



Gwich'in Land and Water Board

Box 2018 Inuvik NT X0E 0T0
PH 867 777 7860 FX 867 777 7870

LAND USE PERMIT

Permit Class	Permit No	Amendment No
A	G10X003	n/a

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

GNWT Department of Transportation
P.O. Box 1320, Yellowknife, NT X1A 2L9

(Permittee)

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

Signature	Date
Sean Smiley, GNWT Department of Transportation	April 21, 2010
Type of Land use Operation	
Miscellaneous - Culvert replacement	
Location	
67°29.028N/133°46.011W - km 146.8 Dempster Highway (No. 8)	

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

Dated at Inuvik this 24 day of June, 2010

Witness – Robert Alexie

Chair – Mr. Paul Sullivan

Commencement Date

June 28, 2010

Expiry Date

June 27, 2015

Note

It is a condition of this Permit that the Permittee comply with any other applicable Act, Regulation, Ordinance, By-Law or Order. Default hereof may result in suspension or cancellation of this Permit.

**CONDITIONS ANNEXED TO AND FORMING PART
OF LAND USE PERMIT NUMBER G10X003**

Part A: Scope of Permit

1. This permit entitles GNWT – Department of Transportation to conduct the following activities:
 - a) Culvert replacement at km 146.8 Dempster Highway (No. 8) and other associated activities as proposed in the accepted application.
2. The 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 absolve the Permittee from responsibility for compliance with the requirements of all applicable Federal, Territorial, and Municipal legislation.

Part B: Definitions

“**Act**” means the *Mackenzie Valley Resource Management Act*;

“**Board**” means the Gwich'in Land and Water Board established under Part 3 of the *Mackenzie Valley Resource Management Act*;

“**Drill Waste**” means all materials or chemicals, solid or liquid, associated with the drilling of boreholes and includes borehole cuttings;

“**Inspector**” means an Inspector designated by the Minister under the *Mackenzie Valley Resource Management Act*;

“**Oil Based Drilling Muds**” means drilling fluids, which use naturally occurring solutions or refined hydrocarbons as a carrier fluid;

“**Sewage**” means all toilet wastes and grey water;

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

26(1)(a) LOCATION AND AREA

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| 1. | The Permittee shall not conduct this land use operation on any lands not designated in the accepted application. | PLANS |
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26(1)(b) TIME

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| 2. | The Permittee's Field Supervisor shall contact an Inspector at (867) 777-8900 at least forty-eight (48) hours prior to the commencement of this land | CONTACT INSPECTOR/ |
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	use operation.	BOARD
3.	The Permittee shall advise an Inspector at least ten (10) days prior to the completion of the land use operation of (a) the plan for removal or storage of equipment and materials, and (b) when final clean-up and restoration of the land used will be completed.	REPORTS BEFORE REMOVAL
4.	The Permittee shall provide in writing to the Board and Inspector, at least forty-eight (48) hours prior to commencement of this land use operation, the following information: (a) person, or persons, in charge of the field operation to whom notices, orders, and reports may be served; (b) alternates; and (c) all methods for contacting the above person(s).	IDENTIFY AGENT
	26(1)(c) TYPE AND SIZE OF EQUIPMENT	
5.	The Permittee shall not use any equipment except of the type, size, and number that is listed in the accepted application.	ONLY APPROVED EQUIPMENT
6.	The Permittee shall ensure a garbage container is on site.	GARBAGE
	26(1)(d) METHODS AND TECHNIQUES	
7.	The Permittee shall not clear areas larger than identified in the accepted application.	MINIMIZE AREA CLEARED
	26(1)(e) TYPE, LOCATION, CAPACITY AND OPERATION OF ALL FACILITIES	
8.	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	
9.	The Permittee shall slope the sides of excavations and embankments except in solid rock to a horizontal/vertical ratio of two (2) horizontal to one (1) vertical.	EXCAVATIONS AND EMBANKMENTS
10.	The land use operation shall not cause obstruction to any natural drainage.	NATURAL DRAINAGE
11.	The Permittee shall not use the bed of streams for access routes except for the purpose of crossing the streams.	STREAM BEDS - ACCESS
12.	The Permittee shall install erosion control structures as the land use operation progresses.	PROGRESSIVE EROSION CONTROL
	26(1)(g) USE, STORAGE, HANDLING AND ULTIMATE DISPOSAL OF ANY CHEMICAL OR TOXIC MATERIAL	

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| 13. | The Permittee shall not use chemicals in connection with the land use operation that were not identified in the accepted application. | APPROVAL OF
CHEMICALS |
| 14. | The Permittee shall not allow any drilling waste to spread to the surrounding lands. | DRILL WASTE
CONTAINMENT |
| 15. | The Permittee shall dispose of all toxic or persistent substances in a manner as approved in writing by the Board. | WASTE
CHEMICAL
DISPOSAL |
| 16. | The Permittee shall report all spills immediately to the 24 hour Spill Report Line (867) 920-8130, which is in accordance with instructions contained in "Spill Report" form N.W.T. 1752/0593. | REPORT
CHEMICAL
AND
PETROLEUM
SPILLS |

