



**Mackenzie Valley Land and Water Board**  
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**Staff Report**

<b>Applicant:</b> Pine Point Mining Limited	
<b>Location:</b> Pine Point Area, NT	<b>Application:</b> MV2017C0024
<b>Date Prepared:</b> November 20, 2017	<b>Meeting Date:</b> December 4, 2017
<b>Subject:</b> Request to Drill Within Buffer Zone	

**1. Purpose/Report Summary**

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board):

- A Request submitted by Pine Point Mining Limited (PPML) to drill within the 300m buffer zone set out in Conditions 1 and 2 of Land Use Permit MV2017C0024 (the Permit).

**2. Background**

- July 20, 2017 – Issuance of Permit MV2017C0024;
- November 8, 2017 – Request to drill within buffer zone received, deemed complete, and distributed for review;
- November 15, 2017 – Reviewer comments due;
- November 17, 2017 – Proponent response due;
- **December 4, 2017 – Request presented to the Board for decision; and**
- July 19, 2022 – Expiration of Permit MV2017C0024.

**3. Discussion**

Conditions 1 and 2 of Pine Point Mining Limited’s (PPML) Permit MV2017C0024 require the Permittee to maintain a 300 metre buffer around privately-owned structures and cabins used for traditional activities, unless otherwise authorized in writing by the Board. PPML has submitted a Request to the Board for written authorization to drill within the 300m buffer zone around a cabin. The Request contains a map of the proposed drill holes, and notes that none of the planned drill holes will be closer than 150 metres to the structure.

PPML attached an engagement log to the Request, which indicates they communicated with the cabin owner, Kevin Lafferty, on two different occasions, and he has provided verbal consent to the proposed activity within the vicinity of his cabin. Board staff contacted Mr. Lafferty, who confirmed that he is agreeable with PPML’s Request, and requested to be copied on the Board’s decision letter.

#### **4. Comments**

Land Use Permit Conditions 1 and 2 are worded as follows:

1. The Permittee shall not conduct any part of the land-use operation within 300 metres of any privately owned or leased land or structure, unless otherwise authorized in writing by the Board.
2. The Permittee shall not conduct any part of the land-use operation within 300 metres of a cabin used for traditional activities, including trapping, hunting, or fishing, unless otherwise authorized in writing by the Board.

PPML noted in their Request that they do not know if the cabin is used for traditional activities or not. As the cabin is privately owned, and may be used for traditional activities, Board staff is of the opinion that condition 1 does apply, and condition 2 may apply. As such, Board staff suggests a prudent approach, if the Board is amenable to the Request, would be to grant written authorization for both conditions.

As the potential for written authorization is included in the Permit conditions, the Board has the authority to grant authorization to conduct activities within the buffer zone.

#### **5. Reviewer Comments**

Only Government of the Northwest Territories (GNWT) – Environment and Natural Resources responded to the review of the Request. They indicated they had no comments or recommendations. PPML did not provide a response, as none was required.

#### **6. Security**

Security in the amount of \$164,500.00 is held by the GNWT in accordance with Condition 62 of the Permit (attached). The status of security for this Permit will not be affected by the Board's decisions related to the Request, as drilling activities for the life of the Permit are covered by the security deposit.

#### **7. Conclusion**

Board staff have not identified any concerns with the Request.

#### **8. Recommendation**

Board staff recommends the Board approve the Request to drill within the 300m buffer zone set out in Conditions 1 and 2 of Land Use Permit MV2017C0024, as applied for.

A draft Decision Letter, with the cabin owner copied as requested, is attached for the Board's consideration.

