

7th Floor - 4922 48th Street
PO Box 2130, Yellowknife NT X1A 2P6

Tel: 867-669-0506 Fax: 867-873-6610
www.mvlwb.com

August 19, 2024

File: MV2024X0019

Josh Myers, Project Manager
Parsons Inc.
7 Terracon Place
Winnipeg MB R2J 4B3

Sent by email

Dear Josh Meyers:

Re: Parsons Inc. – Issuance Package – Land Use Permit 2024X0019 – Geotechnical Drilling – Hay River, NT

The Mackenzie Valley Land and Water Board (Board) met on August 1, 2024, and considered the Application from Parsons Inc. (Parsons) for Land Use Permit (Permit) MV2024X0019 for a geotechnical drilling program in Hay River, NT in accordance with the *Mackenzie Valley Resource Management Act*.

The Board has approved Land Use Permit MV2024X0019 (attached) for a term of five years, effective August 19, 2024, and expiring August 18, 2029. The Permit is supported by the Board's Reasons for Decision. These documents are posted to the Board's Public Registry.¹

Security Deposit

A security deposit is required prior to commencement of Project activities, as per Permit Condition 18, SECURITY DEPOSIT and subsection 32(3) of the Mackenzie Valley Land Use Regulations. The security deposit is **payable to the Government of the Northwest Territories (GNWT)** and should be submitted to the following individual, to whom questions regarding security should also be directed:

Scott Stewart, Superintendent, Land and Water – North Slave
GNWT – Department of Environment and Climate Change (GNWT-ECC)
140 Bristol Avenue
Yellowknife NT X1A 2L9

¹ See MVLWB Online Registry www.mvlwb.com for [MV2024X0019](#).

Submission Requirements

Please refer to Attachment A of the Permit for a complete summary and timetable of submissions required for the Permit. The Board's decisions on submissions that were considered in conjunction with the Application Package are set out below.

Management Plans – Approved

The Board has approved the following Plans:

Condition Number and Title	Title of Plan (Version)
14. WASTE MANAGEMENT PLAN	Waste Management Plan (V1) ²
24. SPILL CONTINGENCY PLAN	Spill Contingency Plan (V1) ³
29. CLOSURE AND RECLAMATION	Closure and Reclamation - Application Information

Management Plans – Revisions Required

The Board requires that the Engagement Plan Version 1⁴ be revised to include all changes detailed in the Reasons for Decision. The revised Plan is to be submitted within 90 days of issuance and will be considered approved when the Permittee receives written confirmation of conformity from the Board. The Permittee may not commence Project activities until the Plans is approved.

Additional Information

The Board reviewed the Engagement Log that was attached to the submitted Engagement Plan and note that the only Engagement that Parsons has indicated they conducted was by sending a notification email to potentially affected Parties on August 25, 2023. At this time, most of the potentially affected Parties had been evacuated from their home communities due to the various wildfires. Though the Engagement Record indicates that Parsons would engage with the potentially affected Parties between June 14, 2024 and August 31, 2024, the Engagement Log does not support this commitment. Nor does the Engagement Log note any acknowledgements from the potentially affected Parties that the notification email was received or if there was any further effort made by Parsons to communicate with potentially affected Parties after this initial notification email. The Board does not consider this to be adequate engagement.

The Board requires that the Engagement Plan and Engagement Log be updated to show that meaningful engagement has occurred, and an effort has been made to get a response from Parties regarding the future project activities. The Board encourages Parsons to review the [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#) for more information on how to Engage with affected parties.

Inspectors

The Inspectors referred to in the Permit can be contacted at the regional GNWT-Lands offices.⁵

² See MVLWB Online Registry for [Parsons - Hay River Terminal ESA - Permit - Waste Management Plan - Jun12 24](#).

³ See MVLWB Online Registry for [Parsons - Hay River Terminal ESA - Permit - Spill Contingency Plan - Jun12 24](#).

⁴ See MVLWB Online Registry for [Parsons - Hay River Terminal ESA - Permit - Engagement Plan and Record - Jun12 24](#).

⁵ See GNWT-ECC Regional Offices webpage (<https://www.ecc.gov.nt.ca/en/regional-offices>) for regional contact information.

Permit Processes and Additional Information

Sections 5 and 6 of the Board's *Guide to the Land Use Permitting Process*⁶ (Guide) contains detailed information on permit enforcement and potential post-issuance processes, such as amendments to conditions, and assignment to another company. Please be familiar with these sections of the Guide and reach out to Board staff with any questions about Board processes related to the Permit.

Full cooperation of Parsons Inc. is anticipated and appreciated. Please contact Andrea Cleland via [email](#) or at (867) 766-7472 with any questions or concerns regarding this letter.

Yours sincerely,

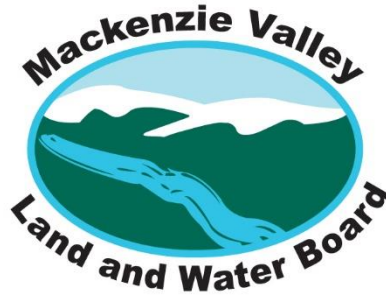


Tanya MacIntosh
Chair, Mackenzie Valley Land and Water Board

BCC'd to: Dehcho Distribution List

Attached: Land Use Permit MV2024X0019
Reasons for Decision

⁶ See MVLWB Policies and Guidelines webpage for LWB [Guide to the Land Use Permitting Process](#).



