



Mackenzie Valley Land and Water Board
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P.O. Box 2130
YELLOWKNIFE NT X1A 2P6
Phone (867) 669-0506
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May 24, 2018

File: MV2017Q0033

Ria Letcher
 Nogha Construction, Ltd.
 Box 410
 Fort Simpson, NT X0E 0N0

Email: gm@nogha.com

Dear Ms. Letcher:

**Re: Issuance of Type A Land Use Permit
 Quarrying Operation, KM 518/521 Source, Highway #1 (near Fort Simpson NT)**

Attached is Type A Land Use Permit MV2017Q0033 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 May 24, 2018 and expiring May 23, 2023.

Please read all conditions carefully. For the purpose of submitting plans in accordance with this Permit, the date of this letter, May 24, 2018, is the date of commencement.

In accordance with Permit condition 25 a security deposit in the amount of \$8,100.00 shall be posted with the Minister and copied to the Board prior to the start of the operation under section 32 of the Mackenzie Valley Land Use Regulations. As delegated under Schedule A of the Delegation Instrument under the MVRMA, this security deposit, **payable to the Government of the Northwest Territories** in the amount of \$8,100.00, shall be submitted to: Government of the Northwest Territories, Department of Lands, North Slave Regional Office, 140 Bristol Avenue, Yellowknife NT, X1A 3T2. For more information about posting security with the GNWT, please contact Charlene Coe, Land Use Advisor, at (867) 767-9187 (ext. 24194). Please send a copy of the receipt for the security deposit to the MVLWB office prior to the start of your operation.

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

Table 1: Plans that have been approved

Condition Number	Title of Plan	Date Received
19	Waste Management Plan	March 5, 2018
30	Spill Contingency Plan	March 5, 2018
46	Engagement Plan	March 5, 2018

Should you wish to discontinue your land-use operation at any time prior to the date of expiry set out in the Permit, a written notice of discontinuance is required as per section 37 of the MVLUR, in addition to the submission of a final plan.

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, with its attached procedures, 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 full cooperation of Nogha Enterprises, Ltd. is anticipated and appreciated. If you have any questions or concerns, please contact David Finch at (867) 766-7467 or email dfinch@mvlwb.com.

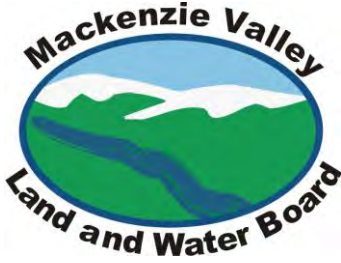
Yours sincerely,



Mavis Cli-Michaud
MVLWB, Chair

Copied to: Distribution List
Kyle Christensen, Inspector, GNWT - Lands

Attached: Land Use Permit
Reasons for Decision



Land Use Permit

Permit Class	Permit No	Amendment No
A	MV2017Q0033	

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

Nogha Enterprises Ltd.

Permittee

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

Signature Ria Letcher	Date August 8, 2017
Type of Land Use Operation Quarry Operation	
Location KM 518/521, Highway #1 (near Fort Simpson NT)	

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

Dated at Yellowknife this 24 day of May, 2018

Signature Chair

Signature Witness

Mavis Cli-Michaud

Tanya Lantz

Effective Date
May 24, 2018

Expiry Date
May 23, 2023

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 # 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.

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

- | | | |
|----|--|-------------------------------|
| 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 100 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

- | | | |
|----|---|--------------------------|
| 7. | At least 48 hours prior to the commencement of the land-use operation, the Permittee's Field Supervisor shall contact an Inspector: Jarret Hardisty at (867) 695-2626 ext. 205, or Kyle Christiansen at (867) 695-2626 ext. 206. | 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
 - b) when final cleanup and reclamation of the land used will be completed.

**REPORTS BEFORE
REMOVAL**

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:
- 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.

REPORT SPILLS

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) 669-0506 or an Inspector at (867) 695-2626 ext. 205, 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 \$ 8,100.00. **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 twice 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

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| 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 |
| 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 |
|---|-----------------------|

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

- | | |
|--|-----------------------------------|
| 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



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	MV2017Q0033
Company	Nogha Enterprises Ltd.
Project	KM 518/521 Quarry, Highway #1, near Fort Simpson NT
Date of Decision	May 24, 2018

These Reasons for Decision set out the Mackenzie Valley Land and Water Board's (the Board or MVLWB) decision on an Application made by Nogha Enterprises Ltd. ("Nogha") to the Board on May 24, 2018 for Land Use Permit (Permit) MV2017Q0033.

1.0 Background

On September 29, 2017, Nogha Enterprise Ltd. ("Nogha") applied for a quarry operation located northwest of Fort Simpson, on Highway #1, KM 518-521.

