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July 23, 2020

File: MV2020P0006

Sarah McKenzie  
Manager, Regulatory Affairs  
Enbridge Pipelines (NW) Inc.  
10175 101 Street NW Suite 200  
Edmonton AB T5J 0H3

Sent by email

Dear Sarah McKenzie,

**Re: Enbridge Pipelines (NW) Inc. – Issuance Package – Land Use Permit MV2020P0006 – Off Right-of-Way activities for the operation and maintenance of the Norman Wells (Line 21) pipeline from Norman Wells to the Alberta/Northwest Territories border**

The Mackenzie Valley Land and Water Board (Board) met on July 23, 2020 and considered the Application from Enbridge Pipelines (NW) Inc. (Enbridge) for Land Use Permit (Permit) MV2020P0006 for the off Right-of-Way activities for the operation and maintenance of the Norman Wells (Line 21) pipeline from Norman Wells to the Alberta/Northwest Territories border (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

Land Use Permit MV2020P0006 (attached) has been granted for a term of five years, effective July 23, 2020 and expiring July 22, 2025 and is supported by the Board's Reasons for Decision<sup>1</sup>. These documents are posted to the Board's Public Registry.<sup>2</sup>

#### Security Deposit

A security deposit is required prior to commencement of Project activities, as per Permit Condition 41. The security deposit is **payable to the Government of the Northwest Territories (GNWT)** and submitted to the following individual, to whom questions regarding security should also be directed:

Charlene Coe, Land Use Advisor  
GNWT-Lands – North Slave Region – Yellowknife  
140 Bristol Avenue  
Yellowknife, NT X1A 3T2  
Phone: (867) 767-9187 (ext. 24194)

.../2

<sup>1</sup> See MVLWB Online Registry for [Enbridge Pipelines \(NW\) Inc.](#)

<sup>2</sup> See MVLWB Online Registry for [MV2020P0006](#).

Management Plans – Approved

The Board has approved the following Plans:

Condition Number	Title of Plan (Version)
35	Waste Management Plan (V#1) <sup>3</sup>
53	Spill Contingency Plan (V#1) <sup>4</sup>
73	Engagement Plan (V#1) <sup>5</sup>

Inspectors

The office of the Inspectors responsible for this Permit can be contacted using the following link: <https://www.lands.gov.nt.ca/en/services/inspections-and-enforcement>.

Permit Lifecycle

The Post-Issuance section (Section 4.0) of the Board's *Guide to the Land Use Permitting Process*<sup>6</sup> (Guide) contains detailed information on enforcement of the Permit, and processes which may occur post-issuance, such as amendments to conditions, and assignment to another company. Please be familiar with this section of the Guide and reach out to Board staff with any questions about Board processes related to the Permit.

Full cooperation of Enbridge is anticipated and appreciated. Please contact Angela Love at (867) 766-7456 with any questions or concerns regarding this letter.

Yours sincerely,



Mavis Cli-Michaud  
MVLWB, Chair

Copied to: Distribution List  
Charlene Coe, GNWT-Lands

Attached: Land Use Permit MV2020P0006

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<sup>3</sup> See MVLWB Online Registry for Enbridge Pipelines (NW) Inc. – [Waste Management Plan – Version 1 – May 11, 2020](#).

<sup>4</sup> See MVLWB Online Registry for Enbridge Pipelines (NW) Inc. – [Spill Contingency Plan – Version 1 – May 11, 2020](#).

<sup>5</sup> See MVLWB Online Registry for Enbridge Pipelines (NW) Inc. – [Engagement Plan – Version 1 – May 11, 2020](#)

<sup>6</sup> See MVLWB Website >> Apply for Permit/Licence >> [Guide to the Land Use Permitting Process](#) (June 2013).



**Land Use Permit**

Permit Class	Permit No	Amendment No
A	MV2020P0006	

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

Enbridge Pipelines (NW) Inc.

Permittee

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

Signature Sarah McKenzie	Date May 8, 2020
Type of Land Use Operation Off right-of-way activities for the operation and maintenance of the pipeline from Norman Wells to the Alberta/Northwest Territories border	
Location Norman Wells, NT to Alberta/Northwest Territories border	

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

Dated at Yellowknife this 23 day of July, 2020

Signature Chair

Signature Witness

Mavis Cli-Michaud

Amanda Gauthier

Effective Date:  
July 23, 2020

Expiry Date:  
July 22, 2025

**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 # 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.

**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.   | <b>LOCATION OF ACTIVITIES</b> |
| 2. | The Permittee shall use existing campsites, as described in the complete application.  | <b>USE EXISTING CAMPS</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>         |

