

PART A - DEFINITIONS

“Act” means *Waters Act* and any amendments thereto.

“Application” means Water Use Application MS08-272, including any additional submissions and/or revisions submitted to the Yukon Water Board by the Licensee, up to the date of the Board’s decision.

“Board” means the Yukon Water Board.

"Inspector" means any person designated as an Inspector under the Act.

"Natural Boundary" means the visible high water mark of any lake, river, stream or other body of water where the presence and action of water is so common and usual and so long continued as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of the banks thereof, both in respect to vegetation and in respect to the nature of the soil itself. In addition, the best estimates of the edge of dormant or old side channels and marsh areas are considered to be Natural Boundaries.

“Regulation” means the *Waters Regulation* made under the Act.

“Spill Contingency Plan” means the Oil/Fuel Handling & Spill Contingency Plan that was submitted as part of the Application and included in Water Use Register MS08-272 as exhibit 1.2.1, and any subsequent revisions.

“Waste” means any substance as defined in the Act.

“Watercourse” means any stream, lake, pond, river, creek, spring, ravine or swamp whether ordinarily containing water or not.

“Wetted Perimeter” means the horizontal extent of the present water level while the work is taking place.

PART B - GENERAL CONDITIONS

Representations, Warranties and Undertakings

1. In this licence, the Board has relied on the representations, warranties and undertakings provided by the applicant in the material filed in the Application.
2. Where there is a discrepancy between the Application and this licence, the conditions of this licence shall prevail.

Other Laws

3. No condition of this licence limits the application of any other federal, territorial, first nation or municipal legislation.
4. All construction or installation of works authorized by this licence shall occur on property that the Licensee has the right to enter upon and use for that purpose.

Correspondence

5. Where any direction, notice, order or report under this licence is required to be in writing, it shall be given:
 - a) To the Licensee, if delivered, faxed or mailed by registered mail to the following address:

Government of Yukon
Highways and Public Works
Transportation and Engineering Branch
P.O. Box 2703
Whitehorse, YT Y1A 2C6
Fax: (867) 393-6447

and shall be deemed to have been given to the Licensee on the day it was delivered or faxed, or 7 days after the day it was mailed, as the case may be.

- b) To the Board, if delivered, faxed or mailed by registered mail to the following address:

Yukon Water Board
Suite 106, 419 Range Road
Whitehorse, YT Y1A 3V1
Fax: (867) 456-3890

and shall be deemed to have been given to the Board on the day it was delivered or faxed, or 7 days after the day it was mailed, as the case may be.

- c) The Board or the Licensee may, by notice in writing, change its address for delivery.

Non-Compliance

6. In the event that the Licensee fails to comply with any provision or condition of this licence, the Board may, subject to the Act, cancel the licence.

Other Uses

7. If, subsequent to the issuing of this licence, the Licensee uses water and/or deposits Waste in one or more ways not authorized in this licence, and the combined effect of those uses and/or deposits of Wastes, as determined by an Inspector:
- has no potential for significant adverse environmental effects; and
 - does not interfere with existing rights of other water users or Waste depositors; and
 - satisfies the criteria set out in column 2 of Schedule 10 of the Regulation,

no amendment to this licence will be required for that use of water and/or deposit of Waste.

Spills and Unauthorized Discharges

8. The Licensee shall immediately contact the 24-hour Yukon Spill Report number, 867 667 7244, and implement the Spill Contingency Plan should a spill or an unauthorized discharge occur. A detailed written report on any such event including, but not limited to, dates, quantities, parameters, causes and other relevant details and explanations, shall be submitted to the Board not later than 10 days after the occurrence.
9. All personnel shall be trained in procedures to be followed and the equipment to be used in the containment of a spill.
10. The spill contingency plan shall be posted on site for the duration of the works.

Fuel Storage and Transfer

11. Fuel, lubricants, hydraulic fluids, coolants and similar substances shall be stored and/or transferred a minimum of 30 metres from the Natural Boundary of any Watercourse, in such a way that said substances are not deposited in or allowed to be deposited in waters.

Annual Reports

12. On or before the anniversary of the date of issuance of this licence, and for each year during which this licence is in effect, the Licensee shall submit an annual report to the Board. The report shall include the information required by the Regulation including, but not necessarily limited to:
- a description of the water use operations carried out during the year reported; and
 - the quantity of water used each day; and
 - the hours of pumping for each day; and
 - the quantity and size of rip-rap used; and
 - any reclamation to the site; and
 - any inspection reports regarding the slope stability; and
 - a description of disposal of creosoted treated timbers; and

- h) a detailed record of any major maintenance work carried out or planned to be carried out that could have an impact on water.

Reports

- 13. Unless otherwise specified in this licence, all reports shall be submitted to the Board in an unbound form that is reproducible by standard photocopier and shall be accompanied by 5 copies.
- 14. All reports shall be submitted in digital form on computer diskette using an IBM compatible format that is readable using commonly available software.

Term of Licence

- 15. The term of this licence is for the period from the effective date to December 31, 2015.

