



**Mackenzie Valley Land and Water Board**  
**7th Floor - 4922 48th Street**  
**P.O. Box 2130**  
**YELLOWKNIFE NT X1A 2P6**  
**Phone (867) 669-0506**  
**FAX (867) 873-6610**

August 20, 2019

File: MV2017X0008

Ms. Alexis Campbell  
Government of the Northwest Territories – Department of Infrastructure  
Box 1320  
Yellowknife NT X1A2L9

Email: [Alexis\\_Campbell@gov.nt.ca](mailto:Alexis_Campbell@gov.nt.ca)

Dear Ms. Campbell:

**Issuance – Type A Land Use Permit – Amendment  
Highway #4, km 23.1**

The Mackenzie Valley Land and Water Board (MVLWB or the Board) met on August 8, 2019 and considered your Amendment Application for Type A Land Use Permit MV2019F0015 (Permit) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

Preliminary Screening Determination – 10-day Pause Period

The Board provided its Preliminary Screening Report, including its reasons for decision, to the Mackenzie Valley Environmental Impact Review Board to fulfill the pause period required by section 125 of the MVRMA. As the Board did not receive notice of referral by the end of the pause period (August 19, 2019), the Board continued the regulatory proceeding.

Public Registry

A copy of this Licence and Permit have been filed on the [Public Registry](#) at the office of the MVLWB. Please be advised that this letter, with attached procedures, all inspection reports, and correspondence related thereto is part of the Public Registry and is intended to keep all interested parties informed of the manner in which the Licence and Permit requirements are being met. All Public Registry material will be considered if an amendment to the Licence or Permit is requested.

The full cooperation of the Government of the Northwest Territories – Department of Infrastructure is anticipated and appreciated. If you have any questions or concerns, please contact Tyree Mullaney at (867) 766-7464 or email [tyree@mvlwb.com](mailto:tyree@mvlwb.com).

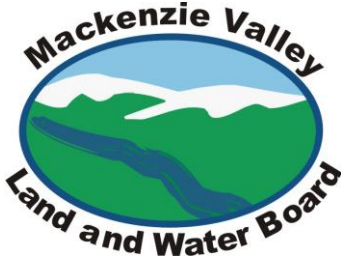
Yours sincerely,

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

Mavis Cli-Michaud  
MVLWB, Chair

Copied to: Distribution List

Attached: Land Use Permit MV2019F0015  
Reasons for Decision



**Land Use Permit**

Permit Class	Permit No	Amendment No and Date
A	MV2017X0008	#1 – March 21, 2019 #2 – August 8, 2019

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

Government of the Northwest Territories –  
Department of Infrastructure

Permittee

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

Signature Mr. Binay Yadav	Date March 23, 2017
Type of Land Use Operation Public Road	
Location Mackenzie Highway #3 – km 124 – 338.8, Mackenzie Highway #4 – km 0 – 69.2	

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

Dated at Yellowknife this 20 day of August, 2019

Signature Chair

Mavis Cli-Michaud

Signature Witness

Amanda Gauthier

Effective Date

April 20, 2017

Expiry Date

April 19, 2022

**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 # MV2017X0008

### Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:

