

# MVLWB

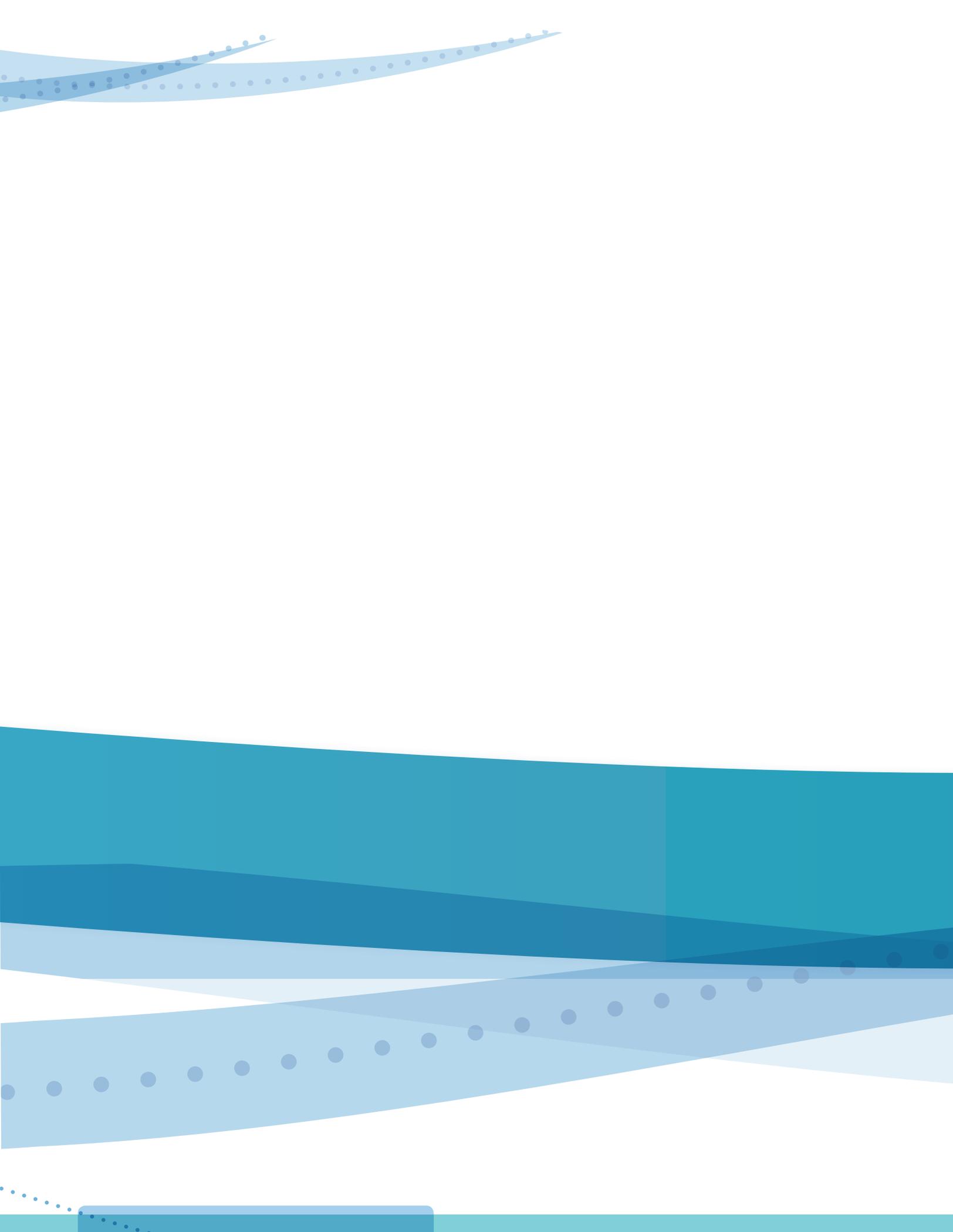
## Guide to the Land Use Permitting Process

June 1, 2013

Mackenzie Valley Land and Water Board  
Gwich'in Land and Water Board  
Sahtu Land and Water Board  
Wek'èezhìi Land and Water Board



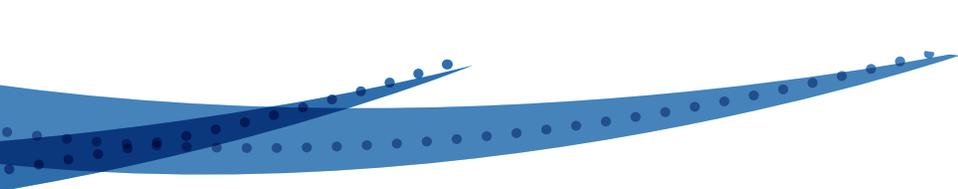
*Mackenzie Valley Land and Water Board*





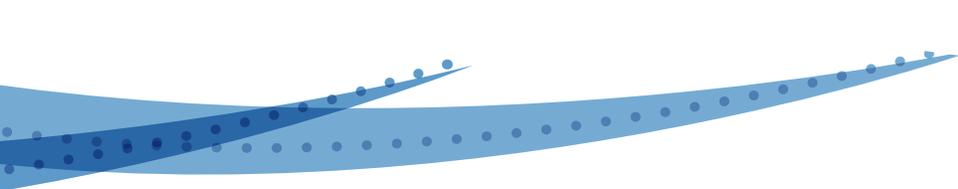
MVLWB

*“Sharing responsibility—working together to make the best decisions for the land, water, and people.”*



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## Definitions and Acronyms

TERM	DEFINITION
AANDC	Aboriginal Affairs and Northern Development Canada
Boards	Land and Water Boards of the Mackenzie Valley, as mandated by the <i>Mackenzie Valley Resource Management Act</i> .
complete application	an application that has been deemed to contain the appropriate amount and type of information necessary to be considered by a Board. (See section 4.1 for more details.)
GNWT	Government of the Northwest Territories
GLWB	Gwich'in Land and Water Board
care and maintenance	the status of a mine when it undergoes a temporary closure
land use fees	fees to be included with the application form for the proposed land use operation. The first two hectares are included in the \$150 application fee, and additional hectares are \$50 each. (See section 7.2 for more details.)
land use permit	authorization required for an activity set out in sections 4 and 5 of the Mackenzie Valley Land Use Regulations, or a land use permit (type C) required by Tłı̄cho law for use of Tłı̄cho lands for which a type A or type B land use permit is not required.
LUP	land use permit
MVEIRB	Mackenzie Valley Environmental Impact Review Board (the Review Board)
MVLUR	<i>Mackenzie Valley Land Use Regulations</i>
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
NWTWA	<i>Northwest Territories Waters Act</i>
NWT	Northwest Territories