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

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| 4. | 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) 695-2626.  | <b>INITIAL NOTIFICATION – DEHCHO CONTACT INSPECTOR</b> |
| 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) 587-7205.  | <b>INITIAL NOTIFICATION – SAHTU CONTACT INSPECTOR</b>  |
| 6. | 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:<br><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>                                  |
| 7. | At least ten days prior to the Shut Down Period, the Permittee shall advise an Inspector of:<br><ul style="list-style-type: none"> <li>a) the plan for removal or storage of equipment and materials; and</li> <li>b) when cleanup and Progressive Reclamation of the land used will be completed.</li> </ul>   | <b>REPORTS BEFORE SEASONAL REMOVAL</b>                 |
| 8. | At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of:<br><ul style="list-style-type: none"> <li>a) the plan for removal or storage of equipment and materials;</li> <li>b) when final cleanup and reclamation of the land used will be completed; and</li> <li>c) when the Final Plan will be submitted.</li> </ul>        | <b>REPORTS BEFORE FINAL REMOVAL</b>                    |

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| 9. | 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: | <b>ANNUAL<br/>PROGRESS REPORT</b> |
|    | 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**

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| 10. | The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application. | <b>USE APPROVED<br/>EQUIPMENT</b> |
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**26(1)(d) Methods and Techniques**

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| 11. | 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. | <b>DETOURS AND<br/>CROSSINGS</b> |
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| 12. | 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. | <b>WINTER ROADS</b> |
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| 13. | The Permittee shall not erect camps or store material, other than that required for immediate use, on the ice surface of a Watercourse. | <b>STORAGE ON ICE</b> |
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**26(1)(e) Type, Location, Capacity, and Operation of All Facilities**

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| 14. | The Permittee shall ensure that the land use area is kept clean at all times. | <b>CLEAN WORK AREA</b> |
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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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| 15. | The Permittee shall install and maintain culverts such that scouring does not occur. | <b>CULVERT SIZE</b> |
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| 16. | The land-use operation shall not cause obstruction to any natural drainage. | <b>NATURAL DRAINAGE</b> |
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| 17. | The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses. | <b>PROGRESSIVE<br/>EROSION CONTROL</b> |
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| 18. | The Permittee shall apply appropriate mitigation at the first sign of erosion. | <b>REPAIR<br/>EROSION</b> |
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| 19. | The Permittee shall only conduct off-road vehicle travel on snow-covered surfaces. | <b>OFF-ROAD VEHICLE<br/>TRAVEL</b> |
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20.	The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface.	<b>PREVENTION OF RUTTING</b>
21.	The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging.	<b>SUSPEND OVERLAND TRAVEL</b>
22.	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>
23.	The Permittee shall only use clean water and snow in the construction of ice bridges and snow fills.	<b>CONSTRUCT ICE BRIDGES/ SNOWFILLS</b>
24.	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.	<b>REMOVE ICE BRIDGES/ SNOWFILLS</b>
25.	The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector.	<b>STREAM BANKS</b>
26.	The Permittee shall minimize approach grades on all Watercourse crossings.	<b>MINIMIZE APPROACH</b>
27.	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>
28.	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>EXCAVATION SETBACK</b>
	<b>26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material</b>	
29.	The Permittee shall only use the listed herbicides in the location described in the accepted application.	<b>LOCATION OF HERBICIDE APPLICATION</b>
30.	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.	<b>CHEMICALS</b>
31.	The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.	<b>WASTE CHEMICAL DISPOSAL</b>
32.	The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility.	<b>WASTE PETROLEUM DISPOSAL</b>

33.	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.	<b>NOTIFICATION OF SOLID WASTE DISPOSAL</b>
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**26(1)(h) Wildlife and Fish Habitat**

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

35.	The Permittee shall dispose of all Waste as described in the <b>Waste Management Plan</b> , 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>
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36.	The Permittee shall keep all garbage and debris in a secure container until disposal.	<b>GARBAGE CONTAINER</b>
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37.	The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan.	<b>SEWAGE DISPOSAL – PLAN</b>
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**26(1)(j) Protection of Historical, Archaeological, and Burial Sites**

38.	The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground.	<b>ARCHAEOLOGICAL BUFFER</b>
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39.	The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.	<b>SITE DISTURBANCE</b>
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40.	The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:	<b>SITE DISCOVERY AND NOTIFICATION</b>
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- a) immediately suspend operations on the site; and
- b) notify the Board at (867) 669-0506 or Inspectors at (867) 695-2626 or (867) 587-7205, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255.

