

GWICH'IN LAND AND WATER BOARD

P.O. Box 2018, Inuvik, NT X0E 0T0

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LAND USE PERMIT

Permit Class	Permit No	Amendment No
A	G10Q009	-

Subject to the Mackenzie Valley Resource Management Act, the Mackenzie Valley Land Use Regulations and the terms and conditions in this Permit, authority is hereby granted to:

GNWT – Department of Infrastructure


(Permittee)

to proceed with the land use operation described in application of:

Signature Arvind Vashishtha	Date Nov 1, 2010
Type of Land Use Operation Quarrying	
Location Km 34, Dempster Highway #8 (67°12'14"N, 135°37'59")	

This permit may be assigned, extended, discontinued, suspended or cancelled pursuant to the Mackenzie Valley Land Use Regulations.

Dated at Inuvik this 25 day of July, 2017



Witness - Leonard DeBastien



Chair - Paul Sullivan

Commencement Date

Expiry Date

December 6, 2010

December 6, 2017

Note: It is a condition of this Permit that the Permittee comply with the provisions of the *Mackenzie Valley Resource Management Act* and Regulations and the terms and conditions set out herein. A failure to comply may result in suspension or cancellation of this Permit.

CONDITIONS ANNEXED TO AND FORMING PART OF LAND USE PERMIT: G10Q009

PART A: SCOPE OF LAND USE PERMIT

1. This Land Use Permit entitles "Permittee" to conduct the following activities:

To excavate, remove and stockpile material at km 34 of the Dempster Highway.
2. This Land Use Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, Item 1 of this Land Use Permit.
3. Compliance with the terms and conditions of this Land Use Permit does not absolve the Permittee from responsibility for compliance with the requirements of all applicable Federal, Territorial and Municipal legislation.

PART B: DEFINITIONS

"Act" means the Mackenzie Valley Resource Management Act.

"Artesian Aquifer" means a water-bearing stratum, which when encountered during drilling operations, produces a pressurized flow of groundwater that reaches an elevation above the ground surface.

"Board" means the Gwich'in Land and Water Board established under Part 3 of the Mackenzie Valley Resource Management Act.

"Land Use Inspector" means an Inspector designated by the Minister under the Mackenzie Valley Resource Management Act.

PART C: CONDITIONS OF PERMIT

26 (1) (A) THE LOCATION AND AREA OF LANDS THAT MAY BE USED IN THIS LAND-USE OPERATION

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| <p>1. The Permittee shall not conduct this land use operation on any lands not designated in the accepted application, unless otherwise authorized in writing by the Manager, Gwich'in Tribal Council – Lands and Resources.</p> | <p><i>PLANS</i></p> |
| <p>2. The Permittee shall remove from all lands all scrap metal, discarded machinery and parts, barrels and kegs, buildings and building materials.</p> | <p><i>REMOVE WASTE MATERIAL</i></p> |
| <p>3. The Permittee shall only excavate and stockpile in areas designated in the accepted application, unless otherwise authorized in writing by the Manager, Gwich'in Tribal Council – Lands and Resources.</p> | <p><i>EXCAVATE AND STOCKPILE</i></p> |

26 (1) (B) THE TIMES AT WHICH ANY PORTION OF THIS LAND-USE OPERATION MAY BE CARRIED ON

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| <p>4. This Land Use Permit is valid only when the Permittee is in possession of a valid Access Authorization and/or Quarry Authorization from the Gwich'in Tribal Council – Lands and Resources.</p> | <p><i>VALID AUTHORIZATION</i></p> |
| <p>5. The Permittee's Field Supervisor shall contact or meet with a Land Use Inspector at the Inuvik office of the Department of Indian Affairs and Northern Development, – (867) 777-3361 – and the Gwich'in Land and Water Board, – (867) 777-7960 – at least forty-eight (48) hours prior to the commencement of this land use operation.</p> | <p><i>CONTACT INSPECTOR AND BOARD</i></p> |
| <p>6. The Permittee shall provide, in writing, to a Land Use Inspector and the Board, at least forty-eight (48) hours prior to commencement of this land use operation, the following information:
(a) person, or persons, in charge of the field operation to whom notices, orders, and reports may be served;
(b) alternates; and
(c) all methods for contacting the above person(s).</p> | <p><i>IDENTIFY AGENT</i></p> |
| <p>7. The Permittee shall advise a Land Use Inspector and the Board at least ten (10) days prior to the completion of this land use operation of:
(a) the plan for removal or storage of equipment and materials; and
(b) when final clean-up and restoration of the land used will be completed.</p> | <p><i>REPORTS BEFORE REMOVAL</i></p> |
| <p>8. The Permittee shall submit a progress report to a Land Use Inspector and the Board every xx (xx) days during the course of this land use operation.</p> | <p><i>PROGRESS</i></p> |
| <p>9. The Land Use Inspector and/or the Board reserve the right to impose closure of any area to the Permittee in periods when dangers to natural resources are severe.</p> | <p><i>CLOSURE</i></p> |