## Definitions and Acronyms *continued*

TERM	DEFINITION
Permittee	a person who holds a land use permit issued by a Board
project	any activity that requires a water licence or land use permit
proponent	applicant for, or a holder of, a water licence and/or land use permit
security	funds held by the Crown that can be used in the case of abandonment of an undertaking to reclaim the site or carry out any ongoing measures that may remain to be taken after the abandonment of the undertaking. The Boards set the amount based on section 32 of the MVLUR. (See section 7.3 for more details.).
SLWB	Sahtu Land and Water Board
WLWB	Wek'èezhii Land and Water Board

## 1.0 Introduction

### 1.1 Purpose

The Land and Water Boards (the Boards) of the Mackenzie Valley regulate the use of land through the issuance of land use permits (LUPs) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA) and the *Mackenzie Valley Land Use Regulations* (MVLUR or the Regulations). The purpose of this Guide is to outline:

- When land use permits are required;
- How to complete an LUP application;
- Steps and time frames in the application process; and
- Other types of LUP applications and submissions.

The Regulations are the authority in any case where there is a conflict or inconsistency between the Guide and the Regulations.

### 1.2 Authority

Sections 65, 102, and 106 of the MVRMA grant the Board the authority to develop guidelines.

### 1.3 How The Guide Was Developed

The Application Processes Working Group, one of the Standard Procedures and Consistency Working Groups established by the Land and Water Boards in 2008, developed this document.

### 1.4 Application of the Guide

The following Boards will apply this document:

- Mackenzie Valley Land and Water Board
- Gwich'in Land and Water Board
- Sahtu Land and Water Board
- Wek'èezhii Land and Water Board.

This Guide applies to all projects that require an LUP.

### 1.5 Monitoring and Performance Measurement for this Guide

Mechanisms will be required to monitor and measure performance and to evaluate the effectiveness of this Guide. In accordance with the principles of a management systems approach (e.g., plan-do-check-act), the MVLWB will develop a performance measurement framework. This Guide will be reviewed and amended as necessary within that framework. The framework will also describe how parties will be involved in the review process.

## 2.0 Introduction to Land Use Permitting

The Boards regulate the use of land in the Mackenzie Valley, except for National Parks and National Historic Sites, which Parks Canada administers. Any person who wishes to conduct an activity that triggers the thresholds outlined in the Regulations requires an LUP (see section 2.1). For example, holders of mineral claims, leases, right-of-ways, quarry permits, timber cutting permits, etc., will most likely require an LUP to undertake land use activities in relation to their interest. Depending on the scope and magnitude of the proposed land use operation, the Boards may issue a type A or B LUP.

All applications require some level of engagement. Please see the Boards' *Engagement and Consultation Policy* and *Engagement Guidelines for Applicants and Holders of Land Use Permits and Water Licences* for more details.

## 2.1 Land Use Activities That Require a Land Use Permit

On land **outside** the boundaries of a local government, a type A or B LUP is required for:

Activity	Type A Land Use Permit	Type B Land Use Permit
explosives	use of a quantity equal to or exceeding 150 kg in any 30-day period	use of a quantity equal to or exceeding 50 kg, but less than 150 kg, in any 30-day period
use of vehicles or machines	use of a vehicle or machine of a weight equal to or exceeding 10 tonnes, other than on a road or on a community landfill, quarry site, or airport	use of a vehicle the net weight of which equals or exceeds 5 tonnes but is less than 10 tonnes, or the use of a vehicle of any weight that exerts a pressure on the ground equal to or exceeding 35 kPa, other than on a road or within a community landfill, quarry site, or airport
storage of fuel (single container)	use of a single container that has a capacity equal to or exceeding 4,000 litres	use of a single container for the storage of petroleum fuel that has a capacity that equals or exceeds 2,000 litres but is less than 4,000 litres
storage of fuel (facility)	establishment of a petroleum fuel storage facility with a capacity equal to or exceeding 80,000 litres	establishment of a petroleum fuel storage facility with a capacity equal to or exceeding 4,000 litres but is less than 80,000 litres

Activity	Type A Land Use Permit	Type B Land Use Permit
machinery	use of a self-propelled, power-driven machine for moving earth or clearing land	-
machinery	use of a stationary, power-driven machine, other than a power saw, for hydraulic prospecting, earth moving, or land clearing	-
lines, trails, or right-of-ways	leveling, grading, clearing, cutting, or snowplowing of a line, trail or right-of-way (other than a road or existing access trail to a building) that exceeds 1.5 metres in width and 4 hectares, for a purpose other than the grooming of recreational trails	leveling, grading, clearing, cutting or snowplowing of any line, trail or right-of-way (other than a road or existing access trail to a building) that exceeds 1.5 metres in width but does not exceed 4 hectares for a purpose other than the grooming of recreational trails
campsites	use of a campsite outside of a territorial park for a duration of or exceeding 400 person-days	use of a campsite outside of a territorial park for a duration of or exceeding 200 person-days but less than 400 person-days
buildings	-	construction of a building with a footprint of more than 100 m <sup>2</sup> and a height of more than 5 metres

Activity	Type A Land Use Permit	Type B Land Use Permit
drilling	use of power-driven, earth-drilling machinery the operating weight of which, excluding the weight of drill rods, stems, bits, pumps, and other ancillary equipment, equals or exceeds 2.5 tonnes for a purpose other than the drilling of holes for building piles or utility poles or the setting of explosives within the boundaries of the local government	use of power-driven, earth-drilling machinery the operating weight of which, excluding the weight of drill rods, stems, bits, pumps, and other ancillary equipment, equals or exceeds 500 kg but is less than 2.5 tonnes, for a purpose other than the drilling of holes for building piles or utility poles or the setting of explosives within the boundaries of the local government

On land **within** the boundaries of a local government, a type A or B LUP is required for:

