specifically related to drilling activity.	This condition has been revised as follows: 1) Broadened to encompass any substances that might be added to the drilling fluid. 2) Removed ‘other Wastes’ for clarity, since any of the substances added to the drilling fluid may not be considered Waste prior to use in the drilling fluid. 3) Added ‘clay’ in order to be consistent with GNWT-ENR’s updated <i>Guideline for Hazardous Waste Management</i> . 4) Removed drilling muds from this definition, since the terms and meanings are similar. 5) Added ‘hydrocarbons’ to ensure oil-based drilling fluids are captured. These recommendations are made in conjunction the removal of the term ‘Drilling Muds.’ A single overall term for these materials is adequate for the purposes of relevant licence conditions.	GNWT – Lands: The definitions of drilling fluid and drilling waste were changed, and are now inconsistent with the definitions used in the Standard Land Use Permit conditions. We work with some companies who have both permits and licences.	The GNWT-Lands recommends that the definitions of Drilling Fluid and Drilling Waste be consistent between water licences and land use permits.	Differences between the sets of Standard Conditions are being noted, and revisions to the Standard Permit Conditions may be required.
		INAC – Inspectors: Replace ‘or other wastes’ with the term ‘substances’ to ensure that all possible additives are captured.	Make the above changes to the definition.	This definition has been revised to include any additives, rather than specifying ‘chemical additives.’
		INAC – CARD: Drilling fluid - specifically excludes drilling water if it contains no additives, is this intentional?	Clarify scope of definition.	The definition is not intended to exclude water and has been revised to clarify that the fluid may be composed of one type of liquid or a liquid mixture.
Oil-Based Drilling Muds – Drilling Fluids that use naturally occurring solutions or refined hydrocarbons as carrier fluids.	Encompassed by term ‘Drilling Fluid’ as noted above.	-	-	-
Drilling Waste – Waste material specifically produced from drilling activity. associated with drilling. Drilling Waste – all materials or chemicals, solid or liquid, associated with drilling, including drill cuttings and Drilling Fluids.	This definition has been revised to be more consistent with the definition in the GNWT’s updated <i>Guideline for Hazardous Waste Management</i> : “Waste substances associated with drilling a well or directional drilling including: a) Drilling cuttings; b) Drilling fluids; c) Drilling mud; d) Flowback fluid; e) Fracturing fluid; or f) Cement returns.” However, the specific list of wastes included in ENR’s definition is not necessary for the purposes of licence conditions.	-	-	This definition has been revised to clarify that it is limited to waste from drilling, rather than all waste produced by the entire drilling project.

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Effluent – a Wastewater Discharge.	This term has been used in licences without being defined – either in the licence or in policy/guideline documents. The proposed definition is based on a review of definitions from other jurisdictions and consideration of how the term is used in Board licences and policies/guidelines. It is typically used for wastewater streams from project structures or facilities, but can also include seepage or runoff type discharges.	DBCI – GK: The notes on the proposed changes state that "it is typically used for wastewater streams from a project structure or facility, but can also include seepage or runoff type discharges." It is unclear how effluent, seepage, or runoff will be applied in a licence.	Provide examples of how the terms effluent, seepage, and runoff will be applied within a licence	In some cases, a licence may include monitoring requirements and/or EQC for effluent, seepage, or runoff. Licence conditions may limit effluent volumes or rates of discharge. Schedules for management plans may include information requirements regarding the management or monitoring of effluent, seepage, and/or runoff.
		ECCC: The definition provided for effluent is narrow, and would preclude seepage and runoff as worded. ECCC notes that the Metal and Diamond Mining Effluent Regulations (MDMER) specify seepage and runoff in an explicit bullet for the definition of wastewater. ECCC suggests the following addition to the definition: "...including seepage and runoff associated with the licenced activities." ECCC notes that natural seeps should not be included, but seepage from ore stockpiles or waste rock should be captured.	N/A - comment provided for the MVLWB's benefit.	The definition for wastewater includes seepage and runoff (if they contain waste), so this definition for effluent also includes both (if they contain waste), but does not include seepage or runoff that does not contain waste (for example, natural seeps as noted in the comment).
Effluent Quality Criteria (EQC) – numerical or narrative limits on the quality or quantity of the Waste deposited to the Receiving Environment.	This term has been used in licences without being defined. The proposed definition is consistent with the <i>Water and Effluent Quality Management Policy</i> , and the <i>Guidelines for Effluent Mixing Zones</i> . In particular, adding this	ECCC: The definition for Effluent Quality Criteria (EQC) should specify that EQC apply to end of pipe.	N/A - comment provided for the MVLWB's benefit.	In some licences, EQC are set for different types of discharges, such as seepage or runoff, or from a pond prior to decant, so this definition has been left broad. The specific location where EQC apply will be specified in the conditions.

Defined Terms	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	definition clarifies that EQC are not limited to numerical values.	GNWT – ENR: The definition of EQC makes reference to numerical and narrative limits. ENR notes that other documents are referenced as a source of the definition. However, the enforceability of narrative EQC is highly questionable due the imprecise nature of the narrative (no direct yes or no way to quantify/test the statements). Thus, even though they are mentioned in other regulatory documents, narrative statements should not be included in the Water Licence due to enforceability concerns.	The definition of EQC should make reference to numerical/quantitative limits only for enforceability reasons. During a prosecution, a non-compliance event needs to stand up in a court of law.	This definition is consistent with the MVLWB Water and Effluent Quality Management Policy and Guidelines for Effluent Mixing Zones . Revisions to this definition would need to be considered through a revision to the Policy.
Engagement Plan – a document, developed in accordance with the MVLWB <i>Engagement and Consultation Policy</i> and the <i>Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits</i> , that clearly describes how, when, and which engagement activities will occur with an affected party during the life of the Project.		-	-	-
Engineer of Record - a qualified and competent Professional Engineer who is responsible for the design and performance of the [enter name of Tailings Containment Facility]	<p>This definition is part of a new set of definitions and conditions developed by the Boards’ Dams Team in order to better align Board requirements for tailings dams with changes in regulatory practices following the Mount Polley Dam Failure in BC in 2014.</p> <p>This definition is usually only required for projects involving tailings dams but may also be used on a project-specific basis for other dams.</p>	-	-	“Competent” has been removed, because the Board is not the regulatory body for engineers and, therefore, does not determine competency.
Engineered Structure – any structure or facility and the associated area related to Water Use or the deposit of Waste that is designed and approved by a Professional	<p>This definition has been revised as follows:</p> <p>1) Removed the ‘associated area’ component of this definition. This</p>	INAC – CARD: Engineered Structure - if removing "and approved" this should be replaced with "and sealed" to ensure EOR approval is clear.	Replace "and approved" with "and sealed"	A requirement for stamped, signed drawings is set out in Part E: Construction and does not need to be included here, since this definition is for the structures

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Engineer, including but not limited to the [enter list of structures/facilities] associated with the Project.	<p>definition is specific to structures and facilities that are designed by an engineer; any components that are not part of the engineer’s design should not be part of the definition.</p> <p>2) Removed reference to approval from an engineer. In the context of a licence, the use of the term ‘approve’ should be reserved for the Board. Although an engineer should stamp and sign off on the design drawings for engineered structures, this does not constitute approval in the context of the Board’s process.</p>			themselves, not the design drawings. The structures themselves cannot be signed or sealed by an engineer.
<p><u>Option 1:</u> Environmental Assessment (EA) – Environmental Assessment [enter number], conducted by the Mackenzie Valley Environmental Impact Review Board for the Project. the totality of the Mackenzie Valley Environmental Impact Review Board’s Public Registry, for Water Licence Application [enter file number], which underwent for Environmental Assessment [enter number].</p> <p>OR</p> <p><u>Option 2:</u> Environmental Assessment (EA) – the totality of the [enter year] Environmental Impact Assessment of the [enter name of Project as listed on CEAA registry] Project conducted as per the <i>Environmental</i></p>	<p>The application number will be the same as the licence number, so this definition does not need to reference the application number.</p>	<p>GNWT – ENR: The definition references that the Water Licence application number as referenced in an EA/EIR will be the same as the licence number. However, this is not completely accurate as it is currently Board practice to change a Water Licence number when it is renewed. Therefore, the number referred to in the EA/EIR will change over time.</p> <p>The practice of changing the number once renewed should be re-considered as it results it multiple files for the same project and creates discontinuity in the public registry. Having multiple Water Licence numbers makes it difficult to track older projects.</p>	<p>ENR recommends that the Board consider maintaining the same Water Licence file number through the life of project (for new licensees) to ensure that files are continuous through project life. This would ensure that all documents and history are maintained in one file on the public registry.</p> <p>ENR recommends that only the EA/EIR file number be referenced in the definition.</p>	<p>This definition has been simplified to specify which EA is being referred to in the licence, rather than referring to the contents of the Review Board/CEAA’s registry, which better reflects how the term is used in a licence. The revised definition does not reference the water licence number.</p>

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<i>Assessment and Review Process Guidelines Order.</i>		GNWT – Lands: The definition refers to the CEAA registry and the Environmental Assessment and Review Process Guidelines Order(EARPGO). These are only applicable to a small number of environmental assessments (eg assessments which predate the MVRMA, potentially certain transboundary scenarios). These references should not be included in a standard condition. Where reference to CEAA or EARPGO is needed, the Board can vary the standard condition.	The GNWT-Lands recommends against Option 2. The condition should reflect current environmental assessment legislation, i.e. the MVRMA.	Option 2 would only be used when applicable. Board staff are aware that Option 2 is not commonly used; however, there are still some older projects that may require this version of the definition.
Environmental Impact Review (EIR) – Environmental Impact Review [enter number], conducted by the Mackenzie Valley Environmental Impact Review Board for the Project. the totality of the Mackenzie Valley Environmental Impact Review Board’s Public Registry Water Licence Application [enter file number], which underwent for Environmental Impact Review [enter number].	The application number will be the same as the licence number, so this definition does not need to reference the application number.	GNWT – ENR: The definition references that the Water Licence application number as referenced in an EA/EIR will be the same as the licence number. However, this is not completely accurate as it is currently Board practice to change a Water Licence number when it is renewed. Therefore, the number referred to in the EA/EIR will change over time. The practice of changing the number once renewed should be re-considered as it results it multiple files for the same project and creates discontinuity in the public registry. Having multiple Water Licence numbers makes it difficult to track older projects.	ENR recommends that the Board consider maintaining the same Water Licence file number through the life of project (for new licensees) to ensure that files are continuous through project life. This would ensure that all documents and history are maintained in one file on the public registry. ENR recommends that only the EA/EIR file number be referenced in the definition.	This definition has been simplified to specify which EA is being referred to in the licence, rather than referring to the contents of the Review Board’s registry, which better reflects how the term is used in a licence. The revised definition does not reference the water licence number.
Fracturing Fluid – the fluid injected at high pressure used to perform a hydraulic fracturing treatment, including the applicable base fluid and all additives.	Revised to be more consistent with GNWT-ENR’s updated <i>Guideline for Hazardous Waste Management</i> .	-	-	-

Defined Terms	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
Freeboard – the vertical distance between the Water or Wastewater line and the lowest elevation of the effective Water or Wastewater containment crest on the upstream slope of a containment structure Dam or dyke.		INAC – CARD: Freeboard - CDA defines this as "the minimum vertical distance between the still pool reservoir level and the crest of the containing structure".	Update definition to be consistent with CDA.	This definition has been revised with consideration for both the CDA definition ('The vertical distance between the still water surface elevation in the reservoir and the lowest elevation at the top of the containment structure.') and the use of this term within the Standard Conditions. Note that this term is only used in relation to specific structures.
Flowback – the flow of Fracturing Fluid back to the wellbore after fracture treatment is completed.		-	-	-
Greywater – all liquid Waste from showers, baths, sinks, kitchens, and domestic washing facilities, but does not include Toilet Waste.		-	-	-
<u>Option 1:</u> 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. any Water defined as Groundwater as per section 1 of the Waters Regulations. OR <u>Option 2:</u> Groundwater – as defined in section 2 of the Mackenzie Valley Federal Areas Waters Regulations: all water in a zone of saturation below the land surface, regardless of its origin. any Water defined as Groundwater as per section 2 of the Mackenzie Valley Federal Areas Waters Regulations.	This definition has been revised to reference legislation, which is consistent with other similar definitions that are taken directly from legislation (e.g. Waste, Water, Water Use, etc.).	-	-	This definition has been revised to include the full written definitions from legislation.

Defined Terms	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
Groundwater— all Water in a zone of saturation beneath the land surface, regardless of its origin.				
Hazardous Waste - a Waste which, because of its quantity, concentration, or characteristics, may be harmful to human health or the environment when improperly treated, stored, transported, or discharged.	-	SLEMA: “Hazardous Materials / Waste” is not defined	“Hazardous Materials/ waste” means a contaminant which is a dangerous good that is no longer used for its original purpose and is intended for recycling, treatment, disposal or storage;	The definition from the MVLWB Guidelines for Developing a Waste Management Plan has been added. Note that this term is not defined in the Standard Land Use Permit Conditions Template .
Hydrocarbon-Contaminated Soil Treatment Facilities – the area(s) and lined, Engineered Structures designated to contain and treat hydrocarbon-contaminated sediments and soil. Landfarm— the lined, Engineered Structure designed to contain and treat hydrocarbon-contaminated sediments and soil.	Replaces the term ‘landfarm,’ with the same definition, to reflect the MVLWB/IWB/GNWT <i>Guideline for Design, Operation, Maintenance, and Closure of Petroleum Hydrocarbon-Contaminated Soil Treatment Facilities in the Northwest Territories</i> . The format of the definition has been updated to standard wording developed for water and waste management facility definitions, in order to make these definitions consistent and broad enough to capture the different types of facilities that might fit within these definitions for various types of licences. In accordance with the Guidelines, these facilities should be designed by an engineer in most cases. For small projects, there may be circumstances where this type of facility might not be engineered, in which case, the facility would likely be addressed only through the Waste Management Plan, and this term would not need to be used or defined in the licence conditions.	GNWT – ENR: If the definition occurs within the referenced guideline, ensure that the definitions are consistent. Note, any deposit of waste directly or indirectly to water requires a Water Licence. Creating a hydrocarbon-contaminated soil treatment facility would therefore trigger a Water Licence.	If the finalized version of the HCSTF guideline includes this definition, ensure definitions are consistent.	There is no definition in the Guidelines.
		INAC – CARD: What is the threshold for a hydrocarbon treatment facility to be large enough to be considered an Engineered Structure and thus fall under this definition? Will this be defined in the Guideline for Design, Operation, Maintenance and Closure of Hydrocarbon Contaminated Soil Treatment Facilities in the NT ? Unclear as the Guideline has not been finalized. Clarity is required as this could impact small-scale hydrocarbon treatment operations.	Include a definition of what parameters requires a hydrocarbon treatment facility to be an Engineered Structure or provide reference to the finalized Guideline in which this definition is included.	The Guidelines do not specify a threshold but state that most HCSTFs should be designed by an engineer. If the HCSTF does not need to be engineered, this would be identified during the regulatory process and the relevant conditions and definitions would be adjusted accordingly. This is already noted in the rationale. A condition has been added to Part E: Construction (HYDROCARBON-CONTAMINATED SOIL TREATMENT FACILITIES – GENERAL) that requires the licensee to meet the Guidelines.

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		INAC – CARD: The term "lined" is somewhat ambiguous as it is not clear if it is limited to a synthetic liner, or could also include a natural liner, such as clay. The term "lined" is unnecessary in the definition. If the engineered structure is designated to contain the waste, then it shouldn't matter if it is lined or not	Remove the term "lined" from the definition, as it is redundant with the term "designate to contain".	The definition has been revised as recommended.
Independent Tailings Review Panel – a group of experts not previously involved in or responsible for the design, operation, or Construction of a facility, as established pursuant to this Licence.	<p>This definition is part of a new set of definitions and conditions developed by the Boards’ Dams Team in order to better align Board requirements for tailings dams with changes in regulatory practices following the Mount Polley Dam Failure in BC in 2014.</p> <p>This definition is required for projects involving tailings dams but may also be used on a project-specific basis for other dams.</p>	-	-	-
<u>Option 1:</u> Inspector – an Inspector designated by the Minister under subsection 65(1) of the <i>Waters Act</i> . OR <u>Option 2:</u> Inspector – an Inspector designated by the Minister under subsection 84(1) of the <i>Mackenzie Valley Resource Management Act</i> .		-	-	-
Landfill	-	SLEMA: "Landfill" is not defined	“Landfill” means a facility designed to permanently contain solid, non-combustible, nonhazardous waste materials, as described in the Type Y Water Licence XX"	This term is not needed, because it has been replaced by Solid Waste Disposal Facility.

Defined Terms	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
Licence Amendment	-	SLEMA: "Licence Amendment" is not defined	"Amendment" means a change to original terms and conditions of this Licence requiring correction, addition or deletion of specific terms and conditions of the Licence; modifications inconsistent with the terms of the set terms and conditions of the Licence;	This term is not needed, because it is not used in the conditions. Information about amendments will be provided in the MVLWB <i>Guide to the Water Licensing Process</i> (currently in draft form).
Licensee – the holder of this Licence.		-	-	-
Mackenzie Valley Federal Areas Waters Regulations – the regulations proclaimed pursuant to section 90.3 of the <i>Mackenzie Valley Resource Management Act</i> .	Added in order to replace the more general term 'Regulations.'	GNWT – ENR: The term "Regulations" has been removed and replaced with the federal and territorial regulations. It should be clarified that these regulations will used as an either/or depending on whether it is a federal or non-federal Water Licence.	ENR recommends that the Board clarify that the specific regulation referenced in the definitions section will be reflective of whether the WL is federal or non-federal.	This is noted in internal instructions for Board staff.
Maximum Average Concentration – the concentration of a parameter that cannot be exceeded by the running average of any four consecutive analytical results. submitted to the Board in accordance with the sampling and analysis requirements specified in the Surveillance Network Program.	This definition has been revised to provide clarity, differentiate this term from 'Average Concentration,' and align the format and wording of this definition with the related term 'Maximum Grab Concentration.'	-	-	-
Maximum Grab Concentration – the concentration of a parameter that cannot be exceeded in any one analytical result. grab sample.	-	SLEMA: "Grab Sample" is not defined	"Grab Sample" means an undiluted quantity of material collected at a particular time and place that may be representative of the total substance being sampled at the time and place it was collected;	Neither the licence definitions nor the conditions typically specify sampling techniques. The type of sample to be collected at each station will be set out in the SNP, and the SNP directs the licensee to conduct sampling and analysis in accordance with the American Public Health Association <i>Standard Methods for the Examination of Water and Wastewater</i> , which provide some guidance on collecting representative samples (including grab samples). As such, rather than adding a definition for grab sample, the MGC definition has been revised to specify that

Defined Terms	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
				the MGC is for one analytical result, which is more consistent with the definition for MAC. At any SNP station where EQC apply, the MGC will apply to single analytical results (acute water quality), and the MAC will apply to average analytical results (long-term water quality).
Metal Leaching – the release of metals and metalloids in leachate, Seepage, or drainage from rock or other materials associated with the Project.	Refer also to Acid Rock Drainage definition. Note that metal leaching can occur under acidic, neutral, or alkaline conditions. The potential for metal leaching, and the conditions under which it might occur, should be identified during the regulatory process. If metal leaching potential exists, a geochemical characterization and/or management plan may be required.	-	-	-
Minewater – Groundwater, surface Water, or any Water generated for the life of the Project that is pumped, seeps, or flows out of any underground mine working or open pit. including runoff from facilities associated with the Project and all Water or Waste.	<p>The intent of the proposed revisions is to make this definition more specific to water from the underground or open pit mine workings, rather than encompassing all water and wastewater from a project.</p> <p>This definition is not used in any standard licence conditions, but has been left in the list, because it could be used in project-specific conditions or schedules.</p>	GNWT – ENR: It is proposed that runoff be removed from minewater definition and that Runoff be included as a separate definition. ENR is supportive of Runoff having its own definition but would like to clarify that runoff from a Waste Rock Pile, Tailings Facility, Landfill, Contaminated Soil Treatment Facility, Laydown/Stockpile, Roads, etc. would be considered Contact Water. It should be clear that any fresh water that makes contact with any site infrastructure should not be classified as Runoff as it has been in contact and may have picked up contaminants.	ENR recommends that the Boards create a definition for Contact Water or refining the definition of Minewater to include runoff that contacts site infrastructure.	<p>This defined term is not used in the Standard Conditions, but may be used for some projects. This definition should not include runoff, since this defined term is not intended to encompass all site water for a mining project.</p> <p>Also see responses to comments regarding the definition for runoff.</p>
<u>Option 1:</u> Minister – the Minister of the Government of the Northwest Territories (GNWT) – Environment and Natural Resources. Or		-	-	-

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<u>Option 2:</u> Minister – the Minister of Indian Affairs and Northern Development Canada.				
Modification – in respect of a structure, means a change, other than an expansion, that does not alter the purpose or function of a structure.	This definition will not be required if the Modification Section is removed.	GNWT – Lands: The definition of modification has been removed. It will still be possible for licensees to make revisions or propose changes under Part B condition 10. However, it is not clear what is considered a revision or proposed change.	The GNWT-Lands recommends adding a 'revisions or proposed changes' definition to clarify what is considered a revision or proposed change.	The REVISIONS condition referenced in this comment applies to any proposed changes to plans, programs, studies, etc. required under a licence. Proposed changes that are outside of the scope and/or screening may require an amendment process and/or screening. Note that the legislated definition for modifications will still apply in the context of preliminary screening exemptions.
Ordinary High Water Mark – the usual or average level to which a Watercourse body of Water 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).	Revised to reflect other proposed terminology changes.	Dominion: The first revision in this definition from “body of Water” to “Watercourse” narrows the definition to only refer to flowing water and would no longer include lentic water (i.e., still or limited water flow).	Update text to encompass all water types that are applicable (i.e., lentic and lotic).	The term ‘watercourse’ is consistent with the legislation, and the definition (from legislation) clearly includes lentic and lotic water.
Potentially Acid Generating Rock – any rock that has the potential to produce Acid Rock Drainage. Potentially Acid Generating Rock – any rock that has the capability to produce acidic leachate, Seepage, or drainage.	Revised to link to the standard definition for ARD.	-	-	-

Defined Terms	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
Processed Kimberlite – the material rejected from the process plant after the recoverable materials have been extracted.		Avalon: This definition should be removed as it is specific to diamond mining. Many "process plant"s will not produce kimberlite waste, nor will they produce tailing. Optical sorting waste, dense media seperation wastes, gravity separation wastes are examples of other materials that could come from process plants, some of which do not need water for processing. This list is not comprehensive. Many wastes are not considered tailing as well.	If this definition is left in, clarify that is it from "damond operation process plants.	The definitions in each licence will reflect the project details and the terms used in the licence conditions. The internal staff instructions for the tailings and processed kimberlite definitions have been revised to indicate that only one of these terms should be used in a licence. Additionally, the staff instructions for the processed kimberlite definition have been revised to provide direction on defining coarse and fine processed kimberlite separately if necessary.
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, S.N.W.T. 2006, V.16, or amendments , and whose professional field of specialization is appropriate to address the components of the Project at hand.	Revised to reflect the removal of dates and versions, with a continued need for clarity about which act is being referenced. (Alberta has an act with the same name, while similar acts in the Yukon and Nunavut have different names.)	-	-	-
Professional Geoscientist – a person registered with the Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists to practice as a Professional Geoscientist in the Northwest Territories as per the territorial Engineering and Geoscience Professions Act, S.N.W.T. 2006, V.16, or amendments , and whose professional field of specialization is appropriate to address the components of the Project at hand.	Revised to reflect the removal of dates and versions, with a continued need for clarity about which act is being referenced. (Alberta has an act with the same name, while similar acts in the Yukon and Nunavut have different names.)	-	-	

Defined Terms	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
<p>Progressive Reclamation – Closure and Reclamation activities conducted during the operating phase of the Project.</p> <p>Progressive Reclamation – activities conducted during the operating period of the undertaking to modify and reclaim the land and Water to the satisfaction of the Board and an Inspector.</p>	<p>Revised to link to the standard definition for ‘Closure and Reclamation.’ Also removed the reference to the satisfaction of the Board and Inspector, because the adequacy of progressive reclamation will be determined through the requirements of the conditions set out in the Closure and Reclamation Section.</p> <p>The reference to the operating phase here is consistent with the link between operations and submission of the final CRP in the CLOSURE AND RECLAMATION PLAN – FINAL condition. The operations/operating phase is not defined, since it is difficult to identify a specific marker, and it may vary from licence to licence. Progressive reclamation activities and related timelines will be set out and approved through the CRP, so it is not critical to clarify the timeframe more carefully in this definition.</p> <p>Note that the closure of major components during operations is still considered progressive reclamation, even though component-specific CRPs are required (see CLOSURE AND RECLAMATION PLAN – COMPONENT SPECIFIC condition).</p>	<p>Imperial Oil: The definitions provided for "Closure and Reclamation" and "Progressive Reclamation" are streamlined and logical. We support these changes.</p>	<p>Propose that the Board maintain the proposed definitions.</p>	<p>The proposed definitions have been maintained.</p>
		<p>DBCI – GK: The progressive reclamation is currently approved as part of the approval of an ICRP. However, with the introduction of an additional approval of a "Component-specific Closure and Reclamation Plan" and any reclamation activities in Part J, it is important to clearly define the scope of this term.</p>	<p>Recommend clarifying or provide example on type of projects that will be considered as progressive reclamation, and providing examples of progressive reclamation projects that will require additional component-specific closure and reclamation plan</p>	<p>See responses to comments in Part J: Closure and Reclamation.</p>
<p>Project – the undertaking described in Part A, Conditions 1 and 2.</p>	<p>Throughout the licence, the term ‘Project’ will be used instead of ‘undertaking.’</p>	-	-	<p>Revised to include a reference to both relevant conditions in Part A: Scope.</p>
<p>Receiving Environment – the natural environment that, directly or indirectly, receives any deposit of Waste from the Project.</p> <p>Receiving Environment – the natural/aquatic environment that receives any deposit of or Discharge of Waste or Water, including runoff, from the undertaking.</p>	<p>Revised to be consistent with the <i>Guidelines for Aquatic Effects Monitoring Programs</i> and to reflect current Board terminology. Where conditions apply specifically to the aquatic component of the receiving environment, ‘aquatic’ has been specified. This is also consistent with the approach taken in the AEMP Guidelines.</p>	<p>Dominion: The definition has the potential to create ambiguity of the application of EQCs etc.</p>	<p>Keep “aquatic” in the definition of Receiving Environment and add in an appropriate separate definition for the natural/terrestrial environment.</p>	<p>The use of this term in the draft Standard Conditions has been reviewed and the definition is appropriate as proposed. EQC are not limited to effluents discharged to the aquatic environment. Although not common in licences issued by the LWBs to date, EQC can be set for effluent discharges to land.</p>

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<p>RECLAIM – the [enter: Government of the Northwest Territories’ or Crown-Indigenous Relations and Northern Affairs Canada’s] model for estimating Closure and Reclamation costs.</p> <p>RECLAIM – the current version of a computer-based spreadsheet program developed by Brodie Consulting Ltd., for estimating mine Closure and Reclamation costs.</p>	Updated for consistency with how RECLAIM is described in the MVLWB/INAC/GNWT <i>Guidelines for Closure and Reclamation Cost Estimates for Mines</i> .	-	-	-
<p>Reclamation Research – literature reviews, laboratory or pilot-scale tests, engineering studies, and other methods of resolving uncertainties and answering questions pertaining to environmental risks for the purpose of providing data and information that will reduce uncertainties for closure options, selected closure activities, and/or closure criteria.</p> <p>Reclamation Research – has the same meaning as that in the MVLWB/AANDC <i>Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories</i>.</p>	Added for clarity.	GNWT – ENR: Closure definitions reference the definition in the closure guidelines. It may be more useful to reiterate the definition here for clarity and update the standard conditions document when guidelines are updated.	ENR recommends that clear definitions be included in the standard Water Licence conditions document and in Water Licences as opposed to referencing definitions in external guidelines. The definitions could be verbatim but should still be included.	<p>The definition has been revised to include the full written definition from the Guidelines.</p> <p>Note that this definition is slightly revised from the definition in the Guidelines in order to better match the grammar and language used in other standard definitions.</p>
<p>Regulations – Regulations proclaimed pursuant to section [enter 90.3 for federal areas OR 63 for non-federal areas] of the Act.</p>	Where needed, the licence will reference the Mackenzie Valley Federal Areas Waters Regulations and Waters Regulations directly. References to either of these Regulations are not common in the licence, so there is little benefit to using a shortened defined term. This also eliminates potential confusion for split-interest areas.	GNWT – ENR: The term “Regulations” has been removed and replaced with the federal and territorial regulations. It should be clarified that these regulations will used as an either/or depending on whether it is a federal or non-federal Water Licence.	ENR recommends that the Board clarify that the specific regulation referenced in the definitions section will be reflective of whether the WL is federal or non-federal.	This is captured in internal instructions for Board staff.

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Remediation – the removal, reduction, or neutralization of substances, Wastes, or hazardous materials from a site so as in order to prevent or minimize any adverse effects on the environment and public safety, now or in the future.	This revised definition is consistent with the definition in the <i>Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories</i> . This defined term is used primarily in licences for remediation projects; the term ‘Closure and Reclamation’ will be more generally used.	INAC – CARD: This definition fails to include physical hazards that are a risk to the environment and public safety. For example, the current definition does not include the closure of mine openings as part of remediation.	Updated the definition to also include physical hazards.	<p>This definition is consistent with the MVLWB/AANDC Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories and intentionally focuses on remediation of contaminants. Removal of physical hazards are part of the broader closure and reclamation of the site, in addition to many other aspects (e.g., improving aesthetics and future land use, restoration of natural drainage, etc.). It is acknowledged that this definition does not reflect the entire scope of remediation projects; however, the use of this defined term in a licence will be in line with this standard definition, not with the broader scope of a remediation project.</p> <p>Note that this definition is not intended to apply to references in condition rationale regarding remediation as a type of project; these references will not form part of licence conditions.</p>
Response Framework – a systematic approach to responding to the results of a monitoring program through adaptive management actions. Response Framework – a documented systematic approach to responding when the results of a monitoring program indicate that an Action Level has been reached.	Revised to be consistent with the <i>Guidelines for Aquatic Effects Monitoring Programs</i> .	Dominion: If the notes on the proposed change specify that this is related to Aquatic effects monitoring, the definition is not adequately focused.	Modify the definition by adding "in the aquatic environment" to the definition.	Although this definition is consistent with the MVLWB/GNWT Guidelines for Aquatic Effects Monitoring Programs , the use of this term is not limited to the AEMP. This term is also commonly used in Schedules for various management plans that include monitoring and action levels.
Response Plan – a document describing the actions that will be taken by the Licensee a licensee in response to an Action Level exceedance.	Revised to be consistent with the <i>Guidelines for Aquatic Effects Monitoring Programs</i> .	-	-	-

Defined Terms	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
Response Plan - a part of the Response Framework that describes the specific actions to be taken by the Licensee in response to reaching or exceeding an Action Level.				
Runoff – the overland flow of Water or Wastewater that occurs when precipitation, meltwater, or other Water is not absorbed by the land.	The term ‘Runoff’ is included in the definition of wastewater and is sometimes used in conditions and schedules, but no standard definition for runoff has been developed in the past. This added definition clarifies what constitutes runoff in the broad sense, but whether or not runoff is classified as wastewater will depend on whether it contains waste, which will still be determined on a case-by-case basis.	Imperial Oil: As provided in the draft, runoff is included in the definition of wastewater and it would not be appropriate to include it here. Whether runoff is considered a waste is defined through other measures. Adding wastewater to the definition of runoff is not necessary.	Suggest that wastewater not be included in the definition of runoff.	<u>Regarding all comments on this definition:</u> These recommendations are acknowledged; however, this definition is not limited to water, since runoff can be water or wastewater, depending on whether or not it contains waste. As proposed, this definition clarifies what runoff is from a hydrological perspective, but it is not intended to clarify whether or not it must be treated, which will depend on whether it contains waste. Based on the evidence gathered during the regulatory process, conditions regarding runoff (e.g., management, sampling, and/or EQC) can be included in a licence as necessary on a case-by-case basis to address runoff that will or could contain waste. For the same reasons, a standard definition for contact water has not been defined, but this term may be defined as needed on case-by-case basis. Note that MDMER does not include a definition for runoff, but runoff containing deleterious substances is considered effluent, which can only be discharged if it meets the criteria set out in the MDMER. Accordingly, the definition used here does not create a conflict, because it does not broadly categorize all runoff as wastewater or effluent. The Boards are conscious of harmonizing licence requirements with MDMER requirements as much as possible, and the Board’s requirements will usually
		GNWT – ENR: The definition specifies water that drains downslope towards a watercourse. It is not clear if water that drains to the tundra or to a sump or other water containment structure would be considered runoff. The definition should be changed to include any runoff that flows to the environment including to waters. Further, as noted above, any runoff that drains through, across, along or over site infrastructure should not be considered clean runoff. Only when natural runoff is directed away from a site can that runoff be considered clean. Any runoff that makes contact with site infrastructure should not be treated as clean runoff water.	ENR recommends that the Board consider the following for the definition of runoff: “the overland flow of Water or Wastewater that occurs when precipitation, meltwater, or other Water is not absorbed by the land.” ENR recommends that a clear distinction be made between natural runoff and runoff that has made or can make contact with site infrastructure (i.e. contact water). See comments above about Minewater definition.	
		INAC – CARD: Runoff - suggest clarifying when water or wastewater becomes runoff. If it is draining on the site is it runoff? Or does it become runoff when it leaves the site? What about run-on water, which is usually defined as surface flow from	Clarify when water or wastewater becomes runoff.	

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		precipitation or snowmelt that runs onto your site.		be at least as stringent as the MDMER requirements.
Seepage – any Water or Waste that drains, passes through, or escapes from any structure designed to contain, withhold, divert, or retain Water or Waste.		INAC – CARD: Seepage - may want to consider broadening the definition here. If water flow through something that isn't meant to contain, withhold, divert or retain waste or water it wouldn't be considered seepage. Under this definition would seepage from a waste rock pile be considered seepage?	Recommend broadening definition.	A waste rock pile is designed to contain waste rock, which is a waste, so seepage from a waste rock pile is included in this definition. The definition for Waste Rock Storage Facilities has been revised to ensure that this link is more clear.
Settling Pond – any above or below-grade natural or human-made depression designated for separating solids from Water or Wastewater. Minewater Settling Pond – any natural or manmade depression designed to act as a settling facility to separate solids from Minewater.	The intent of the proposed revisions is to make this definition more specific to water from the underground or open pit mine workings, rather than encompassing all water and wastewater from a project. This definition is not used in any standard licence conditions, but has been left in the list, because it could be used in project-specific conditions or schedules.	INAC – CARD: Settling Pond - the term depression precludes ponds that are constructed above grade.	Reconsider use of terms depression within definition. Note: need to reorder location of new term definition so it is alphabetical.	This condition does not specify the location of the depression relative to the earth’s surface; however, the condition has been revised for clarity.
Sewage – all Toilet Wastes and Greywater.		-	-	-
Sewage Disposal Facilities – the area(s) and structures designated to contain and treat Sewage. Sewage Disposal Facilities – the area(s) and associated structures designed to contain and treat Sewage as described in the Application, [enter reference to figures, date stamp].	The format of the definition has been updated to standard wording developed for water and waste management facility definitions, in order to make these definitions consistent and broad enough to capture the different types of facilities that might fit within these definitions for various types of licences. For example, sewage disposal facilities might be an existing lake or marsh functioning as a lagoon, or might be a designed structure such as a wastewater treatment plant.	-	-	-
Significance Threshold – a limit of environmental change which, if reached,	Revised to be consistent with the <i>Guidelines for Aquatic Effects Monitoring Programs</i> .	GNWT – ENR: The definition lists included the term “significance threshold” however this term does	ENR recommends that the Board remove the term from the standard condition list	This defined term was used in the AEMP Schedule in the past, but is no longer

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would likely result in significant adverse impacts.		not appear elsewhere in the standard conditions list. This term is used as part of monitoring and adaptive management/management response plans.	as it would or should not be included in a Water Licence.	necessary and has been removed as recommended.
Small Project		Imperial Oil: Small Project is not defined. Because many of the draft licence conditions refer to small projects, it would be helpful for proponents to understand this definition, along perhaps with a few examples of projects that would qualify as "small projects".	Provide a definition and examples for what constitutes a "Small Project".	Since this term is not used in any licence conditions, it does not need to be defined in any licence. Also, please see the Reponses to Common Topics Identified During the Public Review.
Solid Waste Disposal Facilities – the area(s) and structures designated to contain solid Waste. Solid Waste Disposal Facilities – the area(s) and associated structures designed to contain solid Waste as described in the Application [enter reference to map and/or figures, date stamp].	The format of the definition has been updated to standard wording developed for water and waste management facility definitions, in order to make these definitions consistent and broad enough to capture the different types of facilities that might fit within these definitions for various types of licences.	-	-	-
Spill Contingency Plan (SCP) – a document developed for the Project in accordance with INAC's <i>Guidelines for Spill Contingency Planning</i> . (April 2007), that describes the set of procedures to be implemented to minimize the effects of a spill.	Revised to reflect the fact that the Spill Contingency Plan includes more than just minimization procedures.	-	-	
Sump – a human-made pit, trench, hollow excavation or a natural depression used designated for the purpose of depositing Water and/or Waste. Sump – a man-made pit, trench, hollow, or natural depression on the earth's surface used for the purpose of depositing Water	Removed reference to the earth's surface, since sumps can also be underground for some projects. Removed examples of what can be put in sumps, since the details of what would be put into the sumps should be in the Waste Management Plan. If limitations on what can be put into the sump are needed in the licence, this should be set out in the conditions, not in the definition.	-	-	For simplicity, this definition has been revised to broadly encompass human-made excavations rather than listing various types of excavations.

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and/or Waste. material such as non-toxic Drilling Waste or Sewage.	This defined term is not used in any standard licence conditions, but has been left in the list, because it could be used in project-specific conditions or schedules.	INAC – CARD: Sumps - sumps can also be used to collect water and waste (like a pumping point).	Recommend broadening definition by adding "collecting or" -for the purpose of collecting OR depositing	This term is not used in any of the standard conditions, but it is included here because it may be used in project-specific conditions or in the future development of Schedules. This term will be used for sumps that are being used as final discharge points, since this is usually when a licence would include conditions related to sumps. Temporary sumps should be considered collection ponds.
		ECCC: ECCC notes that the current definition of sump: “a human-made pit, trench, or hollow, or natural depression used for the purpose of depositing Water and/or Waste” implies a human-made natural depression.	N/A - comment provided for the MVLWB's benefit.	The condition has been revised for clarity.
Surveillance Network Program (SNP) – a monitoring program established to define environmental sampling, analysis, and reporting requirements, as required by this Licence and detailed in Annex A of this Licence.	This definition was developed from a review of a number of variations of this definition, and consideration for the fact that the SNP can include various types of monitoring (water, soil, meteorological, etc.) and that not all SNP monitoring is compliance monitoring.	-	-	For clarity, this definition has been revised to specify the monitoring program set out in Annex A, rather than broadly defining monitoring programs in general.
		Avalon: It is noted and appreciated that the SNP can include monitoring that is not compliance. However, with the proposed use of Administrative Penalties and the SNP in the Water License, all monitoring becomes compliance....i.e. failure to take all SNP samples could result in an Administrative Penalty, while the operations remains fully within the compliance monitoring parameters	The license and included monitoring plans must clearly define what is compliance and what is not compliance to avoid Adminstrative Penalties while the proponent is in full compliance with effluent and other criteria and not having an environmental impact. I.e. Adminstrative Penalties should only apply to compliance monitoring. Clarify in plans.	Please see the Reponses to Common Topics Identified During the Public Review.

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Tailings – the materials rejected from the processing facilities mill after the recoverable valuable minerals have been extracted.	The valuable materials are usually minerals in the NWT, but ‘minerals’ can be replaced with ‘materials’ in this definition for other situations.	INAC – CARD: Tailings - should consider linking this definition the material left after the processing of ore.	Consider rewording definition to include ore processing.	‘Mill’ has been replaced with ‘processing facilities’ in this definition to ensure that it encompasses variations in terminology. Note that the definition for waste rock excludes tailings, so these definitions do not overlap.
		DBCI – GK: In diamond mining, the rejects from the process plant typically include two streams: fine processed kimberlite and coarse processed kimberlite. The coarse processed kimberlite in the form of sand or gravel is typically managed in stockpiles, similar to the mine rock piles. Only the fine processed kimberlite in the form of slurry should be defined as tailings.	As fine processed kimberlite is a well established term in diamond mine permits. A side note should be added that the term "tailings" should be replaced with "Fine Processed Kimberlite" or "FPK". A definition for Fine Processed Kimberlite should be added as "material that is generally less than 0.25 mm in diameter, rejected from the process plant after the recoverable diamonds have been extracted."	<u>Regarding all other comments on this definition:</u> There is currently a separate definition for processed kimberlite, which may be further separated into defined terms for fine and coarse processed kimberlite depending on the project details. Tailings will not be used or defined in a licence if processed kimberlite is used and defined.
		INAC- YK: Tailings is used throughout the Draft Standard Water Licence conditions.	Clarify if Processed Kimberlite is intended to be included under the definition of tailings or substituted as appropriate. For example in the definition of Waste Rock.	
Tailings Containment Facilities – the area(s) and Engineered Structures designated to contain Tailings. Tailings Containment Area – the Tailings containment basin(s) and the Engineered Structures designated to contain Tailings.	The format of the definition has been updated to standard wording developed for water and waste management facility definitions, in order to make these definitions consistent and broad enough to capture the different types of facilities that might fit within these definitions for various types of licences. If there is a specific facility name, the defined term will usually be the facility name. In this case, the standard definition may be used as is or with project-specific variations.	-	-	-
Temporary Closure – a state of care and maintenance, with the intent of resuming Project activities in the near future.	This definition is based on the <i>Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest</i>	-	-	-

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	<i>Territories</i> (which do not actually define this term). Care and maintenance could include a range of non-activity (i.e. total camp shutdown) through to operation of a camp while the main activities are not occurring (i.e. not drilling, not mining, or pipeline is not flowing).			
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.	This definition is consistent with the MVLWB/AANDC <i>Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories</i>	DBCI – GK: With respect of additional conditions at Part B. 4 and Schedule B 1, f), the definition of traditional knowledge is vague and the scope is open for interpretation.	Recommend revising the definition to make it more specific, and see comments on Part B. 4.	Please see the Reponses to Common Topics Identified During the Public Review .
		Imperial Oil: The Standard Water Licence Conditions should include clear definition of terms for 'Indigenous knowledge', 'Indigenous culture', 'traditional knowledge' and 'traditional use'. The current definition provided for Traditional Knowledge represents the broadest range for collective, multi-generational knowledge, experiences and values. It does not relate to or define location specific information, but rather a broader articulation of world view. This may be confusing in the context of project planning. Careful consideration and clearer definition needs to be given to which types of information inform project planning, operation/monitoring and closure and reclamation and which are better placed in understanding communities' views on sustainability.	Provide clear definitions for 'Indigenous knowledge', 'Indigenous culture', 'traditional knowledge' and 'traditional use' and provide an understanding regarding which knowledge or information informs project planning, operation/monitoring or closure and reclamation and which knowledge is better placed in understanding communities' views on sustainability.	

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		INAC – Inspectors: The Inspector agrees that TK is an extremely important aspect of any project and should be incorporated into all water licences, however TK can be very difficult to enforce as it is not always documented and relayed to the Inspector.	Ensure that a formal process is in place to ensure the Inspector is aware of all recommended/required TK requirements.	
Unauthorized Discharge – a release or Discharge of any Water or Waste not authorized under this Licence or legislation .	The reference to other legislation has been removed, because the licensee must still comply with other applicable legislation; however, the licence conditions are limited to the Boards’ jurisdiction.	GNWT – ENR: The proposed definition for unauthorized discharge is “a release or Discharge of any Waters or Waste not authorized under this Licence.” ENR notes the proposed definition of “discharge” already includes that it is a release. Further, as noted above, the definition should be changed to “a Deposit of Waste or Water not authorized under this Licence”. This would be more consistent with the Waters Act and Regulations.	ENR recommends the term “release” be removed from the definition of unauthorized discharge. ENR recommends that the definition be changed to “a Deposit of Waste or Water not authorized under this Licence”.	This definition has been revised as recommended. The Standard Conditions have been revised to ensure consistent terminology (discharge or deposit) throughout.
<u>Option 1:</u> Waste – as defined in section 1 of the <i>Waters Act</i> : 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		-	-	The definition has been revised to include the full written definition from the legislation.

