



Mackenzie Valley Land and Water Board
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December 3, 2015

File: MV2015W0018

Mr. Bob Head
Manager
Digaa Enterprises Ltd.
Box 269
FORT PROVIDENCE NT X0E 0L0

Email: bobhead@northwestel.net

Dear Mr. Head:

**Issuance of Type A Land Use Permit
Woods Operations, Fort Providence NT**

Attached is Type A Land Use Permit MV2015W0018 granted by the Mackenzie Valley Land and Water Board (MVLWB or the Board) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA) to Digaa Enterprises Ltd. (Digaa). This Permit has been approved for a period of five years commencing December 3, 2015 and expiring December 2, 2020.

Please read all conditions carefully. For the purpose of submitting plans in accordance with this Permit, the date of this letter, December 3, 2015, is the date of commencement.

In accordance with Permit condition 56, a security deposit in the amount of \$79,000 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. As delegated under Schedule A of the Delegation Instrument under the MVRMA, this security deposit, **payable to the Government of the Northwest Territories** in the amount of \$79,000, shall be submitted to: Government of the Northwest Territories, Department of Lands, North Slave Region, #16 Yellowknife Airport, Yellowknife NT, X1A 3T2. Please send a copy of the receipt for the 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 that have been approved

Condition Number	Title of Plan/Program/Report	Date Received
70	Spill Contingency Plan	October 13, 2015
43	Wildlife and Wildlife Habitat Protection Plan	October 13, 2015
87	Engagement Plan	October 13, 2015

At this time the Board is unable to approve the Waste Management Plan as submitted for the following reasons:

- The Plan needs to include details for incineration practices to ensure minimization of release of dioxins and furans to the environment.
- The Plan needs to include estimates for volumes of waste generated by activities

The Board hereby requires that Digaa revise and resubmit the Waste Management Plan as summarized in Table 2:

Table 2: Plan requiring resubmission

Condition Number	Title of Plan/Program/Report	Date Received	LUP Requirement
46	Waste Management Plan	October 13, 2015	The Permittee shall, within 60 days of issuance of this Permit, submit to the Board for approval an updated Waste Management Plan in accordance with the MVLWB's 2011 "Guidelines for Developing a Waste Management Plan".

The Board notes that Digaa has committed to providing a detailed map to the Board prior to commencement of upgrades to the camp, as noted in the Application.

Should you wish to discontinue your land-use operation at any time prior to the date of expiry 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 Digaa Enterprises 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,



Violet Camsell-Blondin
MVLWB A/Chair

Copied to: Distribution List
Norm McCowan, Inspector, GNWT Lands

Attachments



Land Use Permit

Permit Class	Permit No	Amendment No
A	MV2015W0018	-

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

Digaa Enterprises Ltd.

Permittee

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

Signature Mr. Patrick Bryant	Date October 13, 2015
Type of Land Use Operation Woods Operations	
Location Fort Providence, Northwest Territories	

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

Dated at Yellowknife this 3 day of December, 2015

Signature A/Chair

Signature Witness

Commencement Date

December 3, 2015

Expiry Date

December 2, 2020

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 # MV2015W0018

Part A: Scope of Permit

1. This Permit entitles Digaa Enterprises Ltd. to conduct the following land-use operation:
 - a) use of equipment and vehicles;
 - b) road construction, maintenance and reclamation;
 - c) timber harvesting;
 - d) construction and operation of camp facilities; and
 - e) storage of fuel and hazardous materials.

All activities under this Permit are to take place between 60° 59' N 117° 6' W and 61° 23' N 119° 30' 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 - as defined by the Prince of Wales Northern Heritage Centre – Guidelines for Developers.

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

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

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 June 2013, or amended editions, *Engagement and Consultation Policy and the Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*, that clearly describes how, when, and which engagement activities will occur with an affected party during the life of the project.

Fuel Storage Container - a container for the storage of petroleum or allied petroleum products with a capacity of less than 230 litres.

Fuel Storage Tank - a closed container for the storage of petroleum or allied petroleum products with a capacity of more than 230 litres.

Greywater - all liquid wastes from showers, baths, sinks, kitchens, and domestic washing facilities but not including toilet wastes.

Habitat - the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes.

Inspector - an Inspector designated by the Minister under the *Mackenzie Valley Resource Management Act*.

Minister - the Minister of Lands – Government of the Northwest Territories.

