

**Conditions Annexed to and Forming Part
of Land Use Permit # MV2015Q0022**

Part A: Scope of Permit

1. This Permit entitles Rowes Construction to conduct the following land-use operation:
 - a) Quarry Operation at NWT Highway #1, km 191
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, Tłıchǫ, or Municipal laws.

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

Act - the *Mackenzie Valley Resource Management Act*.

Board - the Mackenzie Valley Land and Water Board established under Part 4 of the Act.

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 *Mackenzie Valley Resource Management Act*.

Minister - the Minister of Indian Affairs and Northern Development.

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 – is defined at Rowes Construction

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 – any garbage, debris, chemical, or Toxic Material to be used, stored, disposed of, or handled on land, and also as defined in section 51 of the Act.

Waste Management Plan (WMP) - 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.

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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	
1.	The Permittee shall not conduct a quarry operation within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.	Quarry Setback
2.	The Permittee shall not conduct this land-use operation on any lands not designated in the complete application.	Location of Activities
3.	Prior to the commencement of the land-use operation, the Permittee shall mark each corner of the land use area.	Mark Area
4.	The Permittee shall maintain the corner markings until the area is reclaimed.	Corner Posts
5.	Prior to the commencement of the land-use operation, the Permittee shall accompany an Inspector during an inspection of the proposed land use area.	Inspect Locations
	26(1)(b) Time	
6.	At least 48 hours prior to the commencement of this land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) 874-6994.	Contact Inspector
7.	At least 48 hours prior to commencement of this land-use operation, the Permittee shall provide the following information, in writing, to the Board <u>and</u> an Inspector: (a) the name(s) of the person(s) in charge of the field operation; (b) alternates; and (c) all methods for contacting the above person(s).	Identify Agent
8.	At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of: (a) the plan for removal or storage of equipment and materials; and (b) when final cleanup and reclamation of the land used will be completed.	Reports Before Removal
	26(1)(c) Type and Size of Equipment	
9.	The Permittee shall not use any equipment except of a similar type, size, and number to that listed in the complete application.	Only Approved Equipment
	26(1)(d) Methods and Techniques	
10.	The Permittee shall leave a buffer strip of undisturbed vegetation at least 30 metres in width between cleared areas and public roads.	Tree Screen
	26(1)(e) Type, Location, Capacity, and Operation of All Facilities	
11.	The Permittee shall ensure that the land use area is kept clean at all times.	Clean Work Area

	26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land	
12.	The land-use operation shall not cause obstruction to any natural drainage.	Natural Drainage
13.	The Permittee shall slope the sides of waste material piles, excavations, and embankments — except in solid rock — to a minimum ratio of 2:1 vertical, unless otherwise authorized in writing by an Inspector.	Excavation and Embankments
	26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material	
14.	The Permittee shall dispose of all combustible waste petroleum products by removal to an approved disposal facility.	Waste Petroleum Disposal
	26(1)(h) Wildlife and Fish Habitat	
15.	The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.	Habitat Damage
	26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage	
16.	The Permittee shall adhere to the Waste Management Plan, 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.	Waste Management
17.	The Permittee shall keep all garbage and debris in a secure container until disposal.	Garbage Container
18.	The Permittee shall dispose of all garbage, waste, and debris as described in the approved Waste Management Plan, unless otherwise authorized in writing by an Inspector.	Remove Garbage
	26(1)(j) Protection of Historical, Archaeological, and Burial Sites	
19.	The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.	Site Disturbance
20.	The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered: (a) immediately suspend operations on the site; and (b) notify the Board at (867) 669-0506 or an Inspector at (867) 874-6994, and the Prince of Wales Northern Heritage Centre at (867) 920-6182 or 873-7688.	Site Discovery and Notification
	26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value	
	<i>Intentionally left blank</i>	

	26(1)(l) Security Deposit	
21.	Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$ _____.	Security Deposit
22.	All costs to remediate the area under this Permit are the responsibility of the Permittee.	Responsibility for Remediation Costs
	26(1)(m) Fuel Storage	
23.	The Permittee shall set up all refueling points with Secondary Containment.	Secondary Containment - Refueling
24.	The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	Fuel Containment
25.	The Permittee shall adhere to the Spill Contingency Plan, 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.	Spill Contingency Plan
26.	Prior to commencement of operations, the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills.	Spill Response
27.	All equipment that may be parked for two hours or more, shall have a haz-mat/drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately.	Drip Trays
28.	The Permittee shall clean up all leaks, spills, and contaminated material.	Clean Up Spills
	26(1)(n) Methods and Techniques for Debris and Brush Disposal	
29.	The Permittee shall progressively dispose of all brush and trees and shall complete all brush disposal; all disposal shall be completed prior to the expiry date of this Permit.	Brush Disposal/ Time
30.	The Permittee shall not clear areas larger than identified in the complete application.	Minimize Area Cleared
	26(1)(o) Restoration of the Lands	
31.	The Permittee shall dispose of all overburden as instructed by an Inspector.	Disposal of Overburden
32.	The Permittee shall store overburden and use it to recontour the site after operations are complete, unless otherwise authorized in writing by an Inspector.	Save and Place Organic Soil
33.	The Permittee shall level all stockpiles of granular material located within the land use area prior to the expiry date of this Permit.	No Stockpiles

34.	Prior to the expiry date of this Permit, the Permittee shall complete all cleanup and restoration of the lands used.	Final Cleanup and Restoration
35.	Prior to the expiry date of this Permit, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation.	Natural Vegetation
36.	The Permittee shall carry out progressive reclamation of disturbed areas as soon as it is practical to do so.	Progressive Reclamation
	26(1)(p) Display of Permits and Permit Numbers	
37.	The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation.	Copy of Permit
	26(1)(q) Biological and Physical Protection of the Land	
38.	Prior to the commencement of operations, the Permittee shall submit a revised _____ Plan (e.g. Waste Management or Spill Contingency or Engagement Plan) in accordance with ____ Guidelines (e.g. MVLWB's 2011 "Guidelines for Developing a Waste Management Plan" or Aboriginal Affairs and Northern Development Canada's 2007 "Guidelines for Spill Contingency Planning" or MVLWB's 2013 "Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits") to the Board for approval.	Submit Revised Plan
39.	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.	Resubmit Plan
40.	The Permittee shall adhere to 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.	Engagement Plan
41.	All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.	Summary of Changes