



Mackenzie Valley Land and Water Board
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June 6, 2019

File: MV2019S0009

Mr. Todd M. Martin
Senior Vice President
North American Tungsten Corporation Ltd.
c/o Alvarez & Marsal Canada Inc.
Suite 1680 – 400 Burrard St.
Vancouver BC V6C 3A6

Email: cbeveridge@alvarezandmarsal.com

Dear Mr. Martin:

**Issuance of Type A Land Use Permit
Soil Testing (Geotechnical) – Tungsten, NT**

Attached is Type A Land Use Permit MV2019S0009 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, effective June 6, 2019 and expiring June 5, 2024.

Please read all conditions carefully. For the purpose of submitting plans in accordance with this Permit, the date of this letter, June 6, 2019, is the date of commencement.

In accordance with Permit condition 60, a security deposit in the amount of \$15,368.00 shall be posted with the Minister and copied to the Board prior to the start of the operation under section 32 of the Mackenzie Valley Land Use Regulations. This security deposit, **payable to the Receiver General for Canada**, in the amount of \$15,368.00, shall be submitted to: Indigenous and Northern Affairs Canada, Box 1500, Yellowknife, NT, X1A 2R3, Attention: Ms. Michelle Desjarlais-Morris, Manager, Financial Services. Please send a copy of the receipt of security deposit to the MVLWB office prior to the start of your operation.

The Board hereby approves the following Plans as summarized in Table 1:

Table 1: Plans

Condition Number	Title of Plan	Date Received
49.	Waste Management Plan	April 15, 2019
66.	Spill Contingency Plan Version 1.1	May 21, 2019
84.	Engagement Plan	April 15, 2019

The Board notes that in responding to reviewer comments during review of this Application, NATCL staff noted that fuel may be stored near Tailings Storage Facility (TSF) 6, however, the Application indicated that no fuel storage would take place in association with proposed activities. The Board would like to remind NATCL that fuel storage was not screened or included in the scope of this Permit, and fuel storage is therefore not permitted.

Should you wish to discontinue your land-use operation at any time prior to the expiry date 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 North American Tungsten Corporation Ltd. is anticipated and appreciated. If you have any questions or concerns, please contact Julian Morse at (867) 766-7453 or email jmorse@mvlwb.com.

Yours sincerely,



Mavis Cli-Michaud
MVLWB, Chair

Copied to: Distribution List
Michelle Desjarlais-Morris, Manager, Financial Services, INAC

Attached: Land Use Permit MV2019S0009
Reasons for Decision



Land Use Permit

Permit Class	Permit No	Amendment No
A	MV2019S0009	-

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

North American Tungsten Corporation Ltd.

Permittee

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

Signature Mr. Brian Delaney	Date April 15, 2019
Type of Land Use Operation Soil Testing (Geotechnical)	
Location Tungsten, NT	

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

Dated at Yellowknife this 6 day of June, 2019

Signature Chair

Mavis Cli-Michaud

Signature Witness

Amanda Gauthier

Effective Date

June 6, 2019

Expiry Date

June 5, 2024

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 MV2019S0009

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Geotechnical test-pitting and borehole drilling; and
 - b) Access road construction.
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, Tłıchq, or Municipal laws.

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

Act - the *Mackenzie Valley Resource Management Act*.

Archaeological Impact Assessment - as defined by the Prince of Wales Northern Heritage Centre – *Guidelines for Developers for the Protection of Archaeological Sites in the Northwest Territories*.

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.

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.

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 - 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 - 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)

Condition	Category
26(1)(a) Location and Area	
1. Prior to the commencement of drilling, the Permittee shall submit the drill target locations on a 1:50,000-scale map with coordinates and map datum to the Board and an Inspector.	DRILL LOCATIONS
2. The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.	PARALLEL ROADS
3. 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
4. The Permittee shall not conduct this land-use operation on any lands not designated in the complete application.	LOCATION OF ACTIVITIES
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
6. The Permittee shall confine the width of the right of way to a maximum of ten (10) metres, unless otherwise authorized in writing by a Land Use Inspector. The Permittee shall not clear a right-of-way that is wider than 12 metres.	WIDTH RIGHT-OF-WAY
26(1)(b) Time	
8. At least 48 hours prior to the commencement of the land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) 669-2442.	CONTACT INSPECTOR
9. 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: <ul style="list-style-type: none"> 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
10. At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of: <ul style="list-style-type: none"> 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

