

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

General Review

Reviewer	Topic	Section of Guides	Reviewer Comments	Reviewer Recommendations	Draft Responses
Seabridge Gold: Jane Howe	General Comment	General	Generally, I think both guidelines are very good and thorough. They will be very helpful to applicants.	none	-
Gwich'in Renewable Resources Board: Staff Gwichin Renewable Resource Board	GRRB comments	General	No comments at this time	No recommendations at this time	-
Environment and Climate Change Canada: Emily Nichol	No Comments	General	Environment and Climate Change Canada has reviewed the materials provided in accordance with the department's mandate, and has no comments at this time.	N/A	-
Wek' eezhii Renewable Resources Board: Randi Jennings	WRRB Comments	General	The WRRB has no comments at this time.	The WRRB has no recommendations at this time.	-
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	1.3 How this guide was developed.	General	There is an opportunity here to engage the folks that this most directly effects. Industry!! Working groups that comprise affected govt dept's, IGC, the boards and insutry are all stakeholders in these guidelines. get a balanced apporach to establishing guidelines.	Recommnedation: Balanced stakeholder work group that can develop policies and guidelines. It is the only transparent way. This is the comanagement way!!	All parties were invited to submit comments and recommendations on the Guides through the public review process. These comments and recommendations will be considered by the LWBs during finalization of the Guides, and any comments and recommendations that relate to other Board guidance documents will be noted for future revisions to the relevant documents.
Aurora Geosciences: Gary Vivian	1.3 How this guide was developed.	1.3	There is an opportunity here to engage the folks that this most directly effects. Industry!! Working groups that comprise affected govt dept's, IGC, the boards and insutry are all stakeholders in these guidelines. get a balanced approach to establishing guidelines.	Recommnedation: Balanced stakeholder work group that can develop policies and guidelines. It is the only transparent way. This is the comanagement way!!	

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

General Review

Reviewer	Topic	Section of Guides	Reviewer Comments	Reviewer Recommendations	Draft Responses
Aurora Geosciences: Gary Vivian	1.2 Authority	1.2	Sections 65, 102 and 106 of the MVRMA grant the Board the authority to develop and implement policies and guidelines. Under a normal policy or guideline, stakeholders (all) should be afforded the opportunity to address any new policy, especially if they haven't had any input on the acceptance of that policy. No accountability with the boards and it is obvious to most that the boards are not showing the capacity to evaluate the cost their decisions are having on the proponent. Who is bringing balance to these decisions??	We have a very good co-management system in the north. It includes the opportunity for all stakeholders to have input. This is not the case for policy-making decisions at the boards. This has to change. Investor confidence is gone and the boards are doing nothing to gain trust.	The Guide reflects and provides information about underlying Board policies but it is not a policy document. All parties were invited to submit comments and recommendations on the Guides through the public review process. These comments and recommendations will be considered by the LWBs during finalization of the Guides, and any comments and recommendations that relate to other Board guidance documents will be noted for future revisions to the relevant documents.
Aurora Geosciences: Gary Vivian	1.1 Purpose; as stated, the MVRMA and the MVLUR are the authority in any case where there is a conflict or inconsistency between this guide and the legislation.	General	This is a huge problem with the stated purpose. Right now, there is no ownership in this legislation and the boards are not being held accountable for policy changes that are creating significant uncertainty for proponents.	GNWT needs to own this legislation or the feds have to assume some accountability for the issues that are being caused. Ex. All of a sudden, bathymetry requirements on lakes are being pushed onto proponents. Where is the transparency in these policies. If industry wants to complain, the feds don't care. Devolve the MVRMA to the GNWT so northerners can affect change. There should be a freeze on changing any more policies until the legislation can be owned by the GNWT/or with policy change - include industry, indigenous groups and the appropriate gov't depts in the "transparent" process.	The LWBs are working with the GNWT and other interested parties to develop guidance on water source capacity calculation. Overall, this recommendation is outside of the scope of the Guides. The LWBs note that the operational dialogue workshop held in March, 2020, and potential subsequent action items and meetings, provide an opportunity to discuss these larger issues.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	General comment!	General	Inclusion of all affected GNWT depts. I am unclear, but even at this late date, I wonder if the GNWT ITI dept has been included in this review. Certainly, would bring a different perspective to the table.	Recommendation: Balanced stakeholder work group that can develop policies and guidelines. It is the only transparent way. This is the comanagement way!!	All parties on the LWBs' communications list, including GNWT-ITI were included in the distribution list for the public review of the Guides. The distribution list is available on the Item for Review on the Online Review System.
Aurora Geosciences: Gary Vivian	General comment!	General	Inclusion of all affected GNWT depts. I am unclear, but even at this late date, I wonder if the GNWT ITI dept has been included in this review. Certainly, would bring a different perspective to the table.	Recommendation: Balanced stakeholder work group that can develop policies and guidelines. It is the only transparent way. This is the comanagement way!!	

Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)

General Review

<i>Reviewer</i>	<i>Topic</i>	<i>Section of Guides</i>	<i>Reviewer Comments</i>	<i>Reviewer Recommendations</i>	<i>Draft Responses</i>
Paramount Resources Ltd.: Terence Hughes	"Should" statements and requests for non-required information	General	The documents contain a number of "should" statements or requests for non-required information.	Remove from the documents	In addition to setting out mandatory requirements, the Guides also include recommendations that are intended to assist applicants in gathering the information needed to address these requirements and minimize regulatory delays. The manner in which the requirements are met, and the potential for additional information requirements, may vary depending on the project details, the location, and the potentially-affected parties, so it is not possible to include definitive statements in all cases. Additionally, the Guides also provide information about the potential for authorizations or requirements from other organizations, which applicants may need in order to proceed with a project regardless of whether the Board issues a licence and/or permit.
Gwich'in Tribal Council: Amber Keegan	Draft Guides to the Water Licensing and Land Use Permitting Processes	General	<p>It is the opinion of the GTC that both documents do a good job of providing user guidelines for proponents seeking a water license and/or land use permit.</p> <p>However, neither guideline satisfactorily explains the role of the Land Owner, i.e., the GTC, administered through the Lands Department.</p> <p>Each guide must emphasize the requirement for Land Owner permission to access lands. The requirement is referenced briefly, but there is no section describing the importance of identifying the Land Owner and gaining their permission to access lands.</p>	<p>Given the important role of land in the Gwich'in culture, it is our opinion that the ownership of the land must be given more emphasis to promote understanding by those seeking to use the land.</p> <p>Furthermore, the guides should state that obtaining a Land Use Permit from the Land and Water Board is a permit for "use" but does not translate into permission to "access" private land.</p> <p>The GTC would like to see changes made to both guidelines that address the above concerns.</p>	Section 2 and the eligibility sections of both Guides have been updated to clarify that a permit/licence does not grant the permittee/licensee the right to access, occupy, or possess the land, and that the applicant must contact the landowner to obtain permission/authorization to access the lands. Additionally, a definition has been added for the term 'landowner.'
Yellowknives Dene First Nation: Machel Thomas	Engagement: Indigenous Engagement	General	While the documents note the requirement of engagement to both application processes, they do not emphasize the importance of indigenous engagement as a distinct component onto itself; it is bundle together with the other engagement.	The guidelines should put more emphasis on the importance of meaningful indigenous engagement. Both should describe the cultural significance of land to indigenous peoples to promote better understanding and cultural awareness among proponents	The MVLWB <i>Engagement and Consultation Policy and Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits</i> will be undergoing review and revision. All parties will be invited to submit review comments and recommendations as part of this process.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

