

MVLWB Work Plan for the Town of Hay River

Application for Type A Water Licence Renewal MV2019L3-0010

Dated: September 26, 2019

Purpose of the Work Plan

To outline the processes and timelines to be followed for the Town of Hay River (Town, TOHR, or Applicant) municipal Water Licence (Licence) Application MV2019L3-0010.

Background

On September 16, 2019 the Town applied to renew Licence MV2009L3-0005, which is set to expire on May 30, 2020. On September 26, 2019, the Mackenzie Valley Land and Water Board (Board) deemed the Licence Application complete.

Scope of the Proceeding

The scope of this Project includes the use of water and the disposal of waste associated with municipal undertakings as outlined in the Town's Application. The Application is a continuation of the Town's existing municipal Licence MV2009L3-0005.

Guiding Principles

The following principles will guide the Work Plan throughout this licencing process:

- The licensing renewal 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 the Licence Application and consider potential licence conditions based on evidence and rationale submitted by the applicant or any other party; and
- The Board will review the Licence Application and consider potential licence 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 licence renewal process;
- Facilitate a thorough, inclusive, and timely licence review process; and
- Establish adequate licence conditions to ensure protection of the environment.

Opportunities for Community Engagement

- The Board's *Engagement and Consultation Policy* and *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits* requires Applicants to engage with communities and Aboriginal organizations regarding Applications prior to their submission;
- The Board will distribute the Application to reviewers – including aboriginal organizations, governments, and communities – for review using the Online Review System (ORS);
- 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 to resolve them, if possible, before the close of the proceeding. In order to focus these discussions, staff will prepare and circulate a draft licence for comment. This process allows parties to address the proposed terms and conditions for the licence in their presentations to the Board and to prepare arguments 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 should focus discussion on appropriate terms and conditions for this authorization. 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.

Task	Responsible Party*	MV2019L3-0010 Application Dates
Application Submitted	TOHR	16-Sep-19
Application deemed complete/sent for review (includes Preliminary Screening and Draft Work Plan)	MVLWB staff	26-Sep-19
Reviewer comments due on Preliminary Screening and Draft Work Plan	Reviewers	10-Oct-19
TOHR responses to comments on Preliminary Screening and Draft Work Plan due	TOHR	17-Oct-19
Reviewer comments due on Application	Reviewers	24-Oct-19
TOHR response to Reviewer comments on Application	TOHR	7-Nov-19
Technical Session (location to be confirmed)	All Parties	26-28-Nov-19
Distribution of Information Requests from Technical Session	MVLWB	6-Dec-19
Deadline to respond to Information Requests from Technical Session	All Parties	20-Dec-19
Pre-hearing Conference	All Parties	9-Jan-20
Deadline for Interventions	Interveners	23-Jan-20
TOHR response to Interventions due	TOHR	6-Feb-20
Deadline for Intervener Public Hearing presentations	Interveners	13-Feb-20
TOHR Public Hearing presentation due	TOHR	20-Feb-20
Public Hearing	All Parties	10-12-Mar-20
Distribution of Undertakings from Public Hearing		18-Mar-20
Public Hearing Undertakings due	All Parties	30-Mar-20
Circulate Draft Licence**	MVLWB staff	16-Apr-20
Closing Arguments from Interveners due	Reviewers	7-May-20
Reviewer comments due on Draft Licence		

Closing Arguments and responses to reviewer comments on Draft Licence from TOHR due	TOHR	28-May-20
Expiry of current Licence MV2009L3-0005	-	30-May-20
MVLWB Meeting	MVLWB	Mid July
Recommendation sent to Minister for approval of Water Licence and Reasons for Decision	MVLWB	Late July
Maximum Deadline for Minister's approval	MVLWB	90 days from Board's Recommendation Letter¹
Water Licence Issuance	MVLWB	Following Minister's approval

* MVLWB – Mackenzie Valley Land and Water Board
 TOHR – Town of Hay River

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

Board staff will revise this workplan pending a decision regarding the renewal process for the Town's current Licence MV2009L3-0005. The Board is currently considering options to amend the expiry date of MV2009L3-0005.

¹ As per section 47 of the *Waters Act*.