

DRAFT
Conditions Annexed to and Forming Part
of Land Use Permit # G16X006

Part A: Scope of Permit

1. This Permit entitles GNWT - ITI to conduct the following land-use operations:
 - a) Excavation, removal, and hauling of granular material from the quarries at km 230 and km 235, Dempster Highway #8
 - b) Construction of new campsites at Gwich'in Territorial Park, Northwest Territories
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 legislation.
4. This Permit is only valid in conjunction with a valid Quarry Permit from the GNWT Department of Lands

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

Act - the *Mackenzie Valley Resource Management Act*.

Board - the Gwich'in Land and Water Board established under Part 3 of the Act.

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).

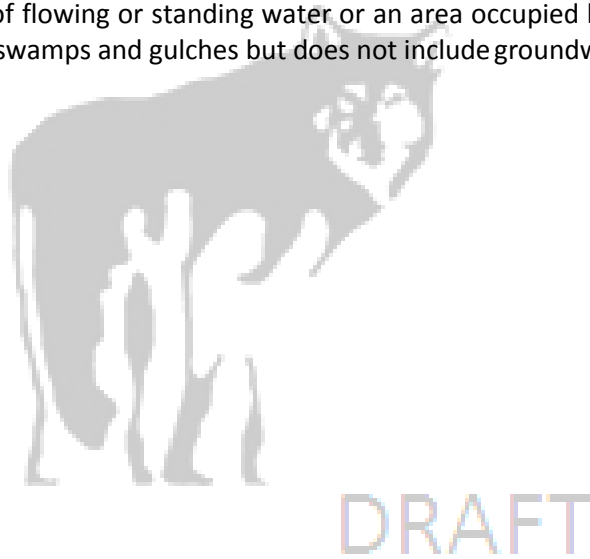
Permittee - means the holder of this Permit.

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.

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.

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.

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 this land-use operation on any lands not designated in the accepted application, unless otherwise authorized in writing by the Board. | Location of Activities |
| 2. | The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High Water Mark of any Watercourse. | Watercourse Buffer |
| 3. | The Permittee shall not conduct any part of the land-use operation within 300 metres of a cabin used for traditional activities, including trapping, hunting, or fishing, unless otherwise authorized in writing by the Board. | Avoid Cabins |
| 4. | The Permittee shall only excavate and stockpile in areas designated in the Quarry Permit issued by GWNT Department of Lands, unless otherwise authorized in writing by an Inspector. | Excavate Stockpile |

26(1)(b) TIME

- | | | |
|----|--|----------------------------------|
| 5. | At least ten days prior to the commencement of this land-use operation, the Permittee shall provide to the Board for approval, a Contractor Execution Plan, which includes (but it not limited to) the following details: <ul style="list-style-type: none"> i. Proposed disposal methods for: (a) garbage; (b) sewage; (c) brush and trees; and (d) overburden. ii. An equipment inventory including: (a) the type; (b) number; (c) size; and (d) proposed use. iii. An inventory of fuels including: (a) the type of fuel; (b) the number of containers; (c) the capacity of each container; and (d) the proposed location of each container. | Contractor Execution Plan |
| 6. | At least 48 hours prior to the commencement of this land-use operation, the Permittee's Field Supervisor shall contact or meet with an Inspector from the Government of the Northwest Territories Lands Department in Inuvik (867-777-8900). | Contact Inspector |
| 7. | At least 48 hours prior to commencement of this 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 |
| 8. | 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 |

