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PO Box 2130, Yellowknife NT X1A 2P6

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

June 21, 2022

File: MV2022W0005

Robert Mills
Timberworks Inc.
52 Wahstao Crescent
EDMONTON AB T5T 2W8

Sent by e-mail

Dear Robert Mills,

Re: Timberworks Inc.– Issuance Package – Land Use Permit MV2022W0005 – Woods Operation, South Slave Region

The Mackenzie Valley Land and Water Board (Board) met on June 16, 2022 and considered the Application Package from Timberworks Inc. for Land Use Permit (Permit) MV2022W0005 for the Woods Operation, South Slave Region (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board has approved Land Use Permit MV2022W0005 (attached) for a term of five years, effective June 21, 2022 and expiring June 20, 2027. 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 54, 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:

David Munroe, 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 [MV2022W0005](#).

Submission Requirements

Please refer to Annex A 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) |
|----------------------------|--|
| 45, WASTE MANAGEMENT PLAN | Waste Management Plan (V#) ² |
| 67, SPILL CONTINGENCY PLAN | Spill Contingency Plan (V#) ³ |
| 89, ENGAGEMENT PLAN | Engagement Plan (V#) 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 Timberworks Inc. 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
Norm McCowan – Inspector, GNWT-Lands
David Munroe, GNWT-Lands

Attached: Land Use Permit MV2022W0005
Reasons for Decision

² See MLWB Online Registry for Timberworks Inc. – [Waste Management Plan – Version 1](#) – Apr6_22

³ See MLWB Online Registry for Timberworks Inc. – [Spill Contingency Plan – Version 1](#) – Apr6_22

⁴ See MLWB Online Registry for Timberworks Inc. – [Engagement Plan – Version 1](#) – Apr6_22.

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



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Timberworks Inc.
Land Use Permit MV2022W0005

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:

Timberworks Inc.
(Permittee)

of _____
Box 27, Fort Resolution, NT X0E 0M0
(Mailing Address)

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

| | |
|------------------------|--------------------|
| Location: | South Slave Region |
| Purpose: | Woods Operation |
| Type: | Type A |
| Effective Date: | June 21, 2022 |
| Expiry Date: | June 20, 2027 |

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 blue ink.

Amanda Gauthier, Witness

Conditions Annexed to and Forming Part of Land Use Permit #MV2022W0005

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Use of equipment, machines and vehicles;
 - b) Road construction, maintenance and reclamation;
 - c) Timber harvesting;
 - d) Construction and operation of camp facilities; and
 - e) Storage of fuel and hazardous materials.
2. This Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, item 1 of this Permit.
3. Compliance with the terms and conditions of this Permit does not excuse the Permittee from its obligation to comply with the requirements of any applicable Federal, Territorial, Deline, 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.

Durable Land - land that is able to withstand repeated use, such as gravel or sand with minimal vegetative cover.

Engagement Plan - a document, developed in accordance with the Board's *Engagement and Consultation Policy* and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*, that clearly describes how, when, and which engagement activities will occur with an affected party during the life of the project.

Fuel Storage Container - a container for the storage of petroleum or allied petroleum products with a capacity of less than 230 litres.

Fuel Storage Tank - a closed container for the storage of petroleum or allied petroleum products with a capacity of more than 230 litres.

Greywater - all liquid wastes from showers, baths, sinks, kitchens, and domestic washing facilities but not including toilet wastes.

Habitat - the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes.

Inspector - an Inspector designated by the Minister under the Act.

Minister - the Minister of Indian Affairs and Northern Development Canada or the Minister of the Government of the Northwest Territories – Department of Lands, as the case may be.

Ordinary High-Water Mark - the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the “active channel/bank-full level” which is often the 1:2 year flood flow return level. In inland lakes, wetlands, or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

Permittee - the holder of this permit.

Permafrost - ground (soil or rock) that remains at or below 0°C for at least two consecutive years.

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 – April 15 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.

Sump - a human-made pit or natural depression in the earth's surface used for the purpose of depositing Waste that does not contain Toxic Material, such as non-toxic Drilling Waste or Sewage, therein.

Toxic Material - any substance that enters or may enter the environment in a quantity or concentration or under conditions such that it:

- a) Has or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- b) Constitutes or may constitute a danger to the environment on which life depends; or
- c) Constitutes or may constitute a danger in Canada to human life or health.

Waste - any garbage, debris, chemical, or Toxic Material to be used, stored, disposed of, or handled on land, and also as defined in section 51 of the Act.

Waste Management Plan - a document, developed in accordance with the Board's Guidelines for Developing a Waste Management Plan, that describes the methods of Waste management from Waste generation to final disposal.

Watercourse - a natural body of flowing or standing water or an area occupied by water during part of the year, and includes streams, springs, swamps and gulches but does not include groundwater.