Activity	Type A Land Use Permit	Type B Land Use Permit
drilling	use of power-driven, earth-drilling machinery the operating weight of which, excluding the weight of drill rods, stems, bits, pumps, and other ancillary equipment, equals or exceeds 2.5 tonnes, for a purpose other than the drilling of holes for building piles or utility poles or the setting of explosives within the boundaries of the local government	use of power-driven, earth-drilling machinery the operating weight of which, excluding the weight of drill rods, stems, bits, pumps, and other ancillary equipment, equals or exceeds 500 kg but is less than 2.5 tonnes, for a purpose other than the drilling of holes for building piles or utility poles or the setting of explosives within the boundaries of the local government
campsites	use of a campsite outside of a territorial park for a duration of or exceeding 400 person-days	use of a campsite outside of a territorial park for a duration of or exceeding 200 person-days but less than 400 person-days
storage of fuel (facility)	establishment of a petroleum fuel storage facility with a capacity equal to or exceeding 80,000 litres	-
machinery	use of a stationary, power-driven machine, other than a power saw, for hydraulic prospecting, earth moving, or land clearing	-

## 2.2 Land Use Activities That Do Not Require a Land Use Permit

You do not need an LUP for:

- Activities in national parks and national historic sites administered by Parks Canada; or
- The use of previously cleared land, now authorized for grazing or for agricultural purposes, after its initial clearing.

Also, you do not need an LUP for the following activities (unless these activities require the use of equipment or material listed above under section 2.1):

- Harvesting and the construction and occupation of cabins and camps for the purpose of harvesting as that term is defined in the *Tłı̄cho Land Claims and Self-Government Agreement*, the *Sahtu Dene and Métis Comprehensive Land Claim Agreement*, and the *Gwich'in Comprehensive Land Claim Agreement*;
- Hunting, trapping, or fishing; or
- Anything done in the course of prospecting, staking, or locating a mineral claim.

Where an emergency threatens life, property, or the environment, a person may carry out any land use operation as necessary to cope with the emergency. In this case, a written report describing the duration, nature, and extent of the operation must be submitted to the Board immediately after the land use operation is undertaken.

## 3.0 Applying for a New Land Use Permit

### 3.1 Pre-Submission Information, Gathering Pre-Application Information, and Gaining Permission to Access Lands

Prior to submitting an application to the Boards, the proponent must:

- Conduct engagement and prepare an engagement record and engagement plan in accordance with the Boards' *Engagement and Consultation Policy* and *Engagement Guidelines for Applicants and Holders of Land Use Permits and Water Licences*;
- Obtain permission from the landowner, if necessary (e.g. obtain quarry permit, licence of occupation, lease, access authorization, etc.);
- Contact federal, territorial, and Aboriginal governments and other parties to ensure all appropriate authorizations have been obtained or are in the process of being attained (see Appendix D); and
- Gather any information required to support their application.

### 3.2 What Information Is Needed in an Application?

The amount of information that the Boards require to assess an application depends on the size, scale, and nature of the proposed project. Typically, type A LUP applications have more extensive information requirements than type B LUP applications. For example, a proponent that wants to build a mine in a sensitive area is expected to provide more information than a proponent who wants to quarry in an area that has already been impacted. The Board, however, has discretion to request more information

for any LUP application in order to complete a preliminary screening of the project and/or to set the terms and conditions for the LUP.

The Boards' submission standards are outlined in its *Document Submission Standards*. Proponents are encouraged to contact Board staff prior to submitting an application. The tables below list the information that is or may be required to assist the Board in its review of the application.

**The Boards will only process applications that are complete, so all relevant information must be submitted.**

### Application Checklist

√	Items that are required	Reference in this Guide
	application form	Section 3.2.1 and Appendix A
	proof of registration or incorporation (for companies)	Section 3.2.1 (#1)
	maps	Section 3.2.1 (#16)
	appropriate fees (payable to the Receiver General for Canada)	Section 3.2.1 (#18)
	engagement record and plan	Section 3.2.2

√	Items that may be required to be submitted with the application depending on the project size, scale, and nature:	Reference in this Guide
	waste management plan	Section 3.2.1 (#9)
	spill contingency plan	Section 3.2.1 (#12)
	GIS data	Section 3.2.1 (#16)

√	Optional items that can be included with the application	Reference in this Guide
	draft security estimate	Section 3.2.3
	environmental impacts and mitigation measures	Section 3.2.1 (#16) and Appendix B

### 3.2.1 Completing the Land Use Permit Application Form

The following sequence of numbered statements corresponds to specific numbered sections in the LUP application form. (See Appendix A to obtain a form.) Additional pages or supporting documents should be attached to the application form where required.

1. Indicate the full name, address, telephone number, fax number, and email of the person or company applying for the LUP. Initials are not acceptable.

Companies must be in good standing, registered to do business in the Northwest Territories, and provide proof of registration or incorporation (e.g., registration declaration, certificate of incorporation, or certificate of extra-territorial registration) from GNWT Corporate Registries as an attachment to the application form.

2. Indicate the full name, address, telephone number, fax number, and email of the organization's head office, if not the same as in #1.
3. If available, provide the full names, addresses, and functions of all contractors and sub-contractors involved in the project, along with the maximum number of people that will be on site at any time and the length of time they will be on the site.
4. Eligibility: An LUP only authorizes a Permittee to use the land. In most cases, it does not give the Permittee a legal right to access the land. Therefore, an applicant must hold an appropriate interest (e.g., a mineral claim, quarry permit, lease, or exploration licence from the Crown) or right of access (e.g., access agreement to go on private lands) for the type of operation and from the appropriate landowner. Proponents must submit confirmation of access in writing from the landowner. Appendix C lists the contact information for landowners, including the

federal and territorial governments, the Tłı̄cho Government, the Sahtu Dene and Métis, and the Gwich'in Tribal Council. After confirming a right of access, **an applicant must circle the appropriate reference to section 18 of the Regulations that outlines their eligibility.**

Paragraph 18(a) of the Regulations applies to proposed land-use operations that are in the exercise of a right to search for, win, or exploit minerals or natural resources. Proponents should check off:

(a)(i) if the proponent holds the right;

(a)(ii) if the proponent jointly holds the right (with one or more people who have entered into an agreement) and has been designated as the manager of operations;

**or**

(a)(iii) if the proponent jointly holds the right (with one or more people who have entered into an exploration or operating agreement) and has not been designated as the manager of operations.

