



**Conditions Annexed to and Forming Part  
of Land Use Permit # W2025D0004**

**Part A: Scope of Permit**

1. This Permit entitles Arctic Canadian Diamond Company Ltd. to conduct the following land-use operation:
  - a) extraction and storage of waste rock and ore from the Misery Development;
  - b) installation, operation, and maintenance of power lines and associated infrastructure as described in the application submitted August 15, 2017 **under W2017D0004**;
  - c) operation, and maintenance of the Misery haul road and associated infrastructure;
  - d) construction, use, and maintenance of supporting infrastructure at the Misery Development;
  - e) use **and expansion** of the Misery camp;
  - f) construction and maintenance of site facilities;
  - g) construction and maintenance of a temporary ore stockpile;
  - h) use of machinery and equipment to support construction and operations of the Misery pit;
  - i) storage of fuel; and
  - j) use of explosives
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, Tłchq, 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* is incorporated by reference herein.

**Archaeological Impact Assessment** - [archaeological research](#) as defined by the Prince of Wales Northern Heritage Centre – *Guidelines for Developers for the Protection of Archaeological Sites in the Northwest Territories* ~~is incorporated by reference herein.~~

**Board** - the Wek'èezhì Land and Water Board established under Part 3 of the Act, ~~as the case may be.~~

**Commented [WS1]:** General explanation of changes in the draft Permit.

Any track changes not highlighted are conditions that Board staff have updated to reflect the Standard Land Use Permit Conditions.

Anything highlighted in blue identifies conditions that Board staff have proposed be updated based on the Application.

Anything highlighted green identifies non-standard conditions that have been carried over from the previous Permit.

**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.

**Closure and Reclamation Plan (CRP)** – a document that clearly describes the Closure and Reclamation for the Project.

**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.

**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.

**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.

**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 the Government of the Northwest Territories – Department of Lands.

**Misery Development** - all of the activities and facilities associated with the Construction, operation, and Reclamation of the Misery pit.

**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.

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

**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).

**Toxic Material** - a 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 includes the meaning of that term set out 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 26(1)(a) Location and Area	Category
1. The Permittee shall use an existing campsite, as described in the complete application.	<u>USE EXISTING CAMP</u>
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 drilling, the Permittee shall submit the drill target locations on a 1:50,000-scale map with coordinates and map datum to an Inspector and the Board.	DRILL LOCATIONS
<b>26(1)(b) Time</b>	
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) 767-9187 ext. 24188.	CONTACT INSPECTOR
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; and b) when final cleanup and reclamation of the land used will be completed.	REPORTS BEFORE <u>FINAL REMOVAL</u>
6. 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
<b>26(1)(c) Type and Size of Equipment</b>	
7. The Permittee shall <del>not only</del> use <del>any</del> equipment <del>except</del> of a similar type, size, and number to that listed in the complete application.	<u>USE ONLY APPROVED EQUIPMENT</u>
<b>26(1)(d) Methods and Techniques</b>	
8. The Permittee shall not erect camps or store material, other than that required for immediate use, on the ice surface of a Watercourse.	STORAGE ON ICE

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

9. 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**

10. The Permittee shall ~~install and maintain suitable~~ **minimize erosion** by installing erosion control structures as the land-use operation progresses. **PROGRESSIVE EROSION CONTROL**

11. 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.

12. The Permittee shall ensure that vehicle travel is restricted to site roads unless otherwise authorized in writing by the Inspector. **TRAVEL RESTRICTED TO SITE ROADS**

13. The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting **or gouging**. **SUSPEND OVERLAND TRAVEL**

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

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

15. The Permittee shall dispose of all Toxic ~~substances~~ **Materials** as described in the approved Waste Management Plan. **WASTE CHEMICAL DISPOSAL**

16. The Permittee shall dispose of all combustible waste petroleum products by removal to an approved disposal facility. **WASTE PETROLEUM DISPOSAL**

~~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**

**Commented [WS2]:** Moved to "26(1)(m) Fuel Storage" as is consistent with the Standard Land Use Permit Conditions.

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

**DRILLING WASTE**

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

**DRILLING WASTE  
CONTAINMENT**

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

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

**HABITAT DAMAGE**

20. The Permittee shall not install pole access pads or power poles within 30 m of a Watercourse.

**WATERCOURSE**

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

21. The Permittee shall ~~adhere to~~ 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**

**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:

1. immediately suspend operations on the site; and
2. notify the Board at (867) 765-4592 or an Inspector at (867) 767-9187 ext. 24188, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71250 or ext. 71251.

**SITE DISCOVERY AND  
NOTIFICATION**

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

*Intentionally left blank*

**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 \$1,453,799.00. **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:  
(a) examine all Fuel Storage Containers and ~~containers-Tanks~~ for leaks a minimum daily; and (b) repair all leaks immediately. **CHECK FOR LEAKS**

28. The Permittee shall not place any Fuel Storage Containers or ~~T~~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 ensure that all fuel caches containing 20 or more Fuel Storage Containers have adequate Secondary Containment. **FUEL CACHE SECONDARY CONTAINMENT**

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

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

32. The Permittee shall seal all outlets of Fuel Storage Containers and store the containers on their sides with the outlets located at 3 and 9 o'clock, except for containers currently in use. **SEAL OUTLET**

33. The Permittee shall ~~adhere-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**

34. 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**

35. 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**

**Commented [WS3]:** Arctic requested that this requirement for haz-mat drip trays be removed and that the timeline for repairing leaky equipment be changed to “to align with standard maintenance cycles” instead of “immediately”.

Board staff have left this condition as per the Standard Land Use Permit Conditions. Arctic did not indicate the timeline for the standard maintenance cycles. The question around the use of “immediate” as a timeline has come up in discussions of other conditions under other Board authorizations. It is Board staff’s understand that the Inspector has some discretion in assessing compliance with this condition.

Board staff are requesting feedback on Arctic’s proposed change.

36. The Permittee shall clean up all leaks, spills, and contaminated material.

**CLEAN UP SPILLS**

37. During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall:

**REPORT SPILLS**

**Commented [WS4]:** Moved from former location 26(1)(g) as per the Standard Land Use Permit Conditions.

- a) implement the approved Spill Contingency Plan;
- b) report it immediately using the NU-NT Spill Report Form by one of the following methods:
  - Telephone: (867) 920-8130
  - Fax: (867) 873-6924
  - E-mail: spills@gov.nt.ca
  - Online: Spill Reporting and Tracking Database
- c) within 24 hours, notify the Board and an Inspector; and
- 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.

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

~~37-3~~ The Permittee shall minimize erosion by installing erosion control structures as the land-use operation progresses.

**MINIMIZE AREA  
CLEARED**

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

~~38-3~~ The Permittee shall carry out ~~P~~rogressive ~~R~~eclamation of disturbed areas as soon as it is practical to do so.

**PROGRESSIVE  
RECLAMATION**

~~39-4~~ The Permittee shall adhere to the approved Closure and Reclamation Plan.

**RECLAMATION  
PLANNING**

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

~~40-4~~ The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation.

**DISPLAY PERMIT**

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

~~41-4~~ 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**

~~42-4~~ 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**



~~43-4~~ All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.

**SUMMARY OF  
CHANGES**

DRAFT

