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May 13, 2022

File: W2021D0005

Sheila Chernys  
Arctic Canadian Diamond Company Ltd.  
900 – 606 4 Street SW  
Calgary, AB T2P 1T1

Sent by email

Dear Sheila Chernys,

**Re: Ekati – Point Lake Project – Issuance Package – Land Use Permit W2021D0005 – Mining – Lac de Gras, NT**

The Wek'èezhì Land and Water Board (Board) met on March 29, 2022 and considered the Application Package from Arctic Canadian Diamond Company Ltd. (Arctic) for Land Use Permit (Permit) W2021D0005 for the Ekati – Point Lake Project in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board has approved Land Use Permit W2021D0005 (attached) for a term of five years, effective May 13, 2022 and expiring May 12, 2027. The Permit is supported by the Board's Reasons for Decision. These documents are posted to the Board's Public Registry.<sup>1</sup>

#### Security Deposit

A security deposit is required prior to commencement of Project activities, as per Permit Condition 48, SECURITY DEPOSIT and subsection 32(3) of the Mackenzie Valley Land Use Regulations. The security deposit is **payable to the Government of the Northwest Territories (GNWT)** and should be submitted to the following individual, to whom questions regarding security should also be directed:

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<sup>1</sup> See WLWB Online Registry ([www.wlwb.ca/](http://www.wlwb.ca/)) for [W2021D0005](#).

Patti Nightingale, Land Use Advisor  
GNWT-Lands – North Slave Region – Yellowknife  
140 Bristol Avenue  
Yellowknife NT X1A 3T2  
Phone: (867) 767-9187 (ext. 24194)

### Submission Requirements

Please refer to Annex B of the Permit for a complete summary and timetable of submissions required for the Permit. The Board’s decisions on submissions that were considered in conjunction with the Application Package are set out below.

#### *Management Plans – Approved*

The Board has decided the currently approved Engagement Plan (Version 4.1) for the Ekati Mine is adequate for the Point Lake Project, and has not required revisions at this time.

#### *Management Plans – Revisions Required*

The Board requires that the following Plans be revised to include all changes detailed in the Reasons for Decision and submitted by the dates outlined in the following table. The revised Plans will be considered approved when the Permittee receives written confirmation of conformity.

<b>Condition Number and Title</b>	<b>Title of Plan (Version)</b>	<b>Version and Date Revision Due</b>
39, SUBMIT REVISED PLAN	Waste Management Plan (V8.1) <sup>2</sup>	<b>V8.1; July 12, 2022</b>
61, SUBMIT REVISED PLAN	Spill Contingency Plan (V15.1) <sup>3</sup>	<b>V15.1; July 12, 2022</b>

### Inspectors

The Inspectors referred to in the Permit can be contacted at the regional GNWT-Lands North Slave Regional Office.<sup>4</sup>

### Permit Processes and Additional Information

Sections 5 and 6 of the Board’s *Guide to the Land Use Permitting Process*<sup>5</sup> (Guide) contain detailed information on permit enforcement and potential post-issuance processes, such as amendments to conditions, and assignment to another company. Please be familiar with these sections of the Guide and reach out to Board staff with any questions about Board processes related to the Permit.

<sup>2</sup> See WLWB Online Registry for [Ekati – Point Lake – Waste Management Plan Version 8.0 – May 31 21](#)

<sup>3</sup> See WLWB Online Registry for [Ekati – Point Lake – Spill Contingency Plan Version 15 – May 31 21](#)

<sup>4</sup> See GNWT-Lands Inspection and Enforcement webpage (<https://www.lands.gov.nt.ca/en/services/inspections-and-enforcement>) for contact information for the North Slave Regional Office.

<sup>5</sup> See WLWB Policies and Guidelines webpage for MVLWB [Guide to the Land Use Permitting Process](#).

Full cooperation of Arctic is anticipated and appreciated. Please contact Rhiana Bams at (867) 765-4592 with any questions or concerns regarding this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mason Mantla', written in a cursive style.

Mason Mantla  
Chair, Wek'èezhìi Land and Water Board

BCC'd to: Ekati Distribution List  
Jamie Steele – Inspector, GNWT-Lands  
Patti Nightingale, GNWT-Lands

Attached: Land Use Permit W2021D0005



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**Arctic Canadian Diamond Company Ltd.**

**Land Use Permit W2021D0005**

Pursuant to the *Mackenzie Valley Resource Management Act* and Mackenzie Valley Land Use Regulations, the Wek'èezhii Land and Water Board grants this Land Use Permit to:

Arctic Canadian Diamond Company Ltd.

