



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

Staff Report

Applicant: Department of Indian Affairs and Northern Development (DIAND) – Contaminants and Remediation Division (CARD)	
Location: Former Bullmoose, Ruth, Beaulieu, Spectrum, Chipp, Storm, and Joon mines, NT	Application: MV2016L8-0004 & MV2016X0013
Date Prepared: March 28, 2017	Meeting Date: April 6, 2017
Subject: Revised Engagement Plan - Conformity Confirmation	

1. Purpose/Report Summary

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board) a revised Engagement Plan for conformity confirmation, submitted by Department of Indian Affairs and Northern Development (DIAND) – Contaminants and Remediation Division (CARD), in accordance with direction provided by the Board in their January 26, 2017 Interim Approval Letter (attached) to fulfill Part B, item 12 of Water Licence (Licence) MV2016L8-0004 and Conditions 77 and 79 of Land Use Permit (Permit) MV2016X0013.

2. Background

- December 5, 2016 – Issuance of Licence MV2016L8-0004 and Permit MV2016X0013;
- December 22, 2016 – Engagement Plan received and review commenced;
- January 26, 2017 – Interim Approval of Engagement Plan with directive to revise and re-submit Plan by February 27, 2017;
- February 27, 2017 – Revised Engagement Plan received; and
- **April 6, 2017 – Revised Engagement Plan presented to Board for confirmation of conformity.**

3. Discussion

On December 22, 2016, DIAND-CARD submitted a revised Engagement Plan (Plan) in accordance with conditions of Permit MV2016X0013 and Licence MV2016L8-0004. Following review of the Plan, the Board met on January 26, 2017, and determined that the 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...”. As such, the Plan was approved on an interim basis (see attached January 26, 2017 Letter and Reasons for Decision). The Board included a table attached to the decision letter, which outlined the deficiencies of the Plan that needed to be corrected. The January 26, 2017

Letter indicated that final approval of the Plan, “will be provided upon written confirmation from the Board following a staff conformity review”. Board staff’s analysis of the revised Plan’s conformity with Board direction is included below.

4. Comments

Table 1 lists the components of the Engagement Plan required by the Board’s January 26, 2017 Directive, and Board staff analysis of the adequacy of the revised Plan’s conformity with the Directive.

Table 1: Revised Engagement Plan Conformity

	Revisions to the Engagement Plan as required by the Board’s January 26, 2017 Directive	Board staff analysis of the adequacy of the Engagement Plan in addressing the requirement
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.	Adequate – A detailed engagement log is now included as an attachment to the Plan as Annex C. The Engagement Log makes note of outstanding issues that have not been resolved, and summarizes engagement with local First Nation organizations, communities, local land owners and lease holders.
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).	Adequate – A detailed Engagement Log is now included as an attachment to the Engagement Plan, as Annex C.
3	Reflection of requests from lease holders for more frequent engagement/communication.	Adequate – Section 8 of the Engagement Plan notes that, “If a group or individual requested more frequent or more detailed information to be provided on a certain topic, for example the winter road, INAC-CARD would make all reasonable efforts to ensure their request was accommodated”.
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.	Adequate – Sections 6 and 7 of the Engagement Plan detail engagement activities with all affected parties, including discussion of follow-up with individuals and communities to ensure issues raised are resolved.
5	More detail regarding engagement activities for the project beyond members of the Elders Committee.	Adequate – Sections 6 and 7 of the Engagement Plan detail engagement activities with all affected parties, including, but not exclusive to, the Elders Committee.

In addition to the items listed in Table 1, DIAND-CARD indicated they revised Section 1.0 of the Engagement Plan in response to a recommendation made by the North Slave Métis Alliance during initial review of the Plan. Board staff has confirmed this update was made to the revised Plan.

The Board's January 26, 2017 letter also required that a detailed conformity table be included in the Plan. DIAND-CARD did include a conformity table in their cover letter for the Engagement Plan; however, it discusses conformity with the Board's directive, not the Licence, as required. Board staff do not feel this detail is significant enough to preclude approval of the Plan; although, wording is included in the attached draft Confirmation Letter for the Board's consideration, which reminds DIAND-CARD to include a conformity table in future revisions of the Plan.

5. Reviewer Comments

Not applicable – the Engagement Plan is being brought to the Board for confirmation of conformity; the Plan was previously publicly reviewed and received Interim Approval on January 26, 2017.

6. Security

Not applicable.

7. Conclusion

Board staff conclude that the revised Engagement Plan submitted February 27, 2017 conforms to the Board's January 26, 2017 Directive.

8. Recommendation

Board staff recommend the Board provide written confirmation of conformity, and approve the revised Engagement Plan, submitted February 27, 2017.

9. Attachments

- [February 27, 2017 Engagement Plan](#)
- [January 26, 2017 Interim Approval Letter with Attached Table and Reasons for Decision](#)
- Draft Confirmation Letter from the Board

Respectfully submitted,



Julian Morse
Regulatory Specialist