

**Draft Conditions for Annexation to Tłıchq All-season Road Land Use Permit # \_\_\_\_\_**

**Part A: Scope of Permit**

1. This Permit entitles Government of the Northwest Territories Department of Transportation (the holder) to conduct the activities described in the Tłıchq All-season Road Project Description Report at Latitude 62 28'54" to 63 10'37"N, Longitude 116 29'07" to 117 00'05" W.:
  - a) Construction 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
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 absolve the Permittee from the responsibility for compliance with the requirements of all applicable federal, territorial, and municipal legislation.

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

**Act** - the *Mackenzie Valley Resource Management Act*.

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

**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.

**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).

**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.

**Sewage Disposal Facilities** - Sump(s) and/or Sewage collection tank(s) and/or storage containers designed to hold Sewage.

**Spill Contingency Plan** - a document, developed in accordance with Aboriginal Affairs and Northern Development Canada's *Guidelines for Spill Contingency Planning* (April 2007), 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 material, such as non-Toxic Drilling Waste or Sewage, therein.

**Toxic** - a 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 Management Plan (WMP)** - 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>Rationale</b>
	<b>26(1)(a) Location and Area</b>		
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.	<b>Avoid Cabins</b>	<p>This condition may not be fully covered by the <b>Private Property</b> condition. The intent here is to protect traditional cabins particularly in cases in which ownership of the land or structure is not clear. Note: land use plans may provide specific buffer/setback distances.</p> <p>A setback of 300m has sometimes been used in the past, but any number may be used at the discretion of the Board.</p>
2.	The Permittee shall locate all camps on Durable Land or previously cleared areas.	<b>Camp Location</b>	<p>The intent is to minimize disturbance by locating camps, which are heavy use areas, on Durable Land that will endure repeated use. In addition, sites that have no vegetative ground cover can better withstand surface disturbance without the Permafrost melting and the ground surface settling. Durable land is defined in the definitions section.</p> <p>This is consistent with best practices outlines in the Department of Fisheries and Ocean's <i>Operational Statement on Mineral Exploration</i>.</p>
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 an Inspector and the Board.	<b>Drill Locations</b>	Final drill target locations are often not known at the time the permit application is submitted, but an Inspector and the Board need to be informed of final drill target locations in order to: ensure that other conditions related to drilling are adhered to, keep a record on the public registry, and inspect drilling 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.	<b>Quarry Setback</b>	<p>Inspector authorization as per MVLUR section 6(b).</p> <p>The intent of this condition is to prevent the deposition of sediment from quarrying that, if occurring near Watercourses, could affect water quality and fish Habitat. MVLUR paragraph 6(b) states that, "Unless expressly authorized by a permit or in writing by an Inspector, no Permittee shall excavate land within 100 metres of a Watercourse at a point that is below its Ordinary High Water Mark". The wording of this condition is more protective since it includes all land within 100 m of a Watercourse, not only "points below its Ordinary High Water Mark."</p>
5.	The Permittee shall not conduct this	<b>Location of</b>	The Permittee must submit, for approval, a

