



January 26, 2017

File: MV2016X0013 & MV2016L8-0004

Mr. Carey Ogilvie
Department of Indian Affairs and Northern Development
Contaminants and Remediation Division
PO Box 1500
YELLOWKNIFE NT X1A 2R3

Email: Carey.Ogilvie@aandc-aadnc.gc.ca

Dear Mr. Ogilvie:

**Community Engagement Plan – Interim Approval, Follow-up required
Department of Indian Affairs and Northern Development – Miscellaneous - Bullmoose-Ruth
Remediation Project**

The Mackenzie Valley Land and Water Board (MVLWB or the Board) met on January 26, 2017 to review your Community Engagement Plan – Bullmoose-Ruth Remediation Project, which was submitted under Part B, item 12 of Water Licence MV2016L8-0004 and Conditions 77 and 79 of Land Use Permit MV2016X0013 on December 22, 2016.

The Board hereby grants interim approval of the Community Engagement Plan. A revised Plan is required for approval and shall be submitted by February 27, 2017. The Board requires that Department of Indian Affairs and Northern Development - Contaminants and Remediation Division (DIAND-CARD) revise the Community Engagement Plan in accordance with comments made during this review, as summarized in Table 1 (attached) and as directed in the Reasons for Decision (attached). DIAND-CARD shall adhere to the commitments made in their responses to reviewer comments (attached) dated January 13, 2017 and shall include a detailed conformity table in accordance with Part B, item 3 (c) of MV2016L8-0004. Final approval will be provided upon written confirmation from the Board following a staff conformity review.

If you have any questions or concerns, please contact Julian Morse at (867) 766-7453 or email jmorse@mvlwb.com or Shannon Allerston at (867) 766-7458 or email sallerston@mvlwb.com.

Yours sincerely,

A handwritten signature in black ink that reads "V Camsell-Blondin".

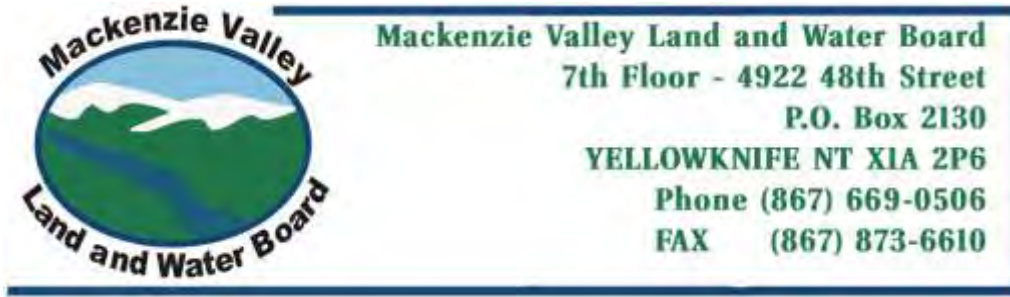
Violet Camsell-Blondin
MVLWB, A/Chair

Copied to: Distribution List

Attachment: Table 1
Review Comment Summary Table
Reasons for Decision

Table 1: Department of Indian Affairs and Northern Development – Miscellaneous - Bullmoose-Ruth Remediation Project – List of Requirements from review of Community Engagement Plan – Bullmoose-Ruth Remediation Project from Water Licence MV2016L8-0004 and Land Use Permit MV2016X0013

	Summary of Requirement	Location of Recommendation
1	A summary of engagement activities by party and an indication of any responses to issues raised in previous engagement efforts or outstanding issues that have not been resolved have not been provided. This should include a summary of engagement with local First Nation organizations, communities, local land owners and lease holders.	Reasons for Decision
2	Any engagement activities not identified in the Engagement Plan should be reflected in updated Engagement Logs which include details on the information exchange(s).	Reasons for Decision
3	Reflection of requests from lease holders for more frequent engagement/communication.	Review Comment Summary Table Sundberg-1
4	Include engagement with lease holders regarding winter road activities, specifically, but also better describe engagement activities with all parties, in accordance with section 3.4 of the Board's Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits.	Review Comment Summary Table MVLWB-1
5	More detail regarding engagement activities for the project beyond members of the Elders Committee.	Review Comment Summary Table MVLWB-1



Reasons for Decision

Issued pursuant to sections 72.25 of the *Mackenzie Valley Resource Management Act* and section 54 of the *Waters Act*

Management Plan	
Reference/File Number	MV2016L8-0004 & MV2016X0013
Applicant	Department of Indian Affairs and Northern Development (DIAND) – Contaminants and Remediation Division (CARD)
Project	Bullmoose-Ruth Remediation Project - Community Engagement Plan

Decision from Mackenzie Valley Land and Water Board Meeting of

January 26, 2017

1.0 Background

Department of Indian Affairs and Northern Development (DIAND) – Contaminants and Remediation Division (CARD) submitted a Waste Management Plan, Spill Contingency Plan, Community Engagement Plan, and Sediment and Erosion Control Plan on December 22, 2016, to satisfy the following conditions of their Permit MV2016X0013 and Licence MV2016L8-0004:

