

Conditions Annexed to and Forming Part of Land Use Permit # MV2017Q0033

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Operation of a quarry;
 - b) Use of equipment;
 - c) Use of fuel;
 - d) Clearing of brush.
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 for the Protection of Archaeological Sites in the Northwest Territories*.

Archaeological Impact Assessment - as defined by the Prince of Wales Northern Heritage Centre – *Guidelines for Developers for the Protection of Archaeological Sites in the Northwest Territories*.

Board - the Mackenzie Valley Land and Water Board established under Part 4 of the Act, or the [INSERT NAME OF REGIONAL PANEL] Board established under Part 3 of the Act, as the case may be.

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.

Oil-Based Drilling Muds - Drilling Fluids that are commonly formulated with diesel, mineral oil, or low-toxicity linear olefins and paraffins.

Oil and Gas Drilling Sump - a surface excavation, constructed of material that exhibits low permeability (hydraulic conductivity of less than 10^{-6} cm/s), for the purpose of depositing and containing Drilling Waste.

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.

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* (April 2007, 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 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)

26(1)(a) Location and Area

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| 1. | 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 |
| 2. | The Permittee shall not conduct this land-use operation on any lands not designated in the complete application. | LOCATION OF ACTIVITIES |
| 3. | Prior to the commencement of the land-use operation, the Permittee shall mark each corner of the land-use area. | MARK AREA |
| 4. | The Permittee shall maintain the corner markings until the area is reclaimed. | CORNER POSTS |
| 5. | 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 |
| 6. | The Permittee shall not conduct any part of the land-use operation within ___ metres of a cabin used for traditional activities, including trapping, hunting, or fishing, unless otherwise authorized in writing by the Board. | AVOID CABINS |

26(1)(b) Time

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| 7. | At least 48 hours prior to the commencement of the land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) _____. | 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; and | REPORTS BEFORE REMOVAL |

- b) when final cleanup and reclamation of the land used will be completed.

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

- 10. 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**

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 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

- 15. 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.

- 16. The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.

**WASTE CHEMICAL
DISPOSAL**

17. The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility.

**WASTE PETROLEUM
DISPOSAL**

26(1)(h) Wildlife and Fish Habitat

18. 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

19. 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

20. The Permittee shall keep all garbage and debris in a secure container until disposal.

GARBAGE CONTAINER

21. 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

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

22. 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

23. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.

SITE DISTURBANCE

24. 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) _____ or an Inspector at (867) _____, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71250 or ext. 71251.

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

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26(1)(l) Security Deposit

25. Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$_____.

SECURITY DEPOSIT

26. All costs to remediate the area under this Permit are the responsibility of the Permittee.

**RESPONSIBILITY FOR
REMEDIATION COSTS**

26(1)(m) Fuel Storage

27. The Permittee shall:

CHECK FOR LEAKS

- a) examine all Fuel Storage Containers and Tank for leaks a minimum _____ [e.g. once per day]; and
- b) repair all leaks immediately.

28. 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

29. The Permittee shall set up all refueling points with Secondary Containment.

**SECONDARY
CONTAINMENT –
REFUELING**

30. 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

31. 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

32. 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

33. 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

34. Prior to the expiry date of this Permit, the Permittee shall progressively dispose of all brush and trees and shall complete all brush disposal; all disposal shall be completed.

BRUSH DISPOSAL/ TIME

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| 35. | The Permittee shall salvage all portions of trees cleared that are larger than thirteen (13) centimetres in diameter and pile all salvaged wood at locations identified by an Inspector. | SALVAGE TIMBER |
| 36. | The Permittee shall not clear areas larger than identified in the complete application. | MINIMIZE AREA CLEARED |

26(1)(o) Restoration of the Lands

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| 37. | 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 |
| 38. | Prior to the expiry date of this Permit, the Permittee shall level all stockpiles of granular material located within the land use area. | NO STOCKPILES |
| 39. | Prior to the expiry date of this Permit, the Permittee shall complete all cleanup and restoration of the lands used. | FINAL CLEANUP AND RESTORATION |
| 40. | 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 |
| 41. | The Permittee shall carry out progressive reclamation of disturbed areas as soon as it is practical to do so. | PROGRESSIVE RECLAMATION |
| 42. | The Permittee shall restore any trails impacted by the land-use operation by removing fallen trees and any other obstructions from the trails. | TRAILS RESTORATION |

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

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| 43. | 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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| 44. | If migratory birds or their nesting areas, or any species at risk are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb these animals. | MIGRATORY BIRD DISTURBANCE |
| 45. | 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 |

46. 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

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

SUMMARY OF CHANGES