Mackenzie Valley Land and Water Board
7th Floor - 4922 48th Street
P.O. Box 2130
YELLOWKNIFE NT X1A 2P6
Phone (867) 669-0506
FAX (867) 873-6610

June 9, 2016 File: MV2016E0006

Mr. Binay Yadav, Head, Technical Services
GNWT - Department of Transportation
Box 1320
YELLOWKNIFE NT X1A 2L9 Email: binay_yadav@gov.nt.ca

Dear Mr. Yadav:

Issuance of Type A Land Use Permit
Public Road - Mackenzie Highway #1 (km 278 to km 800)

Attached is Type A Land Use Permit MV2016E0006, granted by the Mackenzie Valley Land and Water Board (MVLWB or the Board) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA). This Permit has been approved for a period of five years commencing June 9, 2016 and expiring June 8, 2021.

Based on the evidence provided, the Board has confirmed the Application is exempt from preliminary screening as per Schedule 1, Paragraph 2 of the Exemption List Regulations of the MVRMA which states:

> A development, or part thereof, for which renewal of a permit, licence or authorization is requested that
>
> a) Has not been modified; and
> b) Has fulfilled the requirements of the environmental assessment process established by the *Mackenzie Valley Resource Management Act, the Canadian Environmental Assessment Act* or the *Environmental Assessment Review Process Guidelines Order*.

Please read all conditions carefully. For the purpose of submitting plans in accordance with this Permit, the date of this letter, June 9, 2016, is the date of commencement.

The Board hereby approves the following Plans as summarized in Table 1:

…/2

Table 1: Plans that have been approved

Condition Number	Title of Plan/Program/Report	Date Received
51	Waste Management Plan	April 18, 2016
70	Spill Contingency Plan	April 18, 2016
87	Engagement Plan	April 18, 2016

A copy of this Permit and all related correspondence and documents has been filed on the Public Registry at the MVLWB office. Please be advised that this letter inspection reports, and related correspondence is part of the Public Registry and is intended to keep all interested parties informed of the manner in which the Permit requirements are being met. All Public Registry material will be considered if an amendment to the Permit is requested.

The Board also notes that a water licence is required if the GNWT – Department of Transportation expects to use more than $100m^3$ of water per day for the undertaking as per Schedule H of the Waters Regulations.

The full cooperation of GNWT - Department of Transportation is anticipated and appreciated. If you have any questions or concerns, please contact Tyree Mullaney at (867) 766-7464 or email tyree@mvlwb.com.

Yours sincerely,



Floyd Adlem
MVLWB A/Chair

Copied to: Distribution List

Attachments:
- Land Use Permit Cover
- Land Use Permit Conditions
- Reasons for Decision

Land Use Permit

Permit Class	Permit No	Amendment No
A	MV2016E0006	

Subject to the Mackenzie Valley Land Use Regulations and the terms and conditions in this Permit, authority is hereby granted to:

Government of the Northwest Territories –
Department of Transportation

Permittee

to proceed with the land use operation described in the Application of:

Signature	Date
Mr. Binay Yadav	April 15, 2016
Type of Land Use Operation	
Public Road	
Location	
Mackenzie Highway #1 (km 278 to km 800)	

This Permit may be assigned, extended, discontinued, suspended, or cancelled pursuant to the Mackenzie Valley Land Use Regulations.

Dated at Yellowknife this 9 day of June , 2016

Signature A/Chair

Floyd Adlem

Signature Witness

Amanda Gauthier

Commencement Date
June 9, 2016

Expiry Date
June 8, 2021

ATTENTION

It is a condition of this Permit that the Permittee comply with the provisions of the *Mackenzie Valley Resource Management Act* and Regulations and the terms and conditions set out herein. A failure to comply may result in suspension or cancellation of this Permit.