- The continuous and ongoing operation and maintenance of the existing NWT Public Highway system within the Permit corridor along the Yellowknife Highway (NWT #3) between kilometre 124 and kilometre 338.8 (end of Highway #3) and along the Ingraham Trail (NWT #4) between kilometre 0 (Intersection with the Yellowknife Highway at km 338.8) and km 69.2 (Tibbitt Lake – the end of the Highway) and includes the Community Access Roads for Behchokò (Rae) and Dettah and other minor roads along the Yellowknife Highway – Ingraham Trail corridor and as listed under the *Public Highways Act* as Commissioners Land for the Government of the NWT, and includes all highways; roadways and other transportation infrastructure, including but not limited to:
  - roadway embankment maintenance;
  - rehabilitation and reconstruction;
  - bridge structures maintenance and replacement;
  - culvert maintenance and replacement;
  - establishment and maintenance of drainage channels; and
  - winter roads construction and maintenance.
- The Permit area will be two (2) kilometres in width, one (1) kilometre on each side of the existing public highway/roadway centerline through the entire length of the Permit corridor including access and minor roads as listed in the *Public Highways Act*;
  - To access existing or future quarry areas within and outside the two (2) kilometre corridor;
  - To develop new or further develop existing borrow areas to obtain granular borrow materials, common materials, blast rock (including use of explosives), rip-rap, clay, sand and gravel, from areas outside the existing 60 metre wide Public Highway corridors through applications to INAC and the Tlicho Government for Quarrying Permits;
  - To carry out geotechnical investigations in the search for gravels and rock and for gathering preliminary engineering information for the design of foundations for roadways, bridges and other structures (as required);
  - To place and maintain granular stockpiles at existing or approved quarry sites for the purposes of ongoing operations and maintenance of the public highway system within the Permit corridor;
  - To place temporary construction/work camps at existing quarry or previously developed sites within the Permit corridor for the purposes of carrying out operations and maintenance of the public highway system and other roadways within the Permit corridor;
  - Use of various pieces of equipment;
  - To temporarily store construction, operations and maintenance equipment at the various existing quarry or other previously developed sites within the Permit corridor while carrying out these activities in the area;
  - To access water sources for the ongoing operations and maintenance of the public highway system within the Permit corridor;
  - Use and operation of fuel storage tanks in various sizes located at the temporary construction/work camp locations;
  - To access one kilometre (1000 metres) on each side (left and right) of the public highway/roadway center line for the purposes of carrying out granular and geotechnical investigations, quarry pit development, drainage channel construction, stockpiling granular and other construction materials and placement of temporary construction/work camps;
  - To construct and maintain sand and sand/salt storage facilities at strategic locations along the designated highway corridor;
  - To construct, maintain and operate a weigh scale and inspection facility; and
  - To construct, operate and maintain pullouts/rest areas at strategic locations along the designated highway corridor.

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 term 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*.

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

**Archaeological Impact Assessment** - 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.

**Borehole** - a hole that is made in the surface of the ground by drilling or boring.

**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.

**Drilling Fluids** - any liquid mixture of water, sediment, drilling muds, chemical additives or other wastes that are pumped down hole while drilling and are specifically related to drilling activity.

**Drilling Waste** - all materials or chemicals, solid or liquid, associated with drilling, including drill cuttings and Drilling Fluids.

**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.

**Flowing Artesian Well** - a well in which water:

- a) Naturally rises above the ground surface or the top of any casing; and
- b) Flows naturally, either intermittently or continuously.

**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 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).

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

**Permittee** – 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.

**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** – 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**

- |    |   |                               |
|----|---|-------------------------------|
| 1. | The Permittee shall not conduct any part of the land-use operation within 300 metres of any privately owned or leased land or structure, unless otherwise authorized in writing by the Board. | <b>PRIVATE PROPERTY</b>       |
| 2. | The Permittee shall locate all camps on Durable Land or previously cleared areas.   | <b>CAMP LOCATION</b>          |
| 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.              | <b>QUARRY SETBACK</b>         |
| 4. | The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.  | <b>PARALLEL ROADS</b>         |
| 5. | The Permittee shall locate all lines, trails, and right-of-ways to be constructed parallel to any Watercourse a minimum of 100 metres from the Ordinary High Water Mark, except at crossings. | <b>PARALLEL WATERCOURSE</b>   |
| 6. | The Permittee shall not conduct this land-use operation on any lands not designated in the complete application.  | <b>LOCATION OF ACTIVITIES</b> |
| 7. | Prior to the commencement of the land-use operation, the Permittee shall accompany an Inspector during an inspection of the proposed land use area.   | <b>INSPECT LOCATIONS</b>      |