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Parsons Inc.
Land Use Permit MV2024X0019

Pursuant to the *Mackenzie Valley Resource Management Act* and Mackenzie Valley Land Use Regulations, the Mackenzie Valley Land and Water Board grants this Land Use Permit to:

Parsons Inc.
(Permittee)

7 Terracon Place, Winnipeg, Manitoba R2J 4B3
(Mailing Address)

hereinafter called the Permittee, to proceed with the following land-use operation, subject to the annexed definitions and conditions contained therein:

Location:	Hay River
Purpose:	Miscellaneous - Geotechnical Drilling
Type:	Type A
Effective Date:	August 19, 2024
Expiry Date:	August 18, 2029

Handwritten signature of Tanya MacIntosh in blue ink.

Tanya MacIntosh, Chair
Mackenzie Valley Land and Water Board

Handwritten signature of Amanda Gauthier in blue ink.

Amanda Gauthier, Witness

Conditions Annexed to and Forming Part of Land Use Permit # MV2024X0019

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Use of drills for soil and groundwater sampling;
 - b) Use of support vehicles, machines, and equipment; and
 - c) Reclamation of associated activities.
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, Tłjchq, or Municipal laws.

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

Act - the *Mackenzie Valley Resource Management Act*.

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

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

Closure and Reclamation - the process and activities that facilitate the return of areas affected by the Project to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.

Drilling Fluid - 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.

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.

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.

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 Environment and Climate Change, as the case may be.

Permittee - the holder of this permit.

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

Safety Data Sheet - a technical document, typically written by the manufacturer or supplier of a chemical, that provides information about the hazards associated with the product, advice about safe handling and storage, and emergency response procedures.

Secondary Containment - containment that prevents liquids that leak from Fuel Storage Tanks or Containers from reaching outside the containment area and includes double-walled Tanks, piping, liners, and impermeable barriers.

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

Toxic Material - any substance that enters or may enter the environment in a quantity or concentration or under conditions such that it:

- a) Has or may have an immediate or long-term harmful effect on the environment or its biological 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)

Condition	Category
26(1)(a) Location and Area	
1. The Permittee shall only conduct this land-use operation on lands designated in the application.	LOCATION OF ACTIVITIES
2. Prior to the commencement of drilling, the Permittee shall submit the target areas and final drill hole locations on a 1:50,000-scale map with coordinates and map datum to the Board and an Inspector.	DRILL LOCATIONS
26(1)(b) Time	
3. 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) 875-2800 or (867) 875-2818.	INITIAL NOTIFICATION – CONTACT INSPECTOR
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: 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
5. At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of: a) the plan for removal or storage of equipment and materials; b) when final cleanup and reclamation of the land used will be completed; and c) when the Final Plan will be submitted.	REPORTS BEFORE FINAL REMOVAL
26(1)(c) Type and Size of Equipment	
6. The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application.	USE APPROVED EQUIPMENT
26(1)(d) Methods and Techniques	
<i>Intentionally left blank</i>	
26(1)(e) Type, Location, Capacity, and Operation of All Facilities	
7. 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

8. 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.

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

9. At least seven days prior to the use of any chemicals that were not identified in the complete application, the Safety Data Sheets must be provided to the Board and an Inspector. **CHEMICALS**
10. The Permittee shall remove all Drilling Waste containing Toxic Material to an approved disposal facility. **DRILLING WASTE DISPOSAL**
11. The Permittee shall not allow any Drilling Waste to spread to the surrounding lands or Watercourses. **DRILLING WASTE CONTAINMENT**
12. The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan. **WASTE CHEMICAL DISPOSAL**

26(1)(h) Wildlife and Fish Habitat

13. 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

14. 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 PLAN**
15. The Permittee shall keep all garbage and debris in a secure container until disposal. **GARBAGE CONTAINER**

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

16. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. **SITE DISTURBANCE**

17.	The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:	SITE DISCOVERY AND NOTIFICATION
	<ul style="list-style-type: none"> a) immediately suspend operations on the site; and b) notify the Board at (867) 669-0506 or an Inspector at (867) 875-2800 or (867) 875-2818 and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255. 	
	26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value	
	<i>Intentionally left blank.</i>	
	26(1)(l) Security Deposit	
18.	Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$2,454.38.	SECURITY DEPOSIT
19.	All costs to remediate the area under this Permit are the responsibility of the Permittee.	RESPONSIBILITY FOR REMEDIATION COSTS
	26(1)(m) Fuel Storage	
20.	The Permittee shall set up all refueling points with Secondary Containment.	SECONDARY CONTAINMENT – REFUELING
21.	The Permittee shall:	REPAIR LEAKS
	<ul style="list-style-type: none"> a) examine all Fuel Storage Containers and Tank for leaks; and b) repair all leaks immediately. 	
22.	The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	FUEL CONTAINMENT
23.	The Permittee shall have a maximum of 500 litres of fuel stored on the land use site at any time, unless otherwise approved by the Board.	MAXIMUM FUEL ON SITE
24.	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
25.	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
26.	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