Conditions Annexed to and Forming Part of Land Use Permit # MV2016E0006

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
   a) The continuous and ongoing operation and maintenance of the existing NWT public highway system within the permit area along the Mackenzie Highway between km 260 and km 800. This area includes community access roads for Fort Simpson, Jean Marie River, Trout Lake, Willow Lake River Settlement, and Wrigley, as listed under the *Highways Act* as Commissioners Land for the Government of the NWT. The activities will focus on highway and airport infrastructure such as roadway embankment and bridge and culvert maintenance and replacement, winter road and ice bridge construction and maintenance, and airstrip surfacing and marine (ferry) services and operations;
   b) The permit area will be 2 km in width — 1 km on each side of the existing public highway/roadway centerline through the entire length of the permit area including access roads;
   c) To develop and obtain granular borrow materials, common materials, blast rock, rip-rap, clay, sand and gravel from areas outside the existing 60-m wide public highway corridor through applications to GNWT – Department of Lands for quarry permits;
   d) To place and maintain granular stockpiles at existing or approved quarry sites for the purpose of ongoing maintenance and operation of the public highway system within the permit area;
   e) To place temporary construction work/camps at existing quarry or approved quarry sites for the purpose of ongoing maintenance and operation of the public highway system within the permit area;
   f) To temporarily store maintenance and operations equipment at the various existing quarry or other previously developed sites within the permit area while carrying out these activities in the area;
   g) To access water sources, as approved, for the ongoing maintenance and operations of the public highway system within the permit area; and
   h) To have right of access and priority status within one km left and right of the roadway centreline of the highway corridor for the purpose of quarry pit development and drainage channel construction.

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*.

Archaeological Overview - as defined by the Prince of Wales Northern Heritage Centre – Guidelines for Developers.

Archaeological Impact Assessment - as defined by the Prince of Wales Northern Heritage Centre – Guidelines for Developers.

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

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

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 Fluids - 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 June 2013, or amended editions, *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.

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 *Mackenzie Valley Resource Management 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).

Permafrost - ground (soil or rock) that remains at or below 0^{o}C for at least two consecutive years.

Permittee – Government of the Northwest Territories – Department of Transportation

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.

Sewage Disposal Facilities - Sump(s) and/or Sewage collection tank(s) and/or storage containers designed to hold Sewage.

Spill Contingency Plan - a document, developed in accordance with Aboriginal Affairs and Northern Development Canada's *Guidelines for Spill Contingency Planning* (April 2007), that describes the set of procedures to be implemented to minimize the effects of a spill.

Sump - a man-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.

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 (WMP) - 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 locate all camps on Durable Land or previously cleared areas.	**Camp Location**
2.	The Permittee shall use an existing campsite, as described in the complete application.	**Existing Camp**
3.	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**
4.	The Permittee shall not conduct this land-use operation on any lands not designated in the complete application.	**Location of Activities**
5.	Prior to the commencement of the land use operation (quarry operations), the Permittee shall mark each corner of the land use area.	**Mark Area**
6.	The Permittee shall maintain the corner markings on quarries until the area is reclaimed.	**Corner Posts**
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	
8.	At least 48 hours prior to the commencement of this land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) 695-2626.	**Contact Inspector**
9.	At least 48 hours prior to commencement of this 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; and b) when final cleanup and reclamation of the land used will be completed.	**Reports Before Removal**
11.	The Board, for the purpose of this operation, designates March 31, as spring break-up.	**Spring Break – up**

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

12. The Permittee shall not use any equipment except of a similar type, size, and number to that listed in the complete application. **Only Approved Equipment**

13. The Permittee shall, in camps of five people or less, maintain the following firefighting equipment in the base camp and in active readiness: **Fire Fighting Equipment**

    a) two back-pack bags or cans complete with hand pumps; and
    b) at least one of each of the following: pulaskis, axes, and shovels.