	land-use operation on any lands not designated in the accepted application.	<b>Activities</b>	written request, along with maps, for an amendment to this condition when changes to the area of operation are necessary. Private land, mineral claims, land claims, cultural sites, or other interests in land could be affected.
	<b>26(1)(b) Time</b>		
6.	At least 48 hours prior to the commencement of this land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) _____.	<b>Contact Inspector</b>	<p>An Inspector must be notified in order to facilitate inspections to ensure that the Permittee is in compliance with the Terms and Conditions of the Permit. This initial contact is important to establish regular communication between the Permittee and an Inspector, as well as to confirm contact information for numerous other conditions that will require communication between the Permittee and an Inspector.</p> <p>The Board should also be notified, but it may not always be possible for the Permittee to contact the Board (e.g. depending on office hours, weekends, etc.) within specific timelines. The <b>Identify Agent</b> condition requires notification in writing to both an Inspector and the Board.</p>
7.	At least 48 hours prior to commencement of this land-use operation, the Permittee shall provide the following information, in writing, to the Board <u>and</u> 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).	<b>Identify Agent</b>	<p>This condition would be used where the applicant has not given the contractor's or field supervisor's names on the application because he does not know who they will be at the time of placing the application. Sometimes contracts are awarded after the LUP is issued, so the operating conditions can become part of the contract. Also, this information may change and must be updated with an Inspector and the Board.</p> <p>This written notice must be provided to both the Board and an Inspector.</p>
8.	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; and (b) when final cleanup and reclamation of the land used will be completed.	<b>Reports Before Removal</b>	The intent of this condition is to inform an Inspector that the land-use operation is in the final stages of completion, as he/she may want to conduct an inspection before the Permittee leaves the work area and after final cleanup and restoration have been completed.
9.	The Board, for the purpose of this operation, designates March 31, as spring break-up.	<b>Spring Break – up</b>	<p>This condition is normally used in every permit where other conditions refer to spring break-up, such as shut down dates or removal of snow fills.</p> <p>An Inspector does not have legal authority to</p>

			<p>change this particular condition, therefore, it does not state ‘unless otherwise authorized in writing by an Inspector. However, as stated in conditions titled <b>V-Notch Ice Bridges, Remove Snow Fills, and Sumps/Spring Break-up</b>, an Inspector does have authority to waive or delay the requirement for debris removal (e.g. ice bridges/snow fills) and reclamation of Sumps, depending on the situation from year to year, as per MVLUR 9(2) and 8.</p> <p>The date should be set in consultation with an Inspector. A date of March 31 has sometimes been used in the past, but any date may be used at the discretion of the Board, considering the climate of the region and the local terrain.</p>
	<b>26(1)(c) Type and Size of Equipment</b>		
10.	The Permittee shall not use any equipment except of a similar type, size, and number to that listed in the accepted application.	<b>Only Approved Equipment</b>	<p>This condition ensures that the potential impact on the land with respect to equipment type, size, and number, as listed in the application, are considered when selecting the permit conditions and approving the permit.</p> <p>Board staff, an Inspector, and the applicant should work together to see how likely changes in equipment are and whether such changes in equipment would trigger any other requirements (e.g. a water licence), change the environmental impacts and mitigations, and/or change the scope of the project, etc. Board staff should consult with an Inspector and the applicant to decide whether it is appropriate to include “type” and/or “size” and/or “number” – e.g. in some cases it may not be practical to include “number”. Using the word “similar” reduces enforceability (according to legal advice) but may be a practical solution for giving some amount of flexibility to Permittees, within reason, and relying on an Inspector’s discretion.</p>
	<b>26(1)(d) Methods and Techniques</b>		
11.	The Permittee shall Dogleg lines, trails and right-of-ways that approach public roads.	<b>Dogleg Approaches</b>	The intent of this condition is to maintain and preserve aesthetic values along navigable streams and public roads. This may also be used as an erosion control technique.
12.	The Permittee shall construct and maintain the overland portion of winter roads with a minimum of 10 cm	<b>Winter Roads</b>	The intent of this condition is to protect mosses, grasses, and small shrubs on the overland portions of winter roads. A layer of snow, packed

