



Mackenzie Valley Land and Water Board
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Staff Report

Company: Bathurst Inlet Developments (1984) Ltd.	
Location: Matthews Lake (Salmita Mine Area), NT	Application: MV2009X0028
Date Prepared: June 29, 2010	Meeting Date: July 8, 2010
Subject: New Type A Land Use Permit (LUP)	

1. Purpose/Report Summary

The purpose of this report is to present a request for a new type A land use permit (LUP) submitted by Bathurst Inlet Developments (1984) Ltd. to the Mackenzie Valley Land and Water Board (MVLWB or the Board). This permit will replace an existing permit, MV2001X0030.

2. Background

- July 24, 2009 – LUP application received;
- July 30, 2009 – LUP application deemed incomplete;
- August 5, 2009 – June 2, 2010 – additional information received;
- June 3, 2010 – LUP application deemed complete and sent for review;
- June 25, 2010 – review comments due;
- July 8, 2010 – presented to the Board; and
- July 14, 2010 – 42 day timeline.

3. Discussion

This LUP application is for the operation of a camp site, ice road access, and fuel storage. This Permit will replace the previous one, MV2001X0030. The Applicant has had permits in this area since 1993 and holds a tourism license for the lodge under License NS-2007-022.

The permit being applied for is to support the existing main lodge. The ice road access is used for re-supply and a permit to store fuel and use the existing road infrastructure is needed for this reason. There is a small camp located at the airstrip and this is used to accommodate extra staff for when small groups of mining and tourists come in that do not warrant the

use of the main lodge. (Application covering letter, July 01, 2009). The requested length of time for this LUP is 5 years.

Preliminary screening

To be exempt from a preliminary screening, a renewal application must meet the requirements outlined in paragraph 2 of Part 1, Schedule 1 of the Exemption List Regulations annexed to subsection 143(1) of the *Mackenzie Valley Resource Management Act* (MVRMA) which states:

A development, or part thereof, for which renewal of a permit, licence or authorization is requested that:

- a) has not been modified; and
- b) has fulfilled the requirements of the environmental assessment process established by the *Mackenzie Valley Resource Management Act*, the *Canadian Environmental Assessment Act* or the Environmental Assessment Review Process Guidelines Order.

This development meets the above criteria as it has not been modified since the last permit issuance. It has also fulfilled the requirements of the environmental assessment process as it has undergone a preliminary screening (see attached).

The responses received from this application requested that the Applicant provide further information and clarify some of the issues related to the site and the application. On June 29, 2010, the Regulatory Officer on this file spoke with the Applicant, Mr. Warner. It was determined that more time would be needed to give the Board a detailed response to the matters brought forward by Reviewers.

4. Comments

n/a

5. Review Comments

Review comments, from the application review period, can be found in the attached Reviewer Comment Summary Table. Note that the columns for the Proponent Response and Mitigation are to be completed at a later date.

Note that the Indian and Northern Affairs Canada (INAC) Inspector states that:

This permit is for the renewal of expired permit MV2001X0030, and the development does not appear to have been modified and has fulfilled the requirements of the *Mackenzie Valley Resource Management Act*. It is therefore exempt from a preliminary

screening as per Part 1, Section 2 of the *Exemption List Regulations*.

6. Security

n/a

7. Conclusion

The development is a renewal of a previous permit. It has not been modified and has previously undergone a preliminary screening. The application should be exempt from preliminary screening.

More time is requested for the Applicant to provide a response to Reviewer concerns.

8. Recommendation

Staff recommends that this application be exempt from preliminary screening.

Additionally, staff is recommending that the Board request further information under s. 22(2)(b) of the *MVLUR*.