11.	26(1)(c) Type and Size of Equipment	
12.	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
13.	The Permittee shall maintain fire-fighting equipment at the site in accordance with the <i>Government of the Northwest Territories' Forest Fire Prevention and Suppression Guidelines for Industrial Activities</i> .	FIRE-FIGHTING EQUIPMENT
14.	26(1)(d) Methods and Techniques	
15.	The Permittee shall Dogleg lines, trails and right-of-ways that approach Watercourses or public roads.	DOGLEG APPROACHES
16.	Prior to the movement of any vehicle that exerts pressure on the ground in excess of 35 kPa, the Permittee shall scout proposed lines and routes to select the best location for crossing streams and avoiding terrain obstacles.	DETOURS AND CROSSINGS
17.	The Permittee shall remove all wire from the land as the land-use operation progresses.	REMOVE WIRE
18.	Prior to the expiry date of this Permit, the Permittee shall replace all excavated material, unless otherwise authorized in writing by an Inspector.	EXCAVATED MATERIAL
19.	26(1)(e) Type, Location, Capacity, and Operation of All Facilities	
20.	The Permittee shall ensure that the land use area is kept clean at all times.	CLEAN WORK AREA
21.	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
22.	26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land	
23.	The Permittee shall install and maintain culverts such that scouring does not occur.	CULVERT SIZE
24.	The land-use operation shall not cause obstruction to any natural drainage.	NATURAL DRAINAGE
25.	The Permittee shall minimize erosion by installing erosion control structures as the land-use operation progresses.	PROGRESSIVE EROSION CONTROL
26.	The Permittee shall, where flowing water from a Borehole is encountered:	FLOWING ARTESIAN WEL

	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.	
27.	The Permittee shall prepare the site in such a manner as to prevent rutting of the ground surface.	PREVENTION OF RUTTING
28.	The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting.	SUSPEND OVERLAND TRAVEL
29.	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
30.	The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector.	STREAM BANKS
31.	The Permittee shall minimize approach grades on all Watercourse crossings.	MINIMIZE APPROACH
32.	The Permittee shall not ford wet streams.	NO FORDING OF STREAMS
33.	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
34.	The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High Water Mark of any Watercourse, except as described in the application.	WATERCOURSE BUFFER
35.	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
36.	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 the Board and an Inspector.	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 Drilling 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	DRILLING WASTE

	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.	
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 the expiry date of this Permit or the end of the land-use operation whichever comes first, the Permittee shall backfill and restore all Sumps, unless otherwise authorized in writing by an Inspector.	BACKFILL SUMPS
43.	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: <ul style="list-style-type: none"> 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
44.	The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.	WASTE CHEMICAL DISPOSAL
45.	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
46.	26(1)(h) Wildlife and Fish Habitat	
47.	The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.	HABITAT DAMAGE
48.	26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage	
49.	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
50.	The Permittee shall keep all garbage and debris in a secure container until disposal.	GARBAGE CONTAINER

51.	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
52.	The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan.	SEWAGE DISPOSAL – PLAN
53.	26(1)(j) Protection of Historical, Archaeological, and Burial Sites	
54.	The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground.	ARCHAEOLOGIC AL 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) 669-2442, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71250 or ext. 71251.	SITE DISCOVERY AND NOTIFICATION
57.	Prior to any new land disturbance, 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
58.	26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value <i>Intentionally left blank.</i>	
59.	26(1)(l) Security Deposit	
60.	Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$15,368.00.	SECURITY DEPOSIT
61.	All costs to remediate the area under this Permit are the responsibility of the Permittee.	RESPONSIBILITY FOR REMEDICATION COSTS
62.	26(1)(m) Fuel Storage	
63.	The Permittee shall set up all refueling points with Secondary Containment.	SECONDARY CONTAINMENT – REFUELING

