

Tyree Mullaney

From: Tyree Mullaney
Sent: Monday, November 16, 2020 12:14 PM
To: Matthew Miller; Tyree Mullaney
Subject: MV2020L4-0005 - NTPC - Bluefish - Public Hearing - Cancellation
Attachments: MV2020L4-0005 - NTPC - Bluefish - Work Plan - V.2- Nov16_20.pdf

Good afternoon,

The public hearing scheduled by the Board for November 25 and 26, 2020 in relation to the application submitted by Northwest Territories Power Corporation – Bluefish – Power Generation Facility has now been cancelled under subsection 41(3) of the *Waters Act*. No requests to appear and make representations at the hearing were received and the Applicant has consented to the disposition of the matter without a public hearing.

Attached you will find the updated Work Plan.

If you have any questions, please feel free to contact me.

Regards,

Tyree

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**MVLWB Work Plan for the Northwest Territories Power Corporation – Bluefish Hydroelectric Facility
Updated Work Plan – Cancellation of Public Hearing
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 its 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 of 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; and
- 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 (ORS);
- 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.	Cancellation of Public Hearing	Board Staff	86	(November 16, 2020)
14.	Circulate Draft Licence	MVLWB staff	87	November 17, 2020
15.	Reviewer comments due on Draft Licence	Reviewers	103	December 3, 2021
16.	Proponent responses to reviewer comments on Draft Licence	Proponent	103	December 10, 2020
17.	Deadline for Closing Arguments from Interveners	Interveners	109	December 16, 2020
18.	Deadline for Closing Arguments from Proponent	Proponent	114	December 21, 2020
19.	Board decision on Application	MVLWB	-	January 2021
20.	Water Licence sent to the GNWT Minister for review	Board staff	-	January 2021
21.	Current Water Licence Expires			April 2, 2021
22.	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.