Part C: Conditions Applying to All Activities (headings correspond to subsection 26(1) of the Mackenzie Valley Land Use Regulations)

| Condition | Category |
|--|-------------------------------------|
| 26(1)(a) Location and Area | |
| 1. The Permittee shall 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 100 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 locate all camps on Durable Land or previously cleared areas, and a minimum of 100 metres from the Ordinary High Water Mark. | CAMP SETBACK |
| 4. The Permittee shall not conduct any part of the land-use operation within 100 metres of a cabin used for traditional activities, including trapping, hunting, or fishing, unless otherwise authorized in writing by the Board. | AVOID CABINS |
| 5. The Permittee shall not locate any Sump within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. | SUMP SETBACK |
| 6. The Permittee shall locate all lines, trails, and right-of-ways to be constructed parallel to any Watercourse a minimum of: a) Lakes larger than 16 ha in area: 100 m buffer; b) Lakes 1 ha to 16 in area: 30 m buffer; c) Ponds less than 1 ha in area: 10 m buffer; d) Large permanent rivers: 100 m buffer; e) Medium permanent rivers: 60 m buffer; and f) Small permanent rivers and streams: 10 m buffer. | PARALLEL WATERCOURSE SETBACK |
| 7. The Permittee shall confine the width of the right-of-way to a maximum of 20 metres. a) Lakes larger than 16 ha: 100 buffer; b) Lakes 1 ha to 16 ha: 30m buffer; c) Ponds less than 1 ha in area: 10 m buffer; d) Larger permanent rivers: 100 m buffer; e) Medium permanent rivers: 60 m buffer; and f) Small permanent rivers and streams: 10 m buffer. | PARALLEL ROADS |
| 8. The Permittee shall confine the width of the right-of-way to a maximum of 20 metres. | WIDTH RIGHT-OF-WAY |
| 9. 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

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| 10. | 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 |
| 11. | 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; andc) all methods for contacting the above person(s). | IDENTIFY AGENT |
| 12. | 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; andc) when the Final Plan will be submitted. | REPORTS BEFORE FINAL REMOVAL |
| 13. | A pre-inspection of new access road and development of new landing must be conducted by an Inspector, with the Permittee and Field Supervisor, prior to the commencement of any land use activity. | PRE-INSPECTION |
| 14. | The Permittee shall submit a Progress Report to the board and the Inspector every 10 days during the land use operation | PROGRESS WRITTEN |
| 15. | The Permittee shall submit an Annual Report to the Board and Inspector not later than June 30 of the year following the year reports (April 1 – March 31) which shall contain the following information: <ul style="list-style-type: none">a) A ma, normally at scale of 1:50,000 showing the locations of all access roads, and trails, landings, camp and cut block boundaries harvested that year; andb) A summary of hectares utilized in each aspect of the land use operation for the operating season. | ANNUAL REPORT |
| 16. | 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; andc) when the Final Plan will be submitted. | REPORTS BEFORE FINAL REMOVAL |

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

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| 17. | The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application. | USE APPROVED EQUIPMENT |
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| 18. | The Permittee shall maintain fire-fighting equipment at the site. | FIRE-FIGHTING EQUIPMENT |
| 26(1)(d) Methods and Techniques | | |
| 19. | The Permittee shall Dogleg lines, trails and right-of-ways that approach Watercourses or public roads. | DOGLEG APPROACHES |
| 20. | The Permittee shall construct meandering access routes with a maximum line of site views between 500-700 meters unless otherwise instructed by an inspector. | MEANDER LINES |
| 21. | Prior to the movement of any vehicle that exerts pressure on the ground in excess of 35 kPa, the Permittee shall scout proposed lines and routes to select the best location for crossing streams and avoiding terrain obstacles. | DETOURS AND CROSSINGS |
| 22. | The Permittee shall construct and maintain the overland portion of winter roads with a minimum of 10 cm of packed snow and/or ice at all times during this land-use operation. | WINTER ROADS |
| 23. | The Permittee shall not erect camps or store material, other than that required for immediate use, on the ice surface of a Watercourse. | STORAGE ON ICE |
| 24. | 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 | | |
| 25. | 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 | | |
| 26. | The Permittee shall install and maintain culverts such that scouring does not occur. | CULVERT SIZE |
| 27. | The Permittee shall insulate the ground surface beneath all structures associated with this land-use operation to prevent: <ul style="list-style-type: none"> a) any vegetation present from being removed; b) the melting of Permafrost; and c) the ground settling and/or eroding. | PERMAFROST PROTECTION |
| 28. | The land-use operation shall not cause obstruction to any natural drainage. | NATURAL DRAINAGE |
| 29. | The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses. | PROGRESSIVE EROSION CONTROL |
| 30. | The Permittee shall apply appropriate mitigation at the first sign of erosion. | REPAIR EROSION |

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| 31. | The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface. | PREVENTION OF RUTTING |
| 32. | The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging. | SUSPEND OVERLAND TRAVEL |
| 33. | The Permittee shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging. | VEHICLE MOVEMENT FREEZE-UP |
| 34. | The Permittee shall only use clean water and snow in the construction of ice bridges and snow fills. | CONSTRUCT ICE BRIDGES SNOWFILLS |
| 35. | Prior to Spring Break-up or completion of the land-use operation, the Permittee shall clean up and either remove or v-notch all ice bridges and snowfills from stream crossings, unless otherwise authorized in writing by an Inspector. | REMOVE ICE BRIDGES/ SNOWFILLS |
| 36. | The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector. | STREAM BANKS |
| 37. | The Permittee shall minimize approach grades on all Watercourse crossings. | MINIMIZE APPROACH |
| 38. | The Permittee shall use temporary bridges or dry fording when crossing streams. | DRY FORDING |
| 26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material | | |
| 39. | 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 |
| 40. | Prior to the expiry date of this Permit or the end of the land-use operation whichever comes first, the Permittee shall backfill and restore all Sumps, unless otherwise authorized in writing by an Inspector. | RECLAIM NON-OIL AND GAS SUMPS |
| 41. | The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan. | WASTE CHEMICAL DISPOSAL |
| 42. | The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility. | WASTE PETROLEUM DISPOSAL |
| 43. | The Permittee shall provide written notification to the Board and Inspector a minimum of 10 days prior to the initial deposit of Waste, demonstrating that the licenced disposal facility has agreed to accept the Waste and has the capacity to receive the volumes of Waste requested. | NOTIFICATION OF SOLID WASTE DISPOSAL |

