

DRAFT Conditions Annexed to and Forming Part of Land Use Permit # S24A-005

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation associated with the Norman Wells Goose to Bear Island Flowline Replacement Project:
 - a) The use of equipment, vehicles, machines, and drills; and
 - b) Use and storage 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, Deline, 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.

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.

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.

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.

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.

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* 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
	26(1)(b) Time	
2.	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 a GNWT Inspector at (867) 587-2356, and a CIRNAC Inspector at (867) 669-2442.	INITIAL NOTIFICATION – CONTACT INSPECTOR
3.	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: <ul style="list-style-type: none"> 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
4.	At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of: <ul style="list-style-type: none"> 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	
5.	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>Section Left intentionally blank.</i>	
	26(1)(e) Type, Location, Capacity, and Operation of All Facilities	
6.	The Permittee shall ensure that the land use area is kept clean at all times.	CLEAN WORK AREA

Commented [NL1]: Board staff seeking confirmation of phone numbers.

	26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land	
7.	The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses.	PROGRESSIVE EROSION CONTROL
8.	The Permittee shall apply appropriate mitigation at the first sign of erosion.	REPAIR EROSION
9.	The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High-Water Mark of any Watercourse, except as described in the application.	EQUIPMENT: WATERCOURSE BUFFER
	26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material	
10.	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
11.	The Permittee shall dispose of all drilling waste as described in the approved Waste Management Plan.	DRILLING WASTE DISPOSAL
12.	The Permittee shall not allow any Drilling Waste to spread to the surrounding lands or Watercourses.	DRILLING WASTE CONTAINMENT
13.	The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.	WASTE CHEMICAL DISPOSAL
14.	The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility, as described in the approved Waste Management Plan.	WASTE PETROLEUM DISPOSAL
	26(1)(h) Wildlife and Fish Habitat	
15.	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	
16.	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

	26(1)(j) Protection of Historical, Archaeological, and Burial Sites	
17.	The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site, or within 500 metres of a burial ground.	ARCHAEOLOGICAL BUFFER
18.	The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.	SITE DISTURBANCE
19.	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) 598-2325 or a GNWT Inspector at (867) 587-2356, and a CIRNAC Inspector at (867) 669-2442, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71251 or ext. 71255.	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	
20.	Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$ 0.	SECURITY DEPOSIT
21.	All costs to remediate the area under this Permit are the responsibility of the Permittee.	RESPONSIBILITY FOR REMEDIATION COSTS
	26(1)(m) Fuel Storage	
22.	The Permittee shall: a) examine all Fuel Storage Containers and Tank for leaks; and b) repair all leaks immediately.	REPAIR LEAKS
23.	The Permittee shall place Fuel Storage Containers and or Tanks a minimum of 100 metres from the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.	FUEL STORAGE SETBACK
24.	The Permittee shall set up all refueling points with Secondary Containment.	SECONDARY CONTAINMENT - REFUELING
25.	The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	FUEL CONTAINMENT
26.	The Permittee shall have a maximum of [redacted] litres of fuel stored on the land use site at any time, unless otherwise approved by the Board.	MAXIMUM FUEL ON SITE

Commented [NL2]: Board staff seek confirmation of phone numbers.

Commented [NL3]: Staff notes that Imperial has requested that security not be held for this water licence (S24L1-002), and that GNWT-ECC supports Imperial's request that security for this activity be held under the main site's water licence (S13L1-007). Noting that, security for the overall project should be reviewed as part of the main licence renewal.
Staff seeks input from reviewers.

Commented [NL4]: Staff seeks recommendations on maximum fuel storage volume. A 5000L tank is listed in application.

27.	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
28.	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
29.	All equipment that may be parked for two hours or more, shall have a hazmat/drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately.	DRIP TRAYS
30.	The Permittee shall clean up all leaks, spills, and contaminated material immediately.	CLEAN UP SPILLS
31.	During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall: a) implement the approved Spill Contingency Plan; b) report it-immediately using the NU-NT Spill Report Form by one of the following methods: <ul style="list-style-type: none"> • Telephone: (867) 920-8130 • 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.	REPORT SPILLS
	26(1)(n) Methods and Techniques for Debris and Brush Disposal	
32.	The Permittee shall not clear areas larger than identified in the complete application.	MINIMIZE AREA CLEARED
	26(1)(o) Restoration of the Lands	
33.	The Permittee shall dispose of all overburden as approved by the Board, or as otherwise authorized in writing by an Inspector.	DISPOSAL OF OVERBURDEN
34.	The Permittee shall save the organic soil stripped from the land use area and shall use the organic soil for reclamation as approved by the Board, or otherwise authorized in writing by an Inspector.	SAVE AND PLACE ORGANIC SOIL
35.	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	
36.	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	
37.	If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them.	MIGRATORY BIRD NEST DISTURBANCE
38.	Prior to the commencement of the land-use operation, the Permittee shall submit a revised [REDACTED] Plan (e.g. <i>Waste Management or Spill Contingency or Engagement Plan</i>) in accordance with [REDACTED] Guidelines (e.g. <i>MVLWB's "Guidelines for Developing a Waste Management Plan" or Aboriginal Affairs and Northern Development Canada's "Guidelines for Spill Contingency Planning" or MVLWB's "Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits"</i>) to the Board for approval.	SUBMIT REVISIED PLAN
39.	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
40.	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
41.	All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.	SUMMARY OF CHANGES

Commented [NL5]: Updated after Board meeting.