

Guide to Completing Land Use Permit Applications to the Mackenzie Valley Land and Water Board



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Regulating the use of land and waters and the deposit of waste, and enabling residents to participate in the management of resources to provide optimum benefit to the residents of the settlement areas and of the Mackenzie Valley and to all Canadians.

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Introduction

The *Mackenzie Valley Resource Management Act* (MVRMA) and the Mackenzie Valley Land Use Regulations (MVLUR) empower the Mackenzie Valley Land & Water Board (MVLWB) to regulate the use of land by issuing, amending, extending and suspending land use permits in the **unsettled land claims area of the Mackenzie Valley**. Copies of the Act and Regulations can be obtained from the MVLWB office in Yellowknife or on the web at www.mvlwb.com.

Land use permits for all Crown lands, settlement lands and private lands in the Sahtu or Gwich'in settlement areas are issued by either the Sahtu Land and Water Board (SLWB) or the Gwich'in Land and Water Board (GLWB). These boards should be contacted directly for permit application information at:

SLWB
Box 1
Fort Good Hope, NT X0E 0H0
www.slwb.com
Phone: (867) 598-2413
Fax: (867) 598-2325

GLWB
Box 2018
Inuvik, NT X0E 0T0
www.glwb.com
Phone: (867) 777-7961
Fax: (867) 777-7970

What Activities Require a Land Use Permit?

The Mackenzie Valley Land Use Regulations specify two types of land use permits based on the extent of potential impact to the environment of the proposed development. The criteria for the types of permits is provided in Appendix A

Activities which fall below the thresholds outlined in Appendix A do not require a Land Use Permit. As well, the MVLUR do not apply to use of previously cleared land now authorized for grazing or agricultural purposes subsequent to its initial clearing.

The types of activities that do not require a Land Use Permit are:

- Harvesting and the construction and occupation of cabins and camps for the purpose of harvesting.
- Hunting, trapping or fishing.
- Anything done in the course of prospecting, staking or locating a mineral claim.

What is Considered a Complete Application?

For all Land Use Permit applications, the following is required:

1. **Application Form included in this Guide** or at www.mvlwb.com;
2. **Site plan to scale**, with the location of structures and features, and **Map**, usually at a 1:50,000 scale, showing location of the development.
3. **Appropriate Fees** (Application and Land Use payable to the Receiver General of Canada); and
4. **Confirmation of involvement** of affected First Nations and communities in the project area.

The MVLWB recognizes that the nature and size of a development should be reflected in the amount of information needed to properly assess the development. Consequently Type "B" land use applications have less demanding information requirements than Type "A" applications. The MVLWB, however, does require more extensive information requirements for Type "B" developments where it is warranted.

In this Guide, the description of the information required for a complete application is meant to reflect all data required for a Type "A" application. Proponents must decide what level of detail is required for smaller projects while realizing that if the MVLWB feels information is lacking, they will request that this information be provided before the application goes forward for review, and this will slow the decision process.

Completing the Land Use Permit Application Form

The following numbered statements correspond to specific blocks within the Land Use Permit Application form. In all cases, additional pages or documents should be attached to the application form where necessary.

1. Indicate the full name, address, telephone number and facsimile number of the person or registered company (in good standing) applying for the land use permit. Please be advised that initials are not acceptable for financial reasons.
2. Indicate the full name, address, telephone number and facsimile number of the company's head office if not the same as in 1.
3. Provide the full names, addresses and functions of any and all contractors and sub-contractors involved in the project. As well, please indicate the total number of personnel involved in the operation and the total number of person days required to complete the operation (number of people x number of operating days = number of person days).
4. Circle the appropriate reference to Section 18 of the MVLUR that correctly outlines the eligibility of the person or company applying for the Land Use Permit.

Guide to Completing Land Use Permit Applications to the MVLWB

5. (a) A complete description and summary of the land use operation is required. All activities must be described, as to purpose, nature and location. Include the area to be used in each phase of the operation.
- (b) If there is to be a camp set-up, the location and specifics must be detailed here.