64.	The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	FUEL CONTAINMENT
65.	The Permittee shall not store fuel on the land use site at any time, unless otherwise authorized in writing by the Board.	MAXIMUM FUEL ON SITE
66.	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
67.	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.	SPILL RESPONSE
68.	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
69.	The Permittee shall clean up all leaks, spills, and contaminated material.	CLEAN UP SPILLS
70.	26(1)(n) Methods and Techniques for Debris and Brush Disposal	
71.	Prior to the expiry date of this Permit, the Permittee shall progressively dispose of all brush and trees and shall complete all brush disposal; all disposal shall be completed.	BRUSH DISPOSAL/ TIME
72.	The Permittee shall not clear areas larger than identified in the complete application.	MINIMIZE AREA CLEARED
73.	26(1)(o) Restoration of the Lands	
74.	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
75.	The Permittee shall dispose of all overburden as instructed by an Inspector.	DISPOSAL OF OVERBURDEN
76.	Prior to the expiry date of this Permit, the Permittee shall complete all cleanup and restoration of the lands used.	FINAL CLEANUP AND RESTORATION
77.	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
78.	The Permittee shall carry out progressive reclamation of disturbed areas as soon as it is practical to do so.	PROGRESSIVE RECLAMATION

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|-----|---|-------------------------------|
| 79. | The Permittee shall restore any trails impacted by the land-use operation by removing fallen trees and any other obstructions from the trails. | TRAILS
RESTORATION |
| 80. | 26(1)(p) Display of Permits and Permit Numbers | |
| 81. | The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation. | COPY OF
PERMIT |
| 82. | 26(1)(q) Biological and Physical Protection of the Land | |
| 83. | 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 |
| 84. | 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 |
| 85. | All revised plans submitted to the Board shall include a brief summary of the changes made to the plan. | SUMMARY OF
CHANGES |



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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	MV2019S0009
Company	North American Tungsten Corporation Ltd.
Project	Soil Testing (Geotechnical), NT
Date of Decision	June 6, 2019

These Reasons for Decision set out the Mackenzie Valley Land and Water Board's (the Board or MVLWB) decision on an Application made by North American Tungsten Corporation Ltd. (NATCL) to the Board on April 15, 2019 for Land Use Permit (Permit) MV2019S0009.

1.0 Background

NATCL applied for a Type A Land Use Permit to allow them to conduct geotechnical investigations around the Cantung Mine site. Proposed activities will include geotechnical borehole drilling and test pitting to assess types and quantities of borrow source materials for potential future remediation activity at the mine and assess slope stability in the Tailings Storage Facility 6 area. The term requested is five years.

2.0 Public Review

NATCL's Application was received by Board staff on April 15, 2019. The Application was deemed incomplete by Board staff on April 24, 2019 due to Application fees not having been received. On April 25, 2019, NATCL submitted information indicating fees were being couriered to the Board. The Application was deemed complete by Board staff and distributed for public review on April 26, 2019. Reviewer comments were received on May 15, 2019, and NATCL provided responses to the comments on May 22, 2019. The Board met to consider the Application on June 6, 2019.

3.0 Adequacy of Management Plans

A Waste Management Plan, Spill Contingency Plan, and Engagement Plan were included with the Application. Several reviewers made comments regarding minor updates which were required in the Spill Contingency Plan. NATCL made the suggested changes and re-submitted the Plan (version 1.1) on May 22, 2019 for Board consideration.

4.0 Security

NATCL completed the Board's reclamation security worksheet and submitted it with the Application and determined a total reclamation cost of \$18,080.00. Indigenous and Northern Affairs Canada (INAC) noted in their comments on the Application that they were in support of the estimate submitted by NATCL.

In reviewing NATCL's estimate, Board staff noted that NATCL entered a performance multiplier of 1, however, as the company had successfully completed the terms of an LUP in the past, they were entitled to enter 0.85, which would change their estimate from \$18,080.00 to \$15,368.00. Board staff contacted INAC to inquire whether they would be amenable to the Board setting security based on the 0.85 multiplier, and INAC responded that they were in support of this change¹.