- | | | |
|-----|---|------------------------|
| 27. | The Permittee shall clean up all leaks, spills, and contaminated material immediately. | CLEAN UP SPILLS |
| 28. | <p>During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall:</p> <p>a) implement the approved Spill Contingency Plan;</p> <p>b) report it-immediately using the NU-NT Spill Report Form by one of the following methods:</p> <ul style="list-style-type: none"> • Telephone: (867) 920-8130 • E-mail: spills@gov.nt.ca • Online: Spill Reporting and Tracking Database <p>c) within 24 hours, notify the Board and an Inspector; and</p> <p>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.</p> | REPORT SPILLS |

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

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26(1)(o) Restoration of the Lands

- | | | |
|-----|---|--------------------------------------|
| 29. | The Permittee shall carry out Closure and Reclamation activities as described in the Application. | CLOSURE AND RECLAMATION |
| 30. | 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 |
| 31. | The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so. | PROGRESSIVE RECLAMATION |

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

- | | | |
|-----|---|-----------------------|
| 32. | 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

- | | | |
|-----|---|----------------------------|
| 33. | Prior to the commencement of the land-use operation, the Permittee shall submit a revised Engagement Plan in accordance with MVLWB’s “Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits” to the Board for approval. | SUBMIT REVISED PLAN |
| 34. | 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 |

35. The Permittee shall comply with 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

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

**SUMMARY OF
CHANGES**

Attachment A: Concordance Table for MV2024X0019 of Items Requiring Submission

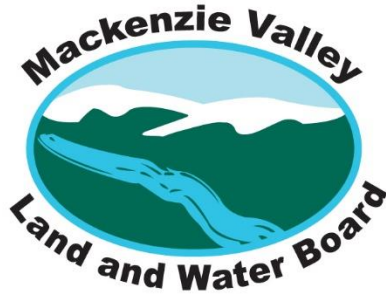
Supplemental information to be submitted by Permittee as required through Land Use Permit Conditions.

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

Permit Condition(s)	Report, Plan or Program Required	When Required
14	Waste Management Plan	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.
24	Spill Contingency Plan	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.
33	Submit Revised Plan	Prior to the to the commencement of the land-use operation.
35	Engagement Plan	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.

Attachment B: MV2024X0019 – Table of Revision History

Date	Change	Date Approved



7th Floor - 4922 48th Street
PO Box 2130, Yellowknife NT X1A 2P6

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Reasons for Decision

Issued pursuant to paragraphs 22(2)(a) and 40(2)(c) of the Mackenzie Valley Land Use Regulations (MVLUR).

Land Use Permit Application	
File Number	MV2024X0019
Company	Parsons Inc.
Project	Hay River Terminal ESA Drilling Project
Location	Hay River
Activity	Miscellaneous - Geotechnical Drilling
Date of Decision	August 1, 2024

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On August 1, 2024, the Mackenzie Valley Land and Water Board (MVLWB or Board) met and considered the Application made by Parsons Inc. (Parsons) to the Board on June 12, 2024, for Land Use Permit (Permit) MV2024X0019 for the Hay River Terminal Environmental Site Assessment Drilling Project (the Project) proposed for a private or free-hold land parcel in Hay River, Northwest Territories. After reviewing the Application and the evidence gathered during the regulatory proceeding, the Board has made the following decisions:

- 1) To issue Land Use Permit MV2024X0019 for a term of five years;
- 2) To approve Version 1 of the following plans:
 - Spill Contingency Plan;
 - Waste Management Plan; and
 - Closure and Reclamation - Application Information.
- 3) To require revisions to Version 1 of the Engagement Plan, which the Applicant must submit Version 1.1 within 90 days of effective date for Board decision.

These Reasons for Decision set out the Board’s regulatory process for the Application and rationale for decisions regarding the Permit. A summary of the Application and the main issues identified during the proceeding is provided in sections [2.0](#) and [3.0](#) below, followed by an outline of the regulatory process for the Application in [section 4.0](#). [Section 5.0](#) describes how the applicable legislative requirements have been met. The Board’s decisions and supporting rationale regarding the Permit are set out in [section 6.0](#).

1.0 List of Defined Terms and Acronyms

Applicant/Permittee	Parsons Inc.
Application	The complete application package submitted by the Applicant for Land Use Permit MV2024X0019.
Distribution List	The list of individuals and organizations to whom materials from this regulatory proceeding were circulated. ¹
GNWT	Government of the Northwest Territories
GNWT-ECC	Government of the Northwest Territories – Environment and Climate Change
Inspector	An Inspector designated under subsection 84(1) of the Mackenzie Valley Resource Management Act
LWBs	Land and Water Boards of the Mackenzie Valley
MVLUR	Mackenzie Valley Land Use Regulations
MVLWB or Board	Mackenzie Valley Land and Water Board
MVRMA	Mackenzie Valley Resource Management Act
Minister	Minister of the Government of the Northwest Territories– Environment and Climate Change
ORS	Online Review System (https://new.onlinereviewsystem.ca/reviews)
Party	As per the LWBs’ Rules of Procedures , an applicant, a person, or an organization participating in this regulatory process.
Permit	Land Use Permit MV2024X0019

¹ To access the Distribution List, see the LWBs’ Online Review System for [Parsons Inc. - Hay River Terminal ESA Drilling - July18 24](#).