Paragraph 18(b) of the MVLUR refers to all other proposed land-use operations that do not involve a right to search for, win, or exploit minerals or natural resources. For these applications, the proponent should check off:

(b)(i) if the proponent has the right and who contracts out the work; or

(b)(ii) if the proponent has the right and is the one who is going to carry out the operation.

In certain cases, the Boards may process an LUP application (i.e. deem the application complete) while the applicant is pursuing the right of access or interest; however, the Boards cannot issue an LUP until the right of access or interest is granted.

### Eligibility for roads on Crown lands:

To build a new private access road on Crown lands, a lease or licence of occupation is not required, as long as an LUP is in place. However, if a lease or a licence of occupation has been issued by the Crown for a road, confirmation from Aboriginal Affairs and Northern Development Canada (AANDC) needs to be submitted with the LUP application to the Board. If a proponent wants to construct, maintain, and/or use a road that has a lease held by another party, the proponent must provide evidence showing it has an agreement with the leaseholder. This is because a lease gives the holder the exclusive right to use the road. A licence of occupation does not give the holder the exclusive right to use the road; in this case, a copy of the licence of occupation is to be submitted with the application in case there is a requirement for a user agreement.

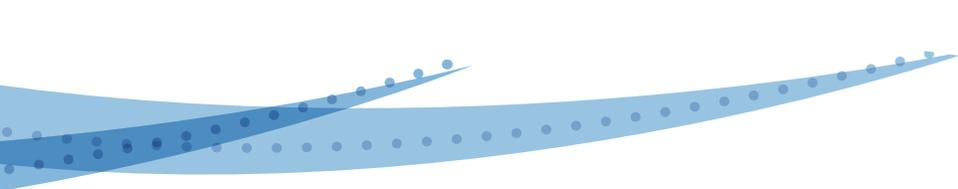
5. (a) A complete description and summary of the land use activity is required. The purpose, nature, and location of all activities for all phases (e.g., construction, operation, modification, decommissioning, and closure) of the proposed activity must be described. Include the size of the area to be used in each phase of the operation. For mineral exploration activities:
  - i) provide an estimated maximum number of drill holes;
  - ii) the frequency of drilling (i.e. specify when drilling will occur during the year and throughout the life of the permit);
  - iii) the number, type, and size of drills to be used; and
  - iv) a description of the general locations of the drill holes.

A separate project description may be attached to the application form if the space provided is inadequate. Please indicate on the application form if readers are to refer to the separate project description for further detail.

- (b) The following information is required if a camp may need to be set-up:
  - i) location and distance from any water bodies;
  - ii) number and type of structures;
  - iii) square footage of the structures and number of personnel stationed in the camp;
  - iv) number of person-days required to complete the operation per calendar year (number of people x number of operating days per calendar year = number of person-days per calendar year); and
  - v) water sources and volumes (maximum volume of water to be used per day) required to support the camp.

Proponents are encouraged to follow best practices, guidelines, and operational statements (e.g., AANDC *Northern Land Use Guidelines* and Fisheries and Oceans Canada operational statements), and are asked to reference (in the application form) which ones they plan to use.

6. Describe potential environmental and resource impacts of the proposed land use operation and proposed mitigation measures. Effects on land, water, flora and fauna, and any related socio-economic impacts need to be provided. This information is used for the preliminary screening of the project and/or to develop conditions for the LUP. Please indicate whether any of the mitigation



measures have been developed as a result of input from affected parties. The information may also be provided in table format as shown in Appendix B. Please indicate on the application form if readers are to refer to an attached table for this section.

Proponents are encouraged to contact the Prince of Wales Northern Heritage Centre (PWNHC) to obtain archaeological site data prior to submitting an application to a Board. Please refer to the PWNHC's *Guidelines for Developers for the Protection of Archaeological Sites in the Northwest Territories*. In some cases, Boards have included the requirement of an archaeological impact assessment as a condition in an LUP; therefore, it is important that proponents become aware of the PWNHC's guidelines about how to conduct one.

7. Provide a description of the plan for restoration. In most cases, this section will outline how the area will be returned to, as near as possible, its original state. In cases where the landowner or another interested party has requested reclamation to a different standard, please provide all relevant information and documentation for the Board's consideration. For most activities on Crown land, AANDC has prepared land use guidelines for reclamation.

For advanced mineral exploration and mining projects that also trigger a type A or B water licence, proponents need to submit a closure and reclamation plan as per the *Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories*. This plan is to be referenced in the proponent's application.

If an activity is proposed in an area that is

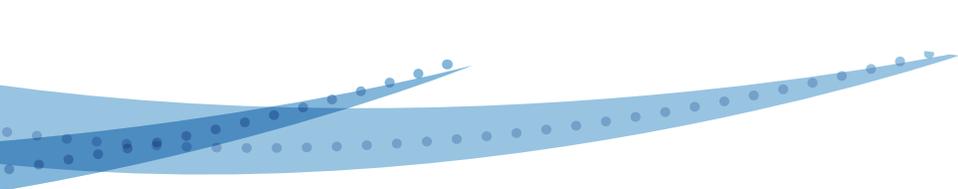
in the process of being reclaimed (e.g., by AANDC Contaminants and Remediation Directorate), it is important to include this information in the application.

8. Indicate other rights, licences, or permits that relate to this application (e.g. water licences, leases, licences of occupation, *Fisheries Act* authorizations, National Energy Board authorizations, etc.). Confirmation of rights, licences, or permits (e.g., copy of the authorization, confirmation from the regulator, or proof that the authorizations have been applied for) must be submitted with the application. (Copies of water licences and LUPs issued by the Boards are not required.) Third party interests may be identified if this information is available.

It is the responsibility of the proponent to be aware of and comply with all legal requirements (e.g., applicable legislation) within the jurisdiction in which their activities will occur. Appendix D provides information about other potential authorizations that may be required to conduct a project.

If applicable, indicate whether a road is to be pioneered (i.e. built for the first time) and whether it has been laid out or ground truthed. Also, please provide details regarding the route, construction, and maintenance of the road.

9. Please describe the method of disposal of:
  - a) garbage
  - b) sewage (sanitary and greywater)
  - c) brush and trees
  - d) overburden



If more space is required than that which is provided on the application form, a waste management plan for the proposed activity is to be developed in accordance with the Boards' *Guidelines for Developing a Waste Management Plan* and submitted as an attachment to the application form. The level of detail within the waste management plan should be customized to suit the project. Most applications will require a waste management plan. Proponents are encouraged to contact the appropriate Land and Water Board staff prior to preparing their waste management plan.

