

**Conditions Annexed to and Forming Part
of Land Use Permit # MV2017X0008**

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - The continuous and ongoing operation and maintenance of the existing NWT Public Highway system within the permit corridor along the Yellowknife Highway
 - (NWT No.3) between kilometre 200 and kilometre 338.8 (end of Highway #3) and along the Ingraham Trail (NWT No.4) between kilometre 0 (Intersection with the Yellowknife Highway at km 338.8) and km 69.2 (Tibbitt Lake – the end of the Highway) Corridor and includes the Community Access Roads for Behchoko (Rae) and Dettah and other minor roads along the Yellowknife Highway – Ingraham Trail Corridor and as listed under the Public Highways Act as Commissions Land for the Government of the NWT, and includes all highways;
 - roadways and other transportation infrastructure including but not limited to:
 - roadway embankment maintenance;
 - rehabilitation and reconstruction;
 - bridge structures maintenance and replacement;
 - culvert maintenance and replacement;
 - establishment and maintenance of drainage channels; and
 - winter roads construction and maintenance.
 - The Permit area will be two (2) kilometres in width, one (1) kilometre on each side of the existing public highway/roadway centerline through the entire length of the permit corridor including access and minor roads as listed in the Public Highways Act;
 - To access existing or future quarry areas within and outside the two (2) kilometre corridor;
 - To develop new or further develop existing borrow areas to obtain granular borrow materials, common materials, blast rock (including use of explosives), rip-rap, clay, sand and gravel, from areas outside the existing 60 metre wide Public Highway corridors through applications to INAC and the Tlicho Government for Quarrying Permits;
 - To carry out geotechnical investigations in the search for gravels and rock and for gathering preliminary engineering information for the design of foundations for roadways, bridges and other structures (as required);
 - To place and maintain granular stockpiles at existing or approved quarry sites for the purpose of ongoing operations and maintenance of the public highway system within the permit corridor;
 - To place temporary construction/work camps at existing quarry or previously developed sites within the permit corridor for the purpose of carrying out operations and maintenance of the public highway system and other roadways within the permit corridor;
 - Use of various pieces of equipment;
 - To temporarily store construction, operations and maintenance equipment at the various existing quarry or other previously developed sites within the permit corridor while carrying out these activities in the area;
 - To access water sources for the ongoing operations and maintenance of the public highway system within the permit corridor;
 - Use and operation of fuel storage tanks in various sizes located at the temporary construction/work camp locations;
 - To access one kilometre (1000 metres) on each side (left and right) of the public highway/roadway center line for the purpose of carrying out granular and geotechnical investigations, quarry pit development, drainage channel construction, stockpiling granular and other construction materials and placement of temporary construction/work camps;

- To construct and maintain sand and sand/salt storage facilities at strategic locations along the designated highway corridor;
 - To construct, maintain and operate a weight scale and inspection facility; and
 - To construct, operate and maintain pullouts/rest areas at strategic locations along the designated highway corridor.
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*.

Archaeological Overview - as defined by the Prince of Wales Northern Heritage Centre – Guidelines for Developers.

Archaeological Impact Assessment - as defined by the Prince of Wales Northern Heritage Centre – Guidelines for Developers.

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

Borehole - a hole that is made in the surface of the ground by drilling or boring.

Dogleg – the clearing of a line, trail, or right-of-way that is curved sufficiently so that no part of the clearing beyond the curve is visible when approached from either direction.

Drilling Fluids - any liquid mixture of water, sediment, drilling muds, chemical additives or other wastes that are pumped down hole while drilling and are specifically related to drilling activity.

Drilling Waste - all materials or chemicals, solid or liquid, associated with drilling, including drill cuttings and Drilling Fluids.

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.

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 *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).

Permafrost - ground (soil or rock) that remains at or below 0°C for at least two consecutive years.

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 – 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.

