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May 31, 2023

File: MV2023E0012

Alexis Campbell  
Government of the Northwest Territories – Department of Infrastructure  
Box 1320  
Yellowknife NT X1A2L9

Sent by email

Dear Alexis Campbell,

**Re: Government of the Northwest Territories – Renewal Issuance Package – Land Use Permit MV2023E0012 – Public Road – NWT Highway 1 km 278-800**

The Mackenzie Valley Land and Water Board (Board) met on May 25, 2023 and considered the renewal Application Package from Government of the Northwest Territories – Department of Infrastructure (GNWT-INF) for Land Use Permit MV2023E0012 for the NWT Highway 1 km 278-800 (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board has approved Land Use Permit (Permit) MV2023E0012 (attached) for a term of five years, effective May 31, 2023 and expiring May 30, 2028. The Permit is supported by the Board's Reasons for Decision. These documents are posted to the Board's Public Registry.<sup>1</sup>

#### Submission Requirements

Please refer to Attachment 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.

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<sup>1</sup> See MLWB Online Registry [www.mvlwb.com](http://www.mvlwb.com) for [MV2023E0012](#).  
MV2023E0012 – GNWT – INF

*Management Plans – Approved*

The Board has approved the following Plans:

Condition Number and Title	Title of Plan (Version)
49, WASTE MANAGEMENT PLAN	Waste Management Plan (V1.0) <sup>2</sup>
67, SPILL CONTINGENCY PLAN	Spill Contingency Plan (V1.0) <sup>3</sup>
87, ENGAGEMENT PLAN	Engagement Plan (V1.0) <sup>4</sup>

Inspectors

The Inspectors referred to in the Permit can be contacted at the regional GNWT-ECC offices.<sup>5</sup>

Permit Processes and Additional Information

Sections 5 and 6 of the Land and Water Board (LWB) *Guide to the Land Use Permitting Process*<sup>6</sup> (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 LWB processes related to the Permit.

Full cooperation of GNWT – INF is anticipated and appreciated. Please contact Tyree Mullaney via [email](#) or at (867) 766-7464 with any questions or concerns regarding this letter.

Yours sincerely,



Tanya MacIntosh  
Chair, Mackenzie Valley Land and Water Board

BCC'd to: Dehcho Distribution List  
Terry Brooks – GNWT - INF  
Danielle Rogers – Inspector, GNWT-ECC  
David Monroe – GNWT-ECC

Attached: Land Use Permit MV2023E0012  
Reasons for Decision

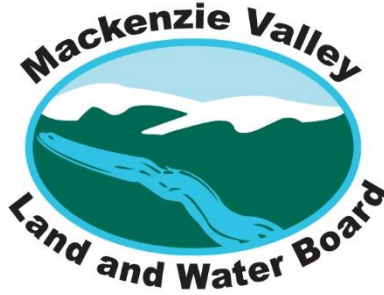
<sup>2</sup> See MLWB Online Registry for GNWT - INF – [Waste Management Plan – Version 1.0 – Apr11 23](#)

<sup>3</sup> See MLWB Online Registry for GNWT – INF - [Spill Contingency Plan – Version 1.0 – Apr11 23](#)

<sup>4</sup> See MLWB Online Registry for GNWT-INF – [Engagement Plan – Version 1.0 – Apr11 23](#)

<sup>5</sup> See GNWT-ECC Regional Offices webpage (<https://www.ecc.gov.nt.ca/en/regional-offices>) for regional contact information.

<sup>6</sup> See MLWB Policies and Guidelines webpage for LWB [Guide to the Land Use Permitting Process](#).



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**Government of the Northwest Territories – Department of Infrastructure  
Land Use Permit MV2023E0012**

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:

Government of the Northwest Territories – Department of Infrastructure  
(Permittee)

of Box 1320 Yellowknife NT X1A2L9  
(Mailing Address)

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

<b>Location:</b>	NWT Highway #1 km 278-800
<b>Purpose:</b>	Public Road
<b>Type:</b>	Type A
<b>Effective Date:</b>	May 31, 2023
<b>Expiry Date:</b>	May 30, 2028

Handwritten signature of Tanya MacIntosh in blue ink.

