

# **Guide to the Land Use Permitting Process**

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**Mackenzie Valley Land and Water Board**

**Gwich'in Land and Water Board**

**Sahtu Land and Water Board**

**Wek'èezhìi Land and Water Board**

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## Definitions and Acronyms

TERM	DEFINITION
AANDC	Aboriginal Affairs and Northern Development Canada
applicant	A person who has filed an application with the Board.
application	Any application for or in relation to a land use permit or water licence submitted in accordance with the <i>Mackenzie Valley Resource Management Act (MVRMA)</i> , the <i>Waters Act</i> , or their regulations, and includes a request for a Board ruling, a plan approval, or any step required to advance a Board proceeding.
Boards	<p>The Land and Water Boards of the Mackenzie Valley, as mandated by the MVRMA.</p> <ul style="list-style-type: none"> <li>• Part 3 of the MVRMA establishes regional land and water boards with the power to regulate the use of land and water, and the deposit of waste, including the issuance of land use permits and water licences, so as to provide for the conservation, development, and utilization of land and water resources in a manner that will ensure the optimum benefit to the residents of the management area and of the Mackenzie Valley and to all Canadians.</li> <li>• Part 4 of the MVRMA establishes the Mackenzie Valley Land and Water Board (MVLWB).</li> <li>• Regional Land and Water Boards have been established in the Gwich'in, Sahtu, and Wek'èezhii management areas and now form Regional Panels of the MVLWB.</li> </ul>
CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada (formerly AANDC/INAC)
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 <a href="#">section 3</a> for more details).
closure cost estimate	An estimate of the cost to close and reclaim a project.
CR	Conformity Requirement (Land Use Plans)
EA	environmental assessment
EIR	environmental impact review
GNWT	Government of the Northwest Territories
GLWB	Gwich'in Land and Water Board
INAC	Indigenous and Northern Affairs Canada/Indian and Northern Affairs Canada
land use permit	An 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 Tłı̄chǝ law for use of Tłı̄chǝ lands, or by a Dèłı̄nǝ law for use of Dèłı̄nǝ lands, respectively, for which a Type A or Type B land use permit is not required.
LUPB	Land Use Planning Board
Minister	The Minister of Environment and Natural Resources (non-federal areas) or the Minister of Crown-Indigenous Relations and Northern Affairs (federal areas), as the case may be.
MVLUR	Mackenzie Valley Land Use Regulations
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
NWT	Northwest Territories

ORS	Online Review System
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.
Review Board	Mackenzie Valley Environmental Impact Review Board
security deposit	Funds held by the appropriate authority (the GNWT, CIRNAC, or other landowner) that can be used in the case of abandonment of a project to reclaim the site, or carry out any ongoing measures that may remain to be taken after the abandonment of the project.
SLWB	Sahtu Land and Water Board
traditional knowledge	A cumulative, collective body of knowledge, experience, and values built up by a group of people through generations of living in close contact with nature. Builds upon the historic experiences of a people and adapts to social, economic, environmental, spiritual, and political change. <sup>1</sup>
water licence	An authorization required as per Columns III and IV of Schedules D to H of the Waters Regulations (for non-federal areas) and Columns III and IV of Schedules IV to VIII of the Mackenzie Valley Federal Areas Waters Regulations (for federal areas).
WLWB	Wek'èezhii Land and Water Board

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<sup>1</sup> Individual organizations may have specific practices and protocols in place guiding TK usage.

# **1 Introduction**

The Land and Water Boards (the Boards) of the Mackenzie Valley regulate the use of land through the issuance of land use permits in accordance with the [Mackenzie Valley Resource Management Act](#) (MVRMA) and the [Mackenzie Valley Land Use Regulations](#) (MVLUR).

## **1.1. Purpose**

This Guide outlines:

- When land use permits are required;
- How to complete a land use permit application form;
- What submissions are required with an application package;
- Steps and time frames in the permitting process; and
- Other types of permit applications and submissions.

The purpose of this Guide is to promote:

- Efficiency - Simplify the land use permitting process for applicants by providing clear instructions and expectations;
- Certainty – Ensure applicants understand the required information, level of effort, and timeframes associated with land use permitting, prior to and during the process;
- Consistency - Ensure expectations and Board practices are consistent throughout the Mackenzie Valley, unless there are regional differences (e.g., there is a land use plan for the area); and
- Transparency - Ensure that all parties involved in the land use permitting process have enough information to participate in a meaningful way.

The MVRMA and MVLUR are the authority in any case where there is a conflict or inconsistency between this Guide and the legislation.

## **1.2. Authority**

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

## **1.3. How This Guide Was Developed**

This Guide was first published in 2013. The Application Processes Working Group, one of the Standard Procedures and Consistency Working Groups established by the Land and Water Boards in 2008, initially developed this document.

In 2015, under the Areas of Operation Initiative, the Boards formed several teams to work on issues identified as priorities related to various areas of operations. The Water Licensing Team, one of the teams established at this time, was tasked with updating this Guide, which was distributed for public

review on X, and comments were due by Y.

At the same time, the Water Licensing Team, another one of the teams developed under the Areas of Operations Initiative, developed the MVLWB *Guide to the Water Licensing Process*. During the development of both of these Guides, the Teams compared the practices of the Sahtu, Gwich'in, Wek'èezhìi, and Mackenzie Valley Land and Water Boards, and developed consistent practices on many issues, which are reflected in the Guides.

#### **1.4. Application of this Guide**

Once finalized, this document will be applied by the following Boards to all projects that require a land use permit (see [section 2.1](#)):

- Mackenzie Valley Land and Water Board (MVLWB)
- Gwich'in Land and Water Board (GLWB)
- Sahtu Land and Water Board (SLWB)
- Wek'èezhìi Land and Water Board (WLWB)

#### **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 Boards will develop a performance measurement framework. This Guide will be reviewed and amended as necessary within that framework. The framework will also describe how affected parties, industry, and government will be involved in the review process.

## 2 When is a Land Use Permit Required?

The [MVLUR](#) set out the land use activities that require a land use permit outside and inside the boundaries of a local government. In general, the types of activities that may require a land use permit include:

- Using explosives;
- Using heavy vehicles and machinery;
- Storing large quantities of fuel;
- Moving earth or clearing land;
- Building and maintaining lines, trails, and rights-of-way;
- Establishing campsites outside of territorial parks; and
- Constructing buildings.

The scope, magnitude, and location (within or outside local government boundaries) of the activities will determine whether a permit is required, and whether the permit will be Type A or B. More detail is provided in the tables in section 2.1 below, which summarize the specific land use permit criteria set out in sections 4 and 5 of the [MVLUR](#). The GNWT's [ATLAS Map](#) can be used to determine whether the proposed project location is within local government boundaries (i.e., municipal boundaries). Applicants can also contact Board staff for assistance in determining whether a land use permit is required (see [Appendix A](#) for contact information).

If a proposed project is located on Tłı̄chǫ or Dǣłnǣ lands but does not require a Type A or B permit, the potential applicant must contact the Tłı̄chǫ Government or the Dǣłnǣ Got'ınǣ Government, respectively, to determine whether a Type C permit might be required (see [Appendix B](#) for contact information).

## 2.1. Activities That Require a Land Use Permit

As set out in sections 4 and 5 of the [MVLUR](#), on land **outside** the boundaries of a local government, a Type A or B land use permit is required for the activities listed in Table 1.

