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August 7, 2020

File: MV2020W0002

Chief Stanley Sanguéz  
Jean Marie River First Nation  
General Delivery  
Jean Marie River, NT X0E 0N0

Sent via Email

Dear Chief Stanely Sanguéz:

**Re: Issuance of Type A Land Use Permit  
Wood or Timber Harvesting – Jean Marie River, NT**

Attached is Type A Land Use Permit MV2020W0002 granted by the Mackenzie Valley Land and Water Board (MVLWB or the Board) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA). This Permit has been approved for a period of five (5) years effective August 7, 2020 expiring August 6, 2025.

Permit Conditions

Please read all conditions carefully. For the purpose of submitting plans in accordance with this Permit, the date of this letter, August 7, 2020, is the effective date.

Reclamation Security

In accordance with Permit condition 49, a security deposit in the amount of **\$25,128.13** of security shall be posted with the Minister and copied to the Board prior to the start of the operation under section 32 of the Mackenzie Valley Land Use Regulations. As delegated under Schedule A of the Delegation Instrument under the MVRMA, this security deposit, **payable to the Government of the Northwest Territories** in the amount of Enter amount of security, shall be submitted to: the Government of the Northwest Territories, Department of Lands, North Slave Regional Office, 140 Bristol Avenue, Yellowknife NT, X1A 3T2. For more information about posting security with the GNWT, please contact Charlene Coe, Land Use Advisor, at (867) 767-9187 (ext. 24194). Please send a copy of the receipt for the security deposit to the MVLWB office prior to the start of your operation.

Management Plans - Approved

The Board hereby approves the following Plans as summarized in **Table 1**:

**Table 1: Plans**

Condition Number	Title of Plan	Date Received
37	Waste Management Plan	February 21, 2020
58	Spill Contingency Plan	March 3, 2020
75	Engagement Plan	February 21, 2020

Discontinuance

Should you wish to discontinue your land-use operation at any time prior to the expiry date set out in the Permit, a written notice of discontinuance is required as per section 37 of the MVLUR, in addition to the submission of a final plan.

Public Registry

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

The full cooperation of Jean Marie River First Nation is anticipated and appreciated. If you have any questions or concerns, please contact Sean Joseph at (867) 766-7469 or email [sjoseph@mvlwb.com](mailto:sjoseph@mvlwb.com).

Yours sincerely,



Mavis Cli-Michaud  
MVLWB, Chair

Copied to: DehCho Distribution List

Attached: Land Use Permit MV2020W0002  
Reasons for Decision



**Land Use Permit**

Permit Class	Permit No	Amendment No
A	MV2020W0002	

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 February 20, 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 7 day of August, 2020

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 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*.

**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.

**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)

<b>Condition</b>	<b>Category</b>
<b>26(1)(a) Location and Area</b>	
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.	<b>PRIVATE PROPERTY</b>
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.	<b>AVOID CABINS</b>
3. The Permittee shall only conduct this land-use operation on lands designated in the application.	<b>LOCATION OF ACTIVITIES</b>
4. The Permittee shall locate all lines, trails, and right-of-ways to be constructed parallel to any Watercourse, a minimum of 100 metres from the Ordinary High-Water Mark, except at crossings.	<b>PARALLEL WATERCOURSE SETBACK</b>
5. The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.	<b>PARALLEL ROADS</b>
6. Prior to the commencement of the land-use operation, the Permittee shall mark each corner of the land-use area.	<b>MARK AREA</b>
7. The Permittee shall maintain the corner markings until the area is reclaimed.	<b>CORNER POSTS</b>
8. Prior to the commencement of the land-use operation, the Permittee shall accompany an Inspector during an inspection of the proposed land use area.	<b>INSPECT LOCATIONS</b>
<b>26(1)(b) Time</b>	
9. 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.	<b>INITIAL NOTIFICATION – CONTACT INSPECTOR</b>
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).	<b>IDENTIFY AGENT</b>

11.	At least ten days prior to Spring Break-up, the Permittee shall advise an Inspector of:	<b>REPORTS BEFORE SEASONAL REMOVAL</b>
	<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>	
12.	At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of:	<b>REPORTS BEFORE FINAL REMOVAL</b>
	<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>	
13.	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:	<b>ANNUAL REPORT</b>
	<ul style="list-style-type: none"> <li>a) A map, normally at scale of 1:50,000 showing the location of all access roads and trails, landings, camps and cutblock boundaries harvested that year; and</li> <li>b) A summary of the hectares utilized in each aspect of the land use operation for the operating season.</li> </ul>	
	<b>26(1)(c) Type and Size of Equipment</b>	
14.	The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application.	<b>USE APPROVED EQUIPMENT</b>
15.	The Permittee shall maintain fire-fighting equipment at the site.	<b>FIRE-FIGHTING EQUIPMENT</b>
	<b>26(1)(d) Methods and Techniques</b>	
16.	The Permittee shall Dogleg lines, trails and right-of-ways that approach Watercourses or public roads.	<b>DOGLEG APPROACHES</b>
17.	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 CROSSINGS</b>
18.	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>
19.	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>
20.	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.	<b>EXCAVATED MATERIAL TEST PITS</b>