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 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.	Private Property
2.	The Permittee shall locate all camps on Durable Land or previously cleared areas.	Camp Location
3.	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
4.	The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.	Parallel Roads
5.	The Permittee shall locate all lines, trails, and right-of-ways to be constructed parallel to any Watercourse a minimum of 100 metres from the Ordinary High Water Mark, except at crossings.	Parallel Watercourse
6.	The Permittee shall not conduct this land-use operation on any lands not designated in the complete application.	Location of Activities
	26(1)(b) Time	
7.	At least 48 hours prior to the commencement of this land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) 872-2558.	Contact Inspector
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 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
9.	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
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 Dogleg lines, trails and right-of-ways that approach Watercourses or public roads.	Dogleg Approaches
13.	The Permittee shall leave a buffer strip of undisturbed vegetation at least 30 metres in width between cleared areas and public roads.	Tree Screen
14.	The Permittee shall replace all excavated material from the test pits prior to the expiry of this Permit.	Test Pits
	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 Inspector.	Sumps From Water
17.	The Permittee shall provide the Board, as-built drawings of the salt shed and mixing areas prior to their initial use.	As Built Drawings
18.	The Permittee shall install liners/impermeable membranes at salt/sand mixing areas.	Installation of Liners
19.	The Permittee shall install an impermeable membrane below building foundations prior to construction as accepted by the Inspector.	Installation of Liners.
	26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land	
20.	The Permittee shall install and maintain culverts such that scouring does not occur.	Culvert Size
21.	The land-use operation shall not cause obstruction to any natural drainage.	Natural Drainage
22.	The Permittee shall minimize erosion by installing erosion control structures as the land-use operation progresses.	Progressive Erosion Control

23.	The Permittee shall, where flowing water from a Borehole is encountered: (a) plug the Borehole in such a manner as to permanently prevent any further outflow of water; and (b) immediately report the occurrence to the Board and an Inspector.	Flowing Artesian Well
24.	The Permittee shall prepare the site in such a manner as to prevent rutting of the ground surface.	Prevention of Rutting
25.	The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting.	Suspend Overland Travel
26.	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.	Vehicle Movement Freeze-up
27.	The Permittee shall not use any material other than clean water and snow in the construction of ice bridges.	Ice Bridge Materials
28.	The Permittee shall not use any materials other than clean snow and water in the construction of snow fills.	Snowfill Materials
29.	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 Inspector.	Remove or V-Notch Snowfills
30.	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 Inspector.	V-notch Ice Bridges
31.	The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector.	Stream Banks
32.	The Permittee shall minimize approach grades on all Watercourse crossings.	Minimize Approach
33.	The Permittee shall not ford wet streams.	No Fording of Streams
34.	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
35.	The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High Water Mark of any Watercourse.	Watercourse Buffer
36.	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.	Excavate Near Watercourse

	26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material	
37.	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 to an Inspector and the Board.	Chemicals
38.	When drilling within 100 metres of the Ordinary High Water Mark of any Watercourse, and when drilling on ice, the Permittee shall contain all drill water and waste in a closed circuit system for reuse, off-site disposal, or deposit into a land-based Sump or natural depression.	Drilling Near Water or On Ice
39.	The Permittee may deposit Drilling Waste that does not contain Toxic Material in a Sump or natural depression. Any Sumps or natural depressions used to deposit Drilling Waste must be located at least 100 metres from the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.	Drilling Waste
40.	The Permittee shall remove all Drilling Waste containing Toxic Material to an approved disposal facility.	Drilling Waste Disposal
41.	The Permittee shall not allow any Drilling Waste to spread to the surrounding lands or Watercourses.	Drilling Waste Containment
42.	Prior to spring break-up, the Permittee shall reclaim all Sumps, unless otherwise authorized in writing by an Inspector.	Reclaim Sumps
43.	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 Inspector.	Backfill Sumps
44.	The Permittee shall maintain a record of all spills. For all reportable spills, in accordance with the GNWT <i>Spill Contingency Planning and Reporting Regulations</i> , the Permittee shall: (a) immediately report each spill to the 24-hour Spill Report Line (867) 920-8130; (b) report each spill to an Inspector within 24 hours; and (c) submit, to the Board and an Inspector, a detailed report on each spill within 30 days.	Report Spills
45.	The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.	Waste Chemical Disposal
46.	The Permittee shall dispose of all combustible waste petroleum products by removal to an approved disposal facility.	Waste Petroleum Disposal

