



7th Floor - 4922 48th Street
PO Box 2130, Yellowknife NT X1A 2P6

Tel: 867-669-0506 Fax: 867-873-6610
www.mvlwb.com

June 29, 2021

File: MV2021Q0011

Michael Lapierre
ProCore Drilling Ltd.
28067B Mackenzie Highway
Hay River NT X0E 0R4

Sent by email

Dear Michael Lapierre,

Re: ProCore Drilling Ltd. – Issuance Package – Land Use Permit MV2021F0007 – Quarry – Highway 5, km 34.1 – Hay River, NT

The Mackenzie Valley Land and Water Board met on June 24, 2021 and considered the Application Package from ProCore Drilling Ltd. for Land Use Permit (Permit) MV2021Q0011 for the Quarry Operation in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

Land Use Permit MV2021Q0011 (attached) has been granted for a term of five years, effective June 29, 2021 and expiring June 28, 2026, and is supported by the Board's Reasons for Decision. These documents are posted to the Board's Public Registry.¹

Security Deposit

A security deposit is required prior to commencement of Project activities, as per Permit Condition 28, SECURITY DEPOSIT and subsection 32(3) of the Mackenzie Valley Land Use Regulations. The security deposit is **payable to the Government of the Northwest Territories (GNWT)** and should be submitted to the following individual, to whom questions regarding security should also be directed:

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

¹ See MVLWB Online www.mvlwb.com for [MV2021Q0011](http://www.mvlwb.com)

Submission Requirements

Please refer to Annex B of the Permit for a complete summary and timetable of submissions required for the Permit. The Board's decisions on submissions that were considered in conjunction with the Application Package are set out below.

Management Plans – Approved

The Board has approved the following Plans:

Condition Number and Title	Title of Plan (Version)
30, Spill Contingency Plan	Spill Contingency Plan (V1) ²
45, Engagement Plan	Engagement Plan (V1) ³
23, Waste Management Plan	Waste Management Plan (V1) ⁴

Inspectors

The Inspectors referred to in the Permit can be contacted at the regional GNWT-Lands offices.⁵

Permit Processes and Additional Information

Sections 5 and 6 of the Board's *Guide to the Land Use Permitting Process*⁶ (Guide) contain detailed information on permit enforcement and potential post-issuance processes, such as amendments to conditions, and assignment to another company. Please be familiar with these sections of the Guide and reach out to Board staff with any questions about Board processes related to the Permit.

Full cooperation of the ProCore Drilling Ltd. is anticipated and appreciated. Please contact Tyree Mullaney at (867) 766-7464 with any questions or concerns regarding this letter.

Yours sincerely,



Mavis Cli-Michaud

Chair, Mackenzie Valley Land and Water Board

BCC'd to: Akaitcho List
Norm McCowan – Inspector, GNWT-Lands
Jayda Robillard – Inspector, GNWT-Lands
Patty Nightingale, GNWT-Lands

Attached: Land Use Permit MV2021Q0011
Reasons for Decision

² See MVLWB Online Registry for Spill Contingency Plan – Version 1 – May18_21 ([hyperlink](#)).

³ See MVLWB Online Registry for ProCore Drilling Ltd. - Engagement Plan – Version 1 – May 19_21 ([hyperlink](#)).

⁴ See MVLWB Online Registry for ProCore Drilling Ltd. – Waste Management Plan – Version 1 – May 18, 2021 ([hyperlink](#))

⁵ See GNWT-Lands Inspection and Enforcement webpage (<https://www.lands.gov.nt.ca/en/services/inspections-and-enforcement>) for regional contact information.

⁶ See MVLWB Policies and Guidelines webpage for MVLWB [Guide to the Land Use Permitting Process](#) (2020).



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**ProCore Drilling Ltd.
Land Use Permit MV2021Q0011**

Pursuant to the *Mackenzie Valley Resource Management Act* and Mackenzie Valley Land Use Regulations, the Mackenzie Valley Land and Water Board grants this Land Use Permit to:

ProCore Drilling Ltd.
(Permittee)

of 28067B Mackenzie Highway Hay River NT X0E 0R4
(Mailing Address)

hereinafter called the Permittee, to proceed with the following land-use operation, subject to the annexed definitions and conditions contained therein:

Location:	Highway 5, km 34.14
Purpose:	Quarry Operation
Type:	Type A
Effective Date:	June 29, 2021
Expiry Date:	June 28, 2026

Handwritten signature of Mavis Cli-Michaud in blue ink.

Mavis Cli-Michaud, Chair
Mackenzie Valley Land and Water Board

Handwritten signature of Amanda Gauthier in black ink.

Amanda Gauthier, Witness

Conditions Annexed to and Forming Part of Land Use Permit # MV2021Q0011

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Development and operation of a quarry; and
 - b) Use of equipment, vehicles and machines.
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.

