

Conditions Annexed to and Forming Part of Land Use Permit # MV2020A0009

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Use and maintenance of all season roads;
 - b) Construction, use and maintenance of winter roads;
 - c) Use and maintenance of quarries;
 - d) Use and maintenance of camps;
 - e) Use and maintenance of bridges;
 - f) Use of equipment, vehicles, and machines;
 - g) Use and storage of Fuel;
 - h) Suspension, abandonment and maintenance of well sites and related natural gas facilities;
 - i) Maintenance of sumps;
 - j) Storage of Waste; and
 - k) Progressive Reclamation and associated Closure and Reclamation 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, Deline, Tłıchų, or Municipal laws.

Commented [AW1]: The Scope, Definitions and Conditions have been updated in accordance with the most recent *Standard Land Use Conditions Template*.
Board Staff seek input on the Scope.

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

Act - the *Mackenzie Valley Resource Management Act*.

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

Archaeological Overview - a study of archaeological sites 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.

Closure and Reclamation - the process and activities that facilitate the return of areas affected by the Project to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.

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.

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.

Permittee - the holder of this permit.

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

Progressive Reclamation - Closure and Reclamation activities conducted during the operating phase of the project.

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* that describes the set of procedures to be implemented to minimize the effects of a spill.

Safety Data Sheet - a technical document, typically written by the manufacturer or supplier of a chemical, that provides information about the hazards associated with the product, advice about safe handling and storage, and emergency response procedures.

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

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

26(1)(a) Location and Area

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| 1. | The Permittee shall only conduct this land-use operation on lands designated in the application. | LOCATION OF ACTIVITIES |
| 2. | The Permittee shall not conduct any part of the land-use operation within 100 metres of any privately owned or leased land or structures, including cabins used for traditional activities, unless otherwise approved by the Board. | PRIVATE PROPERTY SETBACK |
| 3. | The Permittee shall use an existing campsite, as described in the complete application. | USE EXISTING CAMP |
| 4. | The Permittee shall not conduct a quarry operation within 100 metres of the Ordinary High Water Mark of any Watercourse, except as described in the Application, unless otherwise authorized in writing by an Inspector. | QUARRY SETBACK |
| 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 as described in the Application and at crossings. | PARALLEL WATERCOURSE SETBACK |
| 6. | The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used. | PARALLEL ROADS |
| 7. | The Permittee shall confine the width of the right-of-way to a maximum of 10 metres. | WIDTH RIGHT-OF-WAY |

Commented [AW2]: Seeking feedback from reviewers and Paramount

Commented [AW3]: Seeking input from reviewers and Paramount

26(1)(b) Time

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| 8. | At least 48 hours prior to the initial commencement of the land-use operation, the Permittee's Field Supervisor shall notify the Board and contact an Inspector at (867) 695-2626. | INITIAL NOTIFICATION – 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:
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:
a) the plan for removal or storage of equipment and materials; | REPORTS BEFORE FINAL REMOVAL |

- b) when final cleanup and reclamation of the land used will be completed; and
- c) when the Final Plan will be submitted.

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

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| 11. The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application. | USE APPROVED EQUIPMENT |
| 12. The Permittee shall use portable ramps during loading or unloading of ships or barges. | PORTABLE RAMPS |
| 13. The Permittee shall maintain fire-fighting equipment at the site. | FIRE-FIGHTING EQUIPMENT |

26(1)(d) Methods and Techniques

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| 14. 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 |
| 15. 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 |
| 16. 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 |
| 17. Prior to the expiry end of the land-use operation, the Permittee shall replace all excavated material, unless otherwise authorized in writing by an Inspector. | EXCAVATED MATERIAL TEST PITS |
| 18. The Permittee shall leave a buffer strip of undisturbed vegetation at least 30 metres in width between cleared areas and public roads | TREE SCREEN |

