

**DRAFT**

**Conditions Annexed to and Forming Part  
of Land Use Permit # MV2016X0011**

**Part A: Scope of Permit**

1. This Permit entitles the Permittee to conduct the following land-use associated with the remediation and reclamation on the abandoned mining and milling operations at the Tundra Mine site, NT:
  - a) The construction, maintenance and operation of a winter road;
  - b) The construction, maintenance and operation of a camp;
  - c) Use of equipment;
  - d) Use and storage of fuel; and
  - e) Various remediation activities.
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, Tłı̨chų, or Municipal laws.
4. The Inspectors' authorities are dependent on the ultimate responsibility for administration and control of the lands affected by this Permit. Annex 1 forms a part of this permit and sets out areas of federal and territorial authority.

**Commented [RC-M1]:** Board staff are requesting a map that clearly demonstrates the federal and non-federal areas as it relates to Inspectors' authorities. In the absence of defined areas, Board staff suggest wording in the permit that states: "an Indigenous and Northern Affairs Canada Inspector, and Government of the Northwest Territories Inspector" each place an Inspector is referenced. Board staff are seeking input on this approach.

**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.

**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 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.

**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 *Mackenzie Valley Resource Management Act*.

**Minister** - the Minister of Indigenous 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.

**Sewage Disposal Facilities** - Sump(s) and/or Sewage collection tank(s) and/or storage containers designed to hold Sewage.

**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.

**Sump** - a man-made pit or natural depression in the earth’s surface used for the purpose of depositing waste that does not contain Toxic Material, such as non-toxic Drilling Waste or Sewage, therein.

**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** – has the meaning set out in section 51 of the Act.

**Watercourse** – means a natural watercourse, body of water or water supply, whether usually containing water or not, and includes groundwater, springs, swamps and gulches.

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

Condition	CATEGORY
<b>26(1)(a) Location and Area</b>	
1. The Permittee shall not conduct any part of the land-use operation within 300 metres of any privately owned or leased land or structure, unless otherwise authorized in writing by the Board.	<b>PRIVATE PROPERTY</b>
2. The Permittee shall locate all camps on Durable Land or previously cleared areas.	<b>CAMP LOCATION</b>
3. The Permittee shall use an existing campsite, as described in the complete application.	<b>EXISTING CAMP</b>
4. 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.	<b>QUARRY SETBACK</b>
5. The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.	<b>PARALLEL ROADS</b>
6. The Permittee shall not conduct this land-use operation on any lands not designated in the complete application.	<b>LOCATION OF ACTIVITIES</b>
<b>26(1)(b) Time</b>	
7. At least 48 hours prior to the commencement of this land-use operation, the Permittee's Field Supervisor shall contact: (a) an Indigenous and Northern Affairs Canada Inspector at (867) 669-2442 or 669-2468, <u>and/or</u> (b) a Government of the Northwest Territories Inspector at (867) 765-6648.	<b>CONTACT INSPECTOR</b>
8. 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 Indigenous and Northern Affairs Canada Inspector, <u>and/or</u> Government of the Northwest Territories 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).	<b>IDENTIFY AGENT</b>
9. At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Indigenous and Northern Affairs Canada Inspector, <u>and/or</u> Government of the Northwest Territories Inspector of: (a) the plan for removal or storage of equipment and materials; and	<b>REPORTS BEFORE REMOVAL</b>

**Commented [RC-M2]:** Board staff seeking direction (see above comment)

**Commented [RC-M3]:** Board staff seeking direction (see above comment)

**Commented [RC-M4]:** Board staff seeking direction (see above comment)

(b) when final cleanup and reclamation of the land used will be completed.

10. The Board, for the purpose of this operation, designates March 31, as spring break-up. **SPRING BREAK – UP**

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

11. 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**

12. The Permittee shall construct and maintain the overland portion of winter roads with a minimum of 10 cm of packed snow and/or ice at all times during this land-use operation. **WINTER ROADS**

13. The Permittee shall not erect camps or store material, other than that required for immediate use, on the ice surface of a Watercourse. **STORAGE ON ICE**

14. Prior to the expiry of this Permit, the Permittee shall replace all excavated material, unless otherwise authorized in writing by an Indigenous and Northern Affairs Canada Inspector, and/or Government of the Northwest Territories Inspector. **EXCAVATED MATERIAL**

Commented [RC-M5]: Board staff seeking direction (see above comment)

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

15. The Permittee shall ensure that the land use area is kept clean at all times. **CLEAN WORK AREA**

16. The Permittee shall not locate any Sump within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Indigenous and Northern Affairs Canada Inspector, and/or Government of the Northwest Territories Inspector. **SUMPS FROM WATER**

Commented [RC-M6]: Board staff seeking direction (see above comment)

