

Draft Conditions Annexed to and Forming Part of Land Use Permit for Exploration and Advanced Exploration at the Pine Point Mine

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Mineral exploration, including diamond drilling
 - b) Use of heavy machinery and vehicles
 - c) Use and storage of fuel
 - d) Construction and maintenance of trails and access roads
 - e) Excavation of test pits
 - f) Bulk sampling using under ground or open pit methods
 - g) Reinjection of groundwater from flowing artesian well
 - h) Extraction, storage and re-injection of groundwater
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, Tłı̨chǫ, or Municipal laws.

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

Act - the *Mackenzie Valley Resource Management Act*.

Archaeological Impact Assessment - archaeological research as defined by the Prince of Wales Northern Heritage Centre *Guidelines for Developers for the Protection of Archaeological Sites in the Northwest Territories*.

Archaeological Overview - a study of archaeological sites as defined by the Prince of Wales Northern Heritage Centre *Guidelines for Developers for the Protection of Archaeological Sites in the Northwest Territories*.

Board - the 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 Fluid - 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 *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 Act.

Minister - the Minister of Indian Affairs and Northern Development Canada or the Minister of the Government of the Northwest Territories – Department of Lands, as the case may be.

Ordinary High-Water Mark - the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the "active channel/bank-full level" which is often the 1:2 year flood flow return level. In inland lakes, wetlands, or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

Permittee - the holder of this permit.

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

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

Sewage - all toilet wastes and Greywater.

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

Safety Data Sheet - a technical document, typically written by the manufacturer or supplier of a chemical, that provides information about the hazards associated with the product, advice about safe handling and storage, and emergency response procedures.

Sump - a human-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)

Changes to standard conditions are highlighted in green.

	Condition	Category
	26(1)(a) Location and Area	
1.	The Permittee shall only conduct this land-use operation on lands designated in the application.	LOCATION OF ACTIVITIES
2.	The Permittee shall not conduct any part of the land-use operation within 300 metres of any privately owned or leased land or structures, including cabins used for traditional activities, unless otherwise approved by the Board.	PRIVATE PROPERTY SETBACK
3.	The Permittee shall locate all camps on Durable Land or previously cleared areas, and a minimum of 100 metres from the Ordinary High-Water Mark.	CAMP SETBACK
4.	Prior to the commencement of drilling or metallurgical sampling, the Permittee shall submit the target areas and final drill hole and metallurgical sample locations on a 1:50,000-scale map with coordinates and map datum to the Board and an Inspector.	DRILL LOCATIONS
5.	The Permittee shall not conduct a drilling operation or construct an adit or drill site within 100 metres of the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.	DRILLING/ ADIT SETBACK
6.	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.	SUMP SETBACK
7.	The Permittee shall locate all lines, trails, and right-of-ways to be constructed parallel to any Watercourse a minimum of 100 metres from the Ordinary High-Water Mark, except at crossings.	PARALLEL WATERCOURSE SETBACK
8.	The Permittee shall confine the width of the right-of-way to a maximum of 10 metres.	WIDTH RIGHT-OF-WAY
	26(1)(b) Time	
9.	At least 48 hours prior to the initial commencement of the land-use operation, the Permittee's Field Supervisor shall notify the Board and contact an Inspector a. For all activities west of the Buffalo River at (867) 874-6995 ext 21 b. For all activities east of the Buffalo River at (867) 872-2558 ext 2	INITIAL NOTIFICATION – CONTACT INSPECTOR