(Permittee)

of 900 – 606 4 Street SW, Calgary, Alberta T2P 1T1

(Mailing Address)

hereinafter called the Permittee, to proceed with the following land-use operation, subject to the annexed definitions and conditions contained therein:

<b>Location:</b>	Point Lake Project, Ekati Diamond Mine, NT
<b>Purpose:</b>	Mining
<b>Type:</b>	A
<b>Effective Date:</b>	May 13, 2022
<b>Expiry Date:</b>	May 12, 2027

A handwritten signature in black ink, appearing to read "Mason Mantla".

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**Mason Mantla, Chair**  
**Wek'èezhii Land and Water Board**

A handwritten signature in black ink, appearing to read "Rhiana Bams".

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**Rhiana Bams, Witness**

## Conditions Annexed to and Forming Part of Land Use Permit # W2021D0005

### Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
  - a) construction of the Point Lake access road;
  - b) operation and maintenance of the Lac du Sauvage road (formerly Jay road);
  - c) construction of caribou crossings on Lac du Sauvage road;
  - d) establishment of dewatering infrastructure;
  - e) construction of a utility pad and field office;
  - f) construction of an erosion-resistant boulder field in Lac du Sauvage;
  - g) dewatering and fish-out of Point Lake;
  - h) extraction of waste rock and kimberlite ore from the Point Lake Pit;
  - i) construction of waste rock storage areas and overburden stockpile;
  - j) construction and operation of supporting and water management infrastructure;
  - k) storage of fuels;
  - l) use of machinery and equipment to support operations; and
  - m) closure and reclamation of project components.

Land use activities will occur within the boundary outlined in the Application from May 31, 2021, as having minimum latitude 64° 34' 33.711" N, maximum latitude 64° 37' 2.077" N, minimum longitude 110° 9' 46.297" W, and maximum longitude 110° 10' 46.455" W.

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, Tłıchǫ, or Municipal laws.

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

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

**Archaeological Impact Assessment** - archaeological research as defined by the Prince of Wales Northern Heritage Centre *Guidelines for Developers for the Protection of Archaeological Sites in the Northwest Territories*.

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

**Board** - the Wek'èezhìi Land and Water Board established under Part 3 of the Act.

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

**Closure and Reclamation** - the process and activities that facilitate the return of areas affected by the Project to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.

**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 Fluid** - 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.

**Engineered Structure** - any structure or facility designed and approved by a Professional Engineer associated with 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 Act.

**Jay Culture Camp** – the on-the-land culture camp to be used by Aboriginal groups to maintain or establish a connection with disturbed areas of land and restore Traditional Knowledge transfer between generations about the area affected by diamond mining, as required by Measure 7-2 of the Jay Report of Environmental Assessment.

**Jay Report of Environmental Assessment (REA)** - means the Report of Environmental Assessment and Reasons for Decision for EA 1314-01, dated February 1, 2016.

**Jay Road North** - the road branching from the Lac du Sauvage Road and traveling north towards the future location of the Jay waste rock storage area, as shown in Figure 6-9 of the Jay Report of Environmental Assessment.

**Lac du Sauvage Road (formerly Jay Road)**– the road connecting the Jay site to the Misery Road which will allow ore to be transported from the Jay pit to the processing plant. The road initiates at the existing Misery Road and extends to the Jay Road North, as shown in Figure 6-9 of the Jay Report of Environmental Assessment.

**Minister** - the Minister of Indian Affairs and Northern Development Canada or the Minister of the Government of the Northwest Territories – Department of Lands, as the case may be.

**Ordinary High-Water Mark** - the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the “active channel/bank-full level” which is often the 1:2 year flood flow return level. In inland lakes, wetlands, or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

**Permittee** - the holder of this permit.

**Permafrost** - ground (soil or rock) that remains at or below 0°C for at least two consecutive years.

**Pipeline Road** - the road connecting the Misery pit to the Jay Road, as shown in in Figure 6-9 of the Jay Report of Environmental Assessment.

**Professional Engineer** - a person registered with the Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists to practice as a Professional Engineer in the Northwest Territories as per the territorial *Engineering and Geoscience Professions Act*, and whose professional field of specialization is appropriate to address the components of the Project at hand.

