



Mackenzie Valley Land and Water Board
7th Floor - 4922 48th Street
P.O. Box 2130
YELLOWKNIFE NT X1A 2P6
Phone (867) 669-0506
FAX (867) 873-6610

MVLWB Work Plan for the De Beers Canada Inc. – Gahcho Kue Mine
Amendments Applications
Land Use Permit MV2005C0032
Water Licence MV2005L2-0015

Purpose of the Work Plan

To outline the processes and timelines to be followed for Land Use Permit (Permit) MV2005C0032 and Water Licence (Licence) MV2005L2-0015 Amendment Applications for the De Beers Canada Inc. (De Beers or Proponent) – Gahcho Kue Mine.

Background

On March 19, 2018 De Beers applied to amend Permit MV2005C0032 and Licence MV2005L2-0015. On March 29, 2018, the Mackenzie Valley Land and Water Board (MVLWB or the Board) deemed the Permit and Licence Amendment Applications complete. On April 12, 2018, the Board invoked paragraph 22(2)(b) of the Mackenzie Valley Land Use Regulations to allow for additional time to gather information during the regulatory process.

Guiding Principles

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

- The amendment 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 consider changes to the Permit and Licence based on 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 actively continue to ensure compliance with existing Permit and 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 permitting/licensing amendment process; and
- Facilitate a thorough, inclusive, and timely permit/licence amendment process.

Opportunities for Community Engagement

- The Board required De Beers to engage with communities and Aboriginal organizations regarding the Permit and Licence Amendment Applications prior to its submission;
- The Board will distribute the Permit and Licence Amendment Applications 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 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.

Regulatory Process Timelines

Table 1 below sets out the regulatory process tasks and timelines. Subsection 22(2) of the Mackenzie Valley Land Use Regulations requires the MVLWB to make a decision on the land use permit application within a period of 42 days after receipt of the complete application. On April 12, 2018, the Board invoked paragraph 22(2)(b) of the Mackenzie Valley Land Use Regulations to allow for additional time to gather information in conjunction with the associated Type A Water Licence Amendment Application. 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

Task	Responsible Party	MVLWB Day Count (275 Max)	Due Date (Date Completed)
Application Submitted	Proponent		(March 19, 2018)
Application deemed complete/sent for review	MVLWB staff	0	(March 29, 2018)
Board invoked paragraph 22(2)(b) of the Mackenzie Valley Land Use Regulations	MVLWB	14	(April 12, 2018)
Draft Work Plan sent for review	MVLWB staff	15	(April 13, 2018)
Comments due on the Draft Work Plan	Reviewers and Proponent	22	April 20, 2018
Reviewer comments due on Amendment Applications	Reviewers	39	May 7, 2018
Board decision on Draft Work Plan	MVLWB	-	May 10, 2018
Proponent responses to Reviewer comments on Amendment Applications	Proponent	40	May 14, 2018
Technical session	All Parties	50	May 24, 2018
Circulate Information Requests from Technical Session	MVLWB staff	51	May 25, 2018
Board decision on Preliminary Screening	MVLWB	-	June 7, 2018
Deadline to respond to Information Requests	All Parties	52	June 8, 2018
Pre-hearing Conference	All Parties	55	June 11, 2018
Deadline for Interventions	Interveners	69	June 25, 2018

Proponent response to Interventions	Proponent	70	July 3, 2018
Deadline for Intervener Public Hearing presentations	Interveners	73	July 6, 2018
Proponent Public Hearing presentation due	Proponent	80	July 13, 2018
Public Hearing	All Parties	92-93	July 25-26, 2018
Circulate Public Hearing Undertakings	MVLWB staff	98	July 31, 2018
Public Hearing Undertakings due	All Parties	99	August 15, 2018
Circulate Draft Permit/Licence	MVLWB staff	113	August 29, 2018
Reviewer comments due on Draft Permit/Licence	Reviewers	127	September 12, 2018
Proponent response to reviewer comments on Draft Permit/Licence	Proponent	128	September 19, 2018
Deadline for Closing Arguments from Interveners	Interveners	135	September 26, 2018
Deadline for Closing Arguments from Proponent	Proponent	142	October 3, 2018
Board decision on Amendment Applications	MVLWB	-	Late October to mid-November 2018
Expiry of current Permit and Licence	-	-	August 10, 2019 and September 30, 2028

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