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<p>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</p> <p>c) a substance or water that, for the purposes of the <i>Canada Water Act</i>, is deemed to be waste,</p> <p>d) a substance or class of substances prescribed by regulations made under subparagraph 63(1)(b)(i),</p> <p>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</p> <p>f) water that has been subjected to a treatment, process or change prescribed by regulations made under subparagraph 63(1)(b)(iii).</p> <p>—any substance defined as Waste by section 1 of the <i>Waters Act</i>.</p> <p>OR</p> <p><u>Option 2:</u> Waste – as defined in section 51 of the <i>Mackenzie Valley Resource Management Act</i>: any substance that would, to an extent that</p>				

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<p>is detrimental to its use by people or by any animal, fish or plant, degrade or alter or form part of a process of degradation or alteration of the quality of any water to which it is added. Alternatively, it means any 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 any other water, degrade or alter or form part of a process of degradation or alteration of the quality of that other water to which it is added. It includes</p> <ul style="list-style-type: none">a) any substance or water that is deemed, under subsection 2(2) of the <i>Canada Water Act</i>, to be waste;b) any substance or class of substances prescribed by regulations made under subparagraph 90.3(1)(b)(i);c) water that contains any substance or class of substances in a quantity or concentration that is equal to or greater than a quantity or concentration prescribedd) in respect of that substance or class of substances by regulations made under subparagraph 90.3(1)(b)(ii); ande) water that has been subjected to a treatment, process or change prescribed by regulations made under subparagraph 90.3(1)(b)(iii). <p>any substance defined as Waste section 51 of the <i>Mackenzie Valley Resource Management Act</i>.</p>				
Waste Disposal Facilities – the area(s) and structures designated for the disposal of	The format of the definition has been updated to standard wording developed for water and	-	-	-

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<p>Waste, including, but not limited to, the [enter as relevant: Sewage Disposal Facilities, Solid Waste Disposal Facilities, Hydrocarbon- Contaminated Soil Treatment Facility].</p> <p>Waste Disposal Facilities— the area and associated structures designated for the disposal of Waste, including, the [enter as relevant: Sewage Disposal Facilities, Solid Waste Disposal Facilities, Hydrocarbon Contaminated Soil Treatment Facility,] and as described in the Application and [enter reference figures and/or map, date stamp].</p>	<p>waste management facility definitions, in order to make these definitions consistent and broad enough to capture the different types of facilities that might fit within these definitions for various types of licences.</p> <p>This defined term is usually only used in a few overarching conditions in municipal licences or for small projects. For larger projects, this term is typically not used, so tailings and waste rock facilities have not been included in the list.</p>			
<p>Waste Management Plan (WMP) – a document, developed in accordance with the MVLWB Mackenzie Valley Land and Water Board’s Guidelines for Developing a Waste Management Plan, that describes the methods of Waste management for the Project, from Waste generation to final disposal.</p>		-	-	-
<p>Waste Rock – all unprocessed rock materials, except ore and [enter: Tailings or Processed Kimberlite], which are produced as a result of mining and milling operations throughout the life of the Project.</p>	<p>Removed ‘unprocessed,’ because mining can be considered a form of processing.</p>	<p>GNWT – ENR: The proposed definition for waste rock is “all rock materials, except ore and Tailings, which are produced as a result of mining and milling operations.”</p> <p>Given that “Tailings” and “Processed Kimberlite” have separate definitions included in the list, it isn’t clear if the definition is meant to include or exclude Processed Kimberlite.</p>	<p>ENR recommends the Board clarify if the definition of waste rock was intended to exclude Processed Kimberlite.</p>	<p>Processed kimberlite has been added as an alternative to tailings in this condition. The correct term will be selected based on the term that is used in the licence for a project.</p>
<p>Waste Rock Storage Facilities – the area(s) and Engineered Structures designated designed for the disposal of Waste Rock [include if applicable: overburden, and/or till].</p>	<p>The format of the definition has been updated to standard wording developed for water and waste management facility definitions, in order to make these definitions consistent and broad enough to capture the different types of facilities</p>	<p>ECCC: The definition of Waste Rock Storage Facilities (WRSF) lists “...disposal of Waste Rock and till.” ECCC suggests adding “or overburden” as this is routinely disposed of in</p>	<p>N/A - comment provided for the MVLWB's benefit.</p>	<p><u>Regarding all comments on this definition:</u> This definition has been revised to include both overburden and till, since they are considered different types of materials. Depending on the project details, either or</p>

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Waste Rock Storage Area includes the Engineered Structures facilities for the disposal of rock and till.	that might fit within these definitions for various types of licences	WRSF. ECCC notes that till and overburden are not the same (i.e., in the dictionary till is defined as glacial drift consisting of an unsorted mixture of clay, sand, gravel, and boulders, while overburden is defined as waste earth and rock covering a mineral deposit) and both should be included in the definition.		both of these types of materials may be deposited in Waste Rock Storage Facilities; however, a specific definition for these common terms is not considered to be necessary.
		GNWT – ENR: The proposed definition of Waste Rock Storage Facilities is “the area(s) and Engineered Structures designated for the disposal of Waste Rock and till.” ENR notes it may be helpful to include a definition for till in Water Licenses.	ENR recommends the Board consider including a standard definition for till in the standard Water Licence conditions.	
		INAC – CARD: Waste Rock Storage Facilities - Why use the term "till" here, especially if it is undefined? Suggest either expanding the term waste rock to include overburden soils removed for the purpose of extracting ore, or use the term overburden soils in the waste rock storage facility definition instead of till.	Consider removing term till and modify definition.	
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. Wastewater – any Water that is generated by site activities or originates on-site, contains Waste, and requires treatment or any other Water management activity, and includes but is not limited to, Runoff, Seepage, Minewater, and Effluent.	This definition has been revised as follows: 1) Removed requirement for treatment or management. If the water contains waste, it is wastewater, and the requirement for treatment or management of wastewater streams for each project is determined through the regulatory process. 2) Revised ‘includes’ to ‘may include.’ This allows runoff to be considered wastewater if it contains waste, which must be determined on a case-by-case	INAC – Inspectors: Recommend that the term ‘contains waste’ be removed from the definition as any onsite contact water could be harmful to the nearby environment if left untreated and would need to be sampled to ensure that it was not a ‘waste’.	Make the above changes to the definition.	The intent here is to distinguish water that contains waste from water that doesn’t, so that any licence limitations/requirements that apply to wastewater aren’t broadly applied unnecessarily. This does require monitoring/sampling in most cases, either through the SNP or other monitoring programs.

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	basis, rather than categorically defining it as wastewater in all circumstances.			
Wastewater Management Pond(s) – the area(s) and structures designated to collect and store Wastewater. Water Management Pond – [enter location(s)] where Wastewater will be collected and stored.	The format of the definition has been updated to standard wording developed for water and waste management facility definitions, in order to make these definitions consistent and broad enough to capture the different types of facilities that might fit within these definitions for various types of licences. If there is a specific facility name, the defined term should be the facility name. In this case, the standard definition may be used as is or with project-specific variations.	-	-	
Wastewater Treatment Facilities – the area(s) and structures designated for the treatment of Wastewater. Wastewater Treatment Facilities – the structures designated for the treatment of Wastewater as described in the Application and [enter reference figures and/or map, date stamp].	The format of the definition has been updated to standard wording developed for water and waste management facility definitions, in order to make these definitions consistent and broad enough to capture the different types of facilities that might fit within these definitions for various types of licences.	-	-	-
<u>Option 1:</u> Water – as defined in section 1 of the <i>Waters Act</i> : water under the administration and control of the Commissioner, whether in a liquid or frozen state, on or below the surface of land. any Water as per section 1 of the <i>Waters Act</i>. OR <u>Option 2:</u> Water – as defined in section 51 of the <i>Mackenzie Valley Resource Management</i>		-	-	This definition has been revised to include the full written definitions from the legislation.

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<i>Act</i> : any inland waters, whether in a liquid or frozen state, on or below the surface of land. any Water as per section 51 of the Mackenzie Valley Resource Management Act.				
<u>Option 1:</u> Watercourse – as defined in section 1 of the Waters Regulations: a natural watercourse, body of Water or Water supply, whether usually containing Water or not, and includes Groundwater, springs, swamps, and gulches. <u>Option 2:</u> Watercourse – as defined in section 2 of the Mackenzie Valley Federal Areas Waters Regulations: a natural watercourse, body of Water or Water supply, whether usually containing Water or not, and includes Groundwater, springs, swamps, and gulches.	In the past, various terms have been inconsistently used to refer to a waterbody, and a definition is not typically included. This definition comes from legislation; it is similar to the definition in the Standard Permit Conditions, but includes groundwater.	Dominion: The term “watercourse” is not suitable for including lentic water. Watercourse refers to lotic water that is flowing. Also see comment on the definition of Ordinary High Water Mark.	Update the watercourse definition with more representative wording.	This term is consistent with the legislation, and the definition clearly includes lentic and lotic water. The definition has been revised to include the legislative reference.
<u>Option 1:</u> Water Management Area – a geographical area of the Northwest Territories established by section 2 and Schedule A of the Waters Regulations. or <u>Option 1:</u> Water Management Area – a geographical area of the Northwest Territories established by section 3 and Schedule 1 of the Mackenzie Valley Federal Areas Waters Regulations.	Added to provide clarity about the cover page.	-	-	-

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Waters Regulations – the regulations proclaimed pursuant to section 63 of the <i>Waters Act</i> .	Added in order to replace the more general term ‘Regulations.’	GNWT – ENR: The term “Regulations” has been removed and replaced with the federal and territorial regulations. It should be clarified that these regulations will used as an either/or depending on whether it is a federal or non-federal Water Licence.	ENR recommends that the Board clarify that the specific regulation referenced in the definitions section will be reflective of whether the WL is federal or non-federal.	This is captured in internal staff instructions.
Water Supply Facilities – the area(s) and structures designed designed to collect, (treat) , and supply Water for the Project. Water Supply Facilities – the area(s) and associated structures designed to collect, treat, and supply Water for municipal purposes, including Water Treatment Plant and Distribution Facilities and Water Intake Infrastructure as described in Application and [enter reference figure and/or map, date stamp].	<p>The format of the definition has been updated to standard wording developed for water and waste management facility definitions, in order to make these definitions consistent and broad enough to capture the different types of facilities that might fit within these definitions for various types of licences.</p> <p>This definition has been made more general, since it can be used for projects other than municipal, and the names of the facilities might not always be the same. This includes operations as small as a pump and pipeline through to a large complex facility.</p>	ECCC: ECCC notes that it might be helpful to specify “raw” or "fresh water" for the Water Supply Facilities definition as there are water supply structures for recycled water at mines, and the intent here is for drawing clean water. As this definition is currently worded it will also capture makeup water used for mining processing purposes and it is unclear to ECCC if that is the intent.	N/A - comment provided for the MVLWB's benefit.	This specification is not necessary and may cause confusion. The water supply facilities will be described in the application and/or a Water and Wastewater Management Plan. Recycled water is considered to be wastewater, not water, in the licence conditions. (Note that the WASTEWATER USE condition has been revised accordingly.)
<u>Option 1:</u> Water Use – as defined in section 1 of the <i>Waters Act</i> : 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 <i>Canada Shipping Act, 2001</i> . a use of Water as per section 1 of the <i>Waters Act</i>		-	-	This definition has been revised to include the full written definitions from the legislation.

Defined Terms	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
<div>OR</div> <div>Option 2: Water Use – as defined in section 51 of the <i>Mackenzie Valley Resource Management Act</i>: a direct or indirect use of any kind other than a use connected with shipping activities that are governed by the <i>Canada Shipping Act, 2001</i>, including<ul style="list-style-type: none">(a) any diversion or obstruction of waters;(b) any alteration of the flow of waters; and(c) any 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. a use of Water as per section 51 of the <i>Mackenzie Valley Resource Management Act</i></div>				
<div>Option 1: Water Use Fee – the fee for use of Water as per the Waters Regulations pursuant to section 63 of the <i>Waters Act</i> and the Mackenzie Valley Land and Water Board’s <i>Water Use Fee Policy</i>.</div> <div>OR</div> <div>Option 2: Water Use Fee – the fee for use of Water as per the Mackenzie Valley Federal Areas Waters Regulations pursuant to section 90.3 of the <i>Mackenzie Valley Resource Management Act</i> and the Mackenzie Valley Land and Water Board’s <i>Water Use Fee Policy</i>.</div>		-	-	-

Scope:

	Scope	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
1.	<p>This Licence entitles the Licensee to use Water, dewater [enter all or a portion of XXX Watercourse], and deposit Waste for [enter type of licence based on code activities] undertakings at the [enter name of Project]. Northwest Territories [enter mineral leases/exploration licence # (if any/applicable)].</p> <p>The scope of this Licence includes the following:</p> <p>a) [enter list of activities];</p> <p>b) Withdrawal of Water for [enter purpose];</p> <p>c) Dewatering of [enter all or a portion of XXX Water source] to [enter location/facility];</p> <p>d) Depositing of Waste to [enter location/facility];</p> <p>e) Construction, operation, and maintenance of [enter type/name of Watercourse crossing(s), e.g. bridge, pipeline, etc.];</p> <p>f) Construction, operation and maintenance of [enter type/name of Watercourse training(s), e.g. barge landing, culverts, etc.];</p> <p>g) Construction, operation, and maintenance of [enter type/name of flood control structures];</p> <p>h) Construction, operation, and maintenance of [enter type/name of Watercourse diversion structure];</p> <p>i) Construction, operation, and maintenance of [enter: Dams and/or dykes];</p>	SCOPE	<p>The purpose of this condition is to describe the scope of the Project, which includes the activities that have been subject to Part 5 of the MVRMA and that the Licensee is entitled to conduct.</p> <p>The scope of all licences will include (a) and (k); however, (b) through (j) will only be included as appropriate. Project-specific details will be filled in throughout this condition.</p>	<p>Dewatering has been moved under the list of activities, since it is a type of water use.</p> <p>References to external authorizations (e.g., mineral leases, municipal plan/lot numbers) have been removed, because these can change over the life of the licence.</p> <p>All legislated licence triggers have been added to the list of activities to ensure the licence triggers for the project are clearly included in the scope.</p>	Avalon: (f) What are watercourse trainings.	Please define.	Watercourse trainings include channel and bank alterations, culverts, spurs, erosion control, and artificial accretion (as set out in the Regulations).
					Avalon: (j) This section entitles use of water and its control. Most scope items are clear. However, many facilities do not use water for the purpose of processing, or use no or insignificant, non material quantities of water.	Please clarify what facilities /structures not already defined are covered here.	Regarding all other comments on this condition: The intent here is only to create a basic outline into which project-specific details will be added for each licence, not to create a generic scope. The scope for each licence will continue to be project-specific and reflect project activities that have been subject to Part 5 of the MVRMA.
					Imperial Oil: Not all projects will require the entire scope of conditions a) through k). There should be an indication that the Board must fill in or choose text to customize the licence with conditions appropriate to the scope of the proposed project.	Propose that the Condition indicate that projects will only include appropriate, Board selected Conditions. This could be achieved by adding green highlighting in the Condition for "The scope of this Licence includes the following:" as well as for every letter in the series a) through k).	The outline presented here encompasses all types of projects, and the activities reflected in (b) through (i) reflect all licensing criteria set out in the federal and territorial Regulations for all types of projects.
					INAC – CARD: The scope as stated does not seem to contemplate a remediation licence, but only progressive reclamation? This speaks to the bigger issue of what is authorized when a licence is issued for a remediation project.	Clarify scope encompasses remediation projects.	The rationale has been updated to ensure this is clear. (Note that this is already clear in internal staff instructions.)
					There should be a distinction between proponents developing projects on previously undisturbed lands and those projects addressing disturbed lands with no continuity of liability (i.e. purchase of a location at a discounted price due to impact). Examples of the latter are projects for Governments as Custodians of abandoned		Additionally, the SCOPE – PRELIMINARY SCREENING/POST-ENVIRONMENTAL ASSESSMENT condition below has been reinstated, and an option has been added to refer to the preliminary screening for projects that do not undergo EA.

	Scope	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	j) Construction, operation and maintenance of [enter name of facility/structure]; and k) Progressive Reclamation and associated Closure and Reclamation activities.				sites and (potentially) for impacted third parties.		
					<p>GNWT – ENR: ENR notes that Part B, Condition 1 (Scope) has been modified to specifically align with legislated triggers. However, ENR notes that Screening under the MVRMA are much broader than Water Licence triggers and the assessment of effects from a project is guided by the proposed project, the proposed impacts of the project, and, the mitigations that will be used to reduce impacts. Therefore, limiting the Scope to items that are more generic and are not project specific can be problematic. For example, if the proposed project is to create waste rock and tailings but the proposed action to prevent potential significant adverse effects is to backfill them underground or stored them together in a lined facility, the Scope of the licence should reflect that specifically. If it doesn't, there is a potential for waste rock or tailings to be stored at a different location or in a different and less protective manner (i.e. no liner on the tundra). Without specifically mentioning the applicant's approach to mitigate effects there is no ability to compel the licensee to amend the Water Licence when the licensee wishes to modify its approach or activities. This is because that certain change may not be considered out of Scope.</p> <p>Note, in comments below there is a discussion about linkages between project modifications and Water Licence scope. ENR refers the Board to that section as it outlines the linkages between a Water Licence scope</p>	ENR recommends that the Board reinstate the requirement that a reference to the project description and design plan (and or figure) be included in the Scope condition.	

	Scope	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					<p>and modification that can lead to Water Licence amendments. Again, ENR stresses that if the scope of the licence becomes more generic and the modification section of the licence is removed, there is little ability to require an amendment to the licence if there are deviations or changes in the project (e.g. depositing slurry tailings versus dry-stack or paste tailings).</p> <p>GNWT – Lands: The GNWT-Lands supports listing activities that have been subject to Part 5 of the MVRMA.</p>	<p>The GNWT-Lands recommends clearly stating in the definition that the activities listed under this condition have been subject to Part 5 of the MVRMA. (e.g. "....and deposit Waste for [enter type of licence based on code] activities that have been subject to Part 5 of the MVRMA at the [enter name of Project and MVEIRB file number]")</p>	
	<p>These activities are described in submissions to the Board, including, but not limited to:</p> <p>a) The complete Water Licence renewal Application received [enter date];</p> <p>b) The complete Water Licence Application and attachments received [enter date received], [enter date] Technical Session presentation and transcripts; [enter date] Information Requests, and [enter date] Information Request responses; Amendment Applications and related documents submitted after the [enter date] Water Licence Application, up to [enter</p>			<p>This portion of the scope has been removed, because the authorized activities should be clearly summarized in the list above and addressed in the preliminary screening.</p> <p>Additionally, including this portion of the scope has raised a number of complications in the past. At the outset, it is unclear what is meant by complete or accepted application, since attachments to the application can be replaced or added during the licencing process, and it is possible that activities may not be approved as described in the application (e.g. limiting conditions may be applied). Amendment documents are then added to the list as needed; however, for projects with multiple amendments, the</p>	-	-	-

	Scope	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<div>date of end of this process].</div> <div>If any discrepancy or conflict results from reference to the submissions referred to in subparagraphs b) i–iii, the contents of the more recent document shall prevail.</div>			list becomes unwieldy, and it is unclear whether to continue to include the original application (and any prior amendments) in the list, since these documents would contain outdated information. Finally, since most applications contain some or many management plans, which are often revised during the life of the licence, referencing the application in the scope includes references to management plans that will eventually contain outdated project details.			
2.	<div>Option 1:</div> <div>The scope of this Licence is as described in the Preliminary Screening for [enter licence number], dated [enter full date of most recent preliminary screening for the project].</div> <div>OR</div> <div>Option 2:</div> <div>The scope of this Licence is as described in [enter location of information, i.e., “Table X: Final Scope of Development”] in the Report of Environmental Assessment [enter MVEIRB file number].</div>	<div>SCOPE – PRELIMINARY SCREENING</div> <div>OR</div> <div>SCOPE – POST ENVIRONMENTAL ASSESSMENT</div>	The intent of this condition is to reference the scope as described in the Preliminary Screening by the Land and Water Board, or the Report of Environmental Assessment developed by MVEIRB.	This condition has been removed for the same reasons as those described for the removal of the portion of the scope above.	-	-	Removal of this condition was proposed initially, but it has been added back in to address review comments on the SCOPE condition above. Additionally, an option has been developed for projects that did not undergo an EA/EIR.
3.	<div>Option 1:</div> <div>This Licence is issued subject to the conditions contained herein with respect to the taking use of Water and the deposit of Waste of any type in any Waters or in any place under any conditions where such Waste or any other Waste that results from the deposits of such Waste may enter any Waters. Any change made to the [enter: Mackenzie Valley Resources Management Act or Water Act] and/or the [enter: Mackenzie Valley Federal Areas Waters Regulations or Waters</div>	LEGISLATION SUBJECT TO CHANGE	The intent of this condition is to ensure the Licensee complies with all applicable legislation for the life of the Licence.	Revised ‘taking of Water’ to ‘use of Water’ for consistency with legislation and other licence conditions.	-	-	This condition has been revised to ensure that it correctly conveys the legal implications of revisions to the applicable act and regulations.
				Removed ‘of any type’ because it is unnecessary given the broad definition of the term ‘Waste.’	<div>Avalon: The impact of new regulations on projects constructed, approved and/or operating under regulations in effect at the time of approval and construction, could result in the need for a proponent to spend 10's of millions of dollars and could in some instances, could put a company out of business.</div>	<div>All new regulation must include a socio-economic assessment of the impacts on all all proponents. If new regulation will put an operation out of business, some compromise may be required. At a minimum, for regulatory changes that have material economic impacts, it must be clear in the license (and regulation) that a substantial time line be permitted to come into compliance or as</div>	This recommendation is outside of the scope of the Standard Conditions. The LWBs do not create regulations.

	Scope	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<p>Regulations that affects licence conditions and defined terms will be deemed to have amended this Licence. Whenever new Regulations are made or existing Regulations are amended by the Commissioner in Executive Council under the Waters Act, or other statutes imposing more stringent conditions relating to the quantity or type of Waste that may be so deposited or under which any such Waste may be so deposited, this Licence shall be deemed, upon promulgation of such Regulations, to be automatically amended to conform with such Regulations.</p> <p>OR</p> <p><u>Option 2:</u> This Licence is issued subject to the conditions contained herein with respect to the taking use of Water and the deposit of Waste of any type in any Waters or in any place under any conditions where such Waste or any other Waste that results from the deposits of such Waste may enter any Waters. Any change made to the [enter: Mackenzie Valley Resources Management Act or Water Act] and/or the [enter: Mackenzie Valley Federal Areas Waters Regulations or Waters Regulations] that affects licence conditions and defined terms will be deemed to have amended this Licence. Whenever new Regulations are made or existing Regulations are amended by the Governor in Council under the Mackenzie Valley Resource Management Act, or other statutes imposing more stringent conditions relating to</p>					<p>negotiated between the regulator and the proponent or in the regulation. It is noted that mining investment requires confidence in being able to operate in the long term. Excessive "changeing rules and target"s in the NWT will discourage investment.</p>	

	Scope	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	the quantity or type of Waste that may be so deposited or under which any such Waste may be so deposited, this Licence shall be deemed, upon promulgation of such Regulations, to be automatically amended to conform with such Regulations.						
4.	Compliance with the defined terms and conditions of this Licence does not relieve the Licensee from responsibility for compliance with the requirements of any applicable federal, territorial, [Třichô] , [Oějng] , or municipal legislation.	LEGISLATIVE COMPLIANCE	The intent of this condition is to ensure the Licensee comply complies with all applicable legislation for the life of the authorization.		-	-	Revised for simplicity.

Part B: General Conditions

A draft [Schedule](#) for this Part is attached.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
1.	The Licensee shall ensure a copy of this Licence is maintained on site at all times.	COPY OF LICENCE	<p>The intent of this condition is to inform the Licensee that copies of the current Licence must be available to facilitate immediate reference.</p> <p>The form of the licence copy is at the discretion of the Inspector.</p>	The form of the licence copy is at the discretion of the Inspector.	Imperial Oil: The wording implies that a physical copy of the License is required to be maintained on site at all times. This does not actually reflect the intent of the rationale, nor is it achievable for small projects that do not always have an office, trailer, or a place to store this type of documentation.	Recommend that the wording be revised to accurately reflect the rationale that a copy of the Licence be available to facilitate immediate reference when on site or at the request of the inspector.	The condition actually does not specify the form of the licence copy. As stated in the notes, the form of the licence copy will be at the discretion of the Inspector; this has been added to the rationale for clarity.
2.	<p>The Licensee shall take every reasonable precaution to protect the environment.</p> <p>The Licensee shall exercise due diligence to protect the environment from the effects of its activities.</p>	PRECAUTION TO PROTECT ENVIRONMENT	This condition provides a general goal for the Licensee throughout the life of the project.		Avalon: It is recognized by proponents that they must minimize any impacts on the environment, and this is very clear in the many license requirements. However, with the potential advent of Administrative Penalties without a due diligence defence, undefined terms like "reasonable" are not acceptable unless it is clear that a due diligence defence is allowed.	As noted here and above, licenses must recognize the reality of Administrative Penalties, and write documents with this in mind. As the requirements are clear in the document, this statement is redundant and unnecessary. Thus it should be removed.	<p>This condition is similar to other objective-type conditions and has been maintained.</p> <p>Regarding AMPs, please see the Reponses to Common Topics Identified During the Public Review.</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
3.	<p>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.</p> <p>The Licensee shall exercise due diligence to consider and incorporate any scientific and Traditional Knowledge that is available to the Licensee, in conducting its activities under this Licence.</p>	INCORPORATE SCIENTIFIC INFORMATION AND TRADITIONAL KNOWLEDGE	This Condition informs the Licensee that incorporation of scientific information and Traditional Knowledge is required throughout the life of the Project.		<p>Avalon: It is clearly recognized by proponents that scientific information and Traditional Knowledge must be utilized in project development and operations and we fully support this. However, with the proliferation of un-peer reviewed scientific journals and the fact that in my experience, some Traditional Knowledge provided can be conflicting between individuals providing it, and sometimes the Traditional and Western Scientific information also conflicts, the use of the phrase "consider and incorporate any" is not manageable with respect to both scientific information and traditional knowledge. Further, the rationale column states that it is required throughout the project.</p>	<p>Please remove the terms "incorporate" and "any". Also, once Traditional Knowledge has been provided, unless there is a change in the project, additional new traditional knowledge is unlikely to be available during the life of the project. Thus continuing to try to annually collect it has high cost and diminishing returns. There could potentially be specific circumstances identified in the license where Traditional and new Scientific information is required.</p>	<p><u>Regarding all comments on this condition:</u> Please see the Responses to Common Topics Identified During the Public Review.</p> <p>All applications and licences must include an Engagement Plan, which details how and when engagement will be conducted over the life of the project. Engagement is expected to be the primary means of identifying and collecting TK over the life of the project. This condition does not require the licensee to conduct additional engagement beyond what is set out in the Engagement Plan.</p> <p>A definition of scientific information is not necessary to support this condition. It is also unnecessary to specify that the information be 'project-related.' Scientific information may not be specific to a project, but can be applied to a project; and TK may be regional rather than project-specific. The licensee should be capable of determining what information is relevant to their project.</p> <p>Note that the language used here is consistent with the language in subsection 60.1 of the MVRMA.</p>
					<p>Fortune: Any major project seeking a Type A water license would have gone through the EA process and completed a TK program. These results would have been considered along with scientific knowledge in the decision making process and would be part of the commitments and conditions of approval of the project. As such, this requirement seems redundant given it will already have been accomplished at the approvals stage</p>	<p>"In conducting its activities under this License" is a very loose definition. The board should be more specific as to which level of documentation requires the acknowledgement of TK or scientific information given that it will likely already have been considered during the approvals stage.</p>	

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					KBL: The condition references "scientific information" but does not provide a definition for what that means. Using "scientific information" is very broad and open for interpretation.	Provide definition for "scientific information" and provide additional details on how this condition could be met.	
					Imperial Oil: Imperial supports the joint inclusion/incorporation of scientific information and of Traditional knowledge that is made available throughout the life of a project. Imperial also supports documenting/indicating recommendations provided based on Traditional Knowledge and describing the rationale behind the adoption or non-adoption of these recommendations in project submissions.	Similar to the Part A: Defined Terms, page 16 recommendation above, for clarity, definitions of which knowledge or information is "project-related" and informs project planning, operation/monitoring and closure and reclamation are required.	
					Dominion: It is not clear from the Proponent's perspective how to meet these conditions as they are very broad and open to interpretation especially when it comes to what and whom determines if there has been "reasonable effort". This does not meet the requirement for a condition in terms of it having a clear purpose and rationale nor being practical and enforceable. Additionally, it is not practical to expect there to be TK for	Revise the condition 4 to allow for those submissions where TK would not be applicable. Suggest: In submissions required by this Licence or any directives from the Board where applicable and appropriate, the Licensee shall identify all recommendations based on Traditional Knowledge received, describe how the recommendations were incorporated into the submission, and provide	

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					"...each submission required by this Licence or any directive from the Board...". For example, as-builts are often a requirement of a WL but would have no TK component. There needs to be some flexibility in terms of TK incorporation for submissions as in some cases it is just not applicable to the submission that is required.	justification for any recommendation not adopted.	
					INAC – CARD: Although we greatly value the contribution of Indigenous Knowledge to our projects, this condition is unclear. Does "is made available" imply that the licensee must consider any TK "provided" or does it imply the licensee needs to seek out the TK and Scientific Information?	Reword "is made available" to "provided" if that is the intention of the condition.	
					GRRB: We are particularly supportive of the following changes proposed in this document: the condition in Part B: 3., to consider and incorporate both scientific and Traditional Knowledge, and 4. Providing clear record-keeping of what information was received and what was done with it. Including these clearly in applications will better allow GRRB to assess the potential impacts of each project to fish,	-	

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					wildlife and forestry and therefore determine if the proponent's plans for mitigation are reasonable/adequate.		
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	This condition requires the Licensee to demonstrate how the traditional knowledge component of the INCORPORATE SCIENTIFIC INFORMATION AND TRADITIONAL KNOWLEDGE condition is being met.	New condition linked to the INCORPORATE TRADITIONAL KNOWLEDGE condition above. This condition will typically not be included in municipal licences.	Imperial Oil: Imperial supports the joint inclusion/incorporation of scientific information and of Traditional knowledge that is made available throughout the life of a project. Imperial also supports documenting/indicating recommendations provided based on Traditional Knowledge and describing the rationale behind the adoption or non-adoption of these recommendations in project submissions.	Similar to the Part A: Defined Terms, page 16 recommendation above, for clarity, definitions of which knowledge or information is "project-related" and informs project planning, operation/monitoring and closure and reclamation are required.	<u>Regarding all comments on this condition:</u> Please see the Reponses to Common Topics Identified During the Public Review . It is acknowledged that some submissions (e.g., SNP reports) may not typically involve incorporating TK; however, this condition does not include limitations on the types of submissions it would apply to. The type and application of any TK provided cannot be anticipated for all scenarios. If no relevant TK has been provided, the licensee can include a simple statement to that effect with a submission. If confidential TK is provided to the licensee, the licensee can still describe how TK was considered without providing the confidential information. Alternatively, the Board has an established process for managing confidential submissions as necessary.
					DBCI – GK: -	Please provide examples of recommendations that either should or should not be considered as traditional knowledge.	
					KBL: The condition is generic and open for interpretation.	Recommend that additional details on how this condition could be met.	
					Dominion: It is not clear from the Proponent's perspective how to meet these conditions as they are very broad and open to interpretation especially when it comes to what and whom determines if	Revise the condition 4 to allow for those submissions where TK would not be applicable. Suggest: In submissions required by this Licence or any directives from the Board where applicable and	

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					there has been “reasonable effort”. This does not meet the requirement for a condition in terms of it having a clear purpose and rationale nor being practical and enforceable. Additionally, it is not practical to expect there to be TK for “...each submission required by this Licence or any directive from the Board...”. For example, as-builts are often a requirement of a WL but would have no TK component. There needs to be some flexibility in terms of TK incorporation for submissions as in some cases it is just not applicable to the submission that is required.	appropriate, 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.	
					INAC – CARD: As this condition is currently written all submissions or directives need to identify any TK/IK and rationale for its inclusion or non-inclusion. As written this would include any and all submissions, including spill contingency plans, or SNP reports that have limited TK. It is unrealistic to expect any proponent or indigenous group to be able to engage for each and every submission and receive any meaningful TK.	Clarify that transactional reports such as SNP or annual reports of activities are exempt from this condition.	

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					INAC – CARD: Traditional Knowledge (or Indigenous Knowledge) is sometimes provided with the condition it not be disclosed without consent, as the intellectual property rights are held by the indigenous group or individual.	Considerations should be made for any Traditional Knowledge provided in confidence.	
					INAC – Inspectors: The condition seems very broad and open for interpretation	Recommend additional details or examples of how this condition would be met satisfactorily.	
					GRRB: We are particularly supportive of the following changes proposed in this document: the condition in Part B: 3., to consider and incorporate both scientific and Traditional Knowledge, and 4. Providing clear record-keeping of what information was received and what was done with it. Including these clearly in applications will better allow GRRB to assess the potential impacts of each project to fish, wildlife and forestry and therefore determine if the proponent’s plans for mitigation are reasonable/adequate.	-	
5.	All references to policies, guidelines, codes of practice, statutes,	REFERENCES	Documents referenced within the Licence conditions may be revised		-	-	-

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	regulations, or other authorities shall be read as a reference to the most recent versions, unless otherwise denoted .		over the life of the Licence. This condition clarifies that the most recent versions of references should be used, unless otherwise denoted.				
6.	<p>The Licensee shall ensure all submissions information submitted to the Board:</p> <p>a) Is in a form acceptable to the Board;</p> <p>b) Are in accordance with the Mackenzie Valley Land and Water Board's <i>Document Submission Standards</i>;</p> <p>c) Include a conformity statement or table a section within each submission which identifies where the requirements of this Licence, or other directives from the Board, are addressed; and</p> <p>d) Include any additional information requested by the Board.</p>	SUBMISSION FORMAT AND CONFORMITY	<p>The intent of this condition is to set out the Board's expectations for submissions, and to improve the consistency and efficiency of the submission and review process.</p> <p>Additional details are available in the MVLWB Document Submission Standards.</p> <p>Item (d) allows the Board to request additional information in relation to any submission in order to inform Board decisions related to the Licence. The Board will provide rationale for requesting additional information in a submission.</p>	<p>Item (d) has been added to this condition to address situations where the Board may request additional information in a submission. This has often been included in schedules for various management plans and reports, but is not included in conditions for submissions that do not have a detailed schedule. Including this item would ensure consistency across all submissions.</p> <p>The requirement for a revision history table has been included in the updated <i>Document Submission Standards</i>, so it has not been included here.</p>	-	-	-
7.	The Licensee shall ensure management plans are submitted to the Board in a format consistent with the Mackenzie Valley Land and Water Board's <i>Standard Outline for Management Plans</i> , unless otherwise specified .	MANAGEMENT PLAN FORMAT	The intent of this condition is to assist Licensees in preparing management plans in a consistent way for all types of projects and to allow reviewers to more easily locate specific information. This will facilitate a more efficient	The addition of 'unless otherwise specified' refers to plans where there are guidelines specified in the definition or relevant licence conditions.	-	-	

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			public review and decision process. Additional details are available in the MVLWB Standard Outline for Management Plans . This condition does not apply to submissions that must be in accordance with specific guidelines as set out in the Licence definitions or conditions.				
8.	The Licensee shall comply adhere to/act in accordance with all [enter applicable document types used in the Licence: plans, programs, manuals, studies] , including revisions , approved pursuant to the conditions of this Licence, including such revisions made as per the conditions of this Licence, and as approved by the Board .	COMPLY WITH SUBMISSIONS AND REVISIONS	The intent of this condition is to direct the Licensee to comply with the most-recently approved plans, programs, studies, and manuals.	Note that this condition lists document types rather than encompassing all submissions, because the licensee does not implement or comply with reports.	-	-	Revised for simplicity.
					GNWT – ENR: Part B, Condition 8 states that the Licensee shall comply with all plans, etc. approved under the Water Licence. There have been instances in the past where plans may be contradictory to each other and/or the Water Licence (e.g. one plan may allow deposition of PAG material in areas which is prohibited by other plans and the Water Licence). This may create an issue with this	ENR recommends that prior to any plan approval, the Board ensures that the plan does not contradict a previously approved plan or any condition of the Water Licence.	This recommendation is noted, but it does not affect the condition or the rationale for including this condition. Licensees also responsible for ensuring that plans are not contradictory.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					condition and as such the Board should ensure that contradictory plans are avoided.		
					Imperial Oil: A Licensee will "comply" with a licence and/or regulation, but we would "follow" or "implement" plans, programs, manuals, or studies. Comply isn't an appropriate term for execution of plans and programs.	Suggest rephrasing the Condition to indicate that Licensees comply with their Licence by implementing or following the appropriate plans, programs, manuals, etc	The intent here is to direct the licensee to act in accordance with the documents that have been approved by the Board. Although the Boards have used varying language in the past, 'comply with' is consistent with this intent.
9.	The Licensee shall conduct an annual review of all [enter applicable document types used included in this Licence: plans, programs, manuals, studies] and make any revisions necessary to reflect changes in operations, contact information, or other details. No later than [insert date 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	The intent of this condition is to ensure that the Licensee regularly reviews the Project's management plans, programs, and manuals to ensure they are up to date. If revisions are required, revised documents should be submitted in accordance with the REVISIONS condition. If no revisions are required, the Licensee must submit a simple notification to the Board, indicating which documents have been reviewed and do not require revisions. This notification will be posted on the public registry, so	<p>This condition has been revised to improve clarity regarding the intent and expectations of this condition.</p> <p>Note that this condition lists document types rather encompassing all submissions, because the licensee does need to annually review reports.</p> <p>The timing specified in this condition will usually match the deadline for the Annual Water Licence Report.</p>	Imperial Oil: Condition 9 states that all documents associated with a water licence must be reviewed annually with a notification provided to the Board no later than March 31st each year. However, in the rationale section for this Condition, it is stated that the submission date will match the submission date for the Annual Water Licence Report, which is a date set by the Board. If the Board chooses a date other than March 31st, these dates will be in conflict. For efficiency, the date for submission of the annual review notice and the submission of the Annual Water	Clarify if the Board will always set the date for submission of Annual Water Licence Reports to be March 31st. If this is the intention, revise Condition 18 to reflect March 31st as the date for all Annual Water Licence Reports. If this is not the intention, Condition 9 should reflect that the date for submission of the annual review notification will be the same day that the Board sets for submission of the Annual Water Licence Report.	The date is highlighted in green and will usually be set to match the due date for the Annual Water Licence Report, which will be project-specific. The condition has been updated to indicate that the date must be inserted, rather than setting March 31 as the standard.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	The Licensee shall annually review the Plans and make any necessary revisions to reflect changes in operations, or as directed by the Board.		<p>that reviewers and the Inspectors are aware that the documents have been reviewed and remain current.</p> <p>The submission date will match the submission date for the Water Licence Annual Report.</p>		Licence Report should be the same day.		
					Imperial Oil: Requiring that proposed revisions, which are to be included in the Annual Report, follow the 90 day notice period as required in General Condition 10, implies that a Licensee should not have any necessary revisions that appear in their Annual Report. General condition 10 implies that the Annual report document is a summary of changes that have happened during the year, or that the Licensee has an effective black-out period from January 1st to March 31st where they may not submit proposed revisions. If a Licensee may propose revisions in the first quarter of each year, i.e., if they may propose changes within the January 1st to March 31st timeframe, it is unclear how a Licensee would incorporate the yet to be approved changes in their Annual Report.	Provide clarification for how a Licensee (or if a Licensee) may propose revisions between January 1st and March 31st of the calendar year and clarification for how proposed, yet to be approved, revisions should be incorporated in an Annual Report.	Proposed revisions to plans should not be included in the Annual Water Licence Report. The Report is intended to be a summary of the <u>previous</u> calendar year, which would not be affected by proposed revisions submitted after the end of the reporting year.
					GNWT – ENR: Part B, Condition 9, outlines that the Licensee submit a list each year outlining which plans do not require a revision based on annual review. It may be more comprehensive for the list to also include plans that do	ENR recommends that Part B, Condition 9, require that the notification letter submitted to the Board after the annual review of plans include a list of all plans and outline which require revisions and which do not.	This list is not intended to be a forward-looking schedule for document revisions. During the review, if revisions are determined to be necessary, the licensee should submit revised documents as per the REVISIONS condition, particularly if documents are

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					require revisions with an estimated submission date to assist the Board in work planning.		already noted to be out-of-date during the review.
					SLEMA: "No later than March 31 each year, the licensee shall send a ... to the Board listing the documents that have been reviewed and do not require revisions". This condition is open, does not indicate a deadline for the documents that require revisions	No later than March 31 each year, the licensee shall send a ... to the Board: a) a list of the documents that have been reviewed and do not require revisions b) the revised documents or the date that the revised documents would be submitted.	
					GNWT – MACA: Annual review of O&M manuals would be very difficult for communities to do, as they generally don't have staff capacity to do this, and it would be of limited value since the municipal operations don't change from year to year. Updates are made to O&M manuals when modifications are done.	Suggest having municipal O&M manual reviews triggered by modifications rather than an annual review.	This is already required for all licensees under the REVISIONS condition. This additional condition is a useful reminder to licensees, including municipal licensees, to ensure their plans are current. This condition may also be a useful opportunity for new staff to familiarize themselves with the documents.
					Avalon: Annual reviews of the enourmous volume of information in the "plans, programs, manuals, studies" is a significant underaking, especially during the time periodn when numerous, complex and comprehensive reports are also being prepared for submission. (Avalon has 27 management and enggement plans to date and growing). This is in contrast with the "regular	Recommend that the word "annual" be changed to "regular" as per the rationale. It is recognized that a review after the first year of operation is justified for many plans, and that a review when there is a material operational change, new regulation, a non compliance event, or new scientific or traditional knowledge is available should be completed, or where there is	This requirement is a formal reminder to the licensee to conduct a regular check that all documents are up to date, but does not require that all documents are updated and resubmitted each year. These annual reviews are intended to be a check conducted by the licensee and do not involve reviews by the LWBs or stakeholders unless changes are necessary. The licensee should be familiar with

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					<p>reviews" identified in the rational. Further, as the project advances and demonstrates compliance and good performance, this mandated annual frequency is not justified. As per the Notes on Proposed Changes that identifies that a licensee does not implement or comply with reports, the same could also be said for studies, especially multiple year studies.</p>	<p>a significant decrease in minig activity that has the potential for enviornmental improvements or lowers risk. Flexibiity and focused review time lines based on identified need or risk is necessary. Suggest an annual meeting with regulators and/or the board to identify and focus on which of the "plans, programs, manuals, and studies" are required to be reviewed. This too would reduce unnecessary work loads on Regulators and Indigenous partners. This would also allow more time for effective indepth reviews by all. Plan reviews must be spread out through the year.</p>	<p>their documents, so it should not be difficult to determine which plans are out-dated and require revision. ‘Regular’ is not specific enough to ensure that plans are kept up to date. Revisions associated with proposed changes are addressed in the REVISIONS condition.</p>
					<p>DBCI – GK: This condition is requesting an annual review and if necessary an update to any and all management, plans, etc., with all due at the same time as the annual water licence report. The need for a formal process to complete an annual review is unclear as the proponent will issue a notification to the Board if an update to a plan is required.</p>	<p>This condition should not be included as part of a water licence.</p>	
10.	<p>The Licensee may propose changes at any time by submitting revised [enter document types use included in conditions of this Licence: plans,</p>	REVISIONS	<p>The intent of this condition is to clarify the process for revising submissions, and to highlight that revisions must be approved by the Board</p>	<p>This new condition has been adapted from a previous standard AEMP Design Plan condition, in combination with a standard revision condition</p>	-	-	<p>Revised to ensure it is clear that this condition is specific to documents that require Board approval. Revisions to documents that do not require Board approval are addressed in the relevant</p>

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	programs, manuals, or studies that require Board approval] 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.		before changes are implemented. Ninety days is the typical timeline for the public review and Board decision process; however, Licensees are encouraged to submit proposed revisions earlier.	that was previously used for management plans. This condition also applies to the plans required in Part E: Construction. Since the modifications section has been removed, changes to waste and water management structures (engineered or not) must be approved through revisions to the applicable plans and design drawings set out in Part E. Note that this condition lists document types rather encompassing all submissions, because the licensee does not implement or comply with reports.			condition rather than in this general condition.
					Imperial Oil: Requiring that proposed revisions, which are to be included in the Annual Report, follow the 90 day notice period as required in General Condition 10, implies that a Licensee should not have any necessary revisions that appear in their Annual Report. General condition 10 implies that the Annual report document is a summary of changes that have happened during the year, or that the Licensee has an effective black-out period from January 1st to March 31st where they may not submit proposed revisions. If a Licensee may propose revisions in the first quarter of each year, i.e., if they may propose changes within the January 1st to March 31st timeframe, it is unclear how a Licensee would incorporate the yet to be approved changes in their Annual Report.	Provide clarification for how a Licensee (or if a Licensee) may propose revisions between January 1st and March 31st of the calendar year and clarification for how proposed, yet to be approved, revisions should be incorporated in an Annual Report.	Please See response to ANNUAL REVIEW above.
					GNWT - ENR: -	ENR recommends that a Condition be added to Part B that states that all plans, programs, manual and studies shall be implemented upon approved of the Board.	This recommendation is unnecessary. The licensee is required to comply with approved plans as per the COMPLY WITH SUBMISSIONS AND REVISIONS condition.

