



Sahtu Land and Water Board

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www.slwb.com

December 23, 2020

File : S15E-004

Ms. Nathalie Oldfield
Environmental Analyst
Design and Technical Services
GNWT - Department of Infrastructure (INF)
4922 48th Street, PO Box 1320
Yellowknife, X1A 2L9

Sent by email

Dear Ms Oldfield,

Re: Issuance and Reasons for Decision for Extension of Land Use Permit S15E-004 – Canyon Creek All-Season Access Road, Sahtu Region, NWT

The Sahtu Land and Water Board (SLWB or Board) met on December 22, 2020 to consider the request for a two-year extension of Permit S15E-004 in order to stabilize sediment and erosion issues occurring along the Canyon Creek All-Season Access Road (CCASAR) following completion of construction in 2018. The request for extension was recommended by the Sahtu Region – Department of Lands, Resource Management Officer following a site inspection conducted on May 28, 2020.

Please find attached the Type A Land Use Permit S15E-004 with a revised expiry date of December 19, 2022, granted by the SLWB in accordance with the *Mackenzie Valley Resource Management Act*, the *Mackenzie Valley Land Use Regulations* and the *Exemption List Regulations*. A copy of this letter and Permit has been filed on the Public Registry at the SLWB office.

Reasons for Decision

This is the decision of the Board with respect to the request made by the GNWT – Department of Infrastructure deemed complete November 4, 2020, for issuance of a two-year extension to Land Use Permit S15E-004, which expired on December 19, 2020.

Written notice was given to 17 organizations within the Sahtu Settlement Area and 22 outside of the settlement area in accordance with Sections 63 & 64 of the *Mackenzie Valley Resource Management Act*. There was no Public Hearing held in association with this extension request.

The Board's Reasons for Decision are as follows:

- The Board is satisfied that appropriate notification has been conducted in accordance with Engagement Plan triggers;
- It is the opinion of the Board that the unforeseen erosion and sedimentation issues and impacts to permafrost that occurred from this road construction Project require additional time for monitoring and additional repairs, as necessary, to ensure that all site restoration is completed and will not lead to permanent degradation of the land;

- It is the opinion of the Board that the Project scope, conditions and activities have not been modified and is therefore exempt from Preliminary Screening according to the *Exemption List Regulations* Schedule 1, Part 1, 2a) and b);
- No reviewer comments or concerns were received with respect to the extension of Permit S15E-004.

Land Use Permit S15E-004 contains provisions that the Board feels necessary to ensure and monitor compliance with the *Mackenzie Valley Resource Management Act* and the Regulations made thereunder and to provide appropriate safeguards in respect of the Applicant's use of the lands affected by the Permit.

The full cooperation of GNWT – Department of Infrastructure is anticipated and appreciated for this Permit S15E-004. If you have any questions or concerns please contact Bonnie Bergsma at (867) 496-2778 or email bonnie.bergsma@slwb.com.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'Larry Wallace', with a large, stylized initial 'L'.

Larry Wallace, Chair
SAHTU Land & Water Board

Copied to: Tulita District Distribution List

Attachments: Land Use Permit S15E-004



SAHTU Land & Water Board Land Use Permit

| | |
|----------------|---------------------------------|
| Permit Class A | Permit No. S15E-004 - EXTENSION |
|----------------|---------------------------------|

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

Government of the Northwest Territories
Department of Infrastructure (GNWT-INF) – Design and Technical Services
P.O. Box 1320, Yellowknife, NWT X1A 2L9


Permittee

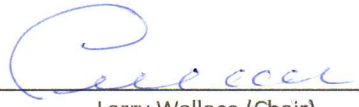
To proceed with the land use operation described in the application of:

| | |
|--|------------------------|
| Signature: Rhonda Batchelor | Date: November 5, 2015 |
| Type of Land Use Operations: Construction of the Norman Wells to Canyon Creek All Season Access Road | |
| Location: Tulita District, Sahtu Settlement Area, Northwest Territories | |

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

Dated at Fort Good Hope this 22 day of December, 2020

Witness: _____



Larry Wallace (Chair)
SAHTU Land & Water Board

Effective Date
December 21, 2015

Expiry Date
December 20, 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.