Project	The undertaking as described in Part A of the Permit.
Review Board	Mackenzie Valley Environmental Impact Review Board
Standard Permit Conditions	LWBs' Standard Land Use Permit Conditions Template

2.0 Summary of Application

On June 12, 2024, the Parsons Inc. (Applicant or Permittee) submitted an application for a new Permit MV2024X0019 (the Application).² The Application is to conduct a drilling program in support of an Environmental Site Assessment (ESA) at Imperial's Hay River Terminal, Northwest Territories. These activities are located within the Dehcho Region, on free hold/private land.

In making its decision and preparing these Reasons for Decision, the Board has reviewed and considered:

- 1) The Permit Application as submitted by the Applicant for the Project;
- 2) The evidence and submissions received by the Board from the Applicant in relation to the Permit; and
- 3) The comments and recommendations, evidence, and submissions received by the Board from Parties during this regulatory proceeding.

3.0 Main Issues Raised During the Regulatory Proceeding

These Reasons for Decision focus primarily on the following key issues raised during this regulatory proceeding:

- 1) Engagement; and
- 2) Security.

Issues that were resolved by Parties to the Board's satisfaction during the proceeding are not addressed in detail in these Reasons.

4.0 Regulatory Process

On June 12, 2024, the Applicant submitted the Application. The Application was deemed complete and circulated to the Distribution List for public review on the Online Review System (ORS) on June 20, 2024.³

As part of the public review, Board staff requested comments and recommendations to assist with the Board's preliminary screening determination. To assist the Board in making its decision on the Permit, Board staff also circulated a draft Permit for review with the Application to allow all Parties the opportunity to comment on the specific wording of the draft conditions.⁴

² See MVLWB Online Registry for [Parsons - Hay River Terminal ESA - Permit - Application Form and Information - Jun12 24](#).

³ See MVLWB Online Review System for [Hay River Terminal ESA Drilling New Type A Land Use Permit Application](#).

⁴ See MVLWB Online Registry for [Parsons - Hay River Terminal ESA - Draft Permit Conditions - Jun 20 24](#).

By July 11, 2024, the Board received comments and recommendations regarding the Application and the draft Permit from the following Parties:

- Government of the Northwest Territories – Department of Environment and Climate Change – Environmental Assessment and Monitoring (GNWT-ECC);
- GNWT-ECC South Slave Region Lands Inspector (Inspector);
- Environment and Climate Change Canada (ECCC);
- Fisheries and Oceans Canada (DFO); and
- Katlodeeche First Nations

By the July 18, 2024 deadline, the Applicant had not responded to the Parties' comments and recommendations.

On August 1, 2024, the Board met and made its preliminary screening determination for the Project.⁵

On August 1, 2024, the Board met to make decisions regarding the Application. These decisions and related reasons are described in sections [5.0](#) and [6.0](#) below.

5.0 Legislative Requirements Related to Permit Issuance

The Project is subject to the [MVRMA](#) and the [MVLUR](#). As per the [MVLUR](#), the proposed use of land for the Project requires a permit. Accordingly, the Board has jurisdiction to issue the Permit as per subsection 59(1) and section 102 of the [MVRMA](#).

In conducting its regulatory process for the Application (as described in sections [3.0](#) and [4.0](#) above), the Board has ensured that section 62 of the [MVRMA](#) and all applicable legislative requirements have been satisfied as outlined in the subsections below. The Board has considered the people and users of the land and water in the Mackenzie Valley, and any Traditional Knowledge and scientific information that was made available to the Board during the regulatory proceeding, as per section 60.1 of the [MVRMA](#). The consideration of information provided to the Board is discussed in detail below and in section [6.0](#).

5.1 Consultation, Engagement, and Public Notice

As per paragraph 60.1(a) of the [MVRMA](#), in exercising its authority, the Board must consider the importance of conservation to the well-being and way of life of Indigenous peoples of Canada, specifically those to whom section 35 of the *Constitution Act*, 1982, applies and who use an area of the Mackenzie Valley. Accordingly, the Board works with applicants, affected parties (including Indigenous governments and organizations), and other parties (such as other boards and regulators) to ensure that potential impacts of proposed projects, including impacts on rights under section 35, are understood and carefully considered before decisions are made with respect to the issuance of permits and licences.

⁵ See MVLWB Online Registry for [Parsons - Hay River Terminal ESA - Preliminary Screening Determination and RFD – Aug7 24](#).

The Board's requirements for engagement are set out in the LWBs' [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#).⁶ The Policy and Guidelines were developed to ensure that the Board's obligations for achieving meaningful consultation (as set out by land claims and applicable legislation) with all affected parties, including Indigenous groups in the Mackenzie Valley, are met and engagement and consultation results clearly articulated. In accordance with the Policy and Guidelines, the Applicant's engagement efforts and proposed procedures are detailed in the Engagement Record and Plan (Version 1), respectively,⁷ submitted with the Application. The Board has approved with revisions required the Applicant's Engagement Plan (Version 1), and the Board's reasons for this decision are described below in [section 6.4](#). Following issuance, the Applicant must continue engagement efforts as outlined in the Engagement Plan, once approved, and as required in the Permit.

