



7th Floor - 4922 48th Street
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www.mvlwb.com

November 12, 2021

File: MV2021Q0020

Trudie Walsh
Rowes Construction
25 Studney Drive
Hay River NT X0E 0R6

Sent by email

Dear Trudie Walsh,

Re: Rowes Construction – Issuance Package – Land Use Permit MV2021Q0020 – Quarry Operation – Highway 6 km 7.8

The Mackenzie Valley Land and Water Board (Board) met on November 10, 2021 and considered the Application Package from Rowes Construction for Land Use Permit (Permit) MV2021Q0020 or the Quarry Operation – Highway 6 km 7.8 (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board has approved Land Use Permit MV2021Q0020 (attached) for a term of five years, effective November 12, 2021 and expiring November 11, 2026. The Permit 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 27, 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 MLWB Online Registry www.mvlwb.com for Rowes Construction – [MV2021Q0020](#).

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 (V#) ²
48, ENGAGEMENT PLAN	Engagement Plan (V#) ³

The Inspectors referred to in the Permit can be contacted at the regional GNWT-Lands offices.⁴

Permit Processes and Additional Information

Sections 5 and 6 of the Board's *Guide to the Land Use Permitting Process*⁵ (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 Rows Construction 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 Distribution List
Jayda Robillard – Inspector, GNWT-Lands
Katie White – Inspector, GNWT - Lands
Patti Nightingale, GNWT-Lands

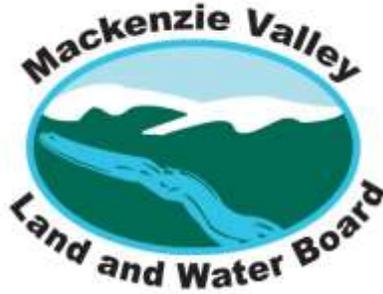
Attached: Land Use Permit MV2021Q0020
Reasons for Decision

² See MLWB Online Registry for Rows Construction– [Spill Contingency Plan – Version 1 – September 22, 2021](#).

³ See MLWB Online Registry for Rows Construction– [Engagement Plan – Version 1 – September 22, 2021](#).

⁴ See GNWT-Lands Inspection and Enforcement webpage (<https://www.lands.gov.nt.ca/en/services/inspections-and-enforcement>) for regional contact information.

⁵ See MLWB Policies and Guidelines webpage for MVLWB [Guide to the Land Use Permitting Process](#).



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**Rowes Construction
Land Use Permit MV2021Q0020**

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:

Rowes Construction
(Permittee)

of 25 Studney Drive Hay River NT X0E 0R6
(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 6 km 7.5
Purpose:	Quarrying
Type:	Type A
Effective Date:	November 12, 2021
Expiry Date:	November 11, 2026

A handwritten signature in blue ink, appearing to read "Mavis Cli-Michaud".

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

A handwritten signature in blue ink, appearing to read "Amanda Gauthier".

Amanda Gauthier, Witness

Conditions Annexed to and Forming Part of Land Use Permit # MV2021Q0020

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Quarry of granular material;
 - 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 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.

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.

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.

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.

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 only conduct this land-use operation on lands designated in the application.	LOCATION OF ACTIVITIES
2. 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
3. Prior to the commencement of the land-use operation, the Permittee shall mark each corner of the land-use area.	MARK AREA
4. The Permittee shall maintain the corner markings until the area is reclaimed.	CORNER POSTS
5. 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	
6. At least 48 hours prior to the initial commencement of the land-use operation, the Permittee's Field Supervisor shall notify the Board and contact an Inspector at (867) 874-6995	INITIAL NOTIFICATION – CONTACT INSPECTOR
7. At least 48 hours prior to commencement of the land-use operation, the Permittee shall provide the following information, in writing, to the Board and 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
26(1)(c) Type and Size of Equipment	
8. 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	
9. 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

- 10. 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

- 11. 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

- 12. The land-use operation shall not cause obstruction to any natural drainage. NATURAL DRAINAGE

- 13. The Permittee shall minimize approach grades on all Watercourse crossings. MINIMIZE APPROACH