	of packed snow and/or ice at all times during this land-use operation.		in place, will help reduce the amount of winter kill of vegetation. Snow cover also adds to the life of the winter road by reflecting the sun's heat. Snow insulates the road surface preventing heat from penetrating the frost in the road bed. Ice may also be used, particularly where sufficient snow is not available.
13.	The Permittee shall not erect camps or store material other than that required for immediate use on the ice surface of a Watercourse.	<b>Storage on Ice</b>	The intent of this condition is to reduce the risk of pollution of Watercourses by not allowing camps or stockpiling of materials on ice. 'Watercourse', as defined in the MVLUR, includes all moving and standing water bodies.
	<b>26(1)(e) Type, Location, Capacity, and Operation of All Facilities</b>		
14.	The Permittee shall ensure that the land use area is kept clean at all times.	<b>Clean Work Area</b>	The intent of this condition is to instruct the Permittee to keep the land use area generally clean at all times. Cleanup should occur throughout the land-use operation, not only when the operation is complete.
	<b>26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land</b>		
15.	The Permittee shall install and maintain culverts such that scouring does not occur.	<b>Culvert Size</b>	The installation of culverts, if not done correctly, can change the flow of water through and downstream of the culvert, resulting in scouring and erosion leading to the release of sediment into the water. Sediment deposited in water can affect water quality, fish, and other aquatic life. Elevated culvert entrances can cause scouring which may create an obstruction for migrating fish and result in destruction or fragmentation of fish Habitat.  Wording of this condition is based on the DFO <i>Fact Sheet on Culvert Installations</i> .
16.	The Permittee shall insulate the ground surface beneath all structures, excepting water crossing 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>	This condition applies especially to operations conducted during summer in Permafrost regions and particularly where there are unstable soils having a high ice content that are covered with vegetation. The intent is for a mat to be laid down to protect the ground on which buildings, equipment, and for materials to be placed or stored, particularly buildings or structures that are heated.
17.	The Permittee shall minimize erosion	<b>Progressive</b>	This requires the Permittee to prevent and

	by installing erosion control structures where necessary.	<b>Erosion Control</b>	mitigate erosion throughout the life of the project. Inspectors will use their discretion to determine whether the efforts of the Permittee are satisfactory and consistent with best practices - e.g. a focus on preventing erosion rather than trying to stop or clean up sediment that has already been eroded.
18.	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.	<b>Flowing Artesian Well</b>	<p>Flowing artesian wells resulting from drilling programs may affect adjacent land owners or cause erosion. Water flowing from bore holes could transport sediment or additives to surrounding lands or water bodies. The groundwater level may be affected, which could affect vegetation and/or impact surrounding well water levels.</p> <p>Inspectors can take immediate action if necessary, such as a field inspection to ensure that LUP conditions are being adhered to and that any risk to people or the environment is mitigated.</p> <p>The Board must also be notified to ensure that information is posted to the public registry and is available to inform future Board decisions and/or LUP conditions regarding development in the area.</p>
19.	The Permittee shall not use any material other than clean water and snow in the construction of ice bridges.	<b>Ice Bridge Materials</b>	The intent of this condition is to keep waste out of Watercourses. Logs, planks, sawdust, soil, etc. are prohibited because when frozen into the ice bridge, they become difficult, if not impossible, to remove before spring break-up.
20.	The Permittee shall not use any materials other than clean snow and water in the construction of snow fills.	<b>Snowfill Materials</b>	The intent of this condition is to keep waste out of Watercourses. Logs, planks, sawdust, soil, etc. are prohibited because they become difficult, to remove before spring break up. If not removed, they would be deposited into the Watercourse.
21.	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.	<b>Remove or V-Notch Snowfills</b>	<p>Inspector authorization as per MVLUR section 9, which also requires cleanup and restoration of natural drainage.</p> <p>The intent of this condition is to prevent pollution and the alteration of drainage in streams. An Inspector can decide when and whether removal is necessary, or whether v-notching is preferable. In some cases, removal could damage the stream bank, thus v-notching would be preferable.</p> <p>This condition is consistent with the DFO</p>



