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LAND USE PERMIT

Permit Class	Permit No	Amendment No
A	W2016E0004	

Subject to the Mackenzie Valley Land Use Regulations and the terms and conditions in this Permit, authority is hereby granted to:

Government of the Northwest Territories
Department of Infrastructure (GNWT-INF)

Permittee

To proceed with the land use operation described in application of:

Signature Michael Conway	Date January 7, 2019
Type of Land use Operation Construction, maintenance, and operation of an all-season highway, including use of associated quarries, access roads, camps, fuel storage, and heavy equipment	
Location Near Km 196 along Highway #3 to Community of Whatì	

This permit may be assigned, extended, discontinued, suspended or cancelled pursuant to the Mackenzie Valley Land Use Regulations.

Dated at _____ this _____ day of _____, _____

Signature Chair

Signature Witness

Effective Date

February 27, 2019

Expiry Date

February 26, 2024

Attention

It is a condition of this Permit that the Permittee comply with the provisions of the *Mackenzie Valley Resource Management Act* and regulations and the terms and conditions set out herein. A failure to comply may result in suspension or cancellation of this Permit by the Board.

Green Highlighting reflects standard definitions or standard conditions included by Board Staff
Yellow Highlighting reflects non-standard conditions that appear relevant to the proposed activities

Conditions Annexed to and Forming Part of Land Use Permit # W2016E0004

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operations:
 - a) construction and operation of an all-season highway;
 - b) development and operation of quarries, including associated access roads;
 - c) the operation of summer and winter construction camps, including equipment, fuel and material storage areas and maintenance facilities;
 - d) the use of explosives;
 - e) the use of self-propelled earth moving equipment and equipment over 10 tons;
 - f) the use of single containers for the storage of petroleum fuel that have a capacity exceeding 4000 litres;
 - g) the use of earth-drilling machinery;
 - h) construction of access roads and winter roads to quarries and water sources; and
 - i) construction of bridges and culverts.
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, Condition 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, Tłchq, or Municipal laws.

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

Act - the *Mackenzie Valley Resource Management Act*.

Archaeological Impact Assessment - 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 Wek'èezhìi Land and Water Board established in Section 57.1(1) of the *Mackenzie Valley Resource Management Act*.

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

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 Fluids - 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 *Mackenzie Valley Resource Management 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 1:2year 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.

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.

Sump - a man-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.

DRAFT

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 not conduct any part of the land-use operation within 300 metres of a cabin used for traditional activities, including trapping, hunting, or fishing, unless otherwise authorized in writing by the Board.	AVOID CABINS
2. The Permittee shall locate all camps on Durable Land or previously cleared areas.	CAMP LOCATION
3. Prior to the commencement of drilling, the Permittee shall submit the drill target locations on a 1:50,000-scale map with coordinates and map datum to the Board and an Inspector.	DRILL LOCATIONS
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.	QUARRY SETBACK
5. A minimum of 90 days prior to the commencement of a quarry operation, the Permittee shall submit a Quarry Operations Plan to the Board for approval.	QUARRY OPERATIONS PLAN
6. The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.	PARALLEL ROADS
7. The Permittee shall not conduct this land-use operation on any lands not designated in the complete application.	LOCATION OF ACTIVITIES
8. 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
9. The Permittee shall confine the width of the right of way to a maximum of 60 metres.	WIDTH RIGHT-OF-WAY
26(1)(b) Time	
10. At least 48 hours prior to the commencement of the land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) 767-9188.	CONTACT INSPECTOR
11. 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: <ul style="list-style-type: none"> <li data-bbox="269 1686 1045 1717">a) the name(s) of the person(s) in charge of the field operation; <li data-bbox="269 1738 505 1770">b) alternates; and <li data-bbox="269 1791 886 1822">c) all methods for contacting the above person(s). 	IDENTIFY AGENT

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| <p>12. At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of:</p> <p>(a) the plan for removal or storage of equipment and materials; and</p> <p>(b) when final cleanup and reclamation of the land used will be completed.</p> | <p>REPORTS BEFORE REMOVAL</p> |
| <p>13. The Board, for the purpose of this operation, designates April 15 as spring break-up.</p> <p>26(1)(c) Type and Size of Equipment</p> | <p>SPRING
BREAK-UP</p> |
| <p>14. The Permittee shall not use any equipment except of a similar type, size, and number to that listed in the complete application, unless otherwise authorized in writing by an Inspector.</p> | <p>ONLY APPROVED
EQUIPMENT</p> |
| <p>15. The Permittee shall maintain fire-fighting equipment at the site in accordance with the <i>Government of the Northwest Territories' Forest Fire Prevention and Suppression Guidelines for Industrial Activities</i>.</p> <p>26(1)(d) Methods and Techniques</p> | <p>FIRE-FIGHTING EQUIPMENT</p> |
| <p>16. The Permittee shall Dogleg quarry access roads that approach Watercourses or public roads.</p> | <p>DOGLEG APPROACHES</p> |
| <p>17. The Permittee shall construct and maintain the overland portion of winter roads not within the road alignment 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>18. 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> |
| <p>19. The Permittee shall leave a buffer strip of undisturbed vegetation at least 30 metres in width between cleared areas and public roads</p> <p>26(1)(e) Type, Location, Capacity, and Operation of All Facilities</p> | <p>TREE SCREEN</p> |
| <p>20. The Permittee shall ensure that the land use area is kept clean at all times.</p> | <p>CLEAN WORK AREA</p> |
| <p>21. 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.</p> <p>26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land</p> | <p>SUMPS FROM WATER</p> |
| <p>22. The Permittee shall install and maintain culverts such that scouring does not occur.</p> | <p>CULVERT SIZE</p> |
| <p>23. Within 60 days of the effective date of the Permit, the Permittee shall submit to the Board for approval a Permafrost Management Plan.</p> | <p>PERMAFROST MANAGEMENT
PLAN</p> |
| <p>24. The Permittee shall minimize erosion by installing erosion control structures as the land-use operation progresses.</p> | <p>PROGRESSIVE EROSION
CONTROL</p> |