As well, indicate any new facilities, structures or activities that will arise or be needed as a result of the application but which are not included as part of the application and indicate the timeline for the construction or occurrence of facilities or activities.

6. Describe the environmental and resource impacts on:
- Groundwater and surface water – include changes to flow, quantity and quality;
 - Land, including geologic 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; and
 - Fauna (wildlife, fish, fowl) including population abundance and diversity, breeding patterns, health, habitat, behavioral, wildlife corridors, buffer zones.

Describe all proposed environmental management systems and monitoring programs for all significant impacts, and describe all mitigations and/or remediation included in the application.

Describe any socio-economic impacts, including health, employment, recreational and infrastructure impacts, both positive and negative, for the surrounding areas and communities.

Archaeological resources that may be impacted must be noted and a plan outlined for avoiding damage to these must be provided. This should include:

- Traditional land use (historic and present harvesting uses including hunting, fishing and medicinal herb gathering)
- Burial sites and other historic sites
- Any pertinent additional heritage resources as defined in the MVRMA

Information for this section may be obtained from the NWT Cultural Places Program at the Prince of Wales Northern Heritage Centre.

7. Provide a description of the proposed restoration plans which are required to return the area to, as near as possible, its original natural state.
8. Indicate other rights, licenses or permits that relate to this land use permit application and support the requirement for the proposed land use operation. (MVLUR Section 18, i.e., prospecting permits, mineral claims or subsurface leases).

9. Indicate how each type of waste will be disposed of. Ensure to include details of where garbage and sewage will be placed or how it will be treated. If waste is will be sent to municipal or existing waste sites, ensure that authorization has been obtained to do so, and that this authorization is described.

As well, describe any measures proposed to minimize production of wastes.

10. List all types, makes, sizes and proposed use of equipment to be used. (Include ground pressures of vehicles if known).
11. Indicate fuel types, volumes, number of containers, and capacity of the containers to be used.
12. A plan for fuel spill contingency is required. Any plan must be related to the worst-case scenario possible, given the volumes and types of fuel involved. The plan must indicate equipment and methods to be used to control and clean up any possible fuel spill.
13. Indicate fuel transfer methods, i.e., pumps, gravity fed, etc.
14. Indicate all periods of operation including seasonal shut down to cover all active and storage activities (closest estimate possible).
15. Indicate period for which the land use permit is required.
16. Indicate the location of the activities by Latitude and Longitude. A map at a 1:50,000 scale must be provided indicating:
- Lands included in proposed land-use operation including an area estimate,
 - Location of all existing and new lines, trails, rights-of-way and cleared areas proposed for the land-use operation,
 - Location of all buildings, structures, campsites, air landing strips, air navigation aids, fuel and supply storage sites, excavations and any other works/sites proposed to be constructed/used in the operation or which would be affected by the operation., and
 - Geographic co-ordinates for the various elements of the operations

Proponents are requested to provide GIS data on all major projects involving:

- Mineral exploration
- Oil and gas exploration and development
- Pipelines and gathering systems
- Mining and milling developments
- New access for both all-season and winter roads

Please see Appendix C for details of the GIS data format.

Guide to Completing Land Use Permit Applications to the MVLWB

17. The signature must be an original signature of the person authorized to sign for the applicant. Print your full name before signing and dating the application. Initials are not sufficient.
18. Indicate Type of Permit applied for. Forward the appropriate application fee with your application.

Land Use Fees

Land use fees are payable to Receiver General on actual land used to complete the land use operation including existing lines, cleared areas, campsite, access routes, drill sites, etc. The first two (2) hectares are included in the application fee of \$150.00, and for each additional hectare or portion of a hectare the land use fee is \$50.00 per hectare. Any adjustment of fees for actual hectares used for your operation will be adjusted when you submit your final plan and verification is completed.

Confirmation of Community Involvement

One of the major features of the MVRMA is the inclusion of First Nations in decision-making. To ensure that these groups are aware of projects being proposed for their areas, applicants must make an effort to inform and obtain feedback on the project from the First Nations and communities in the project area. This is done prior to the application being submitted. Please refer to the "*Public Involvement Guidelines for Permit and License Applicants to the Mackenzie Valley Land and Water Board*" for a complete outline of the requirements. These guidelines can be obtained at www.mvlwb.com or from the Yellowknife office of the MVLWB.