10. List the type, number, weight, and proposed uses of all equipment (e.g., drills, pumps, ground pressure vehicles, etc.) to be used. Indicate whether some or all of the equipment is covered under another LUP or licence and the duration of the authorization.
11. Indicate all fuel types (e.g., diesel, gasoline, aviation fuel, propane, etc.) and for each, list the number of containers, the capacity of containers to be used, and the maximum volume that will be on site at any one time.
12. Please describe the plan for containment of a fuel spill. If more space is required than what is provided on this application form, a spill contingency plan is to be developed in accordance with AANDC's *Guidelines for Spill Contingency Planning*. Most applications will require a spill contingency plan. This plan is to be submitted as an attachment to the application form.
13. Indicate fuel transfer methods (e.g., pumps, gravity fed, etc.) to other tanks, vehicles, etc.
14. Indicate all periods of operation (i.e. specify the months and years) including seasonal shut down, and closure and reclamation activities.
15. Indicate duration/term for which the land use permit is required (up to five years). Later in the life of the permit (but before the expiry date), LUP holders can apply for a permit extension of up to two years.
16. Indicate the locations of land use activities by providing the minimum and maximum latitude and longitude, the map sheet number, and by circling the appropriate geodetic reference system (NAD 27 or 83). A site plan to scale (e.g., 1:50,000) with the location of structures and features and a 1:250,000 scale overview map, showing the location of the development, must also be provided. In this section of the application form, please refer to the section/page of your application which contains the maps. GIS data may also be required with the application. (See the Boards' *Standards for Geographical Information Systems (GIS) Submissions*.)
17. Please ensure an original signature is included from a person who is authorized to sign on behalf of the applicant. Print your full name before signing and dating the application. Initials are not sufficient. Documents can be submitted electronically by scanning the signature page or by including an electronic signature as per the Boards' *Document Submission Standards*.
18. Circle the type of LUP you are applying for (A or B). Forward the appropriate fees (payable to the Receiver General for Canada) for the use of federal lands with your application:

- For land use operations that will use two hectares of land or less, the fee is \$150. This is a flat fee, so for example, the fee is \$150 whether you are applying to use half a hectare or two hectares.
- For land use operations that will use more than two hectares, the fee is \$150 plus \$50 per ha for any additional land disturbed by the project. So for example, an operation proposing to disturb 5 ha will submit \$300 (\$150 flat fee including two ha plus \$50/ha x 3 ha).
- **The assignment fee of \$50 need only be paid if an LUP is being transferred to another person or company.**

### 3.2.2 Engagement Record and Plan

Engagement records and engagement plans are required with LUP applications in accordance with the Boards' *Engagement and Consultation Policy* and *Engagement Guidelines for Applicants and Holders of Land Use Permits and Water Licences*. **Engagement should be initiated well in advance of the submission of the application to allow affected parties sufficient time to review and discuss the information with the proponent.**

### 3.2.3 Security

The Boards may require the proponent to post security in accordance with the Regulations. The Boards use a template to calculate security. Proponents can obtain a copy of the template by contacting the Board and can submit it for consideration with their application.

## 3.3 The Boards' Process

- The application is reviewed to ensure that all necessary information is included and to confirm that the right type of LUP has been applied for.
- Land use permit applications will be checked for conformity with approved land use plans.

- The application is assessed to determine if it is exempt from Part 5 of the MVRMA (see below).

### Meeting Part 5 of the MVRMA

A Board can only issue a licence, permit, or authorization for an activity if the requirements of Part 5 have been complied with. (See section 62 of the MVRMA.)

Therefore, when the Board receives an application, either for a new land use permit or an amendment, it needs to conduct a preliminary screening, unless the activity is specifically exempted because it is on the *Exemption List Regulations*, or it is exempt for national security or emergency purposes, or because of section 157.1 of the MVRMA. (See section 2.3 of the Review Board's *Environmental Impact Assessment Guidelines*.)

If a Board decides not to refer an application to environmental assessment, it can still be referred to environmental assessment by the Review Board or by other parties. (See section 2.9 of the Review Board's assessment guidelines.)

For more information about preliminary screenings, please refer to the Review Board's assessment guidelines.

- The results of the completeness check are provided to the proponent within ten days of receiving the application. If the application does not contain all necessary information, the proponent is notified and provided with a list of deficiencies. If the initial application contains all necessary information and conforms to the governing land use plan (if applicable), the proponent is notified that the application has been deemed complete and has been assigned a file number.

- The application and supporting documents are uploaded to the Board’s website (e.g., onto the ‘Items for Review’ page) and then an application package that includes the application and supporting documents, a summary comment table, a draft LUP (in some cases), and the distribution list is distributed to the following organizations:
  - ◊ appropriate departments and agencies of the federal and territorial governments;
  - ◊ land owners;
  - ◊ affected communities and Aboriginal governments and organizations;
  - ◊ Renewable Resource Boards;
  - ◊ departments and agencies with responsibilities for heritage resources; and
  - ◊ other interested parties. (This may include companies, businesses, or individual members of public, civic, or social organizations who have indicated an interest in a project.)

A copy of the Board’s distribution list is available on request. The Board also notifies the Mackenzie Valley Environmental Impact Review Board (MVEIRB) of receipt of the application.

The Board has to allow a reasonable period for reviewers to provide comments to the Board with respect to the application. Review periods may vary depending on the scope, scale, and location of a proposed project. When the review is completed, comments are forwarded to the proponent for a response.

- For type A LUPs: Within 42 days of receiving a complete application for a type A LUP, the Board will either:

- (a) issue an LUP with conditions;
- (b) conduct a hearing under section 24 of the MVRMA or require that further studies or investigations be made;
- (c) refer it to the MVEIRB for environmental assessment; or
- (d) refuse to issue the LUP if a requirement set out in section 61 or 61.1 of the MVRMA has not been met or for any other reason as provided for in legislation.

- For type B LUPs: Within 15 days of receiving a complete application for a type B LUP, the Board may:

- (a) issue an LUP with conditions;
- (b) refer the application to the MVEIRB for environmental assessment;
- (c) notify the applicant that the Board needs more time to review the application; or
- (d) refuse to issue the LUP if a requirement set out in section 61 or 61.1 of the MVRMA has not been met for any reason as provided for by legislation.