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

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| 19. 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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| 20. The Permittee shall install and maintain culverts such that scouring does not occur. | CULVERT SIZE |
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| <p>21. The Permittee shall insulate the ground surface beneath all structures associated with this land-use operation to prevent:</p> <p>a) any vegetation present from being removed;
 b) the melting of Permafrost; and
 c) the ground settling and/or eroding.</p> | <p>PERMAFROST
PROTECTION</p> |
| <p>22. The land-use operation shall not cause obstruction to any natural drainage.</p> | <p>NATURAL
DRAINAGE</p> |
| <p>23. The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses.</p> | <p>PROGRESSIVE
EROSION
CONTROL</p> |
| <p>24. The Permittee shall apply appropriate mitigation at the first sign of erosion.</p> | <p>REPAIR
EROSION</p> |
| <p>25. The Permittee shall only conduct off-road vehicle travel on snow-covered surfaces.</p> | <p>OFF-ROAD
VEHICLE TRAVEL</p> |
| <p>26. The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface.</p> | <p>PREVENTION OF
RUTTING</p> |
| <p>27. The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging.</p> | <p>SUSPEND
OVERLAND
TRAVEL</p> |
| <p>28. 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.</p> | <p>VEHICLE
MOVEMENT
FREEZE-UP</p> |
| <p>29. The Permittee shall only use clean water and snow in the construction of ice bridges and snow fills.</p> | <p>CONSTRUCT
ICE BRIDGES/
SNOWFILLS</p> |
| <p>30. Prior to Spring Break-up or completion of the land-use operation, the Permittee shall clean up and either remove or v-notch all ice bridges and snowfills from stream crossings, unless otherwise authorized in writing by an Inspector.</p> | <p>REMOVE
ICE BRIDGES/
SNOWFILLS</p> |
| <p>31. The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector.</p> | <p>STREAM BANKS</p> |
| <p>32. The Permittee shall minimize approach grades on all Watercourse crossings.</p> | <p>MINIMIZE
APPROACH</p> |
| <p>33. The Permittee shall use temporary bridges or dry fording when crossing streams.</p> | <p>DRY FORDING</p> |
| <p>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.</p> | <p>EXCAVATION AND
EMBANKMENTS</p> |

35. The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High Water Mark of any Watercourse.
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.

**EQUIPMENT:
WATERCOURSE
BUFFER
EXCAVATION
SETBACK**

Commented [AW4]: Board staff request detail from Inspectors and Paramount on how this condition should be applied

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 Safety Data Sheets must be provided to the Board and an Inspector.
38. The Permittee shall dispose of all Toxic Material as described in the approved **Waste Management Plan**.
39. The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility.

CHEMICALS

**WASTE CHEMICAL
DISPOSAL**

**WASTE
PETROLEUM
DISPOSAL**

26(1)(h) Wildlife and Fish Habitat

40. 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

41. The Permittee shall dispose of all Waste as described in 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.
42. The Permittee shall keep all garbage and debris in a secure container until disposal.

**WASTE
MANAGEMENT**

**GARBAGE
CONTAINER**

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

43. The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground.
44. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.
45. The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:
- a) immediately suspend operations on the site; and

**ARCHAEOLOGICAL
BUFFER**

**SITE
DISTURBANCE**

**SITE DISCOVERY
AND
NOTIFICATION**

b) notify the Board at (867) 669-0506 or an Inspector at (867) 695-2626, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255.

46. At least 60 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

47. 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

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26(1)(l) Security Deposit

48. Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$ _____.

SECURITY DEPOSIT

Commented [AW5]: Pending public review and updated security estimate

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

RESPONSIBILITY FOR REMEDIATION COSTS

26(1)(m) Fuel Storage

50. The Permittee shall:

REPAIR LEAKS

- a) examine all Fuel Storage Containers and Tank for leaks; and
- b) repair all leaks immediately.

51. The Permittee shall place Fuel Storage Containers and or Tanks a minimum of 100 metres from the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.