	Condition	Category
10.	At least 48 hours prior to commencement of the land-use operation, the Permittee shall provide the following information, in writing, to the Board and an Inspector: 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
11.	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; b) when final cleanup and reclamation of the land used will be completed; and c) when the Final Plan will be submitted.	REPORTS BEFORE FINAL REMOVAL
	26(1)(c) Type and Size of Equipment	
12.	The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application.	USE APPROVED EQUIPMENT
	26(1)(d) Methods and Techniques	
13.	The Permittee shall Dogleg lines, trails and right-of-ways that approach Watercourses or public roads.	DOGLEG APPROACHES
14.	Prior to the movement of any vehicle that exerts pressure on the ground in excess of 35 kPa, the Permittee shall scout proposed lines and routes to select the best location for crossing streams and avoiding terrain obstacles.	DETOURS AND CROSSINGS
15.	Immediately upon completion of operations at each Borehole, the Permittee shall remove or cut off and seal each drill casing at ground level.	MINERAL EXPLORATION DRILL CASINGS
16.	The Permittee shall construct and maintain the overland portion of winter roads with a minimum of 10 cm of packed snow and/or ice at all times during this land-use operation.	WINTER ROADS
17.	The Permittee shall not erect camps or store material, other than that required for immediate use, on the ice surface of a Watercourse.	STORAGE ON ICE
18.	Prior to the expiry of the land-use operation, the Permittee shall replace excavated residual material, unless otherwise authorized in writing by an Inspector.	EXCAVATED MATERIAL TEST PITS
19.	The Permittee shall leave a buffer strip of undisturbed vegetation at least 30 metres in width between cleared areas and public roads	TREE SCREEN

	Condition	Category
	26(1)(e) Type, Location, Capacity, and Operation of All Facilities	
20.	The Permittee shall ensure that the land use area is kept clean at all times.	CLEAN WORK AREA
	26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land	
21.	The Permittee shall insulate the ground surface beneath all structures associated with this land-use operation to prevent: <ul style="list-style-type: none"> a) any vegetation present from being removed; b) the melting of Permafrost; and c) the ground settling and/or eroding. 	PERMAFROST PROTECTION
22.	The land-use operation shall not cause obstruction to any natural drainage.	NATURAL DRAINAGE
23.	The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses.	PROGRESSIVE EROSION CONTROL
24.	The Permittee shall, where flowing water from a Borehole is encountered and testing of groundwater is not required <ul style="list-style-type: none"> a) plug the Borehole in such a manner as to permanently prevent any further outflow of water; or b) immediately report the occurrence to the Board and an Inspector. 	FLOWING ARTESIAN WELL
25.	The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface.	PREVENTION OF RUTTING
26.	The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging.	SUSPEND OVERLAND TRAVEL
27.	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
28.	The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector.	STREAM BANKS
29.	The Permittee shall minimize approach grades on all Watercourse crossings.	MINIMIZE APPROACH
30.	The Permittee shall use temporary bridges or dry fording when crossing streams.	DRY FORDING
31.	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

	Condition	Category
32.	The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High-Water Mark of any Watercourse.	EQUIPMENT: WATERCOURSE BUFFER
33.	The Permittee shall not excavate land within 100 metres of the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.	EXCAVATION SETBACK
	26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material	
34.	At least seven days prior to the use of any chemicals that were not identified in the complete application, the Safety Data Sheets must be provided to the Board and an Inspector.	CHEMICALS
35.	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 Drilling Waste in a closed circuit system for reuse, off-site disposal, or deposit into a land-based Sump or natural depression.	DRILLING NEAR WATER OR ON ICE
36.	The Permittee may deposit Drilling Waste that does not contain Toxic Material in a Sump. 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.	DRILLING WASTE
37.	The Permittee shall remove all Drilling Waste containing Toxic Material to an approved disposal facility.	DRILLING WASTE DISPOSAL
38.	The Permittee shall not allow any Drilling Waste to spread to the surrounding lands or Watercourses.	DRILLING WASTE CONTAINMENT
39.	Prior to the expiry date of this Permit or the end of the land-use operation whichever comes first, the Permittee shall backfill and restore all Sumps, unless otherwise authorized in writing by an Inspector.	RECLAIM NON-OIL AND GAS SUMPS
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
42.	The Permittee shall provide written notification to the Board and Inspector a minimum of 10 days prior to the initial deposit of Waste, demonstrating that the licenced disposal facility has agreed to accept the Waste and has the capacity to receive the volumes of Waste requested.	NOTIFICATION OF SOLID WASTE DISPOSAL

	Condition	Category
	26(1)(h) Wildlife and Fish Habitat	
43.	The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.	HABITAT DAMAGE
	26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage	
44.	The Permittee shall dispose of all Waste as described in the Waste Management Plan , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.	WASTE MANAGEMENT
45.	The Permittee shall keep all garbage and debris in a secure container until disposal.	GARBAGE CONTAINER
46.	The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan .	SEWAGE DISPOSAL - PLAN
	26(1)(j) Protection of Historical, Archaeological, and Burial Sites	
47.	The Permittee shall not operate any vehicle or equipment within 30 metres of a known or suspected historical or archaeological site or burial ground.	ARCHAEOLOGICAL BUFFER
48.	The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.	SITE DISTURBANCE
49.	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) 872-2558 and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255.	SITE DISCOVERY AND NOTIFICATION
50.	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.	ARCHAEOLOGICAL OVERVIEW
51.	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.	AIA – HIGH POTENTIAL
	26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value	