PART C - OPERATING CONDITIONS

Description of Water Use

- 16. The Licensee is hereby authorized to:
 - a) remove the existing bridge crossing Tenas Creek at Km 238 North Canol Road, and
 - b) construct a replacement bridge across Tenas Creek at Km 238 North Canol Road, and
 - c) ford Tenas Creek to facilitate the bridge replacement construction activities; and
 - d) construct earthworks and erosion protection,as described in the Application, and subject to the conditions of this licence.
- 17. Notification, including the name and phone number of the field supervisor, shall be provided to the Board, in writing, 10 days prior to the start of construction.

PART D - DESIGN AND CONSTRUCTION

Design

- 18. The bridge structure shall be constructed in accordance with the design drawings which were sealed by a Professional Engineer licensed to practice in Yukon and submitted as part of the Application.
- 19. Ten days prior to the commencement of construction, the Licensee shall submit to the Board final detailed design construction drawings for the Tenas Creek bridge crossing. The final detailed design drawings must be consistent with the drawings which were submitted as part of the Application and sealed by a Professional Engineer licensed to

practice in Yukon. All construction shall be carried out in accordance with the final design drawings.

20. The Licensee shall submit as-built design drawings of the Tenas Creek bridge structure, sealed by a Professional Engineer licensed to practice in the Yukon, to the Board within 60 days of placement across Tenas Creek.
21. Where site conditions require minor modifications to the designs submitted to the Board, the Licensee shall notify the Board, a minimum of 10 days in advance, of the details of the modifications or variations from final detailed design, specifications and quality assurance/quality control procedures previously submitted to the Board, provide a detailed construction schedule and the name and contact number(s) of the construction superintendent. The notice shall be in writing and must include an explanation of the reasons for the change and an assessment of the potential impact on the performance of the works. The notice shall be sealed by a Professional Engineer licensed to practice in Yukon.

Construction

22. When conducting any instream works, creek flow must be diverted around the work areas.
23. All works associated with the undertaking shall be maintained in good repair.
24. Construction and/or maintenance equipment shall be mechanically sound and free of leaks.
25. Granular bedding and backfill material shall consist of non-frozen material.
26. All water withdrawn from the abutment excavation shall be deposited into a constructed sump and/or a natural depression.
27. For the excavation of the abutments, the Licensee shall install or construct non-erodible cofferdams, silt barriers, or other suitable methods to control siltation downstream of the work area.
28. Excavated material from the stream shall be deposited a minimum of 10 horizontal metres beyond the Natural Boundary of Tenas Creek.
29. Material excavated from the creek must be deposited in the waste disposal area in such a manner as to remain in a stable condition.
30. Waste substances shall be used, transported, stored or disposed of in such a manner that they are not deposited, or allowed to be deposited, into any Watercourse or on any surrounding land.
31. Except as authorized by this licence, no Waste shall enter any Watercourse as a result of any operation carried out by the Licensee.

32. All disturbed ground surfaces shall be stabilized in such a manner so as to prevent erosion and surface runoff from carrying sediment into any Watercourse.

Fording

33. No heavy equipment shall be operated within the horizontal extent of the water level of the river, except for equipment fording the river.
34. Equipment fording the river shall be mechanically sound and free of leaks.
35. Fording equipment shall be kept to a minimum.
36. Equipment fordings shall be at right angles to the river and shall be made at locations where the river bed is of rock or coarse granular material.
37. The channel of Texas Creek shall not be disturbed beyond the immediate area required for the purposes of the undertaking.

Water Pumps

38. The Licensee shall provide barriers consisting of fish guards, screens, coverings or nets on all water intakes as follows:
 - a) Screens or nets shall have a minimum of 3.5 openings per centimetre and openings no greater than 3.2 millimetres along any given side.
 - b) If a punch plate or similar material is used, openings shall be no greater than 3.2 millimetres in length or width.
 - c) There shall be no less than 929 square centimetres of open screen for every 205 litres per minute being withdrawn.
 - d) The barriers shall be monitored and maintained to ensure that they function effectively at all times when water is being withdrawn.
 - e) The barriers shall be designed and installed in such a manner that the screen is submerged and a uniform flow distribution is maintained through the total screen area.
 - f) Water shall not be withdrawn when the barrier is removed for renewal, repair or inspection.
 - g) The Licensee shall cease pumping or decanting and take remedial action if there is alteration to the bed or bank of the water channel.

Rip-rap

39. Rip-rap shall be hard, dense, angular, non acid-generating quarry stone or boulders, free of seams, cracks, structural defects and contaminants, freeze-thaw resistant, non-slaking and free of fine-grained materials including silt and sand. Rip-rap gradation will conform to the specifications provided in the Application.

Signage

40. The Licensee shall post signs on or near the bridge structure that reflects the load limit.

PART E - SITE DECOMMISSIONING AND RESTORATION

41. All disturbed ground surfaces shall be regraded in a manner which is consistent with the topography of the site and which prevents erosion and surface runoff from carrying sediment into any Watercourse. Where soil conditions permit, disturbed areas shall be re-vegetated with appropriate reclamation seeds and/or plant species that are native in Yukon.
 42. All construction materials, equipment, temporary structures and debris shall be removed from the site upon completion of the work.
 43. Creosote treated timbers and/or other hazardous materials shall either be transported to the Ross River Transportation Maintenance Branch Yard or disposed in accordance with the provisions of the *Special Waste Regulations* of the *Environment Act* of the Yukon Territory and shall include a description of the disposal as part of the annual report.
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