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					GNWT – Lands: The process to get approval for proposed changes (or revisions) is not clear. Part E condition #9 refers to authorization by an inspector and later refers to submitting a plan 90 days in advance for Board approval. Part B condition #10, and Part E condition #10 also refer to 90 days in advance for Board approval. When is Board approval required vs. inspector approval?	The GNWT-Lands recommends clarifying the process for obtaining approval on proposed changes (or revisions). Please clarify what type of proposed changes (or revisions) can be approved by inspectors and what type of proposed changes (or revisions) require Board approval.	Board approval is required unless otherwise specified. Although permitting legislation allows for field modifications authorized by the Inspector, licencing legislation does not include similar provisions.
					GNWT - ENR: Part A condition #10 refers to 90 days. The process to get approval for proposed changes or revisions is not clear.	ENR recommends clarifying what type of proposed changes or revisions can be approved by inspectors and what type of proposed changes or revisions require Board approval.	
					Avalon: While a 90 day approval period can be acceptable under normal conditions, there may on rare occasions, exist an emergency event that requires immediate action or actions within the 90 day approval period to prevent an environmental incident.	Include in the license the opportunity and process to get a rapid approval for emergency actions. (unless there is another process?)	Regarding all other comments on this condition: Please see the Reponses to Common Topics Identified During the Public Review . Note that the licensee should always seek direction from the Inspector in emergency situations. The legislation also provides for accelerated amendment processes in certain types of emergency situations. In other cases, the licensee is encouraged to outline timelines and other considerations in a covering letter if a shorter decision timeline is requested.
					Dominion: The requirement to propose changes a minimum of 90 days prior to a proposed implementation date is not realistic. Sometimes project or operational decisions are made that require changes to	Re-work this condition to allow for there to be some flexibility in terms of the submission timeframe as 90 days is not always possible and seems excessive.	

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					management documents or others in shorter timeframes than this. A strict minimum 90 requirement could significantly delay time-sensitive projects and cost the Licensee significant capital. It is understood that the Board needs processing time for changes in submissions however the 90 day timeframe needs to be shortened or there has to be an allowance for more flexibility on a case-by-case basis for proposing changes to submissions.		
					GNWT – Lands: The proposed submission of revised documents 90 days prior to implementation of changes is, in a number of cases, a long period of time. Requiring the 3 month review period and formal approval before implementation of any changes may require projects to be delayed by as much as a year if the approval comes too late in the construction season.	N/A	

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					GNWT – ENR: Part B, Condition 10, outlines that the Licensee may propose changes to a plan, program, manual or study at any time to the Board a minimum of “90” days prior to the proposed implementation date. ENR notes that the “90” days should be highlighted such that alternate dates be included if a plan is only required 60 or 30 days before implementation. The timeline for submission of revised plans, programs, etc. are specific to its purpose. Making every submission the same does not make sense and may add unnecessary restrictions.	ENR recommends that Part B, Condition 10, highlight the submission date for plans, programs, manuals and studies so the default of 90 days can be changed on a case by case basis based on the purpose of the submission.	
					GNWT – Lands: Proposed changes (or revisions) will now have to be submitted to the Board for approval a minimum of 90 days in advance of implementing changes. Recognizing northern conditions, this timeline may be problematic for licensees. Windows for completing work are sometimes short (e.g. winter road season or summer construction season) and the minimum 90 days review period could be challenging when unforeseen circumstances arise.	The GNWT-Lands recommends adding some flexibility in the proposed changes or revisions process with shorter submission timelines (e.g. 30 or 60 days in advance) when applicable.	

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					INAC – CARD: This condition seems to imply that all submissions should assume a 90 day review and approval period. If this is the case, changes to plans will likely create schedule impacts across all projects, but especially for short term and small scale projects for which a high degree of specificity is required in the activities described in the plans. Previously a 45 day or 60 day review and approval period for certain plans was the norm.	Add the option for the Board to select either a 45 or 60 day review period depending on the scope and scale of the plans to be submitted.	
11.	<p>The Licensee shall revise any submission and submit it as per the Board's directive.</p> <p>If any submission is not approved by the Board, the Licensee shall revise the submission according to the Board's direction and resubmit it for approval.</p>	REVISE AND SUBMIT	A Board directive to revise a submission may be part of the Board's decision on the submission, or may be initiated in response to other information made available to the Board (e.g., an inspection report or revisions to a related submission). The REVISIONS condition above will apply.	This condition has been broadened to capture Board directives regarding any submission, not just Board directives contained in decisions on submissions. This also captures scenarios where the Board approves a submission, but still requires a revised submission to reflect Board direction.	Dominion: The statement as currently worded appears to provide the Board with the ability to request revisions at any time, even with approved documents.	Update text to more clearly define under what circumstances a revised document can be requested by the Board.	This type of request from the Board is not common and would be accompanied by rationale. Examples of when the Board might request a revised document are already provided in the rationale column.
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	The intent of this condition is to clarify submission deadlines in relation to holidays and weekends.		-	-	
13.	The Licensee shall comply with the Schedules , which are annexed to and form part of this Licence, and any updates changes to the	COMPLY WITH SCHEDULE(S)	The intent of this condition is to inform the Licensee of the requirement to comply with the Schedules.	Revised to reflect current Board terminology.	GNWT – ENR: Part B, Condition 13, outlines that the Licensee shall comply with the Schedules. ENR notes that over the years, much of the content of a Water Licence has been	ENR note that legislated aspects such as the use of water and deposit of waste should not be included in Schedules or in Management Plans that	Conditions authorizing water use and waste deposit are included in the body of the licence; however, details related to water use and waste management submissions referenced in the main body of the

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	Schedules as may be made by the Board.				removed from the body of the licence and placed in Schedules. Further, the Boards have included provisions within the licence that allows the Schedules to be amended/updated by the Board on their own motion. This practice is concerning to ENR, who has legislated authority to approve Type A Water Licence and Type B Water Licence where a public hearing is held. There are shared approval authorities within a co-management regime. (see comment on Security Schedule below).	ultimately restrict approval authorities.	licence are often set out in the schedules appended to the licence. This allows the reader to easily locate provisions relating to specific submissions. In addition, this allows the Board to efficiently update the detailed requirements specified in the schedules, if appropriate, during the term of the licence. The Board conducts its standard public review and decision process for proposed schedule updates, which provides an opportunity for all parties to make recommendations regarding the proposed changes.
14.	The Licensee shall comply with the Surveillance Network Program , which is annexed to and forms part of this Licence, and any updates changes to the Surveillance Network Program as may be made by the Board.	COMPLY WITH SURVEILLANCE NETWORK PROGRAM	In intent of this condition is to inform the Licensee of the requirement to comply with the SNP, which details the sampling and monitoring requirements related to compliance with Licence conditions.	Revised to reflect current Board terminology.	-	-	

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15.	The Schedules, the Surveillance Network Program, and any compliance dates specified in this Licence may be updated amended at the discretion of the Board.	UPDATES TO COMPLIANCE DATE(S)	<p>The intent of this condition is to inform the Licensee that the Board has the authority to make changes to compliance dates (e.g. submission due date in a Licence condition), Schedules, and SNPs.</p> <p>The Licensee may submit written requests for such changes to the Board for approval. Requests for changes to compliance dates shall be submitted to the Board in advance of the compliance date to allow sufficient time for review and Board decision.</p>	Revised to reflect current Board terminology.	Avalon: As recognized earlier in the document, SNP's include non compliance parameters. As stated above, due to the risk of Administrative Penalties, these non compliance parameters could result in Administrative penalties while the Licensee is in full compliance with all discharges and not having any environmental impacts in any areas identified and monitored in the SNP. On rare occasions, there may be a failure to complete all monitoring that has a legitimate due diligence defense.	Allow within the SNP's and/or license the identification of what requirements in the SNP are subject to Administrative Penalties and what are not. This allows for due diligence discussions if for some uncontrollable reason, some non compliance monitoring is not completed.	Please see the Reponses to Common Topics Identified During the Public Review .
					Avalon: A Board has the ability to put Licensees out of compicance due to changes in schedules, the SNP and compliance dates.	Add a phrase that while such changes can be made, adequate time will be allowed for the proponent to adapt to the change and remain in compliance.	<u>Regarding all other comments on this condition:</u> This condition allows such changes to be made without an extensive amendment process, which primarily benefits the licensee. These types of changes are most commonly initiated by the licensee, not the Board. If initiated by the Board, proposed changes would be accompanied by rationale and would still undergo a review period, during which the licensee would have the opportunity to respond before the Board makes its decision.
					Dominion: This condition does not provide enough clarification as to the circumstances that would allow the board to request these changes. In addition, no associated minimum timeline is provided to prevent unreasonable requests being made of proponents.	Provide more clarification as to the circumstances under which such changes could be requested by the Board and a minimum timeline in which these changes would be expected to be enforced.	

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					INAC – CARD: In order to be fair to the licensee, there needs to be a reasonable timeline for implementing any discretionary Board updates to the Schedules, the SNP and compliance dates. For example, it is unreasonable to expect a government funded project to suddenly increase their SNP effort mid-fiscal year, because there will be no funds available within the fiscal budget to meet the new requirements. At minimum, any updates made at the discretion of the Board should allow for implementation within one year if needed.	Add one-year implementation allowance for updates made at the discretion of the Board.	
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	The intent of this condition is to inform the Licensee of the requirement to comply with Board directives regarding the Licence conditions.	-	-	-	Following the issuance of a licence, the Board may issue directives regarding the implementation of licence conditions. This new condition was added to clarify that licensees must comply with Board directives – not doing so is considered non-compliance. Note that Board directives are accompanied by rationale and are most often administrative in nature.
17.	The Licensee shall ensure signs are posted for all active Surveillance Network Program stations. All sign(s) shall be located and maintained to the satisfaction of an Inspector.	POST SURVEILLANCE NETWORK PROGRAM SIGN(S)	The intent of this condition is to ensure consistency in sampling locations, and to allow the Inspector to easily locate sampling stations. Posting signs may also	This condition has been simplified to better match the intent of the condition and to reduce potential for misinterpretation.	Avalon: The use of signage in 2019 to identify sample locations is unnecessary and very old technology. Most phones have GPS capability. All inspectors and proponents should have GPS's, and most	Include the option to identify sample locations with GPS coordinates.	Regarding all comments on this condition: Errors in GPS entry or accuracy exist, and the Inspectors have indicated a preference for physical signs marking the stations. The rationale has been updated to note that watercourse SNP stations

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	Prior to establishing, activating, or moving any Surveillance Network Program station(s), the Licensee shall post sign(s) to identify the station(s). All sign(s) shall be located and maintained to the satisfaction of an Inspector.		prevent disturbance of the sampling site(s). SNP stations on water courses are often marked by buoys.		<div>sample locations will have infrastructure for easy site identification and allow safe sampling at all SNP monitoring locations. All that is required is to have the sample locations located by coordinates. This reduces the visual impacts on the environment that is promoted by regulators and the Board, the need for paint, nails and other environmental contaminants, ongoing costly maintenance of signs in remote locations, allows identification of the site if the signs are damaged and reduces closure requirements.</div> <div>DBCI – GK: It is not practical to post signs on all SNP stations, specially for those that are located in the lakes or changes based on the condition of the water bodies or water course</div>	<div></div> <div>"as practical" should be added to this condition.</div>	<div>can be marked with buoys, and to acknowledge the potential role of signs in preventing disturbance of the sampling site(s).</div>
18.	The Licensee shall install, operate, and maintain meters, devices, or other such methods used for measuring the volumes of Water used and Waste discharged to the satisfaction of an Inspector.	MEASURE WATER USE AND WASTE DISCHARGED	The intent of this condition is to ensure the Licensee has set up proper equipment to measure Water Use and Waste deposited. This will ensure accurate volumes are recorded and reported in the Annual Water Licence Report.		Avalon: Measurement of water use and waste management	Consider impact of Administrative Penalties and ament as appropriate.	Please see the Reponses to Common Topics Identified During the Public Review.

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19.	Beginning [enter date, including the year] and no later than every [enter date] 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 x .	ANNUAL WATER LICENCE REPORT	<p>The purpose of the Annual Water Licence Report is to provide the Board and all stakeholders an update on project components and activities, and to provide a platform for stakeholders to submit comments, observations, feedback, and questions as necessary. The Report is also an important tool for evaluating the effectiveness of the Licence conditions.</p> <p>Specific information requirements are set out in the associated Schedule. The requirements are intended to provide clarity and summarize information; they are not meant to be onerous. These requirements are organized to coincide with the layout of the Licence.</p>		GNWT – ENR: Part B, Condition 18 includes the requirement for the submission of Annual Water Licence Report. The Boards should consider requiring that Annual Reports be submitted on the anniversary date of the Water Licence, consistent with the payment of fees. This would serve two purposes: 1) the reports would not come in all at the same time, and, 2) the report would better align with the anniversary date and avoid confusion over calendar date.	ENR recommends that the Boards consider requiring Water Licence Annual Reports being submitted on the anniversary date of the Water Licence, consistent with the payment of water use fees..	The Board will set the submission date based on the evidence gathered during the regulatory process.
					ECCC: ECCC notes that this condition allows for flexibility in the date that the Annual Report is to be submitted. ECCC supports this flexibility and encourages the use of a range of dates to submit Annual Reports to spread out submissions.	N/A - comment provided for the MVLWB's benefit.	
					Avalon: Thank you for the flexibiity in reporting. This kind of criteria is helpful to reduce reporting burdens in short time lines.		
					City of YK: Providing variability in the date for submission of the annual report is appreciated.	N/A	<u>Regarding all other comments on this condition:</u> The inclusion of the Inspector in this condition is supported by the Inspectors and will be maintained. The Inspectors

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					Imperial Oil: It is not clear why the requirement of submitting the annual water licence report to an Inspector has been added. The Board is the responsible authority as it relates to the licence. This Condition will also require the Board to provide the name of the Inspector on an annual basis to the Licensee, prior to their submission date.	Require the Licensee to submit an Annual Water Licence Report to the Board. The Board should then provide the Inspector with access to reports.	will also have access to the Report through the LWBs' public registry.
					KBL: This condition requires the annual report to be submitted to the Board AND the inspector. It is unclear why this would be since the report is on the ORS and the inspectors have access to it.	Remove the requirement to submit a separate copy of the annual report to the inspector.	
					INAC – Inspectors: The Inspector agrees with the addition of the term ‘and an Inspector’ as this ensures the Inspector is immediately notified of the date on which the report is submitted	Add the term to the condition.	
					GNWT – Lands: Given that the Annual Inspection report is submitted to the ORS, a separate submission to the Inspector is not necessary.	Remove "and an Inspector"	
					INAC – CARD: Unclear why Annual Report must be submitted to Inspector separately as the Inspectors have access to the ORS.	Recommend removing provision for Annual Report to be submitted to an Inspector	

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20.	The Licensee shall comply with the Engagement Plan , once approved.	ENGAGEMENT PLAN	<p>This condition reflects the requirements of the Mackenzie Valley Land and Water Board's Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits and Engagement and Consultation Policy.</p> <p>An Engagement Plan is required as part of a complete application and will be considered by the Board at the time the Licence is issued. The Board's decision on the Plan will be communicated in its issuance decision letter.</p>		<p>Avalon: Regretably, with the very high engagement and other demands on Indigenous governments, it may regularly be impossible for them to fully comply with developed engagement plans. Thus the Licensee can be put out of compliance by circumstances beyond their control and be subject to Administrative Penalties. Further, earlier conditions state that an Annual Reviews must be completed. This too should involve the participation of the parties identified in the plan, and this may not be practical or achievable by the licensee.</p>	<p>Change the condition to "The licensee shall use best efforts to comply".... Plan reviews should be completed based on an identified need by one or the other party involved. Suggest that the frequency be modified to "no more than annually", and less frequently as agreed to by the affected parties.</p>	<p>The Engagement Plan will specify when and how engagement will be conducted over the life the Project. The licensee should use Engagement Records to demonstrate their efforts to comply with their Engagement Plan, and to document any challenges and limitations.</p> <p>Also see responses to comments on the ANNUAL REVIEW condition, and responses to other comments above regarding AMPs.</p>
					<p>Imperial Oil: Licensees comply with their approved Licence, whereas they implement or follow plans or programs. Follow or implement may be more appropriate terms for this condition, e.g., The Licensee shall implement the Engagement Plan, once approved</p>	<p>Replace the word comply in this condition with either implement or follow.</p>	<p>The intent here is to direct the licensee to act in accordance with the documents that have been approved by the Board. Although the Boards have used varying language in the past, 'comply with' is consistent with this intent.</p>
21.	<p><u>Option 1:</u> Within 90 days following the effective date of this Licence, the Licensee shall submit to the Board, for approval, a revised Engagement Plan. The Licensee shall not commence Project activities</p>	ENGAGEMENT PLAN – REVISED	<p>This condition requires submission of a revised Engagement Plan if the Plan is not approved when the Licence is issued.</p> <p>The submission deadline for the Plan will depend on the Project schedule and the</p>		<p>Imperial Oil: It is unclear why there is a separate Condition for resubmission of the Engagement Plan. This Condition is redundant. If the Engagement Plan is a requirement for the Water Licence, and activities may not commence prior to approval of</p>	<p>Conditional approval of a Water Licence doesn't allow a Licensee to initiate activities, so having additional Conditions that allow for conditional approval while requiring resubmission of components of the Licence are redundant and should be removed.</p>	<p>The Board's decisions regarding any management plans that were submitted as part of the application package will always consider the evidence gathered during the licencing process. The requirement to have an approved version of any given plan prior to commencing activities will be</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<p>prior to Board approval of the Plan.</p> <p>OR</p> <p>Option 2: A minimum of 90 days prior to commencement of activities, the Licensee shall submit to the Board, for approval, a revised Engagement Plan. The Licensee shall not commence Project activities prior to Board approval of the Plan.</p>		activities described in the Plan.		<p>the Engagement Plan then the Licence shouldn't be considered approved until the Engagement Plan is approved. Alternatively, there should be separate Conditions requiring the resubmission of each and every component of the Licence in the event they are not approved, e.g., Management Plan, Construction Plan, Closure and Reclamation Plan, etc. This would not facilitate an efficient process.</p>		<p>considered as part of this decision. Issuance of a water licence is always accompanied by the Board's Reasons for Decision, which describe the Board's rationale for the requirements and limitations set out in the licence.</p>
22.	<p>A minimum of ten days prior to the initial commencement of the Project activities, the Licensee shall provide written notification to the Board and an Inspector.</p> <p>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.</p>	NOTIFICATION – COMMENCEMENT	<p>The intent of this condition is to ensure the Licensee notifies the Board and Inspector prior to the initial commencement of Project activities. Contact information is required as part of this notification, because on-site contractors are often hired following issuance. This initial contact is important to establish lines of regular communication between the Licensee, Inspector, and Board, and to facilitate site inspections. Changes to the commencement date and/or contact information are required in writing.</p>	<p>This condition has been revised to be more specific about what the notification should include, and so that it is clear what kind of updates would be necessary.</p> <p>A standard definition for commencement has not been developed, because commencement is used in relation to different types of activities in the licence, and does not always refer to the initial commencement of the project.</p>	<p>INAC – CARD: This condition has proven somewhat problematic in the past due to variation in interpretation. Is this a one-time only notification at the commencement of the project? Or is this notification required after every single temporary shut-down period? For example, CARD sites generally shutdown during the winter. Based on this condition, is CARD required to notify the Board and Inspector each time site activities are shutdown and re-started in the spring?</p> <p>INAC – Inspectors: The yearly commencement and shutdown of each project should be reported to the Board and Inspector during the entire timeline of the project. This</p>	<p>Add clarity on the trigger(s) or frequency for this notification requirement.</p> <p>Ensure that seasonal commencements and shutdowns are included in this condition.</p>	<p>Initially, this condition was only intended to capture initial commencement (as noted in the rationale). A new condition (NOTIFICATION – RE-COMMENCEMENT) has been added as an option to capture seasonal notifications. Both conditions are similar to Standard Permit Conditions, but are not identical, because the requirements are slightly different (e.g., timelines, form of the notification, and copying the Board).</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			Note that commencement means any activities associated with the Project to accomplish the activities specified in Part A: Scope. This includes activities below the thresholds for a licence.		allows for proper inspection planning and evaluation of the risks associated with each project.		
					SLEMA: "A minimum of ten days prior to commencement of the Project". To be in line with Condition B-20, commencement of the Project should be better defined.	Recommend: A minimum of ten days prior to commencement of the Project activities at site....	Project' has been replaced with 'Project activities' as recommended. This revision is consistent with other conditions.
23.	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	This condition may be included in addition to the NOTIFICATION - COMMENCEMENT condition for projects with seasonal or other temporary shut-down periods. This notification is important for facilitating site inspections.	<u>Timeline:</u> Ten days is usually considered enough time to allow the Inspector to plan and arrange transport to site if needed. If an applicant provides rationale for a shorter notification period, Board staff can change it to 48 hours or more.	-	-	This new condition is an option for operations with seasonal or temporary shut-down periods (see response to the NOTIFICATION – COMMENCEMENT condition above).
24.	The Licensee shall immediately provide written notification to the Board and an Inspector of any non-compliance with the conditions of this Licence. or with any directive from the Board pursuant to the conditions of this Licence.	NOTIFICATION – NON-COMPLIANCE WITH CONDITIONS	The intent of this condition is to assist the Board, Inspectors, and reviewers in tracking compliance. Written notification can be provided by letter or email.	New condition added to assist in tracking compliance.	-	-	This condition has been separated into two conditions (see NOTIFICATION – NON-COMPLIANCE WITH BOARD DIRECTIVES below) to distinguish between notifications of non-compliance with conditions and non-compliance with Board directives. The Inspector does not

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
							need to be directly notified of non-compliance with Board directives, since the entire distribution list will be notified,
					City of YK: The requirement for immediate written notification is vague in what format the notification is to take (i.e. email, formal letter) and what information is expected to be provided.	Some additional information on what constitutes written notification would be helpful.	Clarification has been added to the rationale.
					INAC – CARD: As written the requirement for the written notification to the Board for “any direction from the Board pursuant to the conditions of this Licence” is very broad and includes any and all direction from the Board including those that have nothing to do with non-compliance. It is also not logical for the licensee to report to the Board on the Board's activities, such as providing direction.	Recommend removing the direction from the Board clause.	<p>This condition will apply to any directive from the Board that requires action on the part of the licensee. If a directive from the Board does not require any action on the part of the licensee, then there is nothing for the licensee to be in compliance with, and this condition would not be applicable.</p> <p>An additional condition has been to added to clarify that the licensee must comply with Board directives that are issued in respect to implementation of the licence.</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					Avalon: Proponents must immediately report when they are unable to meet compliance criteria that impact on the environment. Reporting of non compliance of criteria that do not have an impact on the environment should not be required to be reported immediately.	Non compliance of the license must be defined in the context of Administrative Penalties. Licensees must report immediately only non compliances that have a negative impact on the enviornment.	Please see the Reponses to Common Topics Identified During the Public Review .
					DBCI – GK: This condition is in conflict with other conditions or not practical. On the term "Immediate": As required under this licence, reportable spills require 24 hour reporting. The AEMP action level triggers do not require notifications or are specified in the AEMP design plan. In other cases, it takes days or longer to detect and confirm any non-compliance. On the term "non-compliance": without clear definition on the degree of non-compliance, the enforceability of this condition will be subject to different interpretations, e.g. if a report submission is late for a day, will it require a separate notification to both Board and Inspector? In another example, when a noncompliance is identified by the inspector or board staff, would it require notification from the proponent as well? Further, proponent and reviewers may have	As indicated in the rationale, the purpose of this new condition is to track the non-compliance. The purpose has already been met in the new condition for the Water Licence Annual Report, i.e. non-compliance identified by any parties will be documented in the annual report. Therefore, it's recommended this condition is removed.	The concern with the use of 'immediately' is acknowledged in this and other licence conditions. Setting a specific time frame relative to the identification of a non-compliance is complicated. Non-compliance scenarios are varied, and the point at which the non-compliance is identified can also be subject to interpretation. The Inspector will use their discretion in assessing compliance with this condition.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					different interpretation of board directives, it's unclear how will "non-compliance" can be determined and notified.		
					Dominion: The idea of immediate written notification of a non-compliance is problematic as what constitutes "immediate" is not clear nor consistent in every situation. Written notification may also not be a priority depending on what is happening to create the non-compliance. Additionally, there are times where a non-compliance is not discovered right away. The use of the word "immediate" also makes this condition a difficult one to enforce	Have a time frame associated with this condition and allow for there to be some flexibility for the notification such as: The Licensee shall provide written notification to the Board and an Inspector of any non-compliance with the conditions of this Licence or any direction from the Board pursuant to the conditions of this Licence within 72 hours of the discovery of the non-compliance.	
25.	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	The intent of this condition is to assist the Board, Inspectors, and reviewers in tracking compliance. Written notification can be provided by letter or email.				As above, revised to distinguish between notifications regarding non-compliance with conditions and Board directives.
26.	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	There are a several conditions that require the Licensee to obtain written authorization from an Inspector in order to satisfy the condition. The intent of this condition is to promote	-	-	-	This recommended new condition reflects a recommendation from Board legal counsel to require reporting to the Board for any decisions delegated to the Inspector.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			transparency and maintain a complete public record for the Project.				The Inspector usually copies the Board, so to reduce duplication, this condition has been written so the licensee only needs to provide a copy to the Board if the Inspector has not done so.
27.	The Licensee shall submit a current Project schedule to the Board and an Inspector upon request.	SUBMIT CURRENT PROJECT SCHEDULE	This condition is intended for Projects that are not expected to start immediately following Licence issuance.	This condition was moved here from Part E: Construction, because it applies to the project as a whole and is not specific to construction activities.	GNWT – ENR: ENR agrees with Part B, Condition 23 as written but notes that the current rationale references “Projects that are not expected to start immediately following Licence issuance”. We note that the Board may also request an updated Project schedule from ongoing operations given that there are often changes throughout the life of an operation (e.g. pit sequencing at a mine, temporary closures, delays/advancement of construction, etc.). The rationale should be clear on this to avoid confusion over applicability.	ENR recommends that the rationale for Part B, Condition 23 be updated to encompass all Projects as opposed to those that are not expected to start immediately.	It is not necessary to apply this condition to all projects, because the Annual Water Licence Report will include a requirement for an updated project schedule if the evidence supports a need for regular schedule updates.
					INAC – YK: It is not uncommon for a proponent to apply for permits before full project funding is in place. This is common of both remediation projects and exploration projects and can result in uncertainty in the schedule.	Include when the current project schedule is expected to be submitted or level of detail needed.	The request from the Board or the Inspector will include the submission timeline and level of detail requested, since this may be specific to the project and/or situation.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					SLEMA: "The Licensee shall submit a current Project schedule to the Board...." There are other conditions related to "comply with schedule" provided by the Board, in this case is about a schedule made by the Licensee. For clarity, recommends to use timetable instead of schedule	Recommend: "The Licensee shall submit a current Project timetable to the Board"	Schedule is not capitalized here. The recommended change is not necessary and could cause confusion if common language is not used.

Part C: Security

A draft Schedule is not included for this Part.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					<p>Part C, should include a condition that requires that security be posted prior to commencement of any new activities. This would ensure that for new projects or certain expansions, security is held before the work begins.</p> <p>GNWT-Lands supports GNWT-ENR’s comments on Part C: Security.</p>	<p>ENR recommends that the Boards include a condition that requires that security be posted and approved by the appropriate Minister prior to commencement of any new and existing activities and undertakings.</p> <p>GNWT-Lands recommends implementing GNWT-ENR’s recommendations on Part C: Security.</p>	<p>The requirement to post security prior to commencing activities is included in the issuance letter, but it has also been added to the POST SECURITY DEPOSIT and POST ADJUSTED SECURITY DEPOSIT conditions below.</p>
1.	<p>The Licensee shall post and maintain a security deposit with the Minister OR [enter other landowner] in accordance with Schedule 2. The Licensee shall not commence Project activities until the security deposit has been accepted by the Minister [or enter other landowner]. and the following:</p> <p>a) Prior to the start of operations, written notification shall be provided to the Board and an Inspector that the security deposit has been posted; and</p>	POST SECURITY DEPOSIT	<p>The Board’s authority to require Licensees to post and maintain security is granted under the <i>Mackenzie Valley Resource Management Act</i> (federal areas) and the <i>Waters Act</i> (non-federal areas). Once posted, the security must be maintained until it is refunded.</p> <p>The Board determines the amount of the security deposit during licencing based on the estimated costs of closing and reclaiming the site (i.e., the Closure Cost Estimate). The Closure Cost Estimate is most often developed based on the Closure and</p>	<p>This condition was traditionally separated into two parts – posting security and maintaining security – but has been combined.</p> <p>The notification requirement for notification has been removed, because the notification should be provided by the landowner. It is also unnecessary to reiterate that the security deposit must be maintained.</p>	<p>Over the years there has been much discussion about whether security should be in the body of the Water Licence (i.e. Part C) or in a Schedule to the licence. There has also been discussion over who approves the security or changes to security. This is mainly the result of instances when the Board sets security lower than that estimated by the GNWT (or Landowner). A lower security amount results in contingent liability for the GNWT and taxpayers of the NWT. Additionally, there has been discussion about the frequency of security reviews for some projects versus similar projects. ENR acknowledges the Boards for adding Part C, Condition 5. However, Reclamation Completion Reports are typically</p>	<p>ENR recommends that the Boards consider placing the security deposit requirements within the body of the Water Licence.</p>	<p>Conditions setting out the requirements for posting security are included in the body of the licence; however, details related to security amounts may be set out in the schedules appended to the licence. This allows the Board to efficiently adjust the detailed security requirements specified in the schedules, if appropriate, during the term of the licence. The Board conducts its standard public review and decision process for security adjustments, which provides an opportunity for all parties to make recommendations regarding the proposed changes.</p> <p>Note that the option for posting security with a landowner other than the Minister has been removed from this condition, because the legislation only allows the Board to</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	b) The security deposit shall be maintained until such time as it is fully or in part refunded by the Minister pursuant to [enter legislative reference] of the Act.		<p>Reclamation Plan for the Project.</p> <p>Guidance on developing Closure Cost Estimates is provided in the MVLWB/GNWT/INAC Guidelines for Closure and Reclamation Cost Estimates for Mines. Although these Guidelines were developed for mining projects, the information provided can be applied to all types of projects.</p>		<p>submitted each year and these submissions are typically confounded by other processes such as applications to amend a Water Licence for project expansion or changes to waste disposal/discharge. Therefore, in any given year there could be multiple Board processes to change security which results in administrative burden. Including security in the body of the Water Licence would require an amendment to the licence to have security changed. This would ensure that changes in security are: substantive, comprehensive, transparent and appropriate. Note, in the last 3 years, every diamond mine in the NWT has gone through at least one Water Licence amendment. Including security in the body of a Water Licence would provide final approval by the GNWT (Minister of ENR) and would avoid situations where the GNWT and taxpayers of the NWT are liable for any differences.</p> <p>Under Part C: condition #1, security amounts would be placed in a schedule. The security amount should be included in the licence condition, rather than a schedule, so that it receives proper oversight and requires ministerial sign off.</p>		direct a licensee to post security with the Minister; however, other landowners may require security under other authorizations. If security for a Project is required and held by a landowner other than the Minister, the Board will consider this in determining the amount of security required under the Licence.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					<p>IEMA: The Agency supports combining the posting and maintaining of security into a single Condition. However, it must be clear to the Licensee that security is to be provided in its full amount and in a form acceptable to the Responsible Minister either: (1) prior to the start of operations or (2) in accordance with a timeframe approved by the Board where security is to be phased.</p> <p>GNWT ENR is recommending that Boards place the security deposit requirements within the body of the Water Licence. This compares to the current practice of placing the requirements in a Schedule to the Licence. The Agency disagrees with GNWT ENR’s recommendations for the following reasons:</p> <p>1. Through adding Part C, Condition 5 the Boards are recognizing the administrative burden being placed on the GNWT, regulatory agencies and other parties from the increased frequency of requests for security adjustment. The Board’s proposed Condition is expected to result in a reduction in the number of adjustment requests and ensure requests are made: (1) with the submission of a revised CRP or (2) upon</p>	<p>Recommendation 4: The Agency recommends that a new standard Condition be developed to ensure that security is provided in its full amount and in a form acceptable to the Responsible Minister: (1) prior to the start of operations or (2) in accordance with a timeframe approved by the Board where security is to be phased.</p> <p>Recommendation 5: The Agency supports the continued placement of security deposit requirements (e.g., values) in a Schedule to the Licence, and not in the body of the Licence itself.</p>	

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					completion of reclamation projects. 2. Under the current process (e.g., the security deposit requirement is placed in a Schedule to the Licence) regulatory agencies and other parties, including GNWT ENR, are given the opportunity to provide comment on any requested relinquishment or security revision request. Should GNWT ENR's recommendation be accepted and the requirement now be placed within the body of the Licence, a formal Licence amendment would need to be applied for and a formal public review process undertaken in order for the security deposit requirement to be revised. This formal process would be time consuming and further increase the administrative and resource burdens placed on the Licensee, regulatory agencies and other organizations. 3. The Agency has been a long-time advocate for the principle of progressive reclamation. The Agency is concerned that the change being proposed by GNWT ENR may discourage a Licensee from undertaking progressive reclamation as relinquishment of security would become more difficult and time consuming.		
2.	Upon request of the Board, the Licensee shall	UPDATE CLOSURE COST ESTIMATE	Over the life of the project, the Closure and	Revised terminology to be consistent with the	-	-	-

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	submit an updated Closure Cost Estimate Reclamation liability estimate using the current version of RECLAIM or another method acceptable to the Board.		Reclamation Plan will be refined, and progressive reclamation may be conducted. The Board may request an updated Closure Cost Estimate at any time.	MVLWB/INAC/GNWT <i>Guidelines for Closure and Reclamation Cost Estimates for Mines.</i>			
3.	The amount of the security deposit required by Part C, Condition 1 may be adjusted revised by the Board: a) Based on an updated Closure Cost Estimate estimates of Reclamation liability as per Part C, Condition 2; or b) Based on such other information as may become available to the Board.	ADJUSTED SECURITY AMOUNT	The security deposit amount is based on the Closure Cost Estimate. The intent of this condition is to allow the Board to review and revise the security deposit amount when the Closure Cost Estimate is revised.	Revised to reflect current Board terminology.	-	-	-
4.	If the amount of the security deposit is adjusted revised by the Board as per Part C, Condition 3, the Licensee shall post the adjusted revised amount with the Minister OR enter other landowner] within the timeframe set by the Board . The Licensee shall not commence any new activities associated with a	POST ADJUSTED SECURITY AMOUNT	The timeline for posting additional security will be set out by the Board in its directive on the security deposit adjustment.	Revised to allow the Board to set an appropriate timeline for posting additional security. Also revised to reflect current Board terminology.	Avalon: It is appreciated that a time line for posting revised (increased) financial assurance can be negotiated with the board and take into considerations of economic realities at the time of the requested change.	A time limit for the Board to return financial assurance provided by the proponent in light of progressive or final closure is also required in the license. It is asumed that the board will be equally considerate of proponents and limit its requests to more proponents to more significant adjustments. Modify item 5 to include this.	Please see the Reponses to Common Topics Identified During the Public Review .

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	security adjustment until the additional security deposit has been accepted by the Minister for enter other landowner . 90 days of the Board giving notice of the revised amount.				DBCI -GK: The security deposit requires considerable financial planning from the proponent. Keeping a set timeframe as in the current licence (90 days from the board approval) is essential to ensure certainty for proponent's financial stability.	Recommend keeping the 90 day from approval timeline.	The revisions to this condition are intended to allow a timeframe longer than 90 days if required. The Board will set a reasonable timeframe for posting additional security in all cases.
					Dominion: It is encouraging to see that the 90 day timeframe part of this condition has been removed. However, this condition as written still has the potential to cause much conflict or unnecessarily put the Licensee out of compliance with the Water Licence as the Minister's (or the landowner) acceptance of security and the length of time that takes is dependent on a number of things including what form the security payment takes. It is more reasonable to request that the Licensee submit the timeline to post the amount in advance of start of the work of which it is tied to	Recommend this wording: If the amount of the security deposit is adjusted by the Board as per Part C, Condition 3, the Licensee shall submit the timeline to post the adjusted revised amount with the Minister OR [enter other landowner] within the timeframe set by the Board.	The timeframe will be set by the Board; however, the licensee can submit recommendations on the timeline during regulatory process associated with the security adjustment.
					Fortune: Junior mining companies will often need considerable time to obtain additional security	The board should identify what it considers to be an appropriate timeline and weight that decision in light of the proponents financial position	The Board will set a reasonable timeline for posting additional security. The timeline will typically be 90 days or longer.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					GNWT -ENR: Part C, Condition 4 makes reference to the Licensee posting the adjusted amount with the Minister (or Landowner) with the timeframe set by the Board. ENR understands this condition requires that the proponent submit a security to the GNWT (or Landowner) but that the timeframe is not binding on the GNWT (or Landowner). ENR notes that the Licence only binds the Licensee, not the GNWT (or Landowner), in their responsibilities. It is legislated that the Minister of ENR accepts the form of security posted by the Licensee. From time to time a review of the form may take longer than a timeframe established by the Board. Therefore, the Water Licence must be clear that the timeframe is intended to ensure that any increase in security be provided to the GNWT (or Landowner) within the timeframe set by the Board	ENR recommends that the Water Licence must be clear that the timeframe is intended to ensure that any increase in security be provided to the GNWT (or Landowner) within the timeframe set by the Board	This is clear in the current wording of the condition and will also be reiterated in the Board’s decision letter.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
5.	Unless otherwise approved by the Board, the Licensee may not submit security adjustment requests except with any of the following submissions: a) Closure and Reclamation Plans; b) Closure and Reclamation Completion Reports; or c) Performance Assessment Reports.	SECURITY ADJUSTMENT REQUESTS	The intent of this condition is to link security adjustment requests to completed Progressive Reclamation or changes to an updated Closure and Reclamation Plan. This condition reduces the number of security adjustment requests that must be considered by reviewers and the Board.	New condition added to limit requests to more significant adjustments.	Avalon: It is appreciated that a time line for posting revised (increased) financial assurance can be negotiated with the board and take into considerations of economic realities at the time of the requested change.	A time limit for the Board to return financial assurance provided by the proponent in light of progressive or final closure is also required in the license. It is asumed that the board will be equally considerate of proponents and limit its requests to proponents to more significant adjustments. Modify item 5 to include this.	Please see the Reponses to Common Topics Identified During the Public Review . Note that a license is binding on the licensee, but not the Board.
			The Closure and Reclamation Plan for the project must be updated every three years (see CLOSURE AND RECLAMATION PLAN – REVISED), which provides a regular periodic opportunity for the Licensee to update the Closure Cost estimate and request any consequent security adjustments.		Dominion: The annual Closure and Reclamation Report has been successful to achieve ICRP updates and security updates and in providing reclamation research results. ICRP updates and corresponding security have been approved as part of Annual Closure and Reclamation Progress Reports and hence they should also be added as a submission which the Licensee can submit a security adjustment	Add in d) Annual Closure and Reclamation Progress Reports	Annual Closure and Reclamation Progress Reports have been incorporated into the Annual Water Licence Report and are no longer a separate submission. The Annual Water Licence Report is not included in this condition, because the intent of this condition is to limit adjustments requests to more significant adjustments.
			Note that this condition includes Component-Specific Closure and Reclamation Plan submissions.		ECCC: ECCC notes that it would be helpful to provide a reference for the Performance Assessment Reports as they are currently not defined.	N/A - comment provided for the MVLWB's benefit.	References are provided in Part J: Closure and Reclamation , where the requirement for the Report would be included.

Part D: Water Use

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					INAC – YK: Some projects take water from both federal and territorial waters and require two water licences.	A standard condition for this situation that allows for water taking to a maximum between two licences may be useful.	This would not be practical from an enforcement perspective. Additionally, water use fees on federal and non-federal lands are payable to the federal and territorial governments, respectively, and it must be clear what fees are due to each agency. The division of water use between the two licences will be carefully considered during the regulatory process.
1.	<p><u>Option 1:</u> The Licensee shall only obtain [if needed, enter: fresh or raw] Water for the Project from the [enter Water source]. The Licensee may withdraw up to [enter quantity of Water Use (m³/unit of time e.g. day/year)] of Water from this source.</p> <p><u>OR</u></p> <p><u>Option 2:</u> The Licence shall only obtain [if needed, enter: fresh or raw] Water for the Project as set out in the following table.</p>	WATER SOURCE AND MAXIMUM VOLUME	<p>Water sources, total Water Use, and Water Use from each source must be identified in a Water licence application. The intent of this condition is to ensure the Licensee only takes Water from approved Water sources, and to ensure the Licensee does not exceed the maximum authorized Water withdrawal volume for each Water source.</p>	<p>Revisions to this condition reflect the water source information requirements set out in the updated Water Licence Application Forms, and the consolidation of previously separate conditions regarding water source and maximum water withdrawal volume.</p> <p>If project water will be obtained from a combination of water withdrawal from watercourses and recycling/repurposing of water/wastewater, this condition will specify fresh or raw Water, and recycling/repurposing of</p>	INAC – Inspectors: The Inspector agrees with the addition of this condition as it will add flexibility to the project and to the licensee	Add the condition to the list of possible licensee conditions.	-
					DFO: In general, DFO does not have comments on the wording of the draft standard water license conditions. However, with regard to the Water License application forms, it is recommended that proponents be encouraged to identify whether their project meets DFO guidance on fish screens and water withdrawals.	Where a project includes winter water withdrawal, information in the application should include the following (for each proposed waterbody): Lake name or ID Coordinates (lat/long or UTM) Surface area (ha) Total Lake Volume (m3) Under Ice Volume (m3) (based on max ice thickness for region) Max expected ice thickness value used (m) Calculated 10% Withdrawal volume (m3) Total required water volume extracted (m3)	These recommendations will be considered with the review comments on the draft MVLWB <i>Guide to the Water Licencing Process</i> .

