

## **DRAFT Conditions Annexed to and Forming Part of Land Use Permit # G20X009**

### **Part A: Scope of Permit**

1. This Permit entitles the Permittee to conduct the following land-use operation:
  - a) Construction and operation of the Dempster Highway Maintenance Camp;
  - b) Construction of an access road;
  - c) Fuel storage; and
  - d) Use of equipment, vehicles, and machines to support operations.
2. This 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 Permit.
3. Compliance with the terms and conditions of this Permit does not excuse the Permittee from its obligation to comply with the requirements of any applicable Federal, Territorial or Municipal laws.

### **Part B: Definitions** (defined terms are capitalized throughout the Permit)

**Act** - the *Mackenzie Valley Resource Management Act*.

**Board** – the Gwich'in Land and Water Board established under Part 3 of the Act.

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

**Durable Land** - land that is able to withstand repeated use, such as gravel or sand with minimal vegetative cover.

**Engagement Plan** - a document, developed in accordance with the Board's *Engagement and Consultation Policy* and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*, that clearly describes how, when, and which engagement activities will occur with an affected party during the life of the project.

**Flowing Artesian Well** - a well in which water:

- a) Naturally rises above the ground surface or the top of any casing; and
- b) Flows naturally, either intermittently or continuously.

**Fuel Storage Container** - a container for the storage of petroleum or allied petroleum products with a capacity of less than 230 litres.

**Fuel Storage Tank** - a closed container for the storage of petroleum or allied petroleum products with a capacity of more than 230 litres.

**Greywater** - all liquid wastes from showers, baths, sinks, kitchens, and domestic washing facilities but not including toilet wastes.

**Habitat** - the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes.

**Inspector** - an Inspector designated by the Minister under the *Act*.

**Minister** - the Minister of Indian Affairs and Northern Development Canada or the Minister of the Government of the Northwest Territories – Department of Lands, as the case may be.

**Ordinary High Water Mark** - the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the “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 predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

**Permittee** - the holder of this permit.

**Secondary Containment** - containment that prevents liquids that leak from Fuel Storage Tanks or containers from reaching outside the containment area and includes double-walled Tanks, piping, liners, and impermeable barriers.

**Sewage** - all toilet wastes and Greywater.

**Spill Contingency Plan** - a document, developed in accordance with Aboriginal Affairs and Northern Development Canada’s *Guidelines for Spill Contingency Planning* (April 2007), that describes the set of procedures to be implemented to minimize the effects of a spill.

**Toxic Material**- any substance that enters or may enter the environment in a quantity or concentration or under conditions such that it:

- a) Has or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- b) Constitutes or may constitute a danger to the environment on which life depends; or
- c) Constitutes or may constitute a danger in Canada to human life or health.

**Waste** - as defined in section 51 of the *Act*.

**Waste Management Plan** - a document, developed in accordance with the Board’s *Guidelines for Developing a Waste Management Plan*, that describes the methods of waste management from waste generation to final disposal.

**Watercourse** - a natural body of flowing or standing water or an area occupied by water during part of the year, and includes streams, springs, swamps and gulches but does not include groundwater.

**Part C: Conditions Applying to All Activities** (headings correspond to subsection 26(1) of the Mackenzie Valley Land Use Regulations)

**26(1)(a) Location and Area**

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| 1. | The Permittee shall not conduct this land-use operation on any lands not designated in the complete application.                                 | <b>LOCATION OF ACTIVITIES</b> |
| 2. | The Permittee shall locate all camps on Durable Land or previously cleared areas, and a minimum of 100 metres from the Ordinary High-Water Mark. | <b>CAMP SETBACK</b>           |
| 3. | The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High Water Mark of any Watercourse.       | <b>WATERCOURSE BUFFER</b>     |

**26(1)(b) Time**

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| 4. | At least 48 hours prior to the commencement of the land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) 777-8900  | <b>CONTACT INSPECTOR</b>            |
| 5. | At least 48 hours prior to commencement of the land-use operation, the Permittee shall provide the following information, in writing, to the Board and an Inspector:<br>a) the name(s) of the person(s) in charge of the field operation;<br>b) alternates; and<br>c) all methods for contacting the above person(s). | <b>IDENTIFY AGENT</b>               |
| 6. | At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of:<br>a) the plan for removal or storage of equipment and materials; and<br>b) when final cleanup and reclamation of the land used will be completed.<br>c) When the Final Plan will be submitted       | <b>REPORTS BEFORE FINAL REMOVAL</b> |
| 7. | The Permittee shall complete all clean up and restoration of the lands used prior to the expiration date of this Land Use Permit.   | <b>CLEAN-UP</b>                     |

**26(1)(c) Type and Size of Equipment**

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| 8. | The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application. | <b>USE APPROVED EQUIPMENT</b> |
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**26(1)(d) Methods and Techniques**

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**26(1)(e) Type, Location, Capacity, and Operation of All Facilities**

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| 9. | The Permittee shall ensure that the land use area is kept clean at all times. | <b>CLEAN WORK AREA</b> |
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**26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land**

