



Sahtu Land and Water Board

Staff Report

Division:	Land Program	Report No. 2
Date Prepared:	June 27, 2011	File No. S07C-005 - Extension
Meeting Date:	July 6, 2011	

Subject: Request for Extension of a Type A Land Use Permit by Eagle Plains Resources Ltd.

1. Purpose/Report Summary

To inform the Board about a request from Eagle Plains Resources for a two year extension of a Type A Land Use Permit for geological exploration in the Tulita District.

2. Background

2.1 Project Overview

On May 25, 2011 our office received a letter from Eagle Plains Resources Ltd. (Eagle Plains) requesting a two year extension to Land Use Permit S07C-005 for the NWT Zinc Recce Project which expires June 17, 2012. The geological exploration project area is bounded by the Canol Road in the south, the Arctic Red River in the north, the Keele River in the east, and the NWT/Yukon border in the west.

As mentioned in Eagle Plains' extension letter, an extension of the Land Use Permit is necessary due to unforeseen circumstances which prevented the Proponent from conducting exploratory work for the 2009 and 2010 seasons.

The scope of the permit will remain the same. The project involves geological mapping, soil and silt geochemistry and prospecting. The project uses a camp based out of Stan Stevens' Willow Handle Lake guide outfitting camp. Eagle Plains is currently in negotiations with Stan Stevens of Mackenzie Mountain Outfitters for use of the Willow Handle Lake camp.

2.2 Process Requirements

Permit Start Date: June 18, 2007
Permit Expiry Date: June 17, 2012
Extension Letter Received: May 25, 2011
2 Year Extended Expiry Date: June 17, 2014

A Type A Land Use Permit is required for the establishment of a campsite that is to be used for more than 400 man days.

2.3 Attachments

1. Faxed letter from Eagle Plains Resources "Extension of Land Use Permit #S07C-005 and #S07C-006"
2. Email dated June 20, 2011 from Eagle Plains Resources regarding negotiations for an agreement with Stan Stevens of Mackenzie Mountain Outfitters for use of Willow Handle Lake camp.

3. Comments

3.1 Permission of Land Owner

As stated in Staff Report No. 1, the program is taking place on Federal Crown Land; therefore an Access Agreement is not required.

3.2 Community Consultation

Previous Community consultation information presented in Staff Report No. 1 has not changed.

3.3 Traditional Environmental Knowledge

Traditional Environmental Knowledge presented in Staff Report No. 1 has not changed.

3.4 Potential Environmental Impacts and Mitigation Measures

No changes have been made to potential environmental impact and mitigation measures by the request for an extension of the Land Use Permit.

3.5 Preliminary Environmental Screening

The Preliminary Environmental Screening Report has not changed.

This Land Use Permit Extension does not require a Preliminary Screening under the terms of MVRMA, Section 143(1)(c), and the Exemption List Regulations, Schedule 1, Part 1, Section 2, due to the following points:

- this is an extension, not a new Permit, and
- the development has not been modified, and
- the development has already fulfilled the requirements of the Preliminary Screening process under the MVRMA.

3.6 Conformity with Land Use Plan

The Sahtu Land Use Planning Board (SLUPB), in a letter dated June 1, 2011, stated there is no approved land use plan and therefore conformity of the applications against the land use plan cannot be determined. Any rights or authorizations granted prior to the approval of the land use plan will be considered existing uses and allowed to continue following plan approval, including uses that do not conform to the approved zoning and the terms of the plan.

An extension of a Land Use Permit, without a change in the type of development or Terms and Conditions, will not affect conformity with Draft 3 of the Sahtu Land Use Plan.

The SLWB has met the referral obligations set out in section 47 of the *Mackenzie Valley Resource Management Act*.

3.7 Draft Permit

A Draft Permit has been prepared with the extended expiry date.

Terms and Conditions for Land Use Permit S07C-005 will remain the same.

4. Other Agency Comments

The application was circulated to 26 organizations requesting a reply by June 16, 2011. To date 8 written responses has been received. The following organizations offered comments on the application:

Richard Hardy (Representing the Tulita Land Corporation, Fort Norman Metis Land Corporation, Norman Wells Land Corporation, Tulita District Land Corporation and the Tulita District Benefits Corporation)

A faxed letter dated June 6, 2011 was received from Mr. Richard Hardy requesting further information prior to sending in any comments.

SLWB

In an email dated June 7, 2011, SLWB staff responded to the comments made by Mr. Richard Hardy regarding the requested information.

GNWT-MACA: Office of the Fire Marshall

In an email letter dated June 7, 2011 the Office of the Fire Marshall had the following comments:

- This work shall comply with all the requirements of the 2010 National Building Code (NBC), Part 9, for fire protection in camps section 9.10.21, and the B-139-09 and B-149-10 standards and the 2010 National Fire Code, for the fuel facilities and related standards. Provide construction drawings and specs and details for these camps and the fuel facilities, with mechanical and electrical equipment and site plans as well.

