

Conditions Annexed to and Forming Part of Land Use Permit # S19A-004

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) "SCOPE OF OPERATION": Well abandonment; final closure and reclamation; consolidation of closure and reclamation activities under the land use permits S01A-007, S03A-007, S03A-008 and S04A-010.
2. This Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, item 1 of this Permit.
3. Compliance with the terms and conditions of this Permit does not excuse the Permittee from its obligation to comply with the requirements of any applicable Federal, Territorial, Tłıchǫ, or Municipal laws.

Part B: Definitions (defined terms are capitalized throughout the Permit)

Act - the *Mackenzie Valley Resource Management Act*.

Board - the Sahtu Land and Water Board established under Part 3 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.

Professional Engineer - a person registered with the Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists to practice as a Professional Engineer in the Northwest Territories as per the territorial *Engineering and Geoscience Professions Act*, and whose professional field of specialization is appropriate to address the components of the Project at hand.

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.

Shut Down Period - The period of time between [DATE and DATE] each year, for the purpose of this operation.

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 – [March 31/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.

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

26(1)(a) Location and Area

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| 1. | The Permittee shall not conduct any part of the land-use operation within [redacted] 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 |
| 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. | CAMP SETBACK |
| 3. | The Permittee shall use an existing campsite, as described in the complete application. | USE EXISTING CAMP |
| 4. | 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 |
| 5. | The Permittee shall locate all lines, trails, and right-of-ways to be constructed parallel to any Watercourse a minimum of 100 metres from the Ordinary High-Water Mark, except at crossings. | PARALLEL WATERCOURSE SETBACK |
| 6. | The Permittee shall confine the width of the right-of-way to a maximum of 10 metres. | WIDTH RIGHT-OF-WAY |

26(1)(b) Time

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| 7. | <u>Option 1:</u>
At least 48 hours prior to returning to the worksite following a seasonal Shut Down Period, the Permittee's Field Supervisor shall notify the Board and contact an Inspector at (867) [redacted] | SEASONAL 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 Shut Down Period or Spring Break-up], the Permittee shall advise an Inspector of:
a) the plan for removal or storage of equipment and materials; and
b) when cleanup and Progressive Reclamation of the land used will be completed. | REPORTS BEFORE SEASONAL REMOVAL |

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| <p>10. At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of:</p> <ul style="list-style-type: none"> a) the plan for removal or storage of equipment and materials; b) when final cleanup and reclamation of the land used will be completed; and c) when the Final Plan will be submitted. | <p>REPORTS BEFORE
FINAL REMOVAL</p> |
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26(1)(c) Type and Size of Equipment

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| <p>11. The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application.</p> | <p>USE APPROVED
EQUIPMENT</p> |
| <p>12. The Permittee shall maintain fire-fighting equipment at the site.</p> | <p>FIRE-FIGHTING
EQUIPMENT</p> |

26(1)(d) Methods and Techniques

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| <p>13. The Permittee shall Dogleg lines, trails and right-of-ways that approach Watercourses or public roads.</p> | <p>DOGLEG
APPROACHES</p> |
| <p>14. 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.</p> | <p>DETOURS AND
CROSSINGS</p> |
| <p>15. The Permittee shall remove all wire from the land as the land-use operation progresses.</p> | <p>REMOVE WIRE</p> |
| <p>16. 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.</p> | <p>WINTER ROADS</p> |
| <p>17. The Permittee shall not erect camps or store material, other than that required for immediate use, on the ice surface of a Watercourse.</p> | <p>STORAGE ON ICE</p> |

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

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| <p>18. The Permittee shall ensure that the land use area is kept clean at all times.</p> | <p>CLEAN WORK
AREA</p> |
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26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land

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| <p>19. The Permittee shall insulate the ground surface beneath all structures associated with this land-use operation to prevent:</p> <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. | <p>PERMAFROST
PROTECTION</p> |
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| 20. The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses. | PROGRESSIVE
EROSION
CONTROL |
| 21. The Permittee shall apply appropriate mitigation at the first sign of erosion. | REPAIR
EROSION |
| 22. The Permittee shall only conduct off-road vehicle travel on snow-covered surfaces. | OFF-ROAD
VEHICLE TRAVEL |
| 23. The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface. | PREVENTION OF
RUTTING |
| 24. The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging. | SUSPEND
OVERLAND
TRAVEL |
| 25. 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 |
| 26. The Permittee shall only use clean water and snow in the construction of ice bridges and snow fills. | CONSTRUCT
ICE BRIDGES
SNOWFILLS |
| 27. 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 |
| 28. The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector. | STREAM BANKS |
| 29. The Permittee shall minimize approach grades on all Watercourse crossings. | MINIMIZE
APPROACH |
| 30. The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High-Water Mark of any Watercourse. | EQUIPMENT:
WATERCOURSE
BUFFER |
| 26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material | |
| 31. 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 |
| 32. The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan. | WASTE
CHEMICAL
DISPOSAL |
| 33. The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility. | WASTE
PETROLEUM
DISPOSAL |