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

14. The Permittee shall Dogleg lines, trails and right-of-ways that approach Watercourses or public roads. **Dogleg Approaches**

15. 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**

16. 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**

17. The Permittee shall leave a buffer strip of undisturbed vegetation that is not less than 30 metres in width. **Tree Screen**

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

18. The Permittee shall ensure that the land use area is kept clean at all times. **Clean Work Area**

19. 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. **Sumps From Water**

26(1)(*f*) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land

20. The Permittee shall install and maintain culverts such that scouring does not occur. **Culvert Size**

21. The land-use operation shall not cause obstruction to any natural drainage. **Natural Drainage**

22. The Permittee shall minimize erosion by installing erosion control structures as the land-use operation progresses. **Progressive Erosion Control**

23. The Permittee shall, where flowing water from a Borehole is encountered: **Flowing Artesian Well**

a) plug the Borehole in such a manner as to permanently prevent any further outflow of water; and
b) immediately report the occurrence to the Board and an Inspector.

24. The Permittee shall prepare the site in such a manner as to prevent rutting of the ground surface. **Prevention of Rutting**

25. The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting. **Suspend Overland Travel**

26. 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**

27. The Permittee shall not use any material other than clean water and snow in the construction of ice bridges. **Ice Bridge Materials**

28. The Permittee shall not use any materials other than clean snow and water in the construction of snow fills. **Snowfill Materials**

29. Prior to spring break-up or completion of the land-use operation, the Permittee shall clean up and either remove or v-notch all snowfills from stream crossings, unless otherwise authorized in writing by an Inspector. **Remove or V-Notch Snowfills**

30. Prior to spring break-up or completion of the land-use operation, the Permittee shall clean up and v-notch all ice bridges, unless otherwise authorized in writing by an Inspector. **V-notch Ice Bridges**

31. The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector. **Stream Banks**

32. The Permittee shall minimize approach grades on all Watercourse crossings. **Minimize Approach**

33. The Permittee shall not ford wet streams. **No Fording of Streams**

34. 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**

35. The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High Water Mark of any Watercourse. **Watercourse Buffer**

36. 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. **Excavate Near Watercourse**

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

37. At least seven days prior to the use of any chemicals that were not identified in the complete application, the MSDS sheets must be provided to an Inspector and the Board. **Chemicals**

38. When drilling within 100 metres of the Ordinary High Water Mark of any Watercourse, and when drilling on ice, the Permittee shall contain all drill water and waste in a closed circuit system for reuse, off-site disposal, or deposit into a land-based Sump or natural depression. **Drilling Near Water or On Ice**

39. The Permittee may deposit Drilling Waste that does not contain Toxic Material in a Sump or natural depression. Any Sumps or natural depressions used to deposit Drilling Waste must be located at least 100 metres from the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. **Drilling Waste**

40. The Permittee shall remove all Drilling Waste containing Toxic Material to an approved disposal facility. **Drilling Waste Disposal**

41. The Permittee shall not allow any Drilling Waste to spread to the surrounding lands or Watercourses. **Drilling Waste Containment**

42. Prior to spring break-up, the Permittee shall reclaim all Sumps, unless otherwise authorized in writing by an Inspector. **Reclaim Sumps**

43. Prior to the expiry date of this Permit or the end of operations, whichever comes first, the Permittee shall backfill and restore all Sumps, unless otherwise authorized in writing by an Inspector. **Backfill Sumps**

44. The Permittee shall maintain a record of all spills. For all reportable spills, in accordance with the GNWT *Spill Contingency Planning and Reporting Regulations,* the Permittee shall: **Report Spills**

    a) immediately report each spill to the 24-hour Spill Report Line (867) 920-8130;
    b) report each spill to an Inspector within 24 hours; and
    c) submit, to the Board and an Inspector, a detailed report on each spill within 30 days.