Stanton Territorial Health Authority

In an email dated June 14, 2011, the Stanton Territorial Health Authority stated they had no objection to the land use extension request.

Department of Environment and Natural Resources

In an email dated June 15, 2011, ENR has no comments or recommendations at this time.

Environment Canada

In an email dated June 16, 2011, EC has no issues with the extension provided the proponent is in compliance with their existing permit. Comments and recommendation submitted by EC for the initial Land Use Permit are still applicable to this extension.

This comment was emailed to the proponent for their information on June 16, 2011.

Sahtu Renewable Resources Board

In a fax dated June 16, 2011, SRRB is satisfied that all requirements have been met, provided that Eagle Plains Resources Ltd. meets the conditions set in the existing permit.

This comment was emailed to the proponent for their information on June 16, 2011.

Fisheries and Oceans Canada

In an email dated June 16, 2011, DFO provided their original comments and stated that they are still applicable for this extension. They also provided DFO's Mineral Exploration Activities NWT Operational Statement, which was released in 2009, outlining measures that can be incorporated into a mineral exploration program to avoid negative impacts to fish and fish habitat.

This concern was emailed to the proponent for their information and response as required on June 17, 2011.

Tulita District Land Corporation

In a fax dated June 17, 2011, the Tulita District Land Corporation stated they have to deny the extension for the following reasons:

- a) Eagle Plains has to consult the Community of Tulita
- b) Eagle Plains has to complete a TK study
- c) Inquire about the use of the Outfitters Camp during the project
- d) Eagle Plains use of local businesses and personnel

This comment was emailed to the proponent for their information on June 17, 2011.

In a fax dated June 20, 2011, the Tulita District Land Corporation had the following comment:

- a) Eagle Plains Resources Ltd. has to consult with Tulita Land Corporation, Fort Norman Metis Land Corporation and Norman Wells Land Corporation pursuant to chapter 22 of the Sahtu Dene and Metis Comprehensive Land Claim Agreement.

This comment was emailed to the proponent for their information on June 20, 2011.

4.1 Attachments

1. Fax from Mr. Richard Hardy dated June 6, 2011
2. Email from the SLWB responding to Mr. Hardy inquiry dated June 7, 2011
3. Email letter from GNWT-MACA: Office of the Fire Marshall dated June 7, 2011
4. Email from the Stanton Territorial Health Authority dated June 14, 2011
5. Email letter from Department of Environment and Natural Resources dated June 15, 2011
6. Email letter from Environment Canada dated June 16, 2011
7. Faxed letter from the Sahtu Renewable Resources Board dated June 16, 2011
8. Email letter from Fishers and Oceans Canada dated June 16, 2011
9. Faxed letters from the Tulita District Land Corporation dated June 17 and June 20, 2011

5. Conclusion

The Preliminary Environmental Screening Report has not changed. All potential environmental impacts identified during public consultation and by review agencies can be mitigated with known technology and have been addressed in the Terms and Conditions of the Land Use Permit.

Section 26(6) of the *Mackenzie Valley Land Use Regulations* states that on receipt of a written request from a Permittee, prior to the expiration of the Permit, the Board may extend the term of the Permit for an additional period not exceeding two years.

The request for a Land Use Permit Extension with Reasons for Decisions has been submitted to the Board for approval. Should the Board grant approval, the Extension could be issued upon the Board's decision.

6. Recommendation

It is recommended that the SLWB proceed with the extension of Land Use Permit S07C-005 for Eagle Plains on virtue of its authority under the Mackenzie Valley Land Use Regulations, Section 26(6).

7. Reference Material Attached

1. Faxed letter from Eagle Plains Resources "Extension of Land Use Permit #S07C-005 and #S07C-006"
2. Email dated June 20, 2011 from Eagle Plains Resources regarding negotiations for an agreement with Stan Stevens of Mackenzie Mountain Outfitters for use of Willow Handle Lake camp
3. Draft Land Use Permit
4. Draft Reasons for Decision
5. Staff Report No. 1 dated June 9, 2007 (without attachments)
6. Faxed letter from the Sahtu Land Use Planning Board dated June 1, 2011
7. Fax from Mr. Richard Hardy dated June 6, 2011
8. Email from the SLWB responding to Mr. Hardy inquiry dated June 7, 2011
9. Email letter from GNWT-MACA: Office of the Fire Marshall dated June 7, 2011
10. Email from the Stanton Territorial Health Authority dated June 14, 2011
11. Email letter from Department of Environment and Natural Resources dated June 15, 2011
12. Email letter from Environment Canada dated June 16, 2011
13. Faxed letter from the Sahtu Renewable Resources Board dated June 16, 2011
14. Email letter from Fishers and Oceans Canada dated June 16, 2011
15. Faxed letters from the Tulita District Land Corporation dated June 17 and June 20, 2011

Respectfully submitted,



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Angela Love
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Executive Director Comments:



Paul Dixon
Executive Director