			<p><i>Operational Statement on Ice Bridges and Snow Fills</i>, which recommends that: “Compacted snow should be removed from snow fills prior to the spring freshet”.</p> <p>Timing of cleanup and v-notching is provided by the <b>Spring Break – Up</b> condition.</p>
22.	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.	<b>V-notch Ice Bridges</b>	<p>Inspector authorization as per MVLUR section 9, which also requires cleanup and restoration of natural drainage.</p> <p>The intent of this condition is to prevent pollution and the alteration of drainage in streams. V-notching of ice bridges is a best practice.. Timing of cleanup and v-notching is provided by the <b>Spring Break – Up</b> condition.</p>
23.	The Permittee shall not ford wet streams.	<b>No Forging of Streams</b>	<p>The intent of this condition is to prevent erosion of stream banks and stream beds and the deposition of sediment into streams. Sediment can affect water quality and harm fish and other aquatic life and their Habitat.</p> <p><i>DFO Operational Statement on Temporary Stream Crossings</i> recommends: “The use of temporary bridges or dry fording is preferred over fording in flowing waters due to the reduced risk of damaging the bed and banks of the Watercourse and downstream sedimentation caused by vehicles.”</p>
24.	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>	<p>Inspector authorization as per MVLUR section 8, which requires that excavated material be replaced unless otherwise authorized by a permit or Inspector.</p> <p>This condition is applicable on public roads and in areas accessible by the public. Safety, aesthetics, and erosion prevention are the main factors. Sloping the sides of cuts, fills, and piles aids in stabilizing the soil and reducing erosion.</p>
	<b>26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material</b>		
25.	The Permittee shall maintain a record of all spills. For all reportable spills, as defined in the <i>NT-NU Spill Report Form</i> , the Permittee shall: (a) immediately report each spill to the	<b>Report Spills</b>	Spills must be reported in order to ensure adequate cleanup occur, necessary mitigation measures are implemented, and records are maintained. In addition to reporting spills to the spill report line, this condition also explicitly

	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.		requires the Permittee to maintain records of all spills, to report each 'reportable' spill to an Inspector within 24 hours, and to submit reports to the Board and Inspector within 30 days regarding the spill and the Permittee's cleanup efforts.
26.	The Permittee shall dispose of all Toxic substances as described in the approved Waste Management Plan.	<b>Waste Chemical Disposal</b>	The Permittee's Waste Management Plan must describe the disposal methods for all Toxic substances. The methods and techniques for disposal will be subject to the approval of the Board, and there should be consultation with other agencies. This is a general Toxic disposal condition that refers to all chemicals, other than substances for which there are specific conditions (e.g. Drilling Waste). Toxic material may include brine, antifreeze, equipment fluids, Drilling Fluids/additives, etc.
27.	The Permittee shall dispose of all combustible waste petroleum products as described in the approved Waste Management Plan.	<b>Waste Petroleum Disposal</b>	This is the general condition for waste petroleum disposal. Petroleum products can pollute soil and streams if disposed of indiscriminately.
	<b>26(1)(h) Wildlife and Fish Habitat</b>		
28.	The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.	<b>Habitat Damage</b>	The intent of this condition is to instruct the Permittee to take care when using machinery and vehicles so as to do the least damage possible to vegetation and other Habitat components. This is a general condition that applies to all land-use operations; specific measures to protect Habitat are required under conditions for waste management, erosion control, etc.
	<b>26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage</b>		
29.	The Permittee shall adhere to the approved Waste Management Plan 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>	A Waste Management Plan must be submitted with the application. This condition requires implementation of the plan. Any proposed changes to waste management must be submitted to the Board for approval in a revised plan.
30.	The Permittee shall keep all garbage and debris in a secure container until disposal.	<b>Garbage Container</b>	This condition applies mainly to very small camps where the volume of garbage produced each day is not enough to warrant daily burning or removal. The purpose of containment is to stop wildlife from getting into the garbage. This condition can be used in conjunction with daily