The Application was posted to the Board's Public Registry and distributed through the ORS. As the Project is located in the Dehcho Region, the appropriate organizations, governments, First Nations, and Indigenous organizations were included in the Distribution List.⁸ The Distribution List was used throughout this proceeding to circulate submissions, information, and updates relevant to the proceeding; the List was updated if needed, and (if requested) individuals with specific interests in the Project were added. More information about the proceeding for the Application is provided above in [section 4.0](#).

In accordance with sections 63 and 64 of the [MVRMA](#), the Board is satisfied that notice of and access to copies of the Application were provided, and that a reasonable amount of time was given to communities, First Nations, and the public to participate in this proceeding and make submissions to the Board.

In accordance with the Minister's 2004 [Policy Direction regarding the Deh Cho First Nations Interim Measures Agreement](#), the Dehcho First Nation was notified of the Application through the ORS distribution. The Board did not receive any evidence from the Dehcho First Nation member nations during the proceeding.

5.2 Eligibility for Land Use Permit

As per section 18 of the MVLUR, eligibility must be determined before the Board can issue a permit. The Applicant provided confirmation of access rights included in the Application Package to demonstrate eligibility under subparagraph 18(a)(i) of the [MVLUR](#). No issues were raised regarding eligibility during this proceeding. Based on the supporting information provided, the Board concludes that the eligibility requirements under section 18 of the MVLUR have been satisfied.

⁶ See MVLWB Policies and Guidelines webpage to access the LWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#).

⁷ See MVLWB Online Registry for Parsons Inc. [Parsons Inc. - Engagement Plan V1 - June28 22](#).

⁸ To access the Distribution List, see the LWBs' Online Review System for [Parsons Inc. - Geotechnical Drilling - Distribution List - June27 22](#).

5.3 Land Use Plan Conformity

As per section 61 of the [MVRMA](#), where an approved Land Use Plan applies, the Board must confirm conformity with the Land Use Plan before issuing a permit or licence.

No approved Land Use Plans apply in the Project area.

5.4 Land Use Fees

The Project is located wholly outside of federal areas, so no land-use fees apply.

5.5 Time Limit

As per section 22 of the [MVLUR](#), the Board is required to make its decision on a permit within 42 days of receiving a complete application.

5.6 Environmental Review (Part 5 of the MVRMA)

5.6.1 Preliminary Screening

On August 1, 2024, the Board met and determined that Project will not have a significant adverse impact on the environment or be a cause of public concern, as set out in paragraph 125(1)(a) of the MVRMA. The Board has therefore decided not to refer the proposed Project to Environmental Assessment.⁹

In accordance with section 125 of the [MVRMA](#), the Board notified the Review Board of its preliminary screening determination,¹⁰ and in the ten days following the Board's preliminary screening determination notification to the Review Board, the Board did not receive notice of referral to environmental assessment. Subsequently, the Board proceeded with issuing the Permit.

The Board is satisfied that the requirements of Part 5 of the [MVRMA](#) have been met for the Project.

6.0 Decision – Land Use Permit MV2024X0019

Having due regard to the facts, circumstances, and the merits of the submissions made to it, and to the purpose, scope, and intent of the [MVRMA](#), the Board has determined that Permit MV2024X0019 should be issued, subject to the scope, definitions, conditions, and term contained therein. The Board's determinations and reasons for this decision are set out below.

The Permit has been developed to address the Board's statutory responsibilities, to protect the receiving environment, and to address issues within the Board's jurisdiction that were identified and investigated during this regulatory proceeding.

In developing the Permit, the Board considered the LWBs' [Standard Land Use Permit Conditions Template](#) (Standard Permit Conditions) and included a number of these standard conditions that are relevant to the

⁹ See MVLWB Online Registry for [Parsons - Hay River Terminal ESA - Preliminary Screening Determination and RFD – Aug7 24.](#)

¹⁰ See MVLWB Online Registry for [Parsons - Hay River Terminal ESA -Preliminary Screening Notification – Aug7 24.](#)

Project. As noted in [section 4.0](#), Board staff circulated a draft Permit for review to allow Parties to provide specific input to the Board on possible conditions, and the Board considered these review comments and recommendations in making its determination on the Permit conditions.

The Standard Permit Conditions have been established by the LWBs based on information from LWB policies and guidelines, other applicable guidelines and best practices, meetings with Inspectors, input from LWB staff, and feedback from a public review. Each standard condition has been evaluated against the following characteristics of an ideal condition:

- Clearly part of LWBs' authority;
- Has a clear purpose and rationale;
- Is practical and enforceable;
- Matches the scale of the project; and
- Does not conflict with existing legislation (i.e., is not less stringent).

