

Conditions Annexed to and Forming Part of Land Use Permit # S20E-005

Part A: Scope of Permit

1. This Permit entitles the Permittee (GNWT- Department of Infrastructure) to conduct the following land-use operations:
 - a) Mobilizing and demobilizing construction equipment to and from Project work site;
 - b) Clearing, grubbing, and stripping vegetated material from proposed Project alignment Right of Way (ROW) and within proposed work areas at Edie Lake Quarry;
 - c) Construction of an all-season access road between Prohibition Creek and Canyon Creek within the existing Mackenzie Valley Winter Road (MVWR) ROW. Construction activity will commence at the end of the Canyon Creek All Season Access Road (CCASAR) approximately 450 m southeast of the Canyon Creek bridge and end on the approach to the Prohibition Creek bridge (approximately 300 m northwest of Prohibition Creek);
 - d) Installation of equalization and drainage channel culverts at select locations within the ROW;
 - e) Sourcing and use of water from the Mackenzie River to provide dust suppression, material compaction, and temporary working surfaces during frozen ground conditions;
 - f) Operation of one borrow source (the Edie Lake Quarry). Work will include drilling, blasting, excavation, crushing and stockpiling of granular materials. The Edie Lake Quarry and the permanent quarry haul road were previously developed by INF during the CCASAR project. Progressive reclamation will be completed at the Quarry during operations;
 - g) Construction, operation, and reclamation of temporary support infrastructure areas (laydown and equipment staging areas).
 - h) Disposal of waste at approved offsite disposal facilities;
 - i) Storage and transfer of fuel.

Locations: Prohibition Creek Access Road (PCAR) Construction Project

Project Element	Description	Latitude	Longitude
Alignment	End of CCASAR	65° 13' 25.5" N	126° 30' 53.4" W
	End of PCAR	65° 9' 18.8" N	126° 18' 23.4" W
Edie Lake Quarry	Northwest Corner	65° 17' 7.0" N	126° 32' 17.0" W
	West Corner	65° 16' 58.0" N	126° 32' 29.0" W
	Southwest Corner	65° 16' 50.6" N	126° 32' 23.7" W
	Northeast Corner	65° 16' 57.0" N	126° 31' 25.0" W
	Southeast Corner	65° 16' 43.0" N	126° 31' 41.0" W

2. This Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, item 1 of this Permit.

3. Compliance with the terms and conditions of this Permit does not excuse the Permittee from its obligation to comply with the requirements of any applicable Federal, Territorial, or Municipal laws.

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

Act - the *Mackenzie Valley Resource Management Act*.

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 Sahtu Land and Water Board established under Part 3 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.

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.

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 *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.

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.

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.

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)

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 300 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 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 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 SETBACK |
| 5. | The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used. | PARALLEL ROADS |
| 6. | Prior to the commencement of the land-use operation, the Permittee shall accompany an Inspector during an inspection of the proposed land use area. | INSPECT LOCATIONS |

26(1)(b) Time

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| 7. | 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) 587-7205. | INITIAL NOTIFICATION – CONTACT INSPECTOR |
| 8. | 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 |
| 9. | At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of: | REPORTS BEFORE FINAL REMOVAL |

- a) the plan for removal or storage of equipment and materials;
- 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

- 10. The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application. **USE APPROVED EQUIPMENT**

26(1)(d) Methods and Techniques

- 11. The Permittee shall Dogleg lines, trails and right-of-ways that approach Watercourses or public roads. **DOGLEG APPROACHES**

- 12. The Permittee shall meander any new cut lines to a maximum sight line of 200 metres. **MEANDER LINES**

- 13. 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**

- 14. As the land-use operation progresses, the Permittee shall refill and restore craters caused by explosives. **REFILL CRATERS**

- 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. 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

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

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

- 19. The Permittee shall install and maintain culverts such that scouring does not occur. **CULVERT SIZE**