26(1)(h) WILDLIFE AND FISHERIES HABITAT

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| 17. | The Permittee shall not harass wildlife during this land use operation. | NO WILDLIFE
HARASSMENT |
| 18. | The Permittee shall use food handling and garbage disposal procedures that do not attract bears. | BEAR/MAN
CONFLICT |
| 19. | The Permittee shall construct and maintain the water intake with an adequate screening device to prevent entrainment of fish. | PREVENT
ENTRAINMENT |
| 20. | If migratory birds or their nesting areas, or any species at risk are encountered during the course of operations, the Permittee is to minimize all activity so as to not disturb these animals. | MINIMIZE
ACTIVITY |
| 21. | The Permittee shall cease operations when Caribou, Moose, Grizzly Bear and/or Muskoxen are in the immediate vicinity of any area where work is proceeding. | WILDLIFE
HARRASSMEN
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26(1)(i) STORAGE, HANDLING AND DISPOSAL OF REFUSE OR SEWAGE

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| 22. | The Permittee shall dispose of all sewage and grey water as proposed in the approved Environmental Management Plan. | SEWAGE
DISPOSAL |
| 23. | The Permittee shall remove all garbage and debris, including plastics from the land use area to a disposal site as specified in the approved Environmental Management Plan. | REMOVE
GARBAGE |
| 24. | The Permittee shall keep all garbage and debris in a covered metal container on site until disposed of. | GARBAGE
CONTAINER |
| 25. | The Permittee shall remove all scrap metal, discarded machinery, parts, barrels kegs, plastics, and building materials as specified in the approved Environmental Management Plan. | REMOVE
WASTE
MATERIAL |

26(1)(j) PROTECTION OF HISTORICAL, ARCHAEOLOGICAL AND BURIAL SITES

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| 26. | The Permittee shall not operate any vehicle within thirty (30) metres of a known or suspected archaeological site. | OPERATE
VEHICLE |
| 27. | The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. | DISTURBANCE
OF SITE |
| 28. | The Permittee shall immediately cease any activity which disturbs an archaeological, historical, and/or burial site and contact the Prince of Wales Northern Heritage Centre and the Gwich'in Social and Cultural Institute should an archaeological site or specimen be encountered or disturbed by any land use activity. | CONTACTS |

26(1)(k) OBJECTS AND PLACES OF RECREATIONAL, SCENIC AND ECOLOGICAL VALUE

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26(1)(l) SECURITY DEPOSIT

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26(1)(m) FUEL STORAGE

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| 29. | The Permittee shall not place any fuel storage containers within one hundred (100) metres of the normal high water mark of any water body, unless otherwise authorized in writing by an Inspector. | FUEL BY
STREAM |
| 30. | The Permittee shall not allow petroleum products to spread to surrounding lands or into water bodies. | FUEL
CONTAINMENT |
| 31. | The Permittee shall ensure that adequate contingency plans and spill kits are in place, prior to commencement of operations, to respond to any potential spills. | SPILL
RESPONSE |

26(1)(n) METHODS AND TECHNIQUES FOR DEBRIS AND BRUSH DISPOSAL

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| 32. | The Permittee shall complete total disposal of all debris and brush cleared prior to the expiry date of the Land Use Permit. | BRUSH
DISPOSAL/
TIMING |
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26(1)(o) RESTORATION OF THE LANDS

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| 33. | The Permittee shall establish vegetation on all areas stripped of vegetation during this land use operation. | REVEGETATE
STRIPPED
AREA |
| 34. | The Permittee shall save the organic soil stripped from the excavation area and place the organic soil over the disturbed area prior to the expiry date of this Land Use Permit. | SAVE AND
PLACE
ORGANIC SOIL |

35. The Permittee shall complete all clean-up and restoration of the lands used prior to the expiry date of this Permit. CLEAN-UP

26(1)(p) DISPLAY OF PERMITS AND PERMIT NUMBERS

36. The Permittee shall keep on hand, at all times during this land use operation, a copy of the Land Use Permit. COPY OF PERMIT

26(1)(q) MATTERS NOT INCONSISTENT WITH THE REGULATIONS

37. The Permittee shall ensure that all persons working under the authority of the Land Use Permit are aware of and will adhere to the conditions as stated in the Land Use Permit. NOTIFICATION TO ALL EMPLOYEES/ CONTRACTOR
38. The Permittee shall submit to the Board an update of the contingency plan, for chemical and petroleum spills, if there are any changes in the operation during the life of the permit. CONTINGENCY PLAN



Gwich'in Land and Water Board

Box 2018 Inuvik NT X0E 0T0

PH 867 777 7860 FX 867 777 7870

June 24, 2010

File: G10L8-001
G10L8-002
G10X003
G10X004

GNWT Department of Transportation
Attn: Mr. Sean Smiley
P.O. Box 1320
Yellowknife, NT X1A 2L9

Re: Issuance of Water Licence G10L8-001 and Land Use Permit G10X003 for replacement (one installation & one lining) of culvert at km 146.8 Dempster Highway (No. 8); and
issuance of Water Licence G10L8-002 and Land Use Permit G10X004 for replacement of culvert at km 209.4 Dempster Highway (No. 8)

Mr. Smiley,

Attached are duplicates of Water Licence No. G10L8-001 and Land Use Permit No. G10X003, as well as Water Licence No. G10L8-002 and Land Use Permit No. G10X004, granted to the Department of Transportation (DOT) by the Gwich'in Land and Water Board (GLWB) in accordance with the Northwest Territories Waters Act and the Mackenzie Valley Resource Management Act and Regulations. The original documents have been filed in the Registry, and copies have been placed in the Public Registry at the GLWB office in Inuvik, NT.