**26(1)(b) Time**

- |     |  |                               |
|-----|--|-------------------------------|
| 8.  | At least 48 hours prior to the commencement of this land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) 767-9188.   | <b>CONTACT INSPECTOR</b>      |
| 9.  | 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: <ul style="list-style-type: none"> <li>a) the name(s) of the person(s) in charge of the field operation;</li> <li>b) alternates; and</li> <li>c) all methods for contacting the above person(s).</li> </ul> | <b>IDENTIFY AGENT</b>         |
| 10. | At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of: <ul style="list-style-type: none"> <li>a) the plan for removal or storage of equipment and materials; and</li> <li>b) when final cleanup and reclamation of the land used will be completed.</li> </ul>   | <b>REPORTS BEFORE REMOVAL</b> |
| 11. | The Board, for the purpose of this operation, designates April 15, as spring break-up.   | <b>SPRING BREAK-UP</b>        |

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

- |     |  |                                |
|-----|--|--------------------------------|
| 12. | The Permittee shall not use any equipment except of a similar type, size, and number to that listed in the complete application. | <b>ONLY APPROVED EQUIPMENT</b> |
|-----|--|--------------------------------|

- |     |  |                                    |
|-----|--|------------------------------------|
| 13. | The Permittee shall maintain the following fire-fighting equipment at the site:  | <b>FIRE-FIGHTING<br/>EQUIPMENT</b> |
|     | <ul style="list-style-type: none"> <li>a) Four backpack bags complete with hand pumps; and</li> <li>b) a minimum of two pieces of each of the following equipment: pulaskis, axes, and shovels.</li> </ul> |                                    |

**26(1)(d) Methods and Techniques**

- |     |  |                              |
|-----|--|------------------------------|
| 14. | The Permittee shall Dogleg lines, trails and right-of-ways that approach Watercourses or public roads.                                 | <b>DOGLEG<br/>APPROACHES</b> |
| 15. | The Permittee shall leave a buffer strip of undisturbed vegetation at least 30 metres in width between cleared areas and public roads. | <b>TREE SCREEN</b>           |
| 16. | The Permittee shall replace all excavated material from the test pits prior to the expiry of this Permit.                              | <b>TEST PITS</b>             |

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

- |     |   |                                   |
|-----|---|-----------------------------------|
| 17. | The Permittee shall ensure that the land use area is kept clean at all times.   | <b>CLEAN WORK AREA</b>            |
| 18. | 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. | <b>SUMPS FROM<br/>WATER</b>       |
| 19. | The Permittee shall provide the Board, as-built drawings of the salt shed and mixing areas prior to their initial use.  | <b>AS BUILT DRAWINGS</b>          |
| 20. | The Permittee shall install liners/impermeable membranes at salt/sand mixing areas.   | <b>INSTALLATION OF<br/>LINERS</b> |
| 21. | The Permittee shall install an impermeable membrane below building foundations prior to construction as accepted by the Inspector.                                    | <b>INSTALLATION OF<br/>LINERS</b> |

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

- |     |   |  |
|-----|---|--|
| 22. | The Permittee shall install and maintain culverts such that scouring does not occur.  | <b>CULVERT SIZE</b>                    |
| 23. | The land-use operation shall not cause obstruction to any natural drainage.   | <b>NATURAL DRAINAGE</b>                |
| 24. | The Permittee shall minimize erosion by installing erosion control structures as the land-use operation progresses.   | <b>PROGRESSIVE<br/>EROSION CONTROL</b> |
| 25. | The Permittee shall, where flowing water from a Borehole is encountered: <ul style="list-style-type: none"> <li>a) plug the Borehole in such a manner as to permanently prevent any further outflow of water; and</li> <li>b) immediately report the occurrence to the Board and an Inspector.</li> </ul> | <b>FLOWING ARTESIAN<br/>WELL</b>       |
| 26. | The Permittee shall prepare the site in such a manner as to prevent rutting of the ground surface.  | <b>PREVENTION OF<br/>RUTTING</b>       |

