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January 20, 2021

File: MV2020W0002

Stanley Sanguéz, Chief
Jean Marie River First Nation
General Delivery
Jean Marie River NT X1A 2P6

Sent by email

Dear Chief Stanley Sanguéz:

**Re: Jean Marie River First Nation – Amendment – Land Use Permit MV2020W0002 –
Wood Harvesting Operation – Jean Marie River, NT**

The Mackenzie Valley Land and Water Board, (Board) met on January 14, 2021 and considered the Amendment Request from Jean Marie River First Nation for Land Use Permit (Permit) MV2020W0002 in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

Amended Permit

Land Use Permit MV2020W0002 has been amended, effective January 14, 2020, and is supported by the Board's Reasons for Decision. These documents are also posted to the Board's Public Registry.¹

Security

A security deposit is required prior to commencement of Project activities, as per Amended Permit Condition 45. 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)

Preliminary Screening Exemption

As changes included in the Amendment Request have not fundamentally changed the scope of activities originally screened for the Project, the Board exempted the Amendment from preliminary screening in accordance with Schedule 1, Paragraph 2.1 of the Screening List Exemption Regulations of the MVRMA which states:

- A development, or a part thereof, for which a permit, licence or authorization is requested that
- (a) was part of a development that fulfilled the requirements of the environmental assessment process established by the Mackenzie Valley Resource Management Act; and
 - (b) has not been modified since the development referred to in paragraph (a) fulfilled the requirements of the environmental assessment process established by the Mackenzie Valley Resource Management Act

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¹ See MVLWB Online Registry for [MV2020W0002](https://www.mvlwb.com/registry/MV2020W0002)

Permit Lifecycle

Sections 5 and 6 of the Board's *Guide to the Land Use Permitting Process*² (Guide) contain detailed information on enforcement of this 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 this Permit.

Enforcement

The Board recognizes the possibility of inherent conflicting requirements among this Permit and other regulatory instruments issued for this Project. While the Board has minimized these issues within the context of this Amendment, a more holistic approach might be required at the regulatory level to resolve any remaining conflicting requirements over time. Consequently, the Board anticipates that enforcement activities under various regulatory instruments for this Project would be conducted in a synchronized manner.

Full cooperation of JMRFN is anticipated and appreciated. Please contact Sean Joseph at (867) 766-7469 with any questions or concerns regarding this letter.

Yours sincerely,



Mavis Cli-Michaud
MVLWB, Chair

Copied to: Dehcho Distribution List
Danielle Rogers – Inspector, GNWT-Lands (Dehcho)

Attached: Amended Land Use Permit MV2020W0002

² See MVLWB Website >> Apply for Permit/Licence >> [Guide to the Land Use Permitting Process](#) (2020).



Land Use Permit

Permit Class	Permit No	Amendment No.
A	MV2020W0002	1: Jan. 14, 2021

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

Jean Marie River First Nation

Permittee

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

Signature Chief Stanley Sanguez	Date September 23, 2020
Type of Land Use Operation Wood or Timber Harvesting	
Location Jean Marie River Area	

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 January, 2021

Signature Chair

Signature Witness

Mavis Cli-Michaud

Amanda Gauthier

Effective Date:
August 7, 2020

Expiry Date:
August 6, 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 Amended Land Use Permit # MV2020W0002

Part A: Scope of Permit

1. This Permit entitles Jean Marie River First Nation (the Permittee or JMRFN) to conduct the following land-use activities associated with a wood or timber harvesting operation, near the Jean Marie River Community, NT:
 - a) Field planning for the purpose of locating roads, landing, and harvesting boundaries;
 - b) Mobilization to and demobilization from project site of logging and associated transportation equipment, exceeding 10 tonnes;
 - c) Construction, maintenance, and decommissioning of new roads and temporary log-storage areas for all-season or winter uses;
 - d) Maintenance and deactivation of specific side roads and landings in accordance with Annual Operating Procedures (AOP);
 - e) Harvesting of logs using power and/or mechanical equipment; and
 - f) Disposal of debris in accordance with relevant direction(s) from ENR and measure included in the Permittee's AOP.

The activities or Operation under this Permit shall generally occur within the following project extents: Latitude 61° 23' 15" N to 61° 24' 45" N; Longitude 120° 33' 33" W to 120° 37' 00" W.

2. This Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, item 1 of this Permit.
3. Compliance with the terms and conditions of this Permit does not excuse the Permittee from its obligation to comply with the requirements of any applicable Federal, Territorial, Tłıchǫ, or Municipal laws.

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

Act - the *Mackenzie Valley Resource Management Act*.

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

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.

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.

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.

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.

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.

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)

Condition	Category
26(1)(a) Location and Area	
1. The Permittee shall not conduct any part of the land-use operation within 100 metres of any privately owned or leased land or structure, unless otherwise authorized in writing by the Board.	PRIVATE PROPERTY
2. The Permittee shall not conduct any part of the land-use operation within 100 metres of a cabin used for traditional activities, including trapping, hunting, or fishing, unless otherwise authorized in writing by the Board.	AVOID CABINS
3. The Permittee shall only conduct this land-use operation on lands designated in the application.	LOCATION OF ACTIVITIES
4. The Permittee shall locate all lines, trails, and right-of-ways to be constructed parallel to any Watercourse a minimum of: a) Lakes larger than 16 ha: 100 m buffer; b) Lakes 1 ha to 16 ha area: 30 m buffer; c) Ponds less than 1 ha in area: 10 m buffer; d) Large permanent rivers: 100 m buffer; e) Medium permanent rivers: 60 m; and f) Small permanent rivers and streams: 10 m buffer.	PARALLEL WATERCOURSE SETBACK
5. The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.	PARALLEL ROADS
6. Prior to the commencement of the land-use operation, the Permittee shall accompany an Inspector during an inspection of the proposed land use area.	INSPECT LOCATIONS
26(1)(b) Time	
7. At least 48 hours prior to the initial commencement of the land-use operation, the Permittee's Field Supervisor shall contact a GNWT Inspector at (867) 695-2626.	INITIAL NOTIFICATION – CONTACT INSPECTOR
8. 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

