



7th Floor - 4922 48th Street,
P.O. Box 2130, Yellowknife NT X1A 2P6

Tel: 867-669-0506 Fax: 867-873-6610
www.mvlwb.com

MVLWB Work Plan for the City of Yellowknife – Version 1 Renewal Application for Type A Water Licence MV2021L3-0003

Dated: February 15, 2021

Purpose of the Work Plan

To outline the processes and timelines to be followed for the City of Yellowknife (City or Applicant) municipal Water Licence (Licence) Application MV2021L3-0003.

Background

On February 5, 2021 the City applied to renew Licence MV2009L3-0007, which is set to expire on May 30, 2022. On February 15, 2021, 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 City's Application. The Application is a continuation of the City's operations under its existing municipal Licence MV2009L3-0007.

Guiding Principles

The following principles will guide the Work Plan throughout this licensing 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; and
- The Board will actively 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 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 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 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.

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

Table 1 below sets out the regulatory process tasks and 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	5-Feb-21
2	Application deemed complete	MVLWB staff	0	15-Feb-21
3	Application sent out for review	MVLWB staff	0	15-Feb-21
4	Reviewer comments due on Application	Reviewers	45	1-Apr-21
5	Proponent responses to Reviewer comments on Application	Proponent	45	29-Apr-21
6	Technical Session (3 days)	All Parties	71	25-May-21
			72	26-May-21
			73	27-May-21
7	Circulate Information Requests from Technical Session	MVLWB staff	74	28-May-21
8	Deadline to respond to Information Requests	All Parties	74	17-Jun-21
9	Circulate responses to Information Requests for review	MVLWB staff	79	22-Jun -21
10	Responses to Information Requests - Review Comments Due	Reviewers	93	6-Jul-21
11	Responses to Information Requests - Proponent Responses Due	Proponent	93	13-Jul-21
	Deadline for Interventions	Interveners	114	3-Aug-21
12	Pre-Hearing Conference	All Parties	118	7-Aug-21
14	Proponent response to Interventions	Proponent	118	20-Aug-21
15	Deadline for Intervener Public Hearing presentations	Interveners	125	27-Aug-21
16	Proponent Public Hearing presentation due	Proponent	125	3-Sept-21
17	Public Hearing (3 days)	All Parties	136	14-Sept-21
			137	15-Sept-21
			138	16-Sept-21
18	Circulate Public Hearing Undertakings	MVLWB staff	139	17-Sept-21
19	Public Hearing Undertakings due	All Parties	139	4-Oct-21
20	Circulate Draft Licence	MVLWB staff	160	25-Oct-21
21	Reviewer comments due on Draft Licence	Reviewers	174	12-Nov-21
22	Proponent response to reviewer comments on Draft Licence	Proponent	174	26-Nov-21
23	Deadline for Closing Arguments from Interveners	Interveners	184	3-Dec-21

Item #	Task	Responsible Party	MVLWB Day Count (275 Max)	Due Date (Date Completed)
24	Deadline for Closing Arguments from Proponent	Proponent	184	13-Dec-21
25	Board decision on Application	MVLWB	220	Mid January 2022
26	Water Licence sent to the GNWT Minister for review	Board staff	-	Late January 2022
27	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.