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).

Secondary Containment - containment that prevents liquids that leak from Fuel Storage Tanks or containers from reaching outside the containment area and includes double-walled Tanks, piping, liners, and impermeable barriers.

Sewage - all toilet wastes and Greywater.

Sewage Disposal Facilities - Sump(s) and/or Sewage collection tank(s) and/or storage containers designed to hold Sewage.

Spill Contingency Plan - a document, developed in accordance with Aboriginal Affairs and Northern Development Canada’s *Guidelines for Spill Contingency Planning* (April 2007), that describes the set of procedures to be implemented to minimize the effects of a spill.

Sump - a man-made pit or natural depression in the earth's surface used for the purpose of depositing waste that does not contain Toxic Material, such as non-toxic Drilling Waste or Sewage, therein.

Toxic Material- any substance that enters or may enter the environment in a quantity or concentration or under conditions such that it:

- a) Has or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- b) Constitutes or may constitute a danger to the environment on which life depends; or
- c) Constitutes or may constitute a danger in Canada to human life or health.

Waste – 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. The Permittee shall not conduct any part of the land-use operation within 100 metres of any privately owned or leased land or structure, unless otherwise authorized in writing by the Board.	PRIVATE PROPERTY
2. The Permittee shall not conduct any part of the land-use operation within 100 metres of a cabin used for traditional activities, including trapping, hunting, or fishing, unless otherwise authorized in writing by the Board.	AVOID CABINS
3. The Permittee shall locate all camps on Durable Land or previously cleared areas.	CAMP LOCATION
4. The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.	PARALLEL ROADS
5. The Permittee shall locate all lines, trails, and right-of-ways to be constructed parallel to any Watercourse a minimum of: a) Lakes larger than 16 ha: 100m buffer. b) Lakes 1ha to 16 ha area: 30m buffer c) Ponds less than 1 ha in area: 10m buffer. d) Large permanent rivers: 100m buffer. e) Medium permanent rivers: 60m f) Small permanent rivers and streams: 10m buffer.	PARALLEL WATERCOURSE
6. The Permittee shall not conduct this land-use operation on any lands not designated in the complete application.	LOCATION OF ACTIVITIES
26(1)(b) Time	
7. At least 48 hours prior to the commencement of this land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) 867-874-6995.	CONTACT INSPECTOR
8. At least 48 hours prior to commencement of this land-use operation, the Permittee shall provide the following information, in writing, to the Board <u>and</u> an Inspector: a) the name(s) of the person(s) in charge of the field operation; b) alternates; and c) all methods for contacting the above person(s).	IDENTIFY AGENT
9. A pre-inspection of a new access road and development of a new landing must be conducted by an Inspector, with the Permittee and Field Supervisor, prior to the commencement of any land use activity.	PRE-INSPECTION
10. The Permittee shall submit a progress report to the Board and the Inspector every 10 days during this land use operation.	PROGRESS REPORT

<p>11. The Permittee shall submit an Annual Report to the Board and Inspector not later than June 30th of the year following the year reported (April 1-March 31) which shall contain the following information:</p> <p>a) A map, normally at scale of 1:50,000 showing the location of all access roads and trails, landings, camps and cut block boundaries harvested that year; and</p> <p>b) A summary of the hectares utilized in each aspect of the land use operation for the operating season.</p>	<p>ANNUAL REPORT</p>
<p>12. 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.</p>	<p>REPORTS BEFORE REMOVAL</p>
<p>26(1)(c) Type and Size of Equipment</p>	
<p>13. The Permittee shall not use any equipment except of a similar type, size, and number to that listed in the complete application.</p>	<p>ONLY APPROVED EQUIPMENT</p>
<p>14. 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>.</p>	<p>FIRE-FIGHTING EQUIPMENT</p>
<p>26(1)(d) Methods and Techniques</p>	
<p>15. The Permittee shall Dogleg new lines, trails and right-of-ways that approach Watercourses or public roads.</p>	<p>DOGLEG APPROACHES</p>
<p>16. The Permittee shall construct meandering access routes with a maximum line of site views between 500-700 meters unless otherwise instructed by an inspector.</p>	<p>MEANDERING ACCESS</p>
<p>17. Prior to the movement of any vehicle or equipment, the Permittee shall scout proposed lines and routes to select the best location for crossing streams and avoiding terrain obstacles.</p>	<p>DETOURS AND CROSSINGS</p>
<p>18. 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.</p>	<p>WINTER ROADS</p>
<p>19. The Permittee shall not erect camps or store material, other than that required for immediate use, on the ice surface of a Watercourse.</p>	<p>STORAGE ON ICE</p>
<p>20. The Permittee shall leave a buffer strip of undisturbed vegetation at least 30 metres in width between cleared areas and public roads.</p>	<p>TREE SCREEN</p>
<p>26(1)(e) Type, Location, Capacity, and Operation of All Facilities</p>	
<p>21. The Permittee shall ensure that the land use area is kept clean at all times.</p>	<p>CLEAN WORK AREA</p>
<p>22. 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.</p>	<p>SUMPS FROM WATER</p>