The Standard Permit Conditions include general rationale for each standard condition, and as such, the language of any standard condition included in the Permit is only discussed in detail in the following sections of these Reasons for Decision when it specifically relates to concerns or recommendations raised during the regulatory proceeding. The Board's reasons for developing and including project-specific conditions, including discussion of any concerns and recommendations raised regarding these conditions, are detailed in the relevant sections below.

6.1 Term of Permit

The Applicant has applied for a term of five years for the Permit. Subsection 26(5) of the [MVLUR](#) allows for a Permit term of not more than five years. After reviewing the submissions made during this regulatory proceeding, the Board has determined an appropriate term for the Permit is five years. The permittee should note that there are provisions in the Regulations that allows for the cancellation of the Permit by way of a written request to the Board.

6.2 Part A: Scope of Permit

The scope of the Permit ensures the Permittee is entitled to conduct activities which have been applied for and which have been subject to Part 5 of the [MVRMA](#). In setting out the scope of the Permit, the Board endeavoured to provide enough detail to identify and describe the authorized activities, without being unduly restrictive or prescriptive, and to allow for project flexibility, as contemplated in the Application, throughout the life of the Permit.

Based on the activities described in the Permit Application and on the scope outlined in the [Standard Permit Conditions](#), Board staff included a draft scope in the draft Permit that was circulated for public review. The Board did not receive any comments or recommendations regarding the draft scope during the proceeding; however, the Board made some minor changes to the permit's scope to better reflect the project's activities.

6.3 Part B: Definitions

The Board defined certain terms in the Permit to ensure a common understanding of the conditions, to avoid future differences in interpretation of the Permit, to reflect Project-specific evidence, and to support consistency across licences and permits issued by the LWBs. For the most part, the Board selected applicable definitions relevant to the Project from the Standard Permit Conditions.

6.4 Part C: Conditions Applying to All Activities

The LWB [Waste and Wastewater Management Policy](#) applies to the Permit, and the objectives of the Policy are protection of water quality in the receiving environment, waste prevention/minimization, and minimization of the amount of waste disposed to the receiving environment.¹¹ The Permit does not authorize any deposit of waste to water; however, in accordance with the Policy and these objectives, the Permit includes many conditions that are, directly or indirectly, intended to meet the objectives of the Policy. The Board is satisfied that the conditions set out in the Permit are consistent with the Policy and compliance with these conditions will ensure that waste will be minimized, managed, and disposed of in a manner that will be protective of the receiving environment. These conditions and detailed rationale are described in the sections below.

The subheadings below correspond to the headings in the conditions section of the Permit, as outlined in subsection 26(1) of the [MVLUR](#).

26(1)(a) Location and Area

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

26(1)(b) Time

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

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

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

26(1)(d) Methods and Techniques

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

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

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

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

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

¹¹ See MVLWB Policies and Guidelines webpage to access the LWB [Waste and Wastewater Management Policy](#).

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

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

26(1)(h) Wildlife and Fish Habitat

The [MVLUR](#) includes provisions related to the protection of wildlife habitat; however, requirements for Wildlife Management and Monitoring Plans are under the jurisdiction of the GNWT through the *Wildlife Act*. Accordingly, all applicants are directed to contact the GNWT-ECC to determine whether a Wildlife Management and Monitoring Plan, which details mitigations to reduce or eliminate impacts to applicable wildlife and wildlife habitat, is required for the project and should be submitted to the Board with a permit and/or licence application.

The Permittee did not include a Wildlife Management and Monitoring Plan in the Application and the Permit does not include a requirement for a Wildlife Management and Monitoring Plan.

The Board included Condition (HABITAT DAMAGE) in the Permit, which requires the Permittee to prevent damage to wildlife and fish habitat. This is a condition from the Board's Standard Permit Conditions and is intended to ensure the Permittee conducts their land-use operation in such a way as to minimize disturbance to wildlife habitat.

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

All applicants must submit detailed waste management information, identifying all types of waste that will be produced by the project (including quantity and quality) and describing the disposal methods that are proposed for each type of waste. For most applicants, this will be in the form of a Waste Management Plan, developed in accordance with the LWB [Guidelines for Developing a Waste Management Plan](#),¹² and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board. The Guidelines can be applied to a wide range of projects and are intended to ensure that all waste management activities are carried out in a way that is consistent with best practices and applicable guidelines to minimize waste released from a project.

As required, the Permittee included a Waste Management Plan in the Application.¹³ The Board considered this Plan as part of the Application Package, and its decision on the Plan is set out below.

The Board has approved the Waste Management Plan, Version 1 because it meets the requirements of the Guidelines and is appropriate for the Project activities.

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

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

¹² See MVLWB Policies and Guidelines webpage to access the LWB [Guidelines for Developing a Waste Management Plan](#).

¹³ See MVLWB Online Registry for [Parsons - Hay River Terminal ESA - Permit - Waste Management Plan V 1 - Jun12 24](#).

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

This section was intentionally left blank, because the Board did not require conditions in this section to satisfy its mandate and did not receive any recommendations related to this section during the review of the draft Permit.

26(1)(l) Security Deposit

This section sets out the Permittee’s responsibility for all costs associated with remediation of the Project area and establishes the amount of security that must be posted and maintained by the Permittee. The conditions included in this section are all consistent with the LWBs’ Standard Permit Conditions.

