

Conditions Annexed to and Forming Part of Land Use Permit # W2021Q0011

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Construction, maintenance, and use of winter roads;
 - b) Quarrying, crushing, and stockpiling of granular material;
 - c) Use of legacy borrow pit for the Snare Hydroelectric Facility near Snare Falls Plant;
 - d) Establishment of a petroleum fuel storage facility;
 - e) Establishment of a camp and satellite camps;
 - f) Use of vehicles and equipment; and
 - g) Use of explosives.
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*.

Board - the Wek'èzhìi 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.

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.

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.

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.

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.

Shut Down Period - The period of time between [DATE and DATE] each year, for the purpose of this operation.

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 – April 15 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.

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	Category
	26(1)(a) Location and Area	
1.	The Permittee shall only conduct this land-use operation on lands designated in the application.	LOCATION OF ACTIVITIES
2.	The Permittee shall locate all camps on Durable Land or previously cleared areas, and a minimum of 100 metres from the Ordinary High Water Mark.	CAMP SETBACK
3.	The Permittee shall use an existing campsite, as described in the complete application.	USE EXISTING CAMP
4.	The Permittee shall not conduct a quarry operation within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.	QUARRY SETBACK
5.	The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.	PARALLEL ROADS
<u>6.</u>	<u>The Permittee shall confine the width of the right-of-way to a maximum of 10 metres.</u>	<u>WIDTH RIGHT-OF-WAY</u>
6.7.	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
	26(1)(b) Time	
7.8.	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) 767-9188	INITIAL NOTIFICATION – CONTACT INSPECTOR
8.9.	<u>Option 1:</u> At least 48 hours prior to returning to the worksite following a seasonal Shut Down Period, the Permittee's Field Supervisor shall notify the Board and contact an Inspector at (867) 767-9188.	SEASONAL NOTIFICATION – CONTACT INSPECTOR

<u>9-10</u>	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
<u>10-1</u>	At least ten days prior to the Shut Down Period or Spring Break-up , the Permittee shall advise an Inspector of: a) the plan for removal or storage of equipment and materials; and b) when cleanup and Progressive Reclamation of the land used will be completed.	REPORTS BEFORE SEASONAL REMOVAL
<u>11-1</u>	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	
<u>12-1</u>	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	
<u>13-1</u>	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.	WINTER ROADS
<u>14-1</u>	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
<u>15-1</u>	Prior to the expiry end of the land-use operation, the Permittee shall replace all excavated material, unless otherwise authorized in writing by an Inspector.	EXCAVATED MATERIAL TEST PITS
<u>16-1</u>	The Permittee shall leave a buffer strip of undisturbed vegetation at least 30 metres in width between cleared areas and public roads	TREE SCREEN

	26(1)(e) Type, Location, Capacity, and Operation of All Facilities	
17-1	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	
18-1	The land-use operation shall not cause obstruction to any natural drainage.	NATURAL DRAINAGE
19-2	The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses.	PROGRESSIVE EROSION CONTROL
21.	The Permittee shall apply appropriate mitigation at the first sign of erosion.	REPAIR EROSION
20-2	The Permittee shall apply appropriate mitigation at the first sign of erosion.	REPAIR EROSION
21-2	The Permittee shall only conduct off-road vehicle travel on snow-covered surfaces.	OFF-ROAD VEHICLE TRAVEL
22-2	The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface.	PREVENTION OF RUTTING
23-2	The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging.	SUSPEND OVERLAND TRAVEL
24-2	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
25-2	The Permittee shall only use clean water and snow in the construction of ice bridges and snow fills.	CONSTRUCT ICE BRIDGES SNOWFILLS
26-2	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.	REMOVE ICE BRIDGES/ SNOWFILLS
27-2	The Permittee shall slope the sides of Waste material piles, excavations, and embankments — except in solid rock — to a minimum ratio of 2:1 vertical, unless otherwise authorized in writing by an Inspector.	EXCAVATION AND EMBANKMENTS

	26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material	
28.3	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.	CHEMICALS
29.3	The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.	WASTE CHEMICAL DISPOSAL
30.3	The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility.	WASTE PETROLEUM DISPOSAL
33.	The Permittee shall provide written notification to the Board and Inspector a minimum of 10 days prior to the initial deposit of Waste, demonstrating that the licenced disposal facility has agreed to accept the Waste and has the capacity to receive the volumes of Waste requested.	NOTIFICATION OF SOLID WASTE DISPOSAL
	26(1)(h) Wildlife and Fish Habitat	
31.3	The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.	HABITAT DAMAGE
	26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage	
32.3	The Permittee shall dispose of all Waste as described in 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
33.3	The Permittee shall keep all garbage and debris in a secure container until disposal.	GARBAGE CONTAINER
34.3	The Permittee shall dispose of all garbage, Waste, and debris as described in the approved Waste Management Plan, unless otherwise authorized in writing by an Inspector.	REMOVE GARBAGE
35.3	The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan.	SEWAGE DISPOSAL - PLAN

Commented [BS1]: Non-Standard Condition included from W2018F0001 and W2018Q0003.