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

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| 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 prepare the site in such a manner as to prevent rutting of the ground surface. | PREVENTION OF RUTTING |
| 27. | The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting. | SUSPEND OVERLAND TRAVEL |
| 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. | VEHICLE MOVEMENT FREEZE-UP |
| 29. | The Permittee shall not use any material other than clean water and snow in the construction of ice bridges. | ICE BRIDGE MATERIALS |
| 30. | The Permittee shall not use any materials other than clean snow and water in the construction of snow fills. | SNOWFILL MATERIALS |
| 31. | Prior to spring break-up or completion of the land-use operation, the Permittee shall clean up and either remove or v-notch all snowfills from stream crossings, unless otherwise authorized in writing by an Inspector. | REMOVE OR V-NOTCH SNOWFILLS |
| 32. | Prior to spring break-up or completion of the land-use operation, the Permittee shall clean up and v-notch all ice bridges, unless otherwise authorized in writing by an Inspector. | V-NOTCH ICE BRIDGES |
| 33. | The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector. | STREAM BANKS |
| 34. | The Permittee shall minimize approach grades on all Watercourse crossings. | MINIMIZE APPROACH |
| 35. | The Permittee shall not ford wet streams. | NO FORDING OF STREAMS |
| 36. | The Permittee shall not excavate land within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. | EXCAVATE NEAR WATERCOURSE |

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

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| 37. | At least seven days prior to the use of any chemicals that were not identified in the complete application, the MSDS sheets must be provided to an Inspector and the Board. | CHEMICALS |
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38. Prior to the expiry date of this Permit or the end of operations, whichever comes first, the Permittee shall backfill and restore all Sumps, unless otherwise authorized in writing by an Inspector.	BACKFILL SUMPS
39. The Permittee shall maintain a record of all spills. For all reportable spills, in accordance with the GNWT <i>Spill Contingency Planning and Reporting Regulations</i> , the Permittee shall: a) immediately report each spill to the 24-hour Spill Report Line (867) 920-8130; b) report each spill to an Inspector within 24 hours; and c) submit, to the Board and an Inspector, a detailed report on each spill within 30 days.	REPORT SPILLS
40. The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.	WASTE CHEMICAL DISPOSAL
41. 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	
42. The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.	HABITAT DAMAGE
43. The Permittee shall adhere to the Wildlife and Wildlife Habitat Protection 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.	WILDLIFE AND WILDLIFE HABITAT PROTECTION PLAN
26(1)(j) Storage, Handling, and Disposal of Refuse or Sewage	
44. Solid Waste shall be disposed of at a licensed facility that has the appropriate capacity and is in compliance with their Water Licence.	SOLID WASTE DISPOSAL
45. The Permittee shall adhere to the Waste Management Plan submitted October 13, 2015, until a Plan is approved by the Board.	WASTE MANAGEMENT PLAN
46. The Permittee shall, within 60 days of issuance of this Permit, submit to the Board for approval an updated Waste Management Plan in accordance with the <i>MVLWB's 2011 "Guidelines for Developing a Waste Management Plan"</i> .	WASTE MANAGEMENT PLAN
47. 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 PLAN
48. The Permittee shall keep all garbage and debris in a covered metal container, of sufficient size, on site until disposal.	GARBAGE CONTAINER
49. 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

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

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

51. The Permittee shall not operate any vehicle or equipment within 30 metres of a known or suspected historical or archaeological site or burial ground, unless authorized in writing by the Inspector. **ARCHAEOLOGICAL BUFFER**

52. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. **SITE DISTURBANCE**

53. The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered: **SITE DISCOVERY AND NOTIFICATION**

- a) immediately suspend operations on the site; and
- b) notify the Board at (867) 669-0506 or an Inspector at (867) 874-6995, and the Prince of Wales Northern Heritage Centre at (867) 920-6182 or 873-7688.