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

*Intentionally left blank*

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

41.	Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$895,000.	<b>SECURITY DEPOSIT</b>
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42.	All costs to remediate the area under this Permit are the responsibility of the Permittee.	<b>RESPONSIBILITY FOR REMEDICATION COSTS</b>
<b>26(1)(m) Fuel Storage</b>		
43.	The Permittee shall: a) examine all Fuel Storage Containers and Tank for leaks; and b) repair all leaks immediately.	<b>REPAIR LEAKS</b>
44.	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.	<b>FUEL STORAGE SETBACK</b>
45.	The Permittee shall ensure that all fuel caches have adequate Secondary Containment.	<b>FUEL CACHE SECONDARY CONTAINMENT</b>
46.	The Permittee shall set up all refueling points with Secondary Containment.	<b>SECONDARY CONTAINMENT – REFUELING</b>
47.	The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	<b>FUEL CONTAINMENT</b>
48.	The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name.	<b>MARK CONTAINERS AND TANKS</b>
49.	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>
50.	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.	<b>MAXIMUM FUEL ON SITE</b>
51.	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.	<b>REPORT FUEL LOCATION</b>
52.	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>
53.	The Permittee shall comply with the <b>Spill Contingency Plan</b> , 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>
54.	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.	<b>SPILL RESPONSE</b>

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| 55. | 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>      |
| 56. | The Permittee shall clean up all leaks, spills, and contaminated material immediately   | <b>CLEAN UP SPILLS</b> |
| 57. | <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"> <li>• Telephone: (867) 920-8130</li> <li>• Fax: (867) 873-6924</li> <li>• E-mail: <a href="mailto:spills@gov.nt.ca">spills@gov.nt.ca</a></li> <li>• <u>Online: Spill Reporting and Tracking Database</u></li> </ul> <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> | <b>REPORT SPILLS</b>   |

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

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| 58. | The Permittee shall progressively dispose of all brush and trees; all disposal shall be completed prior to the end of this land use operation   | <b>BRUSH DISPOSAL/<br/>TIME</b>  |
| 59. | The Permittee shall not clear areas larger than identified in the complete application.   | <b>MINIMIZE AREA<br/>CLEARED</b> |
| 60. | 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. | <b>SALVAGE<br/>TIMBER</b>        |

**26(1)(o) Restoration of the Lands**

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| 61. | 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. | <b>TRANSFER OF<br/>LIABILITIES</b>   |
| 62. | 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<br/>PROFILES</b> |

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| 63. | 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. | <b>SAVE AND PLACE<br/>ORGANIC SOIL</b>   |
| 64. | Prior to the end of the land-use operation, the Permittee shall level all stockpiles of granular material located within the land use area.  | <b>LEVEL STOCKPILES</b>                  |
| 65. | Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used.  | <b>FINAL CLEANUP AND<br/>RESTORATION</b> |
| 66. | Prior to the end of the land-use operation, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation.   | <b>NATURAL<br/>VEGETATION</b>            |
| 67. | The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so.  | <b>PROGRESSIVE<br/>RECLAMATION</b>       |
| 68. | 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.             | <b>TRAILS<br/>RESTORATION</b>            |

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

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| 69. | The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation. | <b>DISPLAY PERMIT</b> |
| 70. | 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**

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| 71. | If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them.  | <b>MIGRATORY BIRD<br/>NEST DISTURBANCE</b> |
| 72. | 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>                       |
| 73. | The Permittee shall comply with the <b>Engagement Plan</b> , 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>                     |
| 74. | All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.   | <b>SUMMARY OF<br/>CHANGES</b>              |
| 75. | The Permittee shall not disturb traps or snares during the land-use operation.  | <b>TRAPS PROTECTION</b>                    |



7<sup>th</sup> Floor - 4922 48th Street,  
P.O. Box 2130, Yellowknife, NT X1A 2P6

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www.mvlwb.com

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### Reasons for Decision

Issued pursuant to paragraph 40(2)(c) of the Mackenzie Valley Land Use Regulations (MVLUR)

Land Use Permit Application	
Preliminary Screener	MVLWB
Reference/File Number	MV2020P0006
Company	Enbridge Pipelines (NW) Inc.
Project	Off right-of-way activities for the operation and maintenance of the pipeline from Norman Wells to the Alberta/Northwest Territories border
Date of Decision	July 23, 2020

These Reasons for Decision set out the Mackenzie Valley Land and Water Board's (the Board or MVLWB) decision on an Application made by Enbridge Pipelines (NW) Inc. (Enbridge) to the Board on May 11, 2020 for Land Use Permit (Permit) MV2020P0006.