The Board is authorized to require the Permittee to provide security to the Minister by subsections 71(1) of the [MVRMA](#) and 32(1) of the [MVLUR](#). Subsection 71(3) of the [MVRMA](#) specifies how the security may be applied.

Based on the evidence regarding closure cost estimates for the Project, the Board has included a requirement for a security deposit of \$2,454.38 in the Permit. The reasons for the Board’s decisions are described below.

To better understand the closure cost estimates, the Board considered the breakdown of the estimates by line item. Table 1 below compares these estimates.

Table 1: Closure Cost Estimates and Board Determinations by Line Item

	Line Item	Applicant’s Estimate	GNWT Estimate	Board Decision	Rationale
CAMP	Temporary Structures	\$0	\$0	\$0	Applicant confirmed that no temporary structures are required for project activities.
	Fixed Structures	\$0	\$0	\$0	No fixed structures required.
	Solid Waste	\$0	\$0	\$0	Applicant notes 19 person days, however no camp, so no camp waste to be generated.
HAZARDOUS MATERIALS	Explosives	\$0	\$0	\$0	No explosives are proposed.
	Drilling Mud	\$0	\$0	\$0	No drilling mud required.
	Used oil, lubes, and antifreeze – number of pieces of heavy equipment	\$1000	\$1000	\$1000	2 Pieces - Drill and Hydrovac
FUEL	Gasoline and Diesel	\$0	\$250	\$250	Inspector recommended the Applicant clarify if a tidy tank would

	Line Item	Applicant's Estimate	GNWT Estimate	Board Decision	Rationale
					be used, as the application listed gas station re-fueling. The Applicant did not respond. The Board agrees with the Inspector that a 500 L tank is a reasonable assumption.
	Aviation Fuel	\$0	\$0	\$0	No aviation fuel to be stored on site.
	Safety Feature	\$0	\$0	\$0	No discount for secondary containment feature, assume tidy tank.
LAND DISTURBANCE	Disturbed Surface Area	\$0	\$0	\$0	Less than 1 hectare land disturbance
	Other Land Disturbances	\$0	\$0	\$0	No other land disturbances required.
EQUIPMENT	Heavy Equipment	\$1000	\$1000	\$1000	1 hydrovac
	Drills	\$1000	\$1000	\$1000	1 drill
	Light Vehicles	\$500	\$0	\$500	Applicant indicated 2 pieces of light vehicles; Board has included these in their estimate.
	Small Generator/pumps	\$100	\$0	\$100	Applicant indicated 2 pieces of light equipment; Board has included these in their estimate.
	Empty Fuel Storage Tanks	\$0	\$0	\$0	No empty tanks proposed.
MULTIPLIERS	Performance multiplier	0.85	0.85	0.85	Applicant has successfully completed the terms of a prior Permit – MV2019S0010.
	Site Access Multiplier	1	1	1	Road access
	Environmental Risk	0.75	0.75	0.75	Previously Disturbed
	TOTAL	\$2,307.11	\$2,071.88	\$2,454.38	

Parsons completed the Board's closure cost estimate worksheet and determined a total reclamation cost of \$2307.11 for the Project. The GNWT Inspector completed the closure cost estimate worksheet and calculated the reclamation cost for the Project at \$2,071.88. The GNWT Inspector noted "that the volume of fuel contained in the equipment fuel tanks should not be considered as part of the stored volume of fuel associated with this land use operation. The application states that the equipment (including the tracked drill) will be fueled at a gas station. Typically, during an active drilling program, the drill will not leave the site mid-operation to fuel up. A tidy tank may be used to fuel up the drill rig as required. In consideration of this, the Inspector has used a volume of 500L of fuel stored in a tidy tank in the security estimate for this project." The GNWT Inspector requested that the Applicant confirm the use of a tidy tank for on-site refueling, however the Applicant did not respond to reviewer comments.

No other parties provided closure cost estimates for the Project. Both the Applicant's and GNWT Inspectors estimates were conducted using the Board's closure cost estimate worksheet; therefore, the estimates are directly comparable. Table 1 above summarizes the information/differences between these estimates.

The Board has reviewed and deliberated on the closure cost estimates provided by Applicant and the GNWT Inspector and developed their own closure cost estimate¹⁴ based on the evidence presented during the review. The Board determined that this estimate is more reflective of the closure cost associated with the Project. Consequently, the Board has determined that the Board's estimate is the most accurate and set the security deposit accordingly. Parson is required to pay a security amount of \$2,454.38.

The Board is satisfied that the security requirements it has imposed ensures that sufficient financial resources will be in place in advance of any liabilities that will be incurred.

The Board requires Parsons to do refueling of the drill on site until the completion of the Project using a tidy tank.

26(1)(m) Fuel Storage

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

SPILL CONTINGENCY PLAN

All applicants must describe spill contingency planning. For most applicants, this will be in the form of a Spill Contingency Plan, developed in accordance with the INAC [Guidelines for Spill Contingency Planning](#),¹⁵ and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board. The Plan is intended to ensure that an action plan for responses to spills and unauthorized discharges has been established to effectively control and clean up spills and unauthorized discharges, with the goal of preventing or limiting damage to the receiving environment.