	Condition					Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	Water Source Name	Location and Coordinates	Type of Watercourse (e.g., river, lake, etc.)	Purpose of Water Use	Maximum Quantity (m ³ per day or year)		If the Project includes winter Water withdrawal, the MAXIMUM UNDER-ICE WATER WITHDRAWAL VOLUME will also be included, and the Licensee should be aware that the maximum volume that can be withdrawn during under-ice conditions may be lower.	wastewater will be addressed through the WASTEWATER USE condition and/or the Water and Wastewater Management Plan.	INAC – CARD: This condition is a major departure from past operating procedures and requires a guidance document to explain the expectations of the Board. It is our understanding that this requirement will include all water withdrawal locations, including those under the triggering threshold. It is further our understanding that water withdrawals will be considered project cumulative; in other words, if water is being withdrawn at 20 m3/day from 6 different water bodies for winter road construction, it will require a class B water Licence. As such, Part D requires a supporting guidance document to explain the application of the Licence for winter road construction. If water is being pumped from a water body for flooding the ice, is that considered a withdrawal (the water's geographical location has not changed, only it's profile)? Does addition of water withdrawal location for winter road construction require a Licence amendment? Under which Acts and Regulations is the Board deriving this authority (understanding the driver for this requirement can help the Licensee understand what is needed)? How are these Licence conditions going to be monitored? If these conditions are to be applied for	Provide greater clarity on how these water use conditions apply to winter road construction activities. Suggest broader engagement sessions with licence holders/ proponents outside of this review process for this particular issue so there is a shared understanding of what is being proposed, and the potential implications to projectss across the NWT.	This topic is outside of the scope of the Standard Conditions. These recommendations will be considered with the review comments on the draft MVLWB <i>Guide to the Water Licencing Process</i> .
	The Licensee shall only obtain [if needed, enter: fresh or raw] Water for the Project from the [enter Water source(s)], unless otherwise approved by the Board.						Note that this condition addresses the use of Water directly from Watercourses, not from recycling or repurposing of Wastewater. Wastewater sources for recycling Water within the Project will be considered through the Water and Wastewater Management Plan and/or the WASTEWATER USE condition.				

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					winter road construction, the Board will need to provide much more guidance than has been given here. As written, these conditions currently could be interpreted that nearly every winter road will require a Type A Water Licence through a volume trigger.		
					GNWT-ENR: Part D, Condition 1, Option 2 outlines the items to be included in a Water Licence when there is more than a single water source for the project. ENR is supportive of the requirements for water sources, total water use and water use for each water source. ENR notes, over the last few months, licensees have been requesting additional guidance on the information requirements for assessing potential water sources and available water. As a result, ENR has met with various proponents all of whom have applying different methodologies for assessing available water in any given source. This has resulted in a fair amount of uncertainty in the regulatory process from an industry perspective, has introduced a level on inconsistency in Water Licences, and has potentially created a greater risk to impacts to these water sources. ENR understands that the LWBs will be circulating a Water Licence	ENR supports the inclusion of Part D, Condition 1, Option 1 and 2 to the standard Water Licence list.	Additional guidance (separate from the <i>Guide to the Water Licensing Process</i>) is being developed regarding capacity calculations.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations						
					guide in the summer that will inform requirements for submission of the Water Licence applications as well as through the life of the Water Licence.								
					GRRB: The improved clarity in defining specific water source and maximum volume will improve GRRB’s ability to assess potential impacts on specific waterbodies, especially fish-bearing waterbodies where the water removal has the potential to affect fish habitat.	-	-						
2.	<p><u>Option 1:</u> In any single ice-covered season, the Licensee shall not withdraw greater than 10% of the available Water volume of any Watercourse, as calculated using the appropriate maximum expected ice thickness.</p> <p>OR</p> <p><u>Option 2:</u> In any single ice-covered season, the Licensee shall not withdraw greater than the following quantity(ies):</p> <table><tr><th>Water Source(s)</th><th>Quantity (m³)</th></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr></table>	Water Source(s)	Quantity (m³)					MAXIMUM UNDER-ICE WATER WITHDRAWAL VOLUME	Water withdrawal under ice-covered conditions can affect aquatic habitat by depleting oxygen and reducing littoral habitat areas. The intent of this condition is to ensure the Licensee does not exceed the maximum withdrawal volume for each Water source during ice-covered periods. The Licensee should be aware that this volume may be less than what is authorized under the WATER	<p><u>Option 1:</u> will be used when capacity and ice thickness information is not available during the licencing process.</p> <p><u>Option 2:</u> will be used when capacity and ice thickness information for the water source(s) is available during the licencing process</p>	GNWT –ENR: Part D, Condition 8 includes options for inclusion of a 10% withdrawal limit in any single ice-covered season or the inclusion of specific quantities in a table. ENR notes that the inclusion of a maximum withdrawal (/day or /year) in Condition 1 and a maximum under-ice withdrawal in Condition 8. Therefore, the two conditions need to align. The maximum amount withdrawn from a water source (/day for 365 days or /year) must also have a restriction on what can be withdrawn under ice. ENR suggests that Condition 1 and Condition 8 be placed in sequence so that they do not create confusion. It may be preferable to reference the 10% under ice withdrawal limit in Condition 1. ENR also notes that the best practice maximum of 10% is based on northern specific research on	ENR recommends that Part D, Condition 1 and Condition 8 be reviewed and revised as appropriate. It may be preferable to include the 10% under ice withdrawal limit in Condition 1, Option 1 and Option 2.	This condition has been moved up below the WATER SOURCE AND MAXIMUM VOLUME condition, and the rationale in both conditions has been revised to improve clarity about the link between these conditions.
Water Source(s)	Quantity (m³)												

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			<p>SOURCE AND MAXIMUM VOLUME condition.</p> <p>Applicants should contact DFO to determine the maximum under-ice Water withdrawal volume. A general best-practice maximum of 10% will be applied if an applicant cannot provide detailed information during the licencing process.</p>		<p>winter withdrawal (Cott et. al, 2008) and should still be maintained. Reference: Cott, Peter A., Paul K. Sibley, Andrew M. Gordon, R.A. (Drew) Bodaly, Kenneth H. Mills, W. Murray Somers, and Gerald A. Fillatre. 2008. Effects of Water Withdrawal From Ice-Covered Lakes on Oxygen, Temperature, and Fish. Journal of the American Water Resources Association (JAWRA) 44(2):328-342. DOI: 10.1111 / j.1752-1688.2007.00165.x</p>		
					<p>Avalon: This condition required detailed bathymetric data that is not easily or safety obtained under ice conditions. While this is important for larger volume extractions, it should not be required for small volumes such as during exploration.</p>	<p>This requirement should only apply to Class A licences at a maximum.</p>	<p><u>Regarding all other comments on this condition:</u> Additional technical guidance (separate from the <i>Guide to the Water Licensing Process</i>) is being developed regarding capacity calculations.</p>
					<p>INAC – CARD: As written the Maximum under-ice water withdrawal volume clause will require bathymetric survey of all water withdrawal lakes. For winter road construction operations, this is unrealistic and cost-prohibitive</p>	<p>Additional guidance on Condition 8 is needed to clarify acceptable methods for estimating watercourse volume.</p>	

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					DFO: This information is adequate for the wording of the licence, though it should be noted that only waterbodies with maximum depths that are ≥1.5m than their corresponding maximum expected ice thickness should be considered for water withdrawal. Waterbodies with less than 1.5m of free water beneath the maximum ice are considered to be particularly vulnerable to the effects of water withdrawal.	Consider the addition of 'Licensee shall not withdraw from waterbodies with less than 1.5m free water depth below the maximum ice thickness'.	
3.	The Licensee may use Wastewater from the [enter list Wastewater sources] for [enter Wastewater uses] only if that Wastewater meets the Effluent Quality Criteria established in Part G, Condition X of this Water Licence, or as otherwise approved by the Board.	WASTEWATER USE	This condition would be included if Wastewater is being recycled on-site for another use (e.g. mine water used for milling) and could enter the Receiving Environment as a result. The intent of this condition is to ensure the Water from Wastewater sources meets EQC prior to being re-used.	Note that this condition is not intended to be used for internal recycling of wastewater if it will not result in discharge to the environment prior to collection and/or treatment (e.g. mine water used for milling).	-	-	This condition has been revised to reflect the fact that it applies to wastewater recycling, not water recycling.
					DBCI – GK: It is understood the intent of this condition is not to limit the reuse of the collected/stored water for processing or any other use, as long as the water is not discharged into the receiving environment. However, as the way it is written, it is unclear if it is the case.	Recommend providing examples that this condition will apply.	This condition will only be included as appropriate based on the project details and the evidence gathered during the regulatory process. When this condition is included, it will apply to specific wastewater types and specific wastewater uses.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
4.	The Licensee shall only withdraw Water using the Water Supply Facilities, unless otherwise authorized temporarily in writing by an Inspector.	WATER WITHDRAWAL – FACILITIES	The design and location of the Water Supply Facilities can affect aquatic habitat, the potential for erosion and scour, and the stability of the facilities. The intent of this condition is to ensure the Licensee takes Water using facilities that are reviewed and approved by the Board; however, the Inspector may authorize the temporary use of alternate facilities. Note that this condition does not allow the Inspector to authorize alternate Water sources or volumes.	Note that this condition can apply to all types of water supply facilities, from a basic pump and pipeline to a complex facility.	GNWT – ENR: Part D, Condition 3 makes reference to only withdrawing water using Water Supply Facilities and that the Inspector can authorize an alternative.	ENR recommends that the condition be amended to include using the approved Water Supply Facilities, unless otherwise authorized temporarily in writing by an Inspector.	This condition has been revised as recommended to specify that authorization to use alternate facilities would be temporary.
					Avalon: The license requires written approval for new water extraction by the Inspector. While our experience with timely Inspector responses had generally been excellent, it is recommended that an "emergency" system also be included, for things like reducing elevated water levels behind dams or for fire fighting	A possible mechanism for an emergency extraction could may be developed with the emergency spill reporting system that is manned 24/7. Or identify an alternative (existing?) system	This condition does not allow the Inspector to authorize additional water sources or volumes; it allows the Inspector to temporarily authorize the use of an alternate intake location or structure. The rationale has been updated for clarity. As per the legislation, licences are not required for emergency water use to put out fires, or to control or prevent flooding. For other type of water use emergencies, licences or amendments to existing licences may still be required; however, the legislation allows for exceptions to certain processes to expedite the regulatory process. The licensee should always contact the Inspector as soon as possible in emergency situations.
5.	Prior to obtaining withdrawing Water from a licensed 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	POST WATER INTAKE SIGN(S)	The intent of this condition is to ensure the Water intake location is protected from accidental damage or contamination,	This condition would be included if the water intake is accessible to the public and could be damaged or contaminated.	-	-	-

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	maintained to the satisfaction of an Inspector.		and to inform Inspectors and/or the general public of the location.				
6.	The Licensee shall construct and maintain the Water intake(s) with a screen designed to prevent impingement or entrapment of fish. The screen shall be in accordance with the best practices outlined in the Department of Fisheries and Oceans Freshwater Intake End-of-Pipe Fish Screen Guidelines (1995) and Fish Screen Design Criteria for Flood and Water Truck Pumps (2011).	WATER INTAKE SCREEN	The intent of this condition is to minimize disruption of fish habitat near a Water intake. Guidance on best practices is available in the following Department of Fisheries and Oceans (DFO) documents: Freshwater Intake End-of-Pipe Fish Screen Guideline Fish Screen Design Criteria for Flood and Water Truck Pumps	The specific reference to the DFO's guidance documents has been removed, because they are not within the Boards' or the Inspectors' jurisdiction.	Imperial Oil: The rationale behind the removal of the use of best practice standards for fish screens as found in the Department of Fisheries and Oceans Freshwater Intake End of Pipe Fish Screen Guidelines, and Fish Screen Design Criteria for Flood and Water Truck Pumps is unclear. Guidance should be provided to applicants and the practice of referencing or applying guidance from Federal Ministries is well established. If the Boards do not wish to direct applicants to the federally available guidance and standards, they must supply their own standards and guidance.	Where guidelines exists, the Boards should avoid duplication and apply federally available guidance and standards and best practices. Alternatively, the Board would need to develop and provide guidance for acceptable standards.	The specific reference to DFO's guidance documents has been removed, because the availability of these documents is not within the LWBs' control. (For example, the <i>Fish Screen Design Criteria for Flood and Water Truck Pumps</i> is no longer available on DFO's website.)
7.	The Licensee may only withdraw up to [enter quantity of Water use (m³/unit of time e.g. day/year) as listed on the cover page] of Water from [enter Water source(s)]. The quantity of fresh Water withdrawn [enter Water source] shall not exceed [enter Water use (m³/unit of time e.g. day/year)].			Incorporated into WATER SOURCE AND MAXIMUM VOLUME condition.	-	-	

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
8.	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	This condition will be included if the Water intake location is not identified during the licencing process.	<p>This new condition addresses scenarios where the specific location of the intake is not identified during the licencing process.</p> <p>Note that the water sources must be identified in the application – this condition does not allow the use of water sources that are not authorized in the WATER SOURCES AND MAXIMUM VOLUME condition.</p>	-	-	-
9.	Each year, prior to the [enter: the day and month of the effective date] and in advance of any Water use, the Licensee shall pay the Water Use Fee in accordance with the MVLWB <i>Water Use Fee Policy</i> .	WATER USE FEE	This intent of this condition is to ensure the Licensee is aware of the annual Water Use Fee payment due date. The effective date of the Licence is identified on the cover page.	Various versions of this condition have been consolidated into one standard condition.	Dominion: It is unclear if water use fees must be paid for the entire allowable amount of water use authorized or if the fee is only to be paid for what is anticipated to be used.	This condition should be re-worked to specify if all water use fees must be paid in full for all possible water sources or only those that are intended to be used in any given year.	In accordance with the MVLWB Water Use Fee Policy , the fee is based on authorized use set out in the licence, not on the amount actually used. In scenarios where planned water use volumes vary over the life the project, this will be reflected in the licence.

Part E: Construction

A draft Schedule is not included for this Part.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			<p>This Part is organized based on the time sequences for construction. There are general conditions up front, and then time-sequenced conditions which follow.</p> <p>Note that these conditions apply to any project with Construction, including remediation projects; however, not all of the conditions below will be applied to all projects.</p>	<p>The engineered structures for a project will be listed in the definition for the term ‘Engineered Structures.’</p>	-	-	<p>The LWBs considered whether to develop a definition for ‘structure’ to help identify what would require submissions in this Part; however, they concluded that this was too complex and could potentially create unintended gaps or limitations.</p>
1.	<p>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.</p>	<p>OBJECTIVE – CONSTRUCTION</p>	<p>The intent of this condition is to protect the environment, which reflects the guiding principles and objectives of the MVLWB Water and Effluent Quality Management Policy. This reflects the overall intent of the requirements set out in this Part of the Licence.</p>		<p>GNWT – ENR: Part E, Condition 1 makes reference to minimizing the escape of Waste to the Receiving Environment. ENR would propose that “minimize” be replaced with ‘virtually eliminate’ in the condition.</p>	<p>ENR recommends that the condition be revised to state”... designed, constructed and maintained to virtually eliminate the escape of Water or Waste to the Receiving Environment.”</p>	<p>This recommendation is too restrictive for this general objective-type condition that will apply to all projects. The details of what is acceptable for each project will be reviewed and approved through the Waste Management Plan.</p>
2.	<p>The Licensee shall ensure that all structures intended to contain, withhold, divert, or retain Water or Wastes, and which meet the definition of a Dam as per the <i>Dam Safety Guidelines</i> are designed, constructed, maintained, and monitored to meet or</p>	<p>DAMS – GENERAL</p>	<p>The intent of this condition is to ensure the Licensee builds, maintains, and monitors Dams in accordance with the <i>Dam Safety Guidelines</i>.</p>		-	-	-

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	exceed the <i>Dam Safety Guidelines</i> .						
3.	The Licensee shall ensure that all Hydrocarbon-Contaminated Soil Treatment Facilities are designed, constructed, maintained, and monitored to meet or exceed the <i>MVLWB/IWB/GNWT Guideline for Design, Operation, Maintenance, and Closure of Petroleum Hydrocarbon-Contaminated Soil Treatment Facilities in the Northwest Territories</i> .	HYDROCARBON-CONTAMINATED SOIL TREATMENT FACILITIES - GENERAL	The intent of this condition is to ensure the Licensee builds, maintains, and monitors Hydrocarbon-Contaminated Soil Treatment Facilities in accordance with the <i>MVLWB/IWB/GNWT Guideline for Design, Operation, Maintenance, and Closure of Petroleum Hydrocarbon-Contaminated Soil Treatment Facilities in the Northwest Territories</i> . This condition will apply whether the Facilities are engineered or not.	-	-	-	This new condition was added to address review comments on the defined terms, and to reflect the new Guidelines. This condition is similar to the DAMS-GENERAL condition. Dams and HCSTFs are the only structures with specific guidelines at this time.
4.	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	The intent of this condition is to ensure the Licensee builds Engineered Structures to appropriate standards. This requirement is consistent with the guiding principles of the MVLWB <i>Water and Effluent Quality Management Policy</i> , and the expectations set out in the MVLWB <i>Guidelines for Developing a Waste Management Plan</i> .		-	-	-
5.	<u>Option 1:</u> The Licensee shall ensure that all material used in Construction of the enter:	CONSTRUCTION MATERIAL – GEOCHEMICAL CRITERIA	This condition is included when potentially-acid-generating (PAG) materials have been identified on-site,	Variations of this condition have been consolidated into these two recommended options.	Avalon: Geochemical Criteria	Recommend the use of BC AMD guidelines.	The criteria appropriate for a project will be determined during the regulatory process.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<p>Project OR specific project component(s)] meets the geochemical criteria specified in the approved [enter name of management plan] referred to in Part G, Condition y.</p> <p>OR</p> <p>Option 2: The Licensee shall ensure that only material that meets [enter geochemical criterion] is used for Construction, unless otherwise approved by the Board.</p>		<p>and the Licensee will be using geochemical criteria to classify acceptable materials for use in Construction. The criteria may be set out directly in this Licence condition or in a relevant management plan. More than one version of this condition may be needed to capture all geochemical criteria that apply for the Project.</p>	<p>Option 1: will be used if there is a management plan that sets out geochemical criteria for construction materials.</p> <p>Option 2: will be used if there is no plan that sets out geochemical criteria for construction materials. In this case, the geochemical criterion/criteria (e.g. % total sulphur, neutralization potential, neutralization potential ratio) will need to be specifically determined during the regulatory process.</p>	<p>GNWT - ENR: Part E, Condition 4, outlines two different options for geochemical criteria:</p> <ul style="list-style-type: none"> Option 1 which is to be referenced for an entire "project or project component" where a management plan exists, OR Option 2 which will be an overarching statement that only material that meets a certain geochemical criteria will be used for construction. <p>ENR cautions that if Option 1 is included and specifies only a specific project component, there may be a gap on a general prohibition for the use of non-approved rock (i.e. PAG) or other high risk materials in construction.</p>	<p>ENR recommends that if Option 1 is included and specifies only a specific "project component", Option 2 should be included as a separate condition under Part E. Of note, ENR views Option 2 as different from Part E, Condition 5.</p>	<p>A note about the potential for including multiple versions of this condition has been added to the rationale and to the internal staff instructions to ensure that all applicable criteria are captured.</p>
6.	<p>The Licensee shall only use material that is clean and free of contaminants and is from a source that has been authorized approved in writing by an Inspector.</p>	CONSTRUCTION MATERIAL – SOURCE(S)	<p>This condition may be included for small projects where no concerns about construction materials have been identified during the licencing process.</p> <p>If treated materials will be re-used for Construction, this condition will not be included, and specific criteria must be set out in a</p>	<p>Inspectors will apply relevant criteria as appropriate when enforcing this condition.</p>	<p>KBL: The condition uses the term "clean" however there is no definition of what that means. In addition the use of the term "free of contaminants" is also a concern as it implies that only new materials can be use when the use of treated soil that meet the land use criteria would be available.</p>	<p>Recommend the rewording of this condition to "The Licensee shall only use material that meets the appropriate land use criteria and is from a source that is approved in writing by an inspector."</p>	<p>Regarding all comments on this condition: If an application includes a proposal to re-use treated materials, this condition would not be included in the licence. In this case, specific criteria would be established during the regulatory process and could be set out in a management plan or a project-specific condition.</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			management plan or project-specific condition.		GNWT - Lands: GNWT-Lands agrees with the comment made by CIRNAC-CARD (Comment #36): "This condition as written prevents a licensee from using compliant/treated contaminated material (such as land farmed PHC soils). If a material has been treated to acceptable levels of contamination, then why would it be precluded from use? Allowing for use of acceptably treated material reduces the footprint of a project by reducing the quarry footprints. Also, the notes outline that the inspector is to apply appropriate relevant criteria when enforcing the condition. "	GNWT-Land suggests revising the condition to allow for the use of compliant/treated contaminated material for construction purposes.GNWT-Lands also suggests clarifying what criteria will be used to confirm the material is suitable for use. We also suggest a broader engagement/briefing session so that there is a shared understanding of what these criteria may be.	
					INAC – YK: The way the condition is written would prevent use of soil that has been remediated or meets environmental criteria	Consideration should be given to allow for use of soil that is not free of contaminants but meets criteria.	
					INAC – Inspectors: The criteria used to evaluate the material should and will be based on the scope of the project, availability of material, and intended use of the land after the completion of remediation.	The Inspector will consider the above information when approving material sources.	

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					INAC – CARD: This condition as written prevents a licensee from using compliant/treated contaminated material (such as land farmed PHC soils). If a material has been treated to acceptable levels of contamination, then why would it be precluded from use? Allowing for use of acceptably treated material reduces the footprint of a project by reducing the quarry footprints. Also, the notes outline that the inspector is to apply appropriate relevant criteria when enforcing the condition.	Suggest removing the reference to "material that is clean and free of contaminants", and changing it to "material that is free of contaminants or material that has otherwise been treated to meet the criteria for usage". Suggest clarifying what criteria will be used.	
7.	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	The intent of this condition is to ensure a record of the source(s) of Construction materials is available.	This condition may be used alone, or in conjunction with the GEOCHEMICAL RECORDS condition. They have been separated into two conditions, because geochemical records are not usually needed for all structures.	-	-	-
8.	The Licensee shall maintain geochemical records of Construction materials for [enter: all structures, OR list specific structures] and make them available at the request of the Board or an Inspector.	GEOCHEMICAL RECORDS	The intent of this condition is to ensure geochemical records of Construction materials are available where necessary. In some cases, this may apply to all structures; however, in many cases, this requirement may only apply to specific structures, which will be listed in this condition.		-	-	-

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			Geochemical testing and records are typically only required if potentially acid-generating (PAG) materials have been identified on-site, or if there is uncertainty about whether such materials are present on-site.				
9.	The Licensee shall submit a revised Project schedule upon Board request.	SUBMIT REVISED PROJECT SCHEDULE		This condition has been moved into Part B: General Conditions, because it is not specific to construction activities.	-	-	-
Construction Plans and As-Built Reports							
10.	Unless otherwise authorized in writing by an Inspector, a 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 Structure Description and Construction Plan . The Plan shall be in accordance with the requirements of Schedule X, Condition x . The Licensee shall not commence Construction of the structure(s) prior to Board approval of the Plan.	STRUCTURE DESCRIPTION AND CONSTRUCTION PLAN	This condition requires the Licensee to submit descriptions and Construction plans for Water and Waste management structures that are not designed by a Professional Engineer but may still have potential effects on the Receiving Environment. This condition is intended to apply to all non-engineered Water and Waste management structures, unless otherwise authorized by the Inspector. For very small or temporary structures with low risk to the Receiving Environment, the Inspector may	This condition has been added to address information gaps. In the past, design and construction information has only been required for engineered structures, and no design or construction information has been required for smaller, non-engineered water and waste management structures. This could potentially leave a gap in the record of structures that exist on-site at closure. Additionally, since this information has not been required, there is no opportunity for reviewers to consider whether the structure should actually be designed by an engineer (for example, if stability concerns are identified). This condition	GNWT – ENR: The process to get approval for proposed changes or revisions is not clear. Part E condition #9 refers to authorization by an inspector and later refers to submitting a plan 90 days in advance for Board approval. Part E conditions #9 and #10 also refer to 90 days	ENR recommends clarifying the process for obtaining approval on proposed changes or revisions. Please clarify what type of proposed changes or revisions can be approved by inspectors and what type of proposed changes or revisions require Board approval.	Board approval is required unless otherwise specified, and the LWBs’ standard public review and decision process will generally be applied. Although permitting legislation allows for field modifications authorized by the Inspector, licencing legislation does not include similar provisions. Nevertheless, the Inspectors have indicated that they do authorize some changes in the field (using a risk-based approach) and will continue to do so as appropriate.
					GNWT – Lands: Proposed changes (or revisions) will now have to be submitted to the Board for approval a minimum of 90 days in advance of implementing changes. Recognizing northern	The GNWT-Lands recommends adding some flexibility in the proposed changes or revisions process with shorter submission timelines (e.g. 30 or 60 days in advance) when applicable	Please see the Reponses to Common Topics Identified During the Public Review .

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			determine that a Structure Description and Construction Plan is not necessary. The Licensee is encouraged to discuss planned structures and associated risks with the Inspector in advance of submitting this Plan.	would ensure that information about non-engineered water and waste management structures is provided for the public record.	conditions, this timeline may be problematic for licensees. Windows for completing work are sometimes short (e.g. winter road season or summer construction season) and the minimum 90 days review period could be challenging when unforeseen circumstances arise		
			Detailed information requirements are set out in the Schedule, which will always include a requirement for the Licensee to provide rationale for why the structure does not need to be engineered.		Avalon: Thankyou for the flexibility to have a shorter time line with Inspector authorization. This may be required especially important under emergency conditions	-	The Inspector's authorization in this condition is not related to the timeline, but to the requirement for submitting a Structure Description and Construction Plan.
			If changes to a structure are proposed after the Structure Description and Construction Plan is approved, the Licensee must submit a revised Structure Description and Construction Plan to the Board, for approval, prior to implementing the proposed changes, as per the REVISIONS condition.		Dominion: Non-engineered structures are obviously less likely to have associated drawings, project descriptions, and project details which would likely be required in a "Structure Description and Construction Plan". It is unclear what information would be required for such a submission. It is also unclear if the Inspector has full authority to determine whether the Plan is necessary for any given structure. Would the Board have authority to overrule the Inspector's determination on this?	Understanding that professional drawings and project descriptions likely would not be available for review, please consider what would actually be required for the Structure Description and Construction Plan. Clarify the level of authority the Inspector has to determine whether the Plan would be necessary for any given structure, and how the Inspector would make their determination clear to all interested parties.	<p>A Schedule will be developed for this Plan at a later date. The Plan will not require the same level of detail as the Design and Construction Plan for engineered structures. Note that the Plan will require the licensee to provide rationale for why the structure does not need to be engineered.</p> <p>The condition has been revised to specify that the Inspector's authorization must be provided in writing. The addition of the COPY – WRITTEN AUTHORIZATION condition ensures that the Inspector's decision will be posted to the public record.</p> <p>Although the Board could over-rule the Inspector's authorization, the</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
							Board would provide rationale to support its decision in such a case.
					Imperial Oil: If a project is approved, including approved construction plans, this condition should not apply as anything other than a notification. Re-approval should not be required. If construction plans have significant changes prior to commencement, it makes sense to apply this condition. Clarity would be helpful if definitions or example structures are provided for non-engineered works contemplated by this condition. Further definition would also allow applicants to include plans for these types of "non-engineered" structures in their initial application to avoid the need for this requirement. Requiring additional (re-)approvals for the commencement of construction of each structure within an approved project is redundant, inefficient and will cause undue delays. In addition, if an engineer designs the structure when one was not required to do so is a Licensee exempt from this condition	A clear definition and example structures for "non-engineered water and waste management structures" would facilitate Licensees' understanding and improve their ability to incorporate these structures in their Licence application. Recommend that this condition only require notification to the Board for the commencement of construction for approved projects	<p>At the application stage, projects typically include conceptual plans but do not include the level of detail required to satisfy this condition. It is unlikely that the Board and reviewers could consider Plans for all project structures as part of an application. The applicant could, however, identify and provide the required level of detail for structures that the applicant intends to construct first following issuance of the licence.</p> <p>Note that the Plan will require the licensee to provide rationale for why the structure does not need to be engineered. If the structure must be engineered, the licensee must submit a Design and Construction Plan, which will still require Board approval in most cases.</p>

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					GNWT – MACA: The condition refers to construction of structures not designed by a Professional Engineer. This appears to conflict with the Engineering and Geoscience Professions Act of the Northwest Territories.	Clarify what construction this would apply to and ensure it does not conflict with legislation.	Not all structures must be designed by an engineer. The Plan will require the licensee to provide rationale for why the structure does not need to be engineered.
11.	A minimum of 90 days prior to the commencement of Construction of any Engineered Structures [not referred to in Part E, Condition 12], the Licensee shall submit to the Board, for approval, a Final Design and Construction Plan . The Plan shall be in accordance with the requirements of Schedule X, Condition x . The Licensee shall not commence Construction of the Engineered Structure(s) prior to Board approval of the Plan.	DESIGN AND CONSTRUCTION PLAN	The intent of this condition is to ensure the Licensee submits the Design and Construction Plans for Engineered Structures. Design and Construction Plans for these structures require Board approval; however, the detailed Design Drawings, which must be signed and stamped by a Professional Engineer, do not require approval and should be submitted separately as per the DESIGN DRAWINGS condition. <i>Although the Drawings are not submitted for Board approval, it can be helpful for reviewers to be able to consider both of these submissions together. By conducting adequate engagement prior to submission, the Licensee will reduce the potential need to spend additional time and effort revising the Plan and</i>	<p>Separating the design drawings from the Design and Construction Plan would allow the Board to approve general design criteria and construction considerations, without requiring the Board to approve the detailed and very technical design drawings.</p> <p>Detailed information requirements set out in the accompanying schedule can be scaled appropriately for the structure and size of the project. Any components of the Plan that should be stamped and signed by an engineer are specified in the schedule.</p> <p>The exception in this condition is only included if DESIGN AND CONSTRUCTION PLAN – [enter name of specific Engineered Structure(s)] is used for specific Design and Construction Plans that do not require Board approval.</p>	<p>GNWT – ENR: The process to get approval for proposed changes or revisions is not clear. Part E condition #9 refers to authorization by an inspector and later refers to submitting a plan 90 days in advance for Board approval. Part E conditions #9 and #10 also refer to 90 days</p> <p>GNWT – Lands: Proposed changes (or revisions) will now have to be submitted to the Board for approval a minimum of 90 days in advance of implementing changes. Recognizing northern conditions, this timeline may be problematic for licensees. Windows for completing work are sometimes short (e.g. winter road season or summer construction season) and the minimum 90 days review period could be challenging when unforeseen circumstances arise</p>	<p>ENR recommends clarifying the process for obtaining approval on proposed changes or revisions. Please clarify what type of proposed changes or revisions can be approved by inspectors and what type of proposed changes or revisions require Board approval.</p> <p>The GNWT-Lands recommends adding some flexibility in the proposed changes or revisions process with shorter submission timelines (e.g. 30 or 60 days in advance) when applicable.</p>	<p>Please see the response to comments on the STRUCTURE DESCRIPTION AND CONSTRUCTION REPORT condition.</p> <p>Please see the Reponses to Common Topics Identified During the Public Review.</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			<p>Drawings as a result of the public review.</p> <p>Detailed information requirements for Design and Construction Plans are set out in a schedule. In some cases, information requirements may be specific to particular Engineered Structures.</p> <p>If changes to an Engineered Structure are proposed after the Construction and Design Plan is approved, the Licensee must submit a revised Construction and Design Plan to the Board, for approval prior to implementing the proposed changes, as per the REVISIONS condition.</p>		<p>Dominion: Changes to proposed Engineered Structures may take place during construction based on a number of variables (timelines, weather, topography, cost, etc). It is unreasonable for a Licensee to need to wait as much as 90 days for approval for a change to an Engineered Structure, especially if construction is already underway</p> <p>DBCI – GK: The design and construction plan of an engineered structure is also signed by a professional engineer. The drawing is a integrated component of the design plan. Even though the drawing does not require approval, any change to the design plan will likely require revision of the drawings. If the intent of this condition is to have the board to approve the general design criteria and construction considerations, it should be clarified as so.</p>	<p>Shorten the requirement or allow more flexibility on a case-by-case basis for proposing changes.</p> <p>Instead of requiring approval of "Design and Construction Plan", recommend 1) in Condition 10, requiring approval of a "Design and Construction Criteria Plan", 2) in Condition 11, not requiring approval of the engineer stamped "Design and Construction Plan". Since it doesn't require approval, the submission timeline should be reduced to 45 days. This will also give the proponent sufficient time to prepare an appropriate engineering design plan after receiving any reviewing comments during the "Design and Construction Criteria Plan" approval process.</p>	<p>Please see the Reponses to Common Topics Identified During the Public Review.</p> <p>This recommendation is acknowledged. The MVLWB Engagement and Consultation Policy states that the LWBs will consult parties regarding submissions, including design drawings. Although the design drawings are not for Board approval, they will be posted to the registry, so that they are available to reviewers when reviewing the Design and Construction Plan. Additionally, since this condition is strictly for engineered structures, even preliminary design criteria and plans should be prepared by an engineer. Based on these considerations, a two-stage submission process would provide little benefit.</p> <p>Additional information has been added to the rationale to acknowledge the potential need for revisions following the public review, which could result in delays and additional costs.</p>

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					KBL: It is unclear when condition 12 would be used rather than condition 10.	Provide more guidance and clearer instruction on when condition 10 or 12 would be used. Since they are basically the same but used in different circumstances either combining together with clear instruction on when you would use the applicable wording may be less confusing.	Board approval will be required for most Design and Constructions plans, so condition 10 will typically be used, and condition 12 will be used for exceptions, which will be identified on a case-by-case basis during the regulatory process. No specific criteria have been established; however, if there is an expert panel, Board approval is not required. These are not combined into one condition with different options, because both versions may be used in the same licence for different structures.
12.	A minimum of 90 days prior to the commencement of Construction of any Engineered Structures [not referred to in Part E, Condition 12], 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	The intent of this condition is to ensure there is a detailed record of the design for future reference by the Board and the Inspector, and to ensure there is sufficient information for Closure and Reclamation Planning should the Project be abandoned. The Drawings also allow a comparison against as-built information submitted as per AS-BUILT REPORTS – ENGINEERED STRUCTURES. These Drawings are to be submitted separately from the Design and Construction Plan(s), because Board	The exception in this condition will only be included if DESIGN AND CONSTRUCTION PLAN – [enter name of specific Engineered Structure(s)] is used for specific Design and Construction Plans that do not require Board approval.	DBCI – GK: The design and construction plan of an engineered structure is also signed by a professional engineer. The drawing is a integrated component of the design plan. Even though the drawing does not require approval, any change to the design plan will likely require revision of the drawings. If the intent of this condition is to have the board to approve the general design criteria and construction considerations, it should be clarified as so .	Instead of requiring approval of "Design and Construction Plan", recommend 1) in Condition 10, requiring approval of a "Design and Construction Criteria Plan", 2) in Condition 11, not requiring approval of the engineer stamped "Design and Construction Plan". Since it doesn't require approval, the submission timeline should be reduced to 45 days. This will also give the proponent sufficient time to prepare an appropriate engineering design plan after receiving any reviewing comments during the "Design and Construction Criteria Plan" approval process.	See response to comments on the DESIGN AND CONSTRUCTION PLAN condition.

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			<p>approval of the Drawings is not required.</p> <p>This condition may also be used as a stand-alone condition where a full Design and Construction Plan is not required.</p> <p>If changes to an Engineered Structure are proposed after the submission of the Design Drawings, the Licensee must submit revised Design Drawings to the Board prior to implementing the proposed changes. This is specified directly in this condition, because the general REVISIONS condition only applies to documents that are for Board approval.</p>		<p>Dominion: Changes to proposed Engineered Structures may take place during construction based on a number of variables (timelines, weather, topography, cost, etc). It is unreasonable for a Licensee to need to wait as much as 90 days for approval for a change to an Engineered Structure, especially if construction is already underway</p>	<p>Shorten the requirement or allow more flexibility on a case-by-case basis for proposing changes</p>	
13.	<p>A minimum of 3045 days prior to the commencement of Construction of [enter name of specific Engineered Structure(s)], the Licensee shall submit to the Board, a Final Design and Construction Plan. The Plan shall be in accordance with the requirements of Schedule X, Condition x. A minimum of 3045 days prior to implementing any proposed changes to the Plan, the Licensee shall</p>	<p>DESIGN AND CONSTRUCTION PLAN – [enter name(s) of specific Engineered Structure(s), where applicable]</p>	<p>The intent of this condition is to ensure the Licensee submits the Engineer’s Design and Construction Plans for any specific Engineered Structures where Board approval is not required for the Plans. This will be determined on a case-by-case basis during the regulatory process. It may apply for smaller Projects or Engineered Structures, where Board approval is determined to be unnecessary. It may also</p>	<p>Note that, in this case, the design drawings can be included in the Design and Construction Plan, because Board approval is not required.</p>	<p>INAC – CARD: What is the process/criteria for determining if a Design and Construction Plan requires Board approval (E.10) or not (E.12). The rationale for this condition indicates that "this may apply to smaller projects or engineered structures where Board approval is determined to be unnecessary". How is this determination made?</p> <p>KBL: It is unclear when condition 12 would be used rather than condition 10.</p>	<p>Clarify determination process for triggering Board approval.</p> <p>Provide more guidance and clearer instruction on when condition 10 or 12 would be</p>	<p>See response to comments on the DESIGN AND CONSTRUCTION PLAN condition.</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	submit a revised Plan to the Board.		<p>apply for larger Projects or Engineered Structures for which an expert panel has been established.</p> <p>If changes to the Engineered Structures identified in this condition are proposed after the submission of the Construction and Design Plan, the Licensee must submit a revised Construction and Design Plan to the Board prior to implementing the proposed changes. This is specified directly in this condition, because the general REVISIONS condition only applies to documents that are for Board approval.</p>			used. Since they are basically the same but used in different circumstances either combining together with clear instruction on when you would use the applicable wording may be less confusing.	
					Dominion: Changes to proposed Engineered Structures may take place during construction based on a number of variables (timelines, weather, topography, cost, etc). It is unreasonable for a Licensee to need to wait as much as 90 days for approval for a change to an Engineered Structure, especially if construction is already underway.	Shorten the requirement or allow more flexibility on a case-by-case basis for proposing changes.	The timeline in this particular condition is already shorter, because Board approval is not required, but it has been further revised to 30 days. Also, see response to comments on the DESIGN AND CONSTRUCTION PLAN condition

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
14.	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	<p>The intent of this condition is to ensure the Licensee notifies the Board and Inspector prior to commencing Construction of an Engineered Structure. If this notification is provided while awaiting the Board's decision regarding the Design and Construction Plan for the Engineered Structure, Board approval must still be acquired prior to actually commencing Construction.</p> <p>This initial contact is important to establish lines of regular communication between the Licensee, Inspector, and Board, and to facilitate site inspections. Changes to the contact information and/or the expected commencement date are required in writing.</p>	Revised to improve clarity about what is expected in the notification.	GNWT – ENR: Part E, Condition 13 states that 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. ENR would assume this would be in addition to the 90 days prior to construction of an Engineered Structure(s) as per Conditions 9 & 10. These conditions state that the "Licensee shall not commence Construction prior to Board approval of the Plan."	ENR recommends that it be made clear that approval of the Plan is required as well as notice to the Inspector before Construction can commence (i.e. 90 + 10 = 100 days).	Notification can be provided while awaiting Board approval (for example, if the Board decision date is just prior to the proposed construction date); however, Board approval must be acquired prior to actually commencing construction. If the Board does not approve the Design and Construction Plan, construction cannot commence, regardless of whether the notification has been given.
15.	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	NOTIFICATION – MUNICIPAL CONSTRUCTION	<p>The intent of this condition is to ensure the municipal Licensee notifies the Board and Inspector prior to commencing Construction of any water and waste management structures (other than Engineered Structures). This condition is related to the STRUCTURE DESCRIPTION AND CONSTRUCTION PLAN condition.</p>	<p>Revised to improve clarity about what is expected in the notification.</p> <p>Revised to improve clarity about what is expected in the notification.</p> <p>This condition is similar to the general condition NOTIFICATION – CONSTRUCTION but is separated because some important municipal</p>	GNWT – MACA: The notes refer to construction of "important municipal stuctures" not designed by a Professional Engineer. This appears to conflict with the Engineering and Geoscience Professions Act of the Northwest Territories.	Clarify what construction this would apply to and ensure it does not conflict with legislation.	This condition has been revised to apply to all types of projects. The intent is only to ensure that notification is given for waste and water management structures that do not need to be engineered. This relates back to the new Structure Description and Construction Plan and is not specific to municipal licences.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	the name and contact information for the individual responsible for overseeing the Construction superintendent . Written notification shall be provided to the Board and an Inspector if any changes occur.		This initial contact is important to establish lines of regular communication between the Licensee, Inspector, and Board, and to facilitate site inspections. Changes to the contact information are required in writing.	structures/facilities may not be engineered, but notification is still desirable.			
16.	The Licensee shall ensure that all structures intended to contain, withhold, divert, or retain Water or Wastes, excluding Engineered Structures, are constructed in accordance with the approved Structure Description and Construction Plan(s).	CONSTRUCT AS DESIGNED – STRUCTURE(S)	The intent of this condition is to ensure that structures are constructed as designed. This condition will apply to all non-engineered Water and Waste management structures.	Revised to improve clarity about what is expected in the notification. This condition is similar to the general condition NOTIFICATION – CONSTRUCTION but is separated because some important municipal structures/facilities may not be engineered, but notification is still desirable.	-	-	-
17.	The Licensee shall ensure that all Engineered Structures are constructed in accordance with the “issued for construction” [enter: Design Drawings and/or approved Design and Construction Plan(s)].	CONSTRUCT AS DESIGNED – ENGINEERED STRUCTURE(S)	The intent of this condition is to ensure that Engineered Structures are constructed as designed.	Removed ‘issued for construction,’ because it is outdated terminology that has been inconsistently used in licences.	-	-	-

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
18.	Within 90 days of the completion of the Construction of each Engineered Structure, the Licensee shall submit to the Board, an As-Built Report stamped and signed by a Professional Engineer, which shall include, but not be limited to, the following information: a) final as-built drawings of the Engineered Structure(s), stamped and signed by a Professional Engineer; b) documentation, with rationale, of field decisions that deviate from the “issued for construction” [enter: Design and Construction Plans and/or Design Drawings]; and c) any data used to support these decisions.	AS-BUILT REPORT – ENGINEERED STRUCTURE(S)	<p>The intent of this condition is to ensure that as-built information is available on the public record after Engineered Structures have been constructed.</p> <p>If changes to an Engineered Structure are approved and constructed, the Licensee must submit an As-Built Report reflecting the changes as per the REVISIONS condition.</p>	<p>Removed ‘issued for construction,’ because it is outdated terminology that has been inconsistently used in licences. established the conditions above.</p> <p>As-Built Reports are not for approval because they function as a record of the structure/facility.</p> <p>Timing: In some cases, the applicant may provide rationale for a longer timeline for submitting as-builts – for all structures or specific structures.</p>	City of YK: The City appreciates the ability to modify the length of time to submit as-built drawings on any given Construction activity. This item will need to be specific to each type of Construction that could occur as in some cases as-built drawings and the associated change explanations can take up to a year to receive.	N/A	Please see the Reponses to Common Topics Identified During the Public Review.

Tailings Containment Facility Dams

The recommended new and revised conditions set out below are part of a new set of definitions and conditions developed by the LWBs’ Dams Team in order to better align Board requirements for tailings dams with changes in regulatory practices following the Mount Polley Dam Failure in BC in 2014.

Some or all of these conditions will be included for all new projects with tailings dams and may be added to existing licences during amendment or renewal processes. They are intended to be specific to tailings dams and not other structures; however, they may be adapted to other structures, such as non-tailings dams, for specific projects. [These conditions are not intended to apply to remediation projects for sites with legacy tailings dams. These conditions may also be considered for existing licences if a project proposes to enter a long-term state of care and maintenance.](#)

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
Based on the evidence gathered through the regulatory process, the establishment of an Independent Tailings Review Panel may be required; in other cases, an independent review of the Design and Construction Plan for the facility by a third-party Professional Engineer may be considered adequate in lieu of establishing a Panel. The requirement for one or the other will be determined on a case-by-case basis during the regulatory process.							
19.	The Licensee shall retain an Engineer of Record for the [enter name of Tailings Containment Facility]. Written notification shall be provided to the Board and an Inspector if any changes occur.	ENGINEER OF RECORD	The intent of this condition is to reflect recent improvements in regulatory practices for and to ensure the appropriate level of regulatory oversight for Tailings Dams. This condition will be included for all new Projects with Tailings Containment Facilities and is consistent with CDA Guidelines, requirements in other jurisdictions (e.g., revised <i>Health Safety and Reclamation Code for Mines in British Columbia</i>), and the Mining Association of Canada's (MAC's) <i>Guide to the Management of Tailings Facilities</i> .	Timing is not stipulated in this condition but may be established during the licencing process.	-	-	The need to specifically identify and provide updates on the identity of the engineer has been removed from this condition, since the Board will not be approving the selection of the engineer and does not need to contact the engineer directly.
					INAC – CARD: These conditions should only apply to construction of new tailings containment dams. These conditions can not apply to legacy tailings containment dams, because they do not have Engineers of Record, nor would many engineers be willing to become the EOR for a legacy tailings containment dam without substantial compensation.	Specify in the conditions/rationale that these conditions apply only to the construction of new tailings containment dams.	The concern regarding legacy tailings is acknowledged; however, it would not be appropriate to broadly state that these conditions will only be applied to new construction, since they could be applied to existing facilities during amendment or renewal processes. The notes at the top of this Part have been revised to note that these conditions are not intended to apply to legacy tailings dams.
20.	The Licensee shall ensure that the Engineer of Record establishes and annually reviews the Dam Class for [enter name of Tailings Containment Facility] and	DAM CLASSIFICATION	The intent of this condition is to reflect improvements in regulatory practices and to ensure the appropriate level of regulatory oversight for Tailings Dams. The correct		DBCI – GK: See comment on Part G, Condition 11. .	Recommend geochemical inspection is outside of the Engineer of Record's scope, should be removed.	The geochemical component of the Geotechnical Inspection Report has been removed as recommended.