26(1)(h) Wildlife and Fish Habitat

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| 44. | The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation. | HABITAT DAMAGE |
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26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage

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| 45. | 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 |
| 46. | The Permittee shall keep all garbage and debris in a secure container until disposal. | GARBAGE CONTAINER |
| 47. | The Permittee shall dispose of all Sewage and Greywater into a Sump at least 100 metres from the Ordinary High Water Mark of any Watercourse. | SEWAGE DISPOSAL – SUMP SETBACK |
| 48. | The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan. | SEWAGE DISPOSAL - PLAN |

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

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| 49. | The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground. | ARCHAEOLOGICA L BUFFER |
| 50. | The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. | SITE DISTURBANCE |
| 51. | 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) 874-6994, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255. | SITE DISCOVERY AND NOTIFICATION |
| 52. | 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. | ARCHAEOLOGICA L OVERVIEW |
| 53. | 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

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| 54. | Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$92,625.00. | SECURITY DEPOSIT |
| 55. | All costs to remediate the area under this Permit are the responsibility of the Permittee. | RESPONSIBILITY FOR REMEDIATION COSTS |

26(1)(m) Fuel Storage

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| 56. | The Permittee shall: a) examine all Fuel Storage Containers and Tank for leaks; and b) repair all leaks immediately. | REPAIR LEAKS |
| 57. | The Permittee shall place Fuel Storage Containers and or Tanks a minimum of 100 metres from the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. | FUEL STORAGE SETBACK |
| 58. | The Permittee shall ensure that all fuel caches have adequate Secondary Containment. | FUEL CACHE SECONDARY CONTAINMENT |
| 59. | The Permittee shall set up all refueling points with Secondary Containment. | SECONDARY CONTAINMENT - REFUELING |
| 60. | The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. | FUEL CONTAINMENT |
| 61. | The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours. | FUEL ON LAND |
| 62. | The Permittee shall not place any Fuel Storage Containers or Tanks within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. | FUEL NEAR WATER |
| 63. | The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name. | MARK CONTAINERS AND TANKS |
| 64. | The Permittee shall mark all stationary fuel caches and fuel storage facilities with flags, posts, or similar devices so that they are at all times plainly visible to local vehicle travel. | MARK FUEL LOCATION |
| 65. | Within ten days of the establishment of any fuel cache, the Permittee shall report the location and quantity of the cache in writing to the Board and an Inspector. | REPORT FUEL LOCATION |
| 66. | The Permittee shall seal all outlets of Fuel Storage Containers and store the containers on their sides with the outlets located at 3 and 9 o'clock, except for containers currently in use. | SEAL OUTLET |

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| 67. | 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 |
| 68. | 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 |
| 69. | 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 |
| 70. | The Permittee shall clean up all leaks, spills, and contaminated material immediately | CLEAN UP SPILLS |
| 71. | During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall: <ul style="list-style-type: none"> a) implement the approved Spill Contingency Plan; b) report it-immediately using the NU-NT Spill Report Form by one of the following methods: <ul style="list-style-type: none"> • Telephone: (867) 920-8130 • Fax: (867) 873-6924 • E-mail: spills@gov.nt.ca • <u>Online: Spill Reporting and Tracking Database</u> c) within 24 hours, notify the Board and an Inspector; and d) within 30 days of initially reporting the incident, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur. | REPORT SPILLS |

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

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| 72. | 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 |
| 73. | The Permittee shall not clear areas larger than identified in the complete application. | MINIMIZE AREA CLEARED |
| 74. | The Permittee shall ensure that windrows are separated from standing timber. | WINDROWS/ LOCATION |
| 75. | The Permittee shall spread the windrow of brush and debris over the access as instructed by the Inspector. | RESTRICT ACCESS |

26(1)(o) Restoration of the Lands

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| 76. | All outstanding liabilities and obligations of the Permittee in relation to work performed or required to be performed under Land Use Permit MV2015W0011 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 | TRANSFER OF LIABILITIES |
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MV2015W0011, as well as such further obligations as may be set out in or incurred under this Permit.