45. The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan. **Waste Chemical Disposal**

46. The Permittee shall dispose of all combustible waste petroleum products by removal to an approved disposal facility. **Waste Petroleum Disposal**

47. The Permittee shall dispose of all waste petroleum products by removal to an approved disposal facility or by incineration in a device designed for this purpose, as described in the approved Waste Management Plan. **Waste Petroleum Disposal**

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

48. The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation. **Habitat Damage**

49. The Permittee shall not obstruct the movement of fish while conducting this land-use operation. The Permittee shall construct and maintain all structures placed in streams frequented by fish in a manner that will not obstruct the passage of fish. **Free Fish Movement**

50. The Permittee shall avoid activities between May 7 and August 10 that may impact nesting migratory birds. **Migratory Bird Season**

26(1)(*i*) Storage, Handling, and Disposal of Refuse or Sewage

51. The Permittee shall adhere to 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**

52. The Permittee shall keep all garbage and debris in a secure container until disposal. **Garbage Container**

53. 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**

54. The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan. **Sewage Disposal**

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

55. 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**

56. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. **Site Disturbance**

57. 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) 669-0506 or an Inspector at (867) 695-2626, and the Prince of Wales Northern Heritage Centre at (867) 767-9347 ext. 71251 or (867) 767-9347 ext. 71250.

58. At least 10 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**

59. 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**

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

Intentionally left blank

26(1)(*l*) Security Deposit

60. All costs to remediate the area under this Permit are the responsibility of the Permittee. **Responsibility for Remediation Costs**

26(1)(*m*) Fuel Storage

61. The Permittee shall: **Check for Leaks**

a) examine all Fuel Storage Tanks and containers for leaks a minimum once per day; and
b) repair all leaks immediately.

62. The Permittee shall not place any Fuel Storage Containers or Tanks within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. **Fuel Near Water**

63. The Permittee shall ensure that all fuel caches have adequate Secondary Containment. **Fuel Cache Secondary Containment**

64. The Permittee shall set up all refueling points with Secondary Containment. **Secondary Containment - Refueling**

65. The Permittee shall only use stands approved by an Inspector for supporting Fuel Storage Containers that are in use. **Fuel Container Stands**

66. The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. **Fuel Containment**

67. The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours. **Fuel on Land**

68. 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**

69. 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**

70. The Permittee shall adhere to 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**

71. Prior to commencement of operations, the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills. **Spill Response**

72. 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**

73. The Permittee shall clean up all leaks, spills, and contaminated material. **Clean Up Spills**

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

74. The Permittee shall progressively dispose of all brush and trees and shall complete all brush disposal; all disposal shall be completed prior to the expiry date of this Permit. **Brush Disposal/ Time**

75. The Permittee shall not clear areas larger than identified in the complete application. **Minimize Area Cleared**

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

76. 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**

77. The Permittee shall dispose of all overburden as instructed by an Inspector. **Disposal of Overburden**

78. The Permittee shall store overburden and use it to recontour the site after operations are complete, unless otherwise authorized in writing by an Inspector. **Save and Place Organic Soil**

79. The Permittee shall level all stockpiles of granular material located within the land use area prior to the expiry date of this Permit. **No Stockpiles**

80. Prior to the expiry date of this Permit, the Permittee shall complete all cleanup and restoration of the lands used. **Final Cleanup and Restoration**

81. Prior to the expiry date of this Permit, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation. **Natural Vegetation**

82. The Permittee shall carry out progressive reclamation of disturbed areas as soon as it is practical to do so. **Progressive Reclamation**

83. The Permittee shall complete reclamation of each individual project site within 12 months of completion. **Seasonal Reclamation**

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

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

85. 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

86. 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**

87. The Permittee shall adhere to 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**

88. All revised plans submitted to the Board shall include a brief summary of the changes made to the plan. **Summary of Changes**

Mackenzie Valley Land and Water Board
7th Floor - 4922 48th Street
P.O. Box 2130
YELLOWKNIFE NT X1A 2P6
Phone (867) 669-0506
FAX (867) 873-6610