			burning, but it is especially necessary if burning is not done every day. Examples of a secure container may include: any container inside a building, a covered metal container, etc. Inspector will use his/her discretion to determine whether a container is adequate or not.
31.	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.	<b>Remove Garbage</b>	Inspector authorization as per MVLUR subsection 14(1), although the MVLUR refers specifically to garbage from a 'campsite'.  The intent of this condition is to keep the land use area clean and to reduce pollution and associated impacts on land, water, fish, and wildlife.
32.	The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan.	<b>Sewage Disposal</b>	The intent of this condition is to prevent contamination of land and water from Sewage and Greywater. If Sewage is not contained, it may affect water quality and be a risk to human health.  This is a more generic version of the <b>Sewage in Sump</b> condition above, since some Permittees do not use Sump disposal (they may use incinerating toilets, dispose of Greywater and Sewage separately, etc.).  If Sewage is to be deposited in a Sump, the general condition, <b>Sumps From Water</b> , would also apply; it specifies a 100-metre setback for all Sumps from any Watercourse.
	<b>26(1)(j) Protection of Historical, Archaeological, and Burial Sites</b>		
33.	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.	<b>Archaeological Buffer</b>	The intent of this condition is to protect cultural sites, whether known or suspected (pursuant to MVLUR section 6, which states that a buffer of 30 metres must be maintained). These archaeological conditions are all related to overlapping jurisdiction, but paragraph 26(1)(j) and section 6 of MVLUR give specific authority to the Board and the MVLUR to protect these sites. These three conditions ( <b>Archaeological Buffer, Site Disturbance, and Site Discovery and Notification</b> ) are normally included in all permits.  The distance noted in this condition should be set in consultation with the PWNHC, land claim groups, and an Inspector. <b>Minimum normal buffers established in regulations or</b>

			<p><b>recommended by PWNHC and land claim groups are as follows: MVLUR section 6 (30m), Sahtu Settlement Area (100m), Wek'èezhìi (150m).</b></p> <p>Exceptions can be added if there is an approved activity within the normal buffer – e.g. “....The Permittee shall not operate any vehicle or equipment within 70 metres of sites x12 and x14.”</p>
34.	The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.	<b>Site Disturbance</b>	The intent of this condition is to protect cultural sites, whether known or suspected, consistent with condition below and with MVLUR paragraph 12(a).
35.	The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered: (a) immediately suspend operations on the site; implement the Archaeological Site Change Find Protocol; and (b) notify the Board at (867) _____ or an Inspector at (867) _____, and the Prince of Wales Northern Heritage Centre at (867) 920-6182 or 873-7688.	<b>Site Discovery and Notification</b>	This condition is intended to protect newly discovered archaeological sites and ensure they are registered with the Prince of Wales Northern Heritage Centre (PWHNC). MVLUR paragraph 12(a) requires notification of the Board or an Inspector but not direct notification of GNWT. Notification of PWHNC (GNWT) is an extra requirement, which is not in the MVLUR, that the Boards can use if desired. Inspectors are responsible for informing the Board if they are notified.
36.	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 Prince of Wales Northern Heritage Centre should an Archaeological Impact Assessment be required.	<b>AIA</b>	<p>See rationale for <b>Archaeological Overview</b>, and:</p> <p><b><u>For larger projects with significant land disturbance (i.e. a mine site, road, etc.), it is often appropriate to require an Archaeological Impact Assessment prior to any disturbance, rather than only an Overview to determine high/low potential.</u></b></p>
	<b>26(1)(m) Fuel Storage</b>		
37.	The Permittee shall: (a) examine all Fuel Storage Tanks and containers for leaks a minimum _____ [e.g. once per day]; and (b) repair all leaks immediately.	<b>Check for Leaks</b>	The frequency of checks would be designated by an Inspector or Board staff on the basis of quantity of fuel, type of container (e.g. top-fed vs. bottom-fed tanks), location, etc. The frequency of checks for Fuel Storage Tanks/containers that are in use should be more often than for stored fuel, since they may be