	26(1)(j) Protection of Historical, Archaeological, and Burial Sites	
<u>36.3</u>	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
<u>37.4</u>	The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.	SITE DISTURBANCE
<u>38.4</u>	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) 767-9188, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255.	SITE DISCOVERY AND NOTIFICATION
	26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value	
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	26(1)(l) Security Deposit	
<u>39.4</u>	All costs to remediate the area under this Permit are the responsibility of the Permittee.	RESPONSIBILITY FOR REMEDIATION COSTS
	26(1)(m) Fuel Storage	
<u>40.4</u>	The Permittee shall: a) examine all Fuel Storage Containers and Tank for leaks; and b) repair all leaks immediately.	REPAIR LEAKS
<u>41.4</u>	The Permittee shall place Fuel Storage Containers and 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
<u>42.4</u>	The Permittee shall set up all refueling points with Secondary Containment.	SECONDARY CONTAINMENT - REFUELING
<u>43.4</u>	The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	FUEL CONTAINMENT
<u>44.4</u>	The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours.	FUEL ON LAND

45.4	The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name.	MARK CONTAINERS AND TANKS
49.	<u>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.</u>	<u>MARK FUEL LOCATION</u>
46.5	The Permittee shall have a maximum of litres of fuel stored on the land use site at any time, unless otherwise approved by the Board.	MAXIMUM FUEL ON SITE
47.5	The Permittee shall comply with 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
48.5	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
49.5	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
50.5	The Permittee shall clean up all leaks, spills, and contaminated material immediately	CLEAN UP SPILLS
51.5	During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall: <ul style="list-style-type: none"> a) implement the approved Spill Contingency Plan; b) report it-immediately using the NU-NT Spill Report Form by one of the following methods: <ul style="list-style-type: none"> • Telephone: (867) 920-8130 • Fax: (867) 873-6924 • E-mail: spills@gov.nt.ca • <u>Online: Spill Reporting and Tracking Database</u> 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. 	REPORT SPILLS

	26(1)(n) Methods and Techniques for Debris and Brush Disposal	
52.5	The Permittee shall progressively dispose of all brush and trees; all disposal shall be completed prior to the end of this land use operation	BRUSH DISPOSAL/ TIME
53.5	The Permittee shall not clear areas larger than identified in the complete application.	MINIMIZE AREA CLEARED
	26(1)(o) Restoration of the Lands	
58.	All outstanding liabilities and obligations of the Permittee in relation to work performed or required to be performed under Land Use Permit W2014F0002, W2018Q0003, and W2019Q0003 are fully incorporated into and subsumed under this Permit, and the Permittee must therefore complete the restoration and other obligations set out in or incurred under Permit W2014F0002, W2018Q0003, and W2019Q0003, as well as such further obligations as may be set out in or incurred under this Permit.	TRANSFER OF LIABILITIES
54.5	The Permittee shall dispose of all overburden as approved by the Board, or as otherwise authorized in writing by an Inspector.	DISPOSAL OF OVERBURDEN
55.6	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.	SAVE AND PLACE ORGANIC SOIL
56.6	Prior to the end of the land-use operation, the Permittee shall level all stockpiles of granular material located within the land use area.	LEVEL STOCKPILES
57.6	Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used.	FINAL CLEANUP AND RESTORATION
58.6	Prior to the end of the land-use operation, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation.	NATURAL VEGETATION
59.6	The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so.	PROGRESSIVE RECLAMATION
	26(1)(p) Display of Permits and Permit Numbers	
65.	The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation.	DISPLAY PERMIT

60-6	The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation.	COPY OF PERMIT
	26(1)(g) Biological and Physical Protection of the Land	
61-6	The Permittee shall not move any equipment or commence any drilling when one or more caribou are within 500 metres.	CARIBOU DISTURBANCE
68	<u>If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them.</u>	MIGRATORY BIRD NEST DISTURBANCE
62-6	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
63-7	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
64-7	All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.	SUMMARY OF CHANGES

Commented [BS2]: Non-Standard Condition included from W2019Q0003.