- 14. 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

- 15. 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

- 16. 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

- 17. 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

- 18. The Permittee shall dispose of all Toxic Material as described in the Application. WASTE CHEMICAL
DISPOSAL

- 19. 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

- 20. 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

- | | | |
|-----|--|-----------------------------|
| 21. | The Permittee shall dispose of all Waste as described in the Application, 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 |
|-----|--|-----------------------------|

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

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|-----|--|----------------------------------|
| 22. | 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 |
|-----|--|----------------------------------|

- | | | |
|-----|---|-------------------------|
| 23. | The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. | SITE DISTURBANCE |
|-----|---|-------------------------|

- | | | |
|-----|--|--|
| 24. | The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:

a) immediately suspend operations on the site; and
b) notify the Board at (867) 669-0506 or an Inspector at (867) 874-6995, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255. | SITE DISCOVERY AND
NOTIFICATION |
|-----|--|--|

- | | | |
|-----|--|------------------------------------|
| 25. | At least 30 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. | ARCHAEOLOGICAL
OVERVIEW |
|-----|--|------------------------------------|

- | | | |
|-----|--|---------------------------------|
| 26. | Prior to disturbance in areas of high potential for archaeological or burial sites identified in the Archaeological Overview, 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. | AIA – HIGH
POTENTIAL |
|-----|--|---------------------------------|

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

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26(1)(l) Security Deposit

- | | | |
|-----|--|-------------------------|
| 27. | Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$6,375.00. | SECURITY DEPOSIT |
|-----|--|-------------------------|

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

26(1)(m) Fuel Storage

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

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**

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: **REPORT SPILLS**

- a) implement the approved Spill Contingency Plan;
- b) report it-immediately using the NU-NT Spill Report Form by one of the following methods:
 - 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.

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

35. 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**

36. The Permittee shall not clear areas larger than identified in the complete application. **MINIMIZE AREA CLEARED**

26(1)(o) Restoration of the Lands

37. All outstanding liabilities and obligations of the Permittee in relation to work performed or required to be performed under Land Use Permit MV2014Q0019 are fully incorporated into and subsumed under this Permit, and the Permittee must therefore complete the restoration and other obligations set out in or incurred under Permit MV2014Q0019, as well as such further obligations as may be set out in or incurred under this Permit. **TRANSFER OF LIABILITIES**

38. The Permittee shall dispose of all overburden as approved by the Board, or as otherwise authorized in writing by an Inspector. **DISPOSAL OF OVERBURDEN**

39. 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**

40. 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**

41. 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**

42. 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**

43. 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

44. 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

45. The Permittee shall not move any equipment or commence any drilling when one or more caribou are within 500 metres. **CARIBOU DISTURBANCE**

46. 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**

47. 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**

- | | | |
|-----|---|---------------------------|
| 48. | 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 |
| 49. | All revised plans submitted to the Board shall include a brief summary of the changes made to the plan. | SUMMARY OF CHANGES |



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Reasons for Decision

Issued pursuant to paragraph 40(2)(c) of the Mackenzie Valley Land Use Regulations (MVLUR) and section 72.25 of the *Mackenzie Valley Resource Management Act* (MVRMA)

Land Use Permit Application	
File Number	MV2021Q0020
Company	Rowes Construction
Project	Quarry Operation
Location	Highway 6 km 7.8
Activity	Quarry
Date of Decision	November 10, 2021

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On November 10, 2021, the Mackenzie Valley Land and Water Board (MVLWB or Board) met and considered the Application made by Rows Construction (Applicant) to the Board on September 22, 2021 for Land Use Permit (Permit) MV2021Q0020 for the quarry operation (the Project) located on Highway #6 at kilometre 7.8. After reviewing the Application and the evidence gathered during the regulatory proceeding, the Board has made the following decisions:

- 1) To issue Land Use Permit MV2021Q0020 for a term of 5 years;
- 2) To approve Version 1 of the Engagement Plan
- 3) To approve Version 1 of the Spill Contingency Plan

These Reasons for Decision set out the Board’s regulatory process for the Application and rationale for decisions regarding the Permit. A summary of the Application and the main issues identified during the proceeding is provided in section [2.0](#) below, followed by an outline of the regulatory process for the Application in [section 3.0](#). [Section 4.0](#) describes how the applicable legislative requirements have been met. The Board’s decisions and supporting rationale are set out in [section 5.0](#) for the Permit.