5.0 Decision

In rendering its decision, the Board is satisfied that:

- notice of the Application was given in accordance with sections 63 and 64 of the MVRMA. The Board is satisfied that a reasonable period of notice was given to communities and First Nations so comments could be provided to the Board;
- the development has been screened pursuant to the MVRMA;
- 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 MV2019S0009 be issued subject to the term, scope, definitions, and conditions contained therein. The Board's determinations and reasons for this decision are set out below.

- 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.
- The use of land proposed by the Applicant is of a nature contemplated by the MVRMA.
- The Board has reviewed the information contained in the May 27, 2019 Staff Report regarding environmental impacts and/or public concerns.
- The scope of the Permit ensures NATCL is entitled to conduct activities which have been applied for and screened by the Board. In setting the scope, the Board endeavored to provide enough detail to identify and describe the authorized activities without being unduly restrictive or prescriptive, and to allow for project flexibility throughout the life of the Permit.
- The conditions set forth in the Permit have been imposed to address the Board's statutory responsibilities and ensure the land-use operation is conducted in a manner which ensures impacts to surrounding lands and waters are minimized.
- The Board has approved the Engagement Plan, Waste Management Plan, and Spill Contingency Plan version 1.1 because they meet the applicable guidelines and sufficiently reflect the scope of the proposed activities.
- The definitions and conditions in the Permit are from the MVLWB's *Standard Land Use Permit Conditions Template* (Standard Template), and are not discussed in detail in these reasons unless

¹ [Email from Dinah Elliott, INAC – May 27, 2019.](#)

notable due to recommendations or concerns raised by reviewers. After considering the information gathered through the public review, the Board made the following changes, with rationale, to the conditions:

Condition	Change	Rationale
13. Fire-Fighting Equipment	Condition retained	The INAC Inspector recommended removal of this condition as forest fire fighting is not the responsibility of the Permittee. However, The Government of the Northwest Territories- Environment and Natural Resources recommended the proponent retain this equipment in accordance with their <i>Forest Fire Prevention and Suppression Guidelines for Industrial Activities</i> . As this is a standard LUP condition included in similar Permits issued by the Board, the Board decided the condition should be retained in the Permit for consistency, and to ensure mitigation of any potential fires which could result from proponent activity. It is noted that the condition is intended to prevent forest fires from permitted activities, rather than suggest the proponent is responsible for fighting fires which naturally occur in the Permit area.
34. Watercourse Buffer	Caveat “except as described in the application” included in Condition	NATCL noted in their Application that one drilling location would occur within the 100m buffer imposed by this standard condition, and requested the Board permit them to work within the buffer zone in that particular case. No concerns were raised with including this caveat in the condition during review, therefore the Board determined it was reasonable to do so.
60. Security Deposit	Security established	The Board set security at \$15,368.00 as estimated by NATCL (with above-noted correction to the past performance multiplier). This amount was confirmed and supported by INAC.
66. Maximum fuel on site	Condition retained	The INAC Inspector recommended removal of this condition, as the proponent had not indicated fuel storage would be required under this Permit. As the scope does not allow for fuel storage, the Board decided to retain the condition, as it communicates to the Permittee directly that no fuel storage is permitted.
Save and Place Organic Soil	Condition removed	The INAC Inspector recommended removal of this condition and retention of Condition 66 which instructs the Permittee to dispose of overburden as instructed by an Inspector. The Board concurred with the Inspector’s recommendation.
No Stockpiles	Condition removed	The INAC Inspector recommended removal of this condition as the Applicant did not propose any quarrying activity. The Board concurred with the recommendation.
Display Permit	Condition removed	The INAC Inspector noted that no campsites will be established under this Permit and

		recommended removal of the condition. The Board concurred with the recommendation. Condition 85 requires the Permittee to maintain a copy of the Permit on hand at all times during the land-use operation.
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6.0 Conclusion

Land Use Permit MV2019S0009 contains provisions that the Board deems necessary to ensure and monitor compliance with the MVRMA and the Regulations made thereunder, and to provide appropriate safeguards in respect of NATCL’s use of the land affected by the Permit.

SIGNATURE

Mackenzie Valley Land and Water Board

Mavis Cli-Michaud, Chair

June 6, 2019

Date