



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. – Snap Lake Mine
Applications for:
Water Licence Renewal MV2019L2-0004
Land Use Permit Amendment MV2017D0032

Purpose of the Work Plan

To outline the processes and timelines to be followed for the April 2019 Renewal Application for Water Licence (Licence) MV2019L2-0004 and the May 2019 Amendment Application for Land Use Permit (Permit) MV2017D0032 for the De Beers Canada Inc. (De Beers) closure and reclamation of the Snap Lake Mine (Project).

Background

On April 1, 2019 De Beers submitted a Renewal Application for Licence MV2019L2-0004 to conduct activities associated with the closure and reclamation of the Snap Lake Mine. On April 12, 2019, the Mackenzie Valley Land and Water Board (MVLWB or the Board) deemed the Licence Application complete.

On May 6, 2019 De Beers submitted an Amendment Application for Permit MV2017D0032 to allow for an adjustment of conditions 1 and 50, as well as alignment with the planned activities associated with closure and post-closure phases of the Project, as described in the MV2019L2-0004 Renewal Application, including reference to an updated site plan.

- Condition 1 will require adjustment to permit a temporary camp to be used during demolition.
- Condition 50 will require adjustment to accommodate a change in securities.

On June 6, 2019, 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.

Scope of the Project

The scope of this Project includes the closure and post-closure phases of the Snap Lake Mine as outlined in De Beers' Renewal Application submitted on April 1, 2019, and Amendment Application submitted on May 6, 2019 and subsequent additional supporting documents.

Guiding Principles

The following principles will guide the Work Plan of the MVLWB throughout this permitting and licensing process:

- The processes 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 review De Beers' April 2019 Renewal Application and May 2019 Amendment Application and consider potential Licence conditions or changes to the Permit conditions based on evidence and rationale submitted by the company or any other party; and
- 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.

Work Plan Objectives

The Work Plan is to achieve the following objectives:

- Compile a broad range of input through the review processes;
- Ensure adequate information is gathered to complete the permitting/licensing processes;
- Facilitate a thorough, inclusive, and timely permit/licence review process; and
- Establish adequate permit/licence conditions to ensure protection of the environment.

Opportunities for Community Engagement

- The Board required De Beers to engage with communities and Aboriginal organizations regarding the Permit and Licence Applications prior to their submissions;
- The Board distributed the Applications to reviewers – including Aboriginal organizations, governments, and communities – for review using the Land and Water Board Online Review System;
- The Board included a notification(s) regarding the review process in the newspaper;
- The Board coordinated technical sessions and will coordinate a workshop 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.

Materials Circulated for Comment by Parties

During the course of these proceedings, Board staff will review all evidence filed by the parties. These efforts are intended to identify issues or concerns which must be addressed in the Licence or Permit and to resolve them, if possible, before the close of the proceedings. In order to focus these discussions, Board staff will update and re-circulate a draft of the Licence and Permit for comment. This process allows parties to address the proposed terms and conditions for the Licence and Permit in their presentations to the Board during the Public Hearing and to prepare arguments setting out their positions with respect to these provisions at the close of the proceedings.

Board staff efforts to develop and circulate a draft Licence and Permit is intended to focus discussion on appropriate terms and conditions for the authorizations. The Board is not bound by the contents of any of these draft materials and will make its decision at the close of the proceedings on the basis of all the evidence and arguments filed by all parties.

The table on the following page sets out the main process steps in the Board's Work Plan and indicates the responsible party for each, as well as the anticipated completion date for each item.

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 June 6, 2019, 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 Renewal 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

Item #	Task	Responsible Party	MVLWB Day Count (275 Max)	Due Date (Date Completed)
1.	Renewal Application Submitted	Proponent		(April 1, 2019)
2.	Renewal Application deemed complete	MVLWB staff	11	(April 12, 2019)
3.	Renewal Application and Draft Work Plan sent out for review	MVLWB staff	11	(April 12, 2019)
4.	Comments due on the Draft Work Plan	Reviewers and Proponent	22	(April 23, 2019)
5.	Amendment Application Submitted	Proponent	35	(May 6, 2019)
6.	Reviewer comments due on Applications	Reviewers	46	(May 17, 2019)
7.	Proponent responses to Reviewer comments on Applications	Proponent	46	(June 3, 2019)
8.	Preliminary Screening	MVLWB	49	(June 6, 2019)
9.	Technical Session	All Parties	89-91	(July 16-18, 2019)
10.	Circulate Information Requests from Technical Session	MVLWB staff	95	(July 22, 2019)
11.	Deadline to respond to Information Requests	All Parties	95	(August 21, 2019)
12.	Circulate Outstanding Information Request	MVLWB	110	(September 5, 2019)
13.	Deadline for Outstanding Information	Proponent	110	(September 12, 2019)
14.	Technical Workshop	All Parties	117	(September 19, 2019)
15.	Deadline for Interventions	Interveners	135	(October 7, 2019)
16.	Pre-Hearing Conference	All Parties	-	(October 15, 2019)
17.	Proponent response to Interventions	Proponent	135	(October 22, 2019)
18.	Deadline for Intervener Public Hearing presentations	Interveners	144	(October 31, 2019)
19.	Proponent Public Hearing presentation due	Proponent	156	(November 12, 2019)
20.	Public Hearing	All Parties	170-171	(November 26-27, 2019)
21.	Circulate Public Hearing Undertakings	MVLWB staff	173	(November 29, 2019)
22.	Public Hearing Undertakings due	De Beers	173	December 16, 2019
23.	Circulate Draft Licence/Permit	MVLWB staff	194	January 6, 2020
24.	Public Hearing Undertakings due	GNWT	212	January 24, 2020
25.	Reviewer comments due on Draft Licence/Permit	Reviewers	218	January 30, 2020

26.	Proponent response to reviewer comments on Draft Licence/Permit	Proponent	218	February 7, 2020
27.	Deadline for Closing Arguments from Interveners	Interveners	225	February 14, 2020
28.	Deadline for Closing Arguments from Proponent	Proponent	232	February 21, 2020
29.	Board decision on Applications	MVLWB	-	Mid March 2020
30.	Water Licence sent to the GNWT Minister for review	Board staff	-	End March 2020
31.	Final decision from the GNWT Minister	Minister	Up to 90 days	Current Licence (MV2011L2-0004) expires June 13, 2020

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