1.0 List of Defined Terms and Abbreviations

Applicant/ Permittee	Rows Construction
Application	The complete application package submitted by the Applicant for Land Use Permit MV2021Q0020.
Distribution List	The list of individuals and organizations to whom materials from the regulatory proceeding were circulated.
GNWT	Government of the Northwest Territories
GNWT-ENR	Government of the Northwest Territories – Environment and Natural Resources
Inspector	An Inspector designated under subsection 65(1) of the Waters Act
LWBs	Land and Water Boards of the Mackenzie Valley
MVEIRB	Mackenzie Valley Environmental Impact Review Board
MVLUR	Mackenzie Valley Land Use Regulations
MVLWB or Board	Mackenzie Valley Land and Water Board
MVRMA	Mackenzie Valley Resource Management Act
Minister	Minister of the Government of the Northwest Territories (GNWT) – Lands
ORS	Online Review System (www.onlinereviewsystem.ca)
Permit	Land Use Permit MV2021Q0020
Project	The undertaking as described in Part A of the Permit.
Standard Permit Conditions	MVLWB Standard Land Use Permit Conditions Template

2.0 Summary of Application

On September 22, 2021, the Applicant submitted an Application for a new Permit MV2021Q0020.¹ The Application is to conduct a quarry operation off of Highway 6 at km 7.8. These activities are located within a non-federal area of the Akaitcho Region. The application is to replace a current authorization MV2014Q0019 which is also held by Rowes Construction.

In making its decision and preparing these Reasons for Decision, the Board has reviewed and considered:

- 1) The Permit Application as submitted by the Applicant for the Project;
- 2) The evidence and submissions received by the Board from the Applicant in relation to the Permit; and
- 3) The comments and recommendations, evidence, and submissions received by the Board from Parties during the regulatory proceeding.

3.0 Regulatory Process

On September 22, 2021, the Applicant submitted Application for a new Permit MV2021Q0020. The Application was subsequently deemed complete and circulated to the Distribution List for public review on the Online Review System (ORS) on September 30, 2021.² As part of the public review, Board staff requested comments and recommendations to assist with the Board's preliminary screening determination.

On October 1, 2021, Board staff also circulated draft Permit conditions for review to allow all Parties the opportunity to comment on the specific wording of the draft conditions. On October 21, 2021, the Board received comments and recommendations regarding the Application and the draft Permit conditions from the following Parties: GNWT – Lands (South Slave Region), GNWT – Lands (North Slave Region), Kát'odeeche First Nation, GNWT – ENR (Environmental Assessment and Monitoring), and GNWT – Education Culture and Employment (Prince of Wales Northern Heritage Centre). On October 23, 2021, the Applicant responded to the Parties' comments and recommendations.³

On November 10, 2021, the Board met and made its preliminary screening determination for the Project.

On November 10, 2021, the Board met to make decisions regarding the Application. These decisions and related reasons are described in section [5.0](#) below.

¹ See MLWB Online Registry for [Rowes Construction – Permit Application -September 22, 2021](#)

² See MLWB Online Review System for [Rowes Construction – September 30, 2021](#).

³ See MLWB Online Registry for [Rowes Construction – Review Comment Summary Table – October 25, 2021](#).

4.0 Legislative Requirements Related to Permit Issuance

As per the [MVLUR](#), the proposed use of land for this Project require a permit. Accordingly, the Board has jurisdiction to issue the Licence and Permit as per section 102 of the [MVRMA](#).

In conducting its regulatory process for the Application (as described in sections [3.0](#) and [4.0](#) above), the Board has ensured that section 62 of the [MVRMA](#) and all applicable legislative requirements have been satisfied as outlined in the subsections below. The Board has considered the people and users of the land and water in the Mackenzie Valley, and any Traditional Knowledge and scientific information that was made available to the Board during the regulatory proceeding, as per section 60.1 of the [MVRMA](#). The consideration of information provided to the Board is discussed in detail below and in sections [5.0](#) .