21.	The Permittee shall leave a buffer strip of undisturbed vegetation at least 30 metres in width between cleared areas and public roads	<b>TREE SCREEN</b>
	<b>26(1)(e) Type, Location, Capacity, and Operation of All Facilities</b>	
22.	The Permittee shall ensure that the land-use area is kept clean at all times.	<b>CLEAN WORK AREA</b>
	<b>26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land</b>	
23.	The Permittee shall install and maintain culverts such that scouring does not occur.	<b>CULVERT SIZE</b>
24.	The Permittee shall insulate the ground surface beneath all structures associated with this land-use operation to prevent: <ul style="list-style-type: none"> <li>a) any vegetation present from being removed;</li> <li>b) the melting of Permafrost; and</li> <li>c) the ground settling and/or eroding.</li> </ul>	<b>PERMAFROST PROTECTION</b>
25.	The land-use operation shall not cause obstruction to any natural drainage.	<b>NATURAL DRAINAGE</b>
26.	The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses.	<b>PROGRESSIVE EROSION CONTROL</b>
27.	The Permittee shall apply appropriate mitigation at the first sign of erosion.	<b>REPAIR EROSION</b>
28.	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>
29.	The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging.	<b>SUSPEND OVERLAND TRAVEL</b>
30.	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>
31.	The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector.	<b>STREAM BANKS</b>
32.	The Permittee shall minimize approach grades on all Watercourse crossings.	<b>MINIMIZE APPROACH</b>
33.	The Permittee shall use temporary bridges or dry fording when crossing streams.	<b>DRY FORDING</b>
34.	The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High-Water Mark of any Watercourse.	<b>EQUIPMENT: WATERCOURSE BUFFER</b>

35.	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>		
36.	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>
37.	The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.	<b>WASTE CHEMICAL DISPOSAL</b>
38.	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.	<b>WASTE PETROLEUM DISPOSAL</b>
39.	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>
 <b>26(1)(h) Wildlife and Fish Habitat</b>		
40.	The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.	<b>HABITAT DAMAGE</b>
 <b>26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage</b>		
41.	The Permittee shall adhere to 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>
42.	The Permittee shall keep all garbage and debris in a secure container until disposal.	<b>GARBAGE CONTAINER</b>
43.	The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan.	<b>SEWAGE DISPOSAL - PLAN</b>
 <b>26(1)(j) Protection of Historical, Archaeological, and Burial Sites</b>		
44.	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>
45.	The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.	<b>SITE DISTURBANCE</b>

46.	The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:	<b>SITE DISCOVERY AND NOTIFICATION</b>
	<ul style="list-style-type: none"> <li>a) immediately suspend operations on the site; and</li> <li>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.</li> </ul>	
47.	At least 60 days prior to any new land disturbance, including new drill sites, the Permittee shall conduct an Archaeological Overview to identify areas of high and low potential for archaeological and burial sites and shall submit a summary report to the Board and the Prince of Wales Northern Heritage Centre.	<b>ARCHAEOLOGICAL OVERVIEW</b>
48.	Prior to any new land disturbance, the Permittee shall conduct an Archaeological Impact Assessment of the sites where disturbance is planned and shall submit a summary report to the Board and the Prince of Wales Northern Heritage Centre.	<b>AIA</b>
	<b>26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value</b>	
	<i>Intentionally left blank</i>	
	<b>26(1)(l) Security Deposit</b>	
49.	Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of <b>\$25,128.13</b> .	<b>SECURITY DEPOSIT</b>
50.	All costs to remediate the area under this Permit are the responsibility of the Permittee.	<b>RESPONSIBILITY FOR REMEDIATION COSTS</b>
	<b>26(1)(m) Fuel Storage</b>	
51.	The Permittee shall: <ul style="list-style-type: none"> <li>a) examine all Fuel Storage Containers and Tank for leaks; and</li> <li>b) repair all leaks immediately.</li> </ul>	<b>REPAIR LEAKS</b>
52.	The Permittee shall set up all refueling points with Secondary Containment.	<b>SECONDARY CONTAINMENT - REFUELING</b>
53.	The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	<b>FUEL CONTAINMENT</b>
54.	The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours.	<b>FUEL ON LAND</b>
55.	The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name.	<b>MARK CONTAINERS AND TANKS</b>