**26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land**

17. The land-use operation shall not cause additional obstructions to any natural drainage. **NATURAL DRAINAGE**

18. The Permittee shall minimize erosion by installing erosion control structures as the land-use operation progresses. **PROGRESSIVE EROSION CONTROL**

19. The Permittee shall not conduct off-road vehicle travel in areas without snow-covered surfaces. **OFF-ROAD VEHICLE TRAVEL**

20. The Permittee shall prepare the site in such a manner as to prevent rutting of the ground surface. **PREVENTION OF RUTTING**

21. The Permittee shall suspend overland travel of equipment or vehicles at

**SUSPEND**

the first sign of rutting.	<b>OVERLAND TRAVEL</b>	
22. The Permittee shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging.	<b>VEHICLE MOVEMENT</b>	
23. The Permittee shall not use any material other than clean water or snow in the construction of ice bridges.	<b>ICE BRIDGE MATERIALS</b>	
24. The Permittee shall not use any materials other than clean snow or water in the construction of snow fills.	<b>SNOWFILL MATERIALS</b>	
25. Prior to spring break-up or completion of the land-use operation, the Permittee shall clean up and either remove or v-notch all snowfills from stream crossings, unless otherwise authorized in writing by an Indigenous and Northern Affairs Canada Inspector, <u>and/or</u> Government of the Northwest Territories Inspector.	<b>REMOVE OR V-NOTCH SNOWFILLS</b>	<b>Commented [RC-M7]:</b> Board staff seeking direction (see above comment)
26. Prior to spring break-up or completion of the land-use operation, the Permittee shall clean up and v-notch all ice bridges, unless otherwise authorized in writing by an Indigenous and Northern Affairs Canada Inspector, <u>and/or</u> Government of the Northwest Territories Inspector.	<b>V-NOTCH ICE BRIDGES</b>	<b>Commented [RC-M8]:</b> Board staff seeking direction (see above comment)
27. The Permittee shall minimize approach grades on all Watercourse crossings.	<b>MINIMIZE APPROACH</b>	
28. The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Indigenous and Northern Affairs Canada Inspector, <u>and/or</u> Government of the Northwest Territories Inspector.	<b>STREAM BANKS</b>	<b>Commented [RC-M9]:</b> Board staff seeking direction (see above comment)
29. 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 Indigenous and Northern Affairs Canada Inspector, <u>and/or</u> Government of the Northwest Territories Inspector.	<b>EXCAVATION AND EMBANKMENTS</b>	<b>Commented [RC-M10]:</b> Board staff seeking direction (see above comment)
30. 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>	
31. 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 Indigenous and Northern Affairs Canada Inspector, <u>and/or</u> Government of the Northwest Territories Inspector.	<b>EXCAVATE NEAR WATERCOURSE</b>	<b>Commented [RC-M11]:</b> Board staff seeking direction (see above comment)
<b>26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material</b>		
32. At least seven days prior to the use of any chemicals that were not identified in the complete application, the MSDS sheets must be provided	<b>CHEMICALS</b>	

to an Indigenous and Northern Affairs Canada Inspector, and/or Government of the Northwest Territories Inspector and the Board.

**Commented [RC-M12]:** Board staff seeking direction (see above comment)

- 33. Prior to spring break-up, the Permittee shall reclaim all Sumps, unless otherwise authorized in writing by an Indigenous and Northern Affairs Canada Inspector, and/or Government of the Northwest Territories Inspector.

**RECLAIM SUMPS**

**Commented [RC-M13]:** Board staff seeking direction (see above comment)

- 34. Prior to the expiry date of this Permit or the end of operations, whichever comes first, the Permittee shall backfill and restore all Sumps, unless otherwise authorized in writing by an Indigenous and Northern Affairs Canada Inspector, and/or Government of the Northwest Territories Inspector.

**BACKFILL SUMPS**

**Commented [RC-M14]:** Board staff seeking direction (see above comment)

- 35. The Permittee shall maintain a record of all spills. For all reportable spills, in accordance with the GNWT *Spill Contingency Planning and Reporting Regulations*, the Permittee shall:  
(a) immediately report each spill to the 24-hour Spill Report Line (867) 920-8130;  
(b) report each spill to an Indigenous and Northern Affairs Canada Inspector, and/or Government of the Northwest Territories Inspector within 24 hours; and  
(c) submit, to the Board and an Indigenous and Northern Affairs Canada Inspector, and/or Government of the Northwest Territories Inspector, a detailed report on each spill within 30 days.

**REPORT SPILLS**

**Commented [RC-M15]:** Board staff seeking direction (see above comment)

**Commented [RC-M16]:** Board staff seeking direction (see above comment)

- 36. The Permittee shall dispose of all Toxic Material as described in the approved application.

**WASTE CHEMICAL DISPOSAL**

- 37. The Permittee shall dispose of all combustible waste petroleum products by removal to an approved disposal facility.