9.	The Permittee shall complete all clean up and restoration of the lands used prior to the expiration date of this Land Use Permit	Clean-up
10.	The Board and/or Inspector reserves the right to impose closure of any area to the Permittee during periods when dangers to natural resources are severe.	Closure
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 approved Contractor Execution Plan.	Only Approved Equipment
26(1)(d) METHODS AND TECHNIQUES		
12.	The Permittee shall not quarry to a depth below that of the water table. Do not quarry below existing pit floor.	Quarry Depth
13.	The Permittee shall not clear areas larger than identified in the accepted application.	Minimize Area Cleared
26(1) (e) TYPE, LOCATION, CAPACITY AND OPERATION OF FACILITIES		
14.	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		
15.	The land-use operation shall not cause obstruction to any natural drainage.	Natural Drainage
16.	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
26(1)(g) USE, STORAGE, HANDLING, AND ULTIMATE DISPOSAL OF ANY CHEMICAL OR TOXIC MATERIAL		
17.	The Permittee shall not, in any circumstances, deposit or allow the deposit of any deleterious substances (including but not limited to fuels, lubricants, hydraulics, and coolants) of any type into any waters, or in any place under any conditions where the deleterious substances may enter any waters.	Depositing Deleterious Substances
18.	The Permittee shall maintain a record of all spills. For all reportable spills, in accordance with the GNWT Spill Contingency Planning and Reporting Regulations, the Permittee shall: (a) immediately report each spill to the 24-hour Spill Report Line (867) 920-8130; (b) report each spill to an Inspector within 24 hours; and (c) submit, to the Board and an Inspector, a detailed report on each spill within 30 days.	Report Spills

19.	The Permittee shall dispose of all combustible waste petroleum products by removal to an approved disposal facility.	Waste Petroleum Disposal
 26(1)(h) WILDLIFE AND FISH HABITAT		
20.	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		
21.	The Permittee shall keep all garbage and debris in a secure container until disposal.	Garbage Container
22.	The Permittee shall remove all garbage and debris from the area of the land use operation to the disposal site described in the Contractor Execution Plan	Remove Garbage
23.	The Permittee shall dispose of all sewage and grey water as proposed in the accepted application, or in a manner approved by an Inspector.	Sewage Disposal
 26(1)(j) PROTECTION OF HISTORICAL, ARCHAEOLOGICAL, AND BURIALSITES		
24.	The Permittee shall not operate any vehicle or equipment within thirty (30) metres of a known or suspected historical or archaeological site or burial ground.	Archaeological Buffer
25.	The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.	Site Disturbance
26.	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) 777-4954 or an Inspector at (867) 777-8900, and the Gwich'in Social and Cultural Institute at (867) 952-2524 and the Prince of Wales Northern Heritage Centre at (867) 767-9347 ext. 71251 or ext. 71250.	Site Discovery and Notification
 26 (1) (k) PROTECTION OF OBJECTS AND PLACES OF RECREATIONAL, SCENIC OR ECOLOGICAL VALUE		
This section left intentionally blank		
 26(1)(l) SECURITY DEPOSIT		
27.	All costs to remediate the area under this Permit are the responsibility of the Permittee.	Responsibility for Remediation Costs

26(1)(m) FUEL STORAGE

- | | | |
|-----|--|-------------------------------|
| 28. | The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. | Fuel Containment |
| 29. | The Permittee shall not store any fuel on site during this land use operation. | Fuel Storage |
| 30. | The Permittee shall set up all refueling points with Secondary Containment. | Refueling |
| 31. | All equipment that may be parked for two hours or more, shall have a drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately. | Drip Trays |
| 32. | 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 |
| 33. | Prior to commencement of operations, the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills. | Spill Response |
| 34. | 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

- | | | |
|-----|---|------------------------------|
| 35. | The Permittee shall not clear areas larger than identified in the complete application. | Minimize Area Cleared |
|-----|---|------------------------------|

26(1)(o) RESTORATION OF THE LANDS

- | | | |
|-----|--|--------------------------------------|
| 36. | Prior to the expiry date of this Permit, the Permittee shall complete all cleanup and restoration of the lands used. | Final Cleanup and Restoration |
|-----|--|--------------------------------------|

26(1)(p) DISPLAY OF PERMITS AND PERMIT NUMBERS

- | | | |
|-----|---|-----------------------|
| 37. | 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

- | | | |
|-----|--|----------------------------|
| 38. | The Permittee shall suspend activities temporarily if one or more caribou are spotted within five hundred (500) metres of the work site. | Caribou Disturbance |
|-----|--|----------------------------|

39. If migratory birds or their nesting areas, or any species at risk are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb these animals.

**Migratory Bird
Disturbance**



DRAFT