56.	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.	<b>MAXIMUM FUEL ON SITE</b>
57.	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>
58.	The Permittee shall adhere to 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>
59.	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>
60.	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>
61.	The Permittee shall clean up all leaks, spills, and contaminated material immediately	<b>CLEAN UP SPILLS</b>
62.	During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall: <ul style="list-style-type: none"> <li>a) implement the approved Spill Contingency Plan;</li> <li>b) report it-immediately using the NU-NT Spill Report Form by one of the following methods: <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> </li> <li>c) within 24 hours, notify the Board and an Inspector; and</li> <li>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.</li> </ul>	<b>REPORT SPILLS</b>

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

63.	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/ TIME</b>
64.	The Permittee shall not clear areas larger than identified in the complete application.	<b>MINIMIZE AREA CLEARED</b>
65.	The Permittee shall clear by hand all trees and brush a minimum distance of 100 metres from the top edge of all stream banks and top edge of slopes.	<b>CLEARING SENSITIVE AREA</b>

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

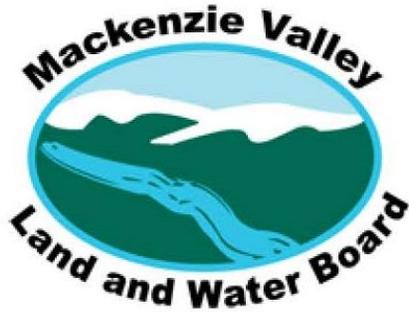
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| 66. | All areas affected by construction or removal activities shall be stabilized and landscaped to their pre-construction profiles, unless otherwise authorized in writing by an Inspector.    | <b>PRE-CONSTRUCTION PROFILES</b>     |
| 67. | Prior to the end of the land-use operation, the Permittee shall complete all clean-up and restoration of the lands used.   | <b>FINAL CLEANUP AND RESTORATION</b> |
| 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.   | <b>NATURAL VEGETATION</b>            |
| 69. | Prior to the end of the land-use operation, the Permittee shall initiate active revegetation of disturbed areas.   | <b>ACTIVE REVEGETATION</b>           |
| 70. | The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so.  | <b>PROGRESSIVE RECLAMATION</b>       |
| 71. | 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 RESTORATION</b>            |

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

- |     |   |                       |
|-----|---|-----------------------|
| 72. | 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**

- |     |   |  |
|-----|---|--|
| 73. | 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 NEST DISTURBANCE</b> |
| 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.  | <b>RESUBMIT PLAN</b>                   |
| 75. | The Permittee shall adhere to 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>                 |
| 76. | All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.   | <b>SUMMARY OF CHANGES</b>              |



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P.O. Box 2130, Yellowknife NT X1A 2P6

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www.mvlwb.com

### Reasons for Decision

Issued pursuant to paragraph 40(2)(c) of the Mackenzie Valley Land Use Regulations (MVLUR) and section 121 of the *Mackenzie Valley Resource Management Act* (MVRMA)

Land Use Permit Application	
<b>Preliminary Screener</b>	MVLWB
<b>Reference/File Number</b>	MV2020W0002
<b>Company</b>	Jean Marie River First Nation
<b>Project</b>	Wood or Timber Harvesting Operation, Jean Marie River, NT
<b>Date of Decision</b>	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 and supporting information made by Jean Marie River First Nation (JMRFN or Applicant) to the Board, between February 20 and May 29, 2020, for Land Use Permit (Permit) MV2020W0002.

#### 1.0 Background

The Mackenzie Valley Land and Water Board (MVLWB) received a Application from Jean Marie River First Nation (JRFN or Applicant) for a Type A land use permit for a wood/timber harvesting operation (Project), located approximately 17 km from the community of Jean Marie River. Activities associated with the Project are as follows:

- Field Planning to locate roads, landing, and harvesting boundaries in fulfillment of requirements for relevant authorizations;
- Development of access roads from Jean Marie River community road to harvesting areas;
- Mobilization and demobilization of logging equipment and transportation equipment, exceeding 10 tonnes, to and from logging areas;
- Constructing of new roads for all-season or winter uses as well as temporary log storage areas or landings. Respective roads and landings to be maintained and deactivate in accordance with an Annual Operating Plan (AOP);
- Harvesting of timber with power saws, and mechanical equipment exceeding 10 tonnes; and
- Disposal of woody debris in accordance direction from the Government of the Northwest Territories - Department of Environment and Natural Resources (GNWT - ENR) and the Project’s AOP.

Following a preliminary internal review in which additional information was requested and received, the Application was deemed complete and distribution on June 9, 2020 for public review through the MVLWB's Online Review System (ORS). The deadline for comments on the Application was set for June 23, 2020, while the deadline for responses from the Applicant was set for June 30, 2020.