Table 1: Activities that Require a Land Use Permit Outside Local Government Boundaries				
Activity	Type A Land Use Permit	MVLUR Reference	Type B Land Use Permit	MVLUR Reference
explosives	use of a quantity equal to or exceeding 150 kg in any 30-day period	4(a)(i)	use of a quantity equal to or exceeding 50 kg, but less than 150 kg, in any 30-day period	5(a)(i)
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	4(a)(ii)	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	5(a)(ii)
machinery	use of a self-propelled, power-driven machine for moving earth or clearing land	4(a)(iv)	-	-
machinery	use of a stationary, power-driven machine, other than a power saw, for hydraulic prospecting, earth moving, or land clearing	4(b)(iv)	-	-
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	4(b)(i)	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	5(b)(i)



Table 1: Activities that Require a Land Use Permit Outside Local Government Boundaries				
Activity	Type A Land Use Permit	MVLUR Reference	Type B Land Use Permit	MVLUR Reference
storage of fuel <sup>2</sup> (single container)	use of a single container for the storage of petroleum fuel that has a capacity equal to or exceeding 4,000 litres	4(a)(iii)	use of a single container for the storage of petroleum fuel that has a capacity that equals or exceeds 2,000 litres but less than 4,000 litres	5(a)(iv)
storage of fuel (facility)	establishment of a petroleum fuel storage facility with a capacity equal to or exceeding 80,000 litres	4(b)(iii)	establishment of a petroleum fuel storage facility with a capacity equal to or exceeding 4,000 litres but less than 80,000 litres	5(b)(iii)
lines, trails, or rights-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	4(a)(v)	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	5(a)(v)
campsites	use of a campsite outside of a territorial park for a duration of or exceeding 400 person-days	4(b)(ii)	use of a campsite outside of a territorial park for a duration of or exceeding 200 person-days but less than 400 person-days	5(b)(ii)
buildings	-	-	construction of a building with a footprint of more than 100 m <sup>2</sup> and a height of more than 5 metres	5(a)(iv)

<sup>2</sup> As per section 7 of the [MVLUR](#), any person establishing a fuel cache between 410 litres and 4,000 litres must provide written notice to the Board within 30 days. The notice must include the location, amount and type of fuel, the size of the containers, the method of storage, and the proposed date for removal of the fuel cache.

As set out in sections 4 and 5 of the [MVLUR](#), on land **within** the boundaries of a local government, a Type A or B land use permit is required for the activities listed in Table 2.

Table 2: Activities that Require a Land Use Permit within Local Government Boundaries				
Activity	Type A Land Use Permit	MVLUR Reference	Type B Land Use Permit	MVLUR Reference
machinery	use of a stationary, power-driven machine, other than a power saw, for hydraulic prospecting, earth moving, or land clearing	4(b)(iv)	-	-
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	4(b)(i)	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	5(b)(i)
storage of fuel (facility)	establishment of a petroleum fuel storage facility with a capacity equal to or exceeding 80,000 litres	4(b)(iii)	-	-
campsites	use of a campsite outside of a territorial park for a duration of or exceeding 400 person-days	4(b)(ii)	use of a campsite outside of a territorial park for a duration of or exceeding 200 person-days but less than 400 person-days	5(b)(ii)

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

A land use permit is not required for:

- Activities in national parks and national historic sites administered by Parks Canada;<sup>3</sup> or
- The use of previously cleared land, now authorized for grazing or for agricultural purposes, after its initial clearing.<sup>4</sup>

Also, a land use permit is not required for the following activities (unless these activities require the use of equipment or material listed above under [section 2.1](#)):<sup>5</sup>

- Harvesting and the construction and occupation of cabins and camps for the purpose of harvesting, as defined in the *Tijchq 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.<sup>6</sup>

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<sup>3</sup> Please contact Parks Canada to determine whether other authorization(s) might be required.

<sup>4</sup> See subsection 2(2) of the [MVLUR](#).

<sup>5</sup> See subsection 2(3) of the [MVLUR](#).

<sup>6</sup> See section 17 of the [MVLUR](#).

### **3 Applying for a New Land Use Permit**

This section of the Guide provides detailed information about how to complete the Land Use Permit Application Form (the Application Form), and what submissions are typically required along with the Application Form to make a complete application package. [Section 3.1](#) details information that applicants will need to prepare and gather prior to submitting an application package. [Section 3.2](#) provides step-by-step guidance on completing the Application Form, including information about additional documents that may be required to complete the application package. [Section 3.3](#) outlines the application package requirements in a table that can be used as an application checklist.

The amount of information that the Boards require in an application package **depends on the size, scale, and nature of the project being proposed**. Typically, a Type A permit application has more extensive information requirements than a Type B permit application. For example, an applicant that wants to build a mine in a sensitive area is expected to provide more information than an applicant who wants to quarry in an area that has already been impacted. The Boards also typically require more detail in a post-environmental assessment (EA) or environmental impact review (EIR) information package than in an initial application package. For larger projects or projects that have undergone an EA or EIR, the Board may provide the applicant with an information request, listing specific information requirements. Regardless, the Boards may request more information for any permit application in order to complete a preliminary screening of the project and/or to set the term and conditions for the permit.

**The Boards will only process applications that are complete, so all required information must be submitted.** The Boards recommend that all potential applicants contact Board staff while developing their application or post-EA/EIR information package (see [Appendix A](#) for contact information). Board staff are available to provide guidance, which supports a more efficient regulatory process.

#### **3.1. Pre-Application Information**

For a project that requires a permit (see [section 2](#) to determine whether a permit is required), the applicant must complete the following prior to submitting an application to the Board:

- Contact Board staff (see [Appendix A](#) for contact information);
- Conduct engagement and prepare an Engagement Record and Engagement Plan in accordance with the MVLWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#). **Engagement should be initiated well in advance of the submission of an application to allow affected parties sufficient time to review the information and discuss it with the applicant.** This Plan and Record must be submitted as an attachment to the Application Form;
- Obtain or renew permission from the landowner, if necessary (e.g., obtain mineral exploration rights, quarry permits, timber permits, licences of occupation, leases, etc., and/or right of access);
- 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 C](#));

- Contact GNWT-Lands for assistance in notifying other lease holders;
- Contact the applicable Land Use Planning Board (LUPB) or Tłıchq Government to discuss conformity of the project with the relevant land use plan;
- Develop a closure cost estimate to understand how much security might be required;
- If proposing disposal of waste off-site within the NWT (including at municipal facilities), obtain written confirmation from the facility/facilities, stating that they will accept the waste;
- Contact GNWT-Environment and Natural Resources for guidance on whether a Wildlife Management and Monitoring Plan may be required. If applicable, a requirement for this Plan may be included in permit conditions;
- Contact the Prince of Wales Northern Heritage Centre (PWNHC) to obtain relevant archaeological site data and identify archaeological site assessment needs. Please refer to the PWNHC's [Guidelines for Developers for the Protection of Archaeological Sites in the Northwest Territories](#). In some cases, the requirement for an archaeological impact assessment may be included in permit conditions, so it is important that applicants are aware of the PWNHC's guidelines; and
- Gather and prepare any other information needed to support the application.

### 3.2. Completing the Land Use Permit Application Form

The Application Form and related resources can be found on each Board's website on the Apply for Permit/Licence page.<sup>7</sup> All applications must include a completed Application Form; additional pages or supporting documents should be attached to the Application Form where required to provide all of the information necessary for a complete application package. [Section 3.3](#) describes the Board's expectations regarding supporting documents. When preparing an application package, please refer to the MVLWB [Document Submission Standards](#) and [Standard Outline for Management Plans](#). Applicants are encouraged to contact Board staff prior to submitting an application for assistance in determining what information is required (see [Appendix A](#) for contact information).

The sequence of numbered statements below corresponds to specific numbered items in the Application Form. For each item, the required information, and/or references to supporting documents attached to the Application Form, should be provided in the grey fields. For items, or parts of items, that are not applicable, please indicate N/A.

Before proceeding to the numbered statements:

- Select the Board the application will be submitted to. If unsure which Board to submit the application to, please see the Active Authorizations map on the Maps page<sup>8</sup> on any of the Boards' websites, or contact Board staff (see [Appendix A](#) for contact information). Transboundary applications can be submitted to the MVLWB. A project is considered transboundary if the

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<sup>8</sup> See Maps webpages: [GLWB](#), [MVLWB](#), [SLWB](#), and [WLWB](#).

boundaries of the project overlap the land and/or the waters managed by two separate Boards (e.g., the land and waters regulated by the SLWB, and land and waters regulated by the MVLWB). This also includes management areas outside of the NWT (e.g., the land and waters regulated by the Yukon Government, and land and waters regulated by the GLWB);

- When applying for an amendment or renewal, enter the existing permit number; and
- Indicate whether the permit application is accompanied by a water licence application for the project.

### **1. NAME AND CONTACT INFORMATION – APPLICANT**

Indicate the full name, position, mailing address, telephone number, and email of the person or company applying for the permit. If the applicant is a company, provide the company name as well the name and position of the person who is applying on behalf of the company. In all cases, this should be the same person who will be signing the Application Form (see [item 21](#)). Please be advised that initials are not acceptable.