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	shall report any changes to the Dam Class in the Geotechnical and Geochemical Inspection Report referred to in Part G, Condition X .		Dam classification is critical for ensuring the appropriate level of Dam safety oversight. Reporting changes to the classification is important to alert the Board to the potential need for revisions to Licence submissions or an amendment to Licence conditions. This condition will be included for all new Projects with Tailings Containment Facilities and is consistent with other jurisdictions (e.g., <i>Guidance Document for the Health, Safety and Reclamation Code for Mines in British Columbia</i> , 2016).		INAC – CARD: These conditions should only apply to construction of new tailings containment dams. These conditions can not apply to legacy tailings containment dams, because they do not have Engineers of Record, nor would many engineers be willing to become the EOR for a legacy tailings containment dam without substantial compensation	Specify in the conditions/rationale that these conditions apply only to the construction of new tailings containment dams	See response to comments on the ENGINEER OF RECORD condition.
21.	The Licensee shall ensure that the Engineer of Record establishes quantifiable performance objectives for the [enter name of Tailings Containment Facility] and reviews the quantifiable performance objectives annually for the life of the Facility.	QUANTIFIABLE PERFORMANCE OBJECTIVES	The intent of this condition is to reflect improvements in regulatory practices and to ensure the appropriate level of regulatory oversight for Tailings Dams. This requirement will be included for all new Projects with Tailings Containment Facilities and is consistent with other jurisdictions (e.g., <i>revised Health Safety and Reclamation Code for Mines in British Columbia</i> , 2016)		GNWT – LANDS: Part E, condition #20 refers to establishing quantifiable performance objectives but does not specify where the objectives will be recorded.	The GNWT-Lands recommends specifying a plan in the condition where the quantifiable performance objectives will be captured.	Standard Schedules for design and management plans are still being developed. The QPOs will likely be located with other criteria and specifications in a Design and Construction Plan and/or a Tailings Management Plan. Until standard Schedules are developed, the location of the QPOs will be determined on a case-by-case basis, but the location does not need to be specified in this condition.

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			and industry best practices (e.g., Independent Expert Engineering Investigation and Review Panel Report on Mount Polley Tailings Storage Facility Breach, 2015)		INAC – CARD: These conditions should only apply to construction of new tailings containment dams. These conditions can not apply to legacy tailings containment dams, because they do not have Engineers of Record, nor would many engineers be willing to become the EOR for a legacy tailings containment dam without substantial compensation	Specify in the conditions/rationale that these conditions apply only to the construction of new tailings containment dams	See response to comments on the ENGINEER OF RECORD condition.
22.	A minimum of one year prior to the commencement of Construction of the [enter name of Tailings Containment Facility] , the Licensee shall submit to the Board, for approval, a Terms of Reference for [enter: the Independent Tailings Review Panel or an Independent Professional Engineer] . The Licensee shall submit a revised Terms of Reference 30 days prior to implementation of any changes to the Terms of Reference .	[INDEPENDENT TAILINGS REVIEW PANEL OR INDEPENDENT ENGINEER] – TERMS OF REFERENCE	<p>This condition will be included if review by an Independent Tailings Review Panel or an independent Professional Engineer is determined to be necessary. The intent of this condition is to create transparency on the composition of the Independent Tailings Review Panel or the selection of the Professional Engineer, and the roles and responsibilities of the Panel/Engineer, etc. so that all parties have confidence in the Panel/Engineer.</p> <p>Following submission of the Terms of Reference, the Board will conduct a standard public review and decision process. Once the Terms of Reference have been approved the Board, the Licensee can begin</p>		DBCI - -GK: t is unclear the intent and scope of the independent tailings review panel at the post water licence approval stage. At this stage, the overall tailings facility would've been approved during the EA and water licence approval stages. Therefore, the scope of the review panel can only focus on the detailed engineering design of the specific structures. There is an engineered structure review condition above. 2) Establishing an independent review panel cannot provide meaningful inputs at the post water licence approval stage and it will create significant delay to the project after a water licence approval (ToR approval -> establishing the panel -> sufficient time of review -> board approval, each step will take several months to complete etc.) 3) with the 45-	Any panel level review should be done before the water licence approval. At the stage after the water licence approval, i.e. the approval of the general tailings facility design, an review panel is not required. Recommend requiring a third party geotechnical engineer to review the engineering dam designs. This will be consistent with the condition for Dam Safety Review. With this approach, it will meet the intent of establishing the review panel, and it will not create a significant process delay.	<p>Although a Panel is more in line with emerging regulatory processes, an option has been added for a third-party review by an independent engineer instead of a Panel in some cases. The requirement for a Panel or an independent engineer will be determined on a case-by-case basis during the regulatory process.</p> <p>Note that, for projects that go through an EA process, designs are typically only conceptual, and it is not typical that a panel-level detailed review would be complete prior to issuing a licence.</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			<p>establishing the Panel or selecting the Engineer. Prior to submission of the Design and Construction Plan for the facility, the Panel/Engineer must review the Plan and prepare a Letter of Approval Acceptance to submit with the Plan (see INDEPENDENT TAILINGS REVIEW PANEL/INDEPENDENT PROFESSIONAL ENGINEER - LETTER OF ACCEPTANCE below).</p> <p>The timeline for the submission of the Terms of Reference will reflect the Project schedule and the issuance date of the licence; however, in order to allow adequate time to complete the required processes following the Board's decision (i.e., establishment of the Panel or selection of the Engineer, the Panel/Engineer's review of the design, and the submission of the Design and Construction Plan and Design Drawings), the Terms of Reference will be required well in advance of commencing construction of the facility.</p>		<p>day acceptance letter submission, does it mean the tailings facility's Design and Construction Plan doesn't require board approval?</p> <p>Fortune: There need to be more informaiton provided as the content of the terms of reference for this panel. How will the TOR be approved and by whom. Are there standards for who can be on the panel? What is an acceptable rate of compensation for a panel member and what are the contractual terms for the panel</p> <p>INAC – CARD: These conditions regarding an Independent Tailings Review Panel should only apply to construction of new tailings containment dams. These conditions can not apply to legacy tailings containment dams, because the dams already exist and the tailings have already been deposited</p> <p>Avalon: A one year time line is not aligned with the MVLWB approval time lines for permits. Independent Review Panels are very expensive and for small companies without income, must be delayed until after a project is approved. Once a project is approved, then a review panel Terms of Reference can and should be initiated. The time line should</p>	<p>The board needs to provide clarification on what is expected for the TOR and the panel itself</p> <p>Specify in the conditions that these conditions apply only to the construction of new tailings containment dams for mining operations.</p> <p>One year should be shortenend to 6 months. T of Reference for dam construction are not complicated to prepare. The NWT approval process is already uncompetetively long, and any action to reduce this is necessary if it wants to encourage mining development.</p>	<p>At this time, the LWBs have not established criteria for the ToR in order to avoid unnecessary restrictions. Applicants may look at previously approved ToRs as examples. The LWBs may develop criteria in the future if necessary.</p> <p>See response to comments on the ENGINEER OF RECORD condition.</p> <p><u>Regarding all other comments on this condition:</u> In this case, the timeline must reflect more than just the Board's standard public review and decision process. The Board's standard process will typically be 90 days; however, there other steps that must be completed following the Board's approval of the ToR (and prior to commencing construction) that must be accounted for in the</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					be such that a review panel can complete its work in less time than MVLWB Boards mandated permit time line. Otherwise, further delays in the permitting process are created. While large companies with ongoing incomes can weather such costs and delays, exploration and development companies are further hurt by early costs and longer approval time lines with respect to Dam construction.		submission timeline (i.e., establishment of the Panel or selection of the engineer, the Panel/engineer’s review of the design, and the submission of the Design and Construction Plan and Design Drawings). The rationale has been updated to be more clear about the purpose of the longer timeline, and the timeline has been highlighted in the condition to be more clear that it can be changed based on project-specific information.
					CanZinc: See comment to 22. above. Further, time and is a big issue for proponents. Proponents have to wait 6-9 months or more for a decision from the Review Board, then there is a similar amount of time for permitting. Following that, the proposed condition requires another 12 months before breaking ground. It may be clear at the EA stage that independent review is necessary. It would help proponents if they were able to proceed with such a review and therefore potentially save time subsequently.	Assuming a review is even necessary, and it should depend on the outcome of EA, the review timeframe should be left open to be determined on a project basis that reflects the issues.	

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					GNWT-ENR: Part E, Condition 21 states that a minimum one year prior to the commencement of Construction of the Tailings Containment Facilities, the Licensee shall submit to the Board, for approval, a Terms of Reference for the Independent Tailings Review Panel. ENR is concerned that a minimum one year prior is too long before construction of the facility	ENR recommends a shorter timeframe (e.g. 6 months) for the submission of the Terms of Reference for the Independent Tailings Review Panel	
23.	<p><u>Option 1:</u> The Licensee shall establish an Independent Tailings Review Panel. The Licensee shall pay for all reasonable direct and indirect costs associated with the establishment of the Independent Tailings Review Panel and its duties that arise from the conditions of this Licence.</p> <p><u>Option 2:</u> The Licensee shall retain an independent Professional Engineer. The Licensee shall pay for all reasonable direct and indirect costs associated with the retention of the Professional Engineer and their duties that arise from the conditions of this Licence.</p>	<p>INDEPENDENT TAILINGS REVIEW PANEL - ESTABLISHMENT AND COSTS</p> <p>OR</p> <p>INDEPENDENT PROFESSIONAL ENGINEER – RETENTION AND COSTS</p>	<p>This condition will be included if an Independent Tailings Review Panel or independent Professional Engineer is determined to be necessary. The intent of this condition is to reflect improvements in regulatory practices and to ensure the appropriate level of regulatory oversight for Tailings Dams. The condition is consistent with other jurisdictions (e.g., revised <i>Health Safety and Reclamation Code for Mines in British Columbia</i>, 2016) and industry best practices (e.g., Independent Expert Engineering Investigation and Review Panel Report on Mount Polley Tailings Storage Facility Breach, 2015).</p>		<p>INAC – CARD: These conditions regarding an Independent Tailings Review Panel should only apply to construction of new tailings containment dams. These conditions can not apply to legacy tailings containment dams, because the dams already exist and the tailings have already been deposited.</p> <p>INAC – Inspectors: The Inspector has concerns with this condition, namely who will approve the members to ensure there are no conflict of interests, what authority will the committee have over the site, how will the recommendations be provided to the Inspector, and what will be the process if there are disagreements between the panel and the Inspector/TK.</p>	<p>Specify in the conditions that these conditions apply only to the construction of new tailings containment dams for mining operations.</p> <p>Ensure that the above is considered before adding these conditions are placed within a water licence</p>	<p>See the response to comments on the ENGINEER OF RECORD condition.</p> <p>The Board will approve the ToR, which will set out requirements for Panel composition and describe roles and responsibilities. The Panel is intended to be an independent review body but will have no authority over the project or the site.</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			The Terms of Reference will set out the requirements for the composition of the Panel or the selection of the Professional Engineer . Once the Terms of Reference are approved by the Board, the Licensee can begin establishing the Panel or selecting the Engineer . A timeline is not set for establishing the Panel or selecting the Engineer after the approval of the Terms of Reference; however, the Licensee must ensure that the Panel/ Engineer has sufficient time to review the Design and Construction Plan and prepare the Letter of Acceptance (see INDEPENDENT TAILINGS REVIEW PANEL/ INDEPENDENT PROFESSIONAL ENGINEER - LETTER OF ACCEPTANCE below).		<p>CanZinc: Every site and development proposal is different, with different levels of risk. There is no 'one-size-fits-all'. The requirement for a 'panel' (i.e. more than one person) may not be necessary. From an NWT perspective, there isn't a clear definition of what level of detail is appropriate for EA, and what should be left for permitting. Inevitably, there is considerable overlap, particularly now that the Review Board's requirements have become much more extensive and detailed. Therefore, conditions such as these should be considered against this backdrop</p> <p>Dominion: The requirement for an Independent Tailings Review Panel represents another significant cost for proponents wishing to develop in the region. With so many regulations and oversight already in place, this seems like an unnecessary burden on proponents.</p>	<p>Defer consideration of this condition until more thought has been given to the content and boundaries of EA vs the permitting process. After that, it may still not be necessary to have a standard condition for a panel since the risks could be considered sufficiently low during EA as to not warrant independent review during permitting.</p> <p>Remove the requirement for an Independent Tailing Review Panel, except in specific cases where tailings are not being appropriately managed and require the additional oversight.</p>	<u>Regarding all other comments on this condition:</u> This condition has been revised to include the option for an independent engineer instead of a Panel. See the response to comments on the [INDEPENDENT TAILINGS REVIEW PANEL OR INDEPENDENT ENGINEER] – TERMS OF REFERENCE and the ENGINEER OF RECORD conditions.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					Fortune: Establishment of Independent Tailings Review Panel should be considered on a project specific basis and not be a standard condition of all water licenses. In most cases, the current system of review and monitoring has proven adequate in the NWT to provide assurance that tailings dams are being managed properly	The need for an Independent Tailings Review Panel should be considered on a project specific basis.	
					DBCI – GK: It is unclear the intent and scope of the independent tailings review panel at the post water licence approval stage. At this stage, the overall tailings facility would've been approved during the EA and water licence approval stages. Therefore, the scope of the review panel can only focus on the detailed engineering design of the specific structures. There is an engineered structure review condition above. 2) Establishing an independent review panel cannot provide meaningful inputs at the post water licence approval stage and it will create significant delay to the project after a water licence approval (ToR approval -> establishing the panel -> sufficient time of review -> board approval, each step will take several months to complete etc.) 3) with the 45-day acceptance letter	Any panel level review should be done before the water licence approval. At the stage after the water licence approval, i.e. the approval of the general tailings facility design, an review panel is not required. Recommend requiring a third party geotechnical engineer to review the engineering dam designs. This will be consistent with the condition for Dam Safety Review. With this approach, it will meet the intent of establishing the review panel, and it will not create a significant process delay.	

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					submission, does it mean the tailings facility's Design and Construction Plan doesn't require board approval?		
					INAC – CARD: These conditions regarding an Independent Tailings Review Panel should only apply to construction of new tailings containment dams. These conditions can not apply to legacy tailings containment dams, because the dams already exist and the tailings have already been deposited.	Specify in the conditions that these conditions apply only to the construction of new tailings containment dams for mining operations.	
24.	A minimum of 3045 days prior to the commencement of Construction of the [enter name of Tailings Containment Facility], the Licensee shall submit a Letter of Acceptance from [the Independent Tailings Review Panel or an Independent Professional Engineer] that indicates their review and acceptance of the final Design and Construction Plan referred to in Part E, Condition X.	[INDEPENDENT TAILINGS REVIEW PANEL OR INDEPENDENT PROFESSIONAL ENGINEER] – LETTER OF ACCEPTANCE	<p>This condition will be included if either an Independent Tailings Review Panel, or an independent review by a third-party Professional Engineer, is determined to be necessary. The intent of this condition is to provide a high degree of confidence in the Design and Construction Plan. The Letter must clearly state that the Panel/Engineer has reviewed and assessed the Design and Construction Plan, and finds the Plan to be adequate and appropriate to proceed.</p> <p>The timeline for submission of the Letter of Approval Acceptance will match the Design and Construction Plan. The Design and</p>		<p>Avalon: This condition gives 45 days for Board Approval of the Independent Tailing Review Panel Letter of Acceptance befor construction can be initiated. Given tha lack of dam construction expertise within the Board that necessitates the Independent Review Panel (not to slight the Board as this is very specialized and highly technical senior expertize that would not be expected to be found on in the Board), the letter of acceptance should be all that is required to permit construction. THe Board has no expertise to judge the letter, so time is not required.</p> <p>GNWT – ENR: Part E, Condition 23 should be revised from “45” days to “30” days.</p>	Construction should be allowed to begin in no more than 10 days following the receipt of the Letter of Acceptance from the Review Panel.	<p>The timing for the Letter of Acceptance is aligned with the submission of the Design and Construction Plan. Both timelines have been revised to 30 days as recommended by ENR.</p> <p>Both timelines have been revised to 30 days as recommended by ENR.</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			Construction Plan will usually not require Board approval if an Independent Tailings Review Panel has been established or an independent Professional Engineer has been retained , so the timeline will usually be shorter (e.g., 45 30 days).		Fortune: Both Letter of Approval and Letter of Acceptance are used in the draft conditions. In either case, the panel should only be making a recommendation to the board as they are not the Engineer of Record. The panel members may or may not be engineers so a recommendation from this panel is the most appropriate means of communication once they have completed their review.	The Independent Tailings Review Panel should only be issuing a "recommendation" to the board and not a letter of acceptance or approval.	<u>Regarding all other comments on this condition</u> : The reference to a Letter of Approval was an error and has been revised to Letter of Acceptance in all instances. The intent of the Letter is to reduce the burden on the Board and reviewers, and to provide assurance that there is no need for further review. Accordingly, the title of the Letter reflects the expectation that the Letter must clearly state that the Panel/engineer has reviewed and assessed the Design and Construction Plan, and finds the Plan to be adequate and appropriate to proceed. The rationale has been updated to be more clear about the expectation for the Letter. Note that INAC-CARD's recommendation actually relates to reviews of reports under the <i>Health Safety and Reclamation Code for Mines in British Columbia</i> , not to reviews of designs.
					INAC – CARD: A letter of Acceptance and letter of Approval by an Independent Tailings Review Panel is concerning. The panel is not the Engineer of record, and as such, they should only provide or review advice or recommendations. By Accepting or Approving a Plan they could be held professionally responsible, which should not be their role. Also there is no Accepting or Approving by a Tailings Review Panel in “Health Safety and Reclamation Code for Mines in British Columbia, 2016”, there is only “reporting and signed acknowledgement by the members of the Board, confirming that the report is a true and accurate”. The proposed wording goes above	Suggest changing the wording to be similar to “Health Safety and Reclamation Code for Mines in British Columbia, 2016”, which includes “reporting and signed acknowledgement by the members of the Board, confirming that the report is a true and accurate”.	

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					and beyond this code, which is not appropriate.		

Part F: Modifications

This Section will be removed in its entirety, and the Licensee will now propose all changes through the revisions process for design and management plans, which is a more clear and consistent process. The addition of Structure Description and Construction Plan requirements in Part E: Construction for smaller water and waste management structures will ensure that there is a process for capturing any important changes to these smaller structures. **In all cases, the Board will consider the proposed changes in the context of what has been screened.**

This change reflects that evolution of standard water licence conditions. This Part was more useful in the past, when detailed project information was not set out in design and management plans. The purpose of this Part was to streamline the process for authorizing small changes and ensure that any proposed changes that might be inconsistent with the scope or conditions of the licence are brought to the Board’s attention; however, since the legislated definition for a modification can be interpreted in different ways, it is difficult to draw a clear line for classifying changes as modifications, or to develop a general rule of thumb for when a public review is needed. As a result, almost all modifications currently undergo a public review and Board consideration, which is equivalent to the revision process for a design or management plan.

	Condition	Condition Title	Rationale	Reviewer Comments	Reviewer Recommendations	Responses and Recommendations
				GNWT – ENR: Removal of this Part of the Water Licence is extremely problematic to ENR. Modifications to projects, components, mine plans, etc. happen very frequently. Many new projects have very little detail or specifics regarding how and what they are constructing or developing when the original Water Licence is issued. Having something in the Water Licence that governs modification process is critical as modifications to a project have direct impact on the Scope of the licence. The Scope of the Licence is also what is assessed in an Environmental Assessment (EA). In ENR’s experience, most modifications require a Water Licence amendment, usually because they are changes in Water Licence Scope.	ENR strongly objects to the removal of the Modification section from a Water Licence. ENR would like to discuss this further with the Executive Directors of the LWBs.	The removal of this Part does not affect the need to consider proposed changes against the scope of the licence and the preliminary screening or Report of EA in order to determine whether an amendment is required. Additionally, the legal definition for a modification will still apply in making preliminary screening exemption determinations. Removal of this Part simply provides clarity to the process for changes that do not require an amendment.
				GNWT – Lands: GNWT-Lands is concerned that any proposed changes (or revisions) regardless of scale, will now have to be submitted to the Board for approval a minimum of 90 days in advance of implementing changes. GNWT-Lands cautions that	GNWT-Lands recommends keeping this section to allow for small changes to allow regulated parties to adapt to unknown site conditions and that the authority to approve of small changes should shift back to the	

				this change fails to recognize the northern context and may greatly impact the ability of regulated parties to adapt to unknown site conditions which could jeopardize entire projects. A potential unintended consequence of this could be that regulated parties, in the interest of additional time and cost, choose not to seek prior approval from the Board for the modification. This, in turn, may result in an increase in rates of non-compliance.	Inspectors whom are on the ground working with the regulated parties and are best suited to understand the circumstances necessitating the modification.	
				INAC – Inspectors: The Inspector is very supportive of the removal of these conditions as they have always been a source of frustration and confusion by the Licencee.	Remove as outlined within the document.	-
1.	<p>The Licensee may carry out a Modification to any structure intended to contain, withhold, divert, or retain Water or Waste, without written approval from the Board, provided the proposed Modification is not an expansion, does not alter the purpose or function of the structure, and the following requirements are met prior to beginning the Modification:</p> <p>a) The Licensee shall provide written notification to the Board and an Inspector a minimum of 15 days prior to beginning the proposed Modification;</p> <p>b) An Inspector has provided written notification to the Board authorizing the proposed Modification;</p> <p>c) The Board has not informed the Licensee that additional information is required;</p> <p>d) The Board has not informed the Licensee that additional time is required to review the proposed Modification; and</p> <p>e) The Board has not rejected the proposed Modification.</p> <p>The Licensee may, without written approval from the Board, carry out a Modification to the existing or planned undertaking provided the following requirements are met:</p>	MODIFICATION REQUIREMENTS	<p>Because Modifications do not alter the purpose or function of structures, they may not require Board approval. This condition sets out the requirements that must be met in order to carry out a Modification without Board approval.</p> <p>During the notification period, the Board will review the proposed Modification, and may determine that further information, review, or approval is required.</p>	-	-	

	<p>a) The Licensee has notified the Board and an Inspector, in writing, of such proposed Modification at least X days prior to the beginning of the Modification;</p> <p>b) The Modification does not place the Licensee in contravention of either this Licence or the Act;</p> <p>c) The Board has not, during the 60 days following notification of the proposed Modification, informed the Licensee that further information is required or that a review of the proposal will require more than 60 days;</p> <p>d) An Inspector has authorized the proposed Modification and provided a letter of notification to the Board; and</p> <p>e) The Board has not rejected the proposed Modification.</p>					
2.	<p>The Licensee may only carry out a Modification that does not meet Part F, Condition 1 with written approval from the Board.</p> <p>Modifications for which all of the conditions referred to in Part F, Condition 1 have not been met, may only be carried out with written approval from the Board.</p>	MODIFICATION— WRITTEN APPROVAL REQUIRED	Board approval is required for a Modification if any of the requirements of Part F, condition 1 are not met. This includes situations when the Board reviews a proposed modification and determines that more information, additional review, or approval is required.	-	-	-
3.	<p>Within 90 days of the completion of the Modification referred to in Part F, Condition 1, the Licensee shall submit to the Board an As-built Report, stamped and signed by a Professional Engineer, which shall include final as-built drawings and specifications of the modified structure.</p>	AS-BUILT REPORT — MODIFICATION	Following completion of a Modification, the Licensee must submit an As-Built Report. This ensures that the information on the public record is up to date for the structure.	-	-	-

Part G: Waste and Water Management

A draft Schedule is not included for this Part.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					GNWT – Lands: Missing condition pertaining to water sampling results and planned discharge of water or waste.	The GNWT-Lands requests that the following condition be added: "The Licensee shall provide water sampling results to an Inspector no later than five days prior to any planned Discharge of water or Waste to the Receiving Environment. Discharge shall not commence until authorized in writing by an Inspector."	This condition is still included below as TESTING BEFORE DISCHARGE.
					SLEMA: There is not condition related to the permanent removal of hazardous waste at site. The risk is that the Licensee does not include this condition in its WMP and the condition is overlooked. Recommends to include one	The Licensee shall backhaul and dispose of all hazardous Wastes generated through the course of the operation at a licensed Waste disposal site.	Hazardous waste is included in the MVLWB <i>Guidelines for Developing a Waste Management Plan</i> , and Waste Management Plans must be developed in accordance with these Guidelines. In some cases, a separate management plan may be required for hazardous wastes – this requirement would be determined during the regulatory process.
					IEMA: A Water License should contain a Mine Water Management Plan that will provide assurances that adaptive management strategies have been developed and can be implemented in the event that a proponent’s Environmental Assessment predictions of mine water quality and quality prove to be inaccurate. This plan should cover all phases of the project — construction, operations and closure.	Recommendation 6: The Agency recommends that a proponent for an industrial project be required to submit for approval prior to commencement of development activities a Mine Water Management Plan that includes a review of potential adaptive management strategies for operational water management which incorporates water quality objectives, criteria, response plan triggers and action levels.	If applicable, this information would be included in a Water and Wastewater Management Plan. The need for this Plan, and any specific information requirements for the Plan, would de determined during the regulatory process. Standard Schedules for common plans will be developed at later date, and this comment will be considered at that time.

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	This condition sets out the overall objective for the requirements in Part G. This objective is consistent with the MVLWB Water and Effluent Quality Management Policy .		-	-	-
2.	The Licensee shall ensure that any [enter waste type e.g. Unauthorized Discharges/Wastes/fuels/chemicals] associated with this undertaking do not enter any Waters.	PREVENT WASTE INTO WATER	The intent of this condition is to protect Water quality.	This condition has been retained in Part I: Spill Contingency Planning.	INAC – Inspectors: The Inspector strongly recommends that this condition be left in place and as is as it is easy to enforce and has very clear wording that all Licencee’s can interpret.	Leave the condition as it is.	This condition has been maintained but moved to Part I: Spill Contingency Planning .
3.	The Licensee shall minimize erosion by implementing suitable erosion control measures installing erosion control structures as the Project progresses. Erosion control structures that shall be located and maintained to the satisfaction of an Inspector.	EROSION CONTROL	<p>The intent of this condition is to prevent erosion and sediment deposition into Watercourses, because it can affect Water quality and aquatic habitat. Inspectors will use their discretion to determine whether the Licensee’s efforts are satisfactory and consistent with best practices.</p> <p>This condition is primarily for smaller projects as an alternative to the requirement for an Erosion and Sedimentation Management Plan.</p>	<p>This condition has been developed by consolidating similar conditions used in recently issued licences.</p> <p>An Erosion and Sedimentation Plan may be required if erosion and sedimentation concerns are identified, in which case, this condition would not be included.</p> <p>Replace ‘installing’ with ‘implementing,’ because erosion control can include best practices and actions, not just physical structures.</p>	-	-	-

Management Plans and Monitoring Programs

4.	<p><u>Option 1:</u> The Licensee shall comply with the [enter plan name], once approved.</p> <p>OR</p> <p><u>Option 2:</u> The Licensee shall comply with the [enter plan name], once approved. The Plan shall be in accordance with the requirements of Schedule x, Condition x.</p>	[ENTER PLAN NAME]	<p>These conditions are used to set out the management plan, and operations and maintenance plan, requirements for each licence. Plan requirements are established based on LWB policies, guidelines, and information gathered during the regulatory process.</p>	<p>Any plans required here (and in the condition below) are in addition to Engagement Plans, AEMPs, SCPs, and CRPs, which are covered by their own standalone conditions in other sections of the licence.</p> <p><u>Option 1:</u> will usually be used for the Waste Management Plan (WMP), municipal O&M plans, and any other plans that do not have associated schedules.</p>	<p>CanZinc: See comments above. Most plans are developed during EA. They will have likely gone through 2 iterations of review already. 90 days prior to an activity may be excessive.</p>	<p>Leave the time period open for the Board to determine based on plan complexity and prior consideration.</p>	<p>Please see the Reponses to Common Topics Identified During the Public Review.</p>
5.	<p><u>Option 1:</u> Within 90 days following the effective date of this Licence, the Licensee shall submit to the Board, for approval, a revised [enter plan name]. The Plan shall be in accordance with the requirements of Schedule x, Condition x. The Licensee shall not commence [enter: Project activities OR activities described in the Plan] prior to Board approval of the Plan.</p> <p>OR</p> <p><u>Option 2:</u> A minimum of 90 days prior to commencement of activities, the Licensee shall submit to the Board, for approval, a revised [enter plan name]. The Plan shall be in accordance with the requirements of Schedule x, Condition x. The Licensee shall not commence [enter: Project</p>	[ENTER PLAN NAME] – REVISED	<p>If detailed information requirements are set out for a particular management plan, they are typically attached in a schedule, which will be reflected in the Licence conditions.</p> <p>Plans that are submitted with the application will be considered by the Board at the time the Licence is issued, and the Board’s decision on the plans will be communicated in its issuance decision letter.</p> <p>The [ENTER PLAN NAME] conditions are used for management plans that are approved when the Licence is issued.</p> <p>If a plan is not approved at issuance, the Licence will include the</p>	<p>It is noted that small projects may describe waste management information in the application form rather than in a standalone plan. In this case, the information in the application will be considered as the equivalent of the WMP. Conditions for the WMP will be included in the licence as appropriate (depending on whether the information is approved or a revised WMP is required) in order to provide a mechanism for the licensee to propose changes to waste management information after issuance.</p> <p><u>Option 2:</u> will be used for plans that will have a schedule, which may include:</p> <ul style="list-style-type: none"> • Water and Wastewater Management Plan; • Water Quality Monitoring Plan; 	<p>GNWT – ENR: Part G, Condition 5 makes reference to either within 90 days (Option 1) and a minimum 90 days (Option 2). The background to this condition suggests that submission deadlines for any given plan will depend on the project schedule and the activities described in the plan. This should be highlighted in the document, as the default of 90 days may not be suitable in all instances and can lead to compliance issues once the licence is issued.</p>	<p>ENR recommends that the background regarding the submission dates be highlighted in this document such that 90 days does not inadvertently become a default for all plans and licences</p>	

	activities OR activities described in the Plan] prior to Board approval of the Plan.		<p>requirement for a revised plan (see [ENTER PLAN NAME] – REVISED.) Any new plan requirements will also follow this format.</p> <p>The submission deadline for any given plan will depend on the project schedule and the activities described in the plan. Generally, the Licensee must not conduct the activities described within a plan until the plan is approved by the Board.</p>	<ul style="list-style-type: none"> • Erosion and Sedimentation Management Plan; • Explosives Management Plan; • Waste Rock Management Plan; • Geochemical Characterization and Management Plan; • Tailings Management Plan; • Long-term Monitoring Plan; or • Project-specific Plans. <p>The condition COMPLY WITH SUBMISSIONS AND REVISIONS, and (in Part B: General Conditions) also covers implementation of the plans. The conditions REVISIONS and REVISE AND SUBMIT cover future revisions of the plans.</p>			
Operation of Structures and Facilities							
6.	<p>The Licensee shall construct, operate, and maintain the [enter name of structure/facility] to the design specifications and engineering standards, such that:</p> <p>a) Any constructed structures/facilities are maintained and operated so as to prevent structural failure and to the satisfaction of an Inspector; OR the specifications described in the [facility name] Design and Construction Plan, referred to in Part E are</p>	[ENTER NAME OF STRUCTURE/FACILITY]	<p>This condition sets out any specifications or limitations that apply to the construction, operation, and maintenance of particular structures or facilities. The intent is to ensure compliance with design specifications and/or best practices, prevent structural failure, and minimize environmental impacts.</p> <p>Reporting on this condition will occur through the information</p>	<p>This condition has been revised as follows:</p> <ol style="list-style-type: none"> 1) Removed requirement for optimizing the facility for closure and reclamation. It is vague, not enforceable, and not quantitative like the rest of the items. Instead, this requirement will be incorporated into the schedule for the Design and Construction Plan. 	<p>ECCC: Condition 6b) deals with seepage, and states that, “OR Any Seepage from the facility to the Receiving Environment that does not meet Effluent Quality Criteria, as specified in Part G, Condition x shall be collected and returned to the [structure/facility name(s)];” For any mining operations, this could pose a contradiction to the Metal and Diamond Mining Effluent Regulations (MDMER)which require that any seepage containing deleterious substances that could reach waters frequented by fish, be discharged through a final</p>	<p>ECCC recommends that the MVLWB contact ECCC to discuss this condition.</p>	<p>The options in b) allow for situations where seepage can be discharged if it meets applicable EQC; however, this may not be authorized in all cases. This approach and the applicable EQC would be established based on the evidence gathered during the regulatory process, during which all parties can submit project-specific recommendations regarding seepage management and criteria, which may include consideration of other legislated requirements if applicable. Note that the EQC set by the Board are typically at least as conservative as the criteria set out in the MDMER. Additionally, the licensee is required to comply with</p>

	<p>maintained at all times, and the structures/facilities are maintained and operated to the satisfaction of an Inspector;</p> <p>b) Seepage from the facility to the Receiving Environment is minimized, collected, and returned to the [facility name(s)]; OR Any Seepage from the facility to the Receiving Environment that does not meet Effluent Quality Criteria, as specified in Part G, Condition x shall be collected and returned to the [structure/facility name(s)];</p> <p>c) Any deterioration or erosion of constructed structures/facilities shall be reported immediately to an Inspector;</p> <p>d) Any deterioration or erosion of constructed structures/facilities that requires repair shall be reported to an Inspector and the Board, and repaired immediately;</p> <p>e) conditions for eventual closure and Reclamation of the facility are optimized;</p> <p>f) Monitoring of the facility is sufficient to ensure that:</p> <ol style="list-style-type: none"> Performance design criteria, as described in the Design and Construction Plan/Operation and 	<p>requirements in the Annual Water Licence Report for related plans.</p> <p>Project-specific requirements may be added to this list as required based on the type of structure or facility, and information gathered during the regulatory process.</p>	<p>2) Removed the requirement to have a response framework in place. It is unnecessary in this condition, since management plan conditions or schedules will set out the requirements for a response framework if appropriate.</p> <p>3) Removed the inspection components of this condition. They are duplicated in the Inspections subsection.</p> <p>The list in this condition will be customized to the project/facility. Specific limitations (such as the freeboard limit, or the maximum design earthquake or storm event) may be included in this condition if technical recommendations were made during the regulatory process based on the particular type or location of the facility, or the geochemistry of the waste. For example, in most cases wet tailings facilities and water management ponds will have a freeboard stipulated in the licence.</p> <p>Structures/facilities typically addressed in this condition include:</p> <ul style="list-style-type: none"> Mine/Waste Rock Piles; 	<p>discharge point (FDP) and considered as effluent. ECCC would like to clarify that meeting the Water Licence effluent quality criteria (EQC) would not substitute for that.</p>		<p>other applicable legislation, so for example, if there was no EQC for a variable regulated under the MDMER, the licensee would still be legally required to meet the MDMER limits.</p>
				<p>Avalon: Seepage from clean water storage facilities or treated effluents need not be collected and returned to the facility if they have no negative impacts. All dams have some design leachage, though usually very small. Not all deterioration is of concern...a rut in a road on top of a dam during spring melt may not be of any concern to the structure or leakage. Any significant change in seepage rates should be reported.</p>	<p>Qualify that only seepages with potential to impact the environment need to be returned and qualify item C to "Any deterioration or erosion to the structures "that has potential to affect the integrity of the structure" should be reported.</p>	<p>This condition does state that the facility must be operated in accordance with the Design and Construction Plan, where any allowances for erosion and deterioration would be set out. To account for potential conflict with the Plan, (c) and (d) have been revised so that all erosion and deterioration must initially be reported to the Inspector, who can then provide direction on whether repair is required (using the Design and Construction Plan criteria). If necessary, the Inspector can direct the licensee to consult an engineer to assist in making this determination. If the Inspector determines that repair is necessary, then the licensee must also report the repair to the Board and conduct the repair. The Inspectors are supportive of this approach.</p>
				<p>Imperial Oil: With many licence conditions and plan requirements requiring Board or Inspector approval (which may also include public review and comment) 'immediately' is not feasible unless the term immediate is defined.</p>	<p>Request that the term immediately be changed to "as soon as practical".</p>	
				<p>INAC – CARD: Some constructed structures/facilities are designed expecting a certain amount of tolerable deterioration or erosion, and will still function as intended with no additional risk to the environment. It is unreasonable to repair all deterioration or erosion immediately because</p>	<p>Remove the requirement to "repair immediately". Replace with "repair as required to maintain compliance with the objectives of the Design and Construction Plan".</p>	

	<p>Maintenance Plan, referred to in Part E, Condition x are being met; and</p> <p>ii. Necessary changes in operation of the facility, including any additional mitigations, are identified.</p> <p>g) A response framework is in place to ensure that the Licensee will take appropriate actions if Action Levels, as defined in the [insert applicable management plan], are exceeded;</p> <p>h) Weekly inspections of the [facility OR list components of the facility that require frequent inspection] shall be conducted and the records of these inspections shall be kept for review upon the request of an Inspector; and,</p> <p>i) An inspection of the facility shall be carried out annually during the summer season by a Professional Engineer. The Professional Engineer's report shall be submitted to the Board within [insert 60 or 90] days of the inspection, including a cover letter from the</p>		<ul style="list-style-type: none">• Tailings Containment Facilities;• Waste Storage Facilities;• Solid Waste Disposal Facilities;• Water Retention Dykes/Dams;• Water Management Ponds;• Collection and Sedimentation Ponds;• Other Engineered Structures. <p>Other facilities, like Hydrocarbon-Contaminated Soil, Sewage or Water Treatment Facilities may not require these conditions.</p> <p>Instead of this list, basic standard conditions will typically be used for municipal and lodge/camp licences, and other smaller licences with sewage and/or solid waste disposal structures/facilities. See conditions below:</p> <ul style="list-style-type: none">• SEWAGE DISPOSAL FACILITY – FREEBOARD and• PREVENT STRUCTURAL FAILURE.	<p>such repairs are often unnecessary. This condition should only apply to a deterioration or erosion that poses additional risk to the environment.</p> <p>INAC – CARD: Operation of Structures and Facilities - should be operated in accordance with recommendations from the EOR as well for dams and tailings facilities</p>	<p>Modify wording to include "in accordance with recommendations from the EOR" for engineered structures/facilities.</p>	<p>The Engineer will already have established design and operating criteria in the Design and Construction Plan, which should also establish the Engineer's involvement over the life of the structure (e.g., inspections). Accordingly, it is unnecessary to reference the engineer directly in this condition, since the Plan is already referenced. Further, this language in this condition allows for the Inspector to provide direction regarding involving the engineer if necessary.</p>
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	Licensee outlining an implementation plan for addressing each of the recommendations made by the Professional Engineer, along with rationale for any decisions that deviate from the Professional Engineer's recommendations, and a summary of any actions taken by the Licensee to satisfy the previous review's engineering recommendations.						
7.	The Licensee shall maintain a Freeboard limit of one metre at the Sewage Disposal Facility, or as recommended by a Professional Engineer and as approved by the Board.	SEWAGE DISPOSAL FACILITY – FREEBOARD	Primarily intended for municipal licences or small Projects. A minimum Freeboard of one metre is standard best practice for this type of facility.		-	-	-
8.	The Licensee shall operate and maintain the Waste Disposal Facilities in such a manner as to prevent structural failure and to the satisfaction of an Inspector.	PREVENT STRUCTURAL FAILURE	Primarily intended for municipal licences or small Projects. The intent of this condition is to prevent potential environmental impacts from operation and failure of these facilities.		-	-	-
Inspection of Structures and Facilities							

9.	The Licensee shall conduct [enter frequency] inspections of the [enter names of structures/facilities] during operations, or more frequently or as otherwise directed by an Inspector or the Board. Records of these inspections shall be made available to the Board or an Inspector upon request.	[FREQUENCY] INSPECTION OF [ENTER NAME OF STRUCTURES/FACILITIES]	As part of on-going monitoring and evaluation, Water and Waste management structures typically undergo a detailed annual inspection by a Professional Engineer (see ANNUAL GEOTECHNICAL INSPECTION). For some structures, more frequent inspections may also be required – these regular inspections do not need be conducted by an independent third party. The need for more frequent inspections should be identified during the regulatory process, and may be incorporated into management plan requirements, or set out directly in this condition.	<p>This condition has been revised as follows:</p> <ol style="list-style-type: none"> 1) Removed reference to operations, since the need for inspections may not be directly correlated to the operational phase of the facility or the project. 2) Built in more flexibility to adjust the frequency of inspections over time, by removing the limitation on the Inspector to require only more frequent inspections, and also including the option for the Board to adjust the frequency. This accommodates varying levels of risk during different phases of the facility or the project. 	<p>KBL: The rationale for this condition refers to 3rd party inspections of water and waste management structures conducted by a professional engineer. As there are internal (1st party) inspections that occur or may occur at the facility more specific wording to reflect the actual expectation associated with this clause.</p>	Recommend to revise wording to better describe the expectations associated with the rationale.	The rationale has been revised to clarify that this condition refers to internal inspections, not to third-party inspections, which are addressed in other conditions.
					GNWT – MACA: The rationale discusses an annual inspection by a Professional Engineer. This is prohibitively expensive for a small community. Routine inspections of berms and similar structures are typically done by the site operator.	Allow routine inspections of smaller, low-risk structures to be done by the site operator	
					INAC – CARD: Is the Licensee required to conduct these inspections during shutdown periods or frozen periods? For example, would a Licensee be required to provide daily/weekly/monthly inspection reports of a sewage lagoon in January during a site shutdown period?	Clarify the conditions that would exempt a licensee from these inspections (e.g. frozen conditions, shutdown periods, etc.)	
			Different frequencies may be specified for different structures, and in some cases, this condition may specify exceptions for temporary shut-downs or frozen periods.	This condition may not be required if these inspections are covered in management plans or O&M plans (i.e. municipal licences).	INAC – Inspectors: Recommend that the wording ‘during operations’ be left in the condition as the Inspector can direct the Licensee to inspect aspects of the project during shutdowns if there are concerns.	Leave the term ‘during operations’ in the condition.	The Inspector’s recommendation was considered but was not adopted, because the lack of a common definition for ‘operations’ would still leave room for variations in interpretation of this condition. Additionally, the need to continue inspections during shut-down or frozen periods will depend on the structure and project details. The rationale has been revised to clarify that the condition may be revised to account for project-specific requirements.