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| 25. Within 60 days of the effective date of the Permit, the Permittee shall submit to the Board for approval an Erosion and Sedimentation Plan . | EROSION AND
SEDIMENTATION PLAN |
| 26. 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 |
| 27. The Permittee shall prepare the site in such a manner as to prevent rutting of the ground surface. | PREVENTION OF RUTTING |
| 28. The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting. | SUSPEND OVERLAND TRAVEL |
| 29. Outside the road corridor, quarries, quarry and water source access roads, 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 |
| 30. The Permittee shall not use any material other than clean water and snow in the construction of ice bridges. | ICE BRIDGE MATERIALS |
| 31. The Permittee shall not use any materials other than clean snow and water in the construction of snow fills. | SNOWFILL MATERIALS |
| 32. Prior to spring break-up or completion of the land-use operation, the Permittee shall clean up and either remove or v-notch all snowfills from stream crossings, unless otherwise authorized in writing by an Inspector. | REMOVE OR V-NOTCH
SNOWFILLS |
| 33. Prior to spring break-up or completion of the land-use operation, the Permittee shall clean up and v-notch all ice bridges, unless otherwise authorized in writing by an Inspector. | V-NOTCH ICE BRIDGES |
| 34. The Permittee shall not cut any stream bank, unless otherwise approved by the Board. | STREAM BANKS |
| 35. The Permittee shall minimize approach grades on all Watercourse crossings, unless otherwise approved by the Board. | MINIMIZE APPROACH |
| 36. The Permittee shall not ford wet streams, unless otherwise approved by the Board. | NO FORDING OF STREAMS |
| 37. 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. | EXCAVATION AND
EMBANKMENTS |
| 38. The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High-Water Mark of any Watercourse except as described in the application. | WATERCOURSE BUFFER |

39. 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.

EXCAVATE NEAR
WATERCOURSE

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

40. At least seven days prior to the use of any chemicals that were not identified in the complete application, the MSDS sheets must be provided to the Board and an Inspector.

CHEMICALS

41. 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.

DRILLING NEAR WATER OR
ON ICE

42. The Permittee may deposit Drilling Waste that does not contain Toxic Material in a Sump or natural depression. 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.

DRILLING WASTE

43. The Permittee shall remove all Drilling Waste containing Toxic Material as per the approved **Waste Management Plan**.

DRILLING WASTE DISPOSAL

44. The Permittee shall not allow any Drilling Waste to spread to the surrounding lands or Watercourses.

DRILLING WASTE
CONTAINMENT

45. Prior to spring break-up, the Permittee shall reclaim all Sumps, unless otherwise authorized in writing by an Inspector.

RECLAIM SUMPS

46. 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.

BACKFILL SUMPS

47. The Permittee shall maintain a record of all spills. For all reportable spills, in accordance with the *GNWT Spill Contingency Planning and Reporting Regulations*, the Permittee shall:

REPORT SPILLS

(a) immediately report each spill to the 24-hour Spill Report Line (867) 920-8130;

(b) report each spill to an Inspector within 24 hours; and

(c) submit, to the Board and an Inspector, a detailed report on each spill within 30 days.

