

Conditions Annexed to and Forming Part of Land Use Permit #W2017D0004

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) extraction of waste rock and ore from the Misery Underground Development;
 - b) use of the existing Misery camp;
 - c) installation, operation, and maintenance of power lines;
 - d) construction and maintenance of supporting infrastructure;
 - e) construction and maintenance of site facilities;
 - f) construction and maintenance of a temporary ore stockpile; and
 - g) use of machinery and equipment to support construction and operations of the Misery Underground Development.
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, Tłı̨chǫ, or Municipal laws.

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

Act - the *Mackenzie Valley Resource Management Act*.

Archaeological Overview - as defined by the Prince of Wales Northern Heritage Centre – *Guidelines for Developers for the Protection of Archaeological Sites in the Northwest Territories*.

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 Mackenzie Valley Land and Water Board established under Part 4 of the Act, or the Wek'èezhìi Land and Water Board established under Part 3 of the Act, as the case may be.

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

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.

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.

Misery Underground Development - all of the activities associated with the Construction, operation and Reclamation of the underground mining activities for Misery Pit.

Permittee - the holder of this permit.

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.

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)

Condition 26(1)(a) Location and Area	Category
1. The Permittee shall use an existing campsite, as described in the complete application.	EXISTING CAMP
2. The Permittee shall not conduct this land-use operation on any lands not designated in the complete application.	LOCATION OF ACTIVITIES
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.	DRILL LOCATIONS
26(1)(b) Time	
5. At least 48 hours prior to the commencement of the land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) _____.	CONTACT INSPECTOR
6. 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
7. At least 48 hours prior to commencement of the land-use operation, the Permittee shall provide the following information, in writing, to the Board and an Inspector: a) the name(s) of the person(s) in charge of the field operation; b) alternates; and c) all methods for contacting the above person(s).	IDENTIFY AGENT
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 complete application.	ONLY APPROVED EQUIPMENT
26(1)(d) Methods and Techniques	
9. The Permittee shall not erect camps or store material, other than that required for immediate use, on the ice surface of a Watercourse.	STORAGE ON ICE
26(1)(e) Type, Location, Capacity, and Operation of All Facilities	
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

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| 11. | The Permittee shall minimize erosion by installing erosion control structures as the land-use operation progresses. | PROGRESSIVE EROSION CONTROL |
| 12. | 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 |
| 13. | The Permittee shall not conduct off-road vehicle travel in areas without snow-covered surfaces. | OFF-ROAD VEHICLE TRAVEL |

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

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| 14. | 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 |
| 15. | The Permittee shall dispose of all Toxic substances as described in the approved Waste Management Plan. | WASTE CHEMICAL DISPOSAL |
| 16. | The Permittee shall dispose of all combustible waste petroleum products by removal to an approved disposal facility. | WASTE PETROLEUM DISPOSAL |
| 17. | The Permittee shall maintain a record of all spills. For all reportable spills, in accordance with the GNWT <i>Spill Contingency Planning and Reporting Regulations</i> , 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 |
| 18. | 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 |
| 19. | The Permittee shall not allow any Drilling Waste to spread to the surrounding lands or Watercourses. | DRILLING WASTE CONTAINMENT |

26(1)(h) Wildlife and Fish Habitat

20. The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation. **HABITAT DAMAGE**

21. The Permittee shall not install pole access pads or power poles within 30 m of a Watercourse. **WATERCOURSE**

26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage

22. 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**

26(1)(j) Protection of Historical, Archaeological, and Burial Sites

23. The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground. **ARCHAEOLOGICAL BUFFER**

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

25. The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered: **SITE DISCOVERY AND NOTIFICATION**

1. immediately suspend operations on the site; and
2. 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 767-9347 ext. 71250 or ext. 71251.

26(1)(l) Security Deposit

26. Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$_____. **SECURITY DEPOSIT**

27. All costs to remediate the area under this Permit are the responsibility of the Permittee. **RESPONSIBILITY FOR REMEDIATION COSTS**

26(1)(m) Fuel Storage

28. 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**

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| 29. 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 |
| 30. 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 |
| 31. 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 | |
| 32. The Permittee shall minimize erosion by installing erosion control structures as the land-use operation progresses. | MINIMIZE AREA
CLEARED |
| 26(1)(o) Restoration of the Lands | |
| 33. The Permittee shall carry out progressive reclamation of disturbed areas as soon as it is practical to do so. | PROGRESSIVE
RECLAMATION |
| 34. The Permittee shall adhere to the approved Closure and Reclamation Plan. | RECLAMATION
PLANNING |
| 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 |
| 26(1)(q) Biological and Physical Protection of the Land | |
| 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 |