

Conditions Annexed to and Forming Part of Land Use Permit # S22H-003

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) the establishment of fuel cache(s).
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, Tłıchǫ, or Municipal laws.

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

Act - the *Mackenzie Valley Resource Management Act*.

Board - the Sahtu 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 Crown Indigenous Relations and Northern Affairs 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.

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.

Shut Down Period - The period of time between November 1 and March 31 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.

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)

26(1)(a) Location and Area

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| 1. | The Permittee shall only conduct this land-use operation on lands designated in the application. | LOCATION OF ACTIVITIES |
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26(1)(b) Time

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| 2. | 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 |
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| 3. | 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) 669-2442. | SEASONAL NOTIFICATION – CONTACT INSPECTOR |
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| 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: | IDENTIFY AGENT |
| | 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). | |

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| 5. | At least ten days prior to the Shut Down Period the Permittee shall advise an Inspector of the plan for removal or storage of fuel. | REPORTS BEFORE SEASONAL REMOVAL |
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| 6. | At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of: | REPORTS BEFORE FINAL REMOVAL |
| | a) the plan for removal of full Fuel and/or empty Fuel Containers; | |
| | b) when the Final Plan will be submitted. | |

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

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26(1)(d) Methods and Techniques

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

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| 7. | The Permittee shall ensure that the land use area is kept clean at all times. | CLEAN WORK AREA |
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26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land

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| 8. | 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. | PERMAFROST
PROTECTION |
| 9. | The land-use operation shall not cause obstruction to any natural drainage. | NATURAL
DRAINAGE |

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

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| 10. | The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility. | WASTE
PETROLEUM
DISPOSAL |
| 11. | 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

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| 12. | 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

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| 13. | 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 |
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26(1)(j) Protection of Historical, Archaeological, and Burial Sites

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| 14. | 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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| 15. | The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. | SITE DISTURBANCE |
| 16. | 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) 598-2413 or an Inspector at (867) 669-2442, 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

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| 17. | All costs to remediate the area under this Permit are the responsibility of the Permittee. | RESPONSIBILITY FOR REMEDIATION COSTS |
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26(1)(m) Fuel Storage

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| 18. | The Permittee shall:
a) examine all Fuel Storage Containers and Tank for leaks while the land use operation is active; and
b) repair all leaks immediately. | REPAIR LEAKS |
| 19. | 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 |
| 20. | The Permittee shall ensure that all fuel caches have adequate Secondary Containment. | FUEL CACHE SECONDARY CONTAINMENT |
| 21. | The Permittee shall set up all refueling points with Secondary Containment. | SECONDARY CONTAINMENT - REFUELING |
| 22. | The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. | FUEL CONTAINMENT |
| 23. | The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name. | MARK CONTAINERS AND TANKS |
| 24. | 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 |

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| 25. | The Permittee shall have a maximum of 30,000 litres of fuel stored on the land use site at any time, unless otherwise approved by the Board. | MAXIMUM FUEL
ON SITE |
| 26. | 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. | REPORT FUEL
LOCATION |
| 27. | 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 |
| 28. | 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 |
| 29. | Prior to commencement of the land-use operation the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills. | SPILL RESPONSE |
| 30. | The Permittee shall clean up all leaks, spills, and contaminated material immediately | CLEAN UP SPILLS |
| 31. | 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 • 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

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| 32. | The Permittee shall not clear any vegetation. | NO CLEARING |
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26(1)(o) Restoration of the Lands

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| 33. | All outstanding liabilities and obligations of the Permittee in relation to work performed or required to be performed under Land Use Permit S17H-002 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 S17H-002, as well as such further obligations as may be set out in or incurred under this Permit. | TRANSFER OF
LIABILITIES |
| 34. | 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 |
| 35. | 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

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| 36. | The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation. | COPY OF PERMIT |
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26(1)(q) Biological and Physical Protection of the Land

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| 37. | 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 |
| 38. | Prior to the commencement of the land-use operation, the Permittee shall submit a revised Engagement Plan in accordance with <i>MVLWB's "Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits"</i> to the Board for approval. | SUBMIT REVISED
ENGAGEMENT
PLAN |
| 39. | The Permittee shall comply with the Engagement Plan , once approved. | ENGAGEMENT
PLAN |
| 40. | All revised plans submitted to the Board shall include a brief summary of the changes made to the plan. | SUMMARY OF
CHANGES |

ANNEX A: Summary of Submissions and Notifications

CONDITION # NAME	REQUIREMENT	TIME / DATE
2 Contact Inspector	Initial Notification	48 hours prior to initial Project commencement
3. Contact Inspector	Seasonal Notification	48 hours prior to returning after seasonal Shut Down Period
4. Identify Agent	Written Notification	48 hours prior to Project commencement
5. Reports before Seasonal Removal	Advise Inspector	10 days prior to Shut Down Period
6. Reports before Final Removal	Advise Inspector	10 days prior to completion of the Project
11. Solid Waste Disposal	Written Notification to Board and Inspector	10 days prior to initial deposit of Waste
13. Waste Management Plan	Review and revise and resubmit if needed	Annually
16. Site Discovery	Notify Board or Inspector and Prince of Wales Northern Heritage Centre	Immediately upon discovery of suspected archaeological or historic site or burial ground
26. Report Fuel Location	Written Notification to Board and Inspector	Within 10 days of establishment of any fuel cache
28. Spill Contingency Plan	Review and revise and resubmit if needed	Annually
31. Report Spills	NU-NT Spill Report Form Board and Inspector Board and Inspector	Immediately to NU-NT-NU Within 24 hours After 30-days
38. Submit Revised Engagement Plan	Board for approval	Prior to Project commencement