4.1 Consultation, Engagement, and Public Notice

In exercising its authority under the [MVRMA](#), the Board must consider the importance of conservation to the well-being and way of life of Indigenous peoples of Canada, as per paragraph 60.1(a) of the [MVRMA](#), specifically those to whom section 35 of the *Constitution Act, 1982*, applies and who use an area of the Mackenzie Valley. Accordingly, the Board works with applicants, affected parties (including Indigenous governments and organizations), and other parties (such as other boards and regulators) to ensure that potential impacts of proposed projects, including impacts on rights under section 35, are understood and carefully considered before decisions are made with respect to the issuance of permits and licences.

The Board's requirements for engagement are set out in the MVLWB [Engagement and Consultation Policy](#) (the Policy). The Policy was developed to ensure that the Board's obligations for achieving meaningful consultation (as set out by land claims and applicable legislation) with all affected parties, including Indigenous groups in the Mackenzie Valley, are met and engagement and consultation results clearly articulated. Engagement was complete between August 16, 2021 and September 17, 2021. The Applicant's engagement efforts and proposed procedures are detailed in the Engagement Record and Plan (Version 1), respectively,⁴ submitted with the Application. The Board has approved the Applicant's Engagement Plan (Version 1), and the Board's reasons for this decision are described below in [section 5.4](#). Following issuance, the Applicant must continue engagement efforts as outlined in the Engagement Plan, once approved, and as required in the Permit.

The Application was/were posted to the Board's Public Registry and distributed through the ORS. As the Project is located in the Akaitcho Region, the appropriate organizations, governments, First Nations, and Indigenous organizations were included in the Distribution List.⁵ The Distribution List was used throughout this proceeding to circulate submissions, information, and updates relevant to the proceeding; the List

⁴ See MLWB Online Registry for Rowes Construction– [Engagement Record V1 – September 22, 2021](#) and Rowes Construction – [Engagement Plan V1 – September 22, 2021](#).

⁵ To access the Distribution List, use the hyperlink in the Review Comment Summary Table: [See MLWB Online Registry for Rowes Construction – Review Comment Summary Table – Oct25 21](#).

was periodically updated, and (when requested) individuals with specific interests in the Project were added. More information about the proceeding for the Application is provided above in [section 3.0](#).

In accordance with sections 63 and 64 of the [MVRMA](#), the Board is satisfied that notice of and access to copies of the Application was provided, and that a reasonable amount of time was given to communities, First Nations, and the public to participate in this proceeding and make submissions to the Board.

In accordance with the Minister's 2004 [Policy Direction to the MVLWB regarding the Akaitcho Territory Dene First Nations](#), the Akaitcho Dene First Nation was notified of the Application through the ORS distribution. The Akaitcho Dene First Nation member nations participated in the proceeding, and in developing Permit conditions, the Board considered the information and recommendations provided by these Parties. More detailed information about how this evidence was specifically considered is set out in sections [5.0](#).

4.2 Eligibility for Land Use Permit

As per section 18 of the MVLUR, eligibility must be determined before the Board can issue a permit. The Applicant provided the Quarry Permit which was issued by the Government of the Northwest Territories – Department of Lands to demonstrate eligibility under subparagraph 18(a)(i) of the [MVLUR](#). No issues were raised regarding eligibility during this proceeding. Based on the supporting information provided, the Board believes that eligibility requirements under section 18 of the MVLUR have been satisfied.

4.3 Land Use Plan Conformity

As per section 61 of the [MVRMA](#), where an approved Land Use Plan applies, the Board must confirm conformity with the Land Use Plan before issuing a permit or licence.

No approved Land Use Plans apply in the Project area.

4.4 Land Use Fees

The Project is located wholly outside of federal areas, so no land-use fees apply.

