

Conditions Annexed to and Forming Part of Land Use Permit #MV2023Q0007

Green highlighting – seeking reviewer input.

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Removal of granular material; and
 - b) Use of machines, equipment and motorized vehicles.
2. This Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, item 1 of this Permit.
3. Compliance with the terms and conditions of this Permit does not excuse the Permittee from its obligation to comply with the requirements of any applicable Federal, Territorial, or Municipal laws.

Part B: Definitions

Act - the *Mackenzie Valley Resource Management Act*.

Board - the Mackenzie Valley Land and Water Board established under Part 4 of the Act.

Closure and Reclamation - the process and activities that facilitate the return of areas affected by the Project to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.

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

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

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

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

Permittee - the holder of this permit.

Progressive Reclamation - Closure and Reclamation activities conducted during the operating phase of the project.

Secondary Containment - containment that prevents liquids that leak from Fuel Storage Tanks or containers from reaching outside the containment area and includes double-walled Tanks, piping, liners, and impermeable barriers.

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

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.

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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 300 metres of any privately owned or leased land or structures, including cabins used for traditional activities, unless otherwise approved by the Board.	PRIVATE PROPERTY SETBACK
3. The Permittee shall not conduct a quarry operation within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.	QUARRY SETBACK
4. Prior to the commencement of the land-use operation, the Permittee shall mark each corner of the land-use area.	MARK AREA
5. The Permittee shall maintain the corner markings until the area is reclaimed.	CORNER POSTS
6. 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	
7. <u>Option 1:</u> 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) [REDACTED]	INITIAL NOTIFICATION – CONTACT INSPECTOR
8. At least 48 hours prior to commencement of the land-use operation, the Permittee shall provide the following information, in writing, to the Board and an Inspector: a) the name(s) of the person(s) in charge of the field operation; b) alternates; and c) all methods for contacting the above person(s).	IDENTIFY AGENT
9. At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of: a) the plan for removal or storage of equipment and materials; b) when final cleanup and reclamation of the land used will be completed; and c) when the Final Plan will be submitted.	REPORTS BEFORE FINAL REMOVAL

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

- 10. The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application.
- 11. The Permittee shall maintain fire-fighting equipment at the site.

USE APPROVED
EQUIPMENT

FIRE-FIGHTING
EQUIPMENT

26(1)(d) Methods and Techniques

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

- 12. 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

- 13. The land-use operation shall not cause obstruction to any natural drainage.
- 14. The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses.
- 15. The Permittee shall apply appropriate mitigation at the first sign of erosion.
- 16. The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface.
- 17. The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging.
- 18. 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.
- 19. 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.

NATURAL DRAINAGE

PROGRESSIVE
EROSION CONTROL

REPAIR
EROSION

PREVENTION OF
RUTTING

SUSPEND OVERLAND
TRAVEL

VEHICLE MOVEMENT
FREEZE-UP

EXCAVATION AND
EMBANKMENTS

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

20. 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

21. The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.

HABITAT DAMAGE

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

22. 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

23. The Permittee shall keep all garbage and debris in a secure container until disposal.

GARBAGE CONTAINER

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

24. The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground.

**ARCHAEOLOGICAL
BUFFER**

25. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.

SITE DISTURBANCE

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

**SITE DISCOVERY AND
NOTIFICATION**

- a) immediately suspend operations on the site; and
- b) notify the Board at (867) 669-0506 or an Inspector at (867) [REDACTED] and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255.

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

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26(1)(l) Security Deposit

27. Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$ [REDACTED].

SECURITY DEPOSIT

Commented [EJ1]: Pending Board decision

28. All costs to remediate the area under this Permit are the responsibility of the Permittee.

**RESPONSIBILITY FOR
REMEDICATION COSTS**

26(1)(m) Fuel Storage

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| 29. | The Permittee shall:
a) examine all Fuel Storage Containers and Tank for leaks; and
b) repair all leaks immediately. | REPAIR LEAKS |
| 30. | The Permittee shall set up all refueling points with Secondary Containment. | SECONDARY
CONTAINMENT -
REFUELING |
| 31. | The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. | FUEL CONTAINMENT |
| 32. | The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name. | MARK CONTAINERS
AND TANKS |
| 33. | 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 |
| 34. | 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 |
| 35. | 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 |
| 36. | The Permittee shall clean up all leaks, spills, and contaminated material immediately. | CLEAN UP SPILLS |
| 37. | During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall:
a) implement the approved Spill Contingency Plan;
b) report it-immediately using the NU-NT Spill Report Form by one of the following methods: <ul style="list-style-type: none">• Telephone: (867) 920-8130• Fax: (867) 873-6924• E-mail: spills@gov.nt.ca• Online: Spill Reporting and Tracking Database
c) within 24 hours, notify the Board and an Inspector; and
d) within 30 days of initially reporting the incident, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur. | REPORT SPILLS |

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

38. 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

39. The Permittee shall not clear areas larger than identified in the complete application.

MINIMIZE AREA
CLEARED

26(1)(o) Restoration of the Lands

40. The Permittee shall dispose of all overburden as approved by the Board, or as otherwise authorized in writing by an Inspector.

DISPOSAL OF
OVERBURDEN

41. The Permittee shall save the organic soil stripped from the land use area and shall use the organic soil for reclamation as approved by the Board, or otherwise authorized in writing by an Inspector.

SAVE AND PLACE
ORGANIC SOIL

42. Prior to the end of the land-use operation, the Permittee shall level all stockpiles of granular material located within the land use area.

LEVEL STOCKPILES

43. 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

44. 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

45. The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so.

PROGRESSIVE
RECLAMATION

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

46. 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

47. 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

48. Prior to the commencement of the land-use operation, the Permittee shall submit a revised [REDACTED] Plan (e.g. Waste Management or Spill Contingency or Engagement Plan) in accordance with [REDACTED] Guidelines (e.g. MVLWB's "Guidelines for Developing a Waste Management Plan" or Aboriginal Affairs and Northern Development Canada's "Guidelines for Spill Contingency Planning" or MVLWB's "Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits") to the Board for approval.

~~SUBMIT REVISED PLAN~~

Commented [EJ2]: Pending Board Decision

- 49. 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.
- 50. 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.
- 51. All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.

RESUBMIT PLAN

ENGAGEMENT PLAN

**SUMMARY OF
CHANGES**

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