## **2.0 Public Review**

Prior to the due date for comments, June 23, 2020, submissions were received from three parties:

- Government of Northwest the Territories – Department of Environment and Natural Resources (GNWT- ENR) - (Environmental Assessment and Monitoring);
- Government of the Northwest Territories (GNWT) – Lands (Dehcho Region); and
- Government of the Northwest Territories – Prince of Wales Northern Heritage Centre (GNWT – PWNHC) (w/n ECE).

On June 25, 2020, two days after the due date for public comments, GNWT – Lands (Dehcho Region) provided additional commentary regarding security.

The Applicant's Consultant only responded to some of the comments and recommendations provided by commenting parties on June 25, 2020. The Applicant indicated support for its Consultant's response on July 30, 2020.

## **3.0 Adequacy of Management Plans**

A Waste Management Plan, Spill Contingency Plan, and an Engagement Plan were included as part of the Application. Board staff believe that the plans meet the requirements described in the guidelines.

## **4.0 Security**

While the Applicant provided a reclamation security estimate for the Project, it nonetheless requested that the requirement to post security be waived. The Government of the Northwest Territories – Lands (Dehcho Region) in its submission recommended that security be held for the Project to cover the cost of any potential clean-up required.

The Applicant's estimate, conducted using the Board's Reclamation Security Worksheet, assessed potential reclamation cost at \$10,207.50. During the "regular" public review period no comments were provided on this estimate. However, following the due date for comments, GNWT – Lands (Dehcho Region) indicated support for the Applicant's proposed estimate but did not provide their own estimate for the reclamation security.

Board Staff completed the Board Reclamation Security Worksheet, which assessed reclamation security at **\$25,128.13**.

As both the Applicant's and Board Staffs' estimates were conducted using the Board's Security Calculation Template, the estimates are directly comparable. **Table 1** below summarizes this information including the differences between these estimates.

<b>Table 1: Summary of Estimates Including Differences</b>			
<b>Line Item</b>	<b>JMRF Estimate</b>	<b>Board Staff Estimate</b>	<b>Notes</b>
Camp (C1)	N/A	N/A	No camp facility required or expected to be constructed.
Regulated/ Hazardous Materials (R1)	N/A	\$3,500	Staff estimate for this sub - category assumes 7 pieces of heavy equipment being on site.
Hydrocarbon Storage and Transfer (H1)	N/A	\$928.13	Staff estimate for this sub- category assumes maximum of 2,475 L of fuel potentially being on site in mobile units.
Land Disturbance (L1)	\$10,200	\$10,200	Assumes 9.7 hectares of land being disturbed.
Equipment (E1)	\$4,750	\$10,500	Applicant assumed 4 pieces of heavy equipment being on site; Board Staff assumed 7 pieces of equipment.
Multiplier	0.85	1	Staff used a multiplier of 1 as no previous timber harvesting permit seen on file; the Applicant used a multiplier of 0.85
Existing Security	\$2,500.00	0	Security posted under the Timber-Cutting Licence not considered overlapping.
<b>Total</b>	<b>\$10,207.5</b>	<b>\$25,128.13</b>	

\*The numbers in these columns do not directly add up because of multipliers (for site access, performance, and environmental risks) in the Board's security template

No previous permits for Timber Harvesting found on the Public Registry; therefore, security associated with previous Timber Harvesting permit, if any, is unknown. An incomplete timber harvesting application can be seen on the public registry from 2007.

## **DECISION ON SECURITY**

In accordance with section 32 of the MVLUR, the Board has set reclamation security for the Project at \$25,128.13.

### **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 development has been screened pursuant to the MVRMA;
- any potential adverse environmental effects are insignificant or mitigable with known technology; and,
- there is no likelihood that the proposed development might be a cause of public concern.

After reviewing the evidence and submissions of the Applicant, the written comments and submissions received by the Board and the Staff Report prepared for the Board, the Board, having due regard to the facts, circumstances, the merits of the submissions made to it, and to the purpose, scope, and intent of

the MVRMA and Regulations made thereunder, has determined that Land Use Permit MV2020W0002 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 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 7, 2020 Staff Report regarding environmental impacts and/or public concerns.
- The scope of the Permit ensures Jean Marie River First Nation 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 Engagement Plan, Spill Contingency Plan (Revised February 4, 2020), and Waste Management Plan (Revised March 2, 2020) 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
Clearing Sensitive Area (Condition #65)	Added: minimum 100 metres	GNWT Land Inspector’s Recommendations

## 6.0 Conclusion

Land Use Permit MV2020W0002 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 Jean Marie River First Nation’s use of the land affected by the Permit.

SIGNATURE

Mackenzie Valley Land and Water Board

Mavis Cli-Michaud, Chair

July 23, 2020

Date