4.5 Minimization of Adverse Effects

The Board must ensure that the licence conditions minimize potential adverse effects on other water and land users from the proposed use of water and deposit of waste. As discussed above in [section 4.1](#), the Applicant conducted pre-application engagement, and the Board also provided opportunities for potentially affected parties to make submissions to the Board during the regulatory proceeding. The Board did not receive notice of potentially adverse effects on other users of the water and lands in the Project area.

As detailed in [section 5](#), the Board has set conditions in the permit to regulate waste management for the purpose of protecting the receiving environment.

4.6 Time Limit

As per section 22 of the [MVLUR](#), the Board is required to make its decision on a permit within 42 days of receiving a complete application.

4.7 Environmental Review (Part 5 of the MVRMA)

4.7.1 Preliminary Screening

On November 10, 2021, the Board met and determined that the project was exempt from preliminary screening as outlined in the Exemption List Regulations.

On October 16, 2014, the Board completed a preliminary screening for the quarry operation at Highway #6 km7.8 which expired October 15, 2021⁶

5.0 Decision – Land Use Permit MV2021Q0020

Having due regard to the facts, circumstances, and the merits of the submissions made to it, and to the purpose, scope, and intent of the [MVRMA](#), the Board has determined that Permit MV2021Q0020 should be issued, subject to the scope, defined terms, conditions, and term contained therein. The Board's determinations and reasons for this decision are set out below.

The Permit has been developed to address the Board's statutory responsibilities, to protect the receiving environment, and to address issues within the Board's jurisdiction that were identified and investigated during the regulatory proceeding.

In developing the Permit, the Board considered the MLWB [Standard Permit Conditions Template](#) (Standard Permit Conditions) and included a number of these standard conditions that are relevant to the Project. The Standard Permit Conditions have been established by the LWBs based on information from LWB policies and guidelines, other applicable guidelines and best practices, meetings with Inspectors, input from LWB staff, and feedback from a public review. Each standard condition has been evaluated against the following characteristics of an ideal condition:

- Clearly part of LWBs' authority;
- Has a clear purpose and rationale;
- Is practical and enforceable;
- Matches the scale of the project and
- Does not conflict with existing legislation (i.e., is not less stringent).

The Standard Permit Conditions include general rationale for each standard condition, and as such, the language of the standard conditions is only discussed in detail in these Reasons for Decision when the conditions specifically relate to concerns or recommendations raised during the regulatory proceeding.

⁶ See MLWB Online Registry for Rowes Construction – [MV2014Q0019 – Preliminary Screening – October 16, 2014](#)

The Board's reasons for developing and including project-specific conditions are detailed in the relevant sections below.

5.1 Term of Permit

The Applicant has applied for a term of 5 years for the Permit. Subsection 26(5) of the [MVLUR](#) allows for a Permit term of not more than five years. After reviewing the submissions made during the regulatory proceeding, the Board has determined an appropriate term for the Permit is five years.

5.2 Part A: Scope of Permit

The scope of the Permit ensures the Permittee is entitled to conduct activities which have been applied for and which have been subject to Part 5 of the [MVRMA](#). In setting out the scope of the Permit, the Board endeavoured to provide enough detail to identify and describe the authorized activities, without being unduly restrictive or prescriptive, and to allow for project flexibility, as contemplated in the Application, throughout the life of the Permit.

5.3 Part B: Definitions

The Board defined certain terms in the Permit to ensure a common understanding of the conditions, to avoid future differences in interpretation of the Permit, to reflect Project-specific evidence, and to support consistency across licences and permits issued by the LWBs. The Board selected applicable definitions relevant to the Project from the Standard Permit Conditions.

5.4 Part C: Conditions Applying to All Activities

The subheadings below correspond to the headings in the conditions section of the Permit, as outlined in subsection 26(1) of the [MVLUR](#).

26(1)(a) Location and Area

The conditions included in this section are all consistent with the Board's Standard Permit Conditions.

26(1)(b) Time

The conditions included in this section are all consistent with the Board's Standard Permit Conditions.

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

The conditions included in this section are all consistent with the Board's Standard Permit Conditions.

26(1)(d) Methods and Techniques

The conditions included in this section are all consistent with the Board's Standard Permit Conditions.

