

Conditions Annexed to and Forming Part of Land Use Permit # MV2020P0006

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation for off Right-of-Way activities associated with the operation and maintenance of the pipeline from Norman Wells to Alberta/Northwest Territories Border, including:
 - a) Use and maintenance of quarries;
 - b) Use and maintenance of camps;
 - c) Use and maintenance of all fire guards, workspaces, accesses, shoo flies, airstrip, and related facilities;
 - d) Use of equipment, vehicles, and machines;
 - e) Use and storage of herbicides; and
 - f) Use and storage of Fuel and hazardous materials.
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*.

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

Closure and Reclamation - the process and activities that facilitate the return of areas affected by the Project to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.

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.

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.

Right-of-Way - that portion of the Line 21 Right-of-Way that falls within the area where the permitted land-use operation will be conducted.

Progressive Reclamation - Closure and Reclamation activities conducted during the operating phase of the project.

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.

Shut Down Period - the period of time between April 15 and September 15 each year, for the purpose of this operation.

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.

Spring Break-up - March 31 each year, for the purpose of this operation.

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.

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.

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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 only conduct this land-use operation on lands designated in the application. | LOCATION OF ACTIVITIES |
| 2. | The Permittee shall use existing campsites, as described in the complete application. | USE EXISTING CAMPS |
| 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. | QUARRY SETBACK |
| 4. | The Permittee shall confine the width of the Right-of-Way to a maximum of five metres. | WIDTH RIGHT-OF-WAY |

26(1)(b) Time

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| 5. | 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 at (867) _____ | INITIAL NOTIFICATION
– DEHCHO CONTACT INSPECTOR |
| 6. | 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 at (867) _____ | INITIAL NOTIFICATION
– SAHTU CONTACT INSPECTOR |
| 7. | 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 the Inspectors:
a) the name(s) of the person(s) in charge of the field operation;
b) alternates; and
c) all methods for contacting the above person(s). | IDENTIFY AGENT |
| 8. | At least ten days prior to the Shut Down Period, the Permittee shall advise an Inspector of:
a) the plan for removal or storage of equipment and materials; and
b) when cleanup and Progressive Reclamation of the land used will be completed. | REPORTS BEFORE SEASONAL REMOVAL |
| 9. | 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 | REPORTS BEFORE FINAL REMOVAL |

Commented [Staff1]: Board staff seeking input from Dehcho Inspector.

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c) when the Final Plan will be submitted.

10. The Permittee shall not conduct any activity associated with the land-use operation during the Shut Down Period.

**SEASONAL SHUT
DOWN**

11. The Permittee shall file an annual progress report with the Board not later than June 30 of the year following the reporting year May 1- April 30, which shall contain at a minimum the following information:

**ANNUAL
PROGRESS REPORT**

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- a) A summary of off right-of-way activities undertaken and locations used for those activities;
- b) Waste audit (detailing types, volumes and ultimate disposal location)
- c) A report on the volume of quarry materials removed from borrow sites.
- d) A summary of all activities carried out under the Engagement Plan.

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. 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**

14. 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

15. 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

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

16. 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

17. The Permittee shall install and maintain culverts such that scouring does not occur.

CULVERT SIZE

18. The land-use operation shall not cause obstruction to any natural drainage.

NATURAL DRAINAGE

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| 19. | The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses. | PROGRESSIVE
EROSION CONTROL |
| 20. | The Permittee shall apply appropriate mitigation at the first sign of erosion. | REPAIR
EROSION |
| 21. | The Permittee shall only conduct off-road vehicle travel on snow-covered surfaces. | OFF-ROAD VEHICLE
TRAVEL |
| 22. | The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface. | PREVENTION OF
RUTTING |
| 23. | The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging. | SUSPEND OVERLAND
TRAVEL |
| 24. | 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 |
| 25. | The Permittee shall only use clean water and snow in the construction of ice bridges and snow fills. | CONSTRUCT
ICE BRIDGES/
SNOWFILLS |
| 26. | Prior to Spring Break-up or completion of the land-use operation, the Permittee shall clean up and either remove or v-notch all ice bridges and snowfills from stream crossings, unless otherwise authorized in writing by an Inspector. | REMOVE
ICE BRIDGES/
SNOWFILLS |
| 27. | The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector. | STREAM BANKS |
| 28. | The Permittee shall minimize approach grades on all Watercourse crossings. | MINIMIZE APPROACH |
| 29. | 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 |
| 30. | 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 | | |
| 31. | The Permittee shall only use the listed herbicides in the location described in the accepted application. | LOCATION OF
HERBICIDE
APPLICATION |