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.

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.

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

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

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

- | | | |
|----|---|-------------------------------------|
| 1. | The Permittee shall only conduct this land-use operation on lands designated in the application. | LOCATION OF ACTIVITIES |
| 2. | The Permittee shall not conduct any part of the land-use operation within 300 metres of any privately owned or leased land or structures, including cabins used for traditional activities, unless otherwise approved by the Board. | PRIVATE PROPERTY SETBACK |
| 3. | The Permittee shall not conduct a quarry operation within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. | QUARRY SETBACK |
| 4. | The Permittee shall locate all lines, trails, and right-of-ways to be constructed parallel to any Watercourse a minimum of 100 metres from the Ordinary High Water Mark, except at crossings. | PARALLEL WATERCOURSE SETBACK |
| 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 mark each corner of the land-use area. | MARK AREA |
| 7. | The Permittee shall maintain the corner markings until the area is reclaimed. | CORNER POSTS |
| 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. | INSPECT LOCATIONS |

26(1)(b) Time

- | | | |
|-----|--|---|
| 9. | At least 48 hours prior to the initial commencement of the land-use operation, the Permittee's Field Supervisor shall notify the Board and contact an Inspector at (867) 874-6995. | INITIAL NOTIFICATION – CONTACT INSPECTOR |
| 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: <ul style="list-style-type: none"> a) the name(s) of the person(s) in charge of the field operation; b) alternates; and c) all methods for contacting the above person(s). | IDENTIFY AGENT |
| 11. | At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of: <ul style="list-style-type: none"> a) the plan for removal or storage of equipment and materials; b) when final cleanup and reclamation of the land used will be completed; and | REPORTS BEFORE FINAL REMOVAL |

c) when the Final Plan will be submitted.

26(1)(c) Type and Size of Equipment

- | | | |
|-----|--|-----------------------------------|
| 12. | The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application. | USE APPROVED
EQUIPMENT |
|-----|--|-----------------------------------|

26(1)(d) Methods and Techniques

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

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|-----|---|------------------------|
| 13. | 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

- | | | |
|-----|--|--|
| 14. | The land-use operation shall not cause obstruction to any natural drainage. | NATURAL
DRAINAGE |
| 15. | The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses. | PROGRESSIVE
EROSION CONTROL |
| 16. | The Permittee shall apply appropriate mitigation at the first sign of erosion. | REPAIR
EROSION |
| 17. | The Permittee shall slope the sides of Waste material piles, excavations, and embankments — except in solid rock — to a minimum ratio of 2:1 vertical, unless otherwise authorized in writing by an Inspector. | EXCAVATION AND
EMBANKMENTS |
| 18. | The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High Water Mark of any Watercourse. | EQUIPMENT:
WATERCOURSE
BUFFER |
| 19. | 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

- | | | |
|-----|--|---|
| 20. | The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan. | WASTE CHEMICAL
DISPOSAL |
| 21. | The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility. | WASTE
PETROLEUM
DISPOSAL |

26(1)(h) Wildlife and Fish Habitat

22. 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

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

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

26(1)(j) Protection of Historical, Archaeological, and Burial Sites

25. 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**

26. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. **SITE DISTURBANCE**

27. The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered: **SITE DISCOVERY AND NOTIFICATION**

- a) immediately suspend operations on the site; and
- b) notify the Board at (867) 669-0506 or an Inspector at (867) 767-9187, 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

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26(1)(l) Security Deposit

28. Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$4,125.00 **SECURITY DEPOSIT**

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

26(1)(m) Fuel Storage

30. The Permittee shall comply with the **Spill Contingency Plan**, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. **SPILL CONTINGENCY PLAN**

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|-----|---|------------------------|
| 31. | 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 |
| 32. | 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 |
| 33. | The Permittee shall clean up all leaks, spills, and contaminated material immediately. | CLEAN UP SPILLS |
| 34. | 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 • Online: Spill Reporting and Tracking Database 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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|-----|---|----------------------------------|
| 35. | The Permittee shall not clear areas larger than identified in the complete application. | MINIMIZE AREA
CLEARED |
| 36. | The Permittee shall progressively dispose of all brush and trees and shall complete all brush disposal; all disposal shall be completed prior to the expiry date of this permit | BRUSH DISPOSAL |

26(1)(o) Restoration of the Lands

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|-----|--|--|
| 37. | The Permittee shall save the organic soil stripped from the land use area and shall use the organic soil for reclamation as approved by the Board, or otherwise authorized in writing by an Inspector. | SAVE AND PLACE
ORGANIC SOIL |
| 38. | Prior to the end of the land-use operation, the Permittee shall level all stockpiles of granular material located within the land use area. | LEVEL STOCKPILES |
| 39. | Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used. | FINAL CLEANUP
AND RESTORATION |