	Condition	Category
52.	The Permittee shall not conduct any activity within 500 metres of the Buffalo River	BUFFER / NO ACTIVITY
	26(1)(l) Security Deposit	
53.	Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$ _____.	SECURITY DEPOSIT
54.	All costs to remediate the area under this Permit are the responsibility of the Permittee.	RESPONSIBILITY FOR REMEDIATION COSTS
	26(1)(m) Fuel Storage	
55.	The Permittee shall: a) examine all Fuel Storage Containers and Tank for leaks; and b) repair all leaks immediately.	REPAIR LEAKS
56.	The Permittee shall place Fuel Storage Containers and or Tanks a minimum of 100 metres from the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.	FUEL STORAGE SETBACK
57.	The Permittee shall ensure that all fuel caches have adequate Secondary Containment.	FUEL CACHE SECONDARY CONTAINMENT
58.	The Permittee shall set up all refueling points with Secondary Containment.	SECONDARY CONTAINMENT - REFUELING
59.	The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	FUEL CONTAINMENT
60.	The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours.	FUEL ON LAND
61.	The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name.	MARK CONTAINERS AND TANKS
62.	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
63.	The Permittee shall have a maximum of 275,000 litres of fuel stored on the land use site at any time, unless otherwise approved by the Board.	MAXIMUM FUEL ON SITE
64.	Within ten days of the establishment of any fuel cache, the Permittee shall report the location and quantity of the cache in writing to the Board and an Inspector.	REPORT FUEL LOCATION

	Condition	Category
65.	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
66.	The Permittee shall comply with the Spill Contingency Plan , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.	SPILL CONTINGENCY PLAN
67.	Prior to commencement of the land-use operation the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills.	SPILL RESPONSE
68.	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
69.	The Permittee shall clean up all leaks, spills, and contaminated material immediately.	CLEAN UP SPILLS
70.	During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall: <ul style="list-style-type: none"> a) implement the approved Spill Contingency Plan; b) report it-immediately using the NU-NT Spill Report Form by one of the following methods: <ul style="list-style-type: none"> • Telephone: (867) 920-8130 • Fax: (867) 873-6924 • E-mail: spills@gov.nt.ca • <u>Online: Spill Reporting and Tracking Database</u> c) within 24 hours, notify the Board and an Inspector; and d) within 30 days of initially reporting the incident, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur. 	REPORT SPILLS
	26(1)(n) Methods and Techniques for Debris and Brush Disposal	
71.	The Permittee shall progressively dispose of all brush and trees; all disposal shall be completed prior to the end of this land use operation	BRUSH DISPOSAL/TIME
72.	The Permittee shall not clear areas larger than identified in the complete application.	MINIMIZE AREA CLEARED

	Condition	Category
	26(1)(o) Restoration of the Lands	
73.	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
74.	The Permittee shall dispose of all overburden as approved by the Board, or as otherwise authorized in writing by an Inspector.	DISPOSAL OF OVERBURDEN
75.	Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used.	FINAL CLEANUP AND RESTORATION
76.	Prior to the end of the land-use operation, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation.	NATURAL VEGETATION
77.	The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so.	PROGRESSIVE RECLAMATION
78.	Prior to the end of the land-use operation, the Permittee shall restore any trails impacted by the land-use operation by removing fallen trees and any other obstructions from the trails.	TRAILS RESTORATION
	26(1)(p) Display of Permits and Permit Numbers	
79.	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	
80.	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
81.	The Permittee shall comply with the Engagement Plan , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.	ENGAGEMENT PLAN
82.	All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.	SUMMARY OF CHANGES
83.	The Permittee shall not move any equipment or commence any drilling when one or more caribou is within five hundred (500) metres. Caribou and all wildlife shall be given the right of way at all times.	CARIBOU DISTURBANCE