**Conditions Annexed to and Forming Part
of Land Use Permit # S15E-004**

Part A: Scope of Permit

1. This Permit entitles GNWT-Department of Transportation to conduct the following land-use operations:
 - a. Mobilizing construction equipment from Norman Wells and Tulita;
 - b. Clearing, grubbing and stripping all vegetated material from within the working face and development area of the quarry;
 - c. Blasting, excavation, crushing and stockpiling of gravel materials within the staging area.
 - d. Sourcing and use of water from the Mackenzie River, as approved, to provide temporary working surfaces and winter access road during frozen ground conditions;
 - e. Use of construction equipment and a lunchroom/wash car combination trailer;
 - f. Disposal of waste at approved offsite disposal facilities;
 - g. Construction of an estimated 10 kilometer winter access trail along new and existing cut lines from the intersection with Quarry Road in the Town of Norman Wells to the proposed new quarry;
 - h. Construction of an all-season haul road from the proposed new quarry to the new Access Road;
 - i. Construction of an all-season Access Road from the intersection with Quarry Road in the Town of Norman Wells to approximately 450 meters east of Canyon Creek Bridge;
 - j. Construction of an all-season access road to camping/recreational areas on either side of Canyon Creek, downstream from the Canyon Creek Bridge.

Access Road Location:

| Latitude | Longitude | Extent |
|------------------|--------------------|---|
| 65° 17' 40.577"N | -126° 31' 56.275"W | Western Extent, Intersection with Quarry Road in Town of Norman Wells |
| 65° 13' 25.577"N | -126° 30' 53.362"W | Eastern Extent, East of Canyon Creek Bridge |

Proposed New Quarry Location:

| Latitude | Longitude | Extent |
|------------------|--------------------|------------------|
| 65° 17' 7.465"N | -126° 32' 17.319"W | Northwest Corner |
| 65° 16' 58.009"N | -126° 32' 29.063"W | West Corner |
| 65° 16' 50.994"N | -126° 32' 23.229"W | Southwest Corner |
| 65° 16' 57.035"N | -126° 31' 25.103"W | Northeast Corner |
| 65° 16' 42.746"N | -126° 31' 41.348"W | Southeast Corner |

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, 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.

Archaeological Impact Assessment - as defined by the Prince of Wales Northern Heritage Centre – Guidelines for Developers.

Board - the Sahtu Land and Water Board established under Part 38 of the Act.

Dogleg – the clearing of a line, trail, or right-of-way that is curved sufficiently so that no part of the clearing beyond the curve is visible when approached from either direction.

Durable Land - land that is able to withstand repeated use, such as gravel or sand with minimal vegetative cover.

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 *Mackenzie Valley Resource Management Act*.

Minister - a member of the Executive Council appointed as a Minister under the Legislative Assembly and Executive Council Act who is responsible for the enactment or its subject matter or the department to which its context refers.

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°C for at least two consecutive years.

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 – 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 (WMP) - 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 not conduct any part of the land-use operation within 300 metres of any privately owned or leased land or structure, unless otherwise authorized in writing by the Board. | Private Property |
| 2. 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 |
| 3. The Permittee shall not conduct a quarry operation within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. | Quarry Setback |
| 4. The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used. | Parallel Roads |
| 5. The Permittee shall locate all lines, trails, and right-of-ways to be constructed parallel to any Watercourse a minimum of 100 metres from the Ordinary High Water Mark, except at crossings. | Parallel Watercourse |
| 6. The Permittee shall not conduct this land-use operation on any lands not designated in the complete application. | Location of Activities |
| 7. Prior to the commencement of the land-use operation, the Permittee shall accompany an Inspector during an inspection of the proposed land use area. | Inspect Locations |
| 26(1)(b) Time | |
| 8. At least 48 hours prior to the commencement of this land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) 587-7205. | Contact Inspector |
| 9. At least 48 hours prior to commencement of this land-use operation, the Permittee shall provide the following information, in writing, to the Board <u>and</u> 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 |
| 10. 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 Removal |
| 11. The Board, for the purpose of this operation, designates March 31, as spring break-up. | Spring Break-Up |