10.	The Licensee shall conduct daily erosion inspections of Discharge locations, with the exception of [enter Discharge location(s)] 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	Because Discharge locations are susceptible to erosion and sediment disturbance , frequent inspections are required to ensure signs of erosion issues are detected and addressed. Based on the evidence gathered during the regulatory process, exceptions may be included in this condition for subsurface discharge to watercourses in some cases. In such cases, an Erosion and Sedimentation Management Plan will usually be required and must include frequent inspections in the surrounding areas and/or downstream.		Imperial Oil: Condition 9 in this section allows flexibility for the frequency of inspection to be defined by the Licensee or be as frequent as otherwise directed by an Inspector or the Board. Condition 10 for erosion inspections of discharge locations should have similar flexibility to define the frequency of inspection.	Recommend Condition 10 include similar language (highlighted in green) as Condition 9 to allow for flexibility for the Licensee, Board or Inspector to determine the frequency of inspection required for erosion at discharge location.	Discharge points are often compliance points and are considered important enough that changing the inspection frequency for discharges should require an amendment, rather than adding in additional flexibility through the Inspector.
					ECCC: ECCC notes that Condition 10 requires daily erosion inspections or more frequently as directed by an Inspector. As, many mining discharges are directly to an underwater diffuser, or to rock areas, ECCC suggests changing the wording to “or at a frequency as directed by an Inspector” to allow operational flexibility. Alternatively, ECCC suggests “...inspections of land Discharge” etc. be specified	N/A - comment provided for the MVLWB's benefit	An option to exclude specific discharge locations from this requirement has been added. The rationale has been updated to reflect this option. Note that some subsurface discharge locations may still require daily inspection, depending on the location and type of discharge.
					CanZinc: This requirement needs qualification. There could be no discharge in winter. Discharge could be subsurface.	Qualify the requirement.	The condition already specifies that these inspections are required <u>during</u> discharge, so this condition would not apply when discharge is not occurring.
11.	The Licensee shall ensure that geotechnical and geochemical inspections of [enter either: a list of structures, or all Engineered Structures] are conducted annually [if appropriate, enter the timing of the inspections (e.g., during the summer months)], by a Professional Engineer and Professional	ANNUAL GEOTECHNICAL AND GEOCHEMICAL INSPECTION	As part of on-going monitoring and evaluation, some or all of the Project's Water and Waste management structures must undergo a detailed annual inspection by a Professional Engineer. If acid-rock drainage (ARD) or metal leaching	Revised the trigger for additional inspections to events exceeding design criteria, rather than 'extreme events.' While the design engineers will have used a particular set of criteria in the design, it is unclear who determines what is considered an 'extreme event' and when an additional inspection is required.	GNWT – MACA: The rationale discusses an annual inspection by a Professional Engineer. This is prohibitively expensive for a small community. Routine inspections of berms and similar structures are typically done by the site operator.	Allow routine inspections of smaller, low-risk structures to be done by the site operator.	Routine inspections conducted by a licensee are addressed above in [FREQUENCY] INSPECTION OF [ENTER NAME OF STRUCTURES/FACILITIES] condition; a separate annual inspection by an engineer is a best-practice requirement for engineered structures. For a given project, the requirement for an independent annual inspection may not be

	<p>Geoscientist and following any events that exceed design criteria, by a Professional Engineer unforeseen extreme events (such as earthquakes, flooding, cracks, sinkhole formation, etc.). The Licensee shall:</p> <p>a) A minimum of two weeks prior to the annual inspection, and when events that exceed design criteria occur, provide written notification to an Inspector a minimum of two weeks prior to the annual inspection; and</p> <p>b) Within 90 days of completing the inspection, the Licensee shall submit the Professional Engineer's and Professional Geoscientist full Geotechnical and Geochemical Inspection Report to the Board and an Inspector. The Report shall include:</p> <p>i. a covering letter from the Licensee outlining an implementation plan</p>		<p>potential exists, a Professional Geoscientist must also conduct an annual geochemical inspection. These professionals The Professional Engineer is intended to be third-party to the Project, and not directly involved in the design and/or day-to-day management of on-site structures/facilities.</p> <p>After events that exceed design criteria, an additional inspection must be conducted to determine whether the stability or function of the structure(s) has been affected.</p> <p>This condition will usually apply to all Engineered Structures. Other structures may be added to this condition based on the information gathered through the regulatory process.</p>	<p>The timing of these inspections is typically during the summer months. If the site or structures cannot be accessed during the summer months, or there is other rationale for conducting the inspections at another time of year, the appropriate time of year can be specified or left open.</p>			required for all waste and water management structures, but this will be determined based on the evidence gathered during the regulatory process. The options in this condition allow it to be applied to specific structures; however, it will usually be applied to all engineered structures at a minimum. The rationale has been updated for clarity.
					<p>GNWT – MACA: It is not clear how a licensee would know whether an event exceeds design criteria - if a rainstorm occurs, is the site operator supposed to work out the return period of the storm? Although "extreme event" is less precise, it is more practical for operations</p>	<p>Reconsider change.</p>	Design criteria are set out in the Design and Construction Plan.
					<p>Avalon: AMD will be managed at the site within identified containment and water treatment facilities as per waste management plans. Reports on treatment systems are included in other areas of the license. There is no need to have a geotechnical engineer report on the obvious.</p>	<p>Remove the need for annual geoscientist inspections and rely on the management plans identified above to detect concerns.</p>	<p><u>Regarding all other comments on this condition:</u> The geochemical component has been removed from this condition as recommended. Geochemical monitoring and inspections will be addressed through the applicable management plan.</p>

	<p>to respond to any recommendations made by the Professional Engineer and Professional Geoscientist, including rationale for any decisions that deviate from the Professional Engineer's and Professional Geoscientist's recommendations; and</p> <p>ii. a summary of any actions taken by the Licensee to address the recommendations made following the previous year's inspection.</p>				<p>Fortune: This requirement reflects a misunderstanding of ARD. Rarely can you 'inspect' geochemistry. It is usually subject to testing. The product of ARD/ML is usually elevated metals in runoff. This should be detected by SNP monitoring.</p>	<p>Delete reference to geochemical inspection and ensure SNP monitoring is appropriately designed for each situation.</p>	
					<p>DBCI – GK: Geotechnical engineer and geochemist are two instinctive professions, and the scope and process of the inspections are also different.</p>	<p>The two inspections should also be in separated conditions. It should also be noted, different from a geotechnical inspection, the geochemical inspections should follow an approved geochemical characterization plan, and inspection conditions and requirement should not follow the typical geotechnical engineering inspection.</p>	
					<p>INAC – CARD: "The Licensee shall ensure that geotechnical [and geochemical] inspections of [enter either: a list of structures, or all Engineered Structures] are conducted annually [if appropriate, enter the timing of the inspections (e.g., during the summer months)], by a Professional Engineer [and Professional Geoscientist]." Why do you need both a Professional Engineer and a Professional Geoscientist? One or the other should be sufficient</p>	<p>Recommend changing all instances from "and" to "or"</p>	
12.	<p>The Licensee shall conduct a Dam Safety Review of the [enter name of structure/facility to be reviewed] within the first</p>	DAM SAFETY REVIEW	<p>This condition is consistent with the requirements of the <i>Dam Safety Guidelines</i>.</p>	<p>This condition has historically combined the Dam Safety Review (DSR) and the associated Report. It has been divided into two parts, since it</p>	<p>INAC – CARD: The Dam Safety Review should be conducted by an independent P. E.ng.</p>	<p>Recommend adding "independent" before "Professional Engineer".</p>	<p>This condition requires the Dam Safety Review to be conducted in accordance with the <i>Dam Safety Guidelines</i>, which outline the</p>

	three years after commencing Construction, and every [enter frequency based on Dam class] seven years thereafter, or at a frequency approved by the Board. The Dam Safety Review shall be conducted in accordance with the <i>Dam Safety Guidelines</i> by a Professional Engineer.			consists of two related, but distinct requirements. The frequency of the DSR will depend on the classification of the facility as per the Guidelines. If there are multiple facilities with the same dam class, they can be grouped in one condition.			expectations for the selection of the engineer.
13.	Within 90 days of completing the Dam Safety Review, Prior to January 31 of the year following the year in which the Dam Safety Review was conducted, the Licensee shall submit the Professional Engineer's Dam Safety Review Report to the Board. The Report shall include a covering letter from the Licensee outlining an implementation plan to respond to any recommendations made by the Professional Engineer, including rationale for any decisions that deviate from the Professional Engineer's recommendations and a summary of any actions taken by the Licensee to address the recommendations made following the previous Dam Safety Review.	DAM SAFETY REVIEW REPORT	<p>This condition is consistent with the requirements of the <i>Dam Safety Guidelines</i>.</p> <p>The timing of the submission of the Dam Safety Review Report is intended to allow adequate time to conduct the desktop analyses that are required following the physical Dam inspection. The date may be adjusted based on Project-specific information gathered during the licencing process.</p>	<p>The submission deadline for the DSR Report has been revised to a set date. The DSR includes both a physical inspection and subsequent desktop analyses, which makes it difficult to interpret when the DSR is complete, and when the 90-day timeline would start.</p> <p>This date can be adjusted to reflect project-specific details, noting that the intent is to allow approximately 120 days for completion of the report following the DSR.</p>	-	-	-
Discharge and Disposal Locations and Rates							
14.	<u>Option 1:</u> The Licensee shall deposit dispose of all Waste as	[ENTER TYPE OF WASTE] – [ENTER FACILITY NAME]	For smaller projects, the first variation of this condition links Waste disposal to the overall	This condition reflects the compilation of various specific and non-specific versions of this condition.	GNWT – ENR: Part G, Condition 14 outlines how “all” waste are to be disposed. ENR has concern with the phrasing of	ENR recommends that Condition 14 be changed to reference “solid” Waste as	Option 1 would only be used for small projects, which wouldn't typically have significant effluent streams. Camp greywater being

	<p>described in the approved Waste Management Plan.</p> <p>OR</p> <p><u>Option 2:</u> The Licensee shall deposit all direct all [enter type of Waste] to the [enter facility name], as described in the approved [enter name of management or O&M plan].</p>		<p>Waste Management Plan.</p> <p>Larger projects may have more specific management or O&M plans for different types of Waste, as set out above in the Management and Monitoring Plan subsection of Part G. The second variation of this condition sets out the approved disposal location for each major Waste stream, and, if applicable, links the Waste stream to the relevant management or O&M plan.</p> <p><i>This condition is not used for Effluent, which is addressed below in EFFLUENT DISCHARGE.</i></p>	<p>The inclusion of the relevant management or O&M plan here allows the Inspector to authorize disposal to contingency locations that are not listed in the licence but are approved through the relevant plan. It is more practical to approve changes to contingency locations through the management plan than through an amendment to the licence.</p>	<p>this condition as “all” waste can include liquid effluent. The disposal location and rate of discharge should not be approved in a Management Plan. The legislation is clear that the use of water and deposit of waste requires a Water Licence and that the Minister of ENR has authority to approve or not approve a Type A Water Licence or Type B Water Licence with a public hearing. Therefore, the disposal of liquid waste must be specified in the licence and effluent limits must be imposed.</p>	<p>described in the approved Waste Management Plan.</p>	<p>discharged to a sump, for example, could be addressed through the WMP and this general condition.</p> <p>For option 2, each waste stream would be in a separate condition, and there is a different condition (below) for effluent, which specifies the discharge location.</p> <p>In the LWBs’ experience, rate limiting conditions are quite specific and do not lend themselves to the development of a standard condition. Project-specific rate limiting conditions will be developed based on the evidence gathered during the regulatory process. The rationale for the EFFLUENT DISCHARGE condition has been updated accordingly.</p>
15.	<p>The Licensee shall discharge direct all Effluent from [enter name of facility] to [enter location of Discharge] as described in the approved [enter name of management plan].</p>	<p>EFFLUENT DISCHARGE – [ENTER FACILITY NAME]</p>	<p>This condition sets out the approved Discharge location for each type of Effluent and links the Effluent to the relevant management plan.</p> <p><i>Project-specific conditions that set out rate and/or volume limitations for Effluent may be included as necessary. These</i></p>	<p>This condition is a variation of the condition above, specifically for effluent discharges.</p> <p>With regard to the location, the location may be as simple as a watercourse name, or as specific as particular location within a watercourse. This will depend on how any applicable EQC have been calculated, since the EQC may be very specific to particular mixing assumptions.</p>	-	-	<p>The rationale for this condition has been updated with information about rate-limiting conditions.</p>

			conditions will be developed based on the evidence gathered through the regulatory process.				
16.	<p>A minimum of ten days prior to depositing any Waste into a licenced municipal facility, the Licensee shall provide written notification to the Board and an Inspector.</p> <p>The Licensee shall not dispose of Waste to municipal facilities unless demonstrated to the Board (and an Inspector) that the facility has been designed, operated, and licenced to handle the additional waste stream.</p> <p>OR</p> <p>The Licensee shall not dispose of Waste to municipal facilities unless written notification to the Board and an Inspector is provided a minimum of 10 days prior to the initial deposit of Waste demonstrating that the municipal facility has agreed to accept the Waste and has the capacity to receive the volumes of Waste requested.</p>	NOTIFICATION – WASTE DEPOSIT	<p>Applicants (other than municipalities) planning to deposit Waste at municipal facilities must obtain written agreement from the municipality in advance and should submit it with their application. However, applicants should note that the ability of the municipality to accept and manage additional Waste streams may change over time, so applicants should develop contingencies as part of their Waste Management Plan.</p> <p>The intent of this condition is to allow the Inspector an opportunity to confirm that the licenced municipal facility is still able to accept the Waste as originally proposed.</p> <p>The timeline and frequency of notification will be project-specific and will depend on the evidence gathered</p>	<p>To address recognized issues with disposal of industrial waste at licenced municipal facilities, applicants are now usually required to provide a letter from the municipality with their application, and this agreement can be reviewed in the context of the municipality's capacity and resources during the public review. The proposed practice will then be considered by the Board as part of the Waste Management Plan.</p> <p>It has been noted, however, that the capacity and resources of the municipal facility can change over time. This notification condition gives the Inspector and the Board an opportunity to confirm that the capacity and/or resources of municipal facilities are still adequate before the waste is actually accepted. The timeline and frequency for this notification will be project specific. If the waste will only be transferred annually, or once every few months, notification may required each time waste will be deposited. If the waste will be transferred on a more regular basis, notification could</p>	<p>Imperial Oil: Informing the Licensee of the condition of the capacity and/or resources of the municipal facility should not be the responsibility of the Board or Inspector. It is the responsibility of the waste facility to inform the Licensee if there is an issue as per their agreement. If there is a change in the condition of the waste facility that precludes the Licensee from continuing to use a municipal facility, then the licensee would engage the Board on contingency options.</p> <p>GNWT – ENR: Part G, Condition 16 requires a Licensee to provide notice a minimum of ten days prior to depositing waste into a licensed municipal facility to allow the Inspector an opportunity to confirm the facility is still able to accept the waste as originally proposed. ENR is supportive of this inclusion</p>	<p>Because the information required in this Condition is managed between the Licensee and the municipal facility, this condition is unnecessary and should be removed.</p> <p>-</p>	<p>This condition has been maintained and will be included as appropriate. Contingency options will be required in the Waste Management Plan.</p> <p>-</p>

			during the public review of the application.	be required before the first deposit of the calendar year. Only licenced facilities are included here, since the Inspector and the Board will not have the knowledge or authority to consider unlicensed municipal facilities. Note that the Waste Management Plan must include contingency options for any waste that a licensee intends to dispose of at a licenced municipal facility.			
17.	<p>The Licensee shall not accept Sewage and solid Wastes generated by industrial, commercial, and institutional operators working outside of the local government boundaries of [enter community name] unless otherwise authorized in writing by an Inspector.</p> <p>Sewage and solid Waste generated by industrial, commercial and institutional operators working outside of the local government boundaries of XX shall not be accepted at the Waste Disposal Facilities, unless otherwise authorized in writing by an Inspector.</p>	SEWAGE AND SOLID WASTES – MUNICIPAL	This condition may be included in municipal licences only. The intent of this condition is to ensure that the nature of the proposed Waste is within the scope of the Licence and to prevent exceeding limited capacity at municipal Waste Disposal Facilities.	This condition is for municipal licences only. It may be included if concerns related to management or capacity are raised during the public review of the application.	GNWT – ENR: Part G, Condition 16 requires a Licensee to provide notice a minimum of ten days prior to depositing waste into a licensed municipal facility to allow the Inspector an opportunity to confirm the facility is still able to accept the waste as originally proposed. ENR is supportive of this inclusion. GNWT – ENR: Part G, Condition 17 requires that municipalities shall not accept waste from operators working outside municipal boundaries unless otherwise authorized in writing by an Inspector. For consistency, there should also be a ten day notice required for the same rationale as above.	ENR recommends that Part G, Condition 17 be amended to include: “unless otherwise authorized in writing by an Inspector at least ten days prior to the disposal”	This condition is not a notification condition, so adding a timeline to this condition would not serve the same purpose. The municipal licensee cannot accept the outside waste until the Inspector has provided authorization, so the licensee must work with the Inspector until the authorization is provided. Additionally, if other licensees bringing waste to the municipality have to give a ten-day notification (see NOTIFICATION – WASTE DISPOSAL), the Inspector would have to authorize the disposal the same day in order to meet both conditions, which is not practical.

					ECCC: ECCC suggests removing the word “otherwise” in Condition 17 as it is confusing.	N/A - comment provided for the MVLWB's benefit.	This condition has been revised as recommended. It is noted that this is an exception to the standard wording – in other conditions, the use of ‘otherwise’ is appropriate.
18.	The Licensee shall not accept Hazardous Wastes generated by commercial and industrial operators at the Waste Disposal Facilities.	HAZARDOUS WASTES – MUNICIPAL	This condition may be included in municipal licences only. The intent of this condition is to prevent exceeding limited capacity for Hazardous Wastes at municipal Waste Disposal Facilities.	This condition is for municipal licences only. It may be included if concerns related to management or capacity are raised during the public review of the application.	GNWT – MACA: Local businesses in a remote community do not have the ability to ship out all their own haz waste, so a complete ban may cause problems. At the same time, facilities should not be accepting haz waste without proper permissions and procedures.	Recommend allowing acceptance of haz waste from local commercial and industrial operators if the facility is a registered receiver and materials are properly stored/handled. Inspector approval could also be required if additional oversight is needed.	This condition would not necessarily be included in all municipal licences. As noted in the rationale, it may be included if concerns related to management or capacity are raised during the regulatory process.
19.	The Licensee shall not discharge Waste, including Wastewater, shall not be discharged or decanted to any Watercourse, or to the ground surface within 100 metres of the Ordinary High Water Mark of any Watercourse.	DISCHARGE LOCATION – ORDINARY HIGH WATER MARK	<p>The intent of this condition is to prevent Waste from entering Watercourses and affecting water quality, fish and other aquatic life, and downstream users.</p> <p>This condition would not be included when the Licence allows for authorized Discharges with specified locations. It may be included for appropriate circumstances, such as oil and gas operations when specific Sump locations are not known at the start of the Project.</p>		INAC – CARD: The condition that "The Licensee shall not discharge Waste, including Wastewater, to any Watercourse, or to the ground surface within 100 metres of the Ordinary High-Water Mark of any Watercourse." may not apply in all circumstances. There are projects for which wastes are authorized for discharge within 100 metres or directly to a watercourse with associated risk mitigated accordingly. This should be recognized in the condition/rationale.	Recommend adding, "unless otherwise approved".	As noted in the rationale, this condition would not be included if a licence allows for authorized discharges with specified locations. In some cases, the authorized locations may be within 100m of a watercourse.
Effluent Quality Criteria							

20.	<p>The Licensee shall ensure that [enter type of Effluent] from [enter structure/facility] at Surveillance Network Program station [enter SNP station number] has a pH value between [x and y] and meets the following Effluent Quality Criteria (EQC):</p> <table><tr><th rowspan="4">Parameter</th><th colspan="3">EQC</th></tr><tr><th colspan="2">mg/L</th><th rowspan="3">Annual Loading</th></tr><tr><th rowspan="2">Maximum Average Concentration</th><th rowspan="2">Maximum Grab Concentration</th></tr><tr></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr></table>	Parameter	EQC			mg/L		Annual Loading	Maximum Average Concentration	Maximum Grab Concentration									<p>EFFLUENT QUALITY CRITERIA</p> <p>This condition sets out Effluent Quality Criteria that define the maximum allowable concentrations (e.g., mg/L), quantities (e.g., kg/year), or limits (e.g., pH range) of any contaminant or parameter in the Discharge which, in the Board’s opinion, has the potential to adversely affect Water quality in the Receiving Environment.</p> <p>EQC are set by the Board based on the evidence gathered through the regulatory process. More information is available in the MVLWB Water and Effluent Quality Management Policy, and the MVLWB/GNWT Guideline for Effluent Mixing Zones.</p>		-	-	-
Parameter	EQC																						
	mg/L		Annual Loading																				
	Maximum Average Concentration			Maximum Grab Concentration																			
21.	<p>The Licensee shall ensure that Discharge to [enter receiving waterbody name] shall not be acutely toxic to aquatic life as determined at SNP station [enter SNP station number] by the test methods referenced in Part B of the Surveillance Network Program.</p>	<p>EFFLUENT QUALITY – TOXICITY – [ENTER NAME OF FACILITY]</p>	<p>The intent of this condition is to ensure that Discharge(s) to the aquatic Receiving Environment is not acutely toxic to aquatic life. Toxicity testing requirements are set out in the attached</p>	<p>This condition has been revised to be more specific to the SNP station(s) where toxicity testing is required. In some cases, this condition has been broadly applied to the receiving environment; however, it is only possible to assess this condition where toxicity testing is actually occurring.</p>	-	-	-																

			<p>Surveillance Network Program.</p> <p>Toxicity testing may be required to confirm predictions even if a Discharge is not expected to be toxic. Predictions will usually be based on the information available about the individual components of the Discharge, but the interactions of the components when mixed together in the Discharge is usually unknown.</p> <p>This condition is usually used in conjunction with the EFFLUENT QUALITY CRITERIA condition.</p>				
22.	<p>The Licensee shall submit Water quality data for samples collected from Surveillance Network Program station [enter # (structure/facility name)] to the Board and an Inspector as follows:</p> <p>a) No later than A minimum of five days prior to commencing or resuming Discharge of Effluent to [location]; and</p> <p>b) No later than A minimum of five days prior to commencing or resuming Discharge of Effluent to</p>	TESTING BEFORE DISCHARGE – [ENTER NAME OF STRUCTURE/FACILITY]	<p>The intent of this condition is to confirm that any applicable EQC can be met before the Licensee initiates or resumes Discharge (including decants).</p>	<p>This condition represents the compilation of various specific and non-specific version of this condition. This condition can now be tailored to most projects.</p>	-	-	<p>The last paragraph of this condition has been revised to state more clearly that the discharge cannot commence/resume unless the EQC are met.</p>
			<p>This condition will apply when Discharge is first initiated, and may also apply when Discharge is resumed after a Temporary Closure (of the facility or the Project), but is not intended to apply after</p>		<p>ECCC: In Sections a) and b), the intent is to sample 5 days before commencing or resuming discharge; using “no later than five days prior” is confusing. ECCC suggests changing this to “no fewer than five days prior” or “at least 5 days prior”.</p>	<p>N/A - comment provided for the MVLWB's benefit.</p>	<p>The wording of the condition has been revised to be more consistent with other standard conditions. It is noted, however, that the intent of this condition is to require the sampling <u>results</u> five days prior – the sampling itself must be completed in advance in order to provide the data to the Inspector on this timeline. The</p>

	<p>[location] following an exceedance of the EQC specified in Part G, Condition x (the table).</p> <p>The Licensee shall not commence or resume the Discharge until the EQC are met and an Inspector has provided written authorization. until authorized in writing by an Inspector.</p>		<p>routine maintenance shutdowns.</p> <p>For Projects with intermittent or periodic Discharge (e.g. decants or seasonal Discharges), the need for testing before each Discharge will be determined during the regulatory process.</p>				<p>timeline for collecting the sample(s) is not specified, because it will vary.</p>
23.	<p>If Water quality data from any sample collected at Surveillance Network Program stations [enter #] exceeds the EQC specified in Part G, Condition x, or is determined to be acutely toxic as per Part G, Condition y, the Licensee shall:</p> <p>a) Cease the Discharge;</p> <p>b) Notify the Board and an Inspector immediately within 24 hours;</p> <p>c) Report the spill immediately in accordance with the Spill Contingency Plan referred to in Part I, Condition X;</p> <p>d) Comply with the approved [enter appropriate management plan] referred to in Part G, Condition x; and</p> <p>e) Within 30 days of initially reporting the incident, or within a timeframe authorized by an Inspector, submit a detailed report on the</p>	<p>EFFLUENT QUALITY CRITERIA – EXCEEDANCE – [ENTER NAME OF STRUCTURE/FACILITY]</p>	<p>This condition sets out the general response actions that must be taken if any sample at the identified SNP station exceeds EQC or fails acute toxicity testing, which constitutes an Unauthorized Discharge. Spill reporting may also be required in these situations, so the Licensee should seek direction from the Inspector immediately.</p> <p>Response actions should be set out in the applicable management plan. In some cases, this will be a Spill Contingency Plan, but it could be a management plan or an O&M plan. The reporting requirement in this condition will confirm whether the response</p>	<p>This condition reflects the compilation of several variations of this condition. Licence conditions often do not set out direction on what actions to take if EQC are exceeded, or toxicity testing fails, unless a specific plan has been developed to address a particular exceedance. Including this as a standard condition makes it very clear that this situation requires action on the part of the licensee.</p> <p>The inclusion of spill reporting requirements ensures that all authorities are notified, so that they can determine whether they need to be involved based on their own responsibilities.</p> <p>Note that this is condition is not intended to apply to toxicity testing that takes place under the AEMP, since the AEMP takes place in the receiving</p>	<p>Avalon: The condition requires the licensee to cease discharge. This may not be the enviornmentally correct thing to do (example: could miss dilution events in the reciever to minimize concentratons if it will take a while to fix). It also may not be safe to stop discharges, especially during spring melts or upset conditions when water levels behind dams are high.</p>	<p>Modify part a) to "cease discharge if safe and environmentally preferred to do so"</p>	<p>The LWBs cannot sub-delegate decision-making authority to the Inspectors for discharge of waste. In some situations, where ceasing the discharge might lead to greater environmental harm, the Inspector may be able to provide such direction under subsection 86.1(1) of the MVRMA and 67(1) of the Waters Act.</p>
					<p>INAC – Inspectors: Recommend the addition of the phrase ‘or at a timeframe deemed appropriate by the Inspector’ as every spill/unauthorized discharge is different and the 30 day report may not be appropriate for the situation</p>	<p>Add the above wording.</p>	<p>This condition has been revised as recommended. This is consistent with revisions to the REPORT SPILLS condition.</p>
					<p>INAC – Inspectors: Spills and unauthorized discharges should be reported to the Inspector immediately to allow the Inspector to respond if required. Waiting 24 hours is likely to prevent the Inspector from taking samples or</p>	<p>Change the 24 hour notification to immediately.</p>	<p>This condition has been revised as recommended. Immediate spill reporting is consistent with the Spill Contingency Planning and Reporting Regulations and with revisions to the REPORT SPILLS condition.</p>

	<p>occurrence, including a summary of corrective actions taken, to the Board and an Inspector within 30 days.</p> <p>If any effluent quality criteria listed in Part G, condition X are exceeded, the Licensee shall act in accordance with the approved [insert Plan] referred to in Part X of this Licence.</p>		<p>actions are consistent with the applicable plan.</p> <p>This condition will usually only be applied at Discharge locations.</p>	<p>environment, not at the discharge point.</p>	conducting a proper investigation.		
					DBCI – GK: 1)The spill contingency plan is generally following the requirements in the Spill Contingency Planning and Reporting Regulations. In contrast, the effluent discharge follows a different approval process, the effluent that exceeds the EQC should not be managed and reported under the same process as a spill under the Spill Contingency Plan or Spill Contingency Planning and Reporting Regulations. 2) The EQC exceedance is often due to an anomalous sample, and doesn't not require corrective action. A detailed report summarizing corrective actions should not be mandatory.	1)As the exceedance will be reported to the Board and Inspector, and the exceedance should not be treated as a spill, Condition c) should be moved. 2) the submission of a detailed report should be "as requested by the inspector".	EQC exceedances are non-compliance events and may or may not also be classified as spills. They cannot be assumed to be due to sampling error or anomalous results until confirmed. Reporting the exceedance allows the appropriate authorities to determine whether the exceedance must also be considered a spill and provide direction on whether spill response is required.
					Dominion: The addition of a reference to spill reporting in this condition is out of place. A Discharge is a determined release of water rather than a spill. Reporting requirements and Licensee actions related to acute toxicity and water chemistry testing of a spill should be covered under a specific and separate condition.	To avoid confusion with interpretation of this condition, update text to omit the reference to spill reporting, or clarify under which circumstances this condition would apply to a spill rather than Discharge, or develop a condition specific to spill reporting.	

					GRRB: Good to have clear decision-making rules, and a plan of action, for exceedances stated in advance so that GRRB can assess whether mitigation plans are adequate to address potential concerns about fish and fish habitat.	-	-
24.	A minimum of 90 days prior to conducting the plume delineation study, the Licensee shall submit to the Board, for approval, a Plume Delineation Study Design for the [name of Effluent stream].	PLUME DELINEATION STUDY DESIGN	<p>The condition may be included where Discharge to a Watercourse has been authorized, and a mixing zone has been allocated. The intent of this condition is to confirm mixing predictions, since the predictions are used to calculate Effluent Quality Criteria.</p> <p>The Study Design shall be developed in accordance with the MVLWB/GNWT Guidelines for Effluent Mixing Zones.</p>	The need for, and timing of, a plume delineation study will usually be identified through the review process if confirmation of predicted effluent mixing is required.	-	-	-
25.	Within 90 days of the completion of the plume delineation study referred to in Part G, Condition X, the Licensee shall submit to the Board, for approval, a Plume Delineation Study Report .	PLUME DELINEATION STUDY REPORT	<p>If a plume delineation study is required, the Licensee must submit a report explaining the results of the study and evaluating the mixing zone predictions.</p> <p>Because the Plume Delineation Study Report will include information that may affect the assumptions used in EQC</p>		-	-	-

			calculations, public review and Board decision are usually required; however, any changes to EQC must be considered through an amendment process.				
Other							
26.	<p>If an Artesian Aquifer is encountered and producing Water at the ground surface, the Licensee shall:</p> <p>a) Implement the [enter name of management plan]; OR employ appropriate technology, as necessary, to prevent Artesian Aquifer Water from flowing off lease and to minimize the quantity of such Water that will be stored on-site;</p> <p>b) Within 48 hours, notify the Board and an Inspector, in writing, including the flow rate in cubic metres;</p> <p>c) Dispose of Deposit Artesian Aquifer Water to a snow-bermed or self-contained area, unless otherwise authorized by an Inspector;</p> <p>d) Collect a sample of no less than ten litres of Artesian Aquifer Water, provide five litres of the sample to an Inspector for analysis, analyze the remaining sample as set out for SNP</p>	REPORT ARTESIAN AQUIFER	<p>This condition sets out the general response actions that must be taken if an Artesian Aquifer is encountered. This condition is primarily intended for oil and gas exploration licences.</p> <p>Spill reporting may also be required in these situations, so the Licensee should seek direction from the Inspector immediately.</p>	<p>This condition reflects the compilation of several similar and related conditions regarding artesian aquifers.</p> <p>Sampling parameters will be set out in the SNP as a ‘floating’ station, since the location would vary depending on where the artesian aquifer is encountered.</p>	-	-	-

	<p>station [enter station number], and provide the analytical results to the Board and an Inspector;</p> <p>e) Seal the borehole to permanently prevent any further outflow of water and to the satisfaction of an Inspector; and</p> <p>f) Within 24 hours following cessation of the flow of Artesian Aquifer Water, submit a detailed report of the event to the Board and an Inspector, including the total amount of Water in cubic metres that has been released, and the total amount of Water in cubic metres stored in the snow-bermed, or otherwise approved, storage area.</p>						
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Part H: Aquatic Effects Monitoring

A draft [Schedule](#) for this Part is attached. This Part has been revised to reflect the recently issued MVLWB/GNWT [Guidelines for Aquatic Effects Monitoring Programs](#). Specific lists of objectives have been replaced with a reference to the Guidelines, which set out the overall objectives for the AEMP and specific objectives for each submission.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					INAC – CARD: It is unclear what would trigger the requirement for an AEMP as the guidelines are still quite vague in this regard. .	Identify triggers for determining whether an AEMP is required. .	As stated in the Guidelines, an AEMP will be required for certain types of projects and will be considered on a case-by-case basis for other projects.
					KBL: Unclear when or what would require the AEMP	Provide clarity for when an AEMP would be required	
					Avalon: I am not clear if the NWT AEMP Design Plan is similar or not to the Federal IAA AEMP. The Federal IAA has been deemed acceptable to environmentalists and regulators alike. Thus AEMP frequencies and criteria must be aligned with the Federal IAA. As AEMP programs are costly, if not aligned, could put NWT mining at a competitive disadvantage to mines in other provinces. Re-design of AEMP's should be as per the Federal IAA as well. Frequent changes in design runs the risk of loss of time trends in the data.	Align all AEMP work with the Federal IAA. Failure to do same will continue to make the NWT more costly than the competition and drive mining from the NWT.	The <i>Impact Assessment Act</i> does not have AEMP requirements. Where environmental effects monitoring is required under the Metal and Diamond Mining Effluent Regulations for a project, the LWBs have, and will continue to, reduce duplication and coordinate monitoring requirements as much as possible.
					Fortune: Not all Licences require AEMP's, projects with no specific point source discharges for example. It is understood that the Board may not include all standard conditions in all Licences.	Consider AEMP and other such requirements on a project-specific basis.	As stated in the Guidelines, an AEMP will be required for certain types of projects and will be considered on a case-by-case basis for other projects.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					IEMA: Deposition of dust generated by rock crushing and gravel roads on a developer's property directly into lakes and streams can add to water quality degradation in the water bodies and must be factored into the total aquatic impacts from the development. Organochlorines from inadequate burning of certain types of garbage at the development can also be deposited into lakes in close proximity to the site of burning or incineration.	Recommendation 7: The Agency recommends that AEMP conditions incorporate the monitoring of airborne contaminants, such as dust and incinerator smokestack emissions, into assessment of aquatic impacts from a resource extraction project.	Each AEMP will be project-specific and will include monitoring appropriate to the project's potential effects on the aquatic environment. A public review and decision process will be conducted for any AEMP Design Plan required by a licence.
1.	The Licensee shall design and implement an Aquatic Effects Monitoring Program (AEMP) in accordance with the MVLWB/GNWT Guidelines for Aquatic Effects Monitoring Programs.	OBJECTIVE – AEMP	<p>The conditions in Part H are included if an AEMP is required for a project.</p> <p>Guidance is available in the MVLWB/GNWT Guidelines for Aquatic Effects Monitoring Programs.</p>		Dominion: This condition does not allow for situations where an existing approved AEMP is already in place and adequately monitoring aquatic effects.	Additional text should be added to cover circumstances where approved and effective AEMPs are already in progress.	As stated in the Guidelines, they “may also apply to existing licences, depending on submissions made in relation to those licences. In all cases, AEMP requirements will be set by the Boards based on the specific project description and the evidence presented during a regulatory process.”
2.	Within [enter timeline] of the effective date of this Licence, the Licensee shall submit to the Board, for approval, an AEMP Design Plan . The Plan shall be in accordance with the MVLWB/GNWT Guidelines for Aquatic Effects Monitoring Programs. shall satisfy the objectives of Part H, Condition 1 and the requirements of Schedule X, Condition 1	AEMP DESIGN PLAN	This condition sets out the submission timeline for an AEMP Design Plan, which must be developed by the Licensee if an AEMP is required for a project. The Design Plan will be required prior to the initial deposit of Waste into Water (either directly or indirectly) by the Project.	If there are project-specific requirements for the AEMP Design Plan, they may be included in a condition in the Schedule.	-	-	-

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			<p>The Design Plan describes how the Licensee will monitor Project-related effects in the aquatic Receiving Environment, and how the Licensee will analyze, report, and respond to monitoring results.</p> <p>The Design Plan must be implemented once approved by the Board as per the general condition in Part B (COMPLY WITH SUBMISSIONS AND REVISIONS).</p>				
3.	<p>By [date] Three years following implementation of the AEMP Design Plan, and every three years thereafter, or as directed by the Board, the Licensee shall submit to the Board, for approval, an AEMP Re-Evaluation Report. The Report shall be in accordance with the <i>MVLWB/GNWT Guidelines for Aquatic Effects Monitoring Programs</i> and shall evaluate the overall effectiveness of the AEMP to date. shall meet the following objectives and satisfy the requirements of Schedule x, Condition x.</p>	AEMP RE-EVALUATION REPORT	<p>This condition sets out the requirement for submission of an Aquatic Effects Re-Evaluation Report every three years following the implementation of the AEMP Design Plan.</p> <p>The purpose of the Re-Evaluation Report is to provide the information necessary to check whether the Project-related environmental effects are and will remain within an acceptable range, or if changes to the Project or</p>	<p>The submission timeline has been changed to relate to implementation of the AEMP Design Plan. The timing for the first submission of this Report is often hard to capture at issuance, since the approval date for the initial AEMP Design Plan is usually unknown. Additionally, the AEMP may not be implemented immediately following approval of the Design Plan, because the first sampling event may not occur until several months later. Relating the submission date to the implementation of the AEMP ensures that three years</p>	Imperial Oil: Requirements for Conditions 4 and 5 are on the same time line, and a re-evaluation report would be required in the revision of the AEMP design plan.	Suggest that the Board combine Conditions 4 and 5.	As set out in the Guidelines, these are separate documents with separate and distinct requirements.
					Imperial Oil: It is unclear why an AEMP Re-Evaluation Report or an AEMP Annual Report requires Board approval. If the aquatic effects monitoring activities are undertaken as per the Board approved AEMP Design Plan, then approval of the re-evaluation and annual reports of the AEMPs are redundant and unnecessary. If redesign of the AEMP is	Recommend removing the requirement for Board approval of AEMP Re-Evaluation Reports and AEMP Annual Reports. Should the Board find that the report is incomplete, a request may be made to the Licensee to provide the information required to complete their report. This recommendation also applies to the required approval of any annual report	As set out in the Guidelines, these Reports require Board approval

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			Licence are required. This Report should also be used to evaluate the effectiveness of the AEMP, and provide supporting evidence for recommending revisions to the AEMP Design Plan, if necessary. The three-year timeline is intended to allow the collection of adequate data to support this evaluation.	of data will be available for evaluation in this Report. Although the objectives for this Report have been replaced with a reference to the Guidelines, the specific objective of evaluating the overall effectiveness of the AEMP has been added, because it is not mentioned in the Guidelines. This requirement was previously associated with the AEMP Annual Report; however, it is more appropriate in the Re-Evaluation Report.	required, it is appropriate that the Board approve the revised AEMP design per Condition 5.	linked to a Board approved Licence.	
4.	Every three years following implementation of the AEMP Design Plan , or as directed by the Board, the Licensee shall submit to the Board, for approval, a revised AEMP Design Plan . The revised Plan shall be in accordance with the <i>MVLWB/GNWT Guidelines for Aquatic Effects Monitoring Programs</i> . The Licensee shall submit to the Board, for approval, a revised AEMP Design Plan every three (3) years following the previous approval, or as directed by the Board.	AEMP DESIGN PLAN – REVISED	This condition sets out the timeline for regular review and resubmission of the AEMP Design Plan. The three-year timeline is intended to allow for collection of adequate data to support any proposed revisions. Any changes that were recommended through AEMP Annual Reports and Re-Evaluation Reports should be considered in this revision.	The submission timeline has been changed to relate to implementation of the Design Plan rather than the previous approval of the Design Plan, or a predetermined date. This aligns regular revisions of the Design Plan with the submission of the Re-Evaluation Report.	Imperial Oil: Requirements for Conditions 4 and 5 are on the same time line, and a re-evaluation report would be required in the revision of the AEMP design plan.	Suggest that the Board combine Conditions 4 and 5.	As set out in the Guidelines, these are separate documents with separate and distinct requirements.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
5.	Beginning [date, including year], and no later than[date] of each year thereafter, the Licensee shall submit to the Board, for approval, an AEMP Annual Report . The Report shall be in accordance with the <i>MVLWB/GNWT Guidelines for Aquatic Effects Monitoring Programs</i> and the requirements of Schedule X, Condition Y .	AEMP ANNUAL REPORT	<p>The purpose of the AEMP Annual Report is to present the results and analysis of AEMP monitoring data collected in the preceding calendar year.</p> <p>The specific information requirements for this Report are listed in the corresponding Schedule.</p> <p>Public review and Board decision are required for this Report, because data should be accurately reported; Licence requirements should be met; and data interpretation and conclusions should be appropriate. However, Board approval of the AEMP Annual Report does not constitute approval of any recommended changes to the Design Plan that may be set out within the Report. The Board's decision letter on this Report will provide direction on how and when recommended changes should be incorporated into the Design Plan.</p>	There is no template or list provided in the Guidelines, so a Schedule condition is maintained here to provide additional guidance on the information requirements.	Imperial Oil: It is unclear why an AEMP Re-Evaluation Report or an AEMP Annual Report requires Board approval. If the aquatic effects monitoring activities are undertaken as per the Board approved AEMP Design Plan, then approval of the re-evaluation and annual reports of the AEMPs are redundant and unnecessary. If redesign of the AEMP is required, it is appropriate that the Board approve the revised AEMP design per Condition 5.	Recommend removing the requirement for Board approval of AEMP Re-Evaluation Reports and AEMP Annual Reports. Should the Board find that the report is incomplete, a request may be made to the Licensee to provide the information required to complete their report. This recommendation also applies to the required approval of any annual report linked to a Board approved Licence.	<u>Regarding all comments on this condition:</u> As set out in the Guidelines, these Reports are annual and require Board approval. Note that not all AEMP monitoring occurs only every three years. There are typically some components of the program that are annual.
					Fortune: The AEMP cycle is three years so an annual report is not required.	AEMP reporting should be every three years to match the field program.	
					INAC – CARD: AEMP often does not occur annually, so it is problematic to have an AEMP Annual Report condition	Suggest changing the "annual" reporting requirement to a reporting frequency that has been specified in the approved AEMP Design Plan. This will also affect the requirements in Schedule H.	
					AEMP action level exceedence should be on an as needed basis and not tied to a yearly reproting schedule	AEMP reporting should be every three years unless an action level exceedence requires the issuance of a separate report	

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
6.	If any low Action Level established in the approved AEMP Design Plan is exceeded, the Licensee shall, at a minimum, implement the response actions described in the approved AEMP Design Plan, and report the exceedance in the AEMP Annual Report.	LOW ACTION LEVEL EXCEEDENCE	This condition sets out the required response to any low Action Level exceedance. The minimum response actions are established in and approved through the AEMP Design Plan.	This new condition reflects the Guidelines.	<p>Dominion: As per feedback on the AEMP Guidelines, establishing low, moderate, and high action levels can be time consuming, technically challenging, and expensive. As recognized in the guidelines; "...moderate and high action levels are more complex and, therefore, more challenging to set than the low action level". Limiting this investment for proponents to establishing low action levels only, is still protective of the aquatic receiving environment by providing a measure that functions as an early warning system to provide protection of the aquatic receiving environment. Should the low action level be exceeded, then the added time and expense can be invested in establishing moderate and high action levels, in addition to mitigation and control measures. The guidelines recommend that at a minimum, Action Levels should be set for:</p> <ul style="list-style-type: none">- all measured ecological indicators of a Valued Ecosystem Component identified in a preliminary screening or environmental assessment; and,- all contaminants of concern that were identified through the licensing process.	Revise the Water Licence conditions to apply aspects of the Guidelines where applicable.	Part of the overall purpose of the Guidelines is to describe the LWBs' expectations for AEMPs. Accordingly, these conditions are consistent with the Guidelines.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					<p>While it is reasonable to recommend establishing action levels for identified contaminants of potential concern, it would be an enormous undertaking to establish action levels for all measured ecological indicators of a Valued Ecosystem. Including all measured ecological indicators of a Value Ecosystem could equate to over 50 constituents with three action levels per constituent. Concentrations of many measured ecological indicators may not exceed or even come close to exceeding a low action level in the life of a mine, so this additional recommendation is excessive and unnecessary. Furthermore, the recommendation does not make allowance for exclusion of action levels for constituents that are numerical indicators of water quality and not constituents of the water itself (e.g., total alkalinity, hardness, specific conductivity) or constituents that are adequately and appropriately represented by other constituents (e.g., calcium, magnesium, turbidity). Action levels function as an early warning system to provide protection of the uses of the aquatic receiving environment</p>		

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					and thus, are set well in advance of when water quality benchmarks might be reached. However, water quality benchmarks may not have been established for all measured ecological indicators and therefore, water quality benchmarks would need to be established prior to setting action levels. Water quality benchmarks may not have been established where constituents are not deemed to be of concern or where no existing water guidelines exist or there is limited published literature.		
					Fortune: AEMP action level exceedence should be on an as needed basis and not tied to a yearly reproting schedule	AEMP reporting should be every three years unless an action level exceedence requires the issuance of a separate report	See response to comments on the AEMP ANNUAL REPORT condition.
7.	If any moderate or high Action Level established in the approved AEMP Design Plan is exceeded, the Licensee shall: a) Within the timeframe identified in the approved AEMP Design Plan 30 days of initially detecting the exceedance, notify the Board and an Inspector; and b) Within the timeframe identified in the approved AEMP Design Plan 90 days of initially detecting the exceedance, or as	MODERATE OR HIGH ACTION LEVEL EXCEEDENCE	This condition sets out the requirements for notification of any moderate and high Action Level exceedances, and for the submission of associated AEMP Response Plans. Action Levels, notification timelines, and general response actions and timelines are established in the AEMP Design Plan, and AEMP Response Plans describe	Revised to reflect the Guidelines.	-	-	-

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	otherwise directed by the Board, submit an AEMP Response Plan to the Board for approval. The Response Plan shall be in accordance with the MVLWB/GNWT Guidelines for Aquatic Effects Monitoring Programs . satisfy the requirements of Schedule x , condition 4.		the Licensee’s proposed response to an exceedance of any moderate or high Action Level. Response Plans may provide the basis for a Board directive to do additional studies, implement additional mitigations, and/or to make changes to the AEMP Design Plan or water licence.				