**Progressive Reclamation** - Closure and Reclamation activities conducted during the operating phase of the project.

**Secondary Containment** - containment that prevents liquids that leak from Fuel Storage Tanks or containers from reaching outside the containment area and includes double-walled Tanks, piping, liners, and impermeable barriers.

**Sewage** - all toilet wastes and Greywater.

**Spill Contingency Plan** - a document, developed in accordance with Aboriginal Affairs and Northern Development Canada's *Guidelines for Spill Contingency Planning* that describes the set of procedures to be implemented to minimize the effects of a spill.

**Spring Break-up** – Typically May 25 to June 25 each year, for the purpose of this operation.

**Safety Data Sheet** - a technical document, typically written by the manufacturer or supplier of a chemical, that provides information about the hazards associated with the product, advice about safe handling and storage, and emergency response procedures.

**Sump** - a human-made pit or natural depression in the earth's surface used for the purpose of depositing Waste that does not contain Toxic Material, such as non-toxic Drilling Waste or Sewage, therein.

**Toxic Material** - any substance that enters or may enter the environment in a quantity or concentration or under conditions such that it:

- a) Has or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- b) Constitutes or may constitute a danger to the environment on which life depends; or
- c) Constitutes or may constitute a danger in Canada to human life or health.

**Traditional Knowledge Management Framework** - a Framework that describes protocols for collecting, storing, managing, and using Traditional Knowledge and will apply to the lifetime of the Point Lake Development (Construction, operations and Reclamation phases).

**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	Category
<b>26(1)(a) Location and Area</b>	
1. The Permittee shall only conduct this land-use operation on lands designated in the application.	LOCATION OF ACTIVITIES
2. The Permittee shall use an existing campsite, as described in the complete application.	USE EXISTING CAMP
3. The Permittee shall submit the location of the Jay Culture Camp to the Inspector.	CULTURE CAMP
4. 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.	SUMP SETBACK
5. The Permittee shall locate all lines, trails, and right-of-ways to be constructed parallel to any Watercourse a minimum of 100 metres from the Ordinary High-Water Mark, except at crossings.	PARALLEL WATERCOURSE SETBACK
6. The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.	PARALLEL ROADS
7. 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
<b>26(1)(b) Time</b>	
8. At least 48 hours prior to the initial commencement of the land-use operation, the Permittee's Field Supervisor shall notify the Board and contact an Inspector at (867) 767-9187 ext. 24188 or cell (867) 447-0184.	INITIAL NOTIFICATION – CONTACT INSPECTOR

9. At least 48 hours prior to commencement of the land-use operation, the Permittee shall provide the following information, in writing, to the Board and 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**

10. 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;
  - b) when final cleanup and reclamation of the land used will be completed; and
  - c) when the Final Plan will be submitted.

**REPORTS BEFORE FINAL REMOVAL**

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

11. The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application.

**USE APPROVED EQUIPMENT**

**26(1)(d) Methods and Techniques**

12. 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.
13. The Permittee shall construct and maintain the overland portion of winter roads with a minimum of 10 cm of packed snow and/or ice at all times during this land-use operation.
14. The Permittee shall not erect camps or store material, other than that required for immediate use, on the ice surface of a Watercourse.

**DETOURS AND CROSSINGS**

**WINTER ROADS**

**STORAGE ON ICE**

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

15. 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**

16. The Permittee shall install and maintain culverts such that scouring does not occur. **CULVERT SIZE**
17. The Permittee shall insulate the ground surface beneath all structures associated with this land-use operation to prevent:
- a) any vegetation present from being removed;
  - b) the melting of Permafrost; and
  - c) the ground settling and/or eroding.
18. The land-use operation shall not cause obstruction to any natural drainage. **NATURAL DRAINAGE**
19. The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses. **PROGRESSIVE EROSION CONTROL**
20. The Permittee shall apply appropriate mitigation at the first sign of erosion. **REPAIR EROSION**
21. The Permittee shall only conduct off-road vehicle travel on snow-covered surfaces. **OFF-ROAD VEHICLE TRAVEL**
22. The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface. **PREVENTION OF RUTTING**
23. The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging. **SUSPEND OVERLAND TRAVEL**
24. The Permittee shall not move any equipment or vehicles unless the ground surface is in a state **VEHICLE MOVEMENT FREEZE-UP**

capable of fully supporting the equipment or vehicles without rutting or gouging.

