

## **MVLWB Work Plan for De Beers Gahcho Kue Project Applications for Water Licence MV2005L2-0015 and Land Use Permit MV2005C0032**

### **Purpose of the Work Plan**

To outline the processes and timelines to be followed for the Water Licence Application MV2005L2-0015 and Land Use Permit Application MV2005C0032 for the De Beers Canada Inc. (De Beers) – Gahcho Kue (GK) Project.

### **Background**

The Mackenzie Valley Environmental Impact Review Board (MVEIRB) released its report of Environmental Impact Review (EIR) EIR0607-001 for the GK Project on July 19, 2013. The Minister of Aboriginal Affairs and Northern Development Canada (AANDC) approved the EIR on October 22, 2013. De Beers submitted its Post EIR Application Package (Application Package) to the Mackenzie Valley Land and Water Board (MVLWB) on November 28, 2013.

### **Scope of the Project**

The scope of this project includes the use of land and water and the disposal of waste associated with diamond mining and milling as outlined in De Beers Updated Project Description (submitted on November 28, 2013 as part of the Post EIR Application Package).

### **Guiding Principles**

The following principles will guide the Work Plan of the MVLWB throughout this water licence and land use permit process:

- The licensing/permitting process shall be carried out in a timely manner and shall have regard to the protection of the environment in consideration of the impacts of the proposed undertaking and the importance of conservation to the wellbeing and way of life of the aboriginal peoples of Canada (Section 35 of the *Constitution Act*, 1982);
- The Board will review De Beers' application and consider potential licence and permit conditions based on evidence and rationale submitted by the company or any other party; and,
- The Board will review De Beers' application and consider potential licence and permit conditions in order to meet the Board's mandate and applicable policies and to ensure consistency in decision-making throughout the Mackenzie Valley.

### **Work Plan Objectives**

The Work Plan is to achieve the following objectives:

- Compile a broad range of input through the review process;
- Ensure adequate information is gathered to complete the licensing/permitting process;
- Facilitate a thorough, inclusive, and timely licence/permit review process; and
- Establish adequate Water Licence and Land Use Permit conditions to ensure protection of the environment.

### **Opportunities for Community Engagement**

- The Board requires De Beers to engage with communities and aboriginal organizations regarding the Water Licence and Land Use Permit Applications prior to its submission;
- The Board will distribute the Water Licence and Land Use Permit Applications to reviewers – including aboriginal organizations, governments, and communities – for review using the LWB Online Review System;
- The Board will include a notification(s) regarding the review process in the newspaper;

- The Board will coordinate a technical session(s) to address specific issues that require more focused review and discussion;
- The Board will hold a public hearing; and,
- The Board will hold any other consultation or engagement activity that the Board considers appropriate.

### Materials Circulated for Comment by Parties

During the course of this proceeding Board staff will review all evidence filed by the parties. These efforts are intended to identify issues or concerns which must be addressed in the licence and permit and to resolve them, if possible, before the close of the proceeding. In order to focus these discussions, staff will prepare and circulate a draft of the licence and permit for comment. This process allows parties to address the proposed terms and conditions for the licence and permit in their presentations to the Board and to prepare argument setting out their positions with respect to these provisions at the close of the proceeding.

These staff efforts to develop and circulate a draft licence and permit should focus discussion on appropriate terms and conditions for these authorizations. The Board is not bound by the contents of any of these draft materials and will make its decision at the close of the proceeding on the basis of all the evidence and arguments filed by all parties.

### Work Plan

Task	Responsible Party	Timeframe	MVLWB Process Timeline	Date Due (Date Completed)
De Beers submission Application Package	Proponent		Day 1	(November 28, 2013)
10 Day completeness check	MVLWB	9 Days	Day 9	December 6, 2013
Circulate Application Package for review	MVLWB		Day 9	December 6, 2013
Reviewer comments due on Application Package	Reviewers	~6 weeks	Day 50	January 16, 2014
De Beers response to Reviewer comments on Application Package due	Proponent	11 days	61	January 27, 2014
Circulate agenda for technical sessions	MVLWB		69	February 4, 2014
<b>Technical sessions</b>	<b>All Parties</b>	<b>3 days</b>	<b>75-77</b>	<b>February 11-13, 2014</b>
Circulate Information Requests from Technical Sessions	MVLWB		78	February 17, 2014

Deadline to respond to Information Requests	All Parties	1 week	85	February 24, 2014
Circulate Preliminary Draft v.1 WL/LUP**	MVLWB		103	March 10, 2014
<b>Pre-hearing Conference</b>	<b>All Parties</b>	<b>1 day</b>	<b>154</b>	<b>March 18, 2014</b>
<b>Deadline for Interventions</b>	<b>Interveners</b>	<b>5 weeks</b>	<b>120</b>	<b>March 27, 2014</b>
De Beers response to Interventions due	Proponent	1 week	127	April 3, 2014
Deadline for Intervener Public Hearing presentations	Interveners	~1 week	127	April 7, 2014
De Beers Public Hearing presentation due	Proponent	1 week	134	April 14, 2014
<b>Public Hearings</b>	<b>All Parties</b>	<b>3 days</b>	<b>159-161</b>	<b>May 5-7, 2014</b>
Public Hearing Undertakings due		1 week	169	May 15, 2014
Circulate Draft v.2 WL/LUP**	MVLWB	1 week	176	May 22, 2014
Reviewer comments due on Draft v.2 WL/LUP	Reviewers	2 weeks	191	June 5, 2014
De Beers response to reviewer comments on Draft v.2 WL/LUP due	Proponent	1 week	198	June 12, 2014
Deadline for Closing Arguments from Interveners	Interveners	1 week	205	June 19, 2014
Deadline for Closing Arguments from De Beers	Proponent	1 week	212	June 26, 2014
Board Meeting	MVLWB	2 days	238-239	July 22-23, 2014
Draft WL and RFD sent to AANDC Minister	MVLWB	2 weeks	253	August 6, 2014
Final LUP Decision	MVLWB	2 weeks	253	August 6, 2014
Final WL Decision from AANDC Minister	AANDC Minister	Up to 60 days		September - October 2014

\* MVLWB – Mackenzie Valley Land and Water Board; AANDC – Aboriginal Affairs and Northern Development Canada; WL – Water Licence; LUP – Land Use Permit; RFD – Reasons for Decision.

\*\* Prepared by staff for discussion and comment by the parties.