### **2. NAME AND CONTACT INFORMATION – APPLICANT’S HEAD OFFICE**

Indicate the full name, position, mailing address, telephone number, and email of the organization’s head office, if not the same as in item 1 above. Identify the organization’s field supervisor for the project, if available.

Companies must be in good standing and registered with GNWT [Corporate Registries](#) to do business in the Northwest Territories, and must provide a copy of their current NWT Certificate of Registration in the application package.

Individual applicants that are not companies (e.g., an individual applying to build a road to a cabin), and territorial, federal, and municipal governments do not need this Certificate.

### **3. NAME AND CONTACT INFORMATION – CONTRACTORS AND SUB-CONTRACTORS**

If available, provide the full names, responsibilities, and contact information for all contractors and sub-contractors involved in the project. An additional table should be added for each contractor.

### **4. LOCATION OF ACTIVITIES**

For more information on the requirements set out below, please refer to the MVLWB [Guideline for Geographic Information System \(GIS\) Submission Standard](#), which includes an application checklist in Appendix A.

#### Maps

Include an overview map scaled at 1:250,000 or less to show the location of the project area, and a detailed map scaled at 1:50,000 or more, showing local geographic features, watercourses, water sources, project structures, and location(s) of any proposed waste deposits.

### Geographic Coordinates

Provide geographic coordinates (latitude and longitude) of project features and the maximum and minimum project boundaries in degrees, minutes, and seconds, or in decimal degrees.

### Map Sheet Number

Provide the map sheet number. For assistance, refer to the National Topographic (NTS) Map Sheet on the Maps page<sup>9</sup> of any of the Boards' websites.

### Geographic Information System (GIS) Data

GIS data should be submitted as an attachment to the Application Form. For small-scale projects, GIS data may not be required, but should be provided if available. Please contact Board staff for assistance in determining whether GIS data is required (see [Appendix A](#) for contact information).

### Land Types

Identify all land types where the project activities will take place, noting that it is possible to have the activities occur on more than one type of land. Please refer to Maps page<sup>10</sup> on any of the Boards' websites for guidance on identifying land types. Note that permitting criteria are different inside and outside local government boundaries (i.e., municipal boundaries) (see [section 2.1](#) for permitting criteria).

## **5. ELIGIBILITY**

Under the [MVLUR](#), to be eligible for a permit, an applicant must hold an appropriate interest (e.g., mineral exploration rights, quarry permits, timber permits, licences of occupation, leases, etc.) and/or right of access (e.g., access agreement or authorization) for the proposed type of operation and from the appropriate landowner. The permit itself will authorize the permittee to use the land, but in most cases, does not give the permittee the legal right to access the land. Prior to applying, applicants should contact federal, territorial, and Aboriginal governments and other parties to ensure all appropriate rights, authorizations, permissions, dispositions, and contracts have been obtained or are in the process of being obtained.

Mark the appropriate reference to section 18 of the [MVLUR](#) that outlines the applicant's eligibility.

Paragraph 18(a) applies to proposed land-use activities that are in the exercise of a right to search for, win, or exploit minerals or natural resources. Applicants should mark:

- (a)(i) if the applicant holds the right;
- (a)(ii) if the applicant jointly holds the right (with one or more people) and has been designated as the manager of operations; or
- (a)(iii) if the applicant jointly holds the right (with one or more people) and has not been designated as the manager of operations.

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<sup>9</sup> See Maps webpages: [GLWB](#), [MVLWB](#), [SLWB](#), and [WLWB](#).

<sup>10</sup> See Maps webpages: [GLWB](#), [MVLWB](#), [SLWB](#), and [WLWB](#).

Mark paragraph 18(b) for all other proposed land-use activities that involve rights to occupy the land other than to search for, win, or exploit minerals or natural resources.

### Roads

To build a new access road, a lease or licence of occupation is not required, as long as a land use permit is in place. However, if a lease or a licence of occupation for a road has been issued by CIRNAC or the GNWT, confirmation must be submitted with the permit application.

If an applicant wants to construct, maintain, and/or use a road on a lease held by another party, the applicant must provide evidence showing it has an agreement with the leaseholder, 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.

## **6. RIGHTS AND/OR CONTRACTS TO SUPPORT ELIGIBILITY**

List and attach confirmation of other authorizations that relate to this application. This must include proof of an appropriate interest and/or confirmation of access rights in writing from the landowner (see [Appendix B](#) for contact information for landowners) to support the applicant's eligibility as identified in [item 5](#) above. Water licences and land use permits issued by the Boards should be referenced, but copies of these authorizations are not required.

If the landowner or rights holder has provided written confirmation that the interest or right is forthcoming, the Boards may process a permit application (i.e., deem the application complete) while the applicant is pursuing the right of access or interest; however, the Boards cannot issue a permit until the right of access or interest is granted. Please note that in some circumstances, the process to obtain the right of access or interest takes longer than the Board's process; as such, applicants are strongly encouraged to initiate the process to obtain the rights and/or interests required as early in the project planning phase as possible.

It is also the responsibility of the applicant to be aware of and comply with all other legal requirements (e.g., applicable legislation) within the jurisdiction in which the project activities will occur. Authorizations (e.g., rights, permits, licences, etc.) from other organizations may be required and should be obtained, or be in the process of being obtained, prior to submitting the application package. Please refer to [Appendix C](#) for a list of other potential authorizations that may be required.

## **7. PERMIT TYPE AND CRITERIA**

The Type A and B permitting criteria for various types of activities are set out in sections 4 and 5 of the [MVLUR](#) and are summarized in the tables in [section 2.1](#). In the table provided in the Application Form, identify the permitting criteria that are exceeded by the proposed project activities. Note that although not all project activities will exceed permitting criteria, if a permit is required, all project activities will be included in the permit.



## 8. PROJECT DESCRIPTION

Information required for this section can be included in the grey field provided; attachments should also be identified/referenced.

### Project Description

Provide a complete description and summary of the project. Describe the purpose, nature, and location of all activities for all phases (e.g., construction, operation, modification, decommissioning, and closure and reclamation) of the proposed project. A separate project description may be attached to the Application Form if necessary.

If water is proposed to be used for the project, but no water licence application has been submitted because the proposed activities are below licensing criteria,<sup>11</sup> include the following information:

- names and types of water source(s);
- purpose of water use(s); and
- quantity of water to be used (rates and/or volumes in m<sup>3</sup>/day).

If the project includes drilling activities, include the following information:

- the estimated maximum number of drill holes;
- the frequency of drilling (i.e., specify when drilling will occur during the year and over the life of the project);
- the number, type, and size of drills to be used; and
- a description of the general locations of the drill holes.

If the project is located in an area that is in the process of being reclaimed, describe how reclamation activities have been considered.

### Hectares

Include the total number of hectares to be used in each phase of the project and over the life of the project.

## 9. CAMP

If the project includes a camp, describe the camp, including the following information:

- camp layout, including number, type, and dimensions (m<sup>2</sup>) of structures;
- location and distance from any watercourse(s); and
- number of people stationed in the camp and the duration of their stay (i.e., person-days). Explain, with rationale, any variations in the number of people that may be on site over the life of the

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<sup>11</sup> See the MVLWB *Guide to the Water Licensing Process* for more information about when a water licence is required.

project.

Person-days is the number of 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).

## **10. ROADS AND ACCESSES**

Indicate whether a road or access is to be pioneered (i.e. built for the first time) and whether it has been laid out or ground-truthed. Describe the route, construction, and maintenance of any new or existing road.

## **11. WASTE MANAGEMENT METHODS**

### Waste Management Plan

All applicants must submit detailed waste management information, identifying all types of waste that will be produced by the project, including quantity and quality, and describing the disposal methods that are proposed for each type of waste. For most applicants, this should be attached in a Waste Management Plan, developed in accordance with the MVLWB [Guidelines for Developing a Waste Management Plan](#), which includes a template for the Plan. For small-scale projects, this information can be included within the grey field provided on the Application Form.

For some projects, additional management plans and reports may be required to fully describe waste management activities. More information about additional management plan requirements is available in section 3 of the MVLWB *Guide to the Water Licensing Process*.

### Off-site Disposal

If proposing to dispose of waste off-site within the NWT, include written confirmation from the facility/facilities stating that they will accept the type and volume of waste. This confirmation can be attached to the Application Form or obtained while the applicant is undergoing the regulatory process. Applicants should use the grey field provided on the Application Form to reference the attachment or to describe when this information will be provided.

