

# Land and Water Boards of the Mackenzie Valley



## Standard Land Use Permit Conditions Template

Updated August 7, 2020

### Introduction

The Land Use Permit Conditions Team, formed jointly by the Gwich'in, Sahtu, Wek'èezhii, and Mackenzie Valley Land and Water Boards, is pleased to present an update to the Standard Land Use Permit Conditions Template (the Template). The Template has been approved by the Mackenzie Valley Land and Water Board (MVLWB) for staff to use when developing draft land use permits.

The standard conditions forming part of the Template have been established by the Team based on information from an Inspectors workshop and a public workshop held in March 2011, input from Board staff, and comments from Inspectors. Conditions have been evaluated by the Team and reviewed by legal counsel against the following five characteristics of an ideal condition:

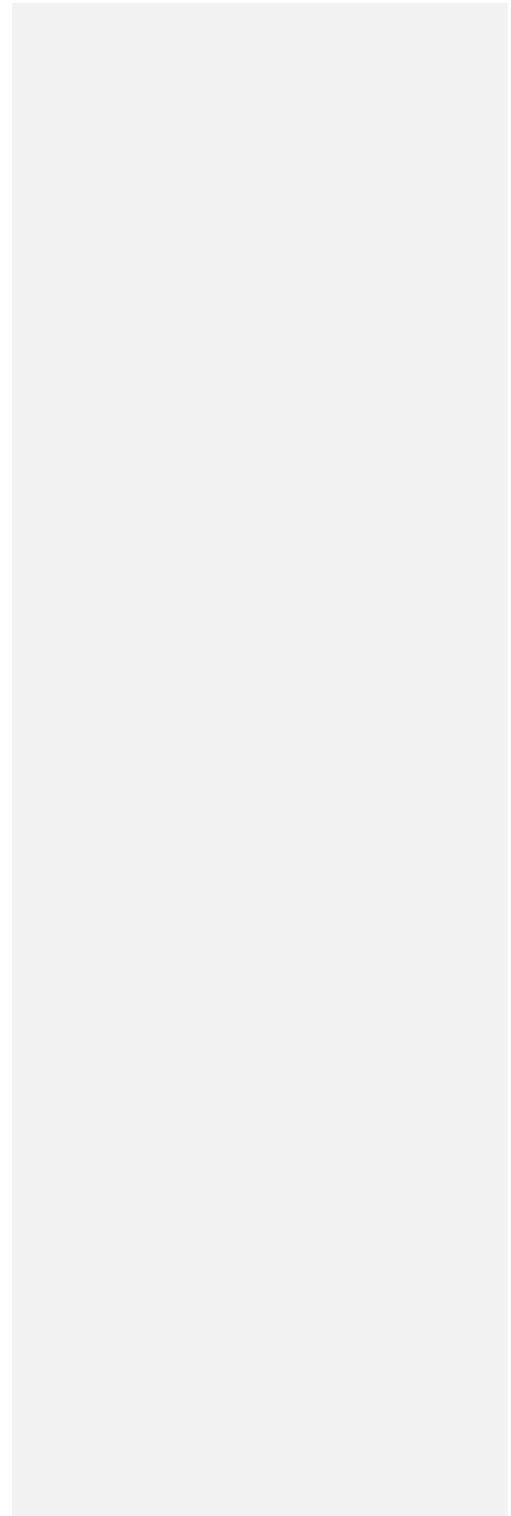
- Clearly part of Land and Water Board authority;
- Has a clear purpose and rationale;
- Is practical and enforceable;
- Matches the scale of the project; and
- Does not conflict with existing legislation (i.e. is not less stringent).

Some common conditions are not found on this list because either: a) they are currently under review (e.g., by multi-agency working groups), or b) they are not considered 'standard conditions' and are catalogued on a separate list. These conditions may still be used at the discretion of the Board provided they meet the characteristics listed above. New or revised conditions may also be used following evaluation through the Standard Process for New Conditions (a public document available on Land and Water Board Websites).

This template will be used during the review and approval process for new permits, renewals (i.e. new permits for ongoing projects), requests to amend conditions of existing permits, and amendments to conditions that may be made upon assignment of permits. Changes may be made to the template under the direction of the Executive Directors of the Land and Water Boards; the up-to-date Template will be maintained on the LWB websites.

Reviewers are encouraged to refer to the conditions and rationale on this list when making recommendations to the Board regarding mitigation measures for specific projects. The Team also welcomes feedback from applicants and reviewers regarding specific conditions and rationale at any time.

