

Conditions Annexed to and Forming Part of Land Use Permit # MV2023Q0021

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) a quarry operation 240 metres south of the Kakisa Access Road, near km 2.8; and
 - b) use of machinery.
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, Deline, Tłı̨chǫ, or Municipal laws.

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

Act - the *Mackenzie Valley Resource Management Act*.

Board - the Mackenzie Valley Land and Water Board established under Part 4 of the Act.

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.

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.

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

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.

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.

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
- b) diversity;
- c) Constitutes or may constitute a danger to the environment on which life depends; or
- d) 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.

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 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
3. The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.	PARALLEL ROADS
4. The Permittee shall confine the width of the right-of-way to a maximum of 10 metres.	WIDTH RIGHT-OF-WAY
5. Prior to the commencement of the land-use operation, the Permittee shall mark each corner of the land-use area.	MARK AREA
6. The Permittee shall maintain the corner markings until the area is reclaimed.	CORNER POSTS
26(1)(b) Time	
7. 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) 874-6994.	INITIAL NOTIFICATION – CONTACT INSPECTOR
8. 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
9. 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

10. 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

11. 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

12. 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

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

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

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

16. 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**

17. 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**

18. 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

19. 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**

20. The Permittee shall dispose of all Toxic Material as described in the accepted Application. **WASTE CHEMICAL DISPOSAL**

21. The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility. **WASTE PETROLEUM DISPOSAL**

22.	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
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26(1)(h) Wildlife and Fish Habitat

23.	The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.	HABITAT DAMAGE
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26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage

24.	The Permittee shall dispose of all Waste as described in the accepted Application.	WASTE MANAGEMENT
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25.	The Permittee shall keep all garbage and debris in a secure container until disposal.	GARBAGE CONTAINER
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26(1)(j) Protection of Historical, Archaeological, and Burial Sites

26.	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
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27.	The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.	SITE DISTURBANCE
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28.	The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:	SITE DISCOVERY AND NOTIFICATION
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- a) immediately suspend operations on the site; and
- b) notify the Board at (867) 873-0506 or an Inspector at (867) 874-6994, 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

29.	Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of xxxx.	SECURITY DEPOSIT
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30.	All costs to remediate the area under this Permit are the responsibility of the Permittee.	RESPONSIBILITY FOR REMEDICATION COSTS
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26(1)(m) Fuel Storage

31.	The Permittee shall: a) examine all Fuel Storage Containers and Tanks for leaks; and b) repair all leaks immediately.	REPAIR LEAKS
32.	The Permittee shall set up all refueling points with Secondary Containment.	SECONDARY CONTAINMENT – REFUELING
33.	The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	FUEL CONTAINMENT
34.	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
35.	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
36.	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
37.	The Permittee shall clean up all leaks, spills, and contaminated material immediately	CLEAN UP SPILLS
38.	During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall: 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.	REPORT SPILLS
26(1)(n) Methods and Techniques for Debris and Brush Disposal		
39.	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

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

26(1)(o) Restoration of the Lands

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

42. 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**

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

44. 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**

45. 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**

46. 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**

47. 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**

48. 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

49. 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

50. 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**

51. 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**

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

**SUMMARY OF
CHANGES**

Attachment A: Concordance Table of Submissions

Supplemental information to be submitted by Permittee as required through Land Use Permit Conditions.

Disclaimer: If there are any discrepancies between this table and the body of the Permit, the Permit conditions prevail.

Permit Condition(s)	Report, Plan or Program Required	Due Date
SPILL RESPONSE PLAN	The Permittee 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.	N/A

Attachment B: Revision History Table

List of changes that have been made to the Land Use Permit since issuance.

Date	Location of change	What has changed