## **12. EQUIPMENT**

Use the table provided to list the type, number, weight (in tonnes), and proposed uses of all equipment proposed to be used. Add additional rows where required. Generally, this list should include any motorized equipment (e.g., drills, pumps, bulldozer, pick-up truck, large generators, boats and motors, etc.). In order to allow reasonable flexibility in on-site equipment choices, specific makes and models of equipment are not required; however, it is important to ensure that the weight (and ground pressure, if applicable) is provided (see permitting criteria in [section 2.1](#)).

Ensure the equipment list provided here reflects the project information provided in other parts of the Application Form. The cost of removing this equipment must be reflected in the closure cost estimate (see [item 18](#) below) and will be considered by the Board in development of any security requirements. The

equipment list will also be considered in the review of potential environmental impacts (see [item 17](#) below).

### **13. FUEL**

Use the table provided to identify all petroleum-based fuel types (e.g., diesel, gasoline, aviation fuel, propane, etc.) that will be used, and for each fuel type, provide the following information:

- Number of containers;
- Capacity of containers (e.g., litres, pounds);
- Type of container (e.g., barrel, tank, tidy-tank, jerry-cans etc.); and
- Proposed storage or staging location(s).

Please ensure the correct types of fuel are included to reflect the types of equipment listed in [item 12](#) above. Add additional rows where required.

### **14. METHODS OF FUEL TRANSFER**

Describe all fuel transfer methods (e.g., electric or hand pumps, gravity fed, etc.) to other tanks, vehicles, and machinery, etc. Please ensure all methods for each type of equipment listed in [item 12](#) and fuel listed in [item 13](#) are included.

### **15. SPILL CONTINGENCY PLAN**

All applicants must describe spill contingency planning. Guidance is available in the INAC [Guidelines for Spill Contingency Planning](#). For most applicants, this information will be attached in a Spill Contingency Plan developed in accordance with the INAC Guidelines. For small-scale projects, spill contingency information can be included in the grey field provided on the Application Form.

### **16. PROPOSED TIME SCHEDULE**

Indicate the time of year the project activities will occur (i.e., which months of the year). Explain any variations over the life of the project, up to and including closure and reclamation. Indicate whether seasonal or temporary shutdowns are anticipated. If activities are planned for a particular time of year, explain whether the activities could potentially take place at other times of year.

Indicate the proposed start and completion dates for the project. Note that maximum term for a permit is five years.<sup>12</sup> Prior to the expiration of the permit, permit holders can apply for a permit extension of up to two years.<sup>13</sup>

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<sup>12</sup> Section 26(5) of the [MVLUR](#).

<sup>13</sup> Section 26(6) of the [MVLUR](#).

## 17. POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROJECT AND PROPOSED MITIGATIONS

### Preliminary Screening:

Information about potential impacts and proposed mitigations will be used in the preliminary screening of the project and/or to develop permit conditions. If seeking an exemption from preliminary screening for part or all of the project (e.g., the project has already been screened or has undergone an EA or EIR), describe supporting rationale. If only part of the project may be exempt, describe any proposed changes, as well as associated impacts and proposed mitigations. For more information about preliminary screenings, see [section 4.2](#).

Describe potential impacts of the proposed project on:

- Groundwater and surface water – include changes to flow, quantity and quality;
- Land, including geological structure change, soil contamination, compaction/settling/erosion, alteration of the permafrost regime and riparian zone loss;
- Vegetation, including species composition and abundance, non-native species introduction, or accumulation of toxins/heavy metals;
- Fauna (wildlife, fish, fowl) including population abundance and diversity, breeding patterns, health, habitat, behavioral, wildlife corridors, buffer zones; and
- Social, economic, cultural, and heritage impacts.

For a more detailed list of potential impacts to consider, see [Appendix B](#) of this Guide. Further information is also available in the Review Board's [Environmental Impact Assessment Guidelines](#) and [Socio-Economic Impact Assessment Guidelines](#).

For the identified potential impacts, describe proposed mitigations, including environmental management systems, treatment systems, and monitoring programs, and explain how the potential effects of climate change were considered. Indicate whether any of the mitigation measures have been developed as a result of input from affected parties, and identify any best practices or guidance documents that will be used (e.g., GNWT's series of Northern Land Use Guidelines<sup>14</sup>).

For small-scale projects, applicants are encouraged fill out the table in [Appendix D](#) and attach it to the Application Form. For large or more complex projects, or as requested by the Board, applicants may need to provide more detailed information in management plans attached to the Application Form. More information about additional management plan requirements is available in section 3 of the MVLWB *Guide to the Water Licensing Process*.

### Wildlife Management and Monitoring Plan

Prior to applying, applicants should contact the Wildlife Division of the GNWT-ENR for guidance on whether a Wildlife Management and Monitoring Plan may be required. More information is available in the GNWT's *Wildlife Management and Monitoring Plan Guidelines* (see [Appendix C](#)). If applicable, a

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<sup>14</sup> Links to these documents are available on each Board's Policies and Guidelines webpage: [GLWB](#), [MVLWB](#), [SLWB](#), and [WLWB](#).

requirement for this Plan may be included in permit conditions.

## **18. CLOSURE AND RECLAMATION**

Information required for this section can be included in the grey field provided; attachments should also be identified/referenced.

### Closure and Reclamation

Describe closure and reclamation plans for the project, including any temporary closure(s) and seasonal shutdowns. The level of detail required will depend on the scale and nature of the project.

For small-scale projects, closure and reclamation plans can be described in the grey field provided on the Application Form. In most cases, this description 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 large or complex projects, this information should be attached to the Application Form in a conceptual Closure and Reclamation Plan, developed in accordance with the MVLWB/AANDC [Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories](#). A template is provided in the Guidelines. While the Guidelines were developed for mineral exploration and mining, the information is applicable to other types of projects.

### Closure Cost Estimate

In most cases, the Boards will require a permittee to post a security deposit following permit issuance and before commencing the project. Federal, territorial, and municipal governments are not required to post security.<sup>15</sup>

The Board will set the amount of security based on the estimated costs of closing and reclaiming the project site, and the applicant's proposed closure plans for the project. To inform the Board's decision, the applicant must develop a closure cost estimate to include in the application package. Guidance on developing a closure cost estimate is available in the MVLWB/GNWT/INAC [Guidelines for Closure and Reclamation Cost Estimates for Mines](#). While these Guidelines were primarily developed for mining and advanced mineral exploration, the processes and expectations described in the Guidelines are generally applicable to all projects.

The Boards encourage all applicants to contact Board staff to commence the conversation on the closure cost estimate prior to submitting an application. Closure cost estimate templates are available on each Board's Apply for Permit/Licence webpage;<sup>16</sup> Board staff can assist in determining which closure-cost-

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<sup>15</sup> Federal and territorial governments are exempt from posting security under section 94 of the [MVRMA](#). It is Board policy not to require security from municipal governments.

<sup>16</sup> Apply for Permit/Licence webpages: [GLWB](#), [MVLWB](#), [SLWB](#), and [WLWB](#).

estimate template is most suited to the activities being applied for (see [Appendix A](#) for contact information). For larger projects, the applicant should also work with the landowner (the GNWT, CIRNAC, or other landowners) in developing the estimate (see [Appendix B](#) for contact information).

If land use permit and water licence applications are being submitted together, the closure cost estimate should include a break-down of costs for land-related activities and water-related activities. If the project includes activities in both non-federal and federal areas, the closure cost estimate must be broken into two components, reflecting activities specific to the non-federal and federal areas.

## **19. ADDITIONAL SUPPORTING INFORMATION**

Information required for this section can be included in the grey field provided; attachments should also be identified/referenced.

### Engagement

Prior to submitting an application package, applicants must identify and contact any other parties potentially affected by the project, such as Aboriginal organizations/governments, individuals occupying the land for traditional purposes, private landowners, lease holders (e.g., lodges, cabins, other licensees and permittees), and communities. Applicants should contact GNWT-Lands for assistance in notifying lease holders.

All new permit application packages must include both an Engagement Record and an Engagement Plan. The Boards' expectations regarding engagement with potentially affected parties, and the development of an Engagement Record and Plan, is set out in the MVLWB [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#). Templates for the Engagement Record and Plan are provided in the Guidelines. Copies of engagement materials (e.g. correspondence, information provided to parties) do not need to be provided, but may be requested by the Board at any point.