54. At least 60 days prior to any new land disturbance, 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**

55. 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. **ARCHAEOLOGICAL IMPACT ASSESSMENT**

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

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26(1)(l) Security Deposit

56. Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$79,000. **SECURITY DEPOSIT**

57. All costs to remediate the area under this Permit are the responsibility of the Permittee. **RESPONSIBILITY FOR REMEDIATION COSTS**

26(1)(m) Fuel Storage

58. The Permittee shall: **CHECK FOR LEAKS**
- a) examine all Fuel Storage Tanks and containers for leaks a minimum of once per day; and
 - b) repair all leaks immediately.

59. The Permittee shall not place any Fuel Storage Containers or Tanks within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. **FUEL NEAR WATER**

60. The Permittee shall construct an impermeable dyke around each stationary **DYKE FUEL CONTAINERS**

fuel container or a group of stationary containers where any one container has a capacity exceeding 230 litres.

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| 61. | The volume of the dyke area shall be 10 percent greater than the capacity of the largest fuel container placed therein. | CAPACITY |
| 62. | A certified double walled tank that has a top feed system will be deemed to satisfy requirements of an impermeable dyke. | DOUBLE-WALLED TANK |
| 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 locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours. | FUEL ON LAND |
| 66. | The Permittee shall mark all 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 |
| 67. | The Permittee shall have a maximum of 45,000 litres of fuel stored on the land use site at any time, unless otherwise authorized in writing by the Board. | MAXIMUM FUEL ON SITE |
| 68. | Within ten days of the establishment of any fuel cache, the Permittee shall report the location and quantity of the cache in writing to an Inspector and the Board. | REPORT FUEL LOCATION |
| 69. | The Permittee shall seal all outlets of Fuel Storage Containers and store the containers on their sides with the outlets located at 3 and 9 o'clock, except for containers currently in use. | SEAL OUTLET |
| 70. | The Permittee shall adhere to the Spill Contingency Plan, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | SPILL CONTINGENCY PLAN |
| 71. | Prior to commencement of operations, the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills. | SPILL RESPONSE |
| 72. | All equipment that may be parked for two hours or more, shall have a haz-mat/drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately. | DRIP TRAYS |
| 73. | The Permittee shall clean up all leaks, spills, and contaminated material. | CLEAN UP SPILLS |
| 26(1)(n) Methods and Techniques for Debris and Brush Disposal | | |
| 74. | The Permittee shall progressively dispose of all brush and trees as instructed by the Inspector; all disposal shall be completed prior to the expiry date of this Permit. | BRUSH DISPOSAL/ TIME |

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| 75. | The Permittee shall not clear areas larger than identified in the complete application. | MINIMIZE AREA
CLEARED |
| 76. | The Permittee shall ensure that windrows are separated from standing timber. | WINDROWS/
LOCATION |
| 77. | The Permittee shall spread the windrow of brush and debris over the access as instructed by the Inspector. | RESTRICT ACCESS |
| 78. | The Permittee shall minimize the clearing width of the access right-of-way to a maximum of twenty (20) metres. | RIGHT-OF-WAY
CLEARING |

26(1)(o) Restoration of the Lands

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| 79. | 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 |
| 80. | Prior to the expiry date of this Permit, the Permittee shall complete all cleanup and restoration of the lands used. | FINAL CLEANUP
AND RESTORATION |
| 81. | 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 |
| 82. | The Permittee shall carry out progressive reclamation of disturbed areas as soon as it is practical to do so. | PROGRESSIVE
RECLAMATION |
| 83. | 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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| 84. | The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation. | DISPLAY PERMIT |
| 85. | 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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| 86. | 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 |
| 87. | 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, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | ENGAGEMENT
PLAN |
| 88. | 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	MV2015W0018
Applicant	Digaa Enterprises Ltd.
Project	Woods Operations, Fort Providence, NT

**Decision from Mackenzie Valley Land and Water Board
Meeting of
December 3, 2015**

With respect to this Application, notice was given in accordance with sections 63 and 64 of the MVRMA. There was no public hearing held in association with this Application.