			more likely to have leaks (due to being attached to hoses/fittings, container being temporarily out of Secondary Containment, etc). For example, checks could be required once per month for stored fuel that is not in use and once per day or week for fuel that is in use.
38.	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.	<b>Fuel Near Water</b>	Inspector authorization as per MVLUR 6.  The intent of this condition is to provide a buffer in order to prevent fuel spills from impacting surface water. This is consistent with MVLUR paragraph 6 (b); however, this condition is more protective since MVLUR only prohibits fuel within 100 metres of a Watercourse <b>below</b> its Ordinary High Water Mark. The Board, when considering the application, and an Inspector, during the operation, may authorize fuel storage within 100 metres of water under specific conditions (e.g. if moving fuel further poses a risk of leaks/spills, if there is a hill separating fuel from water, etc.).
39.	The Permittee shall ensure that all Fuel Storage Containers have adequate Secondary Containment.	<b>Fuel Cache Secondary Containment</b>	The intent of this condition is to ensure that fuel does not contaminate surrounding lands and waters. Containers may leak, so Secondary Containment is meant to contain any leaks and protect the environment while repairs and cleanup take place. Secondary Containment for large caches of fuel drums (e.g. 500) may be impractical; however, such large amounts of fuel should be stored in a proper storage tank, which must meet Environment Canada regulations.  Definition of Fuel Storage Container - a container for the storage of petroleum or allied petroleum products with a capacity of less than 230 L.
40.	The Permittee shall set up all refueling points with secondary containment.	<b>Secondary Containment - Refueling</b>	Purpose & Rationale: to prevent spills, leaks, and drips from impacting the land during refueling. Refueling is a situation when there is the potential for spills. Practical & Enforceable: it is only a small inconvenience for the Permittee to use secondary containment during refueling. This will assist with compliance with the Fuel Containment condition as well.
41.	The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	<b>Fuel Containment</b>	The intent of this condition is to state a general requirement for the Permittee that protects the land and water from fuel contamination. Fuel or petroleum product spills, if allowed to spread to surrounding lands or into streams, could harm

			vegetation and pollute soil and water. Through a combination of appropriate Fuel Storage Containers/tanks, storage locations, Secondary Containment, fuel transfer practices, spill prevention and Spill Contingency Planning, the Permittee must prevent the spread of petroleum products.
42.	The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours.	<b>Fuel on Land</b>	The intent of this condition is to protect ice and water from fuel spills when mobile fuel equipment is in use on ice-covered Watercourses. This condition commonly applies to seismic operations and winter road construction. Storage of non-mobile fuel on ice is not permitted, except for immediate use, as stated in the general <b>Storage on Ice</b> condition.
43.	The Permittee shall have a maximum of ____ litres of fuel stored on the land use site at any time, unless otherwise authorized in writing by the Board.	<b>Maximum Fuel On Site</b>	The intent of this condition is to ensure that the amount of fuel stored is consistent with the amount of fuel identified in the application. The liability on site, linked to the requirement for a security deposit, depends in part on the maximum amount of fuel on site at any time. In addition, the potential for impacts from spills, including worst-case scenarios, is sensitive to the maximum amount of fuel on site at any time. Board approval would be required for substantial changes to the maximum fuel storage (i.e. >10 percent change).
44.	The Permittee shall adhere to the approved Spill Contingency Plan 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>	A Spill Contingency Plan must be submitted with the application. This condition requires that the Spill Contingency Plan be implemented in order to prevent contamination of land and water in case of any fuel spill.  Any changes in fuel storage locations, volumes, container/tank types, chemicals to be used, etc. must be reflected in an updated Spill Contingency Plan.
45.	Prior to commencement of operations, the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills.	<b>Spill Response</b>	In order to prevent contamination of land and water in case of any fuel spill, Spill Contingency Plans and spill cleanup kits must be in place prior to commencement of operations.
46.	All equipment that may be parked for two hours or more, should have a haz-mat/drip tray under it or be sufficiently diapered. (Leaky equipment should be repaired	<b>Drip Trays</b>	The purpose of this condition is to prevent small leaks/drips from contaminating a site, especially parking areas used frequently at remote sites.