No camp is associated with this Application. This will be a pit run operation and blasting will not be conducted. The overburden from this pit will be stockpiled and used for the reclamation of the pit when the operation has completed. The timber which is cleared will be piled and available for salvage. All the waste that is generated on site will be taken back to the Nogha operation base in Fort Simpson and disposed of through their agreement with the Village of Fort Simpson. A total of 7 pieces of equipment are proposed including an excavator, loader, dozers, dump trucks, grader, and a pick-up truck. No fuel will be stored on site; all refueling will be done via tidy tank. Spill kits will be available. The quarry is accessible by two access roads which may be shared with other contractors.

This operation is an extension of a current multi-user pit which is identified as KM 521, Highway #1. The term requested is five years (with the option of applying for a two-year extension).

2.0 Public Review

On April 13, 2018, the Application was deemed complete and sent for review and comment to various organizations via the Online Review System. By May 9, 2018, comments and recommendations on the Application were received from 4 reviewers:

- Environment and Climate Change Canada (ECCC);
- Government of the Northwest Territories (GNWT) - Environment and Natural Resources (ENR);
- GNWT - Lands; and

- GNWT - Lands (Inspector).

Nogha Enterprises responded on May 9, 2018. However, Board staff were unable to upload the comments on behalf of Nogha on May 11, 2018. The Board meeting to consider the Application was scheduled for May 24, 2018.

Table 1 (below) presents a summary of comments identified through this review.

Table 1: Summary of comments made during the review period

Reviewer	Comment Highlights	Notes
ECCC	<ul style="list-style-type: none"> • Reviewed in accordance with its mandate and had no comments. 	n/a
GNWT - ENR	<ul style="list-style-type: none"> • Recommended information to be included in Waste Management Plan. • Stated requirements for obtaining burn permits. • Recommended practices for denning bears and other wildlife. 	Most information was already included in the various Plans, or otherwise available. Disposal of waste clarified by Applicant in response. Wildlife recommendations were noted.
GNWT - Lands	<ul style="list-style-type: none"> • Recommended that Permit be granted. 	n/a
GNWT - Lands (Inspector)	<ul style="list-style-type: none"> • Updated contact information. • Recommended values for Conditions (set backs, phone numbers, frequency of examining fuel containers). 	Information included in wording of draft Conditions.

Note that the location of the proposed activity is on land currently under Interim Withdrawal. Deh Cho First Nations Interim Measures Agreement (IMA), signed May 23, 2001 under the following sections states:

Section 20

- (a) New permits may be issued on the withdrawn land user the Territorial Quarrying Regulations only:
- (i) For sources of material which has been opened prior to the dates of the withdrawal orders;
 - (ii) For new sources of material required for essential community construction purposes;
 - (iii) With the consent of the Deh Cho First Nations; or
 - (iv) In cases where, in the opinion of the Minister of DIAND, no alternative source of supply is reasonably available in the surrounding area after consultation with the Deh Cho First Nations.
- (b) No new leases may be used on the withdrawn land under the Territorial Quarrying Regulations.

Section 32

The GNWT will not sell or issue new leases on undeveloped Commissioner's land in the Deh Cho territory, except within the Town of Hay River, without the support of the affected Deh Cho First Nations.

The references that are made to the Deh Cho First Nations Interim Measure Agreement refer to the issuance of a quarry permit. The KM 521 Pit has been authorized for use in the years following the signing of the Dehcho IMA, both by public and private sector users.

The GNWT - Lands department issued the Quarry Permit to Nogha on September 14, 2017 (#2017QP0028), which was included in the initial application provided by Nogha. Quarrying at the pit was previously conducted by Nogha Enterprises Ltd., GNWT - Department of Transport (now GNWT – Infrastructure), Rowes Construction, and W. Burrill and Sons Ltd.

Table 2 (below) outlines the history of the pit showing continuous use to 2001.

Table 2: History of the KM 521 Quarry Pit

Land Use Permit	Holder	Issued	Expired/Expires	Notes
MV2002Q0022	Nogha Enterprises Ltd.	July 2002	July 2009	Closed. Issued July 2002; extended July 2007; expired July 2009; final clearance granted October 2011.
MV2001E0038	GNWT - Department of Transport	August 2001	July 2008	Closed. Issued August 2001; expired August 2006; extended August 2006; expired July 2008. Closure approved by Board on June 24, 2010.
MV2008Q0019	W. Burrill & Sons Ltd.	October 2008	October 2015	Closed. Replaced expired MV2001Q0063. Approved October 2008; extended October 2013; expired October 2015. Recommended for closure in May 2017, with final closure pending.
MV2007Q0051	Rowes Construction	October 2008	July 2013	Closed. Approved January 2008; extended January 2013; final clearance July 2015.
MV2001Q0063	W. Burrill & Sons Ltd.	October 2001	October 2008	Closed. Approved October 2001; extended October 2006; expired October 2008.

In its Engagement Plan, Nogha presented a combined plan and engagement record that listed the groups contacted as part of its initial engagement. This included both municipalities and Indigenous communities and organizations.

3.0 Adequacy of Management Plans

A Waste Management Plan, Spill Contingency Plan, and Engagement Plan were included with the Application.

