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January 24, 2021

File: W2021X0008

Dawn Kiem

Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Division
Box 1500

Yellowknife, NT X1A 2R3

Sent by email

Dear Dawn Kiem,

Re: Colomac– Issuance Package – Land Use Permit W2021X0008 – Miscellaneous – Colomac Mine Site, NT

The Wek'èezhì Land and Water Board (Board) met on January 24, 2022 and considered the Application Package from Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Division (CIRNAC-CARD) for Water Licence (Licence) W2021L8-0003 and Land Use Permit W2021X0003 for the Colomac Remediation Project (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board has approved Land Use Permit (Permit) W2021X0008 (attached) for a term of five (5) years, effective January 26, 2022 and expiring January 25, 2027. The Permit is supported by the Board's Reasons for Decision. These documents are posted to the Board's Public Registry.¹

Submission Requirements

The Board's decisions on submissions that were considered in conjunction with the Application Package are set out below.

¹ See WLWB (www.wlwb.ca) Online Registry for [W2021X0008](#)

Management Plans – Approved

The Board has approved the following Plans:

Condition Number	Title of Plan (Version)
Condition 56, ENGAGEMENT PLAN	Engagement Plan (V3.0) ²
Condition 26, WASTE MANAGEMENT	Waste Management Plan (V3.0) ³

When these Plans are next revised and submitted, the Plans must include the changes detailed in the Reasons for Decision.

Management Plans – Not Approved

The Board did not approve the Version 9.0 of the Spill Contingency Plan⁴ submitted with the Application Package as explained in the Reasons for Decision. The Board requires the Version 9.1 of the Spill Contingency Plan be submitted, for approval, as soon as possible. Until the revised Plan is approved, the Licensee may not commence Project activities.

Inspectors

The Inspectors referred to in the Permit can be contacted at the following office:

Crown-Indigenous Relations and Northern Affairs
P.O. Box 1500
4923 – 52nd Street
Yellowknife NT X1A 2R3
Phone: 867-669-2442 or 867-669-2466
Fax: 867-669-2702

Permit Processes and Additional Information

Sections 5 and 6 of the Board's *Guide to the Land Use Permitting Process*⁵ (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.

Full cooperation of CIRNAC-CARD is anticipated and appreciated. Please contact Anneli Jokela at (867) 765-4588 with any questions or concerns regarding this letter.

² See WLWB Online Registry for [Colomac – Engagement Plan – Version 3.0 – Oct 8 21](#)

³ See WLWB Online Registry for [Colomac – Waste Management Plan – Version 3.0 – Oct 8 21](#)

⁴ See WLWB Online Registry for [Colomac – Spill Contingency Plan – Version 9.0 – Oct 8 21](#)

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

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: Wek'èezhìi Distribution List
 Tim Morton – Inspector, CIRNAC
 Mike Roesch, CIRNAC
 Jessica Wilson, CIRNAC-CARD
 Beth Cowan, CIRNAC-CARD

Attached: Land Use Permit W2021X0008



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**Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Division
Land Use Permit W2021X0008**

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

Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Division

(Permittee)

of Box 1500, Yellowknife, NT, X1A 2R3

(Mailing Address)

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

Location:	Colomac Remediation Project
Purpose:	Miscellaneous – Remediation and Reclamation of Colomac Mine Site
Type:	Type A
Effective Date:	January 24, 2022
Expiry Date:	January 23, 2027

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

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

A handwritten signature in black ink, appearing to read "Meaghan MacIntyre-Newell".

Meaghan MacIntyre-Newell, Witness

Conditions Annexed to and Forming Part of Land Use Permit # W2021X0008

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Use of vehicles and/or machines; and
 - b) Storage of fuels.
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, Condition 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*.

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

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.

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.

Permittee - the holder of this permit.

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.

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.