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**Tanya MacIntosh, Chair  
Mackenzie Valley Land and Water Board**

Handwritten signature of Amanda Gauthier in blue ink.

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**Amanda Gauthier, Witness**

## Conditions Annexed to and Forming Part of Land Use Permit MV2023E0012

### Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
  - a) The continuous and ongoing operation and maintenance of the existing NWT public highway system within the permit area along the Mackenzie Highway between km 278 and km 800. This area includes community access roads for Fort Simpson, Jean Marie River, Trout Lake, Willow Lake River Settlement, and Wrigley, as listed under the *Highways Act* as Commissioners Land for the Government of the NWT. The activities will focus on highway and airport infrastructure such as roadway embankment and bridge and culvert maintenance and replacement, winter road and ice bridge construction and maintenance, and airstrip surfacing and marine (ferry) services and operations;
  - b) The permit area will be 2 km in width — 1 km on each side of the existing public highway/roadway centerline through the entire length of the permit area including access roads;
  - c) To develop and obtain granular borrow materials, common materials, blast rock, rip-rap, clay, sand and gravel from areas outside the existing 60-m wide public highway corridor through applications to GNWT – Department of Lands for quarry permits;
  - d) To place and maintain granular stockpiles at existing or approved quarry sites for the purpose of ongoing maintenance and operation of the public highway system within the permit area;
  - e) To place temporary construction work/camps at existing quarry or approved quarry sites for the purpose of ongoing maintenance and operation of the public highway system within the permit area;
  - f) To temporarily store maintenance and operations equipment at the various existing quarry or other previously developed sites within the permit area while carrying out these activities in the area;
  - g) To access water sources, as approved, for the ongoing maintenance and operations of the public highway system within the permit area; and
  - h) To have right of access and priority status within one km left and right of the roadway centreline of the highway corridor for the purpose of quarry pit development and drainage channel construction.
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, Tłı̄chǫ, 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.

**Borehole** - a hole that is made in the surface of the ground by drilling or boring.

**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.

**Drilling Fluid** - any liquid mixture of water, sediment, drilling muds, chemical additives or other wastes that are pumped down hole while drilling and are specifically related to drilling activity.

**Drilling Waste** - all materials or chemicals, solid or liquid, associated with drilling, including drill cuttings and Drilling Fluids.

**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.

**Flowing Artesian Well** - a well in which water:

- a) Naturally rises above the ground surface or the top of any casing; and
- b) Flows naturally, either intermittently or continuously.

**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.

**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
<b>26(1)(a) Location and Area</b>	
1. The Permittee shall only conduct this land-use operation on lands designated in the application.	<b>LOCATION OF ACTIVITIES</b>
2. 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.	<b>CAMP SETBACK</b>
3. The Permittee shall use an existing campsite, as described in the complete application.	<b>USE EXISTING CAMP</b>
4. Prior to the commencement of drilling, the Permittee shall submit the target areas and final drill hole locations on a 1:50,000-scale map with coordinates and map datum to the Board and an Inspector.	<b>DRILL LOCATIONS</b>
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.	<b>SUMP SETBACK</b>
6. 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.	<b>QUARRY SETBACK</b>
7. The Permittee shall locate all lines, trails, and right-of-ways to be constructed parallel to any Watercourse a minimum of 100 metres from the Ordinary High Water Mark, except at crossings.	<b>PARALLEL WATERCOURSE SETBACK</b>
8. The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.	<b>PARALLEL ROADS</b>
9. Prior to the commencement of the land-use operation, the Permittee shall mark each corner of the land-use area.	<b>MARK AREA</b>
10. The Permittee shall maintain the corner markings until the area is reclaimed.	<b>CORNER POSTS</b>
11. Prior to the commencement of the land-use operation, the Permittee shall accompany an Inspector during an inspection of the proposed land use area.	<b>INSPECT LOCATIONS</b>