## 4.0 Post-Issuance

### 4.1 Inspections

Inspections are carried out by Inspectors from AANDC for all land use operations authorized by type A or type B LUPs. Inspectors report to the Boards on compliance with legislation, regulations, and conditions of the LUP.

Non-compliance may result in a suspension or cancellation of the LUP by the Board or a cessation order of the land use activity by the Inspector.

### 4.2 Plans and Reports

Conditions of an LUP may require that plans and/or reports be submitted to the Board, either for approval by the Board or for informational purposes. Plans or reports that require approval by the Board undergo a review process. Reviewer comments and proponent responses are provided to the Board for its consideration. If the Board determines that the plan or report meets the LUP requirements, the Board approves the plan or report. If the Board determines that the plan or report does not satisfy LUP requirements or is not satisfied with the proponent's response to reviewer comments, the Board notifies the proponent that the plan or report needs to be revised or that further information is required and indicates when the revised plan or report is to be submitted.

### 4.3 Final Clearance

Within sixty days of either the expiry of an LUP or the end of operations (whichever comes first), proponents must provide a final plan to the Board. GIS data must be submitted with the final plan as per the Boards' *Standards for Geographic Information Systems (GIS) Submissions*.

The final plan must show:

- (a) The lands on which the land-use operation was conducted;
- (b) The location of:
  - lines, trails, right-of-ways, and cleared areas that were used by the Permittee during the land-use operation, specifying those that were cleared by the Permittee and those that existed before the operation began;
  - buildings, structures, campsites, landing strips, aircraft navigation aids, fuel and supply storage sites, waste disposal sites, excavations, and other works and places that were constructed or used by the Permittee in the land use operation; and
  - bridges, dams, ditches, railroads, roads, transmission lines, pipelines, survey lines, monuments, air landing strips, watercourses, traplines and cabins and all other features or works that were affected by the land use operation.
- (c) Calculations of the area of lands used in the land use operation. This data is used to determine if land use fees are still owing or need to be refunded; and
- (d) Calculation of land use fees. Clearances will not be considered until all land use fees are submitted.

The final plan is then verified by the Inspector and Board. Once the Board has issued a letter of clearance, the Permittee can request AANDC to refund the security.

## 4.4 Other Types of Requests and Applications

After the issuance of an LUP, the Permittee can apply for:

- Amendments to any of the conditions of an LUP;
- An extension to the existing term of their LUP (up to a maximum of two years) before the LUP expires;
- Authorization to store items required for future land use operations after the permitted land use has been completed;
- Assignment of their LUP to another party;
- An LUP renewal; or
- A discontinuance of the LUP.

Please refer to the Boards' *Engagement and Consultation Policy* and *Engagement Guidelines for Applicants and Holders of Land Use Permits and Water Licences* for engagement requirements for these applications.

### 4.4.1 Amendments

An amendment is a change to a **condition** of an existing LUP, **not** a change to its **scope**. If a desired change to an operation is **not** within the scope of the LUP, the changed operation will require the proponent to apply for a new LUP.

To amend a condition of an LUP, the Permittee must fill out an LUP application for the amendment and provide the following information, which can be included in the cover letter with the application form:

1. The conditions that the Permittee wishes to have amended;
2. The nature of the proposed amendment; and
3. The reasons for the proposed amendment.

An amendment request may require a preliminary screening, unless it is exempt from Part 5 of the MVRMA (see 'Meeting Part 5 of the MVRMA' under section 3.3). For example, Permittees must submit sufficient information in the application for reviewers to understand the impacts of the requested amendment and the proposed mitigation measures.

Applicants must include applicable land use fees for any additional lands used and additional security may need to be posted if the Board approves the amendment request. An application fee is not required.

### 4.4.2 Extensions

A Permittee may request one extension to an LUP for up to two years. If the request is for less than two years, the Permittee cannot then request a second extension for the remainder of the two years.

The request for an extension should be received at least 45 days prior to the expiry of the LUP to allow time for the extension request to be processed. The Board cannot grant an extension to an LUP that has expired.

To request an extension to an LUP, the Permittee must submit a letter to the Board. The letter should clearly state:

1. The reason for the extension request;
2. The length of time the Permittee is requesting for the extension; and
3. Any other information which would support the extension request, including the status of the land use operation.

### 4.4.3 Storage Authorizations

Once a land use operation is complete, the Permittee must remove all structures, temporary buildings, machinery, equipment, materials, fuel drums, and other storage containers and any other items used in connection with the permitted operation. However, a Permittee may request authorization from the Board to store any of these items for up to one year following expiration of an LUP.

The Permittee must complete the storage authorization form from the Board with enough information to adequately describe the items to be stored and the location where they will be stored. The Permittee must also provide a letter from the landowner (in the case of settlement lands, Tłı̄cho lands, or other private lands) agreeing to allow storage of the specified items.

Storage authorizations cannot be assigned.

### 4.4.4 Assignments and Name Changes

When the holder of an existing LUP agrees to transfer the rights (e.g., lease) associated with the LUP to a new party, the LUP holder must ensure that they are still eligible for the LUP.

It is very important that the new Permittee (assignee) understands that in accepting the assignment of an LUP, they accept responsibility for:

- The performance of all conditions of the LUP;
- **All liabilities** incurred as a result of the assignor's actions to date under the LUP; and
- Payment of all security required of the assignor when the LUP was granted. The assignor needs to post security with the Minister of Aboriginal Affairs and Northern Development Canada prior to the commencement of operations.

If the LUP is not assigned, the original Permittee must understand that they are still responsible for all liabilities under the LUP.

To obtain an assignment of an LUP, the assignee must:

1. Complete the application to assign a land use permit (see Appendix A) which includes a declaration by the assignor and the signature of the assignor and assignee; and
2. Enclose a cheque for the assignment fee of \$50 made payable to the Receiver General for Canada.

