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MVLWB Work Plan for the Northwest Territories Power Corporation – Bluefish Hydroelectric Facility Water Licence MV2020L4-0005

Purpose of the Work Plan

To outline the processes and timelines to be followed for the Water Licence (Licence) Application MV2020L4-0005 submitted by the Northwest Territories Power Corporation (NTPC). For the Bluefish Hydroelectric Facility (Project).

Background

On July 16, 2020 NTPC submitted an Application to renew their Water Licence MV2005L4-0008 which is set to expire on April 2, 2021. On July 24, 2020, the Mackenzie Valley Land and Water Board (MVLWB or the Board) deemed the Application complete.

Scope of the Project

The scope of this Project includes the use water and the deposit of waste associated with hydroelectric activities as outlined in NTPC's Application. The Application is a continuation of the current authorization for the Bluefish Hydroelectric Facility Licence MV2005L4-0008.

Guiding Principles

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

- The processes 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 NTPC's Application and consider potential changes to the Licence conditions based on the evidence and rationale submitted by the company or any other party;
- The Board may also consider changes it considers appropriate to meet its mandate, applicable policies, and to ensure consistency in decision-making throughout the Mackenzie Valley; and
- The Board will continue to monitor compliance with existing Licence requirements.

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 licensing process;
- Facilitate a thorough, inclusive, and timely licence review process.

Opportunities for Community Engagement

- The Board required NTPC to engage with communities and Aboriginal organizations regarding the Licence Application prior to their submission;
- The Board will distribute the Application to reviewers – including Aboriginal organizations, governments, and communities – for review using the Land and Water Board Online Review System;
- The Board will include a notification(s) regarding the review process in the newspaper;
- The Board may coordinate a technical session(s) to address specific issues that require more focused review and discussion;
- The Board will hold a public hearing and provide notice to the public of this, in advance, in the newspaper; 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 circulate a draft of the Licence for comment. This process allows parties to prepare arguments setting out their positions with respect to these provisions at the close of the proceeding.

Staff efforts to develop and circulate a draft Licence should focus discussion on appropriate terms and conditions for the authorization. The Board is not bound by the contents of any of the draft material and will make its decision at the close of the proceeding based on all the evidence and arguments filed by all parties.

The table on the following page sets out the main process steps in the Board’s Work Plan and indicates the responsible party for each, as well as the anticipated completion date for each item.

Regulatory Process Timelines

Subsection 47(1) of the *Waters Act* requires the MVLWB to make a decision on a water licence application within a period of nine months after the day on which an application is deemed complete and the review process begins. Based on section 28 of the *Federal Interpretation Act*, this is equivalent to 275 calendar days. The MVLWB Day Count stops whenever the Board requires the Proponent to provide information for the regulatory process to continue (signified by the red shading in the table below). Once that information has been provided, the MVLWB Day Count resumes (signified by the green shading in the table below). Significant milestones have also been bolded in the table below.

Table 1: Regulatory process timeline

Item #	Task	Responsible Party	MVLWB Day Count (275 Max)	Due Date (Date Completed)
1.	Application Submitted	Proponent	0	(July 16, 2020)
2.	Application deemed complete and sent out for review	MVLWB staff	0	(July 24, 2020)
3.	Reviewer comments due on Preliminary Screening and Draft Workplan	Reviewers	19	August 4, 2020
4.	Reviewer Comments due on Applications		40	August 25, 2020
5.	Proponent responses to Reviewer comments due	Proponent	40	September 3, 2020
6.	Technical session (if required)	All Parties	58-59	September 22-23, 2020
7.	Circulate Information Requests from Technical Session	MVLWB staff	61	September 25, 2020
8.	Deadline to respond to Information Requests	All Parties	61	October 8, 2020
9.	Deadline for Interventions	Interveners	73	October 20, 2020
10.	Pre-Hearing Conference	All Parties	73	October 28, 2020
11.	Proponent responses to Interventions	Proponent	73	November 4, 2020
12.	Deadline for Intervener Public Hearing presentations	Interveners	81	November 12, 2020
13.	Proponent Public Hearing presentation due	Proponent	87	November 18, 2020
14.	Public Hearing	All Parties	95	November 25-26, 2020
15.	Circulate Public Hearing Undertakings	MVLWB staff	99	November 30, 2020
16.	Public Hearing Undertakings due	All Parties	99	December 7, 2020
17.	Circulate Draft Licence	MVLWB staff	109	December 17, 2020
18.	Reviewer comments due on Draft Licence	Reviewers	137	January 14, 2021
19.	Proponent responses to reviewer comments on Draft Licence	Proponent	137	January 25, 2020
20.	Deadline for Closing Arguments from Interveners	Interveners	144	February 1, 2021
21.	Deadline for Closing Arguments from Proponent	Proponent	144	February 8, 2021
22.	Board decision on Application	MVLWB	-	March 2021
23.	Water Licence sent to the GNWT Minister for review	Board staff	-	March 2021
24.	Current Water Licence Expires	-	-	April 2, 2021
25.	Final decision from the GNWT Minister	Minister	Up to 90 days	

Please note that the Work Plan has been created based on the information available and is subject to change at any time.