PART I: Spill Contingency Planning

This Part is limited to spill contingency planning – other contingency planning should be addressed in applicable management plans.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
1.	The Licensee shall ensure that petroleum products, hazardous materials and other Unauthorized Discharges associated with the Project do not enter any Waters.	OBJECTIVE – PREVENT WASTE INTO WATER	The intent of this condition is to protect Water quality in the event of a spill or other Unauthorized Discharge event.	<p>In the past, this condition has sometimes been included in this Section, or in Part G. It has now been removed from Part G and will be maintained in this Section.</p> <p>Revised to reflect the defined term ‘Unauthorized Discharges,’ which captures all potential types of wastes or wastewaters that could affect water quality.</p>	-	-	-
2.	The Licensee shall comply with the Spill Contingency Plan , once approved.	SPILL CONTINGENCY PLAN	A Spill Contingency Plan (SCP) is required with the application. The SCP must be in accordance with the INAC Guidelines for Spill Contingency Planning . The SCP should describe and plan for foreseeable worst-case scenarios.	These conditions have been updated to reflect standard wording for management plan conditions. The options for the revised SCP are slightly different than other plans, because an approved version should be in place before project activities commence, or at a minimum, before specific high-risk activities commence.	Avalon: Same as for Part G, 5. (See comments above. Most plans are developed during EA. They will have likely gone through 2 iterations of review already. 90 days prior to an activity may be excessive.)	Same as for Part G, 5. (Leave the time period open for the Board to determine based on plan complexity and prior consideration.)	Please see the Reponses to Common Topics Identified During the Public Review .
3.	<p>Option 1: Within 90 days [enter either: following the effective date of this Licence OR prior to the commencement of activities], the Licensee shall submit to the Board, for approval, a revised Spill Contingency Plan. The Licensee shall not commence Project activities prior to Board approval of the Plan.</p> <p>OR</p> <p>Option 2:</p>	SPILL CONTINGENCY PLAN – REVISED					

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	A minimum of 90 days prior to the commencement of [enter Project-specific activity], the Licensee shall submit to the Board, for approval, a revised Spill Contingency Plan . The Licensee shall not commence [enter Project-specific activity] prior to Board approval of the Plan.		<p>If the SCP is not approved at issuance, the Licence will include the requirement for a revised SCP (see options 1 and 2 for SPILL CONTINGENCY PLAN – REVISED.)</p> <p>The SCP must be approved and implemented at the beginning of a Project to prevent contamination of land and Water in case of any spill.</p>	<p>Conditions for the SCP will be included in the licence as appropriate (depending on whether the information is approved or a revised SCP is required) in order to provide a mechanism for the licensee to propose changes to spill contingency information after issuance.</p> <p>The condition COMPLY WITH SUBMISSIONS AND REVISIONS also covers implementation of the Plan. The conditions REVISIONS and REVISE AND RESUBMIT cover future revisions on the Plan. These conditions are in Part B: General Conditions.</p>			
4.	<p><u>During the period of this Licence, if</u> a spill or an Unauthorized Discharge occurs or is foreseeable, the Licensee shall:</p> <p>a) Implement the approved Spill Contingency Plan referred to in Part I, Condition x;</p> <p>b) Report it the incident immediately using the NU-NT Spill Report Form by one of the following methods: NWT 1752/0593, and the Instructions for Completing the NT-NU</p>	REPORT SPILLS	<p>This condition will only be included for small projects, where a stand-alone SCP is not included in the application. Otherwise, this information must be included in the SCP.</p> <p>The intent of this condition is to ensure the Licensee is aware of the standard procedure following a spill or Unauthorized Discharge. Project-specific details are to be described in the SCP, which must be</p>	<p>Variations of this condition have historically been included in all licences; however, this condition will now be included only for small projects, where a stand-alone SCP is not included in the application. Otherwise, this information must be included in the SCP.</p> <p>This condition has been revised as follows:</p> <p>1) Reference to ‘each spill or unauthorized discharge’ in each part of the condition is unnecessary and has</p>	<p>INAC – Inspectors: See above comments for Part G Item 23 (Spills and unauthorized discharges should be reported to the Inspector immediately to allow the Inspector to respond if required. Waiting 24 hours is likely to prevent the Inspector from taking samples or conducting a proper investigation.)</p> <p>INAC – Inspectors: Recommend the addition of the phrase ‘or at a timeframe deemed appropriate by the Inspector’ as every spill/unauthorized discharge is different and the</p>	<p>See above comments for Part G Item 23 (Change the 24 hour notification to immediately.</p> <p>Add the above wording.</p>	<p>This condition has been revised as recommended. Immediate spill reporting is consistent with the Spill Contingency Planning and Reporting Regulations, and this revision is consistent with revisions to the EQC EXCEEDANCE condition.</p> <p>This condition has been revised as recommended. This revision is consistent with revisions to the EQC EXCEEDANCE condition.</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<p>Spill Report Form, as follows:</p> <ul style="list-style-type: none">• Telephone: (867) 920-8130• Fax: (867) 873-6924• E-mail: spills@gov.nt.ca• Online: Spill Reporting and Tracking Database <p>c) Within 24 hours, Notify Report each spill or Unauthorized Discharge to the Board and an Inspector immediately; and</p> <p>d) Within 30 days of initially reporting the incident, or within a timeframe authorized by an Inspector, submit a detailed report on each spill or Unauthorized Discharge 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.</p>		<p>developed in accordance with the INAC Guidelines for Spill Contingency Planning.</p>	<p>been removed since this is reflected in the opening line of the condition.</p> <p>2) In (b), the condition has been updated to include all methods for reporting a spill, including the new online database.</p> <p>3) In (c), the language has been changed to ‘notify’ for consistency with similar licence conditions.</p> <p>4) In (d), the timeline for final reporting is related to initial reporting rather than the date of the spill, because the Inspector’s involvement and guidance does not begin until the spill is reported.</p>	<p>30 day report may not be appropriate for the situation.</p>		

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
5.	The Licensee shall ensure that adequate spill prevention infrastructure and spill response equipment is in place prior to commencement of the Project.	SPILL PREVENTION AND RESPONSE EQUIPMENT	Spill prevention infrastructure, such as secondary containment, and spill response equipment, such as spill kits and drip trays, should be available and in-place on-site before the Project commences to respond to spills and prevent larger-scale contamination of land and Water.	Removed the word ‘adequate’ because it is unnecessary. The Inspector will review the spill infrastructure and equipment against the SCP, while being reasonable about detailed equipment lists.	-	-	-
6.	<p>The Licensee shall restore all areas affected by spills and Unauthorized Discharges to the satisfaction of an Inspector.</p> <p>All spills and Unauthorized Discharges of Water or Waste shall be reclaimed to the satisfaction of an Inspector.</p>	CLEAN UP SPILLS	This requirement is consistent with the INAC Guidelines for Spill Contingency Planning .	<p>This condition has been updated to standard wording and formatting.</p> <p>Replaced ‘reclaim’ with ‘restore’ for consistency with the Guidelines.</p> <p>It is unnecessary to specify water or waste, since this is part of the standard definition of unauthorized discharge.</p>	<p>KBL: Current wording "to the satisfaction of the inspector" does not give any guidelines and can be very subjective and lead to inconsistency on how the restoration of the affected areas are managed.</p>	<p>Recommend re-evaluating this condition to determine if there is a standard that the restorations of a spill clean up can meet. Perhaps reference the RAP, or something that would make the condition less subjective and provide a consistent standard.</p>	<p>This would be difficult to include in this general condition, since spills can consist of different substances and can occur in varying types of conditions.</p> <p>Also note that a RAP is not a Board requirement.</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
7.	<p>The Licensee shall not establish any fuel storage facilities or refueling stations, or store chemicals or Wastes deleterious substances within 100 metres of the Ordinary High Water Mark of any Watercourse. unless otherwise authorized in writing by an Inspector.</p> <p>The Licensee shall ensure all fuel storage facilities, refueling stations, or chemical and deleterious substances are located a minimum of 100 metres from the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.</p>	MATERIAL STORAGE – ORDINARY HIGH WATER MARK	<p>The intent of this condition is to provide a buffer to prevent fuel spills from impacting surface Water. This condition is normally included in a Land Use Permit but may be included in a Licence if there is no associated Permit for the Project.</p> <p>The Board, when considering the application, and an Inspector, during the operation, may authorize fuel storage within 100 metres of Water under specific conditions (e.g. if moving fuel further poses a risk of leaks/spills, if there is a hill separating fuel from water, etc.).</p>	<p>This condition is not typically included in a licence but will be considered if there is no associated permit, and the project entails storage and/or use of fuel or other chemicals (below the threshold levels for a permit).</p> <p>Revised to reflect the possibility that fuel or chemicals could be temporarily located or placed within the 100 m buffer at some points during transport, but should not be stored there.</p> <p>Note that the distance can be reduced in some cases based on site-specific conditions. For example, inclusion of this condition may not be practical for municipalities or some remediation projects.</p>	GNWT – MACA: Recognizing that there is a note about municipal licenses, it should be kept in mind that water treatment plants are unavoidably close to their water source and do have some chemical and fuel storage required for operations.	Recommend not applying this to water plants.	Please see the Reponses to Common Topics Identified During the Public Review.

PART J: Closure and Reclamation

A draft [Schedule](#) for this Part is attached, but does not include all Schedule items at this time.

- For projects that require both a permit and a licence, a CRP will be required in the licence and the permit – with one submission to satisfy both, similar to the Spill Contingency and Waste Management Plans. In this case, other Standard Permit Conditions (copied below) regarding closure and reclamation do not need to be included in either the licence or permit.
- For projects that require only a licence, then the requirement for a CRP is appropriate and is included in the licence. The relevant Standard Permit Conditions (copied below) could be included as licence conditions if needed for smaller projects.
- For projects that require only a permit, the relevant Standard Permit Conditions would be included as appropriate, since there would be no CRP.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<p>Information on developing Closure and Reclamation Plans, Annual Closure and Reclamation Progress Reports, Closure and Reclamation Completion Reports, and Performance Assessment Reports is available in the MVLWB/AANDC Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories. While these Guidelines were developed for mineral exploration and mining, the information is applicable to other types of projects.</p> <p>Municipalities will not be required to submit an overall Closure and Reclamation Plan but will be required to submit Component-Specific Closure and Reclamation Plans as set out in the conditions below. Closure and Reclamation planning information for municipalities is available in Environment and Climate Change Canada’s Solid Waste Management for Northern and Remote Communities: Planning and Technical Guidance Document.</p> <p>A Closure and Reclamation Plan will be required for remediation projects. The Plan will be separate from a Remediation Action Plan (RAP) and must describe Closure and Reclamation for any processes, structures, facilities, and/or Wastes that are introduced by a remediation project. A Remediation Action Plan may be submitted with a licence application as a project description, but it will not be considered equivalent to a CRP and will not be included in licence conditions.</p>			<p>For remediation projects, a CRP will be required. Remediation will introduce processes, structures, facilities, and/or wastes that will need to be addressed to close the site once remediation activities are complete. The CRP will be separate from the Remediation Action Plan, which is a description of the remediation project.</p>	<p>INAC – CARD: Notes on proposed changes state: For remediation projects, a CRP will be required. Remediation will introduce processes, structures, facilities, and/or wastes that will need to be addressed to close the site once remediation activities are complete. The CRP will be separate from the Remediation Action Plan, which is a description of the remediation project.</p> <p>The RAP, associated water licence application and additional waste management plans and contingency plans should be sufficient to meet the needs identified in the CRP guidelines. If not, then additional information should be requested during the licence review period, or plan reviews. Having a separate report requirement for this and enforcing the guidelines that were intended for mining operations onto remediation activities, simply adds cost and</p>	<p>A Closure and Reclamation Plan should not be required if the Remedial Action Plan meets the information needs of the CRP.</p> <p>.</p>	<p>A RAP is not a Board requirement – it is a separate document guided by the GNWT <i>Environmental Guideline for Contaminated Site Remediation</i>, developed under the NWT <i>Environmental Protection Act</i> – and although some information requirements overlap, they are not equivalent. In the LWBs’ regulatory process, the RAP is equivalent to the project description submitted as part of an application. Like other projects, general information about various aspects of the project may be included in the project description, but the details must be provided in more specific plans that meet LWB guidelines (where applicable) or information requirements. Accordingly, the CRP and RAP are separate in the same way that the CRP is separate from the project description for other projects. The RAP can be submitted with the application as a project description, but the CRP must be separate. The CRP would cover any processes, structures, facilities and/or wastes introduced by the remediation project. Like other projects, the level</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					time, resulting in delaying or even shelving of smaller-scale remediation projects that must be completed within short windows of available funding.		of detail provided in the CRP should reflect the scale and nature of the project. The licence for a remediation project will include CRP requirements, but will not include RAP requirements.
					INAC – Inspectors: In the notes on the proposed changes it is noted that a CRP will be required for remediatin projects.	Recommend changing to "For remediation projects, a CRP will be required for the elements of the project not adequately addressed by the Remedial Action Plan".	
					KBL: A CRP is required for remediation projects. In certain cases a RAP, water license and associated plans should be enough to meet the intention of the CRP guidelines. The CRP then becomes redundant	A CRP should not be required if the RAP meets the information required in the CRP	
					Avalon: The license as presently written discourages timely reclamation. It further has identified time linse for proponent performance, but none for the Board.	Include timely response time limits for the board related to proponent submission, requests etc of proponents.	Licenses do not identify timelines for the Board.
					Avalon: "All areas affected by construction or removal activites shall be stabilized to their pre-construction profiles" is an unachievable requirement. Blasting of rock lowers the density (makes it bigger) and grinding makes it even more so. Generally, the amount of mineral or metal removed is substanitally smaller than the volume of waste material. Thus	Remove this condition. It is unachievable for the vast majority of mines.	This condition is not included in licences, but may be included in some permits based on the evidence gathered during the permitting process. In general, this condition would not be used if a CRP is required.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					it will always be impossible to maintain "pre-construction profiles" even if as much material as possible is put back into pits or underground.		
					GNWT – ENR: Part J outlines submission requirements for both large and small projects related to closure planning. ENR notes that consideration must be given to smaller Water Licences when developing timelines. For example, if a Type B Water Licence was issued for 5 years, as written there is a requirement that a CRP be submitted within 18 months and that final CRP be submitted three years prior to the expiration of the licence or two years prior to the end of operations (whichever comes first).	ENR recommends that the timelines and submission requirements for smaller projects be considered further.	Please see the Reponses to Common Topics Identified During the Public Review .
					INAC – GMRP: With respect to this phrase: "In particular, given the iterative nature of CRP development, and the fact that closure criteria are typically not finalized until later on in the life of a project, it has not always been clear whether and how progressive reclamation should be approved." There is very little information in the conditions or notes on proposed chages on the process for receiving final approval of Closure Criteria, and whether the approval of Closure Criteria	Can clarity be provided on whether approval of Closure Criteria is necessary for a project to begin remediation activities.	Please see the Reponses to Common Topics Identified During the Public Review .

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					is a significant approval process for a project.		
					ECCC: ECCC notes that progressive reclamation is defined earlier, but there is no threshold set that would indicate when the conditions would be required. It will be clear with the larger components, but there will be a grey area for ongoing operational practices which are implemented that support closure and remediation, and these activities could be held up by Condition 8. The requirements for progressive reclamation could be limited to those progressive reclamation activities under the specific component plans, which would be consistent with Conditions 12 and 13.	N/A - comment provided for the MVLWB's benefit.	Please see the Reponses to Common Topics Identified During the Public Review .
1.	<p><u>Option 1:</u> Within 18 months following the effective date of this Licence, the Licensee shall submit to the Board, for approval, a Closure and Reclamation Plan.</p> <p>OR</p> <p><u>Option 2:</u> Within 18 months following the effective date of this Licence, the Licensee shall submit to the Board, for approval, a Closure and Reclamation Plan. The Plan shall be in accordance with the</p>	CLOSURE AND RECLAMATION PLAN	The development of a Closure and Reclamation Plan (CRP) is an iterative process. Initially, a conceptual CRP is typically required as part of an application package for larger Projects. For small Projects, Closure and Reclamation information must still be submitted with the application, but a formal CRP may not be necessary, or may be required at a later date		INAC – GMRP: The wording of Part J, Item 1 and 3 do not indicate that upon approval of the CRP, remediation activities can commence, as is seen in Part J, Item 6 for the submission of a component specific Closure and Reclamation Plan.	Can clarity be provided on whether approval of a Closure and Reclamation Plan provides authorization to commence remediation activities? Does the wording of the conditions suggest that component-specific submissions are required in addition to the CRP to authorize the activities?	Please see the Reponses to Common Topics Identified During the Public Review .

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	requirements of Schedule X, Condition Y.		<p>through this licence condition.</p> <p>Based on information gathered during the regulatory process, a revised Plan is usually required following Licence issuance, and the Plan may need to be updated and resubmitted several times over the life of a Project.</p> <p>Option 1 will be used when the CRP must be in accordance with the MVLWB/AANDC Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories, as set out in the Licence definition for the CRP.</p> <p>Option 2 will be used for small projects, when the CRP definition does not reference the Guidelines. In this case, CRP requirements will be set out in the Schedule.</p>				

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
2.	<p><u>Option 1:</u> Every three years following the previous approval, or as directed by the Board, the Licensee shall submit to the Board, for approval, a revised Closure and Reclamation Plan.</p> <p>OR</p> <p><u>Option 2:</u> Every three years following the previous approval, or as directed by the Board, the Licensee shall submit to the Board, for approval, a revised Closure and Reclamation Plan. The Plan shall be in accordance with the requirements of Schedule X.</p>	CLOSURE AND RECLAMATION PLAN – REVISED	<p>This condition sets out the timeline for regular review and resubmission of the Closure and Reclamation Plan. The three-year timeline is intended to allow for enough data to be collected through reclamation research to support any proposed revisions. Any changes that were recommended through Reclamation Research Reports should be considered in this revision.</p> <p>CRPs for larger projects often go through multiple iterations before being approved, and because this condition only applies after approval, it does not affect that process. It also does not preclude the option to revise the CRP at other times to</p>	<p>This new condition encourages regular review of the CRP, and the associated closure cost estimate, once approval of the CRP is achieved. This requirement is not set out in the Guidelines, but a similar requirement is standard for the AEMP Design Plan.</p> <p>It is recognized that CRPs for larger projects often go through multiple iterations before being approved, and because this condition would only apply after approval, this requirement would not affect that process. This requirement would also not preclude the option to revise the CRP at other times to reflect any important changes.</p> <p>Note that the timeline for regular revisions of the CRP is related to approved of the previous version, and not to implementation of the CRP, since the CRP is primarily a planning tool that is not really</p>	<p>INAC – GMRP: In the notes on proposed changes, in Part J, Item 3, it indicates: "Note that the timeline for regular revisions of the CRP is related to approved of the previous version, and not to implementation of the CRP, since the CRP is primarily a planning tool that is not really implemented until closure". In the preamble of Part J, it has indicated that "For Remediation Projects, a CRP will be required". For a remedition project, the intention is only to implement remediation activities for site closure.</p>	<p>Can clarity be provided on the expectations for submissions of revisions to the CRP for a remediation project, which will be entering the implementation stage of remediation.</p>	<p>The CRP for a remediation project is intended to address any wastes or facilities/structures that are introduced to conduct the remediation project. Like other projects, these might be addressed through progressive reclamation or only at the end of the project.</p>
					<p>GNWT – MACA: Revision of the C&R plan every 3 years would be very difficult for communities to do, as they generally don't have staff capacity to do this. The closure plan for a community landfill generally does not change often.</p>	<p>Suggest having revision triggered by facility/operational modifications rather than time-based for communities.</p>	

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			reflect any important changes.	implemented until closure (progressive reclamation is addressed in additional conditions below). This is different from the AEMP, which is being conducted throughout the life of the project.	INAC – CARD: This condition indicates the need for updating and submitting a revised CRP every three years, but does not provide an end date. Larger mining projects will often need a licence post-remediation for any dams that need to be maintained etc., yet this condition will require them to submit regular updates after the work is already completed.	Add an end point to this condition, such as "until completion of the remediation activities" or "until the Closure and Reclamation Completion Report is submitted."	This is captured under ‘or as otherwise authorized by the Board.’ Once a final CRP is approved, the Board can provide direction on this condition accordingly, or the licence can be amended to remove this condition. Note that if a project requires a new licence for maintenance and/or monitoring after closure and reclamation is complete, a CRP would no longer be included in the licence conditions, but an approved Post-Closure and Reclamation Monitoring and Maintenance Plan would be required.
					IEMA: The Land and Water Boards of the Mackenzie Valley have proposed a new Condition that would require the periodic review of the previously-approved Closure and Reclamation Plan (CRP). The Agency agrees with the concept of ‘regular review’, particularly for large projects and supports the new clause as it provides greater consistency and predictability as it applies to regular review of the CRP.	Recommendation 8: The Agency supports the Boards’ suggestion that a new Condition be included that requires a review of previously-approved CRPs be undertaken every 3 (three) years.	-
					IEMA: Condition 3 requires the Licensee to submit a revised CRP to the Board for approval every 3 years following the previous approval, while clause 11 requires the Licensee to submit a Reclamation Research	Recommendation 9: The Agency recommends that Conditions 3 and 11 be revised so as to establish a clear link between the requirements of the two Conditions.	These two submissions are linked; however, because reclamation research will often be initiated prior to approval of the CRP, the timelines cannot be easily synchronized at issuance. The RECLAMATION RESEARCH PLAN condition

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					Report (RRR) every 3 years following commencement of reclamation research. The CRP and RRR are inextricably linked – the results of reclamation research being used to inform and guide revisions to the CRP. However, the Agency envisions the possibility where timeframes outlined in Conditions 3 and 11 become out of synchronization. Conditions 3 and 11 should be revised so that the RRR is submitted together with, or as part of, the revised CRP.		specifically allows for the Board to provide additional direction on the submission date in order to align it with the CRP revisions once the CRP has been approved.
					Imperial Oil: Setting a timeline (e.g. every three years) for the submission of a revised Closure and Reclamation Plan may not always be appropriate or applicable. For an operation like Norman Wells, still with several years (or even decades) before end-of-field-life, there may not be a significant update to be made to the interim CRP within the given timeframe.	To facilitate greater efficiency, an alternative process should be developed for situations such as these, e.g., start 3 year updates 3-6 years prior to proposed end of production	Regular CRP revisions are not required until the CRP is approved. If the CRP is approved early on for a long-term project, it will be important for the CRP to be reviewed periodically over the life of the project to ensure that any new information is incorporated. This is also important to ensure that affected parties have regular opportunities to provide additional information and recommendations to the Board on the CRP as the project progresses. If there are no changes proposed when the revision is required, the licensee can state that in a letter.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
					Dominion: For larger scale projects a three year timeframe for Closure and Reclamation Plan updates is problematic. A longer (five-year) cycle for closure plan updates on operating mines is supported by international practice (see for example the APEC Mine Closure Checklist for Governments, 2018). A longer frequency is still adequate to ensure that the document remains current without being submitted so frequently that the submission, review and approval processes becomes an onerous, repeatedly ongoing, and unnecessary burden to the Proponent, Reviewers and the Boards. The Annual Reclamation Progress Reports (proposed here in these Draft WL Conditions to be part of the Annual Water Licence Report) have been proven to provide an effective on-going means of addressing minor updates to existing closure measures and new project approvals for larger operations. Additionally, as per the proposed conditions in Part B of the Water Licence, the Boards can direct submission of a revised plan at any time. See also comments on Condition 10 removal below	Re-work this condition to ensure there is flexibility in the submission cycle to accommodate all types and scales of development.	Please see the Reponses to Common Topics Identified During the Public Review .

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
3.	<p><u>Option 1:</u> Three years prior to the expiration expiry date of this Licence, or a minimum of two years prior to the end of commercial operations, whichever occurs first, the Licensee shall submit to the Board, for approval, a final Closure and Reclamation Plan.</p> <p><u>Option 2:</u> Three years prior to the expiration expiry date of this Licence, or a minimum of two years prior to the end of commercial operations, whichever occurs first, the Licensee shall submit to the Board, for approval, a final Closure and Reclamation Plan. The Plan shall be in accordance with the requirements of Schedule X, Condition Y.</p>	CLOSURE AND RECLAMATION PLAN – FINAL	The development of a CRP is an iterative process. Additional information gathered over the life of a project will be incorporated into the CRP, and there may be several interim versions of the CRP over the life of the Project. As the operational phase of the Project nears completion, the CRP must be finalized. Sufficient time must be allowed for review and approval of the final CRP before final Closure and Reclamation activities can begin	Removed ‘commercial’. The Guidelines recommend that the final CRP be submitted two years prior to the end of operations; however, this milestone is not defined. Reference to ‘commercial’ operations is not applicable for all undertakings, and a standard definition for ‘commercial’ has not been established.	<p>DBCI – GK: With three years prior to licence expiration vs. two years prior to end of operation, this condition implies the water licence would generally expire one year after the operation, which is not true in most cases. A final closure and reclamation plan should only be prepared towards the end of mine life with the full monitoring and research results. Therefore, the timing of the final C&R plan should not be linked to the expiry date of the licence.</p> <p>ECCC: ECCC notes that the two options require the submission of a final Closure and Reclamation Plan (CRP) three years prior to the expiration of this licence, or a minimum of two years prior to the end of operations, whichever occurs first. This would not be needed for operations that are going to a renewal licence to continue operations, and ECCC suggests not tying the submission of the final version to the licence expiry.</p>	<p>Recommend the linkage to the water licence expiry date is removed.</p> <p>N/A - comment provided for the MVLWB's benefit</p>	<p><u>Regarding all comments on this condition:</u> The timelines for this condition have been carefully considered, and to ensure that adequate time is allotted to finalize the CRP before a licence expires under varying scenarios, both timelines have been maintained; however, different timelines may be considered based on project-specific details.</p> <p>It is not possible to predict how project timelines and lifespans can change over the course of a project. Additionally, it can be difficult to define the end of operations, particularly since final closure and reclamation can begin before operations end. Suggestions on a common definition or understanding of the end of operations were encouraged as part of the public review, but none were received.</p> <p>The submission of a final CRP two years prior to the end of operations will adequately address many, but not all, scenarios. If the renewal of the licence coincides with the end of the operational period, and the licence renewal will primarily be for closure activities, submission of a CRP three years prior to the expiry of the licence would allow two years for review, revision, and approval, so that the final CRP would be available to inform the development of licence conditions during the renewal</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
							process, which can take up to a year. When operations will continue following the renewal, the licensee can send a letter to the Board, requesting a compliance date change for this submission in order to remain in compliance with the licence.
4.	<p>Option 1: One year prior to Progressive Reclamation of any specific component of the Project, and until a final Closure and Reclamation Plan is approved, the Licensee shall submit to the Board, for approval, a Component-Specific Closure and Reclamation Plan. The Licensee shall not commence activities described in the Plan prior to Board approval.</p> <p>Option 2: One year prior to Progressive Reclamation of any specific component of the Project, the Licensee shall submit to the Board, for approval, a Component-Specific Closure and Reclamation Plan. The Plan shall be in accordance with the requirements of Schedule X Condition Y. The Licensee shall not commence activities described in the Plan prior to Board approval.</p>	COMPONENT-SPECIFIC CLOSURE AND RECLAMATION PLAN	<p>This condition will generally only be included for larger projects with major components. If Closure and Reclamation of specific Project components is committed to or planned prior to approval of the final version of the overall CRP for the Project, a Component-Specific CRP must be submitted for approval. This condition can also be satisfied if the required level of detail for the component is provided and approved through the overall CRP. ; however, this condition can also be satisfied by submitting the required level of detail for the component as part of the overall CRP.</p> <p>The intent is for this condition to apply to major structures and</p>	<p>Option 2 of this condition will be included for municipal or power licences, where the Guidelines do not apply, and there is usually no overall CRP. A list of information requirements for Option 2 is included in the attached Schedule.</p> <p>Otherwise, this condition (Option 1) will typically only be used for larger projects where progressive reclamation can be complex and have greater potential for impacts. For these projects, this condition allows the licensee to acquire approval to carry out progressive reclamation during operations, since the development of a final CRP can be an extended process. This condition also ensures that adequate details are provided for the Board to consider approving closure of specific components prior to the submission and approval of a final CRP. This level of detail is not typically available in earlier versions of the CRP, but is</p>	<p>INAC – GMRP: The wording of Part J, Item 1 and 3 do not indicate that upon approval of the CRP, remediation activities can commence, as is seen in Part J, Item 6 for the submission of a component specific Closure and Reclamation Plan.</p>	Can clarity be provided on whether approval of a Closure and Reclamation Plan provides authorization to commence remediation activities? Does the wording of the conditions suggest that component-specific submissions are required in addition to the CRP to authorize the activities?	<p>Please see the Reponses to Common Topics Identified During the Public Review.</p> <p>This condition has been maintained for the same reasons it was initially proposed. Component-Specific CRPs will require Board approval before implementation, and if there are significant concerns, a submission may not be approved or may require revisions.</p> <p>Please see the Reponses to Common Topics Identified During the Public Review.</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			<p>facilities. The Licensee must provide the level of detail that would be required in a final Closure and Reclamation design for the component, including detailed design reports for any engineered Closure and Reclamation structures.</p> <p>Licensees should note that a Component-Specific CRP is considered interim in most cases, because it may not be possible for all elements of a final overall CRP to be included (e.g., final Closure Criteria). This will likely affect the evaluation of any potential security refund this is associated with this type of Progressive Reclamation.</p> <p>Option 1 will be used when the CRP must be in accordance with the MVLWB/AANDC Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories, as set out in</p>	<p>particularly important for complex and/or engineered closure designs.</p>	<p>• Uncertainty in performance</p> <p>These same factors result in the same level of difficulty to approve a Progressive Reclamation component-specific Closure and Reclamation Plan. Therefore, the practicality of this condition is in question. It isn't clear how the Board could approve a component-specific plan if it isn't clear if the plan and subsequent progressive reclamation will be successful. Further, it isn't clear how reviewers or the Board assess the potential impact of this final component closure on other components at the site, especially those that adjoin the component in question.</p> <p>Imperial Oil: Submission of component-specific Progressive Reclamation Plans for Board approval is a significant addition to the current standard Water Licence Conditions. In the case of Norman Wells, there is an annual Progressive Reclamation Program with annual reporting requirements. If a Licensee is completing progressive reclamation work in accordance with the already-approved CRP, additional annual approvals should be deemed to be in place, as work is being carried out consistent with an</p>	<p></p> <p>Recommend that the Board ensure that component-specific progressive reclamation projects that are included in an approved CRP are exempt from this process. Advise that the Board must ensure that newly proposed component-specific reclamation projects be approved on a timely basis to enable efficient project planning and execution.</p>	<p></p> <p>Please see the Reponses to Common Topics Identified During the Public Review.</p>

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			<p>the Licence definition for the CRP. Any relevant information requirements set out in the Guidelines for a final CRP will apply.</p> <p>Option 2 will typically only be used for municipal licences, or power licences, where an overall CRP is often not required due to the lifespan of the Project. In this case, CRP requirements will be set out in the Schedule.</p>		<p>approved Plan. For newly proposed component-specific reclamation projects, the timelines for Board approval of plans, may put year-over-year planning and execution at risk. The Board will need to strictly adhere to timelines for this type of process to work.</p> <p>Dominion: These proposed conditions are quite restrictive to progressive reclamation activities but yet the rationale indicates that progressive reclamation is encouraged and supported by the Board. A one year timeframe for submission of the material is lengthy and does not appear supportive of progressive reclamation. There should also be some further review of how this restrictive requirement to have all progressive reclamation activities board approved interacts with Land Use Permits and their progressive reclamation requirements as well as other authorizations and regulatory obligations the proponent may have (e.g. surface leases).</p>		<p>Please see the Reponses to Common Topics Identified During the Public Review.</p> <p>Timelines for submissions account for the Board’s standard public review and decision process, and the potential need for revision processes prior to commencing activities, and should not be at the Inspector’s discretion. These timelines should be considered by the licensee in planning activities. As noted in the rationale, this condition is typically only used for major components of large projects (or for licences that do have overall CRPs). Considering the nature of these activities, and the LWBs’ experience with the development of CRPs, the timeline presented here is warranted and reasonable, and allows for the possibility that revisions may be required prior to approval. Note that</p>

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					Avalon: Given that mine profitability is highly impacted by fluctuating metals prices, and mine reclamation is often very expensive, mines want to take advantage of times when metal prices and profits are high to do costly items such as progressive reclamation. Thus windows of opportunity are often small. A one year approval period for progressive reclamation approval could result in companies missing these opportunites. Long approval time lines thus can discourage progressive reclamation that is encouraged by the Board.	Given that for large project, the conceptual plans are already well knowand approved by the regulator, approval time lines for doing this work must be in the order of weeks to months. Reduce this time line or miss on progressive reclamation opportunities. This time line also conflicts with Item 7 that states reclamation must be done as soon as reasonably necessary. Unless I have missed something, a one year approval period is way too long.	without the addition of this condition, the licensee could be required to have the overall CRP approved in its entirety before initiating progressive reclamation. Please see the Reponses to Common Topics Identified During the Public Review .
					DBCI – GK: The intent of the progressive reclamation is to reclaim the facilities or disturbed areas before the end of operations. It is beneficial to all parties and stakeholders. Currently the progressive reclamations are approved under the ICRP. It provides the proponent sufficient flexibilities to conduct progressive reclamations as the equipment is freed up. However, these additional conditions will likely discourage progressive reclamation during operations due to the additional approval requirement and extra long approval period.	1) clarify which facility will require the component-specific CRP, and what details will be required, which cannot be included and approved in the ICRP. 2) assuming only specific design information is required in the component-specific CRP, should reduce the review timeline to 90 days. 3) should provide flexibility to allow progressive reclamation on majority of the facilities without extra component-specific approvals.	Please see the Reponses to Common Topics Identified During the Public Review .

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5.	The Licensee shall endeavor to carry out approved Progressive Reclamation as soon as is reasonably practicable.	PROGRESSIVE RECLAMATION	The intent of this condition is to encourage Progressive Reclamation. Regarding what is ‘reasonably practicable,’ the Inspector will determine what is practical on a case-by-case basis, taking into consideration any timelines set out in approved overall or Component-Specific CRPs.	Revised to clarify that progressive reclamation must be approved by the Board.	Imperial Oil: A concern we have with this Condition is that it relies on the Board providing timely approval of newly proposed component-specific reclamation activities. If timely approval isn't received, Licensees may not be able to commence reclamation activities according to their schedule. It would also be helpful to clarify that this condition should not apply to component-specific reclamation that is included in an approved CRP. Component-specific reclamation within an approved CRP will already have an associated schedule and should just be subject to requirements for notification prior to commencement.	Propose that the Board provide clarification for conditions/requirements for component-specific reclamation that is part of an approved CRP.	<u>Regarding all comments on this condition:</u> The rationale has been updated to acknowledge approved timelines.
					Avalon: Given that mine profitability is highly impacted by fluctuating metals prices, and mine reclamation is often very expensive, mines want to take advantage of times when metal prices and profits are high to do costly items such as progressive reclamation. Thus windows of opportunity are often small. A one year approval period for progressive reclamation approval could result in companies missing these opportunites. Long	Given that for large project, the conceptual plans are already well knowand approved by the regulator, approval time lines for doing this work must be in the order of weeks to months. Reduce this time line or miss on progressive reclamation opportunities. This time line also conflicts with Item 7 that states reclamation must be done as soon as reasonably necessary. Unless I have missed something, a one year approval period is way too long	

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					approval time lines thus can discourage progressive reclamation that is encouraged by the Board.		
6.	The Licensee shall not conduct Progressive Reclamation except as approved by the Board.	PROGRESSIVE RECLAMATION – CARRY OUT AS APPROVED	<p>Progressive Reclamation is encouraged and supported by the Board. The intent of this condition is to ensure that Progressive Reclamation activities are approved by the Board prior to being carried out.</p> <p>For large projects, Progressive Reclamation will be approved by the Board either through the CRP, or through a Component-Specific CRP. Because the overall CRP must be revised for Board approval every three years (see CLOSURE AND RECLAMATION PLAN – REVISED), each version of the CRP must set out planned Progressive Reclamation for the upcoming three-year period. The Board’s decision letter on the CRP will then include direction on which planned Progressive Reclamation activities</p>	<p>This new condition reflects the requirement for Board approval for progressive reclamation. This condition will be included in all licences.</p> <p>The wording of this condition is broad enough to allow these activities to be approved through a CRP (overall or component-specific), municipal O&M Plans, or as otherwise approved by the Board if there is no approved CRP.</p>	<p>Imperial Oil: This Condition is redundant. It is clear that all reclamation must be approved by the Board under Part J: Conditions 1, 3, 4 and 6.</p> <p>DBCI – GK: The intent of the progressive reclamation is to reclaim the facilities or disturbed areas before the end of operations. It is beneficial to all parties and stakeholders. Currently the progressive reclamations are approved under the ICRP. It provides the proponent sufficient flexibilities to conduct progressive reclamations as the equipment is freed up. However, these additional conditions will likely discourage progressive reclamation during operations due to the additional approval requirement and extra long approval period.</p>	<p>Because all reclamation must be approved by the Board, Condition 8 should be removed.</p> <p>1) clarify which facility will require the component-specific CRP, and what details will be required, which cannot be included and approved in the ICRP. 2) assuming only specific design information is required in the component-specific CRP, should reduce the review timeline to 90 days. 3) should provide flexibility to allow progressive reclamation on majority of the facilities without extra component-specific approvals</p>	<p>Regarding all comments on this condition: This condition has been maintained for clarity. To account for variability in the nature and scale of a project and the progressive reclamation itself, there are several ways for the licensee to obtain approval for progressive reclamation, which are outlined in the rationale and supported by the other conditions in this Part of the licence. The rationale has been updated for clarity regarding approval of smaller or general progressive reclamation activities through approval of specific sections of the overall CRP. Also, please see the Reponses to Common Topics Identified During the Public Review.</p>

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			<p>will require a more detailed Component-Specific CRP for approval. This will typically include all major structures and facilities. The Board's decision letter may also include approval of individual sections of the CRP that address smaller or general progressive reclamation activities that do not require a component-specific CRP.</p> <p>For small projects, Progressive Reclamation will usually be approved either through the CRP; or, if there is no approved CRP in place, or there is no stand-alone CRP, the Licensee can request approval from the Board to carry out planned Progressive Reclamation activities.</p> <p>For municipal licences, Progressive Reclamation will be approved through Operations and Maintenance Manuals, and Component-Specific CRPs.</p>				

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7.	Beginning [enter date, including the year] and no later than every [enter date] thereafter, the Licensee shall provide written notification to the Board and an Inspector of any approved Progressive Reclamation that will be conducted in the upcoming year. A minimum of ten days prior to the commencement of any Progressive Reclamation, the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the name and contact information for the individual responsible for overseeing the Progressive Reclamation. Written notification shall be provided to the Board and an Inspector if any changes occur.	PROGRESSIVE RECLAMATION – NOTIFICATION	The intent of this notification condition is to allow the Inspector to plan a site visit if necessary. This requirement is set out in the MVLWB/AANDC Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories .	Added to reflect the Guidelines.	Imperial Oil: Notifications for Progressive Reclamation should be provided by the Licensee, and at times a 10-day written notification to the Board and an Inspector may be appropriate. However, for ongoing or annual programs, a scalable process for notification may be more efficient than providing 10 day notification for each separate progressive reclamation activity. For example, an annual notification of the progressive reclamation plan for the upcoming season could be provided.	Condition 6 could include provision for yearly notification of progressive reclamation.	Like other notification conditions, the primary intent of this condition is to keep the Inspector informed for purpose of planning site visits; however, based on follow-up discussions with the Inspectors, this particular condition has been revised to an annual notification. Note that this condition is not intended to be a requirement for a schedule that the licensee must comply with.
8.	Beginning [enter date], and no later than every [enter date] thereafter, the Licensee shall submit an Annual Closure and Reclamation Progress Report to the Board. The Report shall be in accordance with the MVLWB/AANDC Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories .	ANNUAL CLOSURE AND RECLAMATION PROGRESS REPORT		The Annual Closure and Reclamation Progress Report has been incorporated into the Annual Water Licence Report. In the past, the Annual Progress Report has been used as a means to propose changes to the CRP and the closure cost estimate. There are new conditions that require regular updates to the CRP (see CLOSURE AND RECLAMATION PLAN – REVISED) and that limit security adjustment requests to	-	-	-

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
				certain submissions (see SECURITY ADJUSTMENT REQUESTS) – changes to the CRP and the closure cost estimate should now be proposed under those conditions instead. This provides a more clear and consistent process for these changes.			
9.	Every three years following the commencement of Reclamation Research, or as directed by the Board, the Licensee shall submit to the Board, for approval, a Reclamation Research Report . The Report shall be in accordance with the requirements of Schedule X, Condition Y .	RECLAMATION RESEARCH REPORT	<p>The purpose of the Reclamation Research Report is to inform revisions to the CRP.</p> <p>While a summary of completed Reclamation Research is required as part of CRP progress reporting in the Water Licence Annual Report, detailed reclamation research results should be presented in this Reclamation Research Report, with associated analysis, interpretation, conclusions, and recommendations. Specific information requirements are set out in the Schedule.</p> <p>The intent of requiring this Report every three years is to allow the collection of adequate</p>	<p>This new condition replaces and expands upon the standard requirement for describing reclamation research results in the Annual Closure and Reclamation Progress Report/Annual Water Licence Report.</p> <p>Although most reports do not require Board approval, this Report should undergo a review and approval process, because the analysis and conclusions drawn from this Report will inform potential changes to the CRP.</p>	INAC – CARD: It is unclear what the approval of the Reclamation Research Report would mean for the licensee if they still need approval through the revised CRP. If the Board approves smaller research elements, then it could create issues if they don't complement the rest of the CRP when reviewed in its entirety.	Remove the requirement to "approve" the Reclamation Research Report - and instead approve through any changes to the CRP. (more consistent with other conditions such as Item 12)	Although reports are generally not for approval, in this case, the Report will be for Board approval because it supports potential revisions to the CRP. Although the data itself cannot be changed, data should be accurately reported; licence requirements should be met; and data interpretation and conclusions should be appropriate.
					IEMA: Condition 3 requires the Licensee to submit a revised CRP to the Board for approval every 3 years following the previous approval, while clause 11 requires the Licensee to submit a Reclamation Research Report (RRR) every 3 years following commencement of reclamation research. The CRP	-	Please see the response to comments on the CLOSURE AND RECLAMATION PLAN – REVISED condition.