27.	The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting.	<b>SUSPEND OVERLAND TRAVEL</b>
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.	<b>VEHICLE MOVEMENT FREEZE-UP</b>
29.	The Permittee shall not use any material other than clean water and snow in the construction of ice bridges.	<b>ICE BRIDGE MATERIALS</b>
30.	The Permittee shall not use any materials other than clean snow and water in the construction of snow fills.	<b>SNOWFILL MATERIALS</b>
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.	<b>REMOVE OR V-NOTCH SNOWFILLS</b>
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.	<b>V-NOTCH ICE BRIDGES</b>
33.	The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector.	<b>STREAM BANKS</b>
34.	The Permittee shall minimize approach grades on all Watercourse crossings.	<b>MINIMIZE APPROACH</b>
35.	The Permittee shall not ford wet streams.	<b>NO FORDING OF STREAMS</b>
36.	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.	<b>EXCAVATION AND EMBANKMENTS</b>
37.	The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High Water Mark of any Watercourse.	<b>WATERCOURSE BUFFER</b>
38.	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.	<b>EXCAVATE NEAR WATERCOURSE</b>
<b>26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material</b>		
39.	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.	<b>CHEMICALS</b>
40.	When drilling within 100 metres of the Ordinary High Water Mark of any Watercourse, and when drilling on ice, the Permittee shall contain all drill water and waste in a closed-circuit system for reuse, off-site disposal, or deposit into a land-based Sump or natural depression.	<b>DRILLING NEAR WATER OR ON ICE</b>



41.	The Permittee may deposit Drilling Waste that does not contain Toxic Material in a Sump or natural depression. Any Sumps or natural depressions used to deposit Drilling Waste must be located at least 100 metres from the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.	<b>DRILLING WASTE</b>
42.	The Permittee shall remove all Drilling Waste containing Toxic Material to an approved disposal facility.	<b>DRILLING WASTE DISPOSAL</b>
43.	The Permittee shall not allow any Drilling Waste to spread to the surrounding lands or Watercourses.	<b>DRILLING WASTE CONTAINMENT</b>
44.	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.	<b>BACKFILL SUMPS</b>
45.	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"> <li>a) immediately report each spill to the 24-hour Spill Report Line (867) 920-8130;</li> <li>b) report each spill to an Inspector within 24 hours; and</li> <li>c) submit, to the Board and an Inspector, a detailed report on each spill within 30 days.</li> </ul>	<b>REPORT SPILLS</b>
46.	The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.	<b>WASTE CHEMICAL DISPOSAL</b>
47.	The Permittee shall dispose of all combustible waste petroleum products by removal to an approved disposal facility.	<b>WASTE PETROLEUM DISPOSAL</b>
<b>26(1)(h) Wildlife and Fish Habitat</b>		
48.	The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.	<b>HABITAT DAMAGE</b>
<b>26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage</b>		
49.	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.	<b>WASTE MANAGEMENT</b>
50.	The Permittee shall keep all garbage and debris in a secure container until disposal.	<b>GARBAGE CONTAINER</b>
51.	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.	<b>REMOVE GARBAGE</b>
52.	The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan.	<b>SEWAGE DISPOSAL</b>

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

- |     |   |  |
|-----|---|--|
| 53. | The Permittee shall not operate any vehicle or equipment within 100 metres of a known or suspected historical or archaeological site or burial ground.  | <b>ARCHAEOLOGICAL<br/>BUFFER</b>           |
| 54. | The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.   | <b>SITE DISTURBANCE</b>                    |
| 55. | The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:<br><br>a) immediately suspend operations on the site; and<br>b) notify the Board at (867) 669-0506 or an Inspector at (867) 767-9188, and the Prince of Wales Northern Heritage Centre at (867) 767-9347 ext. 71251 or (867) 767-9347 ext. 71250. | <b>SITE DISCOVERY AND<br/>NOTIFICATION</b> |
| 56. | At least 30 days prior to any new land disturbance, including new drill sites, the Permittee shall conduct an Archaeological Overview to identify areas of high and low potential for archaeological and burial sites and shall submit a summary report to the Board and the Prince of Wales Northern Heritage Centre.                                      | <b>ARCHAEOLOGICAL<br/>OVERVIEW</b>         |
| 57. | 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.                    | <b>AIA – HIGH<br/>POTENTIAL</b>            |

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

*Intentionally left blank*

**26(1)(l) Security Deposit**

- |     |  |  |
|-----|--|--|
| 58. | All costs to remediate the area under this Permit are the responsibility of the Permittee. | <b>RESPONSIBILITY FOR<br/>REMIEDIATION<br/>COSTS</b> |
|-----|--|--|