**WASTE PETROLEUM DISPOSAL**

- 38. The Permittee shall dispose of all waste petroleum products by removal to an approved disposal facility or by incineration in a device designed for this purpose, as described in the approved application.

**WASTE PETROLEUM DISPOSAL**

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

- 39. 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**

- 40. The Permittee shall keep all garbage and debris in a secure container until disposal.

**GARBAGE CONTAINER**

- 41. The Permittee shall dispose of all garbage, waste, and debris as described in the approved application, unless otherwise authorized in writing by an Indigenous and Northern Affairs Canada Inspector, and/or Government of

**REMOVE GARBAGE**

**Commented [RC-M17]:** Board staff seeking direction (see above comment)

the Northwest Territories Inspector.

**26(1)(j) Protection of Historical, Archaeological, and Burial Sites**

42. The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground.

**ARCHAEOLOGICAL BUFFER**

43. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.

**SITE DISTURBANCE**

44. 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 Indigenous and Northern Affairs Canada at (867) 669-2442 or 669-2468 and/or a Government of the Northwest Territories Inspector at (867) 765-6648; and  
(c) notify the Prince of Wales Northern Heritage Centre at (867) 767-9347 ext. 71251 or ext. 71250.

**SITE DISCOVERY AND NOTIFICATION**

**Commented [RC-M18]:** Board staff seeking direction (see above comment)

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

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

45. All costs to remediate the area under this Permit are the responsibility of the Permittee.

**RESPONSIBILITY FOR REMEDIATION COSTS**

**26(1)(m) Fuel Storage**

46. The Permittee shall:  
(a) examine all Fuel Storage Tanks and containers for leaks a minimum [redacted] [e.g. once per day]; and  
(b) repair all leaks immediately.

**CHECK FOR LEAKS**

**Commented [RC-M19]:** Board staff are seeking input on this condition

47. The Permittee shall not place any Fuel Storage Containers or Tanks within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Indigenous and Northern Affairs Canada Inspector, and/or Government of the Northwest Territories Inspector.

**FUEL NEAR WATER**

**Commented [RC-M20]:** Board staff seeking direction (see above comment)

48. The Permittee shall set up all refueling points with Secondary Containment.

**SECONDARY CONTAINMENT - REFUELING**

49. The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.

**FUEL CONTAINMENT**



- |     |  |                               |
|-----|--|-------------------------------|
| 50. | The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours.   | <b>FUEL ON LAND</b>           |
| 51. | The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name.  | <b>MARK CONTAINERS</b>        |
| 52. | The Permittee shall seal all outlets of Fuel Storage Containers and store the containers on their sides with the outlets located at 3 and 9 o'clock, except for containers currently in use.   | <b>SEAL OUTLET</b>            |
| 53. | 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. | <b>SPILL CONTINGENCY PLAN</b> |
| 54. | Prior to commencement of operations, the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills.  | <b>SPILL RESPONSE</b>         |
| 55. | 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.  | <b>DRIP TRAYS</b>             |
| 56. | The Permittee shall clean up all leaks, spills, and contaminated material.   | <b>CLEAN UP SPILLS</b>        |

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

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**26(1)(o) Restoration of the Lands**

- |     |   |                                    |
|-----|---|------------------------------------|
| 57. | 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 Indigenous and Northern Affairs Canada Inspector, <u>and/or</u> Government of the Northwest Territories Inspector. | <b>PRE-CONSTRUCTION PROFILES</b>   |
| 58. | The Permittee shall dispose of all overburden as instructed by an Indigenous and Northern Affairs Canada Inspector, <u>and/or</u> Government of the Northwest Territories Inspector.  | <b>DISPOSAL OF OVERBURDEN</b>      |
| 59. | The Permittee shall store overburden and use it to recontour the site after operations are complete, unless otherwise authorized in writing by an Indigenous and Northern Affairs Canada Inspector, <u>and/or</u> Government of the Northwest Territories Inspector.                            | <b>SAVE AND PLACE ORGANIC SOIL</b> |
| 60. | The Permittee shall level all stockpiles of granular material located within the land use area prior to the expiry date of this Permit.   | <b>NO STOCKPILES</b>               |
| 61. | Prior to the expiry date of this Permit, the Permittee shall complete all   | <b>FINAL CLEANUP AND</b>           |

**Commented [RC-M21]:** Board staff seeking direction (see above comment)

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**Commented [RC-M23]:** Board staff seeking direction (see above comment)

cleanup and restoration of the lands used.

**RESTORATION**

62. 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**

63. 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**

64. The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation.

**DISPLAY PERMIT**

**26(1)(q) Biological and Physical Protection of the Land**

65. 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**

66. 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**

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

**SUMMARY OF  
CHANGES**