- Requirements for the Waste Management Plan are outlined in Part F, item 3 of Licence MV2016L8-0004 and Conditions 43 and 77 of Permit MV2016X0013.
- Requirements for the Spill Contingency Plan are outlined in Part G, item 2 of Licence MV2016L8-0004 and Conditions 62 and 77 of Permit MV2016X0013.
- Requirements for the Engagement Plan are outlined in Part B, item 12 of Licence MV2016L8-0004 and Conditions 77 and 79 of Permit MV2016X0013.
- Requirements for the Sediment and Erosion and Control Plan are outlined in Part F, item 5 of Licence MV2016L8-0004 and Conditions 21, 22 and 77 of Permit MV2016X0013.

2.0 Discussion

The Community Engagement Plan largely meets the objectives of the Board's *Engagement and Consultation Policy* and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*. A summary of engagement activities by party, as identified in Section 3.3 of the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*, was not provided as part of the Community Engagement Plan; nor was an indication of any responses to issues raised in previous engagement efforts or outstanding issues that have not been resolved. This should include a summary of engagement with local First Nation organizations, communities, local

land owners and lease holders. Additionally, much of the future engagement planning seems to be one-directional, allowing for the information sharing and provision of project updates at very specific times by the BMR Project team and less opportunity for parties to raise issues or concerns outside of scheduled, structured meetings with a pre-established engagement committee (which does not include local land owners or lease holders). This approach may be restrictive and it is unclear how a two-way communication can be established and maintained for the life of the project between DIAND-CARD and all parties as issues or concerns arise. An example already identified is the lack of engagement regarding the initiation of construction of the winter road. The engagement schedule identified in Table 1 of the Community Engagement Plan does not include this type of engagement which was specifically requested during the course of the application review.

3.0 Public Review

By January 10, 2017, comments and recommendations on the Plans were received from 3 reviewers:

- Government of the Northwest Territories (GNWT) – Department of Environment and Natural Resources (ENR);
- Mr. Brian Sundberg; and
- MVLWB staff.

DIAND-CARD responded on January 13, 2017.

4.0 Decision

After reviewing the submissions of DIAND-CARD, the written comments received by the Board and the Staff Report prepared for the Board, the Board, having due regard to the facts and circumstances, the merits of the submissions made to it, and to the purpose, scope, and intent of the MVRMA and Regulations made thereunder, has determined that the Community Engagement Plan was largely submitted in accordance with all applicable Guidelines and Conditions of Permit MV2016X0013 and Licence MV2016L8-0004, with the exception of a few details.

The inadequacies of the Community Engagement Plan are laid out in the Reviewer Comment Summary Tables and the Discussion section, above. The shortcomings of this plan can be easily addressed through resubmission as directed by the Board. At this time, the Board feels that this plan can be approved on an interim basis to allow for progress on land use permit activities, including winter road construction, as planned by DIAND-CARD. A revised Community Engagement Plan shall be re-submitted no later than February 27, 2017 to the Board for approval. Any engagement activities not identified in the Community Engagement Plan should be reflected in updated Engagement Logs which include details on the information exchange(s).

The revised plan should provide additional information identified in the Reviewer Comment Summary Tables and as laid out in the Discussion, above, to be in line with applicable guidelines and authorization requirements before final approval.

SIGNATURE

Mackenzie Valley Land and Water Board



January 26, 2017

Violet Camsell-Blondin, A/Chair

Date

Review Comment Table

Board:	MVLWB
Review Item:	INAC-CARD - Bullmoose Ruth Remediation Project - Engagement Plan (MV2016X0013 & MV2016L8-0004)
File(s):	MV2016L8-0004 MV2016X0013
Proponent:	INAC - Contaminants and Remediation Directorate
Document(s):	MV2016X0013 MV2016L8-0004 - INAC-CARD - Engagement Plan (1MB)
Item For Review Distributed On:	Dec 22 at 15:45 Distribution List
Reviewer Comments Due By:	Jan 10, 2017
Proponent Responses Due By:	Jan 13, 2017
Item Description:	<p>Indigenous and Northern Affairs Canada - Contaminants and Remediation Directorate (INAC-CARD) submitted their Engagement Plan on December 20, 2016. This Plan was originally submitted in support of INAC-CARD's Applications for a Permit and Licence for remediation activities associated with the Bullmoose Ruth Remediation Project. Several reviewers indicated concerns with the contents of the Plan and level of engagement on the BMR Project during the regulatory process for these files. The Board required revision and re-submittal of this Plan as a result of concerns raised by reviewers. The Plan has now been revised and re-submitted in accordance with conditions in Licence MV2016L8-0004 and Permit MV2016X0013.</p> <p>Reviewers are invited to submit questions, comments, and recommendations on this submission using the Online Review System (ORS) by the review comment deadline specified below. All documents that have been uploaded to this review are also available on our public registry. If you have any questions or comments about the ORS or this review, please contact Board staff identified below.</p>
Contact Information:	Julian Morse 867-766-7453 Shannon Allerston 867-766-7458