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| 77. | All areas affected by construction or removal activities shall be stabilized and landscaped to their pre-construction profiles, unless otherwise authorized in writing by an Inspector. | PRE- CONSTRUCTION PROFILES |
| 78. | The Permittee shall dispose of all overburden as approved by the Board, or as otherwise authorized in writing by an Inspector. | DISPOSAL OF OVERBURDEN |
| 79. | 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 |
| 80. | 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 |
| 81. | The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so. | PROGRESSIVE RECLAMATION |
| 82. | 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. | TRAILS RESTORATION |

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

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| 83. | The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation. | DISPLAY PERMIT |
| 84. | 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

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| 85. | The Permittee shall not move any equipment or commence any drilling when one or more caribou are within 500 metres. | CARIBOU DISTURBANCE |
| 86. | 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 |
| 87. | The Permittee shall setback the removal of vegetation and operation of heavy equipment from any Watercourse a minimum of: <ul style="list-style-type: none"> a) Lakes larger than 16 ha in area: 100 m buffer; b) Lakes 1 ha to 16 in area: 30 m buffer; c) Ponds less than 1 ha in area: 10 m buffer; d) Large permanent rivers: 100 m buffer; e) Medium permanent rivers: 60 m buffer; and f) Small permanent rivers and streams: 10 m buffer. | EQUIPMENT WATERCOURSE SETBACK |

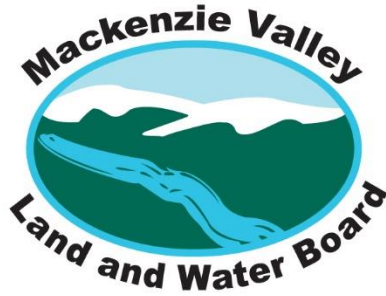
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| 88. | If any plan is not approved by the Board, the Permittee shall revise the plan according to the Board’s direction and re-submit it to the Board for approval. | RESUBMIT PLAN |
| 89. | The Permittee shall comply with the Engagement Plan , once 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 |
| 90. | All revised plans submitted to the Board shall include a brief summary of the changes made to the plan. | SUMMARY OF CHANGES |

Annex A: MV2022W0005 – Submission and Review Requirements

| Condition Number | Item | When Required |
|-------------------------|------------------------|----------------------|
| 45 | Waste Management Plan | March 31, annually |
| 67 | Spill Contingency Plan | March 31, annually |
| 89 | Engagement Plan | March 31, annually |

Annex B: MV2022W0005 – Revision History

| Date | Change | Date Approved |
|------|--------|---------------|
| - | - | - |
| | | |
| | | |



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Reasons for Decision

Issued pursuant to paragraphs 22(2)(a) and 40(2)(c) of the Mackenzie Valley Land Use Regulations (MVLUR).

| Land Use Permit Application | |
|-----------------------------|------------------------|
| File Number | MV2022W0005 |
| Company | Timberworks Inc. |
| Project | Woods Operation |
| Location | South Slave Region, NT |
| Activity | Wood Operation |
| Date of Decision | June 16, 2022 |

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On June 16, 2022, the Mackenzie Valley Land and Water Board (MVLWB or Board) met and considered the Application made by Timberworks Inc. (Applicant) to the Board on April 6, 2022 for Land Use Permit (Permit) MV2022W0005 for Timber Harvesting (the Project) in South Slave Area. 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 MV2022W0005 for a term of 5 years;
- 2) To approve Version 1 of the Engagement Plan;
- 3) To approve Version1 of the Waste Management Plan; and
- 4) To approve Version1 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 sections [2.0](#) and [3.0](#) below, followed by an outline of the regulatory process for the Application in [section 4.0](#). [Section 5.0](#) describes how the applicable legislative requirements have been met. The Board’s decisions and supporting rationale regarding the Permit are set out in [section 6.0](#).

1.0 List of Defined Terms and Acronyms

| | |
|---------------------|---|
| Applicant/Permittee | Timberworks Inc. |
| Application | The complete application package submitted by the Applicant for Land Use Permit MV2022W0005. |
| Distribution List | The list of individuals and organizations to whom materials from this regulatory proceeding were circulated. ¹ |
| EA | Environmental Assessment |
| GNWT | Government of the Northwest Territories |
| GNWT-ENR | Government of the Northwest Territories – Environment and Natural Resources |
| Inspector | An Inspector designated under subsection 84(1) of the Mackenzie Valley Resource Management 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 (https://new.onlinereviewsystem.ca/reviews) |
| Party | As per the LWBs’ Rules of Procedures , an applicant, a person, or an organization participating in this regulatory process. |
| Permit | Land Use Permit MV2022W0005 |
| Project | the undertaking as described in Part A of the Permit. |
| Review Board | Mackenzie Valley Environmental Impact Review Board |

¹ To access the Distribution List, see the LWBs’ Online Review System for Timberworks Inc. – [Timber Harvesting – May5_22](#)

| | |
|----------------------------|--|
| SCP | Spill Contingency Plan |
| Standard Permit Conditions | LWBs' Standard Land Use Permit Conditions Template |
| WMP | Waste Management Plan |

2.0 Summary of Application

On April 6, 2022, the Applicant submitted an application for a new Permit MV2022W0005 (the Application).² The Application is to conduct a woods operation in the South Slave Region of the Northwest Territories. These activities are located within the Akaitcho Region. On August 13, 2015, Timberworks received a Permit for a woods operation in the South Slave Region.

The operation included the following activities:

- Harvesting timber;
- Storing timber prior to transport ;
- Establishment of roads and trails;
- Establishment of camps;
- Use of equipment; and
- Use and storage of fuel.

With Permit MV2005W0011 expiring August 12, 2022, Timberworks has submitted a renewal application.

On April 6, 2022, Timberworks submitted an Application for a timber harvesting operation in the South Slave Region. The operation includes the following activities:

- Harvesting timber;
- Storing timber prior to transport ;
- Establishment of roads and trails;
- Establishment of camps;
- Use of equipment; and
- Use and storage of fuel.