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

12. 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

13. The Permittee shall Dogleg lines, trails and right-of-ways that approach Watercourses or public roads. **Dogleg Approaches**
14. Prior to the movement of any vehicle that exerts pressure on the ground in excess of 35 kPa, the Permittee shall scout proposed lines and routes to select the best location for crossing streams and avoiding terrain obstacles. **Detours and Crossings**
15. As the land-use operation progresses, the Permittee shall refill and restore craters caused by explosives. **Refill Craters**
16. The Permittee shall construct and maintain the overland portion of winter roads with a minimum of 10 cm of packed snow and/or ice at all times during this land-use operation. **Winter Roads**
17. 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**
18. The Permittee shall leave a buffer strip of undisturbed vegetation at least 30 metres in width between cleared areas and public roads. **Tree Screen**

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

19. 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

20. The Permittee shall install and maintain culverts such that scouring does not occur. **Culvert Size**
21. The Permittee shall insulate the ground surface beneath all structures associated with this land-use operation to prevent: (a) any vegetation present from being removed; (b) the melting of Permafrost; and (c) the ground settling and/or eroding. **Permafrost Protection**
22. The land-use operation shall not cause obstruction to any natural drainage. **Natural Drainage**
23. The Permittee shall minimize erosion by installing erosion control structures as the land-use operation progresses. **Progressive Erosion Control**
24. The Permittee shall not conduct off-road vehicle travel in areas without snow-covered surfaces. **Off-road Vehicle Travel**

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| 25. The Permittee shall prepare the site in such a manner as to prevent rutting of the ground surface. | Prevention of Rutting |
| 26. The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting. | Suspend Overland Travel |
| 27. 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 |
| 28. The Permittee shall not use any material other than clean water and snow in the construction of ice bridges. | Ice Bridge Materials |
| 29. The Permittee shall not use any materials other than clean snow and water in the construction of snow fills. | Snowfill Materials |
| 30. Prior to spring break-up or completion of the land-use operation, the Permittee shall clean up and either remove or v-notch all snowfills from stream crossings, unless otherwise authorized in writing by an Inspector. | Remove or V-Notch Snowfills |
| 31. Prior to spring break-up or completion of the land-use operation, the Permittee shall clean up and v-notch all ice bridges, unless otherwise authorized in writing by an Inspector. | V-notch Ice Bridges |
| 32. The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector. | Stream Banks |
| 33. The Permittee shall minimize approach grades on all Watercourse crossings. | Minimize Approach |
| 34. The Permittee shall not ford wet streams. | No Fording of Streams |
| 35. The Permittee shall slope the sides of waste material piles, excavations, and embankments — except in solid rock — to a minimum ratio of 2:1 vertical, unless otherwise authorized in writing by an Inspector. | Excavation and Embankments |
| 36. The Permittee shall not remove vegetation or operate heavy equipment within 100 metres of the Ordinary High Water Mark of any Watercourse. | Watercourse Buffer |
| 37. The Permittee shall not excavate land within 100 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 | |
| 38. At least seven days prior to the use of any chemicals that were not identified in the complete application, the MSDS sheets must be provided to an Inspector and the Board. | Chemicals |

39. 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**
40. The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan. **Waste Chemical Disposal**
41. 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