26 (1) (C) THE TYPE AND SIZE OF EQUIPMENT THAT MAY BE USED IN THIS LAND-USE OPERATION

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| 10. | The Permittee shall not use any equipment except of the type, size, and number that is listed in the accepted application, unless otherwise authorized in writing by the Manager, Gwich'in Tribal Council – Lands and Resources. | <i>ONLY APPROVED EQUIPMENT</i> |
| 11. | The Permittee shall keep all garbage and debris in a covered metal container on site until disposed of. | <i>GARBAGE CONTAINER</i> |
| 12. | The Permittee shall ensure a garbage container is on site. | <i>GARBAGE CONTAINER</i> |

26 (1) (D) METHODS AND TECHNIQUES TO BE EMPLOYED BY THE PERMITTEE IN CARRYING OUT THIS LAND-USE OPERATION

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26 (1) (E) THE TYPE, LOCATION, CAPACITY AND OPERATION OF ALL FACILITIES TO BE USED BY THE PERMITTEE IN THIS LAND-USE OPERATION

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| 13. | The Permittee shall adhere to all mitigation measures in the accepted application. | <i>MITIGATION MEASURES</i> |
| 14. | The Permittee shall ensure that the land use area is kept clean at all times. | <i>CLEAN WORK AREA</i> |

26 (1) (F) METHODS TO BE USED TO CONTROL OR PREVENT PONDING OF WATER, FLOODING, EROSION, SLIDES AND THE SUBSIDENCE OF LAND

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| 15. | The Permittee shall remove any obstruction to natural drainage caused by any part of this land use operation. | <i>NATURAL DRAINAGE</i> |
| 16. | The Permittee shall ensure that this land use operation does not cause obstruction to any natural drainage. | <i>NATURAL DRAINAGE</i> |
| 17. | The Permittee shall, when clearing land, save all vegetation removed from the land use area and place the vegetation over the land use area prior to the expiration date of this Land Use Permit. | <i>SAVE VEGETAION</i> |

26 (1) (G) THE USE, STORAGE, HANDLING AND ULTIMATE DISPOSAL OF ANY CHEMICAL OR TOXIC MATERIAL TO BE USED IN THIS LAND-USE OPERATION

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| <p>18. The Permittee shall not, in any circumstances, deposit or allow the deposit of any deleterious substances (including but not limited to fuels, lubricants, hydraulics, and coolants) of any type into any waters, or in any place under any conditions where the deleterious substances may enter any waters.</p> | <p><i>DEPOSITING
DELETERIOUS
SUBSTANCES</i></p> |
| <p>19. The Permittee shall remove all garbage and debris from the land use area as specified in the accepted application,.</p> | <p><i>REMOVE GARBAGE</i></p> |
| <p>20. The Permittee shall immediately report all spills to the 24 hour Spill Report Line (867) 920-8130 in accordance with instructions contained in the NWT SPILL REPORT form NWT 1752/0202.</p> | <p><i>REPORT CHEMICAL
AND PETROLEUM
SPILLS</i></p> |

26 (1) (H) PROTECTION OF WILDLIFE AND FISH HABITAT

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| <p>21. The Permittee shall not unnecessarily damage wildlife habitat in conducting this land use operation.</p> | <p><i>HABITAT DAMAGE</i></p> |
| <p>22. The Permittee shall not feed or harass wildlife.</p> | <p><i>NO FEEDING OR
HARRASSING
WILDLIFE</i></p> |
| <p>23. The Permittee shall use food handling and garbage disposal procedures that do not attract bears. Information about the latest bear detection and deterrent techniques can be obtained from Environment and Natural Resources in Inuvik at (867) 777-7308.</p> | <p><i>BEAR/MAN
CONFLICT</i></p> |
| <p>24. If migratory birds or their nesting areas, or any species at risk are encountered during the course of this land use operation, the Permittee will minimize all activity so as to not disturb these animals.</p> | <p><i>MINIMIZE
ACTIVITY</i></p> |
| <p>25. The Permittee shall cease operations when caribou are in the immediate vicinity of any area where this land use operation is being conducted.</p> | <p><i>CARIBOU
HARRASSMENT</i></p> |
| <p>26. The Permittee shall not, during the migration of caribou, locate any operation so as to block or cause substantial diversion of the migration, and shall cease any activity that may interfere with the migration, such as airborne surveys, or movement of equipment, until such time as the major migration has been completed.</p> | <p><i>CARIBOU
MIGRATION</i></p> |

26 (1) (I) THE STORAGE, HANDLING AND DISPOSAL OF REFUSE OR SEWAGE

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26 (1) (J) PROTECTION OF HISTORICAL AND ARCHAEOLOGICAL SITES AND BURIAL GROUNDS