Background

- October 13, 2015 – Application received;
- October 22, 2015 – Application deemed complete and distributed for review;
- November 10, 2015 – Reviewer comments due and received;
- November 17, 2015 – Proponent responses due and received; and
- December 3, 2015 – 42 day timeline, Application presented to Board for decision.

Digaa Enterprises Ltd. (Digaa) has applied for a new Land Use Permit (Permit) to carry out timber harvesting operations south of Fort Providence, NT. A camp will be established for up to 25 persons to support the operation. Operations will consist primarily of timber harvesting, which will be facilitated by establishment of winter roads throughout the harvest blocks. Some harvesting may take place during the summer in places where existing all-season roads are present, but activities are primarily planned for winter months when the ground surface is frozen, to reduce the impact of heavy equipment on the ground surface.

Decision

The Board is satisfied that:

- 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 MV2015W0018 be issued subject to the terms 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 Board has consulted with 'Responsible Ministers' as defined under subsection 111(1) of the MVRMA and has considered their recommendations for the terms and conditions of this Permit
- The use of land proposed by the Applicant is of a nature contemplated by the MVRMA.
- The operation will likely contribute to the socio-economic well-being and economic development of the region.
- It is the opinion of the Board that the terms and conditions attached to MV2015W0018, pursuant to the MVRMA, will prevent or mitigate any potential significant environmental impacts which might result from the project. The Board changed a number of conditions in the Permit from its standard list of conditions, and several new conditions were added. Digaa recommended some changes which were not adopted by the Board. The following table lists the Board's rationale for changes that were or were not made to specific conditions from the standard list of conditions.

Condition	Change	Rationale
1. Private Property	Digaa requested the buffer in this condition be changed to 10 metres instead of 100. The Board decided to retain the standard condition.	A 100 metre buffer is a standard condition for permits issued by the Board. Digaa can apply to the Board for specific variances as necessary. The Board encourages Digaa to engage with any leaseholders or landowners who may be affected by specific variances, and then write to the Board

		requesting variances where required, with rationale for the variance and a record of engagement with the affected leaseholder or landowner.
2. Avoid Cabins	Digaa requested the buffer in this condition be changed to 10 metres instead of 100. The Board decided to retain the standard condition.	A 100 metre buffer is a standard condition for permits issued by the Board. Digaa can apply to the Board for specific variances as necessary. The Board encourages Digaa to engage with any cabin owners who may be affected by specific variances, and then write to the Board requesting variances where required, with rationale for the variance and a record of engagement with the affected cabin owner.
4. Parallel Roads	Digaa requested this condition be changed to include the wording “unless otherwise authorized in writing by the Inspector”. The MVLUR does not grant the Board the authority to delegate this authority to the Inspector for this condition. The Board decided to retain the standard condition.	The condition contains the wording “unless an existing line or road cannot be used”. The Board is of the opinion that this wording provides flexibility to Digaa to construct parallel lines where necessary to facilitate logging a cut block.
5. Parallel Watercourse	Digaa requested this condition be changed to include the wording “unless otherwise authorized in writing by the Inspector”. The MVLUR does not grant the Board the authority to delegate this authority to the Inspector for this condition. The Inspector recommended changing the wording of the condition to maintain consistency with the Forest Management Agreement (FMA). The Board accepted the Inspector’s recommendation.	The Board is of the opinion that the new wording will provide necessary flexibility to Digaa during operations.

14. Fire-Fighting Equipment	Digaa requested this condition be changed to read: “The Applicant shall maintain fire-fighting equipment at the site according to the [Forest] Fire Prevention and Suppression Guidelines for Industrial Activity”. The Board notes that the guidelines include the word Forest, which was missed in Digaa’s request. The Board accepted Digaa’s proposed change to the condition.	The Board is of the opinion that Digaa’s suggested wording is more comprehensive and less restrictive.
15. Dogleg Approaches	Digaa requested this condition be deleted. The Board decided to keep the condition, but added the word “new”, to clarify that Digaa is only required to dogleg new lines, trails and right-of-ways, not existing ones.	This is a standard condition used by the Board for any Applicant creating lines, trails, and right-of-ways. The Board retained the condition to ensure fairness and consistency of permitting.
Avoidance Cutting	Digaa requested this condition be deleted. The Board accepted Digaa’s request, and the condition was deleted.	The Board is of the opinion that this condition would be impractical for a timber cutting operation.
18. Winter Roads	Digaa requested this condition be changed to include the wording “unless otherwise authorized in writing by the Inspector”. The MVLUR does not grant the Board the authority to delegate this authority to the Inspector for this condition. The condition was not changed.	This is a standard condition used by the Board for any Applicant constructing winter roads. The Board decided not to change the condition to ensure fairness and consistency of permitting.
20. Tree Screen	Digaa requested this condition be changed to include the wording “unless otherwise authorized in writing by the Inspector”. The MVLUR does not grant the Board the authority to delegate this authority to the Inspector for this condition. The condition was not changed.	This is a standard condition used by the Board for any Applicant where clearing may be involved. The Board decided not to change the condition to ensure fairness and consistency of permitting.