### Land Use Planning

Three land use plans are approved in the Mackenzie Valley: the [Gwich'in Land Use Plan](#), [Sahtu Land Use Plan](#), and [Tłjchǫ Land Use Plan](#). These Plans outline what types of activities should occur, where they generally should take place, and the conditions necessary to guide land use proposals and development projects over time.

Where an approved Land Use Plan applies, the Board must confirm conformity with the applicable Land Use Plan in order to issue a permit.<sup>17</sup> To inform the Board's decision, the permit application must include a conformity table that demonstrates how the proposed project meets the conformity requirements of the applicable Land Use Plan.

Applicants are encouraged to approach the applicable Land Use Planning Board or the Tłjchǫ Government's Department of Culture and Lands Protection, as the case may be, prior to submitting a

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<sup>17</sup> See section 61 of the [MVRMA](#).

permit application to the Board. If requesting exemptions from specific conformity requirements (CRs), a copy of the Land Use Planning Board or Tłjchq Government's decision on the exemption, amendment, or variance must be attached to the Application Form.

#### Traditional (Environmental) Knowledge

For projects located in the Sahtu, TEK/TK must be submitted with the application package. In other management areas, the Boards strongly encourage proponents to submit TEK/TK with their application package.

#### Studies Undertaken to Date

Provide a list of studies that have been undertaken to date to support the proposed project and where possible, include a copy of each study. This may include baseline data studies, traditional knowledge studies, studies or data supporting proposed treatment technologies or mitigation measures, and/or feasibility studies.

### **20. FEES**

Fee amounts should be entered into the grey fields on the Application Form. Federal and territorial governments do not pay application or land-use fees;<sup>18</sup> all other applicants must include the appropriate application and land-use fees as outlined below.

- The application fee for all applications is \$150.
- For projects in non-federal areas, there are no land-use fees.
- For projects in federal areas, the application fee includes up to two hectares (ha) of land use. This is a flat fee, so the application fee is \$150 whether applying to use half a hectare or two hectares.
- For projects in federal areas, land-use fees are \$50 per hectare (rounded up to the nearest full hectare) for any land used beyond the two hectares that are included in the application fee. For example, an applicant proposing to disturb 5 ha will submit \$300 (\$150 application fee including two ha, plus \$50/ha x 3 ha). Ensure that the fees are consistent with the information provided in project description (see [item 8](#)).

All fees are payable to the Receiver General for Canada. All fees should be mailed to the Board as soon as possible when an application package is submitted; applications cannot be deemed complete until those fees are received by the Board, or proof that the fees have been sent, is received by the Board. Fees must be received prior to issuance of a permit.

### **21. SIGNATURE**

Please ensure an original signature is included from the applicant (as identified in [item 1](#)). Print the applicants 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 MVLWB [Document Submission Standards](#).

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<sup>18</sup> See section 20 of the [MVLUR](#).

### 3.3. Application Package Checklist

As described in [section 3.2](#), applicants must submit various documents in support of the application. The number and type of supporting documents depends on the nature and scale of the proposed project. The following table lists the requirements and can be used as a checklist for completing the application package. **The Boards will only process applications that are complete, so all required information must be submitted.**

Table 3: Application Package Checklist			
✓	INFORMATION OR DOCUMENT	<ul style="list-style-type: none"> <li>● Required</li> <li>○ May be Required</li> </ul>	SECTION IN THIS GUIDE
	Application Form	●	<a href="#">3.2</a>
	Proof of Registration/Incorporation	○ (required for companies)	<a href="#">3.2, item 2</a>
	Maps	●	<a href="#">3.2, item 4</a>
	GIS Data	○ (may not be required for small-scale projects)	<a href="#">3.2, item 4</a>
	Proof of Appropriate Interest and/or Access Rights	●	<a href="#">3.2, item 6</a>
	Copies of Other Authorizations	○	<a href="#">3.2, item 6</a>
	Waste Management Plan	● (small-scale projects may include information in the Application Form)	<a href="#">3.2, item 11</a>
	Off-Site Disposal Agreement	○ (required if off-site disposal is proposed)	<a href="#">3.2, item 11</a>
	Spill Contingency Plan	● (small-scale projects may include information in the Application Form)	<a href="#">3.2, item 15</a>
	Closure and Reclamation Plan	● (small-scale projects may include information in the Application Form)	<a href="#">3.2, item 18</a>
	Closure Cost Estimate	● (not required for government and municipal applicants)	<a href="#">3.2, item 18</a>
	Engagement Record	●	<a href="#">3.2, item 19</a>
	Engagement Plan	●	<a href="#">3.2, item 19</a>



	Land Use Plan Conformity Table/Statement	○ (required if a Land Use Plan applies)	<a href="#">3.2, item 19</a>
	Traditional (Environmental) Knowledge	○ (required for all SLWB applications)	<a href="#">3.2, item 19</a>
	Studies Undertaken to Date	○	<a href="#">3.2, item 19</a>
	Other Management Plans	○	Section 3.3 of the MVLWB <i>Guide to the Water Licensing Process</i>
	Application Fees	● (federal and territorial governments do not pay application fees)	<a href="#">3.2, item 20</a>
	Land Use Fees	○ (in federal areas only) (federal and territorial governments do not pay application fees)	<a href="#">3.2, item 20</a>

The Boards have guidelines for the development of Engagement Plans, Waste Management Plans, Spill Contingency Plans, and Closure and Reclamation Plans as noted in section 3.2. For any other required plans, see the general MVLWB [Standard Outline for Management Plans](#).

Any plans or manuals that are submitted with the application should include a version number. The first version of any plan or manual submitted to the Board should be Version 1.0. For amendment or renewal applications, the applicant may reference previous version of plans available on the Board's public registry if no changes are proposed. If new versions of previously submitted plans are included with renewal or amendment applications, the version number will depend on the status of the previous version of the plan.

## 4 Regulatory Process for a Land Use Permit Application

### 4.1. Public Review

When the Board receives a land use permit application, Board staff conduct a completeness check to ensure all of the components of the application package have been submitted and conform to Board policies and guidelines (see [section 3.3](#) above). Board staff will make the completeness determination within ten days of receiving the application.

If the application is not complete, Board staff will contact the applicant with a list of the additional information required. **The Board will not begin the regulatory process until the application is complete.**

Once the application has been deemed complete, it is posted to the Board's public registry, and distributed for public review through the Board's [Online Review System](#) (ORS). A draft land use permit, developed from the MVLWB [Standard Land Use Permit Conditions Template](#), will usually be included in the public review of the application package.

The distribution list for an application is based on the location of the project and will include:

- affected communities and Aboriginal governments and organizations;
- land owners;
- appropriate departments and agencies of the federal and territorial governments;
- Renewable Resource Boards;
- departments and agencies with responsibilities for heritage resources;
- the Review Board; and
- other interested parties (e.g., companies, businesses, or individual members of public, civic, or social organizations who have indicated an interest in a project).

The specific distribution list for the application is available on the ORS Item for Review.

By submitting comments on the application (via the ORS or otherwise), reviewers become parties to the regulatory proceeding for the application and must abide by the MVLWB [Rules of Procedure](#). Note that the Boards also accept review comments by mail, fax, or email, and Board staff will post these comments to the ORS.

The Board must allow a reasonable period for reviewers to provide comments to the Board with respect to the application and draft permit. Review periods may vary depending on the scope, scale, and location of a proposed project. The applicant will always be provided an opportunity to respond to reviewer comments following the public review deadline.

Applicants and reviewers must be registered to be able to participate in ORS public reviews. New users can register on the ORS [Log In](#) webpage. For more information on registering and using the ORS, please see the [User Manual](#), or contact Board staff for assistance (see [Appendix A](#) for contact information).

## 4.2. Preliminary Screening and Environmental Assessment

Before the Board can issue a permit, the proposed project must meet the requirements of Part 5 of the [MVRMA](#), which establishes the Review Board and the environmental impact assessment process. Unless the project is exempt, this means that a preliminary screening, EA, or EIR for the project needs to be completed.

