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January 14, 2022

File: MV2016Q0031

Owen Rowe
Rowe's Construction
Box 347
FORT SMITH NT X0E 0N0

Sent by email

Dear Owen Rowe,

Re: Rowe's Construction Ltd. – Extension Issuance Package – Land Use Permit MV2016Q0031 – Quarrying – NWT Highway #1, km 518

The Mackenzie Valley Land and Water Board (Board) met on January 13, 2022 and considered Rowe's Construction Ltd. (Rowe's)'s request to extend Land Use Permit (Permit) MV2016Q0031 for the Quarry at NWT Highway #1 km 518 (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board has approved the Permit extension. The Permit (attached) now expires on January 11, 2024. These documents are posted on the Board's Public Registry.¹

Inspectors

The Inspectors referred to in the Permit can be contacted at the regional GNWT-Lands offices.²

Permit Processes and Additional Information

Sections 5 and 6 of the Board's *Guide to the Land Use Permitting Process*³ (Guide) contain detailed information on permit enforcement and potential post-issuance processes, such as amendments to conditions, and assignment to another company. Please be familiar with these sections of the Guide and reach out to Board staff with any questions about Board processes related to the Permit.

¹ See MVLWB Online Registry www.mvlwb.com for MV2016Q0031

² See GNWT-Lands Inspection and Enforcement webpage (<https://www.lands.gov.nt.ca/en/services/inspections-and-enforcement>) for regional contact information.

³ See MVLWB Policies and Guidelines webpage for MVLWB [Guide to the Land Use Permitting Process](#).

Full cooperation of Rowe's Construction Ltd. is anticipated and appreciated. Please Emma Junker at (867) 766-7469 with any questions or concerns regarding this letter.

Yours sincerely,



Mavis Cli-Michaud
Chair, Mackenzie Valley Land and Water Board

BCC'd to: Dehcho Distribution List
 Danielle Rogers – Inspector, GNWT-Lands
 Patti Nightingale, GNWT-Lands

Attached: Land Use Permit MV2016Q0031



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**Rowe's Construction
Land Use Permit MV2016Q0031**

Pursuant to the *Mackenzie Valley Resource Management Act* and Mackenzie Valley Land Use Regulations, the Mackenzie Valley Land and Water Board grants this Land Use Permit to:

Rowe's Construction Ltd.

(Permittee)

of Box 347, FORT SIMPSON NT, X0E 0N0
(Mailing Address)

hereinafter called the Permittee, to proceed with the following land-use operation, subject to the annexed definitions and conditions contained therein:

Location:	Highway #1 km 518
Purpose:	Quarrying
Type:	Type A
Effective Date:	January 12, 2017
Expiry Date:	January 11, 2024

A handwritten signature in blue ink, appearing to read "Mavis Cli-Michaud".

Mavis Cli-Michaud, Chair
Mackenzie Valley Land and Water Board

A handwritten signature in blue ink, appearing to read "Amanda Gauthier".

Amanda Gauthier, Witness

Conditions Annexed to and Forming Part of Land Use Permit # MV2016Q0031

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) a quarry operation at km 518 of NWT Highway #1;
 - b) use of equipment;
 - c) use and storage of fuel; and
 - d) establishment of a camp.
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, Tłıchǫ, or Municipal laws.

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

Act - the *Mackenzie Valley Resource Management Act*.

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

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

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 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 – holder of this Permit.

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.

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 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 |
| 2. | The Permittee shall not conduct this land-use operation on any lands not designated in the complete application. | LOCATION OF ACTIVITIES |
| 3. | Prior to the commencement of the land-use operation, the Permittee shall mark each corner of the land use area. | MARK AREA |
| 4. | The Permittee shall maintain the corner markings until the area is reclaimed. | CORNER POSTS |

26(1)(b) Time

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| 5. | At least 48 hours prior to the commencement of this land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) 695-2626. | CONTACT INSPECTOR |
| 6. | 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 |
| 7. | 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 |

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

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| 8. | The Permittee shall not use any equipment except of a similar type, size, and number to that listed in the complete application. | ONLY APPROVED EQUIPMENT |
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26(1)(d) Methods and Techniques