Timberworks is a business partnership between the Denínu Kúé First Nation (DKFN) and the Fort Resolution Metis Council (FRMC) and was awarded a 25-year Forest Management Agreement (FMA) from the Government of the Northwest Territories – Department of Environment and Natural Resources (GNWT-ENR) to enable development of a forest biomass industry in the region (map attached).

Forest management is regulated by the Forest Management Act and its regulations and are administered through the GNWT-ENR-Forest Management Division. Timber harvesting areas (i.e., blocks) have been planned with respect to road building, maintenance and reclamation. Individual blocks range between 15

² See MLWB Online Registry for Timberworks Inc.– [Permit Application – Apr6 22](#)

hectares and 800 hectares but can be combined to maintain large patches of even-aged stands (up to 1400 hectares) typical of the forest compositions specific to this part of the territory. Block shapes are extremely variable and closely align with natural stand boundaries presented on the landscape.

Timber harvesting operations are to meet the terms and conditions stipulated in the approved Annual Operating Plan (AOP) and apply appropriate forest management practices as described in the Commercial Timber Harvest Planning and Operating Procedures Manual (ENR 2005). Under normal conditions, logs will be hauled directly to the mill site; a distance of up to 250 km. Approximately 2,528 loads will be hauled annually from the harvested blocks through the FMA area (at 50m³ per load and the allowable timber allocation of 126,400m³/year).

Road design, construction and maintenance will follow current best practices, with the objective of providing safe roads while minimizing environmental disturbance. Road design involves planning the road alignments, grades, embankments and surface that require an understanding of both local environmental conditions and transportation requirements, such as the purpose of the road, expected vehicle loads, frequency of use and duration of use. In order to protect the ground surface from rutting and erosion, access to the harvest blocks will require winter road construction. Typically, except for safety concerns, haul road surfaces will have a running surface width of 5 to 10 meters and cleared width of approximately 7 to 20 meters. Snowfills and ice bridges will be required for some water crossings; Timberworks has indicated they will not require more than 100 m³/day (i.e. a water license trigger). No permanent structures will be constructed across watercourses.

Equipment planned for these activities includes the following, or similar:

- Low Bed tractor-Trailer
- Crawler tractor
- Grader
- Water truck
- Excavator
- Feller buncher
- Grapple skidder
- Danglehead processor
- Log loader
- Logging truck and trailer
- Pick-up trucks
- Snowmobiles
- Pumper truck

As access roads will be used repeatedly, road reclamation efforts will focus on seasonal reclamation to maintain natural drainage; this includes removal of snowfills and installing cross ditches where required. Sediment and erosion will be controlled by maintaining lower road grades, incorporating buffer strips between roads and watercourses, proper scheduling of road construction and using brush to trap

sediment. In-block roads and landings will be reclaimed to a stable condition; however, some may need to be reused. Appropriate reclamation measures may also be required to discourage access. Logging debris will occur throughout the harvested areas. Large concentrations of debris from the roadside processing will be piled and burned.

Cut blocks will be reforested by the GNWT-ENR in accordance with the Forest Management Regulations; Timberworks will pay a levy to the GNWT-ENR for this purpose. While reforestation approaches will vary by site, methods may include some combination of site preparation, natural regeneration and/or active reforestation. GNWT-ENR will monitor regenerating stands to ensure that future stands meet or exceed anticipated growth performance levels with appropriate tree species.

Where feasible, crews will temporarily reside within the communities of Fort Resolution and Hay River. However, small stationary camps with up to 10 structures, for up to 25 personnel will be necessary for operations in more remote areas.

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 this regulatory proceeding.

3.0 Main Issues Raised During the Regulatory Proceeding

These Reasons for Decision focus primarily on the following key issues raised during this regulatory proceeding:

Kát'odeeche First Nation

“At this point in time, the Kát'odeeche First Nation cannot support the proposed western boundary of the land use area identified in the application. To be specific, KFN will not support the land use permit application for that area west of a line due north from the junction of Highway 5 and 6 to Great Slave Lake and west of Highway 5 toward Fort Smith – because it would infringe on KFN existing Aboriginal rights and titles and would also negatively impact critical boreal caribou habitat. Otherwise, KFN has no issues with the application.”

Response

“Peter and I discussed his concerns regarding the boundary between KFN and DKFN during the Engagement Plan and I responded to his concern in the Engagement Log. He has indicated he has no new concern.

Timberworks has done some research into the boundary between the two First Nations and it is my understanding that prior to the issuance of Timberworks Forest Management Agreement considerable

consultation and discussion happened between the Government of the NWT and KFN regarding the boundary, and it was established as the Buffalo River.

Peter's contention that KFN primary territory is now a line north and south of the intersection of Highways 5 and 6 is beyond the scope of Timberworks to address.

Timberworks has agreed to defer harvest within the disputed area and has agreed to further discussion and or negotiation regarding the timber within the disputed area. Timberworks has no intention of voluntarily withdrawing the land in question from the Forest Management Agreement area, nor changing the boundary of the Land Use Permit.

Timberworks has agreed to work with the Fish and Wildlife Division in the NWT to determine the best practices for timber harvesting in woodland caribou areas within the FMA.”

GNWT – Environment and Natural Resources

“This project meets the criteria for a development that is “always” likely to require a WMMP, under ENR’s Wildlife Management and Monitoring Plan Process and Content Guidelines, as it involves timber harvesting at a volume that exceeds 50,000m³/year. As such, ENR will be notifying Timbers that a Minter-approved Wildlife Management and Monitoring Plan is required under section 95 of the Wildlife Act. ENR recommends that the Board remove conditions 45...”

