



Mackenzie Valley Land and Water Board
7th Floor - 4922 48th Street
P.O. Box 2130
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Phone (867) 669-0506
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Staff Report

Applicant: Pine Point Mining Limited	
Location: Pine Point Area, NT	Application: MV2017C0024
Date Prepared: November 30, 2017	Meeting Date: December 18, 2017
Subject: Request to Drill Within Buffer Zone (#2)	

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 Condition 1 of Land Use Permit MV2017C0024 (the Permit).

2. Background

- July 20, 2017 – Issuance of Permit MV2017C0024;
- November 16, 2017 – Request to drill within buffer zone received;
- November 17, 2017 – Request deemed complete and distributed for review;
- November 24, 2017 – Reviewer comments due;
- November 28, 2017 – Proponent response due;
- December 4, 2017 – Board approved similar request for drilling within buffer zone (#1) submitted November 8, 2017;
- **December 18, 2017 – Request presented to the Board for decision; and**
- July 19, 2022 – Expiration of Permit MV2017C0024.

3. Discussion

Condition 1 of Pine Point Mining Limited’s (PPML) Permit MV2017C0024 requires the Permittee to maintain a 300 metre buffer around privately-owned or leased land or structures, 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 substation operated by the Northwest Territories Power Corporation (NTPC) (attached). The Request contains a map of the proposed drill holes showing where drilling is planned to occur in relation to NTPC’s substation.

PPML attached an engagement log to the Request, which indicates they contacted NTPC to discuss the proposed activity, and conducted a site visit with NTPC staff, after which NTPC sent an email (attached to Request) to PPML indicating they had no concerns with the proposed activity.

4. Comments

Land Use Permit Condition 1 is 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.

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

5. Reviewer Comments

By November 24, 2017, comments on the Request were received from Government of the Northwest Territories (GNWT) - Environment and Natural Resources (ENR) (no comments); and GNWT – Lands, who indicated they were supportive of the Request.

Board staff note that GNWT-Lands' comment mistakenly indicated that PPML had requested the buffer zone be revised to 100m – the Request did not actually specify a revised buffer zone. The Request contains a map of proposed drill locations. Board staff note that the Board referenced Condition 7 of the Permit, which prohibits any activity on lands not designated in the complete application, in their December 4, 2017 decision letter for the first request to drill within a buffer zone (attached), and have included the same wording for the Board's consideration in the attached draft decision letter.

PPML did not provide a response to comments received. The Review Summary and Attachments (attached) presents the concerns identified through this review.

The Acho Dene Koe First Nation submitted a comment following the review comment deadline; it does not contain any recommendations. The Board will need to decide whether to accept the late comment.

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:

- 1) Consider whether to accept ADKFN's late comment; and
- 2) Make a motion to approve the Request to drill within the 300m buffer zone set out in Condition 1 of Land Use Permit MV2017C0024, as applied for.

A draft Decision Letter is attached for the Board's consideration.

9. Attachments

- [Request to Drill Within Buffer Zone](#)
- [Board's December 4, 2017 decision letter – approval of drilling in 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

Board:	MVLWB
Review Item:	Pine Point Mining Ltd. - Request to Drill Within Buffer Zone (MV2017C0024)
File(s):	MV2017C0024
Proponent:	Pine Point Mining Limited
Document(s):	MV2017C0024 - PPML - Request to Drill Within Buffer Zone (923.3KB)
Item For Review Distributed On:	Nov 17 at 12:30 Distribution List
Reviewer Comments Due By:	Nov 24, 2017
Proponent Responses Due By:	Nov 28, 2017
Item Description:	<p>Condition 1 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 any privately owned or leased land or structure, 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 structure owned by Northwest Territories Power Corporation, in accordance with Condition 1 of their Permit. PPML has provided an engagement record with their Request which indicates they have engaged with the NTPC 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>
General Reviewer Information:	<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>

	<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>
Contact Information:	<p>Jen Potten 867-766-7468 Julian Morse 867-766-7453</p>