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| 32. | 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 |
| 33. | The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan. | WASTE CHEMICAL
DISPOSAL |
| 34. | The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility. | WASTE PETROLEUM
DISPOSAL |
| 35. | 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 |
| 26(1)(h) Wildlife and Fish Habitat | | |
| 36. | 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 | | |
| 37. | 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 |
| 38. | The Permittee shall keep all garbage and debris in a secure container until disposal. | GARBAGE CONTAINER |
| 39. | 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 | | |
| 40. | The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground. | ARCHAEOLOGICAL
BUFFER |
| 41. | The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. | SITE DISTURBANCE |
| 42. | 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 Inspectors at (867) _____ or (867) _____, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255.

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

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26(1)(l) Security Deposit

43. 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**

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

26(1)(m) Fuel Storage

45. The Permittee shall: **REPAIR LEAKS**
 a) examine all Fuel Storage Containers and Tank for leaks; and
 b) repair all leaks immediately.

46. 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**

47. The Permittee shall ensure that all fuel caches have adequate Secondary Containment. **FUEL CACHE SECONDARY CONTAINMENT**

48. The Permittee shall set up all refueling points with Secondary Containment. **SECONDARY CONTAINMENT - REFUELING**

49. The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. **FUEL CONTAINMENT**

50. The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name. **MARK CONTAINERS AND TANKS**

51. 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**

52. The Permittee shall have a maximum of 1,095,430 litres of fuel stored on the land use site at any time, unless otherwise approved by the Board. **MAXIMUM FUEL ON SITE**

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| 53. | 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 |
| 54. | 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 |
| 55. | 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 |
| 56. | 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 |
| 57. | 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 |
| 58. | The Permittee shall clean up all leaks, spills, and contaminated material immediately | CLEAN UP SPILLS |
| 59. | <p>During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall:</p> <p>a) implement the approved Spill Contingency Plan;</p> <p>b) report it-immediately using the NU-NT Spill Report Form by one of the following methods:</p> <ul style="list-style-type: none"> • Telephone: (867) 920-8130 • Fax: (867) 873-6924 • E-mail: spills@gov.nt.ca • Online: Spill Reporting and Tracking Database <p>c) within 24 hours, notify the Board and an Inspector; and</p> <p>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.</p> | REPORT SPILLS |

26(1)(n) Methods and Techniques for Debris and Brush Disposal

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| 60. | 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 |
| 61. | The Permittee shall not clear areas larger than identified in the complete application. | MINIMIZE AREA CLEARED |

62. The Permittee shall salvage all portions of trees cleared that are greater than Salvage Timber or equal to 13 centimetres in diameter, cut into lengths of four feet and stockpiled at a location authorized by an Inspector.

**SALVAGE
TIMBER**

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26(1)(o) Restoration of the Lands

63. All outstanding liabilities and obligations of the Permittee in relation to work performed or required to be performed under Land Use Permit MV2013P0011 are fully incorporated into and subsumed under this Permit, and the Permittee must therefore complete the restoration and other obligations set out in or incurred under Permit MV2013P0011, as well as such further obligations as may be set out in or incurred under this Permit.

**TRANSFER OF
LIABILITIES**

64. 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**

65. The Permittee shall save the organic soil stripped from the land use area and shall use the organic soil for reclamation as approved by the Board, or otherwise authorized in writing by an Inspector.

**SAVE AND PLACE
ORGANIC SOIL**

66. Prior to the end of the land-use operation, the Permittee shall level all stockpiles of granular material located within the land use area.

LEVEL STOCKPILES

67. 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**

68. 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

69. The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so.

**PROGRESSIVE
RECLAMATION**

70. 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

71. The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation.

DISPLAY PERMIT

72. 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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- 73. If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them.
- 74. 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.
- 75. 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.
- 76. All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.
- 77. The Permittee shall not disturb traps or snares during the land-use operation.

**MIGRATORY BIRD
NEST DISTURBANCE**

RESUBMIT PLAN

ENGAGEMENT PLAN

**SUMMARY OF
CHANGES**

TRAPS PROTECTION

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