**26(1)(m) Fuel Storage**

- |     |  |  |
|-----|--|--|
| 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. | <b>FUEL NEAR WATER</b>                           |
| 60. | The Permittee shall ensure that all fuel caches have adequate Secondary Containment.   | <b>FUEL CACHE<br/>SECONDARY<br/>CONTAINMENT</b>  |
| 61. | The Permittee shall set up all refueling points with Secondary Containment.  | <b>SECONDARY<br/>CONTAINMENT –<br/>REFUELING</b> |
| 62. | The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.   | <b>FUEL CONTAINMENT</b>                          |

63.	The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours.	<b>FUEL ON LAND</b>
64.	The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name.	<b>MARK CONTAINERS</b>
65.	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.	<b>MARK FUEL LOCATION</b>
66.	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.	<b>REPORT FUEL LOCATION</b>
67.	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.	<b>SEAL OUTLET</b>
68.	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.	<b>SPILL CONTINGENCY PLAN</b>
69.	Prior to commencement of operations, the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills.	<b>SPILL RESPONSE</b>
70.	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.	<b>DRIP TRAYS</b>
71.	The Permittee shall clean up all leaks, spills, and contaminated material.	<b>CLEAN UP SPILLS</b>
<b>26(1)(n) Methods and Techniques for Debris and Brush Disposal</b>		
72.	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.	<b>BRUSH DISPOSAL/TIME</b>
73.	The Permittee shall not clear areas larger than identified in the complete application.	<b>MINIMIZE AREA CLEARED</b>
74.	The Permittee shall salvage all portions of trees cleared that are larger than 13 cm in diameter.	<b>SALVAGE TIMBER</b>
<b>26(1)(o) Restoration of the Lands</b>		
75.	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.	<b>PRE-CONSTRUCTION PROFILES</b>
76.	The Permittee shall dispose of all overburden as instructed by an Inspector.	<b>DISPOSAL OF OVERBURDEN</b>

77.	The Permittee shall store overburden and use it to recontour the site after operations are complete, unless otherwise authorized in writing by an Inspector.	<b>SAVE AND PLACE ORGANIC SOIL</b>
78.	The Permittee shall level all stockpiles of granular material located within the land use area prior to the expiry date of this Permit.	<b>NO STOCKPILES</b>
79.	Prior to the expiry date of this Permit, the Permittee shall complete all cleanup and restoration of the lands used.	<b>FINAL CLEANUP AND RESTORATION</b>
80.	Prior to the expiry date of this Permit, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation.	<b>NATURAL VEGETATION</b>
81.	The Permittee shall carry out progressive reclamation of disturbed areas as soon as it is practical to do so.	<b>PROGRESSIVE RECLAMATION</b>
82.	The Permittee shall complete reclamation of each individual project site within 12 months of completion.	<b>SEASONAL RECLAMATION</b>

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

83.	The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation.	<b>DISPLAY PERMIT</b>
84.	The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation.	<b>COPY OF PERMIT</b>

**26(1)(q) Biological and Physical Protection of the Land**

85.	If any plan is not approved by the Board, the Permittee shall revise the plan according to the Board's direction and re-submit it to the Board for approval.	<b>RESUBMIT PLAN</b>
86.	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.	<b>ENGAGEMENT PLAN</b>
87.	All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.	<b>SUMMARY OF CHANGES</b>



**Mackenzie Valley Land and Water Board**  
**7th Floor - 4922 48th Street**  
**P.O. Box 2130**  
**YELLOWKNIFE NT X1A 2P6**  
**Phone (867) 669-0506**  
**FAX (867) 873-6610**

**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)

<b>Land Use Permit Application</b>	
<b>Preliminary Screener</b>	MVLWB
<b>Reference/File Number</b>	MV2017X0008
<b>Company</b>	GNWT – Department of Infrastructure
<b>Project</b>	Miscellaneous – Yellowknife Highway – Ingraham Trail Corridor; including Highway #3 and the community access roads for Behchokò and Dettah. Highway 3 & 4, NWT
<b>Date of Decision</b>	August 8, 2019

These Reasons for Decision set out the Mackenzie Valley Land and Water Board’s (the Board or MVLWB) decision on an Application made by Government of the Northwest Territories – Department of Infrastructure (INF) to the Board on August 8, 2019 for Land Use Permit (Permit) MV2017X0008.

