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March 28, 2023

File: MV2023X0025

Lisa Young
Department of Fisheries and Oceans Canada (DFO)
520 Exmouth St.
Sarnia, ON N7T 8B1

Sent by e-mail

Dear Lisa Young,

Re: DFO – Phase I and Phase II Environmental Site Assessment – Land Use Permit – New Application – Incomplete – Fort Simpson, NT

On March 21, 2024, Mackenzie Valley Land and Water (Board) staff received the Application Package (Application) for a new Land Use Permit (Permit) MV2023X0025¹ for the Phase I and Phase II Environmental Site DFO Lots 169 and 502, Fort Simpson, NT (Project) from the Department of Fisheries and Oceans Canada (DFO).

Board staff have reviewed the Application and identified missing information required for the Board to process the Application. For the Application to be considered complete, refer to the Application Form² and the Land and Water Board (LWB) *Guide to the Land Use Permitting Process* (Guide)³ and submit the following information to the Board's office:

Engagement Record: The Engagement Record submitted with the Application indicates the affected parties were sent an engagement letter describing the project. However, follow-up with these parties is not described. Review the LWB Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits,⁴ follow-up with these parties and revise the Engagement Record in the Application accordingly.

¹ See the MVLWB Online Registry for [MV2023X0025](#).

² See the MVLWB Apply for Permit/Licence webpage for the Land Use Permit [Application Form](#).

³ See the MVLWB Policies and Guidelines webpage for the LWB [Guide to the Land Use Permitting Process](#).

⁴ See the MVLWB Policies and Guidelines webpage for the LWB [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#).

Management Plans: Following the LWB *Document Submission Standards*⁵, the Management Plans should be submitted as separate documents from the Application for public review, with individual cover letters for each of the management plans:

- Waste Management Plan
- Spill Contingency Plan
- Engagement Plan

Board staff also identified additional inconsistencies throughout the Application, that should be addressed for clarity before distributed for public review. The following inconsistencies are as follows:

- 1) Proposed Project Schedule: As described in section 3.2 of the Permit Guide, indicate the time of year the project activities will occur (i.e. which months of the year).

Inconsistencies are found between the dates of drilling in the Scope of Work (first week of April), the Proposed Project Schedule (late May to October), and the Engagement letter (June/July). Review and revise the Application to address these inconsistencies.

- 2) Preliminary Screening: See section 124(1) of the Mackenzie Valley Resource Management Act (MVRMA)⁶ for further information on Preliminary Screenings. Section 4.2 of the Permit Guide outlines that “a project, or specific project activities, may be exempt from screening under the Exemption List Regulations⁷; under section 157.1 of the MVRMA; or for national security or emergency purposes.”

DFO has requested an exemption from preliminary screening but has yet to identify a previous screening of the site or how the project may be exempt from screening under the Exemption List Regulations. Review Section 4.2 of the Permit Guide and Exemption List Regulations, and if the project falls within the exemption list please include further rationale in your Application identifying the reasons the project is exempt.

- 3) Closure and Reclamation – Closure Cost Estimate: As described in section 3.2 of the Permit Guide, the GNWT, federal, and community governments, and Indigenous Governments for permits on their own lands, are not required to post security.

The Closure Cost Estimate submitted is not required as the federal government is exempt from posting security.

⁵ See the MVLWB Policies and Guidelines webpage for the LWB [Document Submission Standards](#).

⁶ See the MVLWB Acts and Regulations webpage for the [Mackenzie Valley Resource Management Act](#).

⁷ See the MVLWB Acts and Regulations webpage for the [Exemption List Regulations](#).

Upon receipt of this information, the Board will review the Application in accordance with the Mackenzie Valley Land Use Regulations (MVLUR). Unless DFO requests additional time, if this information is not provided within 90 days of the date of this letter, the Board will consider the Application withdrawn.

Please contact Beth Cowan via [email](#) or at (867) 873 6610 with any questions or concerns regarding this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Beth Cowan", with a stylized flourish at the end.

Beth Cowan
Regulatory Specialist

BCC'd to: Shaun Michael Lamoureux – SLR
 Megan Larose – CIRNAC