27. Suspend Overland Travel	Digaa requested this condition be changed to include the wording “unless otherwise authorized in writing by the Inspector”. The MVLUR does not grant the Board the authority to delegate this authority to the Inspector for this condition. The condition was not changed.	This is a standard condition used by the Board for any Applicant constructing winter roads. The Board decided not to change the condition to ensure fairness and consistency of permitting.
28. Vehicle Movement Freeze-Up	Digaa requested this condition be changed to include the wording “unless otherwise authorized in writing by the Inspector”. The MVLUR does not grant the Board the authority to delegate this authority to the Inspector for this condition. The condition was not changed.	This is a standard condition used by the Board for any Applicant constructing winter roads. The Board decided not to change the condition to ensure fairness and consistency of permitting.
35. No Fording of Streams	Digaa requested this condition be changed to include the wording “unless otherwise authorized in writing by the Inspector”. The MVLUR does not grant the Board the authority to delegate this authority to the Inspector for this condition. The condition was not changed.	This is a standard condition used by the Board for any Applicant constructing winter roads. The Board decided not to change the condition to ensure fairness and consistency of permitting.
42. Habitat Damage	Digaa requested deletion of this condition, as they felt it was unclear in the context of a logging operation. The Board decided to leave the condition as is.	This is a standard condition used by the Board for all permits. Taking reasonable measures to prevent damage to wildlife and fish habitat will not impede the operation.
43. Wildlife and Wildlife Habitat Protection Plan (WWHPP)	Condition Added	This condition was added to ensure the Applicant adheres to the WWHPP at all times during the land-use operation.
45. Waste Management Plan (WMP)	Condition Added	This condition was added to ensure compliance with the existing WMP until a revised plan is approved.
46. Waste Management Plan	Condition Added	This condition was added because the Board decided the WMP required revision and re-submittal to address

		reviewer comments and recommendations made during the review of this Application.
Removal of Waste	Condition Removed	This condition was removed because the Board deemed it redundant. The Applicant is required to remove waste as per the WMP, as required by condition 49.
51. Archaeological Buffer	Digaa requested this condition be changed to a buffer of 30 metres, and allow for variance as authorized by the Inspector. The Board accepted Digaa's request and changed the wording of the condition.	Digaa's request was in line with the wording of subsection 6.(a) of the MVLUR, which allows the Inspector to authorize variances in writing, and stipulates a 30m buffer.
54. Archaeological Overview	Condition Added	Digaa requested that the wording of this condition be changed from requiring an archaeological impact assessment (AIA) for each year of operation, to an archaeological overview (AO) instead. The Board added conditions 54 and 55 in response to this request. Together the conditions require an AO be done prior to activity, and an AIA in areas of high potential where disturbance is planned. These are the standard conditions the Board uses for all permits where archaeological disturbance may occur.
55. Archaeological Impact Assessment	Condition Added	See above rationale for condition 54.
59. Fuel Near Water	Digaa requested the buffer be changed to 30m instead of 100m. The Board decided to keep the condition as is.	This is a standard condition used by the Board for any Applicant. The Board decided not to change the condition to ensure fairness and consistency of permitting.