What Are the Application Submission Requirements?

Land use applications must be distributed by the MVLWB for review and comment. To facilitate this review the MVLWB requires the following number of copies of applications to be submitted:

Type of Document	Size (No. of Pages)	Hard Copy (Paper)	Electronic Copy (CD or Floppy Disk)
Application	Less than 20 pages	5	1
Application	20 pages or over	40	20
Annual Reports	Less than 10 pages	5	1
Annual Reports	10 pages or over	25	20
Technical Reports	Less than 10 Pages	5	1
Technical Reports	10 pages or over	15	15

Please Contact the MVLWB offices for clarification on these information requirements

What are the Time Frames for Application Review and Decision?

The MVLUR specify certain timelines within which a decision on a Land Use Permit application must be made. However, if there is need for additional information, the decision may be to send the application back to the proponent. Therefore, it is important to realize that a final decision on the issuance of a permit will not necessarily occur within the time frames outlined below. The application should be submitted early enough to allow the minimum processing time and thus preventing any delays in the commencement of a land use operation.

TYPE "B" -15 Days - within 15 days of accepting a complete Type "B" application the board must, issue the permit, refuse the permit or move it to the Type "A" application time line.

TYPE "B" -42 Days - A Type "B" application can be moved to the Type "A" time line if the Board considers that more than 15 days are required to gather the socio-economic, scientific or technical information.

TYPE "A" - 42 Days - Type "A" applications must be dealt with within 42 days except where the Board requires a Public Hearing, further studies, or when an application is referred to the Mackenzie Valley Environmental Impact Review Board (MVEIRB) for an environmental assessment.

In any of the above cases the permit cannot be dealt with until the activities (Public Hearing, further studies, or environment assessment) are completed.

Once submitted, the staff to the MVLWB will review the application for completeness. When the application is deemed to be complete, a letter stating the file number and acceptance of the application will be sent to the applicant, and the review process begins. If an application is not complete, the MVLWB will return it with a letter stating reasons. The processing of the application and the time frame for processing it does not begin until it is complete.

Applications are sent to governmental departments and agencies, affected First Nations, and local governments, who review the applications. This review forms part of the preliminary screening which determines if the proposed development **might** have a significant adverse impact on the environment or **might** be a cause of public concern. The MVLWB then makes the decision to either issue the permit, refer the application to the MVEIRB for environmental assessment, call for a public hearing or further studies, or reject the application with reasons.

**Appendix A
Activities Requiring a Land Use Permit**

ACTIVITY	TYPE "A" PERMIT	TYPE "B" PERMIT
Explosives	More than 150 kilograms in any 30-day period.	More than 50 kilograms but less than 150 kilograms in any 30-day period.
Use of Vehicles	Any vehicle exceeding 10 tonnes net weight.	Any vehicle of 5 to 10 tonnes net weight or exerting a pressure of more than 35 kilopascals (5 lbs psi)
Drilling	Equipment with an operating weight of more than 2.5 tonnes, not including drill rods, bits, pumps, etc.	Equipment weighing 500 kilograms to 2.5 tonnes, excluding drill rods, etc.
Campsites	In use for 400 person-days.	In use exceeding 200 person-days but less than 400 person-days.
Fuel Caches	Any cache of more than 80,000 litres, or any single container with more than 4,000 litres.	Any cache of 4,000-80,000 litres, or any single container of 2,000 - 4,000 litres.
Earth moving and clearing; hydraulic prospecting	Use of any self-propelled or stationary machinery.	
Construction of a building		A footprint of more than 100 m ³ and a height of more than 5 m.
Preparation of lines, trails, or rights-of-way	Line, trail, or r-o-w more than 1.5 metres wide and 4 hectares in area.	Line, trail, or r-o-w more than 1.5 metres wide, but less than 4 hectares.

APPENDIX B
MVLWB GIS DATA FORMAT

Please ensure that all aspects of the project are included in the data submission. Information on the specification for submission of GIS data to the MVLWB is provided below. The specification has been developed in lieu of a currently accepted metadata standard.