The first step in the established environmental impact assessment process is a preliminary screening to determine whether the project might have significant adverse impact on the environment or might be a cause for public concern. The preliminary screening is the mechanism for referring the project to EA if necessary, and the Board will conduct a preliminary screening prior to issuing a permit. When conducting the screening, the Board will take into consideration all of the information provided by the applicant and reviewers.

A project, or specific project activities, may be exempt from screening under the [Exemption List Regulations](#); under section 157.1 of the [MVRMA](#); or for national security or emergency purposes. If the project, or specific project activities, could be exempt for any of these reasons, the Board will need to make an exemption confirmation. For projects that have previously been screened or undergone an EA or EIR, in a covering letter attached to the application package, applicants should clearly explain why the project, or parts of the project, should be exempt. Any changes to the project may need to be screened and could be referred to EA.

The Board will make the screening determination and/or exemption confirmation as soon as adequate information is available, which can be at any point prior to the Board's issuance decision, but the Board will usually try to complete this as early in the process as possible.<sup>19</sup> Based on the screening, the Board will decide whether to continue the permitting process or refer the project to the Review Board for an EA.<sup>20</sup> Note that if the Board decides not to refer the project to EA, it can still be referred by the Review Board or by other parties.<sup>21</sup>

Following the Board's decision on a preliminary screening, the decision is forwarded to the Review Board, and a ten-day pause period begins, allowing the Review Board and other referral organizations a short, formal period to review the Board's decision and consider whether to refer the project to EA if the Board has not. If no other organizations refer the project to EA during this period, the Board can issue the permit after the pause period is complete.<sup>22</sup>

If a project (or part of a project) is referred to the Review Board for an EA, the permitting process for the

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<sup>19</sup> For permit applications that are not associated with a licence application, the Board will usually make the determination/confirmation at issuance.

<sup>20</sup> The Review Board may decide to conduct an environmental impact review rather than an environmental assessment, in accordance with Part 5 of the [MVRMA](#).

<sup>21</sup> See subsections 126(2) and 126(3) of the [MVRMA](#) for a list of organizations that can refer projects to the Review Board.

<sup>22</sup> For more information, see the Review Board's [Reference Bulletin: The Ten-Day Pause Period for Preliminary Screenings](#).

application is put on hold until the EA is complete. After the EA is complete, and the responsible Minister has released a decision on the Report of EA, the Board will send an information request to the applicant, outlining the information that must be included in the applicant's post-EA information package. The information request will be project-specific and reflect EA measures and changes to the project. If the applicant decides to change the project following the completion of the EA, the post-EA information package should highlight the proposed changes, which will then need to undergo a preliminary screening.

Once a complete post-EA information package has been received, the Board will recommence the permitting process. Note that the legislated 42-day timeline (see section 4.3 below) for the Board's decision begins again once the Minister's decision on the Report of EA has been released; however, in most cases, the Board will need to consider whether more time is required.<sup>23</sup>

For more information about preliminary screenings and environmental assessments, please refer to the Review Board's [Environmental Impact Assessment Guidelines](#).

### 4.3. Board Decision

Within 42 days of receiving a complete permit application,<sup>24</sup> the Board will review all of the evidence on the record and decide whether to:

- a) issue a land use permit with conditions;
- b) conduct a hearing or require that further studies or investigations be made;
- c) refer it to the Review Board for environmental assessment; or
- d) refuse to issue the permit if the project does not meet the requirements of applicable land use plans and/or Tłı̄chǫ laws, or for any other reason as provided for in legislation.

For permit applications that are not accompanied by a water licence application, the Board often makes its preliminary screening determination at the same time as its issuance decision, and the ten-day pause period will come into effect after the Board forwards its decision to the Review Board (see [section 4.2](#)). **The Board cannot issue the permit during the pause period, so applicants should ensure this additional time is accounted for in the project schedule.**

If no other organizations refer the project to EA during the ten-day pause period, the Board can issue the permit after the pause period is complete. The Board's decision, including its reasons for decision, will be circulated to the applicant and the distribution list, and posted to the public registry. If the Board decides to issue the permit, the permit will be attached to the Board's decision letter.

Following issuance, any security required must be posted in accordance with permit conditions prior to commencing project activities. The Board will include instructions on posting security in its issuance

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<sup>23</sup> In this case, the Board may need to apply paragraph 22(2)(b) of the [MVLUR](#) to allow more time for the applicant to provide the additional information required in the post-EA information package.

<sup>24</sup> See paragraphs 22(2) and 23(b) of the [MVLUR](#). Because the Board requires adequate time to meet its obligations, the Board processes all Type B applications under subparagraph 23(b)(iii) of the [MVLUR](#). This means that all Type B applications are processed in the same manner as Type A applications.

decision letter. The Board's decision letter may also contain direction regarding any other permit conditions that must be met prior to the commencement of activities.

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## 5 Post-Issuance

### 5.1. Inspections

Inspections of projects operating under both Type A and B permits are conducted by territorial or federal Inspectors.<sup>25</sup> These inspections are undertaken during operations and at the conclusion of a project. Inspectors report to the Board on compliance with legislation, regulations, and the conditions of the permit. Non-compliance may result in temporary or complete shutdown of the project through a suspension or cancellation of the permit by the Board, or an activity cessation order by the Inspector.<sup>26</sup>

### 5.2. Plans, Reports, and Other Submissions

Permit conditions may require various submissions (including new or revised versions) to the Board, either for approval by the Board or for information purposes. Permittees should refer to the MVLWB [Document Submission Standards](#) and [Standard Outline for Management Plans](#) when preparing these submissions.

Prior to making submissions to the Board, permittees must ensure that they have conducted engagement as described in their approved Engagement Plan.

When submitting management plans, manuals, and programs, permittees should include a version number. Reports generally do not require a version number, though a date should be considered, especially where the report is for a recurring purpose. Numbering will depend on the reason for the submission. Version 1.0 will always be the first iteration of a plan (often submitted with the application). Version 1.1 (and any subsequent versions of Version 1.0) would result from Board direction on Version 1.0 (e.g., clarifications or corrections provided in response to review comments). Once the Board has approved Version 1.0 (as 1.0, 1.1 or 1.2, etc.), the next update to the document would be Version 2.0 – generally when the permittee submits an updated plan as required by permit conditions (e.g., to reflect proposed changes). To avoid confusion about which version is being considered by the Board at a given time, subsequent versions should only be submitted as directed by the Board or the permit conditions – permittees should not submit new versions in direct response to review comments or during a proceeding. When in doubt, please contact Board staff prior to making a submission (see [Appendix A](#) for contact information).

Following permit issuance, permittees should use and maintain the specific names of plans and other submissions as set out in the permit conditions. This avoids confusion in terms of permit compliance, document history tracking, and public registry organization.

All submissions will be posted on the public registry, and submissions that require Board approval (e.g., Waste Management Plan, Spill Contingency Plan, etc.) will be posted on the ORS for public review. After the public review period, the permittee will be provided with an opportunity to respond, and the review

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<sup>25</sup> [GNWT-Lands](#) or CIRNAC, respectively.

<sup>26</sup> See sections 35 and 36 of the [MVLUR](#).

comments and responses are then provided to the Board for its consideration.

If the Board determines that the submission meets the permit requirements, and any issues raised during the review are resolved, the Board approves the submission. If the Board determines that the submission does not satisfy permit requirements, or issues raised during the review period are not adequately resolved, the Board notifies the permittee that the submission needs to be revised or that further information is required, and indicates when a revised version is to be submitted.

When planning changes, the permittee should consider how the proposed changes will affect any submissions required under the permit. For small projects where the applicant included waste management, spill contingency, and/or closure and reclamation information directly in the Application Form rather than in stand-alone plans, the permittee will need to submit stand-alone plans for Board approval if they are proposing changes to these activities – these requirements will be set out in the permit conditions.

Note that if major changes to activities, facilities, or operations are set out in revised submissions, the Board will review the preliminary screening to determine whether the proposed changes need to be screened. If the changes must be screened, or changes to the permit conditions are required, an amendment process will be required (see [section 6.1](#) below).

### **5.3. Final Plans and Final Clearance**

In order for the Board to clear and close a permit, the permittee must submit a final plan to the Board within 60 days of either the expiry of the permit or the end of the permitted activities (whichever comes first).