FUEL STORAGE SETBACK

52. The Permittee shall ensure that all fuel caches have adequate Secondary Containment.

FUEL CACHE SECONDARY CONTAINMENT

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

SECONDARY CONTAINMENT - REFUELING

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

FUEL CONTAINMENT

55. The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours.

FUEL ON LAND

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| 56. The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name. | MARK
CONTAINERS AND
TANKS |
| 57. 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 |
| 58. The Permittee shall have a maximum of 800,000 litres of fuel stored on the land use site at any time, unless otherwise approved by the Board. | MAXIMUM FUEL
ON SITE |
| 59. Within ten days of the establishment of any fuel cache, the Permittee shall report the location and quantity of the cache in writing to the Board and an Inspector. | REPORT FUEL
LOCATION |
| 60. 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 |
| 61. The Permittee shall comply with 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 |
| 62. 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 |
| 63. 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 |
| 64. The Permittee shall clean up all leaks, spills, and contaminated material immediately | CLEAN UP SPILLS |
| 65. During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall: <ol style="list-style-type: none"> a) implement the approved Spill Contingency Plan; b) report it-immediately using the NU-NT Spill Report Form by one of the following methods: <ul style="list-style-type: none"> • Telephone: (867) 920-8130 • Fax: (867) 873-6924 • E-mail: spills@gov.nt.ca • <u>Online: Spill Reporting and Tracking Database</u> c) within 24 hours, notify the Board and an Inspector; and d) within 30 days of initially reporting the incident, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar | REPORT SPILLS |

Commented [AW6]: The amount of fuel is based on the volumes included in the application. Seeking confirmation from Paramount.

occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur.

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

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| 66. | The Permittee shall progressively dispose of all brush and trees; all disposal shall be completed prior to the end of this land use operation | BRUSH DISPOSAL/
TIME |
| 67. | The Permittee shall not clear areas larger than identified in the complete application. | MINIMIZE AREA
CLEARED |
| 68. | The Permittee shall clear by hand all trees and brush a minimum distance of 10 metres from the top edge of all stream banks and top edge of slopes. | CLEARING
SENSITIVE AREA |

26(1)(o) Restoration of the Lands

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| 69. | All outstanding liabilities and obligations of the Permittee in relation to work performed or required to be performed under Land Use Permit MV2013A0012 are fully incorporated into and subsumed under this Permit, and the Permittee must therefore complete the restoration and other obligations set out in or incurred under Permit MV2013A0012 as well as such further obligations as may be set out in or incurred under this Permit. | TRANSFER OF
LIABILITIES |
| 70. | 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 |
| 71. | The Permittee shall save the organic soil stripped from the land use area and shall use the organic soil for reclamation as approved by the Board, or otherwise authorized in writing by an Inspector. | SAVE AND PLACE
ORGANIC SOIL |
| 72. | Prior to the end of the land-use operation, the Permittee shall level all stockpiles of granular material located within the land use area. | LEVEL STOCKPILES |
| 73. | Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used. | FINAL CLEANUP
AND
RESTORATION |
| 74. | Prior to the end of the land-use operation, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation. | NATURAL
VEGETATION |
| 75. | The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so. | PROGRESSIVE
RECLAMATION |
| 76. | Prior to the end of the land-use operation, 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 |

26(1)(p) Display of Permits and Permit Numbers

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

78. The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation. **COPY OF PERMIT**

26(1)(g) Biological and Physical Protection of the Land

79. The Permittee shall not move any equipment or commence any drilling when one or more caribou are within 500 metres. **CARIBOU DISTURBANCE**

80. If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them. **MIGRATORY BIRD NEST DISTURBANCE**

81. A minimum of 60 days prior to commencement of activities, the Permittee shall submit to the Board, for approval, a revised **Waste Management Plan**. The Licensee shall not commence Project activities prior to Board approval of the Plan. **SUBMIT REVISED PLAN – WASTE MANAGEMENT PLAN**

Commented [AW7]: This has been altered to match the accompanying licence

Commented [AW8]: Inclusion of this condition is pending Board decision on the Engagement Plan.

82. A minimum of 60 days prior to commencement of activities, the Permittee shall submit to the Board, for approval, a revised **Waste Management Plan**. The Licensee shall not commence Project activities prior to Board approval of the Plan. **SUBMIT REVISED PLAN – SPILL CONTINGENCY PLAN**

Commented [AW9]: This has been altered to match the accompanying licence

Commented [AW10]: Inclusion of this condition is pending Board decision on the Engagement Plan.

83. The Permittee shall comply with 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**

84. Within 90 days following the effective date of this Licence, the Licensee shall submit to the Board, for approval, a revised **Engagement Plan**. The Licensee shall not commence Project activities prior to Board approval of the Plan. **SUBMIT REVISED PLAN – ENGAGEMENT PLAN**

Commented [AW11]: This has been altered to match the accompanying licence

Commented [AW12]: Inclusion of this condition is pending Board decision on the Engagement Plan.

85. 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**

86. All revised plans submitted to the Board shall include a brief summary of the changes made to the plan. **SUMMARY OF CHANGES**