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			data to support analysis and recommendations. The timing of this Report is intended to align with the required updates to the CRP (every three years); however, since Reclamation Research could be initiated prior to the Board’s approval of the CRP, the Board may need to provide direction on when this Report should be submitted.		and RRR are inextricably linked – the results of reclamation research being used to inform and guide revisions to the CRP. However, the Agency envisions the possibility where timeframes outlined in Conditions 3 and 11 become out of synchronization. Conditions 3 and 11 should be revised so that the RRR is submitted together with, or as part of, the revised CRP.		
					Imperial Oil: Setting a timeline (e.g.: every three years) may not always be appropriate or applicable. For an operation like Norman Wells, still with several years (or even decades) before end-of-field-life, there may not be a significant update to be made to the interim CRP within the given timeframe.	Recommend develop an alternative process to follow in situations where project timelines are on the order of decades versus years	Please see the Reponses to Common Topics Identified During the Public Review .
10.	Within x days of completing Closure and Reclamation of any specific component of the Project, the Licensee shall submit to the Board a Closure and Reclamation Completion Report . The Report shall be in accordance with the MVLWB/AANDC <i>Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories</i> .	CLOSURE AND RECLAMATION COMPLETION REPORT	The general purpose of a Closure and Reclamation Completion Report is to provide a description of the activities undertaken to close and reclaim the component(s), including any deviations from what was planned, and a brief description of any monitoring that is required. The Report will be compared to the approved CRP.	These Reports are not for Board approval, because they are records of what has been done. These Reports do include monitoring, maintenance, and possibly closure cost information, which generally requires Board approval; however, approval of these items should be acquired through revisions to affected plans (such as the CRP or the Post-Closure and Reclamation Monitoring and Maintenance	-	-	-

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			<p>Subsequently, the Licensee will typically need to conduct monitoring to determine whether Closure Objectives and Criteria are met. This monitoring will be described either in the CRP or in the Post-Closure and Reclamation Monitoring and Maintenance Plan, depending on the Licence requirements and Board direction. The Licensee will report on this monitoring in the Performance Assessment Report. If Closure Objectives and Criteria are not met, additional Closure and Reclamation activities may be necessary.</p> <p>For smaller projects, a single Closure and Reclamation Completion Report outlining how the site was reclaimed would be appropriate. For larger projects, where facilities or components are closed and reclaimed prior to the end of operations, a Closure and Reclamation Completion Report is expected following the</p>	<p>Plan) or the closure cost estimate.</p>			

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			Closure and Reclamation of each of the facilities/components as well as a final Closure and Reclamation Completion Report for the whole Project.				
11.	Within 90 days of completing Closure and Reclamation of the Project, or as otherwise directed by the Board, the Licensee shall submit to the Board, for approval, a Post-Closure and Reclamation Monitoring and Maintenance Plan . The Plan shall be in accordance with the requirements of Schedule X, Condition Y.	POST-CLOSURE AND RECLAMATION MONITORING AND MAINTENANCE PLAN	<p>A Post-Closure and Reclamation Monitoring and Maintenance Plan may be required by the Board as soon as the need for post-Closure and Reclamation monitoring is identified (for example, following Progressive Reclamation of the first major Project component). This Plan may need to be revised and resubmitted several times as Closure and Reclamation progresses.</p> <p>The monitoring described in this Plan should be based on the approved CRP, but more detailed information is required, and should include consideration of the completed Closure and Reclamation activities and any deviations from the approved CRP.</p>	In the past, this condition has primarily been included in remediation licences; however, it is applicable to all types of projects that include closure.	GNWT –ENR: Part J, Condition 14 states that within “days” of completing Closure and Reclamation that a Post-Closure and Reclamation Monitoring and Maintenance Plan be provided. It would seem that a more appropriate timeframe for this report would be “months” after successfully demonstrating the site is stable and meeting closure criteria as part of the Performance Assessment Report.	1) ENR recommends that the timelines and submission requirements for the Post-Closure and Reclamation Monitoring and Maintenance Plan be months (e.g. 3 months) of receiving approval from the Board that the site has been remediated as per the Performance Assessment Report.	<p>Based on the sequence of events set out in the Guidelines, the Post-Closure and Reclamation Monitoring and Maintenance Plan must be submitted prior to the Performance Assessment Report, since the Report will be reporting on the activities conducted under the Plan. There will likely be several Performance Assessment Report submissions in most cases, and the Plan will likely evolve over time until the site is determined to be stable and closure criteria are met.</p> <p>The submission timelines for the Closure and Reclamation Completion Report, the Post-Closure and Reclamation Monitoring and Maintenance Plan, and the Performance Assessment Report are all related to ‘completion of Closure and Reclamation.’ The intent is to require these submissions in sequence after the completion of the physical closure activities have taken place, but prior to any actual evaluation of whether the site is closed.</p>

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
12.	Within x days months of completing Closure and Reclamation of any specific component of the Project, the Licensee shall submit to the Board for approval, a Performance Assessment Report . The Report shall be in accordance with the MVLWB/AANDC <i>Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories</i> . The Licensee shall submit subsequent Reports as directed by the Board.	PERFORMANCE ASSESSMENT REPORT – COMPONENT-SPECIFIC	<p>The general purpose of the Performance Assessment Report is to provide a detailed comparison of conditions at the site against the approved Closure Objectives and Closure Criteria.</p> <p>A Performance Assessment Report should be prepared after the associated Closure and Reclamation Completion Report has been submitted, and after a time period needed to assess the performance of Closure and Reclamation. The Performance Assessment Report should reflect the results of monitoring carried out under the approved CRP or Post-Closure and Reclamation Monitoring and Maintenance Plan, as the case may be.</p> <p>Subsequent Performance Assessment Reports may be required by the Board when longer-term Closure Objectives are in place.</p>	Performance Assessment Reports should be for Board approval, which is consistent with licences recently issued by the Boards. Additionally, relinquishment is dependent on demonstration that closure objectives and criteria have been met, which will primarily be achieved through these Reports. Accordingly, these Reports should undergo the standard approval process, which will entail a formal public review that landowners can participate in.	GNWT – ENR: Part J, Condition 13 states that within “days” of completing Closure and Reclamation that a Performance Assessment Report be provided. It would seem that a more appropriate timeframe for this report would be “months” after completing reclamation.	1) ENR recommends that the timelines and submission requirements for the Performance Assessment Report be months (4-6months) after remediation is complete.	This condition has been revised as recommended; however, the timeline in each licence will be determined on a case-by-case basis based on the evidence gathered during the regulatory process.
					GNWT -ENR: -	2) ENR recommends that another Condition be added after Condition 13 that states that additional Performance Assessment Reports are required until such time closure criteria are met and the component/site conditions are stable.	
					Imperial Oil: It is understood that Performance Assessment Reports will chronologically follow the submission of the Closure and Reclamation Completion Report, outlined in Section 12. As the Closure and Reclamation Completion Report does not require Board approval, it is intended to be a record of what has been completed. It is further understood that it is the approval of a satisfactory Performance Assessment	Recommend including wording in the Conditions that indicate what the outcome will be upon approval of the Performance Assessment Report. A clear and predictable certification process to acknowledge and formalize the acceptance of site closure, the conclusion of remediation and reclamation work and final relinquishment is required within the Conditions.	Please see the Reponses to Common Topics Identified During the Public Review .

	Condition	Condition Title	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			Any monitoring or maintenance recommendations presented in this Report are not approved through this Report; however, this Report can be used to support revisions to affected monitoring or management plans (e.g., the Post-Closure and Reclamation Monitoring and Maintenance Plan), or requests to adjust security.		Report triggers relinquishment and adjustments to security. However, while reference is made in the notes for this Condition, that relinquishment is dependent on approval of the Performance Assessment Report, there is no clear reference to relinquishment or issuance of certification of closure within the Conditions.		

Schedule B: Annual Water Licence Report

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
1.	The Annual Water Licence Report referred to in Part B, Condition X of this Licence shall include, but not be limited to, the following information about activities conducted during the previous calendar year:	<p>This condition sets out the information requirements for the Annual Water Licence Report. The list of information requirements will be customized to reflect the Licence conditions; it may not include all of these items, and/or may include additional, project-specific items that are not in this list.</p> <p>For the purpose of clarity and continuity of the public record for a project, annual reporting is still required for seasonal or temporary shut-down periods. The Licensee should explain that no work was done during specific time periods or for the full year. If volume reporting is required (e.g., monthly or annual water use or waste deposit volumes) the Licensee should enter zero where appropriate.</p>	<p>The timeframe for the Report (the previous calendar year) has been removed from individual items in the list and included in the introductory line in order to reduce repetition.</p> <p>Information requirements for all plans have been revised for consistency across plans.</p> <p>Forward-looking information requirements have been removed to prevent inconsistencies or conflicts with approved plans. Proposed changes should be identified through submissions of revised management plans prior to implementing the changes. Licensees should note that Inspectors may request forward-looking information for planning purposes.</p>	<p>KBL: There is a requirement to provide the same information multiple times in various sections of the report (i.e. 1.j)) asks for the same information that would be provided throughout the different sections (i.e. .t)). Another example is Condition 1.t) vi asks for the same information as 1.w), and Condition 1.j)iv. and condition 1.x)</p>	<p>To avoid confusion and duplicate information in the annual report only require the information in one section of the report.</p>	<p>Condition 1(j) is a general outline that can be used as the basis for any management plan. There are more specific outlines provided for common plan types, but there is no intention to also apply (j) to these plans.</p> <p>An internal note has been added for Board staff to ensure that reporting on inspections is not duplicated in this Schedule.</p>
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 x of this Licence;		This requirement will reference the condition MEASURE WATER USE AND WASTE DISCHARGED in Part B.	-	-	-
d)	A summary of the calibration and status of the meters and devices referred to in Part B, Condition x of this Licence;			-	-	-
e)	A summary of engagement activities conducted in accordance with the approved Engagement Plan , referred to in Part B, Condition x of this Licence, with a			-	-	-

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	brief description of activities planned for the forthcoming year;					
f)	A summary of how Traditional Knowledge influenced was incorporated into decision making;		<p>This is also a general requirement for all submissions (Part B: INCORPORATE TRADITIONAL KNOWLEDGE), but is reiterated here as a requirement for an overall summary.</p> <p>Generally, this will not be required for municipal licences unless project-specific concerns are identified during the licensing process.</p>	-	-	Revised for consistency with language in related general conditions in Part B.
g)	A summary of Construction activities conducted in accordance with Part E of this Licence;			-	-	-
h)	A summary of Modification activities conducted in accordance with Part F of this Licence;		Removal of this requirement reflects removal of Part F: Modifications.	-	-	-
i)	A summary of major maintenance activities conducted in accordance with this Licence;			-	-	-
j)	<p>A summary of activities conducted in accordance with the approved [enter name of management plan], referred to in Part G, Condition x of this Licence, including:</p> <p>i. A summary of approved updates or changes to the process or facilities required for the management of [enter the overarching type of material the plan covers - Water, Waste, or other materials];</p> <p>ii. Monthly and annual quantities/volumes by location of</p>		<p>This list will form the basic standard information requirements in this Report for each plan required under a licence, but the list will be customized to reflect each plan. More specific lists for common plans are set out below.</p> <p>'Approved' has been added in order to ensure that this Report is not used a vehicle for proposing future changes or updates to plans. This is consistent the removal of forward-looking information from the Report.</p>	<p>Imperial Oil: Including summaries of annual reports associated with approved management plans in the Annual Water Licence Report is problematic. Currently annual reports required under approved management plans require Board approval. With the condition of Board approval for each required annual report, a proper summary of the annual reports could not be completed until the Board(s)</p>	<p>Recommend removing the requirement for Board approval of Annual Reports for Board approved management plans.</p> <p>If annual reports do not require Board approval then including the summaries in the Annual Water Licence Report is feasible.</p> <p>This comment applies for conditions j) to z)</p>	The Annual Water Licence Report encompasses all management plans required in a licence. There are no individual annual reports for management plans. There is an AEMP Annual Report requirement (if applicable), but this is not duplicated in the Annual Water Licence Report.

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<div><div>[enter: Water, Waste, or other materials]</div><div>managed under the plan;</div><div>iii. A summary and interpretation of any monitoring results; and</div><div>iv. A list of any Action Level exceedances; and</div><div>v. A description of actions taken in response to any Action level exceedances.</div></div>			have approved all of the annual reports. This will not work with the current schedule for submission of annual reports as per the proposed licence conditions.		
k)	<div>A summary of activities conducted in accordance with the approved Water and Wastewater Management Plan, referred to in Part G, Condition x of this Licence, including:<div><div>i. A summary of approved updates or changes to the process or facilities required for the management of Water and Wastewater;</div><div>ii. Monthly and annual quantities, in cubic metres, of Water obtained from each approved source;</div><div>iii. Monthly and annual quantities, in cubic metres, of recycled Water, identifying both the source and use;</div><div>iv. Monthly and annual quantities of Water, in cubic metres, used for dust control;</div><div>v. Monthly and annual quantities, in cubic metres, of [enter: Wastewater/treated Wastewater/treated Sewage/Minewater] from the [enter facility name, such as Sewage Disposal Facilities, Waste Rock Storage Facilities, Tailings</div></div></div>		Information requirements in this list will be included as appropriate for the project and the requirements of the management plan.	INAC –CARD: The condition requires monthly and annual estimates and measurements. What is the purpose of requiring estimates if a measurement is also required?	Replace "estimates and measurements" with "estimates and/or measurements".	In some cases, there may be one or the other, or both. The condition has been revised as recommended.
				INAC – CARD: Runoff cannot be effectively measured. How is runoff defined and expected to be calculated/estimated?	Evaluate if runoff requirement is truly required. If required, then please clarify what is expected for runoff reporting	This inclusion of this requirement will be determined on a case-by-case basis and will depend on the monitoring details set out in the approved Water and Wastewater Management Plan for a project.
				Avalon: Conditions do not deal with operations that operate or discharge only a few months of the year.	Modify the conditions to reflect the reporting requirements of part time operations	This Schedule does not need to be modified to address seasonal operations or temporary shutdowns. Reporting is still required for these periods. The licensee must report that no work was done during specific time periods, or for the full year, and should report volumes as zero where appropriate. The rationale has been updated with this information, and it will also be added to the MVLWB <i>Guide to the Water Licensing Process</i> .

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<p>Containment Facilities, open pit, underground mine];</p> <p>vi. Monthly and annual quantities, in cubic metres, of all Discharges, identified by Discharge location;</p> <p>vii. Monthly elevations, in metres, of Water in the [enter facilities and/or waterbodies];</p> <p>viii. Monthly and annual flow volume, in cubic metres, at [enter location or SNP station];</p> <p>ix. Monthly and annual estimates and/or measurements of precipitation and Runoff;</p> <p>x. A comparison of Water and Wastewater quantities measured in the year to the Water balances predicted for that year in the approved Plan, and an explanation of any significant differences between predictions and actual measurements;</p> <p>xi. An updated Water balance if required as per the approved Plan;</p> <p>xii. A summary and interpretation of monitoring results, including any Action Level exceedances; and</p> <p>xiii. A description of actions taken in response to any Action Level exceedances.</p>					
	<p>l) <u>Option 1:</u> A summary of activities conducted in accordance with the approved Waste Management Plan, referred to in Part G, Condition x of this Licence, including:</p> <p>i. A summary of approved updates or changes to the process or</p>		<p><u>Option 1:</u> will be used in most cases.</p> <p><u>Option 2:</u> will be used for simple Waste Management Plans or if no Plan is required (i.e., small operations or community municipal licences, respectively).</p>	<p>SLEMA: Monthly and annual quantities, in cubic metres, of Sewage solids removed from the..... . Waste from an activated sludge sewage treatment plant requires to be removed in two steps, in step one solids from the sewage are</p>	<p>Recomneds: v. Monthly and annual quantities, in cubic metres, of Sewage solids and semisolids (sludge) removed from the.....</p>	<p>This condition has been revised to provide generic bullet points for solid and liquid waste. A separate bullet point will be included for each waste type identified in the approved Waste Management Plan for a project. All types of waste and associated disposal methods and locations must be included</p>

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<p>facilities required for the management of Waste;</p> <p>ii. Monthly and annual quantities, in cubic metres, of [enter specific solid Waste type] discharged, by location;</p> <p>iii. Monthly and annual quantities of [enter specific liquid Waste type] discharged, by location;</p> <p>iv. Monthly and annual quantities, in cubic metres, of [Sewage solids and/or sludge] removed from the [enter facility name], identified by disposal location;</p> <p>v. Monthly elevations in metres of the [enter facility name]; and</p> <p>vi. A map depicting the location of the Sumps.</p> <p>OR</p> <p><u>Option 2:</u> The monthly and annual quantities, in cubic metres, of each and all Waste Discharges, and deposits to Waste Disposal Facilities, identified by location;</p>			<p>removed, in step two sludge from the sewage treatment is removed. The condition as it is written does not include sludge.</p> <p>SLEMA: Reject from water treatment (filters, filter cake and or RO reject) are sometimes overlooked and they may have a significant impact on the environment if not properly disposed. Especially, the RO reject disposition, volume and chemical composition is important because it may ended up being a hazard to the environment. Recommends to include an item related to the water treatment plant(s) reject</p>	<p>viii) Monthly and annual quantities, in cubic metres of reject (s), including final disposition details, from the water treatment plant, as well as brine analysis if RO is used</p>	<p>in the Waste Management Plan (and any associated plans for specific waste types, if applicable) for review and Board approval, which will ensure that all waste types will be included in this Report.</p>
m	Monthly and annual quantities in cubic metres of all Sewage and solid Waste deposited into the Waste Disposal Facilities by commercial and industrial operators working outside the municipal boundaries of the [enter community name];		Municipal licences only.	-	-	-
n)	Monthly and annual quantities in cubic metres of Waste removed from the [insert facility name], identified by disposal location;		Municipal licences only.	-	-	-

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
			Waste removed can include materials from the landfill that are shipped to another disposal facility.			
o)	A summary of sludge management activities, including results of depth and volume measurements, sludge removal and treatment;		Municipal licences only.	-	-	-
p)	A summary of activities undertaken to install and maintain fencing at the Waste Disposal Facilities;		Municipal licences only.	-	-	-
q)	<p>A summary of activities conducted in accordance with the approved [enter plan name: Tailings or Processed Kimberlite Management Plan], referred to in Part G, Condition x of this Licence, including:</p> <ul style="list-style-type: none">i. A summary of approved updates or changes to the process or facilities required for the management of [enter: Tailings or Processed Kimberlite];ii. Monthly and annual quantities, in cubic metres and tonnes, of [enter Waste type, such as Tailings, Processed Kimberlite, slurry] placed in [enter facility name];iii. The [enter size/height/depth/area] of the [enter facility name];iv. A summary and interpretation of monitoring results, including any Action Level exceedances; andv. A description of actions taken in response to any Action Level exceedances.		Information requirements in this list will be included as appropriate for the project and the requirements of the management plan.	Avalon: References Tailing or Processed Kimberlite, slurry	Present Avalon project plan improvements produces none of these, so this does not apply....probably a good thing.	As noted, information requirements will be included as appropriate for the project and the applicable management plan.

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
r)	<p>A summary of activities conducted in accordance with the approved Waste Rock Management Plan, referred to in Part G, Condition x of this Licence, including:</p> <ul style="list-style-type: none">i. A summary of approved updates or changes to the process or facilities required for the management of Waste Rock;ii. Monthly and annual quantities, in cubic metres and tonnes, of each type of Waste Rock placed in [enter facility name or construction use location], including a map or diagram of the locations and types of Waste Rock deposited;iii. The [enter size/height/depth/area] of the [enter facility name];iv. A summary and interpretation of monitoring results, including any Action Level exceedances; andv. A description of actions taken in response to any Action Level exceedances.		<p>Information requirements in this list will be included as appropriate for the project and the requirements of the management plan.</p>	<p>IEMA: For mining projects having a Waste Rock Management Plan (WRMP) that outlines a blending strategy for mixing or layering acid-producing and acid-neutralizing rock, the Plan should explain in detail how waste rock deposition will be managed to maintain the desired Neutralization Potential/Acid Production Potential (NP/AP) ratio that would prevent acid rock drainage.</p>	<p>Recommendation 11: The Agency recommends that the DSWLC explain in detail how waste rock deposition will be managed to maintain the desired NP/AP ratio preventing acid rock drainage and establish a defined frequency of sampling.</p>	<p>This recommendation will be considered during the development of the Schedules for common management plans, which will be completed at a later date.</p>
s)	<p>A summary of activities conducted in accordance with the approved Geochemical Characterization and Management Plan, referred to in Part G, Condition X, including:</p> <ul style="list-style-type: none">i. A summary of approved updates or changes to the processes for characterizing and managing [enter Acid Rock Drainage and/or Metal Leaching];ii. A comparison of the annual quantities of each type of Waste		<p>Projects with ARD/metal leaching potential only.</p> <p>Item (s)(iv)(d) has been removed, because the QA/QC procedures should be described and approved in the Plan itself and do not need to be reiterated here.</p> <p>Item (s)(ix) has been removed, because geochemical inspection reports must be submitted separately</p>	-	-	<p>Action level language revised for consistency.</p>

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<div>Rock generated to the quantities predicted in the approved Geochemical Characterization and Management Plan;</div> <div>iii. A summary and interpretation of results from the geochemical monitoring performed under the approved Geochemical Characterization and Management Plan;</div> <div>iv. A summary and interpretation of results from seepage monitoring performed under the approved Geochemical Characterization and Management Plan, including:<div>a. a site map with Seepage locations;</div><div>b. comparisons to reference locations;</div><div>c. an analysis of major trends over the year and since Project inception;</div><div>d. the quality assurance and quality control procedures used; and</div><div>e. a summary of recommendations for future Seepage monitoring and/or management actions;</div></div> <div>v. A summary of results from investigations or activities related to field test cells;</div> <div>vi. A summary and interpretation of Water quality monitoring results for each of the main source areas [enter list of potential ARD sources used in predictions] and</div>		<div>under Part G and will be available on the public registry.</div>			

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<p>how these compare to predicted values;</p> <p>vii. A summary of any Action Level exceedances of the Action Levels described in the Geochemical Characterization and Management Plan; and</p> <p>viii. A description of actions taken in response to any Action Level exceedances under the Geochemical Characterization and Management Plan.</p> <p>ix. Any geochemical inspection reports from the preceding year, as appendices.</p>					
t)	<p>A summary of activities conducted in accordance with the approved Hydrocarbon-Contaminated Soil Treatment Facility [enter: Management or Operations and Maintenance] Plan, referred to in Part G, Condition x of this Licence, including:</p> <p>i. A summary of approved updates or changes to the process or facilities required for the management of hydrocarbon-contaminated soil;</p> <p>ii. Monthly and annual quantities, in cubic metres, of all Effluent discharged from the Facility, and a description of how this material was managed;</p> <p>iii. Monthly and annual quantities, in cubic metres, of contaminated materials including soil, rock, water, snow, and ice placed in the Facility;</p> <p>OR</p>		<p>Usually only used for remediation projects or commercial soil treatment facilities. If a soil treatment facility is used in other types of projects, it may be included in a Waste Management Plan.</p> <p>Part of Condition (t)(ii) has been removed, because the description of how effluent is managed should be described and approved through the Plan itself.</p> <p>In Condition (t)(iii), the first option is for a project-specific soil treatment facility, and the second option is for a commercial facility.</p> <p>Condition (t)(iv-vi) are for commercial soil treatment facilities.</p>	-	-	-

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<p>A summary of contaminated materials accepted into the Facility, including:</p> <ul style="list-style-type: none">a. soil, rock, snow, ice, and water;b. Sources of materials;c. Volume and type of material accepted from each source;d. Analytical results for each type of material from each source; <p>iv. A summary of treated soil removed from the Facility, including:</p> <ul style="list-style-type: none">a. Volume of soil;b. Analytical results, including soil chemistry and soil particle size;c. The locations and land use activity of the receiving sites; <p>v. A summary of how the contaminated soil was managed during the previous calendar year, including relevant operational details and methods and dates of soil tilling; and</p> <p>vi. Record of inspections of the Hydrocarbon-Contaminated Soil Treatment Facility.</p>					
u)	<p><u>Option 1:</u> A summary of activities conducted in accordance with the approved Erosion and Sedimentation Management Plan, referred to in Part G, Condition X of this Licence, including:</p>		<p><u>Option 1:</u> will be used if an Erosion and Sediment Management Plan is required.</p> <p><u>Option 2:</u> if no Plan is required, the two conditions in the second option will be used (e.g., small operations).</p>	-	-	-

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<div><div><div>i. A summary of approved updates or changes to the process or facilities required for the management of erosion and sedimentation;</div><div>ii. A description of any erosion susceptible areas encountered;</div><div>iii. A summary of activities undertaken to prevent or mitigate erosion;</div><div>iv. A report of the performance of mitigations applied to each area;</div><div>v. A summary and interpretation of monitoring results, including any Action Level exceedances; and</div><div>vi. A description of actions taken in response to any Action Level exceedances.</div></div><div>OR</div><div><div>Option 2:</div><div>A description of any erosion susceptible areas encountered and a summary of activities to prevent or mitigate erosion;</div><div>A report of the performance of erosion mitigations applied in previous years;</div></div></div>					
v)	A summary of approved revisions to the [enter: list plans] during the year being reported;		Removed, since this requirement is covered under information requirements for each individual plan.	-	-	-
w)	<div>A summary of the results and any actions taken as a result of the following inspections:<div><div>i. Inspections conducted to fulfill Part X of this Licence;</div><div>ii. Inspections conducted under the [enter plan or manual name],</div></div></div>		<div>A summary is required rather than results, because the full results should be submitted in inspection reports as required by separate licence conditions.</div> <div>The list will be customized to reflect the types of inspections that should be</div>	-	-	-

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<p>required under Part X of this Licence; and</p> <p>iii. Dam Safety Reviews conducted as required in Part X of this Licence;</p> <p>The results of inspections conducted as required in Part X;</p>		summarized, which may be important for larger licences with many types of inspections.			
x)	A summary of monitoring results and any Action Level exceedances as per the approved [enter name of monitoring plan], required in Part X, Condition y of this Licence;		Does not include AEMP, since there is a separate AEMP Annual Report.	-	-	-
y)	<p>A summary of activities conducted in accordance with the approved Spill Contingency Plan, referred to in Part I, Condition x of this Licence, including:</p> <p>i. A list and description for all Unauthorized Discharges, including the date, NWT spill number, volume, location, summary of the circumstances and follow-up actions taken, and status (i.e. open or closed), in accordance with the reporting requirements in Part I, Condition x of this Licence; and</p> <p>ii. An outline of any spill training and communications exercises carried out.</p>		Communications exercises have been removed, because they are not described in INAC's Guidelines, and it is not clear what is expected.	-	-	-
z)	<p><u>Option 1:</u></p> <p>A summary of any Closure and Reclamation work completed. during the year and an outline of any work anticipated for the next year;</p>		The first option will be used when there is no CRP or Remedial Action Plan required (i.e., small projects), and the second option will be used when a CRP and/or Remedial Action Plan is required.	Imperial Oil: Condition 1 z) appears to replace the Annual Closure and Reclamation Plan Progress Reports.	Clarify if Schedule B, Condition 1 z) is intended to replace the Annual Closure and Reclamation Plan Progress Reports.	As noted, this condition replaces the Annual Closure and Reclamation Progress Reports.

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<p>OR</p> <p><u>Option 2:</u> A summary of activities conducted in accordance with the [enter: Remedial Action Plan or Closure and Reclamation Plan], referred to required in Part J, Condition x of this Licence, including:</p> <ul style="list-style-type: none">i. Details of any Remediation/Progressive Reclamation undertaken;ii. A discussion on whether planning and implementation remains on schedule, and a summary of any new scheduling setbacks;iii. A summary of Reclamation Research completed;iv. A summary of engagement conducted regarding Closure and Reclamation;v. A list of any factors that would increase or decrease the Closure Cost Estimate the next time the Estimate is updated; andvi. [enter a list of any specific information required]; andvii. An outline of anticipated activities for the next year;		<p>The Annual CRP Progress Report will no longer be a separate requirement, so the information requirements are now included here. Some of the Annual CRP Progress Report information requirements set out in the Guidelines are not included here, or are only partially included, because they are forward-looking or are captured under other new/revised requirements above.</p>	<p>ECCC: ECCC notes that the term Remedial Action Plan is used for the first time here and hasn't been defined or referenced.</p>	<p>N/A - comment provided for the MVLWB's benefit.</p>	<p>The RAP has been removed from this condition, since it is not equivalent to the CRP. The RAP is not a LWB requirement, but is equivalent to a project description in the LWB process, so reporting on the activities described in the RAP should be through the summary of project activities (Condition 1(a) in this Schedule) and other reporting requirements in this Condition. Also see responses to comments in Part J: Closure and Reclamation for more information about the CRP and the RAP.</p>
aa	<p><u>Option 1:</u> Tabular summaries of all data and information generated under the SNP annexed to this Licence and graphical summaries of parameters with EQC referred to in Part G, Condition x, at the points of compliance (SNP Stations XXX), in Excel format. or an electronic and printed format acceptable to the Board.</p>		<p>The first option will be used when there are EQC set out in the licence; the second option will be used when there are no EQC.</p> <p>The explicit requirement for raw data has been removed, because it is now required with all data submissions in</p>	-	-	

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<p>The Licensee shall provide raw data in electronic form to the Board upon request;</p> <p>OR</p> <p><u>Option 2:</u> Tabular summaries of all data and information generated under the SNP annexed to this Licence, in Excel format. or an electronic and printed format acceptable to the Board. The Licensee shall provide raw data in electronic form to the Board upon request;</p>		accordance with the MVLWB <i>Document Submission Standards</i> .			
bb	<p>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;</p>		This links back to the new general condition in Part B (NOTIFICATION – NON-COMPLIANCE), requiring notification of non-compliance. The intent is to assist staff and the Inspector in assessing compliance.	-	-	-
cc	<p>A summary of actions taken to address concerns, non-conformances, or deficiencies in any reports filed by an Inspector;</p>			-	-	-
dc	<p>A progress report on any studies or plans requested by the Board and undertaken during the previous calendar year, and a brief description of any future studies planned by the Licensee;</p>		This item is not necessary. If an additional study or plan is requested by the Board (outside of special studies associated with a management or monitoring plan), it should be captured through a licence update or amendment, and should be added as line item in the Annual Report schedule at that time. Any other scenarios can be captured under the 'any other information' item below (Condition (gg)).	-	-	-

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
ee	A list of submissions made to the Board;		This item is unnecessary. Reviewers can sign up for notifications on the ORS, and quarterly notifications of submissions for each licence are also sent out, which will allow staff and reviewers to confirm that all requirements are being met.	-	-	-
ff)	A table detailing all commitments related to Water use and the deposit of Waste made during the [enter as appropriate: Environmental Assessment/Environmental Impact Review], with descriptions of how each commitment is being or has been met; and			-	-	-
gg	Any other details requested by the Board by [enter date] of the year being reported.			-	-	-

Schedule H: Conditions Applying to Aquatic Effects Monitoring Program

Due to the development of the MVLWB/GNWT *Guidelines for Aquatic Effects Monitoring Programs*, most of the previous schedule conditions for this Part of the licence are no longer required. A schedule condition for the AEMP Annual Report has been maintained, because there are a number of information items for this Report that are not explicitly set out in the Guidelines. For some projects, other schedule conditions may be added to reflect project-specific information requirements for any submissions required under Part H.

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
1.	The AEMP Annual Report referred to in Part H, condition X of this Licence shall include, but not be limited to, the following:	This condition details the information, analysis, and evaluation that must be presented in an AEMP Annual Report. Further information is available in the MVLWB/GNWT Guidelines for Aquatic Effects Monitoring Programs . If changes to the AEMP Design Plan are recommended as part of this Report, they should not be implemented until they are incorporated into the Design Plan as directed and approved by the Board.		Imperial Oil: The value of separating these out in a stand alone schedule is not clear as they could easily be combined under Part H: Aquatic Effects Monitoring, Condition 6.	Recommend combining the contents of Schedule H under Part H, Aquatic Effects Monitoring, Condition 6.	Detailed Schedules are typically developed where there are more specific requirements related to a condition. The inclusion of this Schedule is consistent with the use of Schedules throughout the Standard Conditions.
a)	A plain language summary and interpretation of the major results obtained in the preceding calendar year;			GRRB: Schedule H: Conditions applying to AEMP, 2.a) and Schedule J: Conditions applying to closure and reclamation, 3. a) We are fully supportive of making plain-language summary and interpretations more available, to facilitate RRC participation in review and reporting processes.	-	-
b)	A summary of activities conducted under the AEMP;			-	-	-
c)	A summary of any spills, activities, or other considerations within the report time frame that could influence the results of the AEMP; An update of the Project development activities and any accidents, malfunctions, or spills within the report time frame that could influence the results of the AEMP;		This condition was revised to use common licence language and to capture any potential influences outside of the project (e.g. weather events or other projects). This information requirement is not specified in the Guidelines.	-	-	-

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
d)	Tabular summaries of all data and information generated under the AEMP, in Excel format in an electronic and printed format acceptable to the Board;		Updated to specify preferred format, which is not set out the Guidelines.	ECCC: ECCC notes that the preference for tabular summaries of data and information generated under the Aquatic Effects Monitoring Program (AEMP) would be pdf in addition to Excel (pdfs tend to be on one page and are easier to review).	N/A - comment provided for the MVLWB's benefit.	This clarification is not necessary. The intent of this condition is to ensure that the data is provided in Excel format for reviewers that want to analyze the data. The Excel tables can be converted to pdf if necessary.
e)	Raw data in Excel format;		This condition is no longer needed. Raw data is now required with all data submissions in accordance with the MVLWB <i>Document Submission Standards</i> .	-	-	-
f)	An interpretation of the results, including an evaluation of any identified environmental effects that occurred as a result of the Project;			-	-	-
g)	A comparison of predicted mixing and dilution of Effluent in [enter name of Watercourse] in comparison to monitoring data;		This information requirement is not specified in the Guidelines.	-	-	-
h)	An analysis that integrates the results of individual monitoring components collected in a calendar year and describes the ecological significance of the results;		The integration component of this information requirement is not covered in the Guidelines.	-	-	-
i)	A comparison of monitoring results to Action Levels as defined in the approved AEMP Design Plan ;			-	-	-
j)	An evaluation of the overall effectiveness of the AEMP to date;		This assessment has been moved to the AEMP Re-evaluation Report.	-	-	-

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
k)	For any low Action Level exceedances, a summary of the nature and extent of the exceedance, as well as a description of actions taken in response to the exceedance;		Added to reflect the new Guidelines.	Dominion: These items are not appropriate to the AEMP but should be clearly specific to the Response Plans, which are part of the Aquatic Response Framework.	Remove this text from the WL Conditions or provide more clarity around the Aquatic Response Framework in relation to the AEMP.	The response framework is a component of the AEMP Design Plan, so it is appropriate to include reporting on action levels in the AEMP Annual Report.
l)	An evaluation of any adaptive management response actions implemented;		This information requirement is not specified in the Guidelines and has not commonly been required in the past; however, this evaluation would be useful for all projects.	Dominion: These items are not appropriate to the AEMP but should be clearly specific to the Response Plans, which are part of the Aquatic Response Framework.	Remove this text from the WL Conditions or provide more clarity around the Aquatic Response Framework in relation to the AEMP.	The response framework is a component of the AEMP Design Plan, so it is appropriate to include reporting on action levels in the AEMP Annual Report.
m)	Recommendations, with rationale, for changes to any aspect of the AEMP Design Plan ; and		This condition has been maintained, though proposed changes to the Design Plan itself are not actually approved through this Report. This Report contains the evaluation and supporting data to present the recommendations, so it is appropriate to include them here. The Guidelines are clear on how changes to the Design Plan are approved, and decision letters for this Report will be clear on how and when the recommendations should be incorporated into a revised Design Plan and implemented.	-	-	-
n)	Any other information specified in the approved AEMP Design Plan .			-	-	-

Schedule J: Conditions Applying to Closure and Reclamation

This Schedule was drafted based on the information requirements set out in the MVLWB/AANDC *Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories*, and information requirements set out in the most recently-issued licences. Note that not all licences will include these Schedule items.

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comment	Reviewer Recommendation	Responses to Recommendations
1.	The Closure and Reclamation Plan referred to in Part J, Condition x of this Licence shall include, but not be limited to the following information:	This condition details the information requirements for Closure and Reclamation Plans for small projects. For consistency across all projects, the information requirements are summarized from the MVLWB/AANDC Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories ; however, the list may be refined to reflect the size and nature of the project, and information gathered during the regulatory process.	This condition will only be used for small projects (excluding municipal licences), where the Board's Guidelines are too complex and detailed, and where the definition for the CRP does not reference the Guidelines.	-	-	-
a)	A plain language summary of the Plan;			GRRB: Schedule H: Conditions applying to AEMP, 2.a) and Schedule J: Conditions applying to closure and reclamation, 3. a) We are fully supportive of making plain-language summary and interpretations more available, to facilitate RRC participation in review and reporting processes.	-	-
b)	A description of the overall goals for Closure and Reclamation of the Project, including expected future land use;			-	-	-
c)	A description of the Closure and Reclamation planning team;			-	-	-
d)	A description of engagement related to Closure and Reclamation planning, including a summary of completed and planned engagement, and links to the			-	-	-

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comment	Reviewer Recommendation	Responses to Recommendations
	Engagement Plan referred to in Part B, Condition x for the Project;					
e)	A list of any other regulatory-instruments authorizations required for Closure and Reclamation of the Project;			-	-	-
f)	A description of the pre-existing and current Project environment, including, but not limited to: i. climatic conditions; ii. physical conditions; iii. chemical conditions; iv. biological conditions; v. any physical or chemical assessments of soil, water, and permafrost; and vi. traditional uses.			-	-	-
g)	A description of the Project, including, but not limited to: i. site history; ii. Project development; iii. current status of the Project; iv. maps delineating all disturbed areas, borrow material locations, site facilities, hydrological features, and elevation contours; and v. photographs.			-	-	-
h)	A description of each Project component, including, but not limited to: i. [enter list of components]; ii. areas affected by spills or Unauthorized Discharges; and iii. other areas affected by Project activities.			-	-	-

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comment	Reviewer Recommendation	Responses to Recommendations
i)	<p><u>Option 1:</u> For each Project component identified in condition (h) above, a description of Closure and Reclamation plans, including, but not limited to:</p> <ul style="list-style-type: none">i. Closure Objectives and Criteria;ii. preferred Closure and Reclamation option and method;iii. design drawings, signed and stamped by a Professional Engineer, for any Engineered Structures;iv. Water management and restoration of natural drainage;v. predicted environmental effects during and after Closure and Reclamation activities;vi. post-closure monitoring, maintenance, and reporting;vii. uncertainties and contingencies;viii. climate change considerations; andix. Closure and Reclamation Research plans <p>OR</p> <p><u>Option 2:</u> For the Project site, a description of Closure and Reclamation plans, including, but not limited to:</p> <ul style="list-style-type: none">i. Closure Objectives and Criteria;ii. preferred Closure and Reclamation option and method for each Project component identified in condition (h) above;iii. design drawings, signed and stamped by a Professional		<p>The first option will be used when the project components have different closure objectives and criteria; the second option will be used when the same closure objectives and criteria can be applied to the whole site.</p>	-	-	-

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comment	Reviewer Recommendation	Responses to Recommendations
	Engineer, for any Engineered structures; iv. Water management and restoration of natural drainage; v. predicted environmental effects during and after Closure and Reclamation activities; vi. post-closure monitoring, maintenance, and reporting; vii. uncertainties and contingencies; viii. climate change considerations; and ix. Closure and Reclamation Research plans.					
j)	A description of any planned Progressive Reclamation;			-	-	-
k)	A plan for Temporary Closure, including, but not limited to the following information: i. Temporary Closure goals and objectives; ii. a description of activities and methods; iii. a description of monitoring, maintenance, and reporting; iv. contingencies; and v. an implementation schedule.		This condition includes an implementation schedule, rather than a schedule for the entirety of a temporary closure, since the closure might be unanticipated, and the timeline might be unknown. It would be most important for the Board to know in advance how long it would take to implement the proposed closure activities. For oil and gas, this would include suspensions of activities.	-	-	-
l)	An implementation schedule that includes Progressive Reclamation and final Closure and Reclamation activities; and			-	-	-
m)	A Closure Cost Estimate.			-	-	-

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
2.	<p><u>Option 1:</u> The Component-Specific Closure and Reclamation Plan referred to in Part J, Condition x shall include, but not be limited to, the applicable contents of Tables 8.1 and 8.2 of Environment and Climate Change Canada's <i>Solid Waste Management for Northern and Remote Communities: Planning and Technical Guidance Document</i>.</p> <p>OR</p> <p><u>Option 2:</u> The Component-Specific Closure and Reclamation Plan referred to in Part J, Condition x of this Licence shall include, but not be limited to, the following information:</p>	<p>This condition details the information requirements for Component-Specific Closure and Reclamation Plans. The information requirements are consistent with the MVLWB/AANDC Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories.</p> <p>Component-Specific Closure and Reclamation Plans must be focused on the information relevant to the component being closed, but must also be consistent with the overall Closure and Reclamation Plan for the site.</p>	<p><u>Option 1:</u> will be used for municipal licences.</p> <p><u>Option 2:</u> will be used for other licences where component-specific CRPs are required. The information requirements in this condition are consistent with the general requirements for a CRP, but the Guidelines do not set out specific information requirements for component-specific CRPs.</p>	<p>Imperial Oil: It is understood that the detail in this section related to the component-specific Closure and Reclamation Plan refers to the submission described in Part J, Section 3 (with a three-year reporting requirement), not the Annual Reporting Requirements described in Schedule B, Part z.</p>	<p>Please provide confirmation.</p>	<p>Correct.</p>
a)	A plain language summary of the Plan;			-	-	-
b)	A description of the overall goals for closure and Reclamation of the Project, including expected future land use;			-	-	-
c)	A description of engagement related to Closure and Reclamation planning for the Project component, including a summary of completed and planned engagement, and links to the Engagement Plan referred to in Part B, Condition x for the Project;			-	-	-
d)	A description of the pre-existing and current Project environment as it relates to the Project component, including, but not limited to: i. climatic conditions; ii. physical conditions;			-	-	-

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	<div>iii. chemical conditions;</div> <div>iv. biological conditions;</div> <div>v. any physical or chemical assessments of soil, water, and permafrost; and</div> <div>vi. traditional uses.</div>					
e)	<div>A description of the Project, including, but not limited to:</div> <div>i. site history;</div> <div>ii. Project development; and</div> <div>iii. current status of the Project.</div>			-	-	-
f)	<div>A description of the Project component being closed, including, but not limited to:</div> <div>i. purpose, development, history, and current status;</div> <div>ii. maps and elevation contours;</div> <div>iii. photographs;</div> <div>iv. a summary of inspections and any other assessments;</div> <div>v. a summary of monitoring results; and</div> <div>vi. a summary of any non-compliance events.</div>			-	-	-
g)	<div>For the Project component being closed, a description of Closure and Reclamation plans, including, but not limited to:</div> <div>i. Closure Objectives and Criteria;</div> <div>ii. Closure and Reclamation options and selected closure activity;</div> <div>iii. design drawings, signed and stamped by a Professional Engineer, for any Engineered Structures;</div> <div>iv. Water management and restoration of natural drainage;</div>			-	-	-

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
	v. predicted environmental effects during and after Closure and Reclamation activities; vi. post-closure monitoring, maintenance, and reporting; vii. uncertainties and contingencies; viii. climate change considerations; ix. Closure and Reclamation Research plans; and x. a description of how Closure and Reclamation of the component relates to the Closure and Reclamation Plan for the Project.					
h)	An implementation schedule; and			-	-	-
i)	A revised/updated Closure Cost Estimate.		Closure of a specific component could affect the closure cost estimate for the entire site, so this should be an updated estimate for the project.	-	-	-

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
3.	The Reclamation Research Report Referred to in Part J, Condition x of this Licence shall include, but not be limited to, the following information for each Reclamation Research plan identified in the Closure and Reclamation Plan :	This condition details the information requirements for Reclamation Research Report.		Imperial Oil: It is understood that the detail in this section related to the Reclamation Research Report refers to the submission described in Part J, Section 11 (with a three-year reporting requirement), not the Annual Reporting Requirements described in Schedule B, Part z.	Please provide confirmation.	Correct.
a)	A plain language summary of the results, and a plain language interpretation of the significance of the results;			-	-	-

	Condition	Rationale	Notes on Proposed Changes	Reviewer Comments	Reviewer Recommendations	Responses to Recommendations
b)	A discussion of whether Reclamation Research planning and implementation remains on schedule;			-	-	-
c)	Analysis and interpretation of the data collected during the reporting period and to date;			-	-	-
d)	An explanation of the significance of the results for Closure and Reclamation planning;			-	-	-
e)	Reclamation Research data for the reporting period; and			-	-	-
f)	An evaluation of the effectiveness of the Reclamation Research plan.			-	-	-