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 use existing lines or roads.	EXISTING LINES/ROADS
26(1)(b) Time	
3. 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) 669-2442.	INITIAL NOTIFICATION – CONTACT INSPECTOR
4. 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: <ul style="list-style-type: none"> 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
5. At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of: <ul style="list-style-type: none"> 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	
6. 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

7. 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**

8. 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

9. 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

10. The Permittee shall insulate the ground surface beneath all structures associated with this land-use operation to prevent: **PERMAFROST PROTECTION**

- a) any vegetation present from being removed;
- b) the melting of Permafrost; and
- c) the ground settling and/or eroding.

11. The land-use operation shall not cause obstruction to any natural drainage. **NATURAL DRAINAGE**

12. The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses. **PROGRESSIVE EROSION CONTROL**

13. The Permittee shall apply appropriate mitigation at the first sign of erosion. **REPAIR EROSION**

14. The Permittee shall only conduct off-road vehicle travel on snow-covered surfaces. **OFF-ROAD VEHICLE TRAVEL**

15. The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface. **PREVENTION OF RUTTING**

- | | | |
|---|--|---|
| 16. | The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging. | SUSPEND OVERLAND TRAVEL |
| 17. | 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 |
| 18. | The Permittee shall use temporary bridges or dry fording when crossing streams. | DRY FORDING |
| 19. | The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High-Water Mark of any Watercourse. | EQUIPMENT: WATERCOURSE
BUFFER |
| 20. | 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. | EXCAVATION SETBACK |
| 26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material | | |
| 21. | 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 |
| 22. | The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan. | WASTE CHEMICAL DISPOSAL |
| 23. | The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility. | WASTE PETROLEUM DISPOSAL |
| 24. | 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

25. 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

26. 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**

27. The Permittee shall keep all garbage and debris in a secure container until disposal. **GARBAGE CONTAINER**

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

28. 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**

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

30. The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered: **SITE DISCOVERY AND NOTIFICATION**
- a) immediately suspend operations on the site; and
 - b) notify the Board at (867) 765-4592 or an Inspector at (867) 669-2442, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255.

26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value

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26(1)(l) Security Deposit

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

26(1)(m) Fuel Storage

32. The Permittee shall: **REPAIR LEAKS**
- a) examine all Fuel Storage Containers and Tank for leaks daily while the Permittee is onsite; and
 - b) repair all leaks immediately.
33. 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**
34. The Permittee shall ensure that all fuel caches have adequate Secondary Containment. **FUEL CACHE SECONDARY CONTAINMENT**
35. The Permittee shall set up all refueling points with Secondary Containment. **SECONDARY CONTAINMENT - REFUELING**
36. The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. **FUEL CONTAINMENT**
37. The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours. **FUEL ON LAND**
38. The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name. **MARK CONTAINERS AND TANKS**
39. 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. **MARK FUEL LOCATION**
40. The Permittee shall have a maximum of 3690 litres of fuel stored on the land use site at any time, unless otherwise approved by the Board. **MAXIMUM FUEL ON SITE**
41. Within ten days of the establishment of any fuel cache, the Permittee shall report the **REPORT FUEL LOCATION**

location and quantity of the cache in writing to the Board and an Inspector.

42. 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. **SEAL OUTLET**
43. 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**
44. 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**
45. 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**
46. The Permittee shall clean up all leaks, spills, and contaminated material immediately **CLEAN UP SPILLS**
47. 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
 - Fax: (867) 873-6924
 - E-mail: 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

48. The Permittee shall not clear any vegetation. **NO CLEARING**

26(1)(o) Restoration of the Lands

49. All outstanding liabilities and obligations of the Permittee in relation to work performed or required to be performed under Land Use Permit W2014X0004 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 W2014X0004, as well as such further obligations as may be set out in or incurred under this Permit. **TRANSFER OF LIABILITIES**

50. 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**

51. 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**

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

52. The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation. **DISPLAY PERMIT**

53. The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation. **COPY OF PERMIT**

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

54. If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them. **MIGRATORY BIRD NEST DISTURBANCE**
55. 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**
56. 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**
57. All revised plans submitted to the Board shall include a brief summary of the changes made to the plan. **SUMMARY OF CHANGES**