**26(1)(b) Time**

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| 12. | 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) 695-2626   | <b>INITIAL NOTIFICATION –<br/>CONTACT INSPECTOR</b> |
| 13. | 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:<br><br>a) the name(s) of the person(s) in charge of the field operation;<br>b) alternates; and<br>c) all methods for contacting the above person(s). | <b>IDENTIFY AGENT</b>                               |
| 14. | At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of:<br><br>a) the plan for removal or storage of equipment and materials;<br>b) when final cleanup and reclamation of the land used will be completed;<br>and<br>c) when the Final Plan will be submitted.   | <b>REPORTS BEFORE<br/>FINAL REMOVAL</b>             |
| 15. | The Permittee shall not conduct any activity associated with the land-use operation during the Shut Down Period.  | <b>SEASONAL SHUT DOWN</b>                           |

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

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| 16. | The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application. | <b>USE APPROVED<br/>EQUIPMENT</b>  |
| 17. | The Permittee shall maintain fire-fighting equipment at the site.  | <b>FIRE-FIGHTING<br/>EQUIPMENT</b> |

**26(1)(d) Methods and Techniques**

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| 18. | The Permittee shall Dogleg lines, trails and right-of-ways that approach Watercourses or public roads.   | <b>DOGLEG APPROACHES</b>                |
| 19. | The Permittee shall construct and maintain the overland portion of winter roads with a minimum of 10 cm of packed snow and/or ice at all times during this land-use operation. | <b>WINTER ROADS</b>                     |
| 20. | The Permittee shall not erect camps or store material, other than that required for immediate use, on the ice surface of a Watercourse.  | <b>STORAGE ON ICE</b>                   |
| 21. | Prior to the expiry end of the land-use operation, the Permittee shall replace all excavated material, unless otherwise authorized in writing by an Inspector.                 | <b>EXCAVATED MATERIAL<br/>TEST PITS</b> |
| 22. | The Permittee shall leave a buffer strip of undisturbed vegetation at least 30 metres in width between cleared areas and public roads  | <b>TREE SCREEN</b>                      |

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

23. 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**

24. The Permittee shall install and maintain culverts such that scouring does not occur. **CULVERT SIZE**
25. The land-use operation shall not cause obstruction to any natural drainage. **NATURAL DRAINAGE**
26. The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses. **PROGRESSIVE EROSION CONTROL**
27. The Permittee shall apply appropriate mitigation at the first sign of erosion. **REPAIR EROSION**
28. The Permittee shall, where flowing water from a Borehole is encountered:  
a) plug the Borehole in such a manner as to permanently prevent any further outflow of water; and  
b) immediately report the occurrence to the Board and an Inspector. **FLOWING ARTESIAN WELL**
29. The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface. **PREVENTION OF RUTTING**
30. The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging. **SUSPEND OVERLAND TRAVEL**
31. 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**
32. The Permittee shall only use clean water and snow in the construction of ice bridges and snow fills. **CONSTRUCT ICE BRIDGES SNOWFILLS**
33. 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**
34. The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector. **STREAM BANKS**
35. The Permittee shall minimize approach grades on all Watercourse crossings. **MINIMIZE APPROACH**

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| 36.   | 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.   | <b>EXCAVATION AND EMBANKMENTS</b>            |
| 37.   | The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High Water Mark of any Watercourse.   | <b>EQUIPMENT:<br/>WATERCOURSE BUFFER</b>     |
| 38.   | The Permittee shall not excavate land within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.  | <b>EXCAVATION SETBACK</b>                    |
| <b>26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material</b> |  |  |
| 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.   | <b>CHEMICALS</b>                             |
| 40.   | When drilling within 100 metres of the Ordinary High Water Mark of any Watercourse, and when drilling on ice, the Permittee shall contain all drill water and Drilling Waste in a closed circuit system for reuse, off-site disposal, or deposit into a land-based Sump or natural depression.             | <b>DRILLING NEAR WATER<br/>OR ON ICE</b>     |
| 41.   | The Permittee may deposit Drilling Waste that does not contain Toxic Material in a Sump. Any Sumps or natural depressions used to deposit Drilling Waste must be located at least 100 metres from the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. | <b>DRILLING WASTE</b>                        |
| 42.   | The Permittee shall remove all Drilling Waste containing Toxic Material to an approved disposal facility.  | <b>DRILLING WASTE<br/>DISPOSAL</b>           |
| 43.   | The Permittee shall not allow any Drilling Waste to spread to the surrounding lands or Watercourses.   | <b>DRILLING WASTE<br/>CONTAINMENT</b>        |
| 44.   | 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.  | <b>RECLAIM<br/>NON-OIL AND GAS<br/>SUMPS</b> |
| 45.   | The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.  | <b>WASTE CHEMICAL<br/>DISPOSAL</b>           |
| 46.   | The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility.   | <b>WASTE PETROLEUM<br/>DISPOSAL</b>          |