Comment Summary

Acho Dene Koe First Nation: Julie Swinscoe				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	General Comment	<p>Comment (doc) (Submitted after Due Date) ADKFN acknowledges the request for relief from Conditions # 1 and #2 in Land Use Permit MV2017C0024.</p> <p>Recommendation While this project site is outside of ADKFN’s traditional territory within the Northwest Territories, ADKFN recognizes that the environment and ecosystems are interconnected and as a result, projects in surrounding areas of the traditional territory have the potential to impact ADKFN lands and resources.</p>		<p>Board staff note this comment was submitted after the due date, and does not contain any recommendations. The Board will need to decide whether to accept the late comment.</p>

GNWT - ENR: Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	General File	Comment (doc) ENR Letter - No Comment or Recommendations at this time. Recommendation		None required – no comment.
GNWT - Lands: Charlene Coe				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	Buffer zone amendment	Comment (doc) comments received from Commissioner's Lands Recommendation support reduction of buffer zone		Board staff notes that Lands stated PPML requested to change the buffer zone to 100m. This is not correct, PPML has requested to drill within the 300m buffer zone, and provided a map with drill targets. As PPML conducted engagement on this specific activity, Board staff has included recommended wording in the draft decision letter for the Board's consideration, limiting PPML to the specific activities listed in the Application.



Acho Dene Koe
— FIRST NATION —



Memorandum

To: Tim Smith (VP Operations), Pine Point Mining Limited
From: Julie Swinscoe, Project Director
c.c.: Boyd Clark, Operations Manager; Chief Gene Hope, Acho Dene Koe First Nation
Date: November 28, 2017
Re: Pine Point Mining Limited Referral #MV2017C0024

The following Referral response is being submitted online via the MVLWB Online Review System on behalf of Acho Dene Koe First Nation.

1. Background

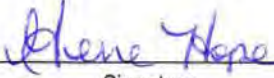
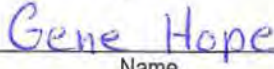
Acho Dene Koe First Nation (ADKFN) understands that Pine Point Mining Limited (PPML) has submitted a request for relief from Conditions #1 and #2 in Land Use Permit MV2017C0024. ADKFN further understands that these drill holes will be plugged and sealed with cement, cleaned, and restored to the satisfaction of the inspector and requirements of the permit.

1.1. General Comments

ADKFN acknowledges the request for relief from Conditions #1 and #2 in Land Use Permit MV2017C0024. While this project site is outside of ADKFN's traditional territory within the Northwest Territories, ADKFN recognizes that the environment and ecosystems are interconnected and as a result, projects in surrounding areas of the traditional territory have the potential to impact ADKFN lands and resources.

2. Authorization

These recommendations were provided on behalf of Acho Dene Koe First Nation on the 27th day of November, 2017.

Acho Dene Koe First Nation	Landmark Resource Management
 _____ Signature	 _____ Signature
 _____ Name	 _____ Name
 _____ Title	 _____ Title



Registered Mail

November 24, 2017

Mackenzie Valley Land & Water Board
7th Floor, 4922 48th St.
P.O. Box 2130
Yellowknife, NT X1A 2P6

ATTENTION: Julian Morse
Regulatory Specialist

Re: Pine Point Mining Ltd.
Request to Drill within a Buffer Zone

Condition 1 of Land Use Permit MV2017C0024 states that the Permittee shall not conduct any part of the Land-use operation within 300 meters of any privately owned or leased land or structure. As Pine Point Mining Ltd. has requested permission from the Northwest Territories Power Corporation (NTPC) to reduce the buffer to 100 meters, and the NTPC has confirmed there to be no threat to any of their infrastructure if this reduction were to occur, we will support a reduction in the buffer from 300 meters to 100 meters from the NTPC substation only.

If you have any questions, please contact the undersigned at 867-872-2558 extension 21.

Sincerely,

Derise Rehm-Lepine
Regional Superintendent
Department of Lands
South Slave Region



November 24, 2017

Jen Potten
Regulatory Officer
Mackenzie Valley Land and Water Board
7th Floor – 4910 50th 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.

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