SAHTU Land & Water Board
Land Use Permit

Permit Class **Type A**	Permit No. **S20S-001**

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

Department of Infrastructure
Government of the Northwest Territories
4922 48th Street, P.O. Box 1320
Yellowknife, NT X1A 2L9

Permittee

To proceed with the land use operation described in the application of:

Signature: Joe Acorn, Manager, Mackenzie Valley Highway Environmental Affairs	Date: January 10, 2020
Type of Land Use Operations: Geotechnical Investigation Prohibition Creek Access Road	
Location: southeast of Norman Wells, NWT	

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

Dated at: Fort Good Hope This 14 Day of February Year: 2020

Witness

(Chair)
SAHTU Land & Water Board

Commencement Date: February 25, 2020 Expiry Date: March 31, 2022

NOTE

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 BY THE BOARD.

THIS PERMIT SHALL BE POSTED OR BE AVAILABLE ON SITE.

If you have any questions please call the SAHTU Land & Water Board at (867) 598-2413

Conditions Annexed to and Forming Part of Land Use Permit # S20S-001

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
    a) Geotechnical Assessment for the Canyon Creek to Prohibition Creek All-season Access Road, southeast of Norman Wells, Sahtu Region, NT;
    b) Use of equipment
    c) Storage and transfer of fuel.

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, Délı̨nę, or Municipal laws.

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

Act - the *Mackenzie Valley Resource Management Act*.

Board - the Sahtu Land and Water Board established under Part 3 of the Act.

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

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 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 Lands, as the case may be.

Ordinary High Water Mark - the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the "active channel/bank-full level" which is often the 1:2 year flood flow return level. In inland lakes, wetlands, or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

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

Permittee - the holder of this permit.

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* (April 2007*,* that describes the set of procedures to be implemented to minimize the effects of a spill.

Waste - any garbage, debris, chemical, or Toxic Material to be used, stored, disposed of, or handled on land, and also as defined in section 51 of the Act**.**

Waste Management Plan - a document, developed in accordance with the Board's *Guidelines for Developing a Waste Management Plan,* that describes the methods of Waste management from Waste generation to final disposal.

Watercourse – a natural body of flowing or standing water or an area occupied by water during part of the year, and includes streams, springs, swamps and gulches, but does not include groundwater.

Part C: Conditions Applying to All Activities (headings correspond to subsection 26(1) of the Mackenzie Valley Land Use Regulations)

26(1)(*a*) Location and Area

1.	The Permittee shall not conduct any part of the land-use operation within 300 metres of a cabin used for traditional activities, including trapping, hunting, or fishing, unless otherwise authorized in writing by the Board.	**AVOID CABINS**
2.	Prior to the commencement of drilling, the Permittee shall submit the drill target locations on a 1:50,000-scale map with coordinates and map datum to the Board and an Inspector.	**DRILL LOCATIONS**
3.	The Permittee shall not conduct this land-use operation on any lands not designated in the complete application.	**LOCATION OF ACTIVITIES**

26(1)(*b*) Time

4.	At least 48 hours prior to the commencement of the land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) 587-7206 or 587-7205.	**CONTACT INSPECTOR**
5.	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**
6.	At least two 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**
7.	The Permittee shall not conduct any activity associated with the land-use operation between April 1 and December 31.	**SHUT DOWN PERIOD**

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

8.	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

9. Prior to the expiry date of this Permit, the Permittee shall replace all excavated material, unless otherwise authorized in writing by an Inspector. **EXCAVATED MATERIAL**

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

10. 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

11. The Permittee shall prepare and submit to the Board and Inspector for approval, a contingency plan that outlines additional mitigation measures to be taken to remediate the Boreholes in the event that the drilling encounters permafrost. **PERMAFROST PROTECTION CONTINGENCY PLAN**

12. The land-use operation shall not cause obstruction to any natural drainage. **NATURAL DRAINAGE**

13. The Permittee shall prepare and submit to the Board and Inspector for approval, a contingency plan that outlines mitigation measures to be taken to remediate any degradation resulting from erosion after the boreholes have been backfilled. **SEDIMENT AND EROSION CONTROL CONTINGENCY PLAN**

14. The Permittee shall minimize erosion by installing and maintaining erosion control structures as the land-use operation progresses, where required. **PROGRESSIVE EROSION CONTROL**

15. The Permittee shall, where flowing water from a Borehole is encountered:
(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. **FLOWING ARTESIAN WELL**

16. The Permittee shall not conduct off-road vehicle travel in areas without a minimum of 10 cm of snow-covered surfaces, unless otherwise authorized by an Inspector. **OFF-ROAD VEHICLE TRAVEL**

17. The Permittee shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging. **VEHICLE MOVEMENT FREEZE-UP**

18. The Permittee shall not remove vegetation or operate heavy equipment within 30 metres of the Ordinary High Water Mark of any Watercourse. **WATERCOURSE BUFFER**

19. The Permittee shall not excavate land within 30 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. **EXCAVATE NEAR WATERCOURSE**

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

20. 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**

21. 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

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

23. If an active bear den is detected or suspected, the Permittee shall establish an 800 m exclusion zone from the location. **BEAR DENS**

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

24. The Permittee shall adhere to the **Waste Management Plan**, once approved. Revisions to the plan shall be submitted to the Board for approval. **WASTE MANAGEMENT**

25. The Permittee shall keep all garbage and debris in a secure animal proof container until disposal. **GARBAGE CONTAINER**

26. 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**

27. The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan. **SEWAGE DISPOSAL**

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

28. 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**

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

30. The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:
(a) immediately suspend operations on the site; and
(b) notify the Board at (867) 598-2413 or an Inspector at (867) 587-7206 or 7205, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71255 or ext. 71251. **SITE DISCOVERY AND NOTIFICATION**

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

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26(1)(*l*) Security Deposit

31. All costs to remediate the area under this Permit are the responsibility of the Permittee. **RESPONSIBILITY FOR REMEDIATION COSTS**

26(1)(*m*) Fuel Storage

32. The Permittee shall:
(a) examine all Fuel Storage Containers and Tank for leaks a minimum. once per day;
(b) repair all leaks immediately; and
(c) maintain a written log of all inspections and mitigation measures employed. **CHECK FOR LEAKS**

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

34. The Permittee shall set up all refueling points with Secondary Containment. **SECONDARY CONTAINMENT - REFUELING**

35. The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. **FUEL CONTAINMENT**

36. Within 10 days of the establishment of any fuel cache, the Permittee shall report the location and quantity of the cache in writing to an Inspector and the Board. **REPORT FUEL LOCATION AND QUANTITY**

37. The Permittee shall adhere to the **Spill Contingency Plan**, once approved. Revisions to the plan shall be submitted to the Board for approval. **SPILL CONTINGENCY PLAN**

38. 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**

39. 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**

40. 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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26(1)(*o*) Restoration of the Lands

41. Prior to the expiry date of this Permit, the Permittee shall complete all cleanup and restoration of the lands used. **FINAL CLEANUP AND RESTORATION**

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

42. 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

43. The Permittee shall not move any equipment or commence any drilling when one or more caribou are within five hundred (500) metres. **CARIBOU DISTURBANCE**

44. The Permittee shall adhere to the **Engagement Plan**, once approved. Revisions to the plan shall be submitted to the Board for approval. **ENGAGEMENT PLAN**

45. All revised plans submitted to the Board shall include a brief summary of the changes made to the plan. **SUMMARY OF CHANGES**

Witness **Chair**