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|---|---|
| <p>25. The Permittee shall only use clean water and snow in the construction of ice bridges and snow fills.</p>   | <p><b>CONSTRUCT<br/>ICE BRIDGES SNOWFILLS</b></p> |
| <p>26. Prior to Spring Break-up or completion of the land-use operation, the Permittee shall clean up and either remove or v-notch all ice bridges and snowfills from stream crossings, unless otherwise authorized in writing by an Inspector.</p> | <p><b>REMOVE<br/>ICE BRIDGES/ SNOWFILLS</b></p>   |
| <p>27. The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector.</p>   | <p><b>STREAM BANKS</b></p>                        |
| <p>28. The Permittee shall minimize approach grades on all Watercourse crossings.</p>   | <p><b>MINIMIZE APPROACH</b></p>                   |
| <p>29. The Permittee shall use temporary bridges or dry fording when crossing streams.</p>  | <p><b>DRY FORDING</b></p>                         |
| <p>30. The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High-Water Mark of any Watercourse.</p>   | <p><b>EQUIPMENT: WATERCOURSE<br/>BUFFER</b></p>   |
| <p>31. 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.</p>  | <p><b>EXCAVATION SETBACK</b></p>                  |
| <p><b>26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material</b></p>  |   |
| <p>32. At least seven days prior to the use of any chemicals that were not identified in the complete application, the Safety Data Sheets must be provided to the Board and an Inspector.</p>   | <p><b>CHEMICALS</b></p>                           |
| <p>33. 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.</p>                          | <p><b>RECLAIM<br/>NON-OIL AND GAS SUMPS</b></p>   |
| <p>34. The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.</p>  | <p><b>WASTE CHEMICAL DISPOSAL</b></p>             |

35. The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility.

**WASTE PETROLEUM DISPOSAL**

**26(1)(h) Wildlife and Fish Habitat**

36. The Permittee shall operate in accordance with the **Wildlife Effects Management Plan (WEMP)** and **Caribou Roads Mitigation Plan (CRMP)**, and take all reasonable measures, to prevent damage to wildlife Habitat and fish Habitat.

**HABITAT DAMAGE**

37. At least 60 days prior to WRSA construction, the Permittee shall submit a **Road Modification Plan** including the location, design, and proposed construction timing of caribou mitigations for **Lac du Sauvage Road**, Point Lake Project access road, Sable Road, and proposed timing for when the Permittee will propose the location and design of caribou mitigations for the Misery Road, developed in conjunction with Indigenous organizations, to the Board for approval. The Permittee shall ensure caribou mitigations are constructed in accordance with the approved plan.

**ROAD MODIFICATION PLAN**

The construction of the caribou mitigations for the Lac du Sauvage Road must take place within one year of the commencement of overburden excavation.

The Plan should demonstrate how Parties were engaged with respect to proposed caribou mitigations.

The Plan should clearly demonstrate that the following requirements of the Jay Report of Environmental Assessment have been satisfied:

- a) "...will construct caribou crossing features along a minimum of 70% of the length of the Jay Road" (REA Measure 6-1).
- b) "...to fund a Traditional Knowledge Elders Group (TKEG), to be in place prior to construction... The Group is required to advise on the construction and operation of the Jay Road, [and] esker crossing... that limit impacts to caribou" (REA Measure 6-5).

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| <p><b>38.</b> The Permittee shall ensure that power line pads and power poles do not obstruct caribou crossings along the <b>Lac du Sauvage Road</b> and <b>Jay Road North</b>.</p>   | <p><b>CARIBOU CROSSINGS</b></p>               |
| <p><b>26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage</b></p>  |   |
| <p><b>39.</b> The Permittee shall dispose of all Waste as described in the <b>Waste Management Plan</b>, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.</p>   | <p><b>WASTE MANAGEMENT</b></p>                |
| <p><b>40.</b> The Permittee shall keep all garbage and debris in a secure container until disposal.</p>   | <p><b>GARBAGE CONTAINER</b></p>               |
| <p><b>41.</b> The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan.</p>   | <p><b>SEWAGE DISPOSAL - PLAN</b></p>          |
| <p><b>26(1)(j) Protection of Historical, Archaeological, and Burial Sites</b></p>   |   |
| <p><b>42.</b> The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground.</p>  | <p><b>ARCHAEOLOGICAL BUFFER</b></p>           |
| <p><b>43.</b> The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.</p>   | <p><b>SITE DISTURBANCE</b></p>                |
| <p><b>44.</b> The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:</p> <ul style="list-style-type: none"> <li>a) immediately suspend operations on the site; and</li> <li>b) notify the Board at (867) 765-4592 or an Inspector at (867) 767-9187 ext. 24188 and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255.</li> </ul> | <p><b>SITE DISCOVERY AND NOTIFICATION</b></p> |