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

The conditions included in this section are all consistent with the Board's Standard Permit Conditions.

26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land

The conditions included in this section are all consistent with the Board's Standard Permit Conditions.

26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material

The conditions included in this section are all consistent with the Board's Standard Permit Conditions.

26(1)(h) Wildlife and Fish Habitat

The [MVLUR](#) includes provisions related to the protection of wildlife habitat; however, impacts to wildlife and requirements for Wildlife Management and Monitoring Plans (WMMPs) are under the jurisdiction of the GNWT through the *Wildlife Act*. Accordingly, all applicants are directed to contact the GNWT-ENR to determine whether a WMMP is required for the project and should be submitted to the Board with a permit and/or licence application.

The Permittee did not include a WMMP in the Application.

The Permit does not include a requirement for a WMMP.

The Board included Habitat Damage in the Permit, which requires the Permittee to prevent damage to wildlife and fish habitat. This is a condition from the Board's Standard Permit Conditions and is intended to ensure the Permittee conducts their land-use operation in such a way as to minimize disturbance to wildlife habitat.

26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage

A Waste Management Plan is a standard requirement for land use permits issued by the Board. This Plan is intended to ensure that all waste management activities are carried out in a way that is consistent with best practices and applicable guidelines to minimize waste released from the Project.

The conditions included in this section are all consistent with the Board's Standard Permit Conditions.

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

The conditions included in this section are all consistent with the Board's Standard Permit Conditions.

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

This section was intentionally left blank, because the Board did not require conditions in this section to satisfy its mandate and did not receive any recommendations related to this section during the review of the draft Permit.

26(1)(l) Security Deposit

The Board is authorized to require the Permittee to provide security to the Minister by subsections 71(1) of the [MVRMA](#) and 32(1) of the [MVLUR](#). Subsection 71(3) of the [MVRMA](#) specifies how the security may be applied.

The Board has included a requirement for a security deposit of \$6,375.00 in the Permit, based on environmental risk and reclamation.

The conditions included in this section are all consistent with the Board's Standard Permit Conditions.

26(1)(m) Fuel Storage

A Spill Contingency Plan is a standard requirement for land use permits issued by the Board. This Plan is intended to ensure that an action plan(s) for responses to spills and Unauthorized Discharges has been established to effectively control and clean up spills and Unauthorized Discharges, with the goal of preventing or limiting damage to the receiving environment.

The conditions included in this section are all consistent with the Board's Standard Permit Conditions.

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

The conditions included in this section are all consistent with the Board's Standard Permit Conditions.

26(1)(o) Restoration of the Lands

The conditions included in this section are all consistent with the Board's Standard Permit Conditions.

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

The conditions included in this section are all consistent with the Board's Standard Permit Conditions.

26(1)(q) Biological and Physical Protection of the Land

An Engagement Plan is a standard requirement for land use permits issued by the Board. This Plan is intended to ensure adequate and effective engagement with potentially affected parties has occurred prior to the submission of the Application (in the form of the Engagement Record) and is planned for throughout the life of the Project.

The conditions included in this section are all consistent with the Board's Standard Permit Conditions.

5.5 Annex A: Table of Submissions

Annex A of the Permit contains a table that summarizes the submissions required by the Permit conditions.

5.6 Annex B: Table of Revision History

Annex B of the Permit contains a table which identifies updates and tracks changes made to the Permit. This table is currently blank because this is a new permit, but it will be updated throughout the life of the Permit.

6.0 Conclusion

Subject to the scope, definitions, conditions, and term set out in the Permit, and for the reasons expressed herein, the MLWB is of the opinion that the activities, land associated with the Project can be completed by Rows Construction while providing for the conservation, development, and utilization of waters in a manner that will provide the optimum benefit for all Canadians and in particular for the residents of the Mackenzie Valley.

Land Use Permit MV2021Q0020 contain 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 Rows Constriction’s use of the land as authorized by the Permit.

SIGNATURE

Mackenzie Valley Land and Water Board



November 10, 2021

Mavis Cli-Michaud, Chair

Date