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| 9. | Prior to the expiry of this Permit, the Permittee shall replace all excavated material from test pits, unless otherwise authorized in writing by an Inspector. | EXCAVATED MATERIAL |
| 10. | 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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| 11. | 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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| 12. | The land-use operation shall not cause obstruction to any natural drainage. | NATURAL DRAINAGE |
| 13. | 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 |
| 14. | 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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| 15. | The Permittee shall maintain a record of all spills. For all reportable spills, in accordance with the GNWT <i>Spill Contingency Planning and Reporting Regulations</i> , the Permittee shall:
<ul style="list-style-type: none">a) immediately report each spill to the 24-hour Spill Report Line (867) 920-8130;b) report each spill to an Inspector within 24 hours; andc) submit, to the Board and an Inspector, a detailed report on each spill within 30 days. | REPORT SPILLS |
| 16. | The Permittee shall dispose of all Toxic Material as described in the accepted application. | WASTE CHEMICAL DISPOSAL |
| 17. | 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

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| 18. | The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation. | HABITAT DAMAGE |
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26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage

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| 19. | 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 |
| 20. | The Permittee shall keep all garbage and debris in a secure container until disposal. | GARBAGE CONTAINER |
| 21. | The Permittee shall dispose of all garbage, waste, and debris as described in the accepted application, unless otherwise authorized in writing by an Inspector. | REMOVE GARBAGE |

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

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| 22. | The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. | SITE DISTURBANCE |
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23.	The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered: a) immediately suspend operations on the site; and b) notify the Board at (867) 669-0506 or an Inspector at (867) 872-2555, and the Prince of Wales Northern Heritage Centre at (867) 767-9347 ext. 71251 or ext. 71250.	SITE DISCOVERY AND NOTIFICATION
 26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value		
<i>Intentionally left blank</i>		
 26(1)(l) Security Deposit		
24.	All costs to remediate the area under this Permit are the responsibility of the Permittee.	RESPONSIBILITY FOR REMEDIATION COSTS
25.	Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$18,750.00.	SECURITY DEPOSIT
 26(1)(m) Fuel Storage		
26.	The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	FUEL CONTAINMENT
27.	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
28.	Prior to commencement of operations, the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills.	SPILL RESPONSE
29.	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
30.	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		
31.	The Permittee shall not clear areas larger than identified in the complete application.	MINIMIZE AREA CLEARED
32.	The Permittee shall progressively dispose of all brush and trees and shall complete all brush disposal; all disposal shall be completed prior to the expiry date of this Permit.	BRUSH DISPOSAL / TIME
33.	The Permittee shall salvage all portions of trees cleared that are larger than 13 cm in diameter.	SALVAGE TIMBER

26(1)(o) Restoration of the Lands

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| 34. | The Permittee shall dispose of all overburden as instructed by an Inspector. | DISPOSAL OF OVERBURDEN |
| 35. | The Permittee shall store overburden and use it to recontour the site after operations are complete, unless otherwise authorized in writing by an Inspector. | SAVE AND PLACE ORGANIC SOIL |
| 36. | The Permittee shall level all stockpiles of granular material located within the land use area prior to the expiry date of this Permit. | NO STOCKPILES |
| 37. | Prior to the expiry date of this Permit, the Permittee shall complete all cleanup and restoration of the lands used. | FINAL CLEANUP AND RESTORATION |
| 38. | The Permittee shall carry out progressive reclamation of disturbed areas as soon as it is practical to do so. | PROGRESSIVE RECLAMATION |

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

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| 39. | The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation. | COPY OF PERMIT |
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26(1)(q) Biological and Physical Protection of the Land

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| 40. | 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 or sites. | MIGRATORY BIRD DISTURBANCE |
| 41. | 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 |
| 42. | The Permittee shall adhere to the Engagement Plan, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | ENGAGEMENT PLAN |
| 43. | All revised plans submitted to the Board shall include a brief summary of the changes made to the plan. | SUMMARY OF CHANGES |