1. GIS data must be submitted in a format directly readable by ArcView 3.2. Acceptable ArcView compatible formats are stated below.

Spatial formats: Acceptable formats are Shapefiles, ARC/INFO Coverages, and AutoCAD drawings (.dwg and ASCII .dxf formats). Photocopies, blueprints, scans, faxes, raster representations, PDF files, or any other form of spatial data representation is not acceptable.

Image formats (satellite imagery or aerial photography): Acceptable formats include BMP, BSQ, BIL, BIP, ARC/INFO GRID, JPEG, TIFF, GeoTIFF, TIFF/LZW compressed. Images must be ortho-corrected and georectified with accompanying transformation information in order to georeference with spatial data. The georeferencing information can be provided either in the image header of the image file or in a separate world file.

Tabular formats: Acceptable formats include DBASE IV (.dbf) and ARC/INFO INFO tables. Where attributes are stored in a database separate from the spatial format, all attribute data must be in DBASE IV format. Specify a common key column in both the spatial and the attribute schemas to link database records to spatial features. These should have the same data type, width, and name.

2. All data must be in geographic coordinates and be registered to the horizontal datum NAD83 (North American Datum 1983). If you are requested to submit digital elevation data, it must be registered to the vertical datum CVD28 (Canadian Vertical Datum 1928). This datum defines all vertical measurements based on mean sea level, expressed in metres.
3. All data must be seamless and must not be divided into tiles or other geographic units. Use of geographic coordinates is the standard for seamless databases.
4. Basic metadata documentation must be included with all data sets or the submission will be considered incomplete. The documentation should contain the following items.
 - project name or identification;
 - data set name and type (e.g. spatial, image, or tabular);
 - data set format (e.g. shapefile, coverage);
 - data set feature class (e.g. point, line, polygon);
 - scale of data set compilation (e.g. 1:20,000);
 - positional accuracy of the data set (specified in terms of maximum error);
 - data set resolution (specified in terms of minimum feature size);
 - data set survey year;
 - data set collection methods;
 - agency and person responsible for the data set and contact information;

If you provided distance and area measurements (e.g. length of shorelines, aquatic area, land area) with your application, please include information on the planar (map) projection used to derive the measurements

6. Summary of potential environmental and resource impacts (describe the effects of the proposed land-use operation on land, water, flora & fauna and related socio-economic impacts). Use separate page if necessary.)

7. Proposed restoration plan (please use a separate page if necessary).

8. Other rights, licenses or permits related to this permit application (mineral rights, timber permits, water licenses, etc.)

Roads: Is this to be a pioneered road? Has the route been laid out or ground truthed?

9. Proposed disposal methods.

a) Garbage:

c) Brush & trees:

b) Sewage (Sanitary & Grey Water):

d) Overburden (Organic soils, waste material, etc.):

10. Equipment (includes drills, pumps, etc.) (Please use separate page if necessary.)

Type & number	Size	Proposed use

11. Fuels	()	Number of containers	Capacity of containers	Location
Diesel				
Gasoline				
Aviation fuel				
Propane				
Other				
12. Containment fuel spill contingency plans. (Please attach separate contingency plan if necessary).				
13. Methods of fuel transfer (to other tanks, vehicles, etc.)				
14. Period of operation (includes time to cover all phases of project work applied for, including restoration)				
15. Period of permit (up to five years, with maximum of two years of extension).				
16. Location of activities by map co-ordinates (attached maps and sketches)				
Minimum latitude (degree, minute)			Maximum latitude (degree, minute)	
Minimum longitude (degree, minute)			Maximum longitude (degree, minute)	
Map Sheet no.				
17. Applicant Print name in full				
Signature			Date	
18. Fees Type A - \$150.00 ** Type B - \$150.00 ** (**Application Fees are Non-Refundable**)				
Land use fee: _____ hectares @ \$50.00/hectare \$ _____				
Assignment fee \$50.00 \$ _____				
Total application and land use fees \$ _____				
Please make all cheques payable to "Receiver General of Canada"				