48. The Permittee shall dispose of all Toxic Material as described in the approved **Waste Management Plan**.

WASTE CHEMICAL DISPOSAL

49. The Permittee shall dispose of all Waste petroleum products as described in the approved **Waste Management Plan**.

WASTE PETROLEUM
DISPOSAL

26(1)(h) Wildlife and Fish Habitat

50. The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation. **HABITAT DAMAGE**
51. Within 60 days of the effective date of the Permit, the Permittee shall submit to the Board the approved **Wildlife Management and Monitoring Plan**. **WILDLIFE MANAGEMENT AND MONITORING PLAN**
52. A minimum of 30 days prior to the commencement of construction, the Permittee shall submit a draft **Habitat Offset Plan** to the Wek'èezhii Renewable Resources Board. **HABITAT OFFSET PLAN (DRAFT)**
53. A minimum of 90 days prior to public use of the road, the Permittee shall submit a final **Habitat Offset Plan** to the Wek'èezhii Renewable Resources Board for review. **HABITAT OFFSET PLAN (FINAL)**
- 26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage**
54. The Permittee shall adhere to 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**
55. The Permittee shall keep all garbage and debris in a secure container until disposal. **GARBAGE CONTAINER**
56. The Permittee shall dispose of all garbage, Waste, and debris as described in the approved **Waste Management Plan**, unless otherwise authorized in writing by an Inspector. **REMOVE GARBAGE**
57. The Permittee shall dispose of all Sewage and Greywater as described in the approved **Waste Management Plan**. **SEWAGE DISPOSAL - PLAN**
- 26(1)(j) Protection of Historical, Archaeological, and Burial Sites**
58. The Permittee shall not operate any vehicle or equipment within at least 30 metres of a known or suspected historical or archaeological site or burial ground. Where possible, the Permittee shall maintain a 150-metre distance from a known or suspected historical or archaeological site or burial ground. **ARCHAEOLOGICAL BUFFER**
59. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. **SITE DISTURBANCE**
60. 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 implement the Archaeological Site Chance Find Protocol; and
- (b) notify the Board at (867) 713-2500 or an Inspector at (867) 767-9188, and the Prince of Wales Northern Heritage Centre at (867) 767-9347 ext. 71250 or ext. 71251.

61. Within 60 days of the effective date of the Permit, the Permittee shall submit to the Board the Archaeological Site Chance Find Protocol.

ARCHAEOLOGICAL SITE
CHANCE FIND PROTOCOL

62. Prior to any new land disturbance, the Permittee shall consult with the Prince of Wales Northern Heritage Centre to identify if an Archaeological Impact Assessment of the sites where disturbance is planned is required. The Permittee shall submit a summary report to the Board and the NWT Cultural Places Program should an Archaeological Impact Assessment be required.

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

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26(1)(l) Security Deposit

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26(1)(m) Fuel Storage

63. The Permittee shall:

CHECK FOR LEAKS

(a) examine all Fuel Storage Containers and Tank for leaks a minimum once per day; and

(b) repair all leaks immediately.

64. The Permittee shall not place any Fuel Storage Containers or Tanks within 100 metres of the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.

FUEL NEAR WATER

65. The Permittee shall ensure that all Fuel Storage Containers have adequate Secondary Containment.

FUEL SECONDARY
CONTAINMENT

66. The Permittee shall set up all refueling points with Secondary Containment.

SECONDARY CONTAINMENT -
REFUELING

67. The Permittee shall only use stands approved by an Inspector for supporting Fuel Storage Containers that are in use.

FUEL CONTAINER STANDS

68. The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.

FUEL CONTAINMENT

69. The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours.

FUEL ON LAND

104. The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name.

MARK CONTAINERS AND
TANKS

105. 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.

MARK FUEL LOCATION

106. The Permittee shall have a maximum of 80,000 litres of diesel, 15, 000 litres of gasoline, 3,000 pounds of propane and 8,000 litres of oil stored

MAXIMUM FUEL ON SITE

on the land use area at any time, unless otherwise authorized in writing by the Board.

107. 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.

REPORT FUEL LOCATION

108. 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.

SEAL OUTLET

109. The Permittee shall adhere to 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

110. 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

111. 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

112. The Permittee shall clean up all leaks, spills, and contaminated material.

CLEAN UP SPILLS

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

113. Prior to the expiry date of this Permit, the Permittee shall progressively dispose of all brush and trees and shall complete all brush disposal; all disposal shall be completed.

BRUSH DISPOSAL/ TIME

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

MINIMIZE AREA CLEARED

26(1)(o) Restoration of the Lands

115. The Permittee shall dispose of all overburden as instructed by an Inspector.

DISPOSAL OF OVERBURDEN

116. Prior to the expiry date of this Permit, the Permittee shall level all stockpiles of granular material located within the land use area.

NO STOCKPILES

117. Prior to the expiry date of this Permit, the Permittee shall complete all cleanup and restoration of the lands used.

FINAL CLEANUP AND RESTORATION

118. Prior to the expiry date of this Permit, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation.

NATURAL VEGETATION

119. The Permittee shall carry out progressive reclamation of disturbed areas as soon as it is practical to do so.

PROGRESSIVE RECLAMATION

120. 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

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

DISPLAY PERMIT

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

122. Prior to the commencement of the land-use operation, the Permittee shall submit a revised **Waste Management Plan, Spill Contingency Plan, and Engagement Plan** in accordance with *MVLWB's Guidelines for Developing a Waste Management Plan, Aboriginal Affairs and Northern Development Canada's Guidelines for Spill Contingency Planning and MVLWB's Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits, to the Board for approval.*

SUBMIT REVISED PLANS

123. 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

124. The Permittee shall adhere to 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

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

SUMMARY OF CHANGES