



Mackenzie Valley Land and Water Board
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PRE-HEARING CONFERENCE SUMMARY NOTES

De Beers Canada Inc.

March and May 2018 Amendment Applications

MV2005L2-0015 & MV2005C0032

1) Introductions

In Person:

Chris Hotson – MVLWB Regulatory Manager
Angela Plautz – MVLWB Senior Regulatory Policy Advisor
Angela Love – MVLWB Regulatory Specialist
Sheldon Toner – Dragon Toner (MVLWB Legal Counsel)
Amanda Thibodeau – Dragon Toner (MVLWB Legal Counsel)
Rick Walbourne – GNWT-ENR
Mark D'Aguiar – Fisheries and Oceans Canada
Laura Watkinson – Fisheries and Oceans Canada
Nicole Goodman – NSMA

On the Phone:

Shelagh Montgomery – MVLWB Executive Director
Sarah McLean – De Beers Canada Inc.
William Liu – De Beers Canada Inc.
Jessica Kennedy – Osler (De Beers Canada Inc. Legal Counsel)
Melissa Pinto – ECCC
Eva Walker – ECCC

2) Hearing logistics and representatives

- Dates and Locations: July 25-26, 2018, 9:00 a.m. – 5:00 p.m., Yellowknife, NT. In the Lynx room at Chateau Nova.
- Teleconference line will be available; please contact Angela Love if anticipating you will need the line.
 - If anything changes regarding teleconference needs or in-person attendance, please let Angela Love know prior to the Hearing.
 - Teleconference line will still be available for call-in/listening purposes.
- Number of participants, anticipated time required for presentations:

Party	Expected number of participants?	Expected time required for presentation?	Notes
De Beers	~ 15 (includes ~8 consultants and legal)	Opening presentation ~30 minutes	- Final number of participants will depend on the agenda - In person and via teleconference
GNWT-ENR	5-6 people	~25-30 minutes	- Will need teleconference line - Unsure of GNWT-Lands participation
DFO	2-3 people	~20/25 minutes	- In person and via teleconference
NSMA	2 people	~20 minutes	- Only if they intervene
ECCC	3-4 people	~20/25 minutes	- In person and via teleconference

- Presentations should highlight the key parts of the written interventions; no new evidence should be provided.
- For the May 2018 Amendment Application (addressing the increase in camp water use), Board staff will review, and adjust if needed, the work plan closer to the hearing date should the Board decide to cancel the public hearing for the May 2018 Amendment Application under the *Waters Act*. (Please note the hearing for the March 2018 Amendment Application would still proceed as scheduled.)

3) Hearing structure and format

- Look to the Board's Rules of Procedure
- Evidence considered will entail what is filed with the MVLWB during these proceedings
 - Any evidence parties wish the Board to consider will need to be made available to the MVLWB at the appropriate times, as set out in the work plan.
- The Hearing will be relatively formal (transcripts, interpreters)
- Depending on the intervention submissions and public interest, there may be an evening session to allow further time to address the issues raised/an opportunity for members of the public to present to the Board

4) Procedural and legal details

- Process is framed by the Rules of Procedure
- If any conflict between rules and legislation or land claims, the legislation or land claims prevail
- Interveners to submit resumes of their technical experts
- If any motions need to be made, should be submitted to the Board sooner rather than later
- Agenda will be set and sent out that will follow the typical order of events (see Rule 93 of the Rules of Procedure for further details)
- The Board aims to maintain flexibility in its process while maintaining procedural fairness for all parties
 - **Question**

- GNWT-ENR: When are the resumes due for technical experts?
- **Answer**
 - Board: Can be submitted with written interventions or with presentations.

5) Review of work plan

- Deadline for written Interventions:
 - March Amendment Applications due June 25
 - May Amendment Application due June 14
- Presentations – due July 6 (Interveners) and July 13 (De Beers)
 - Reminder to submit 2 formats; PowerPoint for presenting (include slide numbers for those on the phone) and a PDF for the registry.
- Hearing – July 25-26
- Any undertakings – due August 15
 - This date may change due to the nature of the undertaking
 - The Board’s recommendation to the Minister will follow this date