Comment Summary

Brian Sundberg: Brian Sundberg				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	engagement plan	<p>Comment The engagement plan or lack of it as far as I have seen is non existent Like I mention in my previous letter the over flights of our cabin on Campbell Lake started in around 2007-2008 and not once did INAC have courtesy to let us know what was going on at the Bullmoose Mine which we found out from pilots and basically where they where landing to the east of us it was the old mine site but everything was hush hush fast forward to present where they said they consulted a elders committee in my home community of Dettah again we heard nothing did they tell the elders how the land would be ripped up and traplines and traditional areas would be destroyed NO, they give them a quiz on what should be done with certain materials and how to dispose of them . Fast foward again to this spring when I got a call from a local contractor looking for info on the Campbell lake for bid , he knew we where out there why didn't INAC know , we have been there for 27 years they knew but decided to leave us out of the picture I am not sure why Ron Breadmore went that direction Fast foward again to present I made a trip to Campbell on January 4 2017 where I</p>	<p>Jan 13: Project information was provided duing the User Group Meeting on July 19, 2016 with an update provided in the letter dated October 27, 2016. The update included a basic schedule of upcoming construction activities (winter road pre-construction in January 2017; winter road construction in February 2017; and winter road operations and site mobilization in March 2017). Future updates will be provided during the Project Update Meeting in February 2017 in N'Dilo and winter road bulletin in March 2017.</p>	<p>The engagement schedule identified in Table 1 of the Engagement Plan does not include the type of engagement which is and has been specifically requested during the course of the application review. This information should be provided in subsequent revisions.</p>

	<p>was caught off guard again whe I ran into 2 Haglands and a pickup truck from Rowes contruction on Harding Lake which I had to navigate around since they where taking up the whole trail, we made our first trip in on December 10 last year and as usually had to cut our way in why, weren't we notified of the activity taking place since we use this area for hunting and trapping for the last 27 years again no engagement by INAC or Rowes which I spoke to fall and was assured by there GM I would be kept up to date on activity surrounding the BM road he had my phone number and E mail address but to no avail Why are we being consistently being left out of this process first by INAC {Ron Breadmore} and now by the contractor And you wonder why we don't trust the Government We have fought forest fires for the last 2 years out there, why should we have to fight with the Government now too</p> <p>Recommendation There is only about 3 or 4 user groups that use this area full time And the snowmobile club is not one of them ! I would like to see communacation to us every step of the way right from punching holes in the ice up to hauling equipment in so we know who is in the area and what is being done ! I also recomend that people in the area that INAC invades should not have to check in</p>		
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		with them as stated by Ron Breadmore, they should be checking in with the people in the area		
GNWT - ENR: Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	General File	Comment (doc) ENR Letter - No Comments or Recommendations at this time Recommendation		Noted.
2	General File	Comment (doc) Corrected Letter - ENR No Comments or Recommendations at this time Recommendation		Noted.
MVLWB: Shannon Allerston				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	Sections 2, 6, 7, 8 of the Engagement Plan	Comment The majority of engagement planning appears to be one-directional, allowing for the information sharing and provision of project updates at very specific times by the BMR Project team and less opportunity for parties to raise issues or concerns outside of scheduled, structured meetings with a pre-established engagement committee (which does not include local land owners or lease holders). This approach may be restrictive and it is unclear how a two-way communication will be established and maintained for the life of the project between INAC-CARD and all parties as issues or concerns arise. An example is the lack of engagement with leaseholders regarding the initiation of construction of	Jan 13: Table 1-0 of the Engagement Plan describes milestone engagement opportunities and does not limit INAC from staging additional meetings. Since the July 19th, 2016 Update Meeting and October 27th, 2017 Update Letter there has been on-going two-way communication with users in the area. An example would be the recent correspondence with Hearne Lake Lodge and resolution of the 500 m set-back issue. Section 7 (and any other applicable section) of the Engagement Plan will be revised to satisfy Section 3.4 of the MVLWB's Engagement Guidelines.	The engagement schedule identified in Table 1 of the Engagement Plan does not include the type of engagement which is and has been specifically requested during the course of the application review. Any engagement activities not identified in the Engagement Plan should be reflected in updated Engagement Logs which include details on the information exchange(s). This information should be provided in subsequent revisions.

	<p>the winter road. The engagement schedule identified in Table 1 does not include this type of engagement, which was specifically requested during the course of the application review.</p> <p>Recommendation Board staff recommend that INAC-CARD update the Engagement Plan to include engagement with lease holders regarding winter road activities, specifically, but also better describe engagement activities with all parties, in accordance with section 3.4 of the Board's Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits. Section 7 of the Engagement Plan requires more detail regarding engagement activities for the project beyond members of the Elders Committee.</p>		
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