General Review

Reviewer	Topic	Section of Guides	Reviewer Comments	Reviewer Recommendations	Draft Responses
Aurora Geosciences: Gary Vivian	Section 3.1 Pre-Application Form	3.1	Industry has been used by feds to free the responsibility up for consultation and the industry has done a good job of this. There needs to be an evaluation for a simpler process for a Class B Permit or the opportunity to address the quantity and quality of engagement required for the project. If the boards have any interest in addressing investor confidence issues in the NWT then they need to evaluate the heavy burden that has been placed upon proponents through the engagement process. There needs to be a simpler process for first phase exploration programs that have minimal or limited impact on the environment.	Recommendation: A staged approach to engagement needs to be considered in the pre-application portion of the permitting process. If the boards had capacity to evaluate the level of impact, maybe the first stages of exploration would not require heavy engagement.	
Paramount Resources Ltd.: Terence Hughes	Guidelines for Closure and Reclamation Cost Estimates for Mines	General	The documents states that these Guidelines developed for advanced mineral exploration, the processes and expectations described in the Guidelines are generally applicable to all projects.	Suggest removing, Paramount Resources Ltd. is of the opinion that they are not well suited for the Oil and Gas Industry	The information provided in the MVLWB/GNWT/INAC <i>Guidelines for Closure and Reclamation Cost Estimates for Mines</i> is not, for the most part, specific to mining projects and is quite broadly applicable. Although the RECLAIM model might not be applicable to all types of projects, there is an oil and gas RECLAIM model, so even this section of the Guidelines can inform the development of closure cost estimates for oil and gas projects.
Seabridge Gold: Jane Howe	Both guides - application checklists	3.3	The checklists will be useful. They should be provided as Excel or Word templates for each type of application (A/B LUP; A/B WL for each undertaking). They should include another column for the applicant to identify where to find this in the supporting document.	Board should provide Excel or Word templates for each type of application (A/B LUP; A/B WL for each undertaking)	The LWBs are considering this recommendation. In the interim, although they cannot be filled out electronically, applicants can print and use the current checklist pages in the Guides.
Dominion Diamond Mines ULC: Lynn Boettger	General Comment – Extension to Deadlines	4.2	Consider adding a section in this guide with information on how to ask the Board or Board staff for an extension to a comment deadline; both for reviewers and Applicants. This would help ensure consistency and provide much needed clarity for these types of requests.	See Comment	Information about extension requests has been added to section 4.1 in both Guides.
Dominion Diamond Mines ULC: Lynn Boettger	General Comment - Fees	General	Has there been any thought given to how application fees and related are being paid? Cheques are becoming an antiquated method for payment. Consider looking into EFT or some form of electronic banking for payment of all fees.	See Comment	The acceptable forms of payment are not determined by the LWBs.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

General Review

Reviewer	Topic	Section of Guides	Reviewer Comments	Reviewer Recommendations	Draft Responses
Seabridge Gold: Jane Howe	Both guides - Fees	General	The payment of application fees and usage fees is complex with several parties and intermediaries involved. Applicants are requested to submit separate cheques for applications and usage fees for each regulatory instrument. The Board should consider methods to streamline and simplify this process. Possible considerations should include: (1) Use of e-transfers; (2) Establishment of corporate accounts for payment of annual fees' and (3) improve the current one-window approach to allow applicants to submit all monies electronically to MVLWB for subsequent re-allocation based on Board decisions;	The Board should consider streamlining and modernizing the methods for transfer of monies related to application and usage fees.	The acceptable forms of payment are not determined by the LWBs.
Seabridge Gold: Jane Howe	Both guides - Fees	General	The process and methodology for collection of fees in advance is inconsistent between permits and licences. The approach can result in unnecessary refunds particularly when both federal and non-federal water licences are obtained. Fees for 2ha of land use are included (embedded) within the LUP application fee. Additional land use fees over and above 2ha are also collected in advance. In contrast, the water license fee is \$30 and all water use fees are calculated separate from the application fee. For consistency the Board should the make LUP application fee \$50 and calculate the total usage fee separately.	the Board should the make LUP application fee \$50 and calculate the total usage fee separately.	The legislated fees are not determined by the LWBs.
GNWT - ENR - EAM: Central Email GNWT	None	1.5	None	2) ENR recommends that the LWBs provide additional information on timelines related to reviews and performance assessments for this framework. This should include a description of how "affected parties, industry, and government" will be involved.	The LWBs have not yet developed the performance measurement framework.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

General Review

Reviewer	Topic	Section of Guides	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - ENR - EAM: Central Email GNWT	Topic 6: Performance Measurement Framework	1.5	Regarding Section 1.5, ENR isn't clear as to the format of the noted "performance measurement framework" related to monitoring and measuring the effectiveness of the Guide. Also, it isn't clear when this framework will be developed as it also mentions that it will describe how "affected parties, industry, and government will be involved in the review process."	1) ENR recommends that the Land and Water Boards (LWBs) elaborate on the format of the noted "performance measurement framework".	
Aurora Geosciences: Gary Vivian	3.2 LUP Application Form	3.2	Management Plans are a heavy burden to new proponents in the NWT. Clear and simplified management plans developed by a working group might make far more sense and then proponents could take that plan and mitigate it to what they see their issues are going to be. All plans still have to meet with board approval. There really isn't enough support.	Recommendation; Let's help proponents deal with the permitting process a little easier with established management plans that can be off-the-shelf and have the proponents mitigate the issues.	<p>To assist all applicants, clarify expectations, and improve consistency, the LWBs have been prioritizing updates to existing guidance and development of additional guidance documents, which includes additional information specific to particular types of projects where appropriate:</p> <ul style="list-style-type: none"> - The LWBs recently updated the permit and licence application forms, and the associated Guides to the land use and water licence permitting processes. - The LWBs have guidelines available for each of the management plans that are required with all applications, and these guidelines all contain templates or examples. - <i>Standard Land Use Permit</i> and <i>Water Licence Condition Templates</i> are now available on the LWBs websites. Additionally, applicants can access copies of permits and licences for similar types of applications on the LWBs' public registry. - The LWBs are working with the GNWT and other interested parties to develop guidance on water source capacity calculation. <p>This information is applicable to all types of applications, including mineral exploration, and while the LWBs will continue to evaluate the need for development of additional general guidance on an on-going basis, the LWBs currently have no plan to develop further guidance based on specific project types. If another party (e.g., the NWT and Nunavut Chamber of Mines or GNWT-ITI through its Client Services and Community Relations Division) was to take the initiative to build on the above-noted guidance documents to develop more specific management plan templates for their members/clients, LWB staff would be available to assist and review the templates; however, it should be noted that the LWBs will continue to assess each application on a case-by-case basis and will continue to conduct their standard public review process for each application.</p>

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

General Review

<i>Reviewer</i>	<i>Topic</i>	<i>Section of Guides</i>	<i>Reviewer Comments</i>	<i>Reviewer Recommendations</i>	<i>Draft Responses</i>
Dominion Diamond Mines ULC: Lynn Boettger	Land Use Permit Guide Engagement (Page 21) and Water Licence Guide (Page 16)	3.2	It is sometimes difficult to know whom or which organizations the Applicant should contact for pre-application engagement. As well, in some cases, the Applicant may not have the most recent contact information for the potentially affected parties. In the past the assistance of Board staff in determining this information has been necessary and appreciated.	Add into the text in this section that the Applicant can also contact Board staff for assistance with pre-application engagement lists and related information.	Section 3.2, items 14 (permits) and 19 (licences) in the Guides have been revised reflect this recommendation.

Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	General - split interests	General	Unlike the draft Guide to the Water Licensing Process, this Guide does not discuss "split-interest" projects. The Guide is a logical place to make available the results of the experience since Devolution with split-interest projects. For example, a project which is located on federal and public (Territorial or Commissioner's) land and meets the relevant thresholds would require one land use permit but two water licences. Note that split-interest projects are not restricted to federal-territorial splits; interests in play may include public governments, Indigenous governments, and fee-simple landowners.	Add a paragraph explaining how split-interest projects are addressed.	The LWBs generally only consider 'split-interest' projects as those that are located on both non-federal and federal lands, since there are different pieces of legislation governing the regulatory process for water licences on these two land types. Although other non-federal landowners/administrators may have different requirements and recommendations than the GNWT, the regulatory process itself is not impacted by these differences, because only one licence will be required. Information on split-interest projects with respect to permit applications has been added to section 2.1. The LWBs have also developed the MVLWB <i>Reference Bulletin: Split-Interest Projects</i> , which provides information on both licensing and permitting of split-interest projects.
INAC - CARD: Murray Somers	General - Document control (WL & LUP Guides)	General	Is this an update version of the October 2003 version that is currently on the MVLWB website? It would be helpful to describe where the changes/edits have been made and include a version control table so that future edits can be tracked and reviewers can quickly identify changes.	Add document control measures.	It is an update to the 2003 version; however, since the Guide has been significantly revised, a revision history table was not included. In this case, the LWBs' intent was for reviewers to consider the document in its entirety, rather than focusing on the revisions.
GNWT - Lands: Darren Campbell	General - land administration and control in the Mackenzie Valley, split interests	General	The Guide does not contain any general contextual information about land administration and control in the Mackenzie Valley. A brief overview would likely be useful for many readers.	Add a paragraph or two explaining topics such as the major "landowners" in the Mackenzie Valley, the 2014 delegation instrument from the Federal Minister to the Minister of Lands, the NWT Surface Rights Board, etc. The Department of Lands is available to review draft wording.	The LWBs agree that this information would be helpful. Because it may be useful in many other contexts, it should be provided separately from the Guides in order to make it easier to find for other users. If GNWT-Lands, as a key land administrator in the NWT, were to prepare an information or reference document, LWB staff would be available to review a draft.
GNWT - Lands: Darren Campbell	General - Northern Land Use Guidelines	General	The GNWT appreciates that the Guide refers to the various Northern Land Use Guidelines published by the Department of Lands.	N/A.	-
GNWT - Lands: Darren Campbell	General - updates to legislation, regulations, guidelines, policy, land use plans, etc.	General	The Guide refers to various legislation, regulations, guidelines, policies and practices that are subject to updating and revision. As well, new land use plans may be developed and approved in the Mackenzie Valley. All potential applicants, and all other readers, must be aware of the need to ensure that they have up to date information on these matters.	Add a caveat advising readers of the need to obtain current information on legislation, regulations, land use plans, guidelines, policies, practices, and other matters relevant to land use permitting.	A note about this has been added to the end of section 1.1 in both Guides.
GNWT - Lands: Darren Campbell	General - use of the term "Aboriginal"	General	The document uses the term 'Aboriginal.' Both the federal and territorial governments are now using the term "Indigenous," except when referring to asserted or established Aboriginal and/or Treaty rights. The GNWT acknowledges that the MVRMA uses the term "Aboriginal."	Consider using "Indigenous" instead of "Aboriginal."	A definition for Indigenous government/organization has been added to reflect the MVLWB <i>Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits and Rules of Procedure</i> .
Dominion Diamond Mines ULC: Lynn	General Comment – Land Use Permit Application Form	General	It is good to see that the application form itself has been worked on and updated to make it more user friendly to Applicants and Reviewers alike.	See Comment	-
INAC - Yellowknife: Dinah Elliott	Guide to Land Use Permitting Process - Format	General	The single column format is easier to read than the old 2 column format.	N/A	-

Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	Land Use Permitting Application Process Guide	General	None	None	-
GNWT - Lands: Darren Campbell	p. 21 Closure and Reclamation (first paragraph)	General	The term "larger projects" can be interpreted in multiple ways and is insufficiently precise.	Please consider including a definition for "larger project".	The use of this term is general and providing a definition would not be appropriate, since there are no legislated or policy thresholds separating large projects from small projects, and it is not the LWBs' intention to create such thresholds.
GNWT - Lands: Darren Campbell	p. 25, 34 - link to MVLWB Standard Land Use Permit Conditions Template	General	The version of the template linked to does not refer to Déline laws in condition 3.	Link to a version of the template that includes Déline laws in condition 3.	All links will be updated when the Guides are finalized.
GNWT - Lands: Darren Campbell	p.4 1 Introduction (paragraph after list of purposes)	General	This section should state that in some cases, to promote understanding, the Guide uses plain language terms which generalize text from the provisions in the legislation, regulations, application forms, etc.	Please expand this paragraph to state that some terminology in the Guide may not align exactly with the legislation and regulations and with detailed Board documents.	Legislative references are provided throughout the text, which allows reviewers to check the language in the legislation if they wish to do so.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	UNNUMBERED ADDITION BY CHAMBER OF MINES: REDUCE MANAGEMENT PLAN WORKLOAD FOR SMALL PROJECTS UNDER TYPE B LUP's	General	Many proponents have indicated there has been a significant increase recently in the requirements for management plans. This also creates significant increase in the requirement for record keeping. With the proposed increase in person-days that we propose for Type B permits to 1,000 person-days, and the clearer demarcation between smaller scale Type B LUP activities from Type A, there is opportunity to reassess the level of requirement for management plans for each level of work.	Recommend lower requirement for management plans for lower impact Type B LUP's vs Type A activity. Recommend risk analyses be conducted to determine the level of mitigations and management required for the actual risk of environmental impacts.	This information in this Guide reflects current permitting criteria as set out in the legislation. All applications must include a Waste Management Plan, Spill Contingency Plan, Closure and Reclamation Plan, and Engagement Plan; however, the level of detail that must be provided should reflect the nature and scale of the project. It should be noted that the information required in these plans is required whether it is provided in a management plan format or a less formal format. As noted in the Permit Application Form and the Guide, applicants for smaller projects can submit this information directly in the Application Form, rather than in stand-alone management plans. To provide a
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	UNNUMBERED ADDITION BY CHAMBER OF MINES: REQUIREMENTS FOR MANagements PLANS VS PROJECT SIZE AND IMPACT	General	Many members report that management plan requirements have grown overly onerous. We believe that the requirements are overkill for the level of risk arising from a low footprint activity, and that the requirements could be reduced if a risk assessment was conducted.	Recommend a risk analyses be conducted, which we believe would show that exploration is not so risky as to require all of the management plans demanded of a low footprint activity, and then reduce the requirements for those activities.	mechanism for applicants to propose changes to this information after permit issuance, however, the permit will include requirements for stand-alone plans; at the issuance stage, the Board will consider the information provided in the Application Form as equivalent to the required plan and will make a determination on whether the plan is approved. Additional management plan requirements (either at the application stage or following issuance) are more common for water licences than for land use permits, but in either case, the requirements are developed based on the evidence gathered during the regulatory process.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	UNNUMBERED ADDITION BY CHAMBER OF MINES: REQUIREMENTS FOR TYPE A VS B SIMPLIFIED	General	There are references to Socio-Economic Impact and Environmental Impact Assessment Guidelines to describe mitigations. Can we simplify the guides with a table that indicates what would be required for Type A vs Type B permits, eg, that proponents requesting Type B permits are not required to conduct Socio-Economic Impact and Environmental Impact Assessments.	Recommend addition of table to provide simplified list of requirements for Type A vs Type B permits.	The need to consider potential socio-economic and environmental impacts and develop appropriate mitigations applies to all types and sizes of projects, and is not specific to type A or B applications. The references provided are intended to assist applicants in considering and understanding the full range of potential impacts for any project. This will help the applicant anticipate questions and issues that may arise through pre-application engagement or through the public review of the application. Providing adequate information about potential impacts and associated mitigations reduces the potential for delays in the regulatory process. An impact-mitigation table has been added to the Application Forms and Guides to assist applicants in identifying the potential impacts from their project.
Dominion Diamond Mines ULC: Lynn Boettger	General Comment – Management Plans	General	Established projects will often have approved management plans in place. For a new project or project amendment it is common to need to update parts of those approved management plans. There is little indication in these draft documents how this is best handled. For example, what should be the version number, how is the change to the management plan best submitted (i.e. provide a full plan with the changes or only the parts to be changed). This can get confusing for all involved very easily.	Consider how changes to existing approved management plans are best presented with an application and add this information into these Guides.	Renewal and amendment sections in the Guides have been updated to be more clear that updated versions of documents should be attached to the application/request if changes are needed. Links to section 5.2 (where version numbering is addressed) have been also been added.
INAC - Yellowknife: Dinah Elliott	Guide to Land Use Permitting Process	Definitions	In the definitions section AANDC, INAC and CIRNAC are listed, only the definition of CIRNAC makes mention that INAC and AANDC are the former name of the department.	suggest indicating that AANDC and INAC are former names in their definitions.	Added as recommended.
INAC - CARD: Murray Somers	Acronyms and Definitions (WL & LUP Guides)	Definitions	CIRNAC is defined as well as INAC and AANDC but they don't all refer to the new name. I assume the older names are included to refer to publications under those names, however it would be more clear to confirm they are all the same Department.	For INAC and AANDC acronyms, add in the new Departmental name of CIRNAC.	Added as recommended.
Seabridge Gold: Jane Howe	Both guides	Definitions	The definition of "advanced exploration" can be found in the 2017 Guidelines for Closure and Reclamation Cost Estimate for Mines. This definition, and by corollary a definition for "non-advanced exploration" or "early-stage exploration" should be incorporated into the guidelines to assist applicants to understand the expectations.	The Board should define "advanced exploration projects" and "non-advanced exploration" in order to clarify permitting/licensing expectations for these types of projects	Although the intent of this recommendation is understood, it would not actually serve any purpose to add this definition to these Guides, because this definition is not tied to legislated project categorization or licensing criteria, and the Guides do not set out any specific expectations based on this definition. Additionally, it should be noted that the definition provided in the referenced Guidelines describes typical advanced exploration activities, but does not set a specific threshold.
GNWT - Lands: Darren Campbell	p.3 Definitions	Definitions	Landowner is not included in the list of definitions, but appears several times in the Guide.	Add a definition of landowner.	The definition from the MVLUR has been added.
GNWT - Lands: Darren Campbell	p.3 Definitions "local government boundaries"	Definitions	"Local government boundaries" is not included in the list of definitions.	Suggest adding definition of "local government boundaries" to definitions.	Rather than creating a definition for this term, the definition in the MVRMA for "local government" has been added for clarity.

Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	p.3 Definitions "Minister"	Definitions	The definition refers to the Minister of Environment and Natural Resources and does not mention the Minister of Lands.	Delete reference to Minister of ENR; add reference to Minister of Lands.	Revised as recommended.
GNWT - Lands: Darren Campbell	p.3 Definitions	Definitions	Private/settlement lands, Tii?cho lands and Déline lands are not included in the list of definitions.	Consider adding private/settlement lands, Tii?cho lands and Déline lands to the list of definitions.	These definitions have not been added. Although there are references in the MVRMA that could be included here, they are simply references to the applicable agreements, so applicants would still need to go to the agreements for more information. Where relevant, the Guides refer the applicant to the LWBs' maps webpages, which include maps outlining these land types (noting that Deline lands are not depicted on these maps).
Seabridge Gold: Jane Howe	Both guides, use of terms such as "small-scale project" and "smaller project"	Definitions	The term "small-scale project" is used through-out both guidelines as well as on the LUP/WL application forms. The guides and forms suggest that applicants for small-scale projects may not be required to provide certain information, or that less detailed information may be required. It would be helpful if this term could be defined so that applicants can better understand the submissions expectations.	The Board should define "small-scale projects" in order to clarify permitting/licensing expectations for these types of projects	The use of this term is general and providing a definition would not be appropriate, since there are no legislated or policy thresholds separating large projects from small projects, and it is not the LWBs' intention to create such thresholds.
Paramount Resources Ltd.: Terence Hughes	Small-scale projects	Definitions	The documents reference the term small scale projects which are exempt from some requirements under the guidelines. No definition of small scale projects is provided	Provide a definition for small scale projects.	
GNWT - Lands: Darren Campbell	p.3 Definitions "Traditional Knowledge"	Definitions	The definition does not mention Indigenous peoples.	Revise the definition to include Indigenous peoples.	The current definition is consistent with other LWB policies and guidelines.
INAC - CARD: Murray Somers	Acronyms and Definitions (WL & LUP Guides)	Definitions	"Toilet wastes" are defined but not referred to within the guide. Suggest simply using blackwater.	Remove "toilet waste" from the definitions.	Toilet waste is defined because it is used in other definitions (sewage and greywater), and these definitions are consistent with other LWB guidance and standard condition templates.
GNWT - Lands: Darren Campbell	p.3 Definitions "water licence"	Definitions	The definition does not contain any reference to the sections in the MVRMA and Waters Act that require a water licence.	In addition to the regulations referred to, add to the definition references to s. 10 and 11 of the Waters Act and s. 72 and 72.01 of the MVRMA.	The current definition is consistent with other LWB policies and guidelines, and the recommended addition does not add clarity to the definition.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	1.1 Purpose - As stated, the MVRMA and the MVLUR are the authority in any case where there is a conflict or inconsistency between this guide and the legislation.	1.1	This is a huge problem with the stated purpose. Right now, there is no ownership in this legislation and the boards are not being held accountable for policy changes that are creating significant uncertainty for proponents.	GNWT needs to own this legislation or the feds have to assume some accountability for the issues that are being caused. Ex. All of a sudden, bathymetry requirements on lakes are being pushed onto proponents. Where is the transparency in these policies? If industry wants to complain, the feds don't care. Devolve the MVRMA to the GNWT so northerners can affect change. There should be a freeze on changing any more policies until the legislation can be owned by the GNWT/or with policy change - include industry, indigenous groups and the appropriate gov't depts in the "transparent" process.	This recommendation is outside of the scope of this Guide. The LWBs note that the operational dialogue workshop held in March, 2020, and subsequent action items and future meetings, provide an opportunity to discuss these larger issues.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	1.1 Purpose needs additional items.	1.1	As worded, the current purpose could fit a guide for bank robbers and still be valid (being facetious to make the point), eg: efficiency, certainty, consistency, and transparency. What is missing is why, ie, so as to protect the environment.	Add another purpose along the intent of these lines: "Reasonable and practical actions that are risk based and that a risk assessment demonstrates is required to protect the environment from significant adverse impacts." It is our belief that there is mismatch between some requirements and potential effects on the environment, so that companies are being asked to take too many actions for the actual risk to the environment. It's like requiring 4 spare tires in every car, just in case all spares go flat. Sure, it's safer, but it's very expensive, and totally unnecessary.	As currently stated, the purpose of the Guide is accurate. The Guide reflects and provides information about underlying LWB policies but it is not a policy document. Accordingly, the Guide itself is not intended to protect the environment or evaluate risk.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	1.2 Authority	1.2	Sections 65, 102 and 106 of the MVRMA grant the Board the authority to develop and implement policies and guidelines. Under a normal policy or guideline, stakeholders (all) should be afforded the opportunity to address any new policy, especially if they haven't had any input on the acceptance of that policy. No accountability with the boards and it is obvious to most that the boards are not showing the capacity to evaluate the cost their decisions are having on the proponent. Who is bringing balance to these decisions??	We have a very good co-management system in the north. It includes the opportunity for all stakeholders to have input. This is not the case for policy-making decisions at the boards. This has to change. Investor confidence is gone and the boards are doing nothing to gain trust.	The Guide reflects and provides information about underlying Board policies but it is not a policy document. All parties were invited to submit comments and recommendations on the Guides through the public review process. These comments and recommendations will be considered by the LWBs during finalization of the Guides, and any comments and recommendations that relate to other Board guidance documents will be noted for future revisions to the relevant documents.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	1.3 How this guide was developed	1.3	Fully support consistency between all the Boards.	Recommend you never lose this requirement to make all Boards requirements consistent.	-
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	Section 1.3 – Para 3	1.3	A reference is made to "another one of the teams", but it is the same team as defined in paragraph 2 – "Water Licencing Team".	Indicate the correct team in paragraph 2?	This reference has been updated.

Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	1.5. Monitoring and Performance Measurement for this Guide	1.5	Part of monitoring and measurement should include measuring the guide and the Boards' requirements of investors/proponents. The NWT continues to face flagging mineral exploration investment, and actions of the Boards to apply new and onerous requirements (often not required elsewhere, eg, bathymetry) are not helping create clarity and certainty in the investment climate. We are not aware of any work by the boards to monitor investment against their requirements, and then to alter their work based on the plan-do-check-act feedback loop.	The Boards too have an obligation through their policies, requirements and actions in applying the MVRMA to protect the "economic well-being of residents and communities in the Mackenzie Valley". Using a plan-do-check-act feedback loop to adjust their actions can help. Recommend Boards learn how their actions, and particularly those that are contrary to other jurisdictions' requirements like bathymetry requirements, are affecting investment, and adjust where justified. This can be assisted by conducting a risk analysis to determine if those requirements bring any added value to protecting the environment vs alienating investment.	The LWBs have not yet developed the performance measurement framework.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	Table 1. Type B permit.	2	The Type B permit limits should be changed. Eg, with a small drill weighing less than 2.5 tonnes a company could drill for three months easily in the summer, and have very negligible effects on the environment. However, this would require a camp exceeding the 400 person-day limit and push the company to getting a Type A LUP. This then requires significantly more mitigations from the company for risks that really aren't there. Type A for this work is overkill. Also, if you have a 12 person camp doing prospecting and sampling for 35 days, you also exceed 400 person-days. This means a Type A permit is required. Thus the guide restricts the season for a simple, non-impact exploration program, since a Type A would be overkill for it too. The current system is forcing everyone to an overly onerous Class A permit when the type of work and its impact on the environment is minimal, and doesn't match.	Recommendation: Conduct a review with all stakeholders and inspectors to address the person-day considerations for a Class B LUP. Recommend the person-day limit on a Class B Permit be increased to 1,000 person-days and charge the appropriate bond for the work being applied for. Example: A company applies for a Type B permit to use a small Hydracore 1000 drill rig which weighs less than 5,000 lbs, but they can only drill for 30-35 days because of the person-day limit. This dissuades lengthier exploration programs. Recommend that the overly precautionary principle approach be replaced by risk analysis to substantiate an increase in person-days under a Type B LUP.	The permitting criteria are set out in the MVLUR, so discussions regarding changes to permitting criteria are outside of the scope of this Guide.
SNC Lavalin: Daisy Lung	LUP Guide section 2.1 (MVLUR sections 4 & 5)	2.1	Environmental drilling for the purpose of assessing the presence or absence of contaminants in soil or groundwater requires the use of truck mounted drilling rigs with a weight of approximately 20 tonnes. Boreholes (generally 150 mm to 200 mm diameter) are typically advanced to depths of between 3 and 20 m, and are commonly completed with 51 mm diameter monitoring wells. At the conclusion of all work, the wells may be decommissioned and the boreholes backfilled with bentonite or grout (or alternative method accepted by the regulators). The permitting process to enable this drilling to occur takes time and with the relatively short investigation season, it could be a hindrance to completing environmental investigations in a timely manner.	Propose that environmental drilling investigations to determine potential extents of soil or groundwater contamination, if any, on developed, privately-owned properties be exempted from the land use permitting process. This is proposed as environmental drilling is typically completed at shallow depths to determine impacts, if any, from shallow or surficial contamination sources.	

Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
Aurora Geosciences: Gary Vivian	Table 1. Type B permit.	2.1	The Type B permit limits need to be addressed. Let's face it, with a small drill weighing less than 5,000 lbs a company could drill for three months easily in the summer. The 400 man day limit is unacceptable and why there are no Class B LUPs. If you have a 12 man camp doing prospecting and sampling for 35 days, you are done. To require a land use permit for this is ridiculous. The current system is forcing everyone to the Class A permit and it is a time limit thing, not type of work being done which is just wrong.	Recommendation; A review with all stakeholders and inspectors to address the man day considerations for a Class B LUP. 400 man days is a GSC summer camp for a month and a half. If we are going to encourage investment but still hold proponents accountable, the man day limit on a Class B Permit should be 1000 man days and charge the appropriate bond for the work being applied for. EX.- A company applies for a Type B permit, uses a small hydrocraore 1000 which weighs less than 5,000 lbs and then they can only drill for 30-35 days. This should tell you something.	
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	Section 2.2 Activities that do not require a LUP.	2.2	Final bullet states: Anything done in the course of prospecting, staking or locating a mineral claim. This is not sufficient or clear enough.	Recommendation: Broaden and clarify this statement to include other negligibly impactful exploration activities that currently require a Type B LUP, so that a LUP is not required, eg: conducting airborne or ground geophysical surveys, geochemical surveys, etc.	
Fortune Minerals Limited: Rick Schryer	Roads in LUP guidance document	2	Roads need to be a specific activity listed in this guidance document	In LUP guide, add "Roads" to section 2 and to the list in Table 2	There are no permitting criteria set out in the MVLUR for roads on lands within local government (i.e., municipal) boundaries, so it would be incorrect to add roads to Table 2. Roads have not been added to the lines, trails, and rights-of-way bullet in Section 2, because 'road' has a very specific definition in the MVLUR, and as defined therein, roads do not require a permit. For clarity, the legislated definition for roads has been added to the Definitions section, and an explanatory footnote has been added to Section 2.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	Table 2.	2	Roads are missing in this table.	Add roads.	
Aurora Geosciences: Gary Vivian	Table 2.	2.1	Roads are missing in this table.	Add roads.	
GNWT - Lands: Darren Campbell	p.10 2.2. Activities That Do Not Require a Land Use Permit (first bullet)	2.2	The Guide does not discuss whether land use permits are required for activities on land managed by the GNWT under the Territorial Parks Act and the Protected Areas Act. This type of information is useful for readers who may not be familiar with the details of these statutes.	For greater certainty, suggest adding a bullet to section 2 to clarify that a land use permit is required for activities on land managed by the GNWT under the Territorial Parks Act and the Protected Areas Act, if those activities exceed the thresholds in the Mackenzie Valley Land Use Regulations.	This information has been added to section 2 with a footnote explaining that not all activities are allowed under these Acts.

Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
Aurora Geosciences: Gary Vivian	Section 2.2 Activities that do not require a LUP.	2.2	Final bullet states: Anything done in the course of prospecting, staking or locating a mineral claim. This is not sufficient or clear enough.	Recommendation: This statement should also include: and under the requirements of a Type B LUP. There are things that can be done without requiring a LUP, like flying an airobrme, ground geophysics , etc. Many things that are under the auspices of needing a Class B LUP.	It is noted at the top of the bulleted list that the listed activities can be conducted without a permit unless a permit is required due to exceeding other permit criteria.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	Section 3: Applying for a Land Use Permit	3	Like the idea of a checklist. There is no mention of risk based and risk to the environment of exploration activities, eg: "The amount of information that the Boards require in an application package depends on the size, scale, and nature and risk to the environment of the project being proposed.	None	Risk assessment is part of the preliminary screening process, and is considered by the LWBs in assessing applications and developing permits and licences. An impact-mitigation table has been added to the Application Forms and the Guides to assist applicants, reviewers, and the Board in identifying potential impacts associated with a project. Proposed mitigation measures should take into account the level of risk associated with the identified potential impacts.
INAC - Yellowknife: Dinah Elliott	Guide to Land Use Permitting Process - Section 3.1 and Section 3.2 - 19 and Guide to Water licensing Process - Section 14	3.1	"Contact GNWT-Lands for assistance in notifying other lease holders;"	Recommend adding a note to contact CIRNAC Lands for federal land	CIRNAC has been added as recommended. These sections have also been updated to be more clear about the purpose of this contact.
INAC - CARD: Murray Somers	Notifications - federal third parties (p. 11 LUP Guide, pg. 16 WL Guide)	3.1	Both WL & LUP guides suggest that "Applicants should contact GNWT-Lands to assistance in notifying lease holders." However, if the activities are on federal lands, then CIRNAC Lands should be contacted to identify and engage with lease or reserve holders. Note that CARD has reserves for all of the federal exclusions associated with contaminated sites, and therefore should be engaged with early on in the process.	Expand the engagement section to clarify requirements to engage CIRNAC Lands if operations are on or near federal lands.	CIRNAC has been added as recommended. These sections have also been updated to be more clear about the purpose of this contact.
Dominion Diamond Mines ULC: Lynn Boettger	Land Use Permit Guide - Corporate Registries (Page 13, #2) and Water Licence Guide (Page 10, #2)	3.1	As it is necessary, for a company, to obtain a corporate registries certificate in order for an application to be deemed complete the requirement for a certificate from Corporate Registries should appear in the list for section 3.1 Pre Application Information for completeness purposes as it is something a company would need prior to applying for a Land Use Permit or Water Licence.	Add the requirement for companies to be in good standing and registered with GNWT Corporate Registries to do business in the Northwest Territories, and provide a copy of their current NWT Certificate of Registration in the application package to section 3.1 Pre Application Information, page 11 of the Land Use Permit Guide. Note that this does appear in the Water Licence Guide checklist table.	Added to list in section 3.1 in both Guides.
Paramount Resources Ltd.: Terence Hughes	Guide to the Land Use Permitting Process Section 3.1 Page 11 Security	3.1	Documents instructs proponents to "Develop a closure cost estimate to understand how much security might be required;"	Section 32 of the Mackenzie Valley Land Use Regulations outline an array of information that are to be considered when setting security amounts. Proponents should be requested to submit that information as well. The security estimate is just one element isn setting the security amount for a Land Use Permit and/or Water Licence	The closure cost estimate templates/models take into account the information items listed in section 32.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	p.11 3.1. Pre-Application Information (fourth bullet)	3.1	There is no requirement in the MVRMA or MVLUR for an applicant to have obtained or be in the process of obtaining all required authorizations when they apply for a land use permit.	The reference should be to "have been obtained, are in the process of being obtained or will be obtained." See comments on p.15 - 6 Rights and/or Contracts to Support Eligibility below	This bullet has been revised to more clearly express the purpose of this approach. Items 5 and 6 in section 3.2 have also been revised to be more clear about the distinction between eligibility information requirements and other authorizations that may be required by other organizations. Other authorizations may be required by other authorities prior to commencing operations (regardless of whether the permit has been issued), so it is in the applicant's best interest to be aware of and be in the process of obtaining any required authorizations, but these authorizations are not required for application completeness unless they are related to proof of eligibility.
GNWT - Lands: Darren Campbell	p.11 3.1. Pre-Application Information (sixth bullet)	3.1	The bullet implies that applicants must contact the applicable Land Use Planning Board or Tlicho Government to discuss conformity with relevant land use plans. There is no requirement in the MVRMA for an applicant to do this. Rather, it is the responsibility of the regulatory authority to complete the conformity check with relevant land use plans per (47(1) (a) of the MVRMA.	The GNWT recommends deleting the 5th bullet, or revising to clarify that it is suggested but not mandatory. And should read: "[...] proponents should refer to a land use plan as early as possible when and land use activities are being contemplated to ensure that the proposed land use activity is an allowable use, and provide sufficient evidence that conformity requirements are considered early in project design."	It is responsibility of the regulatory authority to complete the conformity check; however, to avoid delays, it is in the applicant's best interest to ensure their project is in conformity with any applicable land use plan prior to applying for a land use permit. The best way for the applicant to accomplish this is to contact the LUPB or the TG, as applicable.
GNWT - Lands: Darren Campbell	p.11 3.1. Pre-Application Information (fifth bullet)	3.1	There is no requirement in the MVRMA or MVLUR to notify any leaseholder prior to applying for a LUP unless the applicant will need to access their lease site. Also, the applicant for a LUP won't necessarily have a lease. This bullet signals that the GNWT is the sole government with any leases or interests that may require notification. Though it is most often the case, it is not always that way and is not reflective of the jurisdiction of the Indigenous land owners and the federal government.	This bullet should be updated to reflect the various landowners that may have issued interests in the land: "Depending on the location of the land use activities, there may be other interest holders that should be contacted if access to their property is required. The federal, territorial, local and/or Indigenous government with ownership and/or administration and control of the lands on which the proposed project would be located can be contacted to determine whether there are any lease or other existing interests within the area of the proposed project. In particular, if any leases in the proposed area of a land use project do exist, then some form of consent from or agreement with the lessee(s) or an order from the Surface Rights Board will be necessary."	This bullet is actually related to engagement with potentially affected parties, not about access consent or agreement. Lease information is not public, so the applicant must contact the GNWT/CIRNAC for assistance in contacting potentially affected lease holders. The bullet has been revised and moved up below the engagement bullet to make this link more clear and to include CIRNAC.
GNWT - Lands: Darren Campbell	p.11 3.1. Pre-Application Information.	3.1	This section outlines the information that must be completed before submitting an application to the board. However, there are no references to the applicable sections of the MVRMA or MVLUR which give the land and water boards the authority to require this information.	Suggest reviewing this list to separate required information from "suggested" information and adding legal references where applicable to support.	Applicants should use the Application Completeness Checklist in section 3.4 to ensure their application package contains all of the required information. The list provided in this pre-application section is intended to help the applicant gather and prepare the information needed to complete their application package. Many of items in this pre-application list are not actually information requirements but involve contacting other agencies to determine what is required. Additionally, many of items in the list state 'if applicable/necessary.'

Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	p.12 3.1. Pre-Application Information (seventh bullet)	3.1	The GNWT is aware of recent applications that have been deemed complete and posted for public review without a closure cost estimate having been included in the materials circulated for public review.	As recommended above, distinguish legally required from suggested information. Clarify the Boards' expectations about applicants providing closure cost estimates.	In the past, the LWBs only requires closure cost estimates for water licence applications; however, upon finalization of this Guide, this policy will also apply to land use permit applications. This policy is intended to improve consistency and ensure that the Boards have adequate evidence to set appropriate security requirements.
GNWT - Lands: Darren Campbell	p.12 3.1. Pre-Application Information (sixth bullet)	3.1	This bullet currently reads as though a land use plan will be in effect in every case.	This bullet should be prefaced with: "If there is a land use plan in effect...." Please consider adding a footnote reference to section 46(1) of the MVRMA.	Added 'if applicable' to improve clarity. The recommended reference would not add clarity to this item. A reference to section 61 of the MVRMA is included in item 19 of section 3.2, where more detail about land use plans is provided.
GNWT - ENR - EAM: Central Email GNWT	Topic 1: Land Use Permit Process Document: 3.1 Pre-Application Information- Wildlife Management and Monitoring Plan (WMMP)	3.1	Section 3.1 directs proponents to "Contact GNWT- Environment and Natural Resources for guidance on whether a Wildlife Management and Monitoring Plan may be required. If applicable, a requirement for this Plan may be included in permit conditions". As the requirement for a WMMP will be determined by the Minister of ENR based on the Wildlife Act and its regulations, there is no reason for a WMMP requirement (as such under the Wildlife Act) to ever be included in permit conditions. A Land and Water Board could, however, impose specific substantive and/or procedural requirement in relation to wildlife habitat, outside of a WMMP, in Land Use Permit or Water Licence terms and conditions.	1) Delete the second sentence that states "If applicable, a requirement for this Plan may be included in permit conditions". This sentence is also in section 17 and should be deleted.	The sentence has been deleted as recommended.
GNWT - Lands: Darren Campbell	p.12 3.1. Pre-Application Information Wildlife Management and Monitoring Plan (Potential Environmental Impacts of the Project and Proposed Mitigations), (ninth bullet and end of 17)	3.1	See comments submitted by ENR	See comments submitted by ENR	
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	Section 3.1 Pre-Application Form	3.1	Industry has been used by feds to free the responsibility up for consultation and the industry has done a good job of this. There needs to be an evaluation for a simpler process for a Class B Permit or the opportunity to address the quantity and quality of engagement required for the project. If the boards have any interest in addressing investor confidence issues in the NWT then they need to evaluate the heavy burden that has been placed upon proponents through the engagement process. There needs to be a simpler process for first phase exploration programs that have minimal or limited impact on the environment.	Recommendation: A staged approach to engagement needs to be considered in the pre-application portion of the permitting process. If the boards had capacity to evaluate the level of impact, maybe the first stages of exploration would not require heavy engagement.	The MVLWB <i>Engagement and Consultation Policy</i> and <i>Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits</i> will be undergoing review and revision. All parties will be invited to submit review comments and recommendations as part of this process.

Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	Section 3.1, bullets 2, 4-6, 9-10); 3.2, 5; Section 3.2, 6; and Section 3.2, 19	3.1	These sections assume an owner of a licence of occupation (e.g. a mineral claim holder) is aware that any substantial activity by the mineral claim holder requires months of pre-planning and engagement prior to a permit application to the MVLWB or other regional board. In most jurisdictions the permit requirements are self evident as the permit is issued by the same regulatory authority that gave out the licence to occupy. In the NWT there is a wide disconnect between the issuer of the licence (NWT Mining Recorder) and the issuer of the permit (MVLWB, et. al.).	The MVLWB should not assume that an owner of a licence to occupy issued by the Mining Recorder will know the Land Use permitting processes. It is imperative that the permitting requirements, including this Guide, and in particular the 'Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits', are given to the mineral rights applicant at the time the Mining Recorder issues the right to occupy (mineral claim). Otherwise the 3 – 12 months indicated in the Engagement Guidelines for engagement activities will result in an unexpected costly time delay on exploration work. A seamless communication bridge needs to be built between the Lands and Water Boards and the Mining Recorders office so new rights holders are forewarned of their obligations.	The LWBs maintain public websites that provide all of the information required for applicants, and LWB staff are available to assist all applicants in determining what is required. The waste management, spill contingency planning, closure and reclamation, and engagement Guidelines available on the LWB websites all contain templates or examples that can be used by applicants to develop these required plans. The Mining Recorder or the NWT Chamber of Mines (as the most likely first points of contact for these applicants) can direct applicants to access the LWBs guidance documents on the LWBs' websites and assist with connecting applicants with LWB staff. If another party (e.g., the NWT and Nunavut Chamber of Mines or GNWT-ITI through its Client Services and Community Relations Division) were to take the initiative to build an information package and/or management plan templates for mineral exploration/mining applicants, LWB staff would be available to assist and review the package.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	3.2 LUP Application Form	3.2	Management Plans are a heavy burden to new proponents in the NWT. Clear and simplified management plans developed by a working group might make far more sense and then proponents could take that plan and mitigate it to what they see their issues are going to be. All plans still have to meet with board approval. There really isn't enough support.	Recommendation; Let's help proponents deal with the permitting process a little easier with established management plans that can be off-the-shelf and have the proponents mitigate the issues.	
INAC - Yellowknife: Dinah Elliott	Guide to Land Use Permitting Process - Section 3.2	3.2	This section walks through the sections of the permit application. The formatting of the headings of the permit sections matches the section headings of the document closely making it a bit unclear that they are the titles of the sections of the application.	Change the headings. For example instead of "19. ADDITIONAL SUPPORTING INFORMATION" "Application Section 19. ADDITIONAL SUPPORTING INFORMATION" might make the document flow better.	The headings have been revised as recommended.
GNWT - Lands: Darren Campbell	p.12 3.2. Completing the Land Use Permit Application Form (first bullet)	3.2	This bullet does not set out all circumstances in which a LUP application will need to be submitted to MVLWB, as opposed to the GLWB, SLWB or WLWB.	There should also be a reference to a LUP application for a project that is likely to have an impact on the lands and/or waters managed by two boards or within two regions needing to be submitted to MVLWB as per s. 103(1)(a) of the MVRMA.	Added 'potential impacts' to the transboundary information in the first bullet of section 3.2.
INAC - Yellowknife: Dinah Elliott	Guide to Land Use Permitting Process - Section 3.2 Section 4	3.2.4	It might be beneficial to list the land types that are on the application form.	Listing the land types in the guide makes it easier to understand without having to cross reference with the application form.	This section of the Guide is specifically intended to provide additional information to assist applicants in filling out the Application Form. It is not intended to re-iterate the Form.
GNWT - Lands: Darren Campbell	p.14 3.2. Completing the Land Use Permit Application Form 4 Land Types	3.2.4	see comment above under General - land administration and control in the Mackenzie Valley	see comment above under General - land administration and control in the Mackenzie Valley	-

Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	p. 14 5 Eligibility (second sentence)	3.2.5	The current wording inaccurately suggests that a land use permit could be a form of tenure in certain instances. The phrase "the permit itself will authorize the permittee to use the land" is in disagreement with the following clause that states that a permittee cannot actually use the land without an additional access permission from the landowner.	GNWT recommends changing this language to something similar to "The permit authorizes the 'use' of the land, or the project/activity itself, but does not provide any right to access, possess, or occupy the land itself; this must be sought and received from the relevant landowner, such as the GNWT or an Indigenous government."	This sentence has been updated to be more clear.
GNWT - Lands: Darren Campbell	p.14 5 Eligibility (third sentence)	3.2.5	The current wording is too broad, does not convey the key points clearly, and inaccurately suggests that an applicant must be in the process of obtaining all required authorizations when applying for a land use permit.	The reference to "... should contact federal, territorial, local and Indigenous governments and other parties and other parties to ensure all appropriate rights, authorizations, permissions, dispositions, and contracts have been obtained or are in the process of being obtained," should be replaced with: "...should contact the federal, territorial, local and/or Indigenous government with administration and control of the land on which the proposed project would be located to determine what, if any, tenure is required for the proposed project and whether any lease(s) exist within the area of the proposed project".	Items 5 and 6 in section 3.2 have been revised to be more clear about the distinction between eligibility information requirements and other authorizations that may be required by other organizations. Other authorizations may be required by other authorities prior to commencing operations (regardless of whether the licence has been issued), so it is in the applicant's best interest to be aware of and be in the process of obtaining any required authorizations. This is not required for application completeness.
GNWT - Lands: Darren Campbell	p. 15 5 Eligibility (Roads) (section)	3.2.5	This section contains detail and representations about permissions and instruments issued by landowners. The form, type, and contents of permissions, land dispositions, and other instruments issued by the several landowners in the Mackenzie Valley can vary and be subject to change at the discretion of the landowners. An affirmative disposition or instrument may even not always be necessary. In essence, for s. 18(b) of the MVLURs, a proponent must only demonstrate to a Board that it has or is in the process of obtaining the legal right to enter, occupy, and/or possess the land on which it proposes to carry out its project; through what instrument, general statutory right, or other means this is done is immaterial so long as these substantive rights are held by the proponent. GNWT-Lands intends to provide guidance on its own system of permissions on its website to help clarify these issues on its end.	To avoid conflicting or outdated information, the Guide should be framed in more general terms that speak to the rights a proponent needs to hold to be eligible under s. 18 rather than the specific media or contents thereof through which these rights can be conveyed.	The subsection on roads has been removed. Applicants are directed throughout the Guide to contact the landowner to determine what interests/access rights might be required for all components of a proposed project.
GNWT - Lands: Darren Campbell	p.15 5 Eligibility (Roads) (second sentence of second paragraph)	3.2.5	This sentence is somewhat awkward and confusing. There is no apparent reason why a land and water board needs to be provided with a copy of a licence of occupation for an access road if the access road is for a resource project. The party with administration and control of the land rather than the land and water board would need to make the decision as to whether a proposed subsequent user of the access road needs to obtain tenure and/or enter into a user agreement.	This sentence should be deleted.	

Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	p.15 5 Eligibility (Roads) (first paragraph)	3.2.5	The first sentence is not accurate, in at least certain cases on lands under the administration and control of the GNWT. Further, the policies of Canada, the GNWT, local governments and Indigenous governments could change at any time.	The current first paragraph should be replaced with the following: "The applicant should contact the federal, territorial, local and/or Indigenous government with administration and control of the land on which the proposed access road will be located to be advised of what, if any, form(s) of tenure will be required."	
GNWT - Lands: Darren Campbell	p.15 6 Rights and/or Contracts to Support Eligibility (final paragraph)	3.2.6	The final paragraph indicates that an applicant should be in the process of applying for all other required authorizations at the time of applying for a land use permit, however, there is no such legal requirement. See comment above on 3.1. Pre-Application Information, fourth bullet.	The reference to "... should be obtained, or be in the process of being obtained..." should be changed to "... should be obtained, be in the process of being obtained or subsequently be applied for..."	Items 5 and 6 in section 3.2 have been revised to be more clear about the distinction between eligibility information requirements and other authorizations that may be required by other organizations. Other authorizations may be required by other authorities prior to commencing operations (regardless of whether the licence has been issued), so it is in the applicant's best interest to be aware of and be in the process of obtaining any required authorizations. This is not required for application completeness.
GNWT - Lands: Darren Campbell	p.15 6 Rights and/or Contracts to Support Eligibility (second sentence of first paragraph)	3.2.6	The wording of the second sentence of the first paragraph could be improved. A water licence is not relevant for determining eligibility, so there is no basis for requiring an applicant to refer to a water licence if they hold one.	This sentence should be changed to state: "If the applicant is applying for amendment or renewal of a land use permit, the current land use permit should be referenced."	The information requirements in this item are consistent with item 5 of the legislated Application Form in Schedule 2 of the MVLUR ("Other rights, licences or permits related to this permit application (mineral rights, timber permits, water licences, etc."). While maintaining this consistency, this section of the revised Application Form and the Guide has been revised to emphasize proof of eligibility and to distinguish between proof of eligibility and other authorizations.
GNWT - Lands: Darren Campbell	p.15 7 Permit Type and Criteria (second sentence)	3.2.7	The wording of this sentence could be clearer.	This sentence should be changed to: "Note that although not all project activities will exceed permitting criteria, if a permit is required, it will apply to all project activities that are not grandfathered under s. 152 of the MVRMA."	Adding the recommended wording could detract from the purpose of this sentence, which is to make applicants aware that the permit will apply to all project activities, including those that are below permitting criteria, not to draw attention to grandfathered activities.
Aurora Geosciences: Gary Vivian	8. Project Description	3.2.8	A description of the general locations of drill holes. This is too general. This needs a better description of what is, or might be, expected.	Recommendation: Language clarity. General locations should be given just like a project area with a min and max N and E UTM coords. As long as coordinates are passed on to the inspector prior to drilling a collar, any further requirement should be null and void. General needs to be clarified.	This has been revised to 'general areas' rather than 'general locations,' since coordinates for specific drill holes are not required at this stage. Exploration projects can occur over a large area, and in order for reviewers to provide comments and recommendations on potential impacts during the public review of the application, general areas where drilling may occur must be identified at the application stage. The <i>Standard Land Use Permit Conditions</i> include a condition requiring the permittee to submit maps of drill hole locations prior to commencing drilling. This condition accounts for the fact that specific drill hole locations are often not known when an application is submitted.

Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	8. PROJECT DESCRIPTION	3.2.8	A description of the general locations of drill holes. This wording is vague and needs a better description of what is, or might be, expected. Drilling can change dramatically during the course of a regional drill program (largely depending on previous results, modified exploration strategies, availability of funds, etc).	Recommendation: Clarify the language so that general locations need only be given just like a project area with a min and max Northing and Easting in UTM coordinates. Recommend too that coordinates need only be passed on to the inspector prior to drilling a collar, without any further requirement. Recommendation: Allow for the necessary flexibility in drilling during the course of the program. Establish general areas so as to not hamper the process given the relatively short summer drill season. Proponents can work (as is the current practice) with the inspector regarding UTM locations of drillhole locations.	
GNWT - Lands: Darren Campbell	p.16 PROJECT DESCRIPTION (Project Description, Bullets 4-7)	3.2.8	Bullets 4-7 in Project Description lists the requirement for a description of the general location of all drill holes. The mineral exploration industry determines location sites for core drilling based on the results of the previously drilled sample results. Therefore it can be very difficult to predict information at the application stage for the duration of the permit on the "general location" of drill holes.	The Guide should acknowledge the difficulty of predicting drill hole locations, and the Boards should develop additional guidance on how and when this information is required and a process to collect this information. The GNWT is available to participate in this work.	
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	8. PROJECT DESCRIPTION - Hectares	3.2.8	Include the number of hectares to be used is vague. There is the claim/lease block size within which the work will occur and which will be virtually unaffected; there is the camp location which is likely the largest temporarily disturbed area; and then there are drill site locations, which will also have minimal environmental effects. It is not clear what the purpose of area reporting is for, which might clarify what is to be reported. The requirement for total hectares to be used is unclear as to what that means. The total land package? Only areas impacted by exploration activities? Camp footprint? The establishment of regional drill sites and/or temporary satellite camps will be determined by the exploration process which is dynamic. To know absolute details at the beginning of the 5-year permit is not possible.	Clarify purpose of reporting and what area is being sought. (Perhaps it would be helpful to link this to the reference in 5.3 Final Plans which has a requirement for "A summary of the hectares utilized in each aspect of the project".	This information is required to calculate land use fees and closure cost estimates (for security). It should reflect the actual project footprint, rather than the entire project boundary. Item 8 in section 3.2 has been revised to clarify the purpose and expectations.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	8. PROJECT DESCRIPTION - Project Description	3.2.8	Names and types of water sources are problematic for proponents who have large regional (contiguous) land packages. Exploration is not so predictable as to know exactly where drilling may occur at the beginning of the 5-year licence. Bathymetry is also a major concern as very few NWT lakes have such publically available information, and to require companies (or individual prospectors) to conduct such detailed studies will be extremely costly and time consuming. This is especially true for junior exploration companies who typically don't have the resources for such an endeavour.	Recommendation: Allow the inspector(s) to work with the proponents when assessing possible water sources, and to ensure water use will not adversely impact the source. Recommend that the inspector be allowed to make field decisions to allow new water sources.	The legislation does not allow the LWBs to sub-delegate their authority over water use to the Inspectors. With regard to bathymetry, the LWBs are working with the GNWT and other interested parties to develop guidance on water source capacity calculation.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
Seabridge Gold: Jane Howe	Land Use Permitting Guide - section 8 Project Description	3.2.8	The requirement to provide information in the LUP application about all potential water sources even when a water licence is not required (i.e.. water use is authorized by regulations) is new. Since the authority to use water up to 100m3/day is allowed by regulation, where is the statutory authority for the MVLWB to request this information?	Clarify why information about water use, under	Basic information about water use is required to confirm that no water licence is required and to allow reviewers the opportunity to make any comments or recommendations.
Seabridge Gold: Jane Howe	Land Use Permitting Guide - section 8 Project Description	3.2.8	The guideline requests information about the number of drill holes, number and type of equipment. Please clarify how the MVLWB intends to use this information. If it will be used to define "scope" and limit the permit then this should be explained so that the applicant can address this information according for the life of the permit. For example, if the applicant states that they may drill 100 holes, then after a couple years decides to drill more than 100 holes - will this require a new permit or can it be amended ?	Clarify how information in the project description may be used to "limit" the scope of the permit.	This detailed information will not be included in the scope, but will be included in the preliminary screening. The permittee can propose changes (that are within the scope of the permit) through an amendment request; however, the proposed changes may need to be screened.
Seabridge Gold: Jane Howe	Land Use Permitting Guide - section 8 Project Description	3.2.8	The requirement to provide information about all prospective water sources and the quantity of water over the term of a land use permit - even if no water licence is required - is unreasonable and creates onerous application requirements particularly for mineral exploration projects that span a large tenure area. Other methods must be developed in conjunction with federal and territorial regulators to encourage exploration companies to use best practices and comply with existing guidelines (such as DFO water use protocols). Board should rely on Inspectors to manage these low-risk activities.	Board should empower and support Inspectors to authorize water use and water sources for amounts	The legislation does not allow the LWBs to sub-delegate their authority over water use to the Inspectors. For projects that don't require a water licence, below threshold water use is not regulated by the Boards or the Inspectors. Basic information about water use is required in the permit application to confirm that no water licence is required and to allow reviewers the opportunity to make any comments or recommendations.
GNWT - Lands: Darren Campbell	p. 16 Section 3.2. Completing the Land Use Permit Application Form (8. Project Description)	3.2.8	Some proponents apply for multiple land use permits for overlapping activities at the same site, which can create challenges. It is the GNWT's understanding that under the MVRMA, only the permittee can initiate the combining of land use permits.	Consider adding a brief discussion of the benefits of avoiding overlapping permits, and set out the Board's preferred approach.	This mostly arises due to amendment requests that are outside of the scope of an existing permit, so this is addressed in section 6.1; however, a note about it has also been added to the beginning of section 3.2.
GNWT - Lands: Darren Campbell	p.16 PROJECT DESCRIPTION (Project Description, Bullets 1-3)	3.2.8	Bullets 1-3 in Project Description lists a requirement for the names and types of water source(s) in a land use permit application, including when water use will be below the 100m3/day threshold and no water licence is required.	GNWT recommends the Board provide guidance to applicants on how and when water source information is required. This could include an interim method to calculate available volume (conservative estimates) until such time that specific guidance is developed on this subject. Please refer to ENR comments on the draft water licensing guide.	Basic information about water use is required to confirm that no water licence is required and to allow reviewers the opportunity to make any comments or recommendations; however, water source capacity information is not required, so guidance on calculation methods is not necessary.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	9. CAMP	3.2.9	"number of people stationed in the camp and the duration of their stay (i.e., person-days). Explain, with rationale, any variations in the number of people that may be on site over the life of the project." The proponent has already estimated their worker needs in determining if their application is for a Type A or B Permit. Camp numbers are never static. Workers move in and out for various reasons (required rotation of drill crews and field crews, short term geophysical crews, short term surveying crews, expansion and contraction of drilling activities..... to name a few). Trying to project even more detailed specific worker needs over the life of the project is extra bureaucratic work without any obvious benefit provided. It should be our collective desire to have explorers do what they do best, that is explore and do it environmentally responsibly, and not detract from that with more time and resources to track data without real value to the purpose of having a permit. The limits are already established by virtue of the Type A or Type B permit.	Recommend that since the type of LUP applied for already covers person-days, and the effects and mitigations on the environment for the workforce under the permit, remove the requirement for the extra level of detail on workforce variations within the permit requirements over the life of the project is irrelevant. Recommendation: Leave as it is currently covered by the Type of permit