As required, the Permittee included a Spill Contingency Plan in the Application.¹⁶ The Board considered the Plan as part of the Application Package, and its decision on the Plan is set out below.

The Board has approved the Spill Contingency Plan, Version 1 because it meets the requirements of the Guidelines and is appropriate for the Project activities. Condition (SPILL CONTINGENCY PLAN) requires the Permittee to comply with the approved Plan.

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

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

¹⁴ See MVLWB Online Registry for [Parsons - Hay River Terminal ESA – Permit – Security Estimate – Board Developed – Aug2 24](#).

¹⁵ See MVLWB External Policies and Guidelines webpage to access the INAC [Guidelines for Spill Contingency Planning](#).

¹⁶ See MVLWB Online Registry for [Parsons - Hay River Terminal ESA - Permit - Spill Contingency Plan V 1 - Jun12 24](#).

26(1)(o) Restoration of the Lands

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

CLOSURE AND RECLAMATION PLAN

All applicants must describe closure and reclamation planning. For most applicants, this will be in the form of a Closure and Reclamation Plan, developed in accordance with the LWB/AANDC [Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories](#) (Closure Guidelines),¹⁷ and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board.

Due to the small scale of the Project, in lieu of submitting a stand-alone Closure and Reclamation Plan, the Permittee described the proposed closure and reclamation activities in the Application form. In this case, the Board considered this information equivalent to a Closure and Reclamation Plan, and the Board's decision on the Plan is set out below.

The Board has approved the Closure and Reclamation Plan, as described in the Application, because it is appropriate for the Project activities. The CLOSURE AND RECLAMATION condition requires the Permittee to carry out activities as described in the Application.

The conditions in this Section are closely related to the conditions applying to the security deposit. The closure cost estimate and the security deposit are directly related to the activities described in the Closure and Reclamation Plan or closures and reclamation activities, and updates to the Closure and Reclamation Plan or closures and reclamation activities may result in updates to the closure cost estimate and the security deposit, which will require an amendment to the Permit.

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

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

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

The conditions included in this section are all consistent with the LWB Standard Permit Conditions.

ENGAGEMENT PLAN

The Board assesses engagement adequacy through the LWBs' [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#), and an Engagement Plan is a standard requirement for land use permits issued by the Board. This Plan is intended to ensure adequate and effective engagement with potentially affected parties has occurred prior to the submission of the Application (in the form of the Engagement Record) and is planned for throughout the life of the Project.

¹⁷ See MVLWB Policies and Guidelines webpage to access the LWB/AANDC [Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories](#).

In accordance with the Policy and Guidelines, the Applicant included an Engagement Record and Plan in the Application,¹⁸ and these documents were distributed for public review with the Application. The Board considered the Plan as part of the Application.

The Board requires that the Permittee revise the Engagement Plan and submit Version 1.1, within 90 days of the Effective date of the Permit, to reflect the Project activities and to meet the Policy and Guidelines.

The Engagement conducted prior to submitting the Application was inadequate. Parsons indicated they conducted to potentially affected Parties on August 25, 2023 by sending a notification email. At this time, most of the potentially affected Parties had been evacuated from their home communities due to the various wildfires. Parsons Engagement Record indicates that they would engage with the potentially affected Parties between June 14, 2024 and August 31, 2024, the Engagement Log does not support this commitment. Nor does the Engagement Log note any acknowledgements from the potentially affected Parties that the notification email was received or if there was any further effort made by Parsons to communicate with potentially affected Parties after this initial notification email. The Board does not consider this to be meaningful engagement.

The Board requires Parsons to re-engage with the Parties as listed in their Engagement Plan in a more effective way. Please look at the [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#) for more information on how to Engage with affected Parties.

The Plan will be considered approved when the Permittee receives written confirmation of conformity from the Board. A public review will typically not be required to confirm conformity; however, if the revised Plan includes additional information beyond what has been requested above, a public review may be required before it can be considered by the Board. The Permittee may not commence Project activities until conformity is confirmed.

6.5 Attachment A: Concordance Table of Submissions

Attachment A to the Permit contains a table that summarizes the submissions required by the Permit conditions.

6.6 Attachment B: Revision History Table

Attachment B to the Permit contains a table which identifies updates and tracks changes made to the Permit. This table is currently blank because this is a new permit, but it will be updated throughout the life of the Permit.

¹⁸ See MVLWB Online Registry for [Parsons - Hay River Terminal ESA - Permit - Engagement Plan and Record - Jun12 24](#).

7.0 Conclusion

Subject to the scope, definitions, conditions, and term set out in the Permit, and for the reasons expressed herein, the MVLWB is of the opinion that the activities and land use associated with the Project can be completed by Parsons Inc. while providing for the conservation, development, and utilization of waters in a manner that will provide the optimum benefit for all Canadians and in particular for the residents of the Mackenzie Valley.

Land Use Permit MV2024X0019 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 Parsons Inc. use of the land as authorized by the Permit.

SIGNATURE



Tanya MacIntosh, Chair
Mackenzie Valley, Land and Water Board

August 19, 2024

Date