Response

“Response to the comment regarding Table 2, Species at Risk. Table 2 was updated by Timberworks for the application to extend the existing permit in 2020, however if the Table needs to be updated to reflect changes in the status of species at risk in the permit area, we will do that. No additional response than what is recorded in the Engagement Log

Timberworks will comply with all of the Legislation regarding Wildlife and Wildlife Habitat Protection, including required buffers around raptor nests.

Regarding the recommendation to daily pre-clearing surveys,

Timberworks response is if any nests, dens, beaver dams, muskrat push-ups or hibernaculum are encountered or observed during the ground truthing and harvest layout or during harvesting then mitigation will occur. This is already included in the permit. Additional daily pre-clearing surveys are not being considered by Timberworks at this time.

Timberworks has a wildlife monitoring process in the existing permit, including reporting to ENR.”

GNWT – Prince of Wales Northern Heritage Centre

“ECE recommends that AOA and AIA-High Potential Conditions are included in the LUP to ensure that appropriate archaeological studies are completed prior to any activities that may result in ground disturbance – i.e., any mechanical operations that may occur during shoulder seasons, summer, or

without sufficient snow pack. As per the standard wording of the AOA and AIA-High Potential conditions, these studies will only be necessary prior to new land disturbance.”

Response

“No additional response than what is recorded in the Engagement Log”

GNWT – Lands (Inspector)

Modification of conditions #8 – Width Right of Way and Addition of Equipment Watercourse Buffer. Inspector recommends a Security Deposit in the amount of \$92,625.00.

Issues that were resolved by Parties to the Board’s satisfaction during the proceeding are not addressed in detail in these Reasons.

4.0 Regulatory Process

On April 6, 2022, the Applicant submitted the Application, which was deemed incomplete on April 15, 2022.³ On April 25, 2022, additional information was received,⁴ and the Application was subsequently deemed complete and circulated to the Distribution List for public review on the Online Review System (ORS).⁵

As part of the public review, Board staff requested comments and recommendations to assist with the Board’s preliminary screening determination. To assist the Board in making its decision on the Permit, Board staff also circulated a draft Permit for review with the Application to allow all Parties the opportunity to comment on the specific wording of the draft conditions.

On May 26, 2022, the Government of the Northwest Territories (GNWT) requested an extension as review of the security estimates needed confirmation from the Inspector. Board staff granted the extension and adjusted the comment submission date to May 30, 2022. The same extension was granted to all participants on the distribution lists

By May 30, 2022, the Board received comments and recommendations regarding the Application and the draft Permit from the following Parties: Kát’odeeche First Nation, GNWT – Environment and Natural Resources, GNWT – Prince of Wales Northern Heritage Centre; and GNWT Lands (Inspector). On June 6, 2022, the Applicant responded to the Parties’ comments and recommendations.⁶

On June 16, 2022, the Board met and made its preliminary screening determination for the Project.⁷

³ See MLWB Online Registry for Timberworks Inc. – [Application Incomplete – Apr15 22](#)

⁴ See MLWB Online Registry for Timberworks Inc.– [Additional Information – Apr25 22](#)

⁵ See MLWB Online Review System for Timberworks Inc. – [Timber Harvesting – May5 22](#)

⁶ See MLWB Online Registry for Timberworks Inc. – [Review Comment Summary Table – June6 22](#).

⁷ See MLWB Online Registry for Timberworks Inc.– [Preliminary Screening Determination and RFD – June 16, 2022](#).

On June 16, 2022, the Board met to make decisions regarding the Application. These decisions and related reasons are described in sections [5.0](#) and [6.0](#) below.

5.0 Legislative Requirements Related to Permit Issuance

The Project is subject to the [MVRMA](#) and the [MVLUR](#). As per the [MVLUR](#), the proposed use of land for the Project requires a permit. Accordingly, the Board has jurisdiction to issue the Permit as per subsection 59(1) and 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 section [6.0](#).

5.1 Consultation, Engagement, and Public Notice

As per paragraph 60.1(a) of the [MVRMA](#), in exercising its authority, the Board must consider the importance of conservation to the well-being and way of life of Indigenous peoples of Canada, 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 LWBs' [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#). The Policy and Guidelines were 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 completed from March 7 through March 31, 2022. In accordance with the Policy and Guidelines, the Applicant's engagement efforts and proposed procedures are detailed in the Engagement Record and Plan (Version 1), respectively,⁸ 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 6.3](#). Following issuance, the Applicant must continue engagement efforts as outlined in the Engagement Plan, once approved, and as required in the Permit.

⁸ See MLWB Online Registry for Timberworks Inc.– [Engagement Record V1 –and Engagement Plan V1 – Apr6 22](#)

The Application was 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.⁹ The Distribution List was used throughout this proceeding to circulate submissions, information, and updates relevant to the proceeding; the List was updated if needed, and (if requested) individuals with specific interests in the Project were added. More information about the proceeding for the Application is provided above in [section 4.0](#).