- | | | |
|--|---|--|
| 40. | 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 |
| 41. | The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so. | PROGRESSIVE
RECLAMATION |
|
26(1)(p) Display of Permits and Permit Numbers | | |
| 42. | 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 | | |
| 43. | 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 |
| 44. | 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 |
| 45. | The Permittee shall comply with the Engagement Plan , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | ENGAGEMENT
PLAN |
| 46. | All revised plans submitted to the Board shall include a brief summary of the changes made to the plan. | SUMMARY OF
CHANGES |

Annex A: Table of Submissions Required by Land Use Permit MV2021Q0011

Condition	Requirement	Submission Date(s)
9	The name(s) of the person(s) in charge of the field operation; alternates; and all methods for contacting the above person(s), in writing.	48 hours prior to commencement of the land-use operation.
23	Waste Management Plan	Annual review. Update and re-submit following necessary revisions.
30	Spill Contingency Plan	Annual review. Update and re-submit following necessary revisions.
45	Engagement Plan	Annual review. Update and re-submit following necessary revisions.

Annex B: Revisions to Land Use Permit MV2021Q0011

List of changes that have been made to the Land Use Permit since issuance.

Date	Location of Change	Details of Change



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

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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	MV2021Q0011
Company	ProCore Drilling Ltd.
Project	Hay River, NT
Date of Decision	June 24, 2021

These Reasons for Decision set out the Mackenzie Valley Land and Water Board's (the Board or MVLWB) decision on an Application made by the ProCore Drilling Ltd. to the Board on May 18, 2021 for Land Use Permit (Permit) MV2021Q0011.

1.0 Background

On May 18, 2021, Procore Drilling Ltd. submitted an Application is for access to and removal of granular material from a pre-existing quarry located near Hay River, NT, at kilometer 34.1 of NWT Highway #5. The gravel will be used for property improvements in Hay River (i.e. driveways). ProCore holds a valid Quarry Permit from the Government of the Northwest Territories – Department of Lands. Use of this site was previously permitted under Permit's MV2000A0054 and MV2006Q0011 to Ruskin Construction Ltd. and Stan Dean and Sons Ltd. ProCore Drilling Ltd. received the most recent Permit MV2013Q0017 which expired May 20, 2021.

Procore expects to have one to three people on site, intermittently, between March and November, and has requested a term of five years.

ProCore Drilling Ltd. will use an existing access road; no additional access roads would be required. ProCore Drilling Ltd. has indicated that there are no water bodies nearby.

As the site is pre-disturbed, there is little significant vegetation and much of the overburden and brush has already been removed. If the removal of additional overburden is required, ProCore Drilling Ltd. will windrow it or spread it in areas where the resource has been depleted by previous operators and appropriately grade it to match the surrounding terrain. Restoration will be ongoing throughout the land use. This plan is consistent with past operations for this site.

ProCore Drilling Ltd. has indicated no garbage or sewage will be created on site, and that no camp will be established because the operation is close to Hay River.

ProCore Drilling Ltd. has provided an equipment list in the Application, and has indicated the equipment will be refuelled off site or via tidy tank. No bulk fuel or materials are expected to be stored on site.

The term requested is five years.

2.0 Public Review

- May 18, 2021 – Application received;
- May 19, 2021 – Application deemed complete and review commenced;
- June 8, 2021 – Comments and recommendations due and received;
- June 11, 2021 – Responses due; and
- June 24, 2021 – Application presented to the Board for decision.

3.0 Management Plans

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

4.0 Security

ProCore Drilling Ltd. completed the Board's reclamation security worksheet and determined a total reclamation cost of \$4,125.00. As this estimate was conducted using the Board's Security calculation template, it is directly comparable to the Board staff estimate. Both estimates were identical.

Notes that the previous Permit MV2013Q0017 did not require security to be posted.

The Board determined that security for Permit MV2021Q0011 would be set at \$4,125.00.

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 ProCore Drilling Ltd., 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

MV2021Q0011 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 ProCore Drilling Ltd. 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 June 9, 2021 Staff Report regarding environmental impacts and/or public concerns.
- The scope of the Permit ensures ProCore Drilling 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 Spill Contingency Plan Version 1, Engagement Plan Version 1, and Waste Management Plan Version 1 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
Suspend Overland Travel	Removed	Does not apply to the project
Brush Disposal	Added	There will be minimal clearing of vegetation.

6.0 Conclusion

Land Use Permit MV2021Q0011 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 the ProCore Drilling Ltd’s use of the land affected by the Permit.

SIGNATURE

Mackenzie Valley Land and Water Board

Mavis Cli-Michaud, Chair

June 24, 2021

Date