**1.0 Background**

On March 6, 2017, the GNWT - INF submitted an application for a new Permit MV2017X0008 for the ongoing operation and maintenance of the existing NWT public highway system, specifically the Yellowknife Highway – Ingraham Trail corridor; including Highway #3 and the community access roads for Behchokò and Dettah. On April 20, 2017, the Board deemed the application as transboundary and approved the Land Use Permit issued to GNWT – INF.

The Permit authorizes the following activities:

- The continuous and ongoing operation and maintenance of the existing NWT Public Highway system within the permit corridor along the Yellowknife Highway (NWT #3) between kilometre 124 and kilometre 338.8 (end of Highway #3) and along the Ingraham Trail (NWT #4) between kilometre 0 (Intersection with the Yellowknife Highway at km 338.8) and km 69.2 (Tibbitt Lake – the end of the Highway) and includes the Community Access Roads for Behchokò (Rae) and Dettah and other minor roads along the Yellowknife Highway – Ingraham Trail and as listed under the *Public Highways Act* as Commissioners Land for the Government of the NWT, and includes all highways; roadways; winter road construction; bridges; culverts; quarries; storage of granular material stockpiles; embankment maintenance; rehabilitation and reconstruction; construction and use of temporary camps; storage of equipment and fuel; construction and maintenance of sand/salt storage facilities, a way scale and inspection facility, pullouts/rest areas; and access to water sources.

- The Permit area will be two (2) kilometres in width, one (1) kilometre on each side of the existing public highway/roadway centerline through the entire length of the permit corridor including access and minor roads as listed in the *Public Highways Act*.

On June 18, 2019, the Board received an amendment request from INF. The amendment request is for the inclusion of a parking area within the right-of-way at Big Hill Lake trail head on Highway #4, km 23.1. Their current management plans would not be affected by this amendment. The application is also attached.

## **2.0 Public Review**

On July 28, 2019, the application was deemed complete and sent for review on the online review system. By July 18, 2019, comments were received from two reviewers, the Government of the Northwest Territories – Department of Lands (Inspector) and the Government of the Northwest Territories – Environment and Natural Resources indicating that there were no comments on the amendment request. INF did not respond to comment as there were none to respond to.

There were no concerns identified during the review of this Application.

## **3.0 Adequacy of Management Plans**

The management plans submitted with the initial application were not affected by this amendment request.

## **4.0 Decision**

In rendering its decision, the Board is satisfied that:

- notice of the Application was given in accordance with sections 63 and 64 of the MVRMA. The Board is satisfied that a reasonable period of notice was given to communities and First Nations so comments could be provided to the Board;
- 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 MV2017X0008 be amended subject to the term, scope, definitions, 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 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.
- The Board has reviewed the information contained in the July 22, 2019 Staff Report regarding environmental impacts and/or public concerns.

- The scope of the Permit ensures GNWT – INF is entitled to conduct activities which have been applied for and screened by the Board. In setting the scope, the Board endeavored to provide enough detail to identify and describe the authorized activities without being unduly restrictive or prescriptive, and to allow for project flexibility throughout the life of the Permit.
- The conditions set forth in the Permit have been imposed to address the Board’s statutory responsibilities and ensure the land-use operation is conducted in a manner which ensures impacts to surrounding lands and waters are minimized.

**5.0 Conclusion**

Land Use Permit MV2017X0008 contains provisions that the Board deems necessary to ensure and monitor compliance with the MVRMA and the Regulations made thereunder, and to provide appropriate safeguards in respect of GNWT - INF use of the land affected by the Permit.

SIGNATURE

Mackenzie Valley Land and Water Board



---

Mavis Cli-Michaud, Chair

August 8, 2019

---

Date