



**Conditions Annexed to and Forming Part
of Land Use Permit # W2016F0006**

Part A: Scope of Permit

1. This Permit entitles Dominion Diamond Ekati Corporation to conduct the following land-use operation:
The construction, operation, and maintenance of a haul road to the Sable Pit development including the construction of water crossings, caribou crossings, and the development of a spur road to access and set up facilities at Falcon Lake for the purpose of road watering.
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, Tłı̄chǫ, and municipal legislation.

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

Act - the *Mackenzie Valley Resource Management Act*.

Board - the Wek'èezhìi Land and Water Board established under 57.1(1) of the *Mackenzie Valley Resource Management Act*.

Fuel Storage Container - a container for the storage of **petroleum** or **allied petroleum products** with a capacity of less than 230 litres.

Habitat - the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes.

Inspector - an Inspector designated by the Minister under the *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 1:2 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).

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.

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.

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.

DRAFT

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

26(1)(a) Location and Area

1. The Permittee shall use an existing campsite, as described in the accepted application. **Existing Camp**
2. The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used. **Parallel Roads**
3. The Permittee shall locate all lines, trails, and right-of-ways to be constructed parallel to any Watercourse a minimum of thirty (30) metres from the Ordinary High Water Mark, except at crossings. **Parallel Watercourse**
4. The Permittee shall not conduct this land-use operation on any lands not designated in the accepted application. **Location of Activities**

26(1)(b) Time

5. At least 48 hours prior to the commencement of this land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) 767-9187 ext. 24186. **Contact Inspector**
6. At least 48 hours prior to commencement of this land-use operation, the Permittee shall provide the following information, in writing, to the Board and an Inspector: (a) the name(s) of the person(s) in charge of the field operation; (b) alternates; and (c) all methods for contacting the above person(s). **Identify Agent**
7. 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. **Reports Before Removal**

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

8. The Permittee shall not use any equipment except of a similar type, size, and number to that listed in the accepted application. **Only Approved Equipment**

26(1)(d) Methods and Techniques

9. Prior to the movement of any vehicle that exerts pressure on the ground in excess of 35 kPa, the Permittee shall scout proposed lines and routes to select the best location for crossing streams and avoiding terrain obstacles. **Detours and Crossings**

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

10. The Permittee shall ensure that the land use area is kept clean at all times. **Clean Work Area**

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

11. The Permittee shall install and maintain culverts such that scouring does not occur. **Culvert Size**
12. The land-use operation shall not cause obstruction to any natural drainage. **Natural Drainage**
13. The Permittee shall minimize erosion by installing erosion control structures as the **Progressive Erosion**

- land-use operation progresses. **Control**
14. 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**
15. The Permittee shall minimize approach grades on all Watercourse crossings. **Minimize Approach**
- 26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material**
16. At least seven days prior to the use of any chemicals that were not identified in the accepted application, the MSDS sheets must be provided to an Inspector and the Board. **Chemicals**
17. The Permittee shall maintain a record of all spills. For all reportable spills, as defined in the *NT-NU Spill Report Form*, the Permittee shall: (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. **Report Spills**
- 26(1)(h) Wildlife and Fish Habitat**
18. The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation. **Habitat Damage**
19. Prior to construction of caribou crossings, the Permittee shall submit a plan showing the location and design of caribou crossings which incorporates input from Aboriginal organizations to the Board. The Permittee shall ensure caribou crossings are constructed in accordance with the Plan. **Caribou Crossings Plan**
- 26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage**
20. 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. **Waste Management**
- 26(1)(j) Protection of Historical, Archaeological, and Burial Sites**
21. The Permittee shall not operate any vehicle or equipment within thirty (30) metres of a known or suspected historical or archaeological site or burial ground. **Archaeological Buffer**
22. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. **Site Disturbance**
23. 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) 765-4592 or an Inspector at (867) 767-9187 ext. 24186, and the Prince of Wales Northern Heritage Centre at (867) 920-6182 or 873-7688. **Site Discovery and Notification**
- 26(1)(l) Security Deposit**
24. All costs to remediate the area under this Permit are the responsibility of the Permittee. **Responsibility for Remediation Costs**

26(1)(m) Fuel Storage

25. The Permittee shall set up all refueling points with secondary containment. **Secondary Containment – Refueling**
26. The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. **Fuel Containment**
27. 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. **Spill Contingency Plan**
28. Prior to commencement of operations, the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills. **Spill Response**
29. 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 immediately.) **Drip Trays**
30. 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**
31. The Permittee shall not clear areas larger than identified in the accepted application. **Minimize Area Cleared**
- 26(1)(o) Restoration of the Lands**
32. The Permittee shall adhere to the approved Closure and Reclamation Plan **Reclamation Planning**
33. The Permittee shall dispose of all overburden as instructed by an Inspector. **Disposal of Overburden**
34. The Permittee shall store overburden and use it to recontour the site after operations are complete, unless otherwise authorized in writing by an Inspector. **Save and Place Organic Soil**
- 26(1)(p) Display of Permits and Permit Numbers**
35. The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation. **Display Permit**
36. 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**
37. 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**
38. All revised plans submitted to the Board shall include a brief summary of the changes made to the plan. **Summary of Changes**