42. 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

43. The Permittee shall adhere to 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**
44. Solid Waste shall be disposed of at a licensed facility that has the appropriate capacity and is in compliance with their Water Licence. **Solid Waste Disposal**
45. Prior to the deposit of waste at a waste facility, an Inspector's written verification of the facility's Water Licence compliance and capacity from an Inspector must be submitted to the Board. **Verification from Inspector**
46. The Permittee shall keep all garbage and debris in a secure container until disposal. **Garbage Container**
47. 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**
48. 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

49. The Permittee shall not operate any vehicle or equipment within 500 metres of a known or suspected historical or archaeological site or burial ground. **Archaeological Buffer**

- 50. The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site. **Site Disturbance**
- 51. 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) 587-7205, and the Prince of Wales Northern Heritage Centre at (867) 920-6182 or 873-7688. **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

- 52. All costs to remediate the area under this Permit are the responsibility of the Permittee. **Responsibility for Remediation Costs**

26(1)(m) Fuel Storage

- 53. The Permittee shall: (a) examine all Fuel Storage Tanks and containers for leaks a minimum once per day; and (b) repair all leaks immediately. **Check for Leaks**
- 54. The Permittee shall not place any Fuel Storage Containers or Tanks within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector. **Fuel Near Water**
- 55. The Permittee shall ensure that all fuel caches have adequate Secondary Containment. **Fuel Cache Secondary Containment**
- 56. The Permittee shall set up all refueling points with Secondary Containment. **Secondary Containment - Refueling**
- 57. The Permittee shall only use stands approved by an Inspector for supporting Fuel Storage Containers that are in use. **Fuel Container Stands**
- 58. The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses. **Fuel Containment**
- 59. The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours. **Fuel on Land**
- 60. The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name. **Mark Containers**
- 61. The Permittee shall mark all stationary fuel caches and fuel storage facilities with flags, posts, or similar devices so that they are at all times plainly visible to local vehicle travel. **Mark Fuel Location**

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|--|-------------------------------|
| 62. Within ten 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 |
| 63. 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 |
| 64. The Permittee shall adhere to 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 |
| 65. Prior to commencement of operations, the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills. | Spill Response |
| 66. 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 |
| 67. 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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| 68. The Permittee shall progressively dispose of all brush and trees and shall complete all brush disposal; all disposal shall be completed prior to the expiry date of this Permit. | Brush Disposal/ Time |
| 69. The Permittee shall not clear areas larger than identified in the complete application. | Minimize Area Cleared |
| 70. The Permittee shall salvage all portions of trees cleared that are larger than 13 centimetres in diameter. | Salvage Timber |

26(1)(o) Restoration of the Lands

- | | |
|---|--------------------------------------|
| 71. The Permittee shall dispose of all overburden as instructed by an Inspector. | Disposal of Overburden |
| 72. The Permittee shall level all stockpiles of granular material located within the land use area prior to the expiry date of this Permit. | No Stockpiles |
| 73. Prior to the expiry date of this Permit, the Permittee shall complete all cleanup and restoration of the lands used. | Final Cleanup and Restoration |
| 74. Prior to the expiry date of this Permit, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation. | Natural Vegetation |

- 75. The Permittee shall carry out progressive reclamation of disturbed areas as soon as it is practical to do so. **Progressive Reclamation**
- 76. The Permittee shall restore any trails impacted by the land-use operation by removing fallen trees and any other obstructions from the trails. **Trails Restoration**

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

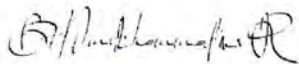
- 77. The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation. **Display Permit**
- 78. The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation. **Copy of Permit**

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

- 79. The Permittee shall not move any equipment or commence any drilling when one or more caribou are within five hundred (500) metres. **Caribou Disturbance**
- 80. If migratory birds or their nesting areas, or any species at risk are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb these animals. **Migratory Bird Disturbance**
- 81. The Permittee shall adhere to the approved Engagement Plan 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**

Signed this 24th day of February, 2016.

Witness:





Larry Wallace (Chair)
SAHTU Land & Water Board