In accordance with sections 63 and 64 of the [MVRMA](#), the Board is satisfied that notice of and access to copies of the Application were 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 regarding the Deh Cho First Nations Interim Measures Agreement](#), the Dehcho First Nation was notified of the Application through the ORS distribution. The Dehcho First Nation member nations, Kát'odeeche First Nation, participated in the proceeding, and in developing the 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 [6.0](#)

In accordance with the Minister's 2003 [Policy Direction to the MVLWB Regarding Consultations with the Manitoba Denesuline](#), the Ghotelnene K'odtjneh Dene (formerly Manitoba Denesuline) were notified of the Application through the ORS distribution. The Board did not receive any evidence from the Ghotelnene K'odtjneh Dene during the proceeding.

In accordance with the Minister's 2003 [Policy Direction to the MVLWB Regarding Consultations with the Saskatchewan Athabasca Denesuline](#), the Saskatchewan Denesuline were notified of the Application through the ORS distribution. The Board did not receive any evidence from the Saskatchewan Denesuline during the proceeding.

5.2 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 a Forest Management Agreement issued by the Government of the Northwest Territories – Environment and Natural Resources included in the Application Package 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 concludes that the eligibility requirements under section 18 of the MVLUR have been satisfied.

⁹ To access the Distribution List, see the LWBs' Online Review System for Timberworks Inc. – [Timber Harvesting – May5_22](#)

5.3 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.

5.4 Land Use Fees

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

5.5 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.

5.6 Environmental Review (Part 5 of the MVRMA)

5.6.1 Preliminary Screening

On June 16, 2022, the Board met and has determined that the Project is exempt from preliminary screening under Part 1, Schedule 1, section 2 of the Exemption List Regulations to the MVRMA. Consequently, no further preliminary screening was conducted.¹⁰

The Board is satisfied that the requirements of Part 5 of the [MVRMA](#) have been met for the Project.

5.6.2 Environmental Assessment

6.0 Decision – Land Use Permit MV2022W0005

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 MV2022W0005 should be issued, subject to the scope, definitions, 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 this regulatory proceeding.

In developing the Permit, the Board considered the LWBs' [Standard Land Use Permit Conditions Template](#) (Standard Permit Conditions) and included a number of these standard conditions that are relevant to the Project. As noted in [section 4.0](#), Board staff circulated a draft Permit for review to allow Parties to provide

¹⁰ See MLWB Online Registry for Timberworks Inc. – [Preliminary Screening Determination and RFD – June16_22](#).

specific input to the Board on possible conditions, and the Board considered these review comments and recommendations in making its determination on the Permit conditions.

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 any standard condition included in the Permit is only discussed in detail in the following sections of these Reasons for Decision when it specifically relates to concerns or recommendations raised during the regulatory proceeding. The Board's reasons for developing and including project-specific conditions, including discussion of any concerns and recommendations raised regarding these conditions, are detailed in the relevant sections below.

6.1 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 this regulatory proceeding, the Board has determined an appropriate term for the Permit is 5 years.

6.2 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.

Based on the activities described in the Permit Application and on the scope outlined in the Standard Permit Conditions, Board staff included a draft scope in the draft Permit that was circulated for public review. The Board did not receive any comments or recommendations regarding the draft scope during the proceeding, so the Board accepted it as the scope of the Permit.

6.3 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. For the most part, the Board selected applicable definitions relevant to the Project from the Standard Permit Conditions.

6.4 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 LWBs' Standard Permit Conditions.

Parallel Roads – this condition is a carry over from the previous Permit MV2015W0011

26(1)(b) Time

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

Pre-Inspection - this condition is a carry over from the previous Permit MV2015W0011

Progress Written - this condition is a carry over from the previous Permit MV2015W0011

Annual Report - this condition is a carry over from the previous Permit MV2015W0011

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

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

26(1)(d) Methods and Techniques

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

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

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

26(1)(h) Wildlife and Fish Habitat

The [MVLUR](#) includes provisions related to the protection of wildlife habitat; however, 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, which details mitigations to reduce or eliminate impacts to applicable wildlife and wildlife habitat, is required for the project and should be submitted to the Board with a permit and/or licence application.

During the review and issuance of MV2015W0011, the Board placed a requirement for a Wildlife Management and Monitoring Plan. With the Application, Timberworks submitted a Wildlife Management and Monitoring Plan, this Plan was distributed for review. During the review, GNWT – ENR indicated that:

“This project meets the criterial for a development that is “always” likely to require a WMMP, under ENR’s Wildlife Management and Monitoring Plan Process and Content Guidelines, as it involves timber harvesting at a volume that exceeds 50,000m³/year. As such, ENR will be notifying Timbers that a Minter-approved Wildlife Management and Monitoring Plan is required under section 95 of the Wildlife Act. ENR recommends that the Board remove conditions 45...”

Timberworks responded stating:

“Response to the comment regarding Table 2, Species at Risk. Table 2 was updated by Timberworks for the application to extend the existing permit in 2020, however if the Table needs to be updated to reflect changes in the status of species at risk in the permit area, we will do that. No additional response than what is recorded in the Engagement Log

Timberworks will comply with all of the Legislation regarding Wildlife and Wildlife Habitat Protection, including required buffers around raptor nests.

Regarding the recommendation to daily pre-clearing surveys,

Timberworks response is if any nests, dens, beaver dams, muskrat push-ups or hibernaculum are encountered or observed during the ground truthing and harvest layout or during harvesting then mitigation will occur. This is already included in the permit. Additional daily pre-clearing surveys are not being considered by Timberworks at this time.

