



## STAFF REPORT

<b>Company:</b> New Nadina Explorations Limited	
<b>Location:</b> Lac de Gras, NT	<b>Application:</b> W2011C0004
<b>Date Prepared:</b> January 17, 2012	<b>Meeting Date:</b> January 20, 2012
<b>Subject:</b> Type 'A' Land Use Permit Application – for a mineral exploration program	

### Purpose

This staff report provides an update to the Board regarding New Nadina's Land Use Permit Application (W2011C0004) and the status of the further study ordered by the WLWB on September 20, 2011.

Board staff recommends that the Board require a joint report from YKDFN and New Nadina detailing the outcome of engagement-to-date to be submitted by February 3, 2012 (in time for the Feb WLWB meeting)

### Background

The WLWB met on September 20, 2011 to consider this Land Use Permit Application. In response to comments from the Akaitcho Interim Measures Agreement Office, the WLWB determined that, pursuant to paragraph 22(2)(b) of the *Mackenzie Valley Land Use Regulations*, further studies were necessary prior to a decision regarding this Application. As stated in the Board's September 20, 2011 directive (see attachment) to New Nadina, the further studies were to include Engagement with the Akaitcho Dene First Nations. A summary of events since September 20, 2011 is as follows:

- The Akaitcho Screening Board identified the Akaitcho First Nation staff that New Nadina should contact and Todd Slack (YKDFN staff) was subsequently identified as the lead contact.
- Email correspondence and one meeting in person occurred between New Nadina and Todd Slack in November 2011.
- New Nadina submitted an updated engagement log listing correspondence with YKDFN conducted prior December 29, 2011 (see attached email and log). Pages 8-16 contain information regarding engagement activities related to the Board's requirement for further studies (no new information has been added since the WLWB's Jan 9 meeting).
- The Board's September 20, 2011 directive to New Nadina stated that "an engagement plan and schedule should be agreed upon between New Nadina and the engaged parties [YKDFN] and this information must be provided to the WLWB." No engagement plan has been submitted by New Nadina; however the original intent of this requirement was to outline engagement to take place from October 2011 through January 2012. The Board is now addressing engagement through more prescriptive instructions to the parties (see bullets and recommendation below); therefore, Board staff recommends that the engagement plan identified in the Board's September 20, 2011 directive is no longer necessary.



- WLWB staff corresponded with staff at both New Nadina and YKDFN, reviewed the updated engagement log, and reviewed recent court decisions (*North Arrow* and *Carrier Sekani*); staff recommended that the WLWB requires further information in order to:
  1. determine the adequacy of engagement between New Nadina and YKDFN;
  2. ensure that the necessary mitigation measures are included in the Land Use Permit terms and conditions; and
  3. proceed with a decision regarding the issuance of Land Use Permit W2011C0004.
- An information request was sent to the YKDFN on January 17, 2012 (see attachment). The letter asks YKDFN to respond by January 20, but recognizing the short turnaround time, WLWB staff have discussed the timeline with YKDFN staff and expect a response to be submitted no later than January 25, 2012.

### **Discussion**

In the opinion of Board staff:

- New Nadina should make efforts to engage with YKDFN in a timely manner.
- YKDFN is responsible for providing timely information to the Board regarding potential concerns with this Land Use Permit and for responding to New Nadina's engagement efforts in a timely manner.

A draft letter, related to the recommendation below, is attached to this staff report (two copies of the letter would be sent: one addressed to YKDFN and one addressed to New Nadina).

### **Recommendation**

Board staff recommends that the Board require a joint report from YKDFN and New Nadina detailing the outcomes of engagement-to-date to be submitted by February 3, 2012 (in time for the Feb WLWB meeting). If a joint report cannot be agreed upon, separate reports should be submitted to the Board.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B Wheler".

Brett Wheler  
Regulatory Specialist

### **Attachments:**

- WLWB Directive to New Nadina RE Further Study (Engagement with Akaitcho Dene First Nations) – Sep 20\_11
- Updated Engagement Log Submitted by New Nadina – Dec 29\_11
- WLWB Information Request to YKDFN – Jan 17\_11
- Draft WLWB Request for Joint Report from New Nadina and YKDFN.