45. At least 60 days prior to any new land disturbance, including new drill sites, the Permittee shall conduct an Archaeological Overview to identify areas of high and low potential for archaeological and burial sites and shall submit a summary report to the Board and the Prince of Wales Northern Heritage Centre.

**ARCHAEOLOGICAL OVERVIEW**

46. Prior to disturbance in areas of high potential for archaeological or burial sites identified in the Archaeological Overview, the Permittee shall conduct an Archaeological Impact Assessment of the sites where disturbance is planned and shall submit a summary report to the Board and the Prince of Wales Northern Heritage Centre.

**AIA – HIGH POTENTIAL**

47. Prior to any new land disturbance, the Permittee shall conduct an Archaeological Impact Assessment of the sites where disturbance is planned and shall submit a summary report to the Board and the Prince of Wales Northern Heritage Centre.

**AIA**

**26(1)(l) Security Deposit**

48. Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of CDN \$986,852.

**SECURITY DEPOSIT**

49. All costs to remediate the area under this Permit are the responsibility of the Permittee.

**RESPONSIBILITY FOR REMEDIATION COSTS**

**26(1)(m) Fuel Storage**

50. The Permittee shall:

**REPAIR LEAKS**

- a) examine all Fuel Storage Containers and Tank for leaks; and
- b) repair all leaks immediately.

51. The Permittee shall place Fuel Storage Containers and or Tanks a minimum of 100 metres from the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.

**FUEL STORAGE SETBACK**

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| 52. | The Permittee shall ensure that all fuel caches have adequate Secondary Containment.   | <b>FUEL CACHE SECONDARY CONTAINMENT</b>  |
| 53. | The Permittee shall set up all refueling points with Secondary Containment.  | <b>SECONDARY CONTAINMENT - REFUELING</b> |
| 54. | The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.   | <b>FUEL CONTAINMENT</b>                  |
| 55. | The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours.   | <b>FUEL ON LAND</b>                      |
| 56. | The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name.  | <b>MARK CONTAINERS AND TANKS</b>         |
| 57. | The Permittee shall mark all stationary fuel caches and fuel storage facilities with flags, posts, or similar devices so that they are at all times plainly visible to local vehicle travel.   | <b>MARK FUEL LOCATION</b>                |
| 58. | The Permittee shall have a maximum of 20,000 litres of fuel stored on the land use site at any time, unless otherwise approved by the Board.   | <b>MAXIMUM FUEL ON SITE</b>              |
| 59. | Within ten days of the establishment of any fuel cache, the Permittee shall report the location and quantity of the cache in writing to the Board and an Inspector.  | <b>REPORT FUEL LOCATION</b>              |
| 60. | The Permittee shall seal all outlets of Fuel Storage Containers and store the containers on their sides with the outlets located at 3 and 9 o'clock, except for containers currently in use.   | <b>SEAL OUTLET</b>                       |
| 61. | The Permittee shall comply with the <b>Spill Contingency Plan</b> , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval. | <b>SPILL CONTINGENCY PLAN</b>            |
| 62. | Prior to commencement of the land-use operation the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills.   | <b>SPILL RESPONSE</b>                    |



**63.** 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**

**64.** The Permittee shall clean up all leaks, spills, and contaminated material immediately **CLEAN UP SPILLS**

**65.** During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall: **REPORT SPILLS**

- a) implement the approved Spill Contingency Plan;
- b) report it-immediately using the NU-NT Spill Report Form by one of the following methods:
  - Telephone: (867) 920-8130
  - E-mail: [spills@gov.nt.ca](mailto:spills@gov.nt.ca)
  - Online: Spill Reporting and Tracking Database
- c) within 24 hours, notify the Board and an Inspector; and
- d) within 30 days of initially reporting the incident, submit a detailed report to the Board and an Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur.