Also attached are general procedures for the administration of Water Licences in the Northwest Territories. We request that you review these and address any questions to the Board's office.

Please be advised that this letter with attached procedures, all inspection reports, and correspondence related thereto are part of the Public Water Register, and are intended to keep all interested parties informed of the manner in which the Licence requirements are being met.

Letters of advice from Fisheries and Oceans Canada (DFO), Indian and Northern Affairs Canada (INAC), the Gwich'in Renewable Resource Board and the Gwich'in Social and Cultural Institute have been forwarded to you. We trust you have reviewed these documents as they do provide information regarding legal requirements under the jurisdiction of the respective departments, as well as other stated preferences and requests by the reviewers.

Please note that both, Water Licence G10L8-001 and Water Licence G10L8-002, contain a condition (B1) that requires DOT to prepare and submit an Environmental Management Plan (EMP) to the Board for approval. No project activities shall take place prior to approval of the EMP. The Board suggests that DOT consult with DFO and

INAC, prior to the submission of the EMP, to ensure that the departments' concerns have been addressed.

As the Licensee/Permittee, it is the responsibility of DOT to submit the EMP for approval, file the Annual Reports (Water Licence condition B2), and ensure all terms and conditions attached to the Water Licences and Land Use Permits are adhered to. It was somewhat unclear from the application whether or not DOT meant to transfer some of these responsibilities to the contractor. This should clarify the Board's expectations. Please advise if you have questions.

The full cooperation of the Department of Transportation is anticipated.

Sincerely,



Paul Sullivan, Chair

Copied: Conrad Baetz, District Manager – INAC North Mackenzie District
Michel Lanteigne, P.Eng., Manager – AECOM NWT
Amanda Joynt, Habitat Biologist – DFO
Jeanne Arseneault, Pollution Control Specialist - INAC Water Resources Div.

GENERAL PROCEDURES FOR THE ADMINISTRATION OF LICENCES
ISSUED UNDER THE NORTHWEST TERRITORIES WATERS ACT
IN THE NORTHWEST TERRITORIES

1. At the time of issuance, a copy of the Licence is placed on the Water Register in the office of the Gwich'in Land And Water Board (GLWB) in Inuvik, and is available to the public
2. To enforce the terms and conditions of the Licence, the Minister of Indian and Northern Affairs Canada has appointed Inspectors in accordance with Section 35 (1) of the Northwest Territories Waters Act. The inspectors coordinate their activities with the officials of the Gwich'in Land and Water Board Staff.
3. To keep the GLWB and members of the Public informed of the Licensee's conformity to the Licence conditions, the Inspectors prepare reports, which detail observations on how each item in the Licence has been met. These reports are forwarded to the Licensee with a covering letter indicating what action, if any, should be taken. The Inspection reports and covering letters are placed on the public Water Register, as are any responses received from the Licensee. pertaining to the inspection reports. It is therefore of prime importance that you react in all areas of concern regarding all inspection reports so that these concerns may be clarified.
4. If the renewal of Licence No. G09L8-001 is contemplated; it is the responsibility of the Licensee to apply to the GLWB for renewal. The past performance of the Licensee, new documentation and information, points raised during any public hearing, if required, will be used to determine the terms and conditions of any Licence Renewal. Please note that if the Licence expires and the Licensee has not been issued a new Licence, then activities must cease, or the Licensee, would be in contravention of the Northwest Territories Water Act. It is suggested that an application for renewal of this Licence be made at least three months in advance of the Licence expiry date.

If for some reason, Licence No. G09L8-001 requires an amendment, a public hearing may be required. You are reminded that applications for amendments should be submitted as soon as possible to provide the Board with ample time to go through the amendment process.

5. Specific clauses of your Licence may make reference to the Board, Analyst or Inspector. The contact person, address, phone and fax number of each is:

BOARD	Robert A. Alexie, Executive Director Gwich'in Land and Water Board P.O. Box 2018 INUVIK, NT X0E 0T0 Phone: (867) 777-7961 Fax: (867) 777-7970
INSPECTOR	Jan Davies, Water Resources Inspector Indian and Northern Affairs Canada - Operations Division North Mackenzie District - Inuvik District Office P.O. Box 2100 INUVIK, NT X0E 0T0 Phone: (867) 777-8900 Fax: (867) 777-2090
ANALYST	Analyst Taiga Environmental Laboratory Indian and Northern Affairs Canada - Northern Affairs Program P.O. Box 1500 4601 - 52 nd Avenue YELLOWKNIFE, NT X1A 2R3 Phone: (867) 669-2788 Fax: (867) 669-2718