Reasons for Decision

Issued pursuant to paragraph 40(2)(*c*) of the *Mackenzie Valley Land Use Regulations* (MVLUR) and section 121 of the *Mackenzie Valley Resource Management Act (*MVRMA)

Land Use Permit Application	
Preliminary Screener	MVLWB
Reference/File Number	MV2016E0006
Applicant	Government of the Northwest Territories – Department of Transportation (GNWT-DOT)
Project	Public Road, Mackenzie Highway #1 (km 278 to km 800), NT

Decision from Mackenzie Valley Land and Water Board
Meeting of

June 9, 2016

With respect to this Application, notice was given in accordance with sections 63 and 64 of the MVRMA. There was *no* public hearing held in association with this Application.

Background

- June 5, 2009 – Existing Permit MV2008E0033 issued to GNWT-DOT;
- April 18, 2016 – Application for Permit MV2016E0006 received;
- April 25, 2016 – Application deemed incomplete;
- April 28, 2016 – Additional information submitted;
- May 3, 2016 – Requested further additional information;
- May 3, 2016 – Application deemed complete and distributed for review;
- May 24, 2016 – Comments due from reviewers;
- May 26, 2016 – Responses due from GNWT-DOT;
- June 4, 2016 – Expiration of existing Permit MV2008E0033;
- **June 9, 2016 – Application presented to the Board for decision; and**
- June 13, 2016 – End of the 42-day timeline.

…/2

Decision

The Board is satisfied that:

- the development was screened by the MVLWB on June 5, 2009 and August 28, 2014 pursuant to subsection 124(1) of the MVRMA and has therefore been exempt from screening pursuant to Part 1(2) of Schedule 1 (Section 2) of the Exemption List Regulations;
- any potential adverse environmental effects are insignificant or mitigable with known technology; and
- there is no likelihood that the proposed development might be a cause of public concern.

After reviewing the evidence and submissions of the Applicant, the written comments and submissions received by the Board and the Staff Report prepared for the Board, the Board, having due regard to the facts, circumstances, the merits of the submissions made to it, and to the purpose, scope, and intent of the MVRMA and Regulations made thereunder, has determined that Land Use Permit MV2016E0006 be issued subject to the terms and conditions contained therein. The Board's determinations and reasons for this decision are set out below.

The Board's reasons for this decision are as follows:

- The Board is satisfied that appropriate consultation has been conducted and that advice has been sought and considered, in accordance with sections 63 and 64 of the MVRMA.
- It is the opinion of the Board that the terms and conditions attached to MV2016E0006, pursuant to the MVRMA, will prevent or mitigate any potential significant environmental impacts which might result from the project.
- The use of land proposed by the Applicant is of a nature contemplated by the MVRMA.
- The operation will likely contribute to the socio-economic well-being and economic development of the region.
- The Board has reviewed the information contained in Staff Report MV2016E0006 regarding environmental impacts and/or public concerns.

The Board provides the following rationale to support new conditions or standard conditions which have been modified to suit this undertaking:

- Tree Screen – the Board modified this standard condition to reflect the GNWT-Inspectors comment (1) to allow for flexibility in the width of the tree screen for areas where vegetation coverage is thin.
- Seasonal Reclamation – the Board developed a condition to address the GNWT-Inspectors comment (5) regarding seasonal reclamation. The Board determines the reclamation of individual projects should be conducted within 12 months of completing each project. This grants flexibility to the GNWT-DOT to complete reclamation on a timely, seasonal basis, rather than waiting until permit expiration.

Land Use Permit MV2016E0006 contains provisions that the Board feels necessary to ensure and monitor compliance with the MVRMA and the Regulations made thereunder and to provide appropriate safeguards in respect of the Applicant's use of the land affected by the Permit.

SIGNATURE

Mackenzie Valley Land and Water Board



June 9, 2016

Floyd Adlem
MVLWB A/Chair

Date