



February 18, 2016

File: MV2015Q0022

Ms. Trudie Walsh
Rowe's Construction
25 Studney Drive
HAY RIVER NT X0E 0R6

Email: twalsh@rowes.ca

Dear Ms. Walsh:

**Issuance of Type A Land Use Permit
Quarry Operation, Highway #1, km 191.6**

Attached is Type A Land Use Permit MV2015Q0022 granted by the Mackenzie Valley Land and Water Board (MVLWB or the Board) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA). This Permit has been approved for a period of five years commencing February 18, 2016 and expiring February 17, 2021.

Based on the evidence provided, the Board has also confirmed that the Application is exempt from preliminary screening as per Schedule 1, Paragraph 2 of the Exemption List Regulations of the MVRMA which states:

A development, or part thereof, for which renewal of a permit, licence or authorization is requested that

- a) Has not been modified; and
- b) Has fulfilled the requirements of the environmental assessment process established by the *Mackenzie Valley Resource Management Act*, the *Canadian Environmental Assessment Act* or the *Environmental Assessment Review Process Guidelines Order*.

Please read all conditions carefully. For the purpose of submitting plans in accordance with this Permit, the date of this letter, February 18, 2016, is the date of commencement.

The Board hereby approves the Engagement Plan as submitted.

The Board requires that Rowe's Construction resubmit the Spill Contingency Plan, as required by condition 37 of the Permit, to include the responses and commitments made during the review process. This Plan will be considered to be approved, conditionally upon receipt of this update, and written confirmation of conformity from Board staff.

Should you wish to discontinue your land-use operation at any time prior to the date of completion set out in the Permit, a written notice of discontinuance is required as per section 37 of the MVLUR, in addition to the submission of a final plan.

A copy of this Permit and all related correspondence and documents has been filed on the Public Registry at the MVLWB office. Please be advised that this letter, inspection reports, and related correspondence is part of the Public Registry and is intended to keep all interested parties informed of the manner in which the Permit requirements are being met. All Public Registry material will be considered if an amendment to the Permit is requested.

The full cooperation of Rowe's Construction is anticipated and appreciated. If you have any questions or concerns, please contact Tyree Mullaney at (867) 766-7464 or email tyree@mvlwb.com.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "F. M. Adlem".

Floyd Adlem
MVLWB A/Chair

Copied to: Distribution List

Attachments:

- Land Use Permit Cover Page
- Land Use Permit Conditions
- Reasons for Decision



Land Use Permit

Permit Class	Permit No	Amendment No
A	MV2015Q0022	-

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

Rowe's Construction

Permittee

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

Signature Ms. Trudie Walsh	Date December 21, 2015
Type of Land Use Operation Quarry Operation	
Location Highway #1, km 191.6	

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

Dated at Yellowknife this 18 day of February, 2016

Signature A/Chair

Signature Witness

Commencement Date

February 18, 2016

Expiry Date

February 17, 2021

ATTENTION

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 # MV2015Q0022

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Quarry operation at NWT Highway #1, km 191.6
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 Mackenzie Valley Land and Water Board established under Part 4 of the Act.

Engagement Plan – a document, developed in accordance with the Board’s June 2013, or amended editions, *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.

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 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 – Rowe’s 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.

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. | Location of Activities |
| 2. | Prior to the commencement of the land-use operation, the Permittee shall mark each corner of the land use area. | Mark Area |
| 3. | The Permittee shall maintain the corner markings until the area is reclaimed. | Corner Posts |
| 4. | 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

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| 5. | 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 |
| 6. | 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 |
| 7. | 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

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| 8. | 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 |
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26(1)(d) Methods and Techniques

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| 9. | The Permittee shall leave a buffer strip of undisturbed vegetation at least 30 metres in width between cleared areas and public roads. | Tree Screen |
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26(1)(e) Type, Location, Capacity, and Operation of All Facilities

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| 10. | The Permittee shall ensure that the land use area is kept clean at all times. | Clean Work Area |
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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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| 11. | The land-use operation shall not cause obstruction to any natural drainage. | Natural Drainage |
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12.	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		
13.	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		
14.	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		
15.	The Permittee shall keep all garbage and debris in a secure container until disposal.	Garbage Container
16.	The Permittee shall dispose of all garbage, Waste, and debris as described in the accepted application, unless otherwise authorized in writing by an Inspector.	Remove Garbage
17.	The Permittee shall remove all scrap metal, discarded machinery, parts, barrels and kegs, buildings and building material to an approved disposal facility.	Remove Waste Material
26(1)(j) Protection of Historical, Archaeological, and Burial Sites		
18.	The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.	Site Disturbance
19.	The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:	Site Discovery and Notification
	<ul style="list-style-type: none"> 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. 	
26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value		
<i>Intentionally left blank</i>		
26(1)(l) Security Deposit		
20.	All costs to remediate the area under this Permit are the responsibility of the Permittee.	Responsibility for Remediation Costs