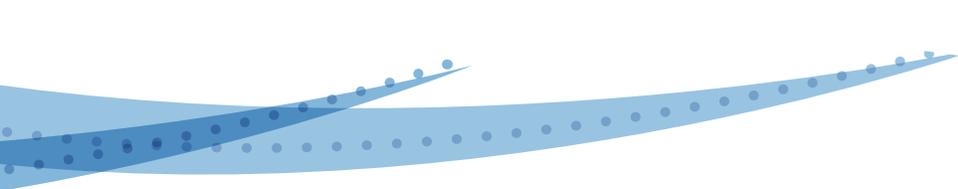
The assignee should also provide evidence (i.e. registration declaration, certificate of incorporation, or certificate of extra-territorial registration from GNWT Corporate Registries) that they have received authorization to do business in the Northwest Territories.

If the Permittee is performing a simple name change, which is different from an assignment, a letter and the certificate of incorporation needs to be submitted to the Board.

### 4.4.5 Renewals

A renewal is a new application (which requires all information listed under section 3.2 of this document) for a development that has been permitted previously and that is exempt from Part 5 of the MVRMA. When applying for a renewal, Permittees should clearly state in the cover letter attached to the application that they are applying for a preliminary screening exemption and confirm that the project has not been modified (see Exemption List Regulations made under subsection 143(1) of the MVRMA) or falls under section 157.1 of the MVRMA. If information has already been submitted for a previous LUP, the applicant must reference the information—including the title, date, relevant section, and page numbers of the document—in the application form.

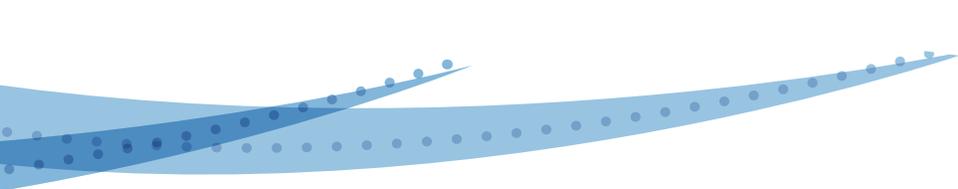
The difference between a renewal and an extension is that a renewal involves the issuance of a new LUP (for a term of up to five years) for an operation that has already been permitted, whereas an extension is the addition of time (to a maximum of two years) of an existing LUP. An LUP renewal can have different



conditions than the old LUP, but the conditions remain the same for an extension, aside from a few administrative updates (e.g., changing Indian and Northern Affairs Canada to Aboriginal Affairs and Northern Development Canada).

#### **4.4.6 Discontinuances**

A Permittee who wishes to discontinue the land use operation at any time prior to the expiration date in the LUP can have the expiry date of the LUP amended to reflect this new completion date. The Permittee will give notice of the discontinuance in writing to the Board at least ten days prior to the proposed date. The Board will then amend the expiration date of the LUP accordingly and will forward a copy of the amended LUP to the Permittee and to the Inspector.



## Appendix A - Land and Water Board Contact Information

For information please contact:

- Gwich'in Land and Water Board  
[www.glwb.com](http://www.glwb.com)  
867-777-4954
- Mackenzie Valley Land and Water Board  
[www.mvlwb.com](http://www.mvlwb.com)  
867- 766-7450
- Sahtu Land and Water Board  
[www.slwb.com](http://www.slwb.com)  
867-598-2413
- Wek' èezhii Land and Water Board  
[www.wlwb.ca](http://www.wlwb.ca)  
867-765-4592

## Appendix B - Template for Environmental and Resource Impacts and Mitigation Measures Information

Proponents can use the following table to describe the effects of the proposed land use operation on land, water, flora, and fauna, as well as socio-economic impacts. This list is not all-inclusive, so if other impacts have been identified, proponents are encouraged to include them. Other sources of guidance to help identify potential impacts include the:

- Mackenzie Valley Environmental Impact Review Board's *Environmental Impact Assessment Guidelines* and *Socio-Economic Impact Assessment Guidelines*; and
- Yukon Environmental and Socio-economic Assessment Board's *Proponent's Guide to Project Proposal Submission to a Designated Office* (see sections 6.0 and 7.0).

### Physical – Chemical Effects

IMPACT	MITIGATION
Ground Water	
<input type="checkbox"/> Water table alteration	
<input type="checkbox"/> Water quality changes	
<input type="checkbox"/> Infiltration changes	
<input type="checkbox"/> Other	
Surface Water	
<input type="checkbox"/> Flow or level changes	
<input type="checkbox"/> Water quality changes	
<input type="checkbox"/> Drainage pattern changes	
<input type="checkbox"/> Temperature	
<input type="checkbox"/> Wetland change/loss	
<input type="checkbox"/> Other	
Noise	
<input type="checkbox"/> Noise in/near water	
<input type="checkbox"/> Noise increase	
<input type="checkbox"/> Other	
Land	
<input type="checkbox"/> Geologic structure changes	
<input type="checkbox"/> Soil contamination	
<input type="checkbox"/> Buffer zone loss	

<input type="checkbox"/> Soil compaction and settling	
<input type="checkbox"/> Destabilization/erosion	
<input type="checkbox"/> Permafrost regime alteration	
<input type="checkbox"/> Explosives/scarring	
<input type="checkbox"/> Other (such as soil microbes)	
Non-renewable natural resources	
<input type="checkbox"/> Resource depletion	
<input type="checkbox"/> Other	
Air/climate/atmosphere	
<input type="checkbox"/> Other	

### Biological Environment

IMPACT	MITIGATION
Vegetation	
<input type="checkbox"/> Species composition	
<input type="checkbox"/> Species introduction	
<input type="checkbox"/> Toxin/heavy accumulation	
<input type="checkbox"/> Other (such as species distribution, any rare species or species at risk, plant phenology, growth, and reproduction)	
Wildlife and fish	
<input type="checkbox"/> Effects on rare, threatened, or endangered species	
<input type="checkbox"/> Fish population changes	
<input type="checkbox"/> Waterfowl population changes	
<input type="checkbox"/> Breeding disturbance	
<input type="checkbox"/> Population reduction	
<input type="checkbox"/> Species diversity change	
<input type="checkbox"/> Health changes	
<input type="checkbox"/> Behavioural changes	
<input type="checkbox"/> Habitat changes/effects	
<input type="checkbox"/> Game species/effects	
<input type="checkbox"/> Toxins/heavy metals	
<input type="checkbox"/> Forestry changes	
<input type="checkbox"/> Agricultural changes	
<input type="checkbox"/> Other	