72. Brush Disposal/Time	Digaa requested this condition be changed to include the wording “unless otherwise authorized in writing by the Inspector”. The MVLUR does not grant the Board the authority to delegate this authority to the Inspector for this condition. The condition was changed and now includes the wording “as instructed by the Inspector”.	The Board is of the opinion this change will give Digaa the ability to liaise with an Inspector and determine the best approach for brush disposal to the Inspector’s satisfaction.
Access Brush Disposal	Digaa requested this condition be changed to include the wording “unless otherwise authorized in writing by the Inspector”. The Board decided to remove the condition.	The Board is of the opinion that this condition was too prescriptive, and did not reflect the activities proposed by Digaa. As Digaa will be recovering timber as part of the operation, this condition is unnecessary.
Remove Leaners	Condition Removed	This condition was removed due to redundancy, as leaners are addressed in subsection 10(c) of the Mackenzie Valley Land Use Regulations.
Landing Brush Disposal	Digaa requested this condition be changed to include the wording “unless otherwise authorized in writing by the Inspector”. The Board decided to remove the condition.	The Board is of the opinion that this condition was too prescriptive, and did not reflect the activities proposed by Digaa. As Digaa will be recovering timber as part of the operation, this condition is unnecessary.
78. Right-Of-Way Clearing	Wording was changed to allow clearing of right-of-ways up to 20 metres.	It is stated in section 3.8 of the Application that the right-of-way will have a width of up to 20 metres. Subsection 10(b) of the Mackenzie Valley Land Use Regulations requires authorization by permit to cut a right-of-way more than ten metres. The Board changed the wording of this condition to ensure Digaa can carry out the operation as planned.

84. Trails Restoration	Digaa requested this condition be changed to include the wording “unless otherwise authorized in writing by the Inspector”. The MVLUR does not grant the Board the authority to delegate this authority to the Inspector for this condition. The condition was not changed.	This is a standard condition used by the Board for any operation which might impact trails. The Board decided not to change the condition to ensure fairness and consistency of permitting.
87. Migratory Bird Disturbance	Digaa requested this condition be changed to include the wording “unless otherwise authorized in writing by the Inspector”. The MVLUR does not grant the Board the authority to delegate this authority to the Inspector for this condition. The condition was not changed.	This is a standard condition used by the Board for any operation which might impact migratory birds. Environment Canada raised concerns about this during review as well, which are addressed by this condition. The Board decided not to change the condition to ensure fairness and consistency of permitting, and address Environment Canada’s concerns.

Security:

Both Digaa and the Inspector submitted security estimates to the Board during the review process. As their estimates were both done using the Board’s security calculation template, they are directly comparable to the Board’s estimate. The table below summarizes the differences between the three estimates.

	MVLWB	Inspector	Digaa
Camp C1	\$9,600.00	\$1,500.00	\$2,100.00
Regulated/Hazardous Materials R1	\$6,500.00	\$0.00	\$6,500.00
Hydrocarbon Storage/Transfer H1	\$13,500.94	\$8,437.50	\$13,125.00
Land Disturbance L1	\$500.00	\$0.00	\$0.00
Equipment E1	\$22,350.00	\$27,350.00	\$17,250.00
Total*	\$78,676.41	\$55,931.25	\$58,462.50

*The numbers in these columns do not directly add up because of multipliers (for site access, performance, and environmental risks) in the Board’s security template

The primary differences between the estimates were equipment (E1) and camp (C1). The Board based the equipment estimate on what is listed in the Application. Digaa classified heavy equipment differently than the Board, which caused their estimate to be lower. The Board notes that any equipment larger than a one-tonne pickup truck is classified as “heavy” for the purposes of security calculation. For the camp, neither the inspector nor Digaa calculated person days. The Board’s estimate for person days consisted of five months of work during the winter when the ground is frozen (December-April), which totaled 150 Days. Digaa indicated summer harvesting may occur, so the Board included an extra 50 days in the estimate to ensure flexibility. This total was multiplied by 25 persons, to reach the total of 5000 person days per year. Due to the fact that Digaa will be providing for reforestation through their Forest Management Agreement with the Government of the Northwest Territories, none of the estimates included land disturbance. However, the Board did include the off-road activities multiplier, as off-road activities will occur during operations. The Board rounded their total estimate of \$78,676.41 to \$79,000.00.

Land Use Permit MV2015W0018 contains provisions that the Board feels necessary to ensure and monitor compliance with the MVRMA and the Regulations made thereunder and to provide appropriate safeguards in respect of the Applicant’s use of the land affected by the Permit.

SIGNATURE

Mackenzie Valley Land and Water Board



December 3, 2015

A/Chair

Date