9. Attachments

- Reviewer Comment Summary Table
- Application
- Preliminary Screening for MV2001X0030
- Draft Letter to Applicant

Respectfully submitted,



Lynn Carter
Regulatory Officer

**Reviewer Comments– Bathurst Inlet Developments (1984) Ltd.
MV2009X0028 - New Type A Land Use Permit**

Reviewer	Comment	Proponent Response	Mitigation
Lutsel K'e Dene First Nation, Director Wildlife, Lands and Environment	<p>Comment on June 11, 2010:</p> <p>No issues with this application.</p>		Not applicable
Yellowknives Dene First Nation, Chief Ted Tsetta	<p>Comments taken from letter to MVLWB dated June 22, 2010:</p> <p>The Yellowknives Dene First Nation (YKDFN) does not support this application as it currently stands.</p> <p>Given the lack of any consultation, YKDFN are requesting that the Board refer this application as per s.22(2)b of the <i>Mackenzie Valley Land Use Regulations</i>.</p> <p>In the past the YKDFN has asked the applicant to meet with Chief and Council to engage in consultation. The applicant has repeatedly mentioned how consultation had previously occurred during the original applications, but there is no record of this occurring, either in the registry or with the various groups. In researching this claim, YKDFN contacted INAC, the Government of the Northwest Territories, and the applicant.</p> <p>On July 17th, 2009 YKDFN asked the applicant if there had been any consultation between himself and YKDFN. He indicated that there had been and he would get back to us with the record — but no further information has been provided. The only</p>		

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	<p>record YKDFN has is that a document was faxed to the Land and Environment Office in 2001. The applicant also indicated that there had been a "full round of consultation from ITI" in regards to his tourism license. In researching this, YKDFN contacted Kevin Todd at ITI to follow up, but there is "no record of consultation with the YKDFN". This line of thought which Mr. Warner's routinely cites in his applications is that consultation with the 'affected parties' would have to have occurred in order to for him to receive his permits. This is not an acceptable assertion given the lack of documentation from all of the Parties.</p> <p>The second issue YKDFN want to pursue is the perception that Seabridge Gold is attempting to permit its advanced exploration activities in a "piece-meal" manner. Documentation on the public registry indicates that Seabridge is interested in purchasing the structures covered by MV2009X0028. It is not clear why they are not the applicant. It is YKDFN's understand [sic] that the process associated with with [sic] re-assigning a land use permit is a formality, with little opportunity for meaningful participation.</p> <p>Given the level of activity occurring with the Seabridge Gold project, it is clear that they will be soon applying for advanced exploration activities in the area, with the eventual goal of moving to a full-fledge gold mine in the next few years. Beyond the institutional desire not to have to review</p>		

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<p>Fisheries and Oceans Canada, Ruari Carthew, Fish Habitat Biologist</p>	<p>multiple permit applications when a single one is more appropriate, there is also the consideration that by severing different aspects of the application into different permits, a comprehensive and thorough review is not possible. While taking each application on their own, the 'big picture' could be missed, and the test of significant environmental impacts or public concern may never be met when they otherwise would have.</p> <p>Comments taken from letter dated June 24, 2010:</p> <p>As requested in correspondence dated 3 June, 2010, the Department of Fisheries and Oceans, Fish Habitat Management – Western Arctic Area (DFO) has reviewed the above application for a Land Use Permit for Bathurst Inlet Development in the area of Matthews Lake, Northwest Territories. Our review was limited to potential impacts of the project on fish and fish habitat pursuant to the responsibilities of DFO under the habitat protection provisions of the <i>Fisheries Act</i>.</p> <p>It is my understanding that the Land Use Permit will be used to support the existing tourism and mining facility in Salmita Mine Area. From your Land Use Permit application, DFO understands that the application covers:</p> <p><input type="checkbox"/> The Airstrip camp by Sandy Lake</p>		

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	<p><input type="checkbox"/> Ice road access <input type="checkbox"/> Fuel storage <input type="checkbox"/> Camp accommodations for up to 15 people</p> <p>More details than this are not readily obvious from the application and it is consequently difficult to ascertain the degree of risk that this application poses to fish and fish habitat.</p> <p>The layout and organization of the application is confusing. The current application is intermixed with past applications, permits and licences with no distinctions made between. It is thus unclear, for example, how much fuel storage is being considered for this application or the total amount of water withdrawal. On page 1 of the Proponent's letter, dated Aug 05, 2009 (page 27/30 of the received application), water consumption is listed as less than 200 Gallons per day. Yet on page 2 of the same letter the proponent states that less than 100 Gallons of water per day will be used. Why the discrepancy?</p> <p>The following items are unclear and DFO would appreciate elaboration on:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The total amount of water withdrawal for the combined tourism/mining facility <input type="checkbox"/> The method of fuel storage <input type="checkbox"/> The anticipated extent and frequency of traffic on the existing roads and ice road as a result of land use activities. 		