A final plan must include:<sup>27</sup>

- A map or sketch, normally at a scale of 1:50,000, showing the location, the area, and distances of all project activities, including:
  - lines, trails, right-of-ways, and cleared areas that were used by the permittee during the project, specifying those that were cleared by the permittee and those that existed before the project 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 for the project; 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 project.
- GIS data;
- A summary of the hectares utilized in each aspect of the project; and

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<sup>27</sup> See subsections 29(1) and (2) of the [MVLUR](#).

- A calculation of land use fees for any federal lands used.

Please refer to the MVLWB [Guideline for Geographic Information Systems \(GIS\) Submission Standard](#) for further information on map and GIS requirements.

If a final plan is associated with an application for a renewal or a new permit to continue the activities under the existing permit, the plan should describe the current status of the permitted activities (e.g., land use activities are ongoing, and closure and reclamation of the site is not complete). The permittee must clearly explain whether all of the activities authorized under the existing permit are included in the renewal or new permit application. If the existing permit has not expired, the permittee must submit a discontinuance request for the existing permit (see [section 6.5](#)). The Board can then consider the final plan and the discontinuance request at the same time.

Final plans are not circulated for public review, but the Inspector will conduct a final inspection to verify the plan before it is considered by the Board. The Board's final clearance decision letter will identify any land use fees that are outstanding or will be refunded. After the Board grants final clearance, the permittee can request a security deposit refund from the applicable landowner(s).



## 6 Other Types of Requests and Applications

After a permit is issued, the permittee can:

- Request to amend any of the permit definitions and conditions ([section 6.1](#));
- Request to extend the term of the permit before the permit expires ([section 6.2](#));
- Apply to renew the permit ([section 6.3](#));
- Apply to assign the permit to another party ([section 6.4](#));
- Request to discontinue the permit ([section 6.5](#)); or
- Apply to store items required for future land use activities after the permitted land use has been completed ([section 6.6](#)).

Prior to submitting any of these applications or requests to the Board, the permittee should ensure that they conduct engagement as described in their approved Engagement Plan. In most cases, an Engagement Record should be submitted with the application or request. Please refer to the MVLWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#) for engagement requirements for these applications and requests.

Further information about these types of applications and requests is set out in the following sections.

### 6.1. Amendments

An amendment is a change to a **condition** of an existing land use permit, **not** a change to its **scope**. If a desired change to a project is not within the scope of the land use permit, the permittee must apply for a new permit. In this case, the permittee can apply for a new permit to address only the new activities (see [section 3](#)), or request a discontinuance of the existing permit (see [section 6.5](#)) and apply for a new permit that covers all of the existing and new activities. Board staff can assist in determining which approach is most appropriate for the project (see [Appendix A](#) for contact information).

To request an amendment, the permittee must submit a written request to the Board, including the following information:

- The definition(s) and/or condition(s) that the permittee wishes to amend;
- The nature of the proposed amendment;
- The reasons for the proposed amendment;
- An Engagement Record for the amendment;
- An updated closure cost estimate, if applicable (see [section 3.2, item 18](#)); and
- Updates to any plans that may be affected by the amendment.

Where an approved Land Use Plan applies, the request must include a statement or table explaining how the proposed amendments meet the land use CRs of the applicable Land Use Plan(s) (see [section 3.2, item 19](#)).

An amendment request may require a preliminary screening, unless it is exempt from Part 5 of the [MVRMA](#) (see [section 4.2](#) for more information about preliminary screening). Permittees must submit sufficient information with the request for reviewers to understand the impacts of the requested amendment and the proposed mitigation measures.

There is no application fee for an amendment request; however, the request must include applicable land use fees for any additional federal lands used (see [section 3.2, item 20](#)). If the Board approves the amendment request, note that additional security may be required to reflect the changes.

The Board's process and timelines for amendments includes a public review and is the same as the process for new permit applications (see [section 4](#)).

## 6.2. Extensions

A permittee may request one extension to a land use permit for up to two years.<sup>28</sup> If the request is for less than two years, the permittee cannot subsequently request a second extension for the remainder of the two years.

The request for an extension should be received at least 90 days prior to the expiry of the permit to allow time for the extension request to be processed. The Board can only consider an extension request if it is received prior to the permit expiry date.

To request an extension, the permittee must submit a written request to the Board, including the following information:

- The reason for the extension request;
- The length of time the permittee is requesting for the extension;
- An Engagement Record for the extension; and
- Any other information which would support the extension request, including the status of the project.

An extension must be a continuation of the permitted activities, so it will be exempt from preliminary screening. If new activities are proposed, the permittee must request an amendment ([see section 6.1](#)) or apply for a new permit ([see section 3](#)).

The Board's process for extensions includes a public review and is the same as for new permits ([see section 4](#)); however, the timelines may be shorter in some cases. The existing permit conditions will be maintained.

## 6.3. Renewals

A renewal is a new application for a project that has been permitted previously and has not been modified.

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<sup>28</sup> See subsection 29(6) of the [MVLUR](#).

The difference between a renewal and an extension is that a renewal involves the issuance of a new land use permit (for a term of up to five years), whereas an extension is the addition of time (to a maximum of two years) to the term of an existing permit.

Expired permits can be renewed; however, if a permittee intends to operate continuously, they must apply for a renewal at least 60 days prior to the expiry of the existing permit to allow enough time to complete the review process.

The renewal application requirements are the same as for new applications, and the Application Form is the same<sup>29</sup> (see [section 3](#)). In the Application Form, the applicant may reference information that has already been submitted under the existing permit by providing the title, date, relevant section, page numbers, and where possible, hyperlink to the Board's public registry, of the document(s) being referenced.

The permittee should ensure that the renewal application clearly covers all of the activities that are authorized under the existing permit. In most cases, to avoid having two active permits for the same activities, the renewal permit will replace the existing permit, which will be discontinued (see [section 6.5](#)). In the renewal application, permittees should clearly state the intent to discontinue the existing permit. This allows the Board to consider the renewal application and the discontinuance request at the time same, which facilitates the transfer of any associated security deposit.

Like extensions, renewals are exempt from preliminary screening, because they have already met the requirements of Part 5 of the [MVRMA](#). In the cover letter accompanying a renewal application, applicants should clearly state that they are applying for a preliminary screening exemption and confirm that the project has either not been modified<sup>30</sup> or falls under section 157.1 of the [MVRMA](#). The Board will make a determination on the screening exemption prior to issuing the new permit. (See [section 4.2](#) for more information about preliminary screening.)

The Board's process and timelines for renewal applications include a public review and are the same as for new permit applications. The conditions in the new permit will be based on the existing permit conditions; however, the conditions may be updated to reflect the most recent version of the [MVLWB Standard Land Use Permit Conditions Template](#).

## 6.4. Assignments and Name Changes

### Assignments

A permittee (assignor) may apply to transfer the rights associated with their existing permit to a new party (assignee). Prior to applying, it is very important that the assignee understands that in accepting the assignment of a land use permit, they accept responsibility for:

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<sup>29</sup> The Application Form can be found on each Board's website on the Apply for Permit/Licence page: [GLWB](#), [MVLWB](#), [SLWB](#), and [WLWB](#).

<sup>30</sup> See the [Exemption List Regulations](#) for more details.

- Meeting all the conditions of the permit, including payment of security, which must be posted with the landowner before the assignee can commence activities; and
- **All liabilities** incurred as a result of the assignor's actions to date under the permit.

The assignment application package must be submitted at least 45 days prior to the proposed assignment date and must include:

- A complete Assignment Application Form, signed by both the assignor and assignee;<sup>31</sup>
- The assignment fee of \$50;
- An Engagement Record for the assignment;
- Proof that the assignee is eligible to hold the permit (see [section 3.2, item 4](#)); and
- If the assignee is a company, proof that the company is eligible to conduct business in the NWT (i.e., current Certificate of Registration from GNWT [Corporate Registries](#)).

If the assignment includes multiple authorizations, note that there are separate Assignment Application Forms and fees for licences and permits, and the assignment fee is required for each authorization that will be assigned. Permittees with multiple authorizations are encouraged to clearly state which of their active authorizations they are applying to assign, and if applicable, to provide rationale for why others should not be assigned.

The assignee will be required to post security with the landowner prior to the commencement of activities. When issuing the assignment, the Board will review, and possibly revise, the security requirements under the existing permit. To assist this review, the assignee may wish to submit a current closure cost estimate with the application.