Timberworks has a wildlife monitoring process in the existing permit, including reporting to ENR.”

In light of the comments and the recommendation as well as the response from Timberworks, the Board has removed the requirement for the submission of a Wildlife Management and Monitoring Plan.

The Board included the HABITAT DAMAGE condition 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

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

WASTE MANAGEMENT PLAN

All applicants must submit detailed waste management information, identifying all types of waste that will be produced by the project (including quantity and quality) and describing the disposal methods that are proposed for each type of waste. For most applicants, this will be in the form of a Waste Management Plan, developed in accordance with the LWBs' [Guidelines for Developing a Waste Management Plan](#), and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board. The Guidelines can be applied to a wide range of projects and are 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 a project.

As required, the Permittee included a Waste Management Plan in the Application.¹¹ The Board considered this Plan as part of the Application Package, and its decision on the Plan is set out below.

The Board has approved the Waste Management Plan, Version 1 because it meets the requirements of the Guidelines and is appropriate for the Project activities.

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

The conditions included in this section are all consistent with the LWBs' 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

This section sets out the Permittee's responsibility for all costs associated with remediation of the Project area and establishes the amount of security that must be posted and maintained by the Permittee. The conditions included in this section are all consistent with the LWBs' Standard Permit Conditions.

¹¹ See MLWB Online Registry for Timberworks Inc.– [Waste Management Plan V1 – Apr6 22](#).

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.

Based on the evidence regarding closure cost estimates for the Project, the Board has included a requirement for a security deposit of \$92,625.00 in the Permit. The reasons for the Board’s decisions are described below.

Using the LWBs’ template, the Applicant calculated a closure cost estimate of \$76,593.75 for the Project.¹² GNWT - Lands also completed a closure cost estimate for the Project and calculated a total closure and reclamation cost of \$92,625.00.¹³

To better understand the closure cost estimates, the Board considered the breakdown of the estimates by line item. Table 1 below compares these estimates.

Table 1: Board Security Estimate:

| Line Item | Security Estimate |
|---------------------------------------|-------------------|
| Camp (C1) | \$8,625.00 |
| Regulated/Hazardous Materials (R1) | \$11,000.00 |
| Hydrocarbon Storage and Transfer (H1) | \$13,125.50 |
| Land Disturbance (L1) | \$4,000.00 |
| Equipment (E1) | \$25,000.00 |
| Total | \$92,625.00 |

*The total does not add up correctly as the multipliers have been applied. Please see the security worksheet for further clarification.

The Board is satisfied that the security requirements it has imposed ensure that sufficient financial resources will be in place in advance of any liabilities that will be incurred.

26(1)(m) Fuel Storage

The conditions included in this section are all consistent with the LWBs’ Standard Permit Conditions.

SPILL CONTINGENCY PLAN

All applicants must describe spill contingency planning. For most applicants, this will be in the form of a Spill Contingency Plan, developed in accordance with the INAC [Guidelines for Spill Contingency Planning](#),

¹² See MLWB Online Registry for Timberworks Inc.– [Closure Cost Estimate – Apr6 22](#)

¹³ See MLWB Online Registry for GNWT - Lands – [Closure Cost Estimate – May30 22](#).

and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board. The Plan is intended to ensure that an action plan 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.

As required, the Permittee included a Spill Contingency Plan in the Application.¹⁴ The Board considered the Plan as part of the Application Package, and its decision on the Plan is set out below.

The Board has approved the Spill Contingency Plan, Version 1 because it meets the requirements of the Guidelines and is appropriate for the Project activities. The SPILL CONTINGENCY PLAN condition requires the Permittee to comply with the approved Plan.

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

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

26(1)(o) Restoration of the Lands

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

CLOSURE AND RECLAMATION PLAN

Due to the small scale of the Project, in lieu of submitting a stand-alone CRP, the Permittee described the proposed closure and reclamation activities in the Application Form. In this case, the Board considered this information equivalent to a CRP, and the Board's decision on the Plan is set out below.

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

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

Caribou Disturbance - this condition is a carry over from the previous Permit MV2015W0011

Migratory Bird Nest Disturbance - this condition is a carry over from the previous Permit MV2015W0011

Equipment Watercourse Set Back - this condition is a carry over from the previous Permit MV2015W0011

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

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

ENGAGEMENT PLAN

The Board assesses engagement adequacy through the LWBs' [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#), and an Engagement Plan is a standard requirement for land use permits issued by the Board. This Plan is intended

¹⁴ See MLWB Online Registry for Timberworks Inc.– [Spill Contingency Plan V1 – Apr6 22](#).

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.

In accordance with the Policy and Guidelines, the Applicant included an Engagement Record and Plan in the Application,¹⁵ and these documents were distributed for public review with the Application. The Board considered the Plan as part of the Application Package.

The Board has approved the Engagement Plan, Version 1 because it meets the requirements of the Policy and Guidelines and is appropriate for the Project activities.

6.5 Annex A: Table of Submissions

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

6.6 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.

7.0 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 and land use associated with the Project can be completed by Timberworks Inc. 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 MV2022W0005 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 Timberworks Inc.'s use of the land as authorized by the Permit.

SIGNATURE



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

June 16, 2022

Date

¹⁵ See MLWB Online Registry for Timberworks Inc.– Engagement Plan V1 – [Engagement Record V1 – Apr6 22](#).