<p>34. 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.</p>	<p>NOTIFICATION OF SOLID WASTE DISPOSAL</p>
<p>26(1)(h) Wildlife and Fish Habitat</p>	
<p>35. The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.</p>	<p>HABITAT DAMAGE</p>
<p>26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage</p>	
<p>36. 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.</p>	<p>WASTE MANAGEMENT</p>
<p>37. The Permittee shall keep all garbage and debris in a secure container until disposal.</p>	<p>GARBAGE CONTAINER</p>
<p>38. The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan.</p>	<p>SEWAGE DISPOSAL - PLAN</p>
<p>26(1)(j) Protection of Historical, Archaeological, and Burial Sites</p>	
<p>39. The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or within 500 metres of a burial ground.</p>	<p>ARCHAEOLOGICAL BUFFER</p>
<p>40. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.</p>	<p>SITE DISTURBANCE</p>
<p>26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value (intentionally left blank)</p>	
<p>26(1)(l) Security Deposit</p>	
<p>41. Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$ [REDACTED]</p>	<p>SECURITY DEPOSIT</p>
<p>42. All costs to remediate the area under this Permit are the responsibility of the Permittee.</p>	<p>RESPONSIBILITY FOR REMEDIATION COSTS</p>
<p>26(1)(m) Fuel Storage</p>	
<p>43. The Permittee shall:</p>	<p>REPAIR LEAKS</p>

- a) examine all Fuel Storage Containers and Tank for leaks; and repair all leaks immediately.
44. 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.
45. The Permittee shall ensure that all fuel caches have adequate Secondary Containment.
46. The Permittee shall set up all refueling points with Secondary Containment.
47. The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.
48. The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours.
49. The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name.
50. 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.
51. The Permittee shall have a maximum of [REDACTED] litres of fuel stored on the land use site at any time, unless otherwise approved by the Board.
52. 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.
53. 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.
54. 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.
55. 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.
56. 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.
57. The Permittee shall clean up all leaks, spills, and contaminated material immediately

**FUEL STORAGE
SETBACK**

**FUEL CACHE
SECONDARY
CONTAINMENT
SECONDARY
CONTAINMENT -
REFUELING
FUEL
CONTAINMENT**

FUEL ON LAND

**MARK
CONTAINERS
AND TANKS**

**MARK FUEL
LOCATION**

**MAXIMUM FUEL
ON SITE**

**REPORT FUEL
LOCATION**

SEAL OUTLET

**SPILL
CONTINGENCY
PLAN**

SPILL RESPONSE

DRIP TRAYS

CLEAN UP SPILLS

Commented [AV1]: Fuel Requirements for the project as given in PDR:
 •Service Rig and Boiler = 2000Liters/day x 2 rigs x 90 days. = 360,000 Liters.
 •Camp = 3000Liters/day x 2 camps x 90 days = 540,000 Liters.
 •Trucks /Generators/Light Towers and Miscellaneous = 1000 Liters/day x 90 = 90,000 Liters.
 •Propane 100 Liters/Day (Testers/camp).
 •2000 Liters jet fuel if required;
 •1000 Liters of gasoline.

58. 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:
 - 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 (intentionally left blank)

26(1)(o) Restoration of the Lands

59. All outstanding liabilities and obligations of the Permittee in relation to work performed or required to be performed under Land Use Permits S01A-007, S03A-007, S03A-008 and S04A-010 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 Permits S01A-007, S03A-007, S03A-008 and S04A-010, as well as such further obligations as may be set out in or incurred under this Permit.
60. The Permittee shall dispose of all overburden as approved by the Board, or as otherwise authorized in writing by an Inspector.
61. Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used.
62. Prior to the end of the land-use operation, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation.
63. Prior to the end of the land-use operation, the Permittee shall initiate active revegetation of disturbed areas.
64. The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so.

TRANSFER OF LIABILITIES

**DISPOSAL OF OVERBURDEN
FINAL CLEANUP AND RESTORATION
NATURAL VEGETATION**

ACTIVE REVEGETATION

PROGRESSIVE RECLAMATION

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

65. The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation.

DISPLAY PERMIT

66. The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation.

COPY OF PERMIT

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

67. The Permittee shall not move any equipment or commence any drilling when one or more caribou are within 500 metres.

CARIBOU
DISTURBANCE

68. 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
SUBMIT REVISED
PLAN

69. Prior to the commencement of the land-use operation, the Permittee shall submit a revised Waste Management Plan in accordance with Guidelines for Developing a Waste Management Plan to the Board for approval.

PLAN

Commented [AV2]: A recommendation from GNWT-ENR from the first round of review stated that "Should the Proponent intend to deposit waste in an NWT community Solid and Liquid Waste Disposal Facility, ENR requests that the Proponent demonstrate in the Waste Management Plan, and to the Board, that the receiving communities' Solid and Liquid Waste Disposal Facility holds a Water Licence that authorizes the disposal of any industrial waste streams originating from outside municipal boundaries."

70. 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

71. 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

72. All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.

SUMMARY OF
CHANGES