9.	At least ten days prior to Spring Break-up, 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
10.	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
11.	The Permittee shall submit an Annual Report to the Board and Inspector not later than June 30th of the year following the year reported (April 1-March 31) which shall contain the following information: a) A map, normally at scale of 1:50,000 showing the location of all access roads and trails, landings, camps and cut-block boundaries harvested that year; and b) A summary of the hectares utilized in each aspect of the land use operation for the operating season.	ANNUAL REPORT
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
13.	The Permittee shall maintain fire-fighting equipment at the site.	FIRE-FIGHTING EQUIPMENT
26(1)(d) Methods and Techniques		
14.	The Permittee shall Dogleg new lines, trails and right-of-ways that approach Watercourses or public roads.	DOGLEG APPROACHES
15.	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
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 end of the land-use operation, the Permittee shall replace all excavated 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
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 install and maintain culverts such that scouring does not occur.	CULVERT SIZE
22.	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
23.	The land-use operation shall not cause obstruction to any natural drainage.	NATURAL DRAINAGE
24.	The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses.	PROGRESSIVE EROSION CONTROL
25.	The Permittee shall apply appropriate mitigation at the first sign of erosion.	REPAIR EROSION
26.	The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface.	PREVENTION OF RUTTING
27.	The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging.	SUSPEND OVERLAND TRAVEL
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.	VEHICLE MOVEMENT FREEZE-UP
29.	The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector.	STREAM BANKS
30.	The Permittee shall minimize approach grades on all Watercourse crossings.	MINIMIZE APPROACH
31.	The Permittee shall use temporary bridges or dry fording when crossing streams.	DRY FORDING
32.	The Permittee shall setback the removal of vegetation and operation of heavy equipment from any Watercourse as follows:	EQUIPMENT: WATERCOURSE BUFFER

- a) Lakes larger than 16 ha: 100m buffer.
- b) Lakes 1 ha to 16 ha area: 30m buffer.
- c) Ponds less than 1 ha in area: 10m buffer.
- d) Large permanent rivers: 100m buffer.
- e) Medium permanent rivers: 60m buffer.
- f) Small permanent rivers and streams: 10m 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. The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan. **WASTE CHEMICAL
DISPOSAL**

36. The Permittee shall dispose of all Waste petroleum products by removal to an approved disposal facility or by incineration in a device designed for this purpose, as described in the approved Waste Management Plan. **WASTE PETROLEUM
DISPOSAL**

37. 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

38. 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

39. The Permittee shall adhere to the **Waste Management Plan**, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. **WASTE
MANAGEMENT**

40. The Permittee shall keep all garbage and debris in a secure container until disposal. **GARBAGE
CONTAINER**

41. 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

- | | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| 42. | 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 |
| 43. | The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. | SITE DISTURBANCE |
| 44. | The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered: | SITE DISCOVERY AND
NOTIFICATION |
| | <ul style="list-style-type: none"> a) immediately suspend operations on the site; and b) notify the Board at (867) 669-0506 or an Inspector at (867) 695-2626, 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

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| 45. | Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$15,000 . | SECURITY DEPOSIT |
| 46. | All costs to remediate the area under this Permit are the responsibility of the Permittee. | RESPONSIBILITY FOR
REMEDICATION
COSTS |

26(1)(m) Fuel Storage

- | | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| 47. | The Permittee shall: | REPAIR LEAKS |
| | <ul style="list-style-type: none"> a) examine all Fuel Storage Containers and Tank for leaks; and b) repair all leaks immediately. | |
| 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 locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours. | FUEL ON LAND |
| 51. | The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name. | MARK CONTAINERS
AND TANKS |
| 52. | The Permittee shall have a maximum of 2400 litres of diesel, and 75 litres of gasoline stored on respective vehicles on the land use site at any time, unless otherwise approved by the Board. | MAXIMUM FUEL ON
SITE |

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|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 53. | 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 |
| 54. | The Permittee shall adhere to the Spill Contingency Plan , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | SPILL CONTINGENCY PLAN |
| 55. | 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 |
| 56. | 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 |
| 57. | The Permittee shall clean up all leaks, spills, and contaminated material immediately | CLEAN UP SPILLS |
| 58. | 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

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|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| 59. | 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 |
| 60. | The Permittee shall not clear areas larger than identified in the complete application. | MINIMIZE AREA CLEARED |
| 61. | The Permittee shall clear by hand all trees and brush a minimum distance of 10 metres from the top edge of all stream banks and top edge of slopes. | CLEARING SENSITIVE AREA |

26(1)(o) Restoration of the Lands

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.	PRE-CONSTRUCTION PROFILES
63.	Prior to the end of the land-use operation, the Permittee shall complete all clean-up and restoration of the lands used	FINAL CLEANUP AND RESTORATION
64.	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
65.	Prior to the end of the land-use operation, the Permittee shall initiate active revegetation of disturbed areas.	ACTIVE REVEGETATION
66.	The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so.	PROGRESSIVE RECLAMATION
67.	The Permittee shall immediately 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		
68.	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		
69.	If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them.	MIGRATORY BIRD NEST DISTURBANCE
70.	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
71.	The Permittee shall adhere to the Engagement Plan , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.	ENGAGEMENT PLAN
72.	All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.	SUMMARY OF CHANGES