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| 27. | The Permittee shall not knowingly operate any vehicle within thirty (30) metres of a known or suspected historical or archaeological site or burial ground site. | <i>OPERATE VEHICLE</i> |
| 28. | The Permittee shall not knowingly remove, disturb, or displace any known or suspected historical or archaeological site or specimen or burial ground. | <i>DISTURBANCE OF SITE</i> |
| 29. | The Permittee shall immediately cease any activity which disturbs an historical or archaeological site or specimen or burial ground, and shall contact the Gwich'in Land and Water Board at (867) 777-7960, or the Prince of Wales Northern Heritage Centre at (867) 920-6182, and shall not continue without written authorization from the Board. | <i>CONTACTS</i> |
| 30. | The Permittee shall ensure that all persons working under authority of this Land Use Permit are aware of the conditions concerning historical or archaeological sites or specimens or burial grounds. | <i>NOTIFICATION TO EMPLOYEES</i> |

26 (1) (K) PROTECTION OF OBJECTS AND PLACES OF RECREATIONAL, SCENIC OR ECOLOGICAL VALUE

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26 (1) (L) POSTING OF SECURITY IN ACCORDANCE WITH SECTION 32

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| 31. | The Permittee shall deposit with the Minister a security deposit in the amount of \$0.00 pursuant to Section 32 of the Mackenzie Valley Land Use Regulations. | <i>SECURITY DEPOSIT</i> |
| 32. | The Permittee shall be liable for any cost of damages over and above the amount of the security deposit. | <i>LIABILITY FOR DAMAGES</i> |
| 33. | The Permittee shall be responsible for all costs to remediate the land used in this Land Use Permit. | <i>RESPONSIBILITY FOR REMEDIATION</i> |

26 (1) (M) THE ESTABLISHMENT OF PETROLEUM FUEL STORAGE FACILITIES

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| 34. | The Permittee shall not allow petroleum products to spread to surrounding lands or into water bodies. | <i>FUEL CONTAINMENT</i> |
| 35. | The Permittee shall ensure that adequate contingency plans and spill kits are in place, prior to commencement of this land use operation, to respond to any potential spills. | <i>SPILL RESPONSE</i> |

26 (1) (N) METHODS AND TECHNIQUES FOR DEBRIS AND BRUSH DISPOSAL

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26 (1) (O) RESTORATION OF LANDS

36. The Permittee shall save the organic soil stripped from the excavation area and place the organic soil over the disturbed area prior to the completion of this land use operation or the expiration date of this Land Use Permit. *SAVE AND PLACE ORGANIC SOIL*

26 (1) (P) THE DISPLAY OF PERMITS AND PERMIT NUMBERS

37. The Permittee shall, at all times during the course of this land use operation, keep on hand a copy of this Land Use Permit. *COPY OF PERMIT*

26 (1) (Q) ANY OTHER MATTERS NOT INCONSISTENT WITH THE REGULATIONS, FOR THE PROTECTION OF THE BIOLOGICAL OR PHYSICAL CHARACTERISTICS OF THE LANDS

38. The Permittee shall ensure that all persons working under the authority of this Land Use Permit are aware of and will adhere to the conditions as stated herein. *NOTIFICATION TO ALL EMPLOYEES/ CONTRACTORS*

FINAL PLAN

Every permittee shall, within 60 days after the completion of a land-use operation or the expiration of the permit, whichever occurs first, submit a final plan in duplicate to the Board and, where the land-use operation was carried out on private lands, to the landowner thereof, showing

- (a) the lands on which the land-use operation was conducted;
- (b) the location of
 - (i) lines, trails, rights-of-way and cleared areas that were used by the permittee during the land-use operation, specifying those that were cleared by the permittee and those that existed before the operation began,
 - (ii) buildings, structures, campsites, air landing strips, air navigation aids, fuel and supply storage sites, waste disposal sites, excavations and other works and places that were constructed or used by the permittee in the land-use operation, and
 - (iii) bridges, dams, ditches, railroads, roads, transmission lines, pipelines, survey lines, monuments, air landing strips, watercourses, traplines and cabins and all other features or works that were affected by the land-use operation; and
- (c) calculations of the area of the lands used in the land-use operation.

On receipt of a written request from a permittee for an extension of time for the filing of a final plan, the Board may extend the time for filing the final plan by not more than 60 days.

The Board shall reject any final plan that is not complete.

Within three weeks after receipt of written notice from the Board rejecting a plan, a permittee shall submit to the Board a final plan that is complete.

Notwithstanding the expiration or cancellation of a permit, the submission of a final plan or the giving of a notice of discontinuance, a permittee remains responsible for all obligations arising under the permit or under the Mackenzie Valley Land Use Regulations until such time as the Board issues a letter of clearance pursuant.

A final plan shall:

- (a) be drawn on a scale that clearly shows the lands that the applicant for a permit proposes to use or that the permittee has used;
- (b) show the scale to which the plan is drawn; and
- (c) show locations by geographic co-ordinates.

Within 30 days after the Board has approved the final plan, a permittee shall submit to the Board calculations of any applicable land-use fee payable, based on the actual area of land used in the land-use operation.

Where the calculated fee is less than the fee submitted with the application, the Board shall refund the difference to the permittee.

Where the calculated fee is greater than the fee submitted with the application, the permittee shall submit payment for the amount of the deficiency with the calculations.