4.0 Security

Nogha did not complete the Board’s reclamation security worksheet. No estimate was received from reviewers. Board staff have completed the reclamation security worksheet and have calculated that the cost to remediate the site would be \$8,128.13. The table below summarizes the differences between these estimates. Board staff conducted a security estimate with the following assumptions:

- The Applicant has previously held and completed land use permits satisfactorily.
- The proposed activity is on an existing multi-developer quarry with shared access.
- No camp will be present.
- No on-site fuel storage will be present. Refueling will be done from a tidy tank located on a pick up truck.
- The activity is situated on a 2 hectare parcel with no obvious watercourses on or immediately adjacent to it.
- 7 heavy vehicles and 1 pick up truck will be used on site.
- No explosives will be used.
- Environmental risk shall be managed through normal inspection and draft Conditions such as a requirement to conduct Progressive Reclamation.

The rationale for the Board staff’s estimate is presented in Table 3.

Table 3: Security Estimate

Line Item	Board Staff estimate	Notes
Camp (C1)	\$ 0.00	-
Regulated/Hazardous Material (R1)	\$ 3,500.00	No explosives or muds; 7 pieces of heavy equipment on site.
Hydrocarbon Storage and Transfer (H1)	\$ 0.00	No on site fuel storage.
Land Disturbance (L1)	\$ 2,000.00	2 hectares, no crossings
Equipment (E1)	\$ 7,250.00	Assumes 7 pieces of heavy equipment and 1 pick-up truck.
Total without multipliers	\$ 12,750.00	-
Total with multipliers *	\$ 8,128.13	Assumes all-weather access, Applicant has previously held a Permit, and location is previously disturbed.

*The numbers in these columns do not directly add up because of multipliers (for site access, performance, and environmental risks) in the Board’s security template.

In its decision (see below), the Board set the security amount to \$8,100.00.

5.0 Decision

In rendering its decision, the Board is satisfied that:

- notice of the Application was given in accordance with sections 63 and 64 of the MVRMA. The Board is satisfied that a reasonable period of notice was given to communities and First Nations so comments could be provided to the Board;
- the development has been screened pursuant to the MVRMA;
- 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 Nogha Enterprises, 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 MV2017Q0033 be issued subject to the term, scope, definitions, and conditions contained therein. The Board's determinations and reasons for this decision are set out below.

- The use of land proposed by Nogha Enterprises Ltd. 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 the May 24, 2018 Staff Report regarding environmental impacts and/or public concerns.
- The scope of the Permit ensures that Nogha Enterprises Ltd. is entitled to conduct activities which have been applied for and screened by the Board. In setting the scope, the Board endeavored to provide enough detail to identify and describe the authorized activities without being unduly restrictive or prescriptive, and to allow for project flexibility throughout the life of the Permit.
- The conditions set forth in the Permit have been imposed to address the Board's statutory responsibilities and ensure the land-use operation is conducted in a manner which ensures impacts to surrounding lands and waters are minimized.
- The Board has approved the Waste Management Plan, Spill Contingency Plan, and Engagement Plan as they meet the applicable guidelines and sufficiently reflect the scope of the proposed activities.
- The definitions and conditions in the Permit are from the MVLWB's *Standard Land Use Permit Conditions Template* (Standard Template), and are not discussed in detail in these reasons unless notable due to recommendations or concerns raised by reviewers.

After considering the information gathered through the public review, the Board made the following changes, with rationale, to the conditions:

Condition Title	New Wording of Condition	Changes and Rationale
AVOID CABINS	The Permittee shall not conduct any part of the land-use operation within 100 metres of a cabin used for traditional activities, including trapping, hunting, or fishing, unless otherwise authorized in writing by the Board.	The Inspector recommended this condition be worded to specify a distance of 100 metres.

CONTACT INSPECTOR	At least 48 hours prior to the commencement of the land-use operation, the Permittee's Field Supervisor shall contact an Inspector: Jarret Hardisty at (867) 695-2626 ext. 205, or Kyle Christiansen at (867) 695-2626 ext. 206.	The Inspector included updated contact information for Lands staff.
SITE DISCOVERY AND NOTIFICATION	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) 669-0506 or an Inspector at (867) 695-2626 ext. 205, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71250 or ext. 71251.	The Inspector included updated contact information for Lands staff.
CHECK FOR LEAKS	The Permittee shall: a) examine all Fuel Storage Containers and Tank for leaks a minimum twice per day; and b) repair all leaks immediately.	The Inspector recommended a minimum examination frequency of twice per day.
SECURITY DEPOSIT	Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$ 8,100.00.	The Board has set a security in the amount of \$8,100.00. This amount was modified from the Board's reclamation security worksheet.

6.0 Conclusion

Land Use Permit MV2017Q0033 contains provisions that the Board deems necessary to ensure and monitor compliance with the MVRMA and the Regulations made thereunder, and to provide appropriate safeguards in respect of Nogha Enterprises Ltd.'s use of the land affected by the Permit.

SIGNATURE

Mackenzie Valley Land and Water Board

Mavis Cli-Michaud, Chair

May 24, 2018

Date