47.	The Permittee shall provide written notification to the Board and Inspector a minimum of 10 days prior to the initial deposit of Waste, demonstrating that the licenced disposal facility has agreed to accept the Waste and has the capacity to receive the volumes of Waste requested.	<b>NOTIFICATION OF SOLID WASTE DISPOSAL</b>
<b>26(1)(h) Wildlife and Fish Habitat</b>		
48.	The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.	<b>HABITAT DAMAGE</b>
<b>26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage</b>		
49.	The Permittee shall dispose of all Waste as described in the <b>Waste Management Plan</b> , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.	<b>WASTE MANAGEMENT</b>
50.	The Permittee shall keep all garbage and debris in a secure container until disposal.	<b>GARBAGE CONTAINER</b>
51.	The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan.	<b>SEWAGE DISPOSAL - PLAN</b>
<b>26(1)(j) Protection of Historical, Archaeological, and Burial Sites</b>		
52.	The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground.	<b>ARCHAEOLOGICAL BUFFER</b>
53.	The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.	<b>SITE DISTURBANCE</b>
54.	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) 695-2626, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255.	<b>SITE DISCOVERY AND NOTIFICATION</b>
55.	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.	<b>ARCHAEOLOGICAL OVERVIEW</b>

56.	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.	<b>AIA – HIGH POTENTIAL</b>
<b>26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value</b>		
<i>Intentionally left blank</i>		
<b>26(1)(l) Security Deposit</b>		
57.	All costs to remediate the area under this Permit are the responsibility of the Permittee.	<b>RESPONSIBILITY FOR REMEDIATION COSTS</b>
<b>26(1)(m) Fuel Storage</b>		
58.	The Permittee shall: a) examine all Fuel Storage Containers and Tank for leaks; and b) repair all leaks immediately.	<b>REPAIR LEAKS</b>
59.	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.	<b>FUEL STORAGE SETBACK</b>
60.	The Permittee shall ensure that all fuel caches have adequate Secondary Containment.	<b>FUEL CACHE SECONDARY CONTAINMENT</b>
61.	The Permittee shall set up all refueling points with Secondary Containment.	<b>SECONDARY CONTAINMENT – REFUELING</b>
62.	The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	<b>FUEL CONTAINMENT</b>
63.	The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours.	<b>FUEL ON LAND</b>
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.	<b>MARK FUEL LOCATION</b>
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.	<b>REPORT FUEL LOCATION</b>

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| 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.   | <b>SEAL OUTLET</b>            |
| 67. | The Permittee shall comply with the <b>Spill Contingency Plan</b> , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.   | <b>SPILL CONTINGENCY PLAN</b> |
| 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.   | <b>SPILL RESPONSE</b>         |
| 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.  | <b>DRIP TRAYS</b>             |
| 70. | The Permittee shall clean up all leaks, spills, and contaminated material immediately  | <b>CLEAN UP SPILLS</b>        |
| 71. | During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall: <ul style="list-style-type: none"> <li>a) implement the approved Spill Contingency Plan;</li> <li>b) report it-immediately using the NU-NT Spill Report Form by one of the following methods: <ul style="list-style-type: none"> <li>• Telephone: (867) 920-8130</li> <li>• Fax: (867) 873-6924</li> <li>• E-mail: <a href="mailto:spills@gov.nt.ca">spills@gov.nt.ca</a></li> <li>• <u>Online: Spill Reporting and Tracking Database</u></li> </ul> </li> <li>c) within 24 hours, notify the Board and an Inspector; and</li> <li>d) within 30 days of initially reporting the incident, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur.</li> </ul> | <b>REPORT SPILLS</b>          |