The assignment application will be exempt from preliminary screening. If assignee intends to propose changes to the project or the permit, the assignment must be approved first, and then the assignee can apply for an amendment, which may need to be screened (see [section 4.2](#) for more information about preliminary screening).

The Board's process for assignments includes a public review and is the same as for new applications (see [section 4](#)); however, timelines may be shorter in some cases. The Board may approve the assignment with all of the original permit conditions or with amended conditions (e.g., update the amount of security).<sup>32</sup>

If the Board does not authorize the assignment, the original permittee remains responsible for all liabilities under the permit.

### Name Changes

If the permittee is performing a simple name change, which is different from assigning the permit to

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<sup>31</sup> The Assignment Application Form can be found on each Board's website on the Apply for Permit/Licence page: [GLWB](#), [MVLWB](#), [SLWB](#), and [WLWB](#).

<sup>32</sup> See section 38 of the [MVLUR](#).

another party, a letter of request and the certificate of name change from GNWT [Corporate Registries](#) must be submitted to the Board. There are no fees or applications forms for name changes, and engagement is not required.

Name change requests are not circulated for public review before being considered by the Board.

## 6.5. Discontinuances

A permittee who wishes to discontinue the project at any time prior to the expiry of the permit can request **an amendment to the expiry date** by submitting a written request to the Board. This type of request must be submitted at least ten days prior to the proposed expiry date. If the project (or parts of the project) is located on private lands, the permittee must also notify the landowner (see [Appendix B](#) for contact information).

Discontinuance requests are not circulated for public review; however, the Board will contact the Inspector prior to considering the request. If the Board approves the request, the Board will issue an amended permit with the new expiry date.

A final plan (see [section 5.3](#)) will be required within 60 days of the completion of the project or the expiration of the permit (whichever occurs first). In many cases, the permittee should submit the final plan along with the discontinuance request; however, this will depend on proposed new expiry date and the timeline for completing the project. Permittees are encouraged to discuss their plans with an Inspector.

## 6.6. Storage Authorizations

A permittee may apply for Board authorization to store any items used in connection with the project for up to one year following expiration of a permit.<sup>33</sup> Otherwise, after the project 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 project.

The permittee must submit a complete Storage Authorization Application Form,<sup>34</sup> describing the items to be stored, and the storage method(s) and location(s); and a letter from the landowner<sup>35</sup> agreeing to allow storage of the specified items. In accordance with the MVLWB [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#), the permittee must also notify affected parties in writing prior to submitting the application to the Board. There are no fees associated with storage authorization applications.

Although the Board can approve storage authorizations for expired permits, the permittee should submit

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<sup>33</sup> See section 16 of the [MVLUR](#).

<sup>34</sup> The Storage Authorization Application Form is available on each Board's website on the Apply for Permit/licence page: [GLWB](#), [MVLWB](#), [SLWB](#), and [WLWB](#).

<sup>35</sup> See [Appendix B](#) for contact information.

the application at least 45 days prior to the expiry of the permit to avoid any potential charges that may be incurred if the storage authorization is not in place prior to the expiry of the permit. Storage authorizations do not typically undergo public review prior to being considered by the Board.

A permittee may apply for a storage authorization up to two times, each for a maximum of one year. Storage authorizations cannot be assigned.

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## **Appendix A - Land and Water Board Contact Information**

For more 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)

867-669-0506



Sahtu Land and Water Board

[www.slwb.com](http://www.slwb.com)

867-598-2413



Wek'èezhì Land and Water Board

[www.wlwb.ca](http://www.wlwb.ca)

867-765-4592

## **Appendix B - Contact Information for Land Owners**

### Tłjchq Lands

#### **Tłjchq Lands Protection Department**

Tłjchq Government  
Box 412  
Behchokö, NT X0E 1X0  
Phone: (867) 392-6381  
Fax: (867) 392-6406

### Gwich'in Private Lands

#### **Gwich'in Tribal Council**

Land Administration & Resource Management  
P.O. Box 1509  
Inuvik, NT X0E 1X0  
Phone: (867) 777-7900  
Fax: (867) 777-7919  
<https://gwichintribal.ca/>

### Sahtu

#### **Tulita District Land Corporation**

PO Box 108  
Tulita, NT X0E 0K0  
Phone: (867) 588-4984  
Fax: (867) 588-3997  
<http://www.tulitalandcorp.ca/home>

#### **Déłıne Got'ıne Government**

PO Box 156  
Déłıne, NT X0E 0G0  
Phone: (867) 589-4224  
Fax: (867) 589-4230  
<https://www.deline.ca/en/government/>

#### **K'asho Got'ıne Dist. Land Corp.**

PO Box 18  
Fort Good Hope, NT X0E 0H0  
Phone: (867) 598-2519  
Fax: (867) 598-2437

### Non-Federal Areas

Territorial Lands Administration :

#### **Department of Lands - GNWT**

Box 1320  
Yellowknife, NT X1A 2L9  
Phone : (867) 767-9185  
Fax : (867) 669-0905

Commissioner's Land Administration:

#### **Department of Lands - GNWT**

Box 1320  
Yellowknife, NT X1A 2L9  
Phone : (867) 767-9184  
Fax : (867) 669-0905

### Federal Areas

Resource & Land Management  
Crown-Indigenous Relations and Northern Affairs Canada  
P.O. Box 1500  
4th Floor, Gallery Building  
Yellowknife, NT X1A 2R3  
Phone: (867) 669-2522  
Fax: (867) 669-2700



## **Appendix C - Other Potential Authorizations**

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

<b>Activity</b>	<b>Guidance Documents</b>
Water Use and Deposit of Waste	<i>MVLWB Guide to the Water Licensing Process</i>
Access: Roads and Trails	<a href="#"><i>Northern Land Use Guidelines - Access: Roads and Trails</i></a> (see section 2.2 Permitting)
Camp and Support Facilities	<a href="#"><i>Northern Land Use Guidelines - Camp and Support Facilities</i></a> (see section 2.1 Permitting)
Pits and Quarries	<a href="#"><i>Northern Land Use Guidelines - Pits and Quarries</i></a> (see section 2.2 Permitting Requirements)
Seismic Exploration	<a href="#"><i>Northern Land Use Guidelines - Northwest Territories Seismic Operations</i></a> (see section 2.1 Permitting)
Mineral Exploration	<a href="#"><i>Acquiring Mineral Rights in the Northwest Territories</i></a> <a href="#">GNWT Mining Recorder's Office</a>
Oil and Gas	<a href="#">Office of the Regulator of Oil and Gas Operations – Operating Requirements Page</a> <a href="#">National Energy Board - Applications and Filings Home Page</a>
All Projects	<a href="#"><i>GNWT Wildlife Management and Monitoring Plan Guidelines 1: Process Requirements</i></a> <a href="#"><i>GNWT Wildlife Management and Monitoring Plan Guidelines 2: Content Requirements</i></a>
All Projects Near Water	<a href="#">Fisheries and Oceans Canada - Review Information for Projects Near Water</a>

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

Northern Projects Management Office: [NPMO's Services](#)

Fisheries and Oceans Canada: [Central and Arctic Region Offices](#)

Office of the Regulator of Oil and Gas Operations: [Contact Information](#)

National Energy Board: [Contact Information](#)

Transport Canada: [Contact Information](#)

Parks Canada: [Contact Information](#)

Government of the Northwest Territories – Environment and Natural Resources: [Permits and Licences](#)

Government of the Northwest Territories – Department of Infrastructure: [Contacts for Regional Offices for Highway Access Permit](#)

## **Appendix D - Template for Impacts and Mitigation Measures Information**

Applicants can use the following table to describe the effects of the proposed project 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).

For the identified potential impacts, describe proposed mitigations, including environmental management systems, treatment systems, and monitoring programs, and explain how the potential effects of climate change were considered. Indicate whether any of the mitigation measures have been developed as a result of input from affected parties. Identify any best practices and guidance documents that will be used (e.g., GNWT's series of Northern Land Use Guidelines).

### **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 changes/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	

## Culture and Heritage

IMPACT	MITIGATION
<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 resources	
<input type="checkbox"/> Change to or loss of archaeological resources	
<input type="checkbox"/> Increased pressure on archaeological sites	
<input type="checkbox"/> Change to or loss of aesthetically important sites	
<input type="checkbox"/> Effects to aboriginal lifestyle	
<input type="checkbox"/> Other	