47.	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 Waste Management Plan.	Waste Petroleum Disposal
	26(1)(h) Wildlife and Fish Habitat	
48.	The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.	Habitat Damage
49.	The Permittee shall not obstruct the movement of fish while conducting this land-use operation. The Permittee shall construct and maintain all structures placed in streams frequented by fish in a manner that will not obstruct the passage of fish.	Free Fish Movement
	26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage	
50.	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
51.	The Permittee shall keep all garbage and debris in a secure container until disposal.	Garbage Container
52.	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
53.	The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan.	Sewage Disposal
	26(1)(j) Protection of Historical, Archaeological, and Burial Sites	
54.	The Permittee shall not operate any vehicle or equipment within 100 metres of a known or suspected historical or archaeological site or burial ground.	Archaeological Buffer
55.	The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.	Site Disturbance
56.	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) 695-2626, and the Prince of Wales Northern Heritage Centre at (867) 767-9347 ext. 71251 or (867) 767-9347 ext. 71250.	Site Discovery and Notification

57.	At least 30 days prior to any new land disturbance, including new drill sites, the Permittee shall conduct an Archaeological Overview to identify areas of high and low potential for archaeological and burial sites and shall submit a summary report to the Board and the Prince of Wales Northern Heritage Centre.	Archaeological Overview
	Prior to disturbance in areas of high potential for archaeological or burial sites identified in the Archaeological Overview, the Permittee shall conduct an Archaeological Impact Assessment of the sites where disturbance is planned and shall submit a summary report to the Board and the Prince of Wales Northern Heritage Centre.	AIA – High Potential
	26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value <i>Intentionally left blank</i>	
	26(1)(l) Security Deposit	
58.	All costs to remediate the area under this Permit are the responsibility of the Permittee.	Responsibility for Remediation Costs
	26(1)(m) Fuel Storage	
59.	The Permittee shall: (a) examine all Fuel Storage Tanks and containers for leaks a minimum once per day; and (b) repair all leaks immediately.	Check for Leaks
60.	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 Inspector.	Fuel Near Water
61.	The Permittee shall ensure that all fuel caches have adequate Secondary Containment.	Fuel Cache Secondary Containment
62.	The Permittee shall set up all refueling points with Secondary Containment.	Secondary Containment - Refueling
63.	The Permittee shall only use stands approved by an Inspector for supporting Fuel Storage Containers that are in use.	Fuel Container Stands
64.	The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	Fuel Containment
65.	The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours.	Fuel on Land
66.	The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name.	Mark Containers

67.	The Permittee shall mark all stationary fuel caches and fuel storage facilities with flags, posts, or similar devices so that they are at all times plainly visible to local vehicle travel.	Mark Fuel Location
68.	Within ten days of the establishment of any fuel cache, the Permittee shall report the location and quantity of the cache in writing to an Inspector and the Board.	Report Fuel Location
69.	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.	Seal Outlet
70.	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
71.	Prior to commencement of operations, the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills.	Spill Response
72.	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
73.	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	
74.	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
75.	The Permittee shall not clear areas larger than identified in the complete application.	Minimize Area Cleared
76.	The Permittee shall salvage all portions of trees cleared that are larger than 13 cm in diameter.	Salvage Timber
	26(1)(o) Restoration of the Lands	
77.	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.	Pre-construction Profiles
78.	The Permittee shall dispose of all overburden as instructed by an Inspector.	Disposal of Overburden

79.	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
80.	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
81.	Prior to the expiry date of this Permit, the Permittee shall complete all cleanup and restoration of the lands used.	Final Cleanup and Restoration
82.	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
83.	The Permittee shall carry out progressive reclamation of disturbed areas as soon as it is practical to do so.	Progressive Reclamation
84.	The Permittee shall complete reclamation of each individual project site within 12 months of completion.	Seasonal Reclamation
	26(1)(p) Display of Permits and Permit Numbers	
85.	The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation.	Display Permit
86.	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	
87.	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
88.	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
89.	All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.	Summary of Changes