



Mackenzie Valley Land and Water Board
7th Floor - 4910 50th Avenue
P.O. Box 2130
YELLOWKNIFE NT X1A 2P6
Phone (867) 669-0506
FAX (867) 873-6610

Staff Report

| | |
|---|---|
| Company: Town of Hay River | |
| Location: Hay River, NT | Application: MV2009L3-0005 |
| Date Prepared: February 9, 2010 | Meeting Date: February 18, 2010 |
| Subject: Board Briefing Note on whether or not to accept the Town of Hay River's paper providing technical information on Biochemical Oxygen Demand (BOD) versus Carbonaceous Biochemical Oxygen Demand (CBOD). | |

1. Purpose/Report Summary

The purpose of this report is to gain Mackenzie Valley Land and Water Board (the Board) guidance on whether or not to accept the Town of Hay River's (the Town) paper providing technical information on BOD vs. CBOD as evidence for drafting the Water Licence.

2. Background

- January 26, 2010 – the Town requested the opportunity to submit a short paper on the subject of BOD vs. CBOD to clarify the technical aspects during the Town of Hay River water licence renewal public hearing;
- January 27, 2010 – the Town submitted the technical information on BOD vs. CBOD;
- January 28, 2010 – Board staff requested legal advice on whether or not to accept the paper as evidence and distribute to reviewers; and
- February 7, 2010 – legal counsel advised staff to notify the Town that the record is closed except for evidence to be filed in relation to undertakings and indicate that the Board does not see any compelling reason to re-open the record.

3. Discussion

From a legal and procedural perspective, it is understood that no undertaking was accepted and that there was no 'take up' on the Town's request to "submit a short paper on the subject to clarify the technical aspects." Consequently, when the undertakings were filed, the record was closed.

Undertakings were submitted by the Town on February 1, 2010, five days after the BOD vs. CBOD paper submission.

4. Comments

n/a

5. Review Comments

If the paper was submitted in response to an undertaking, it should be filed. However, if this is not the case, then legal counsel suggests that the Board thank the Town and advise that the record is closed except for evidence to be filed in relation to undertakings and indicate that the Board does not see any compelling reason to re-open the record.

6. Security

n/a

7. Conclusion

Board staff agrees with legal counsel and seeks Board approval on the issuance of a letter to the Town indicating that the paper will not be used as evidence for development of the Water Licence.

8. Recommendation

Staff recommends the Board issue the attached letter to the Town of Hay River.

9. Attachments

- Draft letter to the Town

Respectfully submitted,



Shannon Hayden
Regulatory Officer