	immediately.)		
47.	The Permittee shall clean up all leaks, spills, and contaminated material.	<b>Clean Up Spills</b>	This is an explicit requirement to clean up all spills and leaks, whatever the size (e.g. drips on snow). This is a frequent item noted in inspection reports for drilling programs and winter roads. This is also related to the general requirement for adherence to a Spill Contingency Plan, as stipulated under the <b>Spill Contingency Plan</b> condition.
	<b>26(1)(n) Methods and Techniques for Debris and Brush Disposal</b>		
48.	The Permittee shall progressively dispose of all brush and trees and shall complete all brush disposal; all disposal shall be completed prior to the expiry date of this permit.	<b>Brush Disposal/ Time</b>	Progressive disposal is necessary to keep a work area clean, particularly where there are aesthetic concerns, and it may assist with fire prevention. An Inspector will decide how much progressive disposal is necessary and satisfactory (in some cases disposal may be delayed), but final disposal is always required prior to the expiry of the permit.
49.	The Permittee shall not clear areas larger than identified in the accepted application.	<b>Minimize Area Cleared</b>	This condition would apply: (a) In areas of unstable or high ice content soils where removal of vegetation may result in erosion or subsidence; (b) In areas of merchantable or immature timber; and (c) In areas visible to the public. The condition may also be used in a general way to minimize disturbed areas and impacts on environment.
	<b>26(1)(o) Restoration of the Lands</b>		
50.	The Permittee shall dispose of all overburden as instructed by an Inspector.	<b>Disposal of Overburden</b>	Inspector authorization as per MVLUR section 8, which states that “Unless otherwise authorized by a permit or in writing by an Inspector, every Permittee shall replace all materials removed ...”.  Waste soil (overburden) removed to expose useable or needed material is generally deposited next to the quarry or borrow pit. The best arrangement is a sloped, round, or oblong pile. An Inspector should authorize placement of waste piles where they are likely to cause the least damage to the environment and at the same time improve aesthetics. This condition is primarily for quarries, and it authorizes that excavated material need <b>not</b> be replaced, as per MVLUR section 8.

			This condition is an alternative to the <b>Save and Place Organic Soil</b> condition.
	<b>26(1)(p) Display of Permits and Permit Numbers</b>		
51.	The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation.	<b>Display Permit</b>	The intent of this condition is to inform the Permittee how and where permits or copies are to be displayed.
52.	The Permittee shall keep a copy of this permit on hand at all times during this land-use operation.	<b>Copy of Permit</b>	The intent of this condition is to inform the Permittee how and where permits or copies are to be displayed. This condition is commonly used when there is no camp established in conjunction with the land-use operation and/or when it is desirable for the Permittee to be able to consult the permit immediately.
53.	Prior to the commencement of operations, the Permittee shall submit final environmental management plans (e.g. SCP, ESCP, WMP, WMMP, etc.) <i>(e.g. Waste Management or Spill Contingency or Engagement Plan)</i> in accordance with ____ Guidelines <i>(e.g. MVLWB’s 2011 “Guidelines for Developing a Waste Management Plan” or Indian and Northern Affairs Canada’s 2007 “Guidelines for Spill Contingency Planning” or MVLWB’s 2013 “Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits”)</i> to the Board for approval.	<b>Submit Revised Plan</b>	Condition to specifically require submission of a revised plan (waste, spill, engagement) if the plan submitted with the original application is <b>not approved</b> at the time the LUP is issued. Normally, these plans are approved at the time an LUP is issued, but depending on the extent of revisions required, it is up to the Board to determine whether to issue the LUP with a condition such as this or to delay issuing the permit until the revisions are complete and plans are approved.
54.	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>	Condition to specifically require submission of a revised plan (waste, spill, engagement) if the plan submitted with the original application is <b>not approved</b> at the time the LUP is issued. Normally, these plans are approved at the time an LUP is issued, but depending on the extent of revisions required, it is up to the Board to determine whether to issue the LUP with a condition such as this or to delay issuing the permit until the revisions are complete and plans are approved.
55.	The Permittee shall adhere to the Engagement Plan, once approved, and shall annually review the plan and make any necessary revisions to	<b>Engagement Plan</b>	To ensure the Permittee follows through on the intent of the commitments made in the Engagement Plan.



	reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.		
--	--	--	--