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| 10. | The Permittee shall install and maintain culverts such that scouring does not occur.  | <b>CULVERT SIZE</b>                    |
| 11. | The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses.  | <b>PROGRESSIVE<br/>EROSION CONTROL</b> |
| 12. | The Permittee shall apply appropriate mitigation at the first sign of erosion.  | <b>REPAIR<br/>EROSION</b>              |
| 13. | The Permittee shall not excavate land within 100 metres of the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. | <b>EXCAVATION<br/>SETBACK</b>          |

**26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material**

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| 14. | 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. | <b>DEPOSITING<br/>DELETERIOUS<br/>SUBSTANCES</b> |
| 15. | The Permittee shall dispose of all combustible waste petroleum products by removal to an approved disposal facility.  | <b>WASTE PETROLEUM<br/>DISPOSAL</b>              |
| 16. | The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.   | <b>WASTE CHEMICAL<br/>DISPOSAL</b>               |

**26(1)(h) Wildlife and Fish Habitat**

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| 17. | The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation. | <b>HABITAT DAMAGE</b> |
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**26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage**

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| 18. | The Permittee shall dispose of all Waste as described in the <b>Waste Management Plan</b> , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | <b>WASTE<br/>MANAGEMENT</b> |
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**26(1)(j) Protection of Historical, Archaeological, and Burial Sites**

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| 19. | The Permittee shall not operate any vehicle or equipment within 30 metres of a known or suspected historical or archaeological site or burial ground. | <b>ARCHAEOLOGICAL<br/>BUFFER</b> |
| 20. | The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.   | <b>SITE DISTURBANCE</b>          |

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| 21. | The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:   | <b>SITE DISCOVERY AND NOTIFICATION</b> |
|     | a) immediately suspend operations on the site; and  |  |
|     | b) notify the Board at (867) 777-4954 or an Inspector at (867) 777- 8900 and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71250 or ext. 71251. |  |

**26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value**

*This Section intentionally left blank.*

**26(1)(l) Security Deposit**

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| 22. | All costs to remediate the area under this Permit are the responsibility of the Permittee. | <b>RESPONSIBILITY FOR REMEDIATION COSTS</b> |
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**26(1)(m) Fuel Storage**

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| 23. | The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.   | <b>FUEL CONTAINMENT</b>                             |
| 24. | The Permittee shall set up all refueling points with Secondary Containment.  | <b>SECONDARY CONTAINMENT – REFUELING DRIP TRAYS</b> |
| 25. | All equipment that may be parked for two hours or more, shall have a drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately.  |   |
| 26. | Prior to the storage of fuel on site, the Permittee shall submit a revised Spill Contingency Plan in accordance with <i>INAC 2007 “Guidelines for Spill Contingency Planning”</i> .  | <b>SUBMIT REVISED PLAN</b>                          |
| 27. | The Permittee shall comply with the <b>Spill Contingency Plan</b> , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | <b>SPILL CONTINGENCY PLAN</b>                       |
| 28. | Prior to commencement of the land-use operation the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills.   | <b>SPILL RESPONSE</b>                               |
| 29. | The Permittee shall clean up all leaks, spills, and contaminated material immediately  | <b>CLEAN UP SPILLS</b>                              |
| 30. | During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall:  | <b>REPORT SPILLS</b>                                |
|     | a) implement the approved Spill Contingency Plan;  |   |

- b) report it immediately using the NU-NT Spill Report Form by one of the following methods:
  - Telephone: (867) 920-8130
  - Fax: (867) 873-6924
  - E-mail: [spills@gov.nt.ca](mailto:spills@gov.nt.ca)
  - Online: Spill Reporting and Tracking Database
- c) within 24 hours, notify the Board and an Inspector; and
- d) within 30 days of initially reporting the incident, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur.

**26(1)(n) Methods and Techniques for Debris and Brush Disposal**

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| 31. | The Permittee shall not clear areas larger than identified in the accepted application. | <b>MINIMIZE AREA<br/>CLEARED</b> |
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**26(1)(o) Restoration of the Lands**

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| 32. | Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used.   | <b>FINAL CLEANUP AND<br/>RESTORATION</b> |
| 33. | All areas affected by construction or removal activities shall be stabilized and landscaped to their pre-construction profiles, unless otherwise authorized in writing by an Inspector. | <b>PRE-CONSTRUCTION<br/>PROFILES</b>     |

**26(1)(p) Display of Permits and Permit Numbers**

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| 34. | The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation. | <b>COPY OF PERMIT</b> |
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**26(1)(q) Biological and Physical Protection of the Land**

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| 35. | The Permittee shall not move any equipment or commence any drilling when one or more caribou are within five hundred (500) metres.  | <b>CARIBOU<br/>DISTURBANCE</b>             |
| 36. | If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them.  | <b>MIGRATORY BIRD<br/>NEST DISTURBANCE</b> |
| 37. | The Permittee shall comply with the Engagement Plan, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | <b>ENGAGEMENT PLAN</b>                     |
| 38. | If any plan is not approved by the Board, the Permittee shall revise the plan according to the Board’s direction and re-submit it to the Board for approval.  | <b>RESUBMIT PLAN</b>                       |

39. All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.

**SUMMARY OF  
CHANGES**