



Mackenzie Valley Land and Water Board
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Staff Report

Company: Town of Hay River	
Location: Hay River, NT	Application: MV2009L3-0005
Date Prepared: October 26, 2009	Meeting Date: November 5, 2009
Subject: Exemption from Preliminary Screening of the Water Licence (WL) Renewal Application	

1. Purpose/Report Summary

To present to the Board the exemption, from preliminary screening, of the Type A Water Licence Renewal Application submitted by the Town of Hay River.

2. Background

- June 11, 2009 – Town of Hay River Municipal WL Renewal Application submitted;
- July 3, 2009 – WL Renewal Application deemed incomplete;
- July 27, 2009 – supplementary information submitted by FSC Architects and Engineers on behalf of the Town of Hay River;
- July 27, 2009 – WL Renewal Application deemed complete;
- July 27, 2009 – request for comments on WL Renewal Application, draft timeline, and preliminary screening exemption circulated;
- August 12, 2009 – deadline for comments of draft timeline and preliminary screening exemption;
- October 7, 2009 – deadline for reviewer comments on the WL Renewal Application; and
- October 21, 2009 – Proponent response deadline.

3. Discussion

In order to be exempt from preliminary screening, a renewal application must meet the requirements outlined in paragraph 2 of Part 1, Schedule 1 of the Exemption List Regulations annexed to subsection 143(1) of the *Mackenzie Valley Resource Management Act* (MVRMA) which reads:

A development, or part thereof, for which renewal of a permit, licence or authorization is requested that:

- a) has not been modified; and
- b) has fulfilled the requirements of the environmental assessment process established by the *Mackenzie Valley Resources Management Act*, the *Canadian Environmental Assessment Act* or the Environmental Assessment Review Process Guidelines Order.

The scope of the current WL, N1L3-0053, states:

“This License entitles the Town of Hay River to use water and dispose of waste for municipal purposes at the Town of Hay River, Northwest Territories, located at: 60°51’ N and 115°43’ W.”

No changes have been proposed in the Renewal Application. In 2004 a preliminary screening was conducted with the amendment of WL N1L3-0053 to include a biotreatment pad. This preliminary screening fulfills the requirements of the environmental assessment process established by the MVRMA.

All reviewers who responded to the exemption question (GNWT – ENR and INAC) considered that the Mackenzie Valley Land and Water Board has the sole discretion to interpret the MVRMA, and they did not provide further comment.

4. Comments

The scope of the WL for this renewal has not changed.

5. Review Comments

See attached Comment Summary Table.

6. Security

n/a

7. Conclusion

Pursuant to paragraph 2 of Part 1, Schedule 1 of the Exemption List Regulations annexed to subsection 143(1) of the *MVRMA*:

- a) the development has not been modified; and
- b) the development has fulfilled the requirements of the environmental assessment process established by the *MVRMA*.

8. Recommendation

The staff recommends that this renewal application, submitted by the Town of Hay River, be exempted from preliminary screening.

9. Attachments

- WL Renewal Application Form and Questionnaire
- Comment Summary Table
- N1L3-0053 Preliminary Screening
- N1L3-0053 Water Licence
- Draft Exemption Letter

Respectfully submitted,



Shannon Hayden
Regulatory Officer

**Reviewer Comments – Town of Hay River – MV2009L3-0005
Preliminary Screening Exemption**

Reviewer	Comment	Mitigation
Patrick Clancy, Environmental Regulatory Analyst, GNWT – ENR	<p>Excerpt from ENR's comments:</p> <p>It is ENR's position that decisions pertaining to the determination of the requirement for preliminary screening rest with the Land and Water Board. Given the above, we will not be providing comments on this matter.</p>	
Robert Jenkins A/Manager Indian and Northern Affairs	<p>Excerpt from INAC's comments:</p> <p>Part 5, Section 124 of the <i>Mackenzie Valley Resource Management Act</i> as well as the <i>Exemption List Regulations</i> under the Act, clearly identify situations where an application for a water licence may be exempt from preliminary screening. The Board must now decide whether or not the application from the Town of Hay River warrants such an exemption. INAC looks forward to the Board's decision and reasons for decision on this matter.</p>	