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## Conditions Annexed to and Forming Part of Land Use Permit # S24F-008

### Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
  - a) use of vehicles >10 tonnes on an existing private access road between the Great Bear Lake Lodge (NWT Lease # 86L/12-2-5) and the associated airstrip (NWT Lease# 86L/12-1-5);
  - b) use of an existing quarry to obtain granular borrow materials and gravel for maintenance of the existing road and airstrip through application to GNWT – Department of Lands; and
  - c) use of fuel storage containers with capacity greater than 4,000L located at the associated NWT Lease areas.
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, 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 Sahtú 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.

**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.

**Commented [NL1]:** Applicant: Pls update these dates expected if applicable.

**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.

**Commented [NL2]:** Applicant: Pls update these dates expected if applicable

**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)

	<b>Condition</b>	<b>Category</b>
	<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 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.	<b>PRIVATE PROPERTY SETBACK</b>
3.	The Permittee shall use an existing campsite, as described in the complete application.	<b>USE EXISTING CAMP</b>
4.	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>
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 and except as described in the Application, and approved by the Board.	<b>PARALLEL WATERCOURSE SETBACK</b>
6.	The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.	<b>PARALLEL ROADS</b>
7.	The Permittee shall confine the width of the right-of-way to a maximum of 10 metres.	<b>WIDTH RIGHT-OF-WAY</b>
	<b>26(1)(b) Time</b>	
8.	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 a GNWT Inspector at (867) 587-7205.	<b>SEASONAL NOTIFICATION – CONTACT INSPECTOR</b>
9.	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 the Inspectors: a) the name(s) of the person(s) in charge of the field operation; b) alternates; and	<b>IDENTIFY AGENT</b>

	c) all methods for contacting the above person(s).	
10.	At least ten days prior to the Shut Down Period , the Permittee shall advise the Inspectors 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.	<b>REPORTS BEFORE SEASONAL REMOVAL</b>
11.	At least ten days prior to the completion of the land-use operation, the Permittee shall advise the Inspectors 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.	<b>REPORTS BEFORE FINAL REMOVAL</b>
12.	The Permittee shall not conduct any activity associated with the land-use operation during the Shut Down Period.	<b>SEASONAL SHUT DOWN</b>
	<b>26(1)(c) Type and Size of Equipment</b>	
13.	The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application.	<b>USE APPROVED EQUIPMENT</b>
14.	The Permittee shall use portable ramps during loading or unloading of ships or barges.	<b>PORTABLE RAMPS</b>
15.	The Permittee shall maintain fire-fighting equipment at the site.	<b>FIRE-FIGHTING EQUIPMENT</b>
	<b>26(1)(d) Methods and Techniques</b>	
16.	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.	<b>DETOURS AND CROSSINGS</b>
	<b>26(1)(e) Type, Location, Capacity, and Operation of All Facilities</b>	
17.	The Permittee shall ensure that the land use area is kept clean at all times.	<b>CLEAN WORK AREA</b>
	<b>26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land</b>	
18.	The Permittee shall install and maintain culverts such that scouring does not occur.	<b>CULVERT SIZE</b>

19.	The Permittee shall insulate the ground surface beneath all structures associated with this land-use operation to prevent: a) any vegetation present from being removed; b) the melting of Permafrost; and c) the ground settling and/or eroding.	<b>PERMAFROST PROTECTION</b>
20.	The land-use operation shall not cause obstruction to any natural drainage.	<b>NATURAL DRAINAGE</b>
21.	The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses.	<b>PROGRESSIVE EROSION CONTROL</b>
22.	The Permittee shall apply appropriate mitigation at the first sign of erosion.	<b>REPAIR EROSION</b>
23.	The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface.	<b>PREVENTION OF RUTTING</b>
24.	The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging.	<b>SUSPEND OVERLAND TRAVEL</b>
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.	<b>VEHICLE MOVEMENT FREEZE-UP</b>
26.	The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector.	<b>STREAM BANKS</b>
27.	The Permittee shall minimize approach grades on all Watercourse crossings.	<b>MINIMIZE APPROACH</b>
28.	The Permittee shall use temporary bridges or dry fording when crossing streams.	<b>DRY FORDING</b>
29.	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>
30.	The Permittee shall not excavate land within 100 metres of the Ordinary High Water Mark of any Watercourse, except as described in the Application, 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>	