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#### 1.0 Background

On May 11, 2020 Enbridge submitted a renewal application that would encompass all existing activities currently under Permit MV2013P0011 into a new Permit MV2020P0006.

Land use areas consist of cleared fireguard areas, seasonal trails and shoo flies, all-weather roads, campsites, workspaces, herbicide use, borrow sites, and an airstrip; all of which are required to support Line 21 pipeline operations and maintenance activities. There are no new activities or land use areas being proposed.

Enbridge has applied for a term of five years. The land use areas included in this application are required to continue enabling access and ongoing operational maintenance for the foreseeable future.

#### 2.0 Public Review

On June 12, 2020, the application was deemed complete and was sent for review with comments from reviewers being submitted on July 3, 2020.

Comments and recommendations on the Application were received from 6 reviewers:

- Fisheries and Oceans Canada;
- GNWT – Environment and Natural Resources – Environmental Assessment and Monitoring
- GNWT – Lands – Dehcho Region – Inspector

- GNWT – Lands
- GNWT – Prince of Wales Northern Heritage Centre
- Board staff

Late comments were also received from Dehcho First Nations on July 6, 2020. Enbridge responded by July 10, 2020.

### **3.0 Adequacy of Management Plans**

A Waste Management Plan, Spill Contingency Plan, and Engagement Plan were included with the Application.

### **4.0 Security**

Enbridge stated that they currently have a security bond in the amount of \$895,000 in accordance with condition 52 of Permit MV2013P0011. Enbridge submitted that the land use described in this application has not changed and no additional security is required. The existing 2013 security template was included in the review of this application. During the public review, the GNWT-Lands-Dehcho Inspector stated that they had no concerns with the calculated amount.

The security amount is to cover the cost of reclaiming the site.

### **5.0 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 Sahtu portion of the development was screened by Indian Affairs and Northern Development on Sept. 13, 1996; the Dehcho portion of the development was screened by Indian Affairs and Northern Development on Sept. 13, 1996 and also by the MVLWB on Sept. 9, 2002. Amendments were screened by MVLWB on March 1, 2012, Sept. 27, 2012 and Jan. 10, 2013. These screenings were conducted pursuant to subsection 124(1) of the MVRMA and the development is exempt from screening pursuant to Part 1(2) of Schedule 1 (Section 2) of the Exemption List Regulations;
- 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 MV2020P0006 be issued 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 Board has met referral obligations to the Sahtu Land Use Planning Board as outlined in section 61 of the MVRMA. The project is in conformity with the Land Use Plan.
- 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 16, 2020 Staff Report regarding environmental impacts and/or public concerns.
- The scope of the Permit ensures Enbridge Pipelines (NW) Inc. 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.
- The Board has approved the Waste Management, the Spill Contingency Plan, and the Engagement Plan because they meet the applicable guidelines and sufficiently reflect the scope of the proposed activities.
- The definitions and conditions in the Permit are from the MVLWB’s *Standard Land Use Permit Conditions Template* (Standard Template) and are not discussed in detail in these reasons unless notable due to recommendations or concerns raised by reviewers. After considering the information gathered through the public review, the Board made the following changes, with rationale, to the conditions:

Condition	Change	Rationale
WIDTH RIGHT-OF-WAY	Condition removed from draft Permit	The rationale of this draft condition is linked to the construction, use, and maintenance of road Right-of-Ways. Enbridge’s Right-of-Ways are associated with the pipeline. Enbridge recommended removal as the width of the right-of-way is determined by an easement agreement held with both the Federal Government and the Government of the Northwest Territories and subject to the provisions therein. Condition 1 of the Permit limits Enbridge to lands designated in the application.
SEASONAL SHUT DOWN	Condition removed from draft Permit	The rationale of this draft condition is to prohibit all activities during certain periods in order to minimize impacts. Enbridge recommended the existing condition, under Permit MV2013P0011, be carried over into this Permit. That is, to include the phrase ‘unless authorized by an Inspector’ to allow Enbridge to utilize accesses outside of the defined shutdown period when conditions allow, particularly after April 15 when frozen ground conditions persist later into the spring. Conditions 12 and 20-22 of the Permit restrict the mobility of Enbridge to the first signs of rutting or gouging.

**6.0 Conclusion**

Land Use Permit MV2020P0006 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 Enbridge Pipelines (NW) Inc.'s use of the land affected by the Permit.

SIGNATURE

Mackenzie Valley Land and Water Board



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Mavis Cli-Michaud, Chair

July 23, 2020

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Date