## 9. Attachments

- [Request to Drill Within Buffer Zone](#)
- Review Comment Table and attachments
- [Security acknowledgement - GNWT](#)
- Draft Decision Letter from the Board

Respectfully submitted,



Julian Morse  
Regulatory Specialist

**Review Comment Table**

<b>Board:</b>	MVLWB
<b>Review Item:</b>	Pine Point Mining Ltd. - Request to Drill Within Buffer Zone (MV2017C0024)
<b>File(s):</b>	<a href="#">MV2017C0024</a>
<b>Proponent:</b>	Pine Point Mining Limited
<b>Document(s):</b>	<a href="#">MV2017C0024 - PPML - Request to Drill Within Buffer Zone</a> (369KB)
<b>Item For Review Distributed On:</b>	Nov 8 at 16:53 <a href="#">Distribution List</a>
<b>Reviewer Comments Due By:</b>	Nov 15, 2017
<b>Proponent Responses Due By:</b>	Nov 17, 2017
<b>Item Description:</b>	<p>Condition 2 of Land Use Permit MV2017C0024 (the Permit) requires that "the Permittee shall not conduct any part of the land-use operation within 300 metres of a cabin used for traditional activities, including trapping, hunting, or fishing, unless otherwise authorized in writing by the Board".</p> <p>Pine Point Mining Limited (PPML) has submitted a request to the Board for written permission to drill within the 300 metre buffer zone around a cabin, in accordance with Condition 2 of their Permit. PPML has provided an engagement record with their Request which indicates they have engaged with the cabin owner and received confirmation they are amenable to the request.</p> <p>Reviewers are invited to submit questions, comments, and recommendations regarding PPML's Request using the Online Review System (ORS) by the review comment deadline specified below.</p> <p>All documents that have been uploaded to this review are also available on our public registry. If you have any questions or comments about the ORS or this review, please contact Board staff identified below.</p>
<b>General Reviewer Information:</b>	<p>This review item has also been distributed by fax to the following organizations:</p> <p>Fort Resolution Métis Council Trudy King (867)394-3322; Fieldworker.frmc53@northwestel.net;</p> <p>Hay River Metis Council Trevor Beck President (867)874-4472; hrmc@northwestel.net;</p> <p>NWT Metis Nation Tim Heron NWTMN IMA Coordinator (867)872-3586; rcc.nwtmn@northwestel.net;</p>

<b>Contact Information:</b>	<p>Fort Liard Metis Local #67 Ernie McLeod President (867)770-4573;</p> <p>Fort Simpson Métis Local #52 Marie Lafferty President (867)695-2040;</p> <p>Hay River Metis Council Trevor Beck President (867)874-4472; hrmc@northwestel.net;</p> <p>Northwest Territory Métis Nation Garry Bailey c/o Tim Heron NWTMN IMA Coordinator (867)872-3586; rcc.nwtmn@northwestel.net;</p>
<b>Contact Information:</b>	<p>Jen Potten 867-766-7468 Julian Morse 867-766-7453</p>

### Comment Summary

GNWT - ENR: Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	General File	<p><b>Comment</b> <a href="#">(doc)</a> ENR Letter - No Comments or Recommendations at this time.</p> <p><b>Recommendation</b></p>		No analysis required.



November 15, 2017

Jen Potten  
Regulatory Officer  
Mackenzie Valley Land and Water Board  
7<sup>th</sup> Floor – 4910 50<sup>th</sup> Avenue  
P.O. Box 2130  
Yellowknife, NT  
X1A 2P6

Dear Ms. Potten,

**Re: Pine Point Mining Ltd.  
Land Use Permit – MV2017C0024  
Request to Drill Within a Buffer Zone  
Request for Comments**

The Department of Environment and Natural Resources, Government of the Northwest Territories has reviewed the request at reference based on its mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Forest Protection Act*, the *Species at Risk (NWT) Act*, the *Waters Act* and the *Wildlife Act* and has no comments or recommendations for the consideration of the Board at this time.

Should you have any questions or concerns, please do not hesitate to contact Patrick Clancy, Environmental Regulatory Analyst at (867) 767-9233 Ext: 53096 or email [patrick.clancy@gov.nt.ca](mailto:patrick.clancy@gov.nt.ca).

Sincerely,

Patrick Clancy  
Environmental Regulatory Analyst  
Environmental Impact Assessment Section  
Conservation, Assessment and Monitoring Division  
Department of Environment and Natural Resources  
Government of the Northwest Territories