## Interacting Environment

IMPACT	MITIGATION
Habitat and Communities	
<input type="checkbox"/> Predator-prey	
<input type="checkbox"/> Wildlife habitat/ecosystem composition changes	
<input type="checkbox"/> Reduction/removal of keystone or endangered species	
<input type="checkbox"/> Removal of wildlife corridor or buffer zone	
<input type="checkbox"/> Other	
Social and Economic	
<input type="checkbox"/> Planning/zoning changes or conflicts	
<input type="checkbox"/> Increase in urban facilities or services use	
<input type="checkbox"/> Rental house	
<input type="checkbox"/> Airport operations/capacity changes	
<input type="checkbox"/> Human health hazard	
<input type="checkbox"/> Impair the recreational use of water or aesthetic quality	
<input type="checkbox"/> Affect water use for other purposes	
<input type="checkbox"/> Affect other land use operations	
<input type="checkbox"/> Quality of life changes	
<input type="checkbox"/> Other	

## Cultural and Heritage

IMPACT	MITIGATION
Habitat and Communities	
<input type="checkbox"/> Effects to historic property	
<input type="checkbox"/> Increased economic pressure on historic properties	
<input type="checkbox"/> Change to or loss of historic properties	
<input type="checkbox"/> Change to or loss of historic resources	
<input type="checkbox"/> Change to or loss of archaeological resources	
Social and Economic	
<input type="checkbox"/> Increased pressure on archaeological sites	
<input type="checkbox"/> Effects on Aboriginal lifestyle	
<input type="checkbox"/> Other	

## Appendix C - Contact Information for Land Owners

Please contact the following organizations to obtain more information about access rights:

### Tłı̄cho Lands

#### Department of Culture and Lands Protection

Tłı̄cho Government

Box 412

Behchokö, NT X0E 1X0

Phone: (867) 392-6381

Fax: (867) 392-6406

### Sahtu

#### Tulita District

Tulita Dist. Land Corp.

PO Box 108

Tulita, NT X0E 0K0

Phone: (867) 588-4984

Fax: (867) 588-3997

#### K'asho Gotine District

K'asho Gotine Dist. Land  
Corp.

PO Box 18

Fort Good Hope, NT X0E 0H0

Phone: (867) 598-2519

Fax: (867) 598-2437

#### Deline District

Deline Land Corp.

General Delivery

Deline, NT X0E 0G0

Phone: (867) 589-8100

Fax: (867) 589-8101

### Gwich'in Private Lands

#### Gwich'in Tribal Council

Land Administration and  
Resource Management

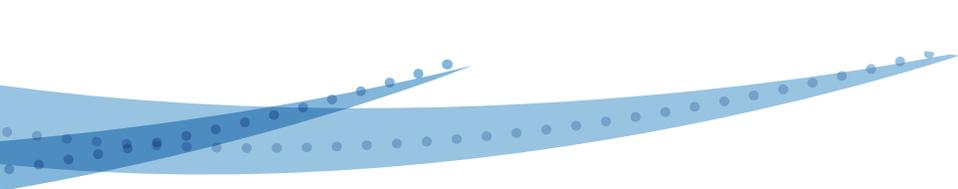
P.O. Box 1509

Inuvik, NT X0E 1X0

Phone: (867) 777-7900

Fax: (867) 777-7919

<http://www.gwichin.nt.ca/>



## **Crown Lands**

### **Land Administration Office**

Aboriginal Affairs and Northern Development Canada

P.O. Box 1500

5th Floor, Bellanca Building

Yellowknife, NT X1A 2R3

Phone: (867) 669-2671

Fax: (867) 669-2713

## **Commissioner's Lands**

### **Inuvik Region (Tsiigehtchic, Fort McPherson, Inuvik, Aklavik)**

Senior Lands Officer

Phone: (867) 777-7123

### **Sahtu Region (Deline, Fort Good Hope, Tulita, Norman Wells, and Colville Lake)**

Senior Lands Officer

Phone: (867) 587-7102

### **Dehcho Region (Fort Liard, Fort Simpson, Nahanni Butte, Trout Lake, Jean Marie River, Wrigley)**

Senior Lands Officer

### **North Slave Region (Dettah, Gameti, Lutselk'e, Behchokö, Wekweeti, Whati, and Yellowknife)**

Senior Lands Officer

Phone: (867) 920-8079

### **South Slave Region (Fort Smith, Hay River, Enterprise, Fort Providence, Kakisa, Fort Resolution)**

Senior Lands Officer

Phone: (867) 872-6529

## Appendix D - Other Potential Authorizations

The following guidance documents or web pages list other potential authorizations for various land use activities:

Activity	Guidance Documents
Access: Roads and Trails	<b><i>Northern Land Use Guidelines - Access: Roads and Trails</i></b> (see section 2.2 Permitting)
Camp and Support Facilities	<b><i>Northern Land Use Guidelines - Camp and Support Facilities</i></b> (see section 2.1 Permitting)
Pits and Quarries	<b><i>Northern Land Use Guidelines - Pits and Quarries</i></b> (see section 2.2 Permitting Requirements)
Mineral Exploration	<b><i>FAQ about Mineral Tenure in the Northwest Territories and Nunavut</i></b>
Oil and Gas	<b><i>Oil and Gas Approvals in the Northwest Territories - Sahtu Settlement Area - February 2002</i></b> <b><i>Oil and Gas Approval in the Northwest Territories - Gwich'in Settlement Area - February 2002</i></b>
Seismic Exploration	<b><i>Northern Land Use Guidelines - Northwest Territories Seismic Operations</i></b> (see section 2.1 Permitting)

Please note that the links above may not describe all of the authorizations that are required. Proponents are encouraged to contact the following responsible authorities for more information regarding their particular project:

***Northern Projects Management Office: NPMO's Services***

***Department of Fisheries and Oceans: Northwest Territories Office***

***National Energy Board: Site Map***

***Transport Canada: Navigable Waters Protection Program***

***Parks Canada: Contact Page***

***Government of the Northwest Territories – Environment and Natural Resources: Permits and Licences***

***Government of the Northwest Territories – Department of Transportation: Contacts for Regional Offices for Highway Access Permit***

## The Mackenzie Valley Land and Water Board

**[www.mvlwb.com](http://www.mvlwb.com)**

Box 2130  
7th Floor - 4922 48th Street  
Yellowknife, NT X1A 2P6

Phone: (867) 669-0506

Fax: (867) 873-6610