31.	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>
32.	The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.	<b>WASTE CHEMICAL DISPOSAL</b>
33.	The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility.	<b>WASTE PETROLEUM DISPOSAL</b>
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.	<b>NOTIFICATION OF SOLID WASTE DISPOSAL</b>
	<b>26(1)(h) Wildlife and Fish Habitat</b>	
35.	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>	
36.	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>
37.	The Permittee shall keep all garbage and debris in a secure container until disposal.	<b>GARBAGE CONTAINER</b>
38.	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>	
39.	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>
40.	The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.	<b>SITE DISTURBANCE</b>

41.	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) 768-2503 or an Inspector at (867) 587-7205, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255.	<b>SITE DISCOVERY AND NOTIFICATION</b>
	<b>26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value</b>	
	<i>This section left intentionally blank</i>	
	<b>26(1)(l) Security Deposit</b>	
42.	Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$ 15,000.00	<b>SECURITY DEPOSIT</b>
43.	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>	
44.	The Permittee shall: a) examine all Fuel Storage Containers and Tank for leaks; and b) repair all leaks immediately.	<b>REPAIR LEAKS</b>
45.	The Permittee shall place Fuel Storage Containers and or Tanks a minimum of 14 metres from the Ordinary High Water Mark of any Watercourse, except as described in the Application, unless otherwise authorized in writing by an Inspector.	<b>FUEL STORAGE SETBACK</b>
46.	The Permittee shall ensure that all fuel caches have adequate Secondary Containment.	<b>FUEL CACHE SECONDARY CONTAINMENT</b>
47.	The Permittee shall set up all refueling points with Secondary Containment.	<b>SECONDARY CONTAINMENT - REFUELING</b>
48.	The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	<b>FUEL CONTAINMENT</b>
49.	The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours.	<b>FUEL ON LAND</b>
50.	The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name.	<b>MARK CONTAINERS AND TANKS</b>

**Commented [NL3]:** The SLWB approved \$20,000 security for GBL Water Licence S24L3-001 June 3, 2024. The LUP currently holds \$15,000.

**Commented [NL4]:** The SLWB approved a 14 meter fuel storage setback on June 3, 2024 for the GBL WL S24L3-001.

51.	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>
52.	The Permittee shall have a maximum of <b>816,350</b> litres of fuel stored on the land use site at any time, unless otherwise approved by the Board.	<b>MAXIMUM FUEL ON SITE</b>
53.	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>
54.	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>
55.	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>
56.	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>
57.	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>
58.	The Permittee shall clean up all leaks, spills, and contaminated material immediately.	<b>CLEAN UP SPILLS</b>
59.	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>• E-mail: <a href="mailto:spills@gov.nt.ca">spills@gov.nt.ca</a></li> <li>• Online: <a href="#">Spill Reporting and Tracking Database</a></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</li> </ul>	<b>REPORT SPILLS</b>

	updates to this report shall be provided to the Board and an Inspector in writing as changes occur.	
	<b>26(1)(n) Methods and Techniques for Debris and Brush Disposal</b>	
60.	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>
61.	The Permittee shall not clear areas larger than identified in the complete application.	<b>MINIMIZE AREA CLEARED</b>
	<b>26(1)(o) Restoration of the Lands</b>	
62.	All outstanding liabilities and obligations of the Permittee in relation to work performed or required to be performed under Land Use Permit S21F-002 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 S21F-002, as well as such further obligations as may be set out in or incurred under this Permit.	<b>TRANSFER OF LIABILITIES</b>
63.	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>
64.	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>
65.	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>
66.	Prior to the end of the land-use operation, the Permittee shall initiate active revegetation of disturbed areas.	<b>ACTIVE REVEGETATION</b>
67.	The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so.	<b>PROGRESSIVE RECLAMATION</b>
68.	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>
	<b>26(1)(p) Display of Permits and Permit Numbers</b>	
69.	The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation.	<b>DISPLAY PERMIT</b>

	<b>26(1)(g) Biological and Physical Protection of the Land</b>	
70.	The Permittee shall not move any equipment or commence any drilling when one or more caribou are within 500 metres.	<b>CARIBOU DISTURBANCE</b>
71.	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>
72.	Prior to the commencement of the land-use operation, the Permittee shall submit a revised [REDACTED] Plan (e.g. <i>Waste Management or Spill Contingency or Engagement Plan</i> ) in accordance with [REDACTED] Guidelines (e.g. <i>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"</i> ) to the Board for approval.	<b>SUBMIT REVISED PLAN</b>
73.	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>
74.	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>
75.	All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.	<b>SUMMARY OF CHANGES</b>

**Commented [NL5]:** Update after Board meeting; if all Plans approved, remove this condition.