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

**66.** The Permittee shall not clear areas larger than identified in the complete application. **MINIMIZE AREA CLEARED**

**26(1)(o) Restoration of the Lands**

**67.** All areas affected by construction or removal activities shall be stabilized and landscaped to their pre-construction profiles, unless otherwise authorized in writing by an Inspector. **PRE-CONSTRUCTION PROFILES**

**68.** The Permittee shall dispose of all overburden as approved by the Board, or as otherwise authorized in writing by an Inspector. **DISPOSAL OF OVERBURDEN**

- |     |  |                                      |
|-----|--|--------------------------------------|
| 69. | The Permittee shall save the organic soil stripped from the land use area and shall use the organic soil for reclamation as approved by the Board, or otherwise authorized in writing by an Inspector. | <b>SAVE AND PLACE ORGANIC SOIL</b>   |
| 70. | Prior to the end of the land-use operation, the Permittee shall level all stockpiles of granular material located within the land use area.  | <b>LEVEL STOCKPILES</b>              |
| 71. | Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used.  | <b>FINAL CLEANUP AND RESTORATION</b> |
| 72. | Prior to the end of the land-use operation, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation.   | <b>NATURAL VEGETATION</b>            |
| 73. | Prior to the end of the land-use operation, the Permittee shall initiate active revegetation of disturbed areas.   | <b>ACTIVE REVEGETATION</b>           |
| 74. | The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so.  | <b>PROGRESSIVE RECLAMATION</b>       |

**26(1)(p) Display of Permits and Permit Numbers**

- |     |  |                       |
|-----|--|-----------------------|
| 75. | The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation. | <b>DISPLAY PERMIT</b> |
| 76. | The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation.                  | <b>COPY OF PERMIT</b> |

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

- |     |  |  |
|-----|--|--|
| 77. | If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them.                       | <b>MIGRATORY BIRD NEST DISTURBANCE</b> |
| 78. | 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>                   |

79. The Permittee shall comply with 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**

80. Prior to Construction, the Permittee shall submit a final Traditional Knowledge Management Framework, as required by Measure 7-1 of the Jay Report of Environmental Assessment, to the Board.

**SUBMISSION OF TRADITIONAL  
KNOWLEDGE  
MANAGEMENT FRAMEWORK**

81. The Permittee shall implement the **Traditional Knowledge Management Framework**. All updates to the **Traditional Knowledge Management Framework** shall be submitted to the Board.

**TRADITIONAL KNOWLEDGE  
MANAGEMENT FRAMEWORK**

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

**SUMMARY OF CHANGES**

## ANNEX A: CONCORDANCE TABLE OF ITEMS REQUIRING SUBMISSION

This table summarizes the information the Permittee is required to submit as per the Land Use Permit conditions.

Part of Permit	Item	Date
Condition 8 and 9	Notification Letter of commencement of activities	At least 48 hours prior to commencement of land-use operation
Condition 10	Notification of completion of activities	At least ten days prior to completion of land-use operation
Condition 32	Provision of Safety Data Sheets for previously unidentified chemicals	At least seven days prior to use of chemicals that were not identified in the complete application
Condition 50	Notification of initial deposit of Waste	Minimum 10 days prior to initial deposit
Condition 37	Road Modification Plan	Minimum 60 days prior to WRSA construction
Condition 39	Annual Waste Management Plan Revision	Annually as necessary or as directed by the Board.
Condition 45	Archaeological Overview Summary Report	At least 60 days prior to any new land disturbance
Condition 46	Archaeological Impact Assessment Summary Report	Prior to disturbance in areas of high potential for archaeological or burial sites identified in Archaeological Overview
Condition 59	Location and quantity of fuel cache	Within ten days of fuel cache establishment
Condition 61	Annual Spill Contingency Plan Revision	Annually as necessary or as directed by the Board.
Condition 65 (c)	Spill notification	Within 24 hours
Condition 65 (d)	Detailed spill report	Within 30 days of initial reporting
Condition 79	Annual Engagement Plan Revision	Annually as necessary or as directed by the Board

**Annex B**

**Revisions to Permit W2021D0005**

**(Current to May 13, 2022)**

*List of changes made to the Water Licence since Issuance*

<b>Effective Date</b>	<b>Section and Description</b>	<b>Reference</b>
May 13, 2022	Issuance of W2021D0005	Original Issuance