26(1)(m) Fuel Storage

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| 21. | The Permittee shall set up all refueling points with Secondary Containment. | Secondary Containment – Refueling |
| 22. | The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. | Fuel Containment |
| 23. | 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 |
| 24. | Prior to commencement of operations, the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills. | Spill Response |
| 25. | 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 |
| 26. | 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

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| 27. | 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 |
| 28. | The Permittee shall not clear areas larger than identified in the complete application. | Minimize Area Cleared |
| 29. | The Permittee shall salvage all portions of trees cleared that are larger than 13cm in diameter at locations authorized in writing by an Inspector. | Salvage Timber |

26(1)(o) Restoration of the Lands

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| 30. | The Permittee shall dispose of all overburden as instructed by an Inspector. | Disposal of Overburden |
| 31. | 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 |
| 32. | 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 |
| 33. | Prior to the expiry date of this Permit, the Permittee shall complete all cleanup and restoration of the lands used. | Final Cleanup and Restoration |
| 34. | 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 |
| 35. | 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

36. 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

37. 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**

38. 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**

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



Mackenzie Valley Land and Water Board
 7th Floor - 4922 48th Street
 P.O. Box 2130
 YELLOWKNIFE NT X1A 2P6
 Phone (867) 669-0506
 FAX (867) 873-6610

Reasons for Decision

Issued pursuant to paragraph 40(2)(c) of the *Mackenzie Valley Land Use Regulations* (MVLUR) and section 121 of the *Mackenzie Valley Resource Management Act* (MVRMA)

Land Use Permit Application	
Preliminary Screener	MVLWB
Reference/File Number	MV2015Q0022
Applicant	Rowe's Construction
Project	Quarry operation, GNWT Highway #1, km 191.6

Decision from Mackenzie Valley Land and Water Board Meeting of

February 18, 2016

With respect to this Application, notice was given in accordance with sections 63 and 64 of the MVRMA. There was *no* public hearing held in association with this Application.

Background

- December 22, 2015 – Application received;
- December 24, 2015 – Application deemed incomplete;
- January 5, 2016 – Additional information received;
- January 7, 2016 – Application deemed complete and sent for review;
- January 28, 2016 – Comments due on the Application;
- February 4, 2016 – Responses due from Rowe's; and
- February 18, 2016 – Presented to the Board for decision.

Decision

The Board is satisfied that:

- the development was screened by the MVLWB on February 26, 2009 pursuant to subsection 124(1) of the MVRMA and has therefore been exempt from screening pursuant to Part 1(2) of Schedule 1 (Section 2) of the Exemption List Regulations;
- any potential adverse environmental effects are insignificant or mitigable with known technology; and
- there is no likelihood that the proposed development might be a cause of public concern.

After reviewing the evidence and submissions of the Applicant, the written comments and submissions received by the Board and the Staff Report prepared for the Board, the Board, having due regard to the facts, circumstances, the merits of the submissions made to it, and to the purpose, scope, and intent of the MVRMA and Regulations made thereunder, has determined that Land Use Permit MV2015Q0022 be issued subject to the terms and conditions contained therein. The Board's determinations and reasons for this decision are set out below.

The Board's reasons for this decision are as follows:

- The Board is satisfied that appropriate consultation has been conducted and that advice has been sought and considered, in accordance with sections 63 and 64 of the MVRMA.
- It is the opinion of the Board that the terms and conditions attached to MV2015Q0022, pursuant to the MVRMA, will prevent or mitigate any potential significant environmental impacts which might result from the project.
- The Board has consulted with 'Responsible Ministers' as defined under subsection 111(1) of the MVRMA and has considered their recommendations for the terms and conditions of this Land Use Permit
- The use of land proposed by the Applicant is of a nature contemplated by the MVRMA.
- The operation will likely contribute to the socio-economic well-being and economic development of the region.

Land Use Permit MV2015Q0022 contains provisions that the Board feels necessary to ensure and monitor compliance with the MVRMA and the Regulations made thereunder and to provide appropriate safeguards in respect of the Applicant's use of the land affected by the Land Use Permit.

SIGNATURE

Mackenzie Valley Land and Water Board



February 18, 2016

A/Chair

Date