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| <p>20. 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>21. The land-use operation shall not cause obstruction to any natural drainage.</p> | <p>NATURAL
DRAINAGE</p> |
| <p>22. The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses.</p> | <p>PROGRESSIVE
EROSION CONTROL</p> |
| <p>23. The Permittee shall only conduct off-road vehicle travel on snow-covered surfaces.</p> | <p>OFF-ROAD VEHICLE
TRAVEL</p> |
| <p>24. 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>25. 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>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.</p> | <p>VEHICLE
MOVEMENT
FREEZE-UP</p> |
| <p>27. 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>28. 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>29. The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector.</p> | <p>STREAM BANKS</p> |
| <p>30. The Permittee shall minimize approach grades on all Watercourse crossings.</p> | <p>MINIMIZE
APPROACH</p> |
| <p>31. The Permittee shall use temporary bridges or dry fording when crossing streams.</p> | <p>DRY FORDING</p> |
| <p>32. 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> |

33. The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High Water Mark of any Watercourse. **EQUIPMENT:
WATERCOURSE
BUFFER**

34. 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. **EXCAVATION
SETBACK**

26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material

35. 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. **CHEMICALS**

36. The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan. **WASTE CHEMICAL
DISPOSAL**

37. Option 1:
The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility. **WASTE
PETROLEUM
DISPOSAL**

38. The Permittee shall provide written notification to the Board and Inspector a minimum of 10 days prior to the initial deposit of Waste, demonstrating that the licenced disposal facility has agreed to accept the Waste and has the capacity to receive the volumes of Waste requested. **NOTIFICATION OF
SOLID WASTE
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 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. **WASTE
MANAGEMENT**

41. The Permittee shall keep all garbage and debris in a secure container until disposal. **GARBAGE
CONTAINER**

42. The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan. **SEWAGE DISPOSAL
- PLAN**

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

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| 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. | ARCHAEOLOGICAL BUFFER |
| 44. | The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. | SITE DISTURBANCE |
| 45. | 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) 598-2413 or an Inspector at (867)587-7205, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255. | SITE DISCOVERY AND NOTIFICATION |

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

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26(1)(l) Security Deposit

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| 46. | All costs to remediate the area under this Permit are the responsibility of the Permittee. | RESPONSIBILITY FOR REMEDIATION COSTS |
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26(1)(m) Fuel Storage

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| 47. | The Permittee shall:
a) examine all Fuel Storage Containers and Tank for leaks; and
b) repair all leaks immediately. | REPAIR LEAKS |
| 48. | 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 |
| 49. | The Permittee shall ensure that all fuel caches have adequate Secondary Containment. | FUEL CACHE SECONDARY CONTAINMENT |
| 50. | The Permittee shall set up all refueling points with Secondary Containment. | SECONDARY CONTAINMENT - REFUELING |
| 51. | The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. | FUEL CONTAINMENT |
| 52. | 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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| 53. | The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name. | MARK
CONTAINERS AND
TANKS |
| 54. | 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 |
| 55. | 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 |
| 56. | 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 |
| 57. | 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 |
| 58. | 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 |
| 59. | 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 |
| 60. | The Permittee shall clean up all leaks, spills, and contaminated material immediately | CLEAN UP SPILLS |
| 61. | <p>During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall:</p> <ul 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 occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur. | REPORT SPILLS |

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

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| 62. | 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 |
| 63. | The Permittee shall not clear areas larger than identified in the complete application. | MINIMIZE AREA
CLEARED |

26(1)(o) Restoration of the Lands

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| 64. | The Permittee shall dispose of all overburden as approved by the Board, or as otherwise authorized in writing by an Inspector. | DISPOSAL OF
OVERBURDEN |
| 65. | 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 |
| 66. | 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 |
| 67. | 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 |
| 68. | The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so. | PROGRESSIVE
RECLAMATION |
| 69. | 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

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| 70. | The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation. | DISPLAY PERMIT |
| 71. | 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

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| 72. | The Permittee shall not move any equipment or commence any drilling when one or more caribou are within 500 metres. | CARIBOU
DISTURBANCE |
| 73. | 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 |

74. Prior to the commencement of the land-use operation, the Permittee shall submit a revised Waste Management Plan, Spill Contingency Plan and Quarry Operations Plan in accordance with applicable Guidelines (*MVLWB's "Guidelines for Developing a Waste Management Plan"*; *Aboriginal Affairs and Northern Development Canada's "Guidelines for Spill Contingency Planning"*; and, *"Northern Land Use Guidelines: Pits and Quarries" (GNWT Lands, 2015)*) to the Board for approval. **SUBMIT REVISED PLANS**
75. 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**
76. 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**
77. All revised plans submitted to the Board shall include a brief summary of the changes made to the plan. **SUMMARY OF CHANGES**