

Yellow highlighting = potential additions to the permit conditions

Green Highlighting = non-standard condition carried forward

Blue Highlighting = information to add

Conditions Annexed to and Forming Part of Land Use Permit # S23Q-001

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Quarrying of granular materials;
 - b) Construction, operation and maintenance of ice bridge and winter access road from the Mackenzie Valley Winter Road to the Little Bear River Quarry; and
 - c) Use of equipment, vehicles and machines.
2. This Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, item 1 of this Permit.
3. Compliance with the terms and conditions of this Permit does not excuse the Permittee from its obligation to comply with the requirements of any applicable Federal, Territorial, Deline, Tłı̨chǫ, 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.

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.

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.

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.

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.

Shut Down Period - The period of time between March 31 and November 01 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 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.

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.

DRAFT

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

- | | | |
|----|---|-------------------------------------|
| 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. | 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 |
| 5. | Prior to the commencement of the land-use operation, the Permittee shall accompany an Inspector during an inspection of the proposed land use area. | INSPECT LOCATIONS |

26(1)(b) Time

- | | | |
|----|---|--|
| 6. | At least 48 hours prior to the initial commencement of the land-use operation, the Permittee's Field Supervisor shall notify the Board and contact an Inspector at (867) [REDACTED]. | INITIAL NOTIFICATION – CONTACT INSPECTOR |
| 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 Spring Break-up, the Permittee shall advise an Inspector of: | REPORTS BEFORE SEASONAL REMOVAL |

- 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.
10. 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.
11. The Permittee shall not conduct any activity associated with the land-use operation during the Shut Down Period.

**REPORTS BEFORE
FINAL REMOVAL**

**SEASONAL SHUT
DOWN**

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

12. The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application.

**USE APPROVED
EQUIPMENT**

26(1)(d) Methods and Techniques

13. The Permittee shall Dogleg lines, trails and right-of-ways that approach Watercourses or public roads.

**DOGLEG
APPROACHES**

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.

**DETOURS AND
CROSSINGS**

15. The Permittee shall construct and maintain the overland portion of winter roads with a minimum of 10 cm of packed snow and/or ice at all times during this land-use operation.

WINTER ROADS

16. The Permittee shall not erect camps or store material, other than that required for immediate use, on the ice surface of a Watercourse.

STORAGE ON ICE

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

17. The Permittee shall ensure that the land use area is kept clean at all times.

**CLEAN WORK
AREA**

18. The Permittee shall provide an electronic copy of all shot and receiver points, for all seismic lines surveyed during the operation, to the Board and an Inspector.

**SEISMIC SURVEY
DATA**

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

- | | |
|--|--|
| 19. The land-use operation shall not cause obstruction to any natural drainage. | NATURAL DRAINAGE |
| 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 prepare the site in such a manner as to prevent rutting or gouging of the ground surface. | PREVENTION OF RUTTING |
| 23. The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging. | SUSPEND OVERLAND TRAVEL |
| 24. 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 |
| 25. The Permittee shall only use clean water and snow in the construction of ice bridges and snow fills. | CONSTRUCT ICE BRIDGES SNOWFILLS |
| 26. 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 |
| 27. The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector. | STREAM BANKS |
| 28. The Permittee shall minimize approach grades on all Watercourse crossings. | MINIMIZE APPROACH |
| 29. 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 |
| 30. The Permittee shall not excavate land within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. | EXCAVATION SETBACK |

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

31. The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility.
- WASTE
PETROLEUM
DISPOSAL**

26(1)(h) Wildlife and Fish Habitat

32. 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

33. 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**

34. 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

35. 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**

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

37. 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) [redacted] 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

Intentionally left blank

26(1)(l) Security Deposit

38. All costs to remediate the area under this Permit are the responsibility of the Permittee.
- RESPONSIBILITY
FOR
REMIEDIATION
COSTS**

26(1)(m) Fuel Storage

- | | |
|---|--|
| 39. The Permittee shall ensure that all fuel caches have adequate Secondary Containment. | FUEL CACHE
SECONDARY
CONTAINMENT |
| 40. The Permittee shall set up all refueling points with Secondary Containment. | SECONDARY
CONTAINMENT -
REFUELING |
| 41. The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. | FUEL
CONTAINMENT |
| 42. The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours. | FUEL ON LAND |
| 43. 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 |
| 44. 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 |
| 45. 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 |
| 46. The Permittee shall clean up all leaks, spills, and contaminated material immediately | CLEAN UP SPILLS |
| 47. 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• <u>Online: Spill Reporting and Tracking Database</u>
c) within 24 hours, notify the Board and an Inspector; and
d) within 30 days of initially reporting the incident, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur. | REPORT SPILLS |

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

- 48. 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**
- 49. The Permittee shall not clear areas larger than identified in the complete application. **MINIMIZE AREA
CLEARED**

26(1)(o) Restoration of the Lands

- 50. All outstanding liabilities and obligations of the Permittee in relation to work performed or required to be performed under Land Use Permit S16Q-003 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 S16Q-003, as well as such further obligations as may be set out in or incurred under this Permit. **TRANSFER OF
LIABILITIES**
- 51. All areas affected by construction or removal activities shall be stabilized and landscaped to their pre-construction profiles, unless otherwise authorized in writing by an Inspector. **PRE-
CONSTRUCTION
PROFILES**
- 52. The Permittee shall store overburden and shall use it to recontour the site after operations is complete, and for reclamation as approved by the Board, or otherwise authorized in writing by an Inspector. **SAVE AND PLACE
OVERBURDEN**
- 53. 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**
- 54. 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**
- 55. 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**
- 56. The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so. **PROGRESSIVE
RECLAMATION**
- 57. Prior to the end of the land-use operation, the Permittee shall restore any trails impacted by the land-use operation by removing fallen trees and any other obstructions from the trails. **TRAILS
RESTORATION**

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

58. 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

59. The Permittee shall not move any equipment or commence any drilling when one or more caribou are within 500 metres. **CARIBOU DISTURBANCE**
60. 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**
61. 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**
62. 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**
63. All revised plans submitted to the Board shall include a brief summary of the changes made to the plan. **SUMMARY OF CHANGES**

DRAFT