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

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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 | <b>BRUSH DISPOSAL/ TIME</b>  |
| 73. | The Permittee shall not clear areas larger than identified in the complete application.   | <b>MINIMIZE AREA CLEARED</b> |

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

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|-----|---|--------------------------------------|
| 74. | All outstanding liabilities and obligations of the Permittee in relation to work performed or required to be performed under Land Use Permit MV2016E0006 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 MV2016E0006, as well as such further obligations as may be set out in or incurred under this Permit. | <b>TRANSFER OF LIABILITIES</b>       |
| 75. | All areas affected by construction or removal activities shall be stabilized and landscaped to their pre-construction profiles, unless otherwise authorized in writing by an Inspector.   | <b>PRE-CONSTRUCTION PROFILES</b>     |
| 76. | The Permittee shall dispose of all overburden as approved by the Board, or as otherwise authorized in writing by an Inspector.  | <b>DISPOSAL OF OVERBURDEN</b>        |
| 77. | 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.  | <b>SAVE AND PLACE ORGANIC SOIL</b>   |
| 78. | Prior to the end of the land-use operation, the Permittee shall level all stockpiles of granular material located within the land use area.   | <b>LEVEL STOCKPILES</b>              |
| 79. | Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used.   | <b>FINAL CLEANUP AND RESTORATION</b> |
| 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.  | <b>NATURAL VEGETATION</b>            |
| 81. | The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so.   | <b>PROGRESSIVE RECLAMATION</b>       |
| 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.  | <b>TRAILS RESTORATION</b>            |

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

- |     |  |                       |
|-----|--|-----------------------|
| 83. | The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation. | <b>DISPLAY PERMIT</b> |
| 84. | The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation.                  | <b>COPY OF PERMIT</b> |

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

- |     |  |  |
|-----|--|--|
| 85. | If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them. | <b>MIGRATORY BIRD NEST DISTURBANCE</b> |
|-----|--|--|

- |     |   |                           |
|-----|---|---------------------------|
| 86. | If any plan is not approved by the Board, the Permittee shall revise the plan according to the Board’s direction and re-submit it to the Board for approval.  | <b>RESUBMIT PLAN</b>      |
| 87. | The Permittee shall comply with the <b>Engagement Plan</b> , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | <b>ENGAGEMENT PLAN</b>    |
| 88. | All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.   | <b>SUMMARY OF CHANGES</b> |



## Annex A: MV2023E0012 – Submission and Review Requirements

*Supplemental information to be submitted by Permittee as required through Land Use Permit Conditions.*

*Disclaimer: If there are any discrepancies between this table and the body of the Permit, the Permit conditions prevail.*

Condition Number	Item	When Required
49	Waste Management Plan	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.
67	Spill Contingency Plan	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.
87	Engagement Plan	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.

**Annex B: MV2023E0012 – 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	
<b>File Number</b>	MV2023E0012
<b>Company</b>	Government of the Northwest Territories – Department of Infrastructure
<b>Project</b>	Public Road
<b>Location</b>	NWT Highway #1, km 278-800
<b>Activity</b>	Public Road
<b>Date of Decision</b>	May 25, 2023

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On May 25, 2023, the Mackenzie Valley Land and Water Board (MVLWB or Board) met and considered the Application made by Government of the Northwest Territories – Department of Infrastructure (GNWT-INF) (Applicant) to the Board on April 11, 2023 for Land Use Permit (Permit) MV2023E0012 for the Public Road (the Project) NWT Highway #1, km 278-800. 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 MV2023E0012 for a term of 5 years;
- 2) To approve Version 1.0 of the Engagement Plan
- 3) To approve Version 1.0 of the Spill Contingency Plan
- 4) To approve Version 1.0 of the Waste Management 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	Government of the Northwest Territories – Department of Infrastructure
Application	The complete application package submitted by the Applicant for Land Use Permit MV2023F0012
CRP	Closure and Reclamation Plan
Distribution List	The list of individuals and organizations to whom materials from this regulatory proceeding were circulated. <sup>1</sup>
ECCC	Environment and Climate Change Canada
GLWB or Board	Gwich’in Land and Water Board
GNWT	Government of the Northwest Territories
GNWT-ECC	Government of the Northwest Territories – Environment and Climate Change
IR	Information request
Inspector	An Inspector designated under subsection 84(1) of the <a href="#">Mackenzie Valley Resource Management Act</a>
LWBs	Land and Water Boards of the Mackenzie Valley
MVEIRB	Mackenzie Valley Environmental Impact Review Board
MVLUR	<a href="#">Mackenzie Valley Land Use Regulations</a>
MVLWB or Board	Mackenzie Valley Land and Water Board
MVRMA	<a href="#">Mackenzie Valley Resource Management Act</a>
Minister	Minister of the Government of the Northwest Territories – Environment and Climate Change
ORS	Online Review System ( <a href="https://new.onlinereviewsystem.ca/reviews">https://new.onlinereviewsystem.ca/reviews</a> )
Party	As per the LWB <a href="#">Rules of Procedures</a> , an applicant, a person, or an organization participating in this regulatory process.

<sup>1</sup> To access the Distribution List, see the LWBs’ Online Review System for [GNWT - INF – Permit Renewal – Apr14 23](#).

Permit	Land Use Permit MV2023F0012
Project	Public Road, the undertaking as described in Part A of the Permit.
Review Board	Mackenzie Valley Environmental Impact Review Board
SCP	Spill Contingency Plan
SLWB or Board	Sahtu Land and Water Board
Standard Permit Conditions	LWB <a href="#">Standard Land Use Permit Conditions Template</a>
WMP	Waste Management Plan

## 2.0 Summary of Application

On April 11, 2023, the Applicant submitted an application for a new Permit MV2023E0012 (the Application).<sup>2</sup> The Application is to conduct the continued operation and maintenance of NWT Highway #1 km278 – 800. These activities are located within the Dehcho Region.

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.

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 11, 2023, the Applicant submitted the Application, which was deemed complete on April 16, 2023 and was subsequently circulated to the Distribution List for public review on the Online Review System (ORS).<sup>3</sup>

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.

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<sup>2</sup> See MLWB Online Registry for GNWT - INF – [Permit Application – Apr11 23](#)

<sup>3</sup> See MLWB Online Review System for [GNWT – INF – Land Use Permit Renewal – Apr16 23](#)

By May 4, 2023, the Board received comments and recommendations regarding the Application and the draft Permit from the Government of the Northwest Territories – Prince of Wales Northern Heritage Centre. On May 10, 2023, the Applicant responded to the Parties’ comments and recommendations.<sup>4</sup>

On May 25, 2023, the Board met and made its preliminary screening determination for the Project.<sup>5</sup>

On May 25, 2023, 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 LWB [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 commenced on February 14, 2023 again on February 28, 2023. In accordance with the Policy and Guidelines, the Applicant’s engagement efforts and proposed procedures are detailed

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<sup>4</sup> See MLWB Online Registry for GNWT - INF – [Review Summary Table – May25 11](#)

<sup>5</sup> See MLWB Online Registry for GNWT – INF – [Preliminary Screening Determination – May25 23](#)

in the Engagement Record and Plan (Version 1.0), respectively,<sup>6</sup> submitted with the Application. The Board has approved the Applicant's Engagement Plan (Version 1.0), 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.

The Application was posted to the Board's Public Registry and distributed through the ORS. As the Project is located in the Dehcho Region, the appropriate organizations, governments, First Nations, and Indigenous organizations were included in the Distribution List.<sup>7</sup> 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 of Indian Affairs and Northern Development'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. More detailed information about how this evidence was specifically considered is set out in [section 6.0](#). The Board did not receive any evidence from the Dehcho First Nation member nations 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 number of issued Quarry Permits (issued by the Government of the Northwest Territories) 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.

## **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.

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<sup>6</sup> See MLWB Online Registry for [GNWT - INF – Engagement Record V1.0 – Apr11 23](#) and [GNWT - INF – Engagement Plan V1.0 – Apr11 23](#).

<sup>7</sup> To access the Distribution List, see the LWBs' Online Review System for [GNWT - INF – Land Use Permit Renewal – Apr16 23](#)



## 5.4 Land Use Fees

n/a.

## 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 May 25, 2023, the Board met and confirmed that the Application as submitted is exempt from Preliminary Screening as per the Exemption List Regulations.<sup>8</sup>

## 6.0 Decision – Land Use Permit MV2023E0012

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 MV2023E0013 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 LWB [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 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

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<sup>8</sup> See MLWB Online Registry for GNWT – INF – [Preliminary Screening Determination and RFD – May25 23](#)

- 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 five 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 LWB [Waste and Wastewater Management Policy](#) applies to the Permit, and the objectives of the Policy are protection of water quality in the receiving environment, waste prevention/minimization, and minimization of the amount of waste disposed to the receiving environment. The Permit does not authorize any deposit of waste to water; however, in accordance with the Policy and these objectives, the Permit includes many conditions that are, directly or indirectly, intended to meet the objectives of the Policy. The Board is satisfied that the conditions set out in the Permit are consistent with the Policy and compliance with these conditions will ensure that waste will be minimized, managed, and disposed of in

a manner that will be protective of the receiving environment. These conditions and detailed rationale are described in the sections below.

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 LWB Standard Permit Conditions.

#### 26(1)(b) Time

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

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

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

#### 26(1)(d) Methods and Techniques

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

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

The conditions included in this section are all consistent with the LWB 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 LWB 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 LWB 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-ECC 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.

The Permit does not include a requirement for a WMMP.

The Board included Condition 48 (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

The conditions included in this section are all consistent with the LWB 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 LWB [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.<sup>9</sup> 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 LWB 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 did not include security requirements in the Permit because, as per section 94 of the [MVRMA](#), the territorial government is not required to post security for permits. Condition 57 (RESPONSIBILITY FOR REMEDIATION COSTS) establishes the Permittee's responsibility for all costs to remediate the Permit area, so the Board is satisfied that the Permittee will be accountable for carrying out closure and reclamation even though a security deposit is not required.

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<sup>9</sup> See MLWB Online Registry for GNWT - INF – [Waste Management Plan V1.0 – Apr11\\_23](#)

#### 26(1)(m) Fuel Storage

The conditions included in this section are all consistent with the LWB 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](#), 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.<sup>10</sup> 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. Condition 67 (SPILL CONTINGENCY PLAN) 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 LWB Standard Permit Conditions.

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

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

#### CLOSURE AND RECLAMATION PLAN

All applicants must describe closure and reclamation planning. For most applicants, this will be in the form of a Closure and Reclamation Plan (CRP), developed in accordance with the LWB/AANDC [Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories](#) (Closure Guidelines), and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board.

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.

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

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

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<sup>10</sup> See MLWB Online Registry for [GNWT - INF- Spill Contingency Plan V1.0 – Apr11 23](#).

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

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

### ENGAGEMENT PLAN

The Board assesses engagement adequacy through the LWB [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 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,<sup>11</sup> 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 Attachment A: Concordance Table of Submissions**

Attachment A to the Permit contains a table that summarizes the submissions required by the Permit conditions.

#### **6.6 Attachment B: Revision History Table**

Attachment B to 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 the Government of the Northwest Territories – Department of Infrastructure 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.

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<sup>11</sup> See MLWB Online Registry for [GNWT - INF – Engagement Plan V1.0 –Apr11 23](#) and [GNWT - INF – Engagement Record V1.0 – Apr11 23](#)

Land Use Permit MV2023E0012 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 Government of the Northwest Territories – Department of Infrastructure’s use of the land as authorized by the Permit.

SIGNATURE



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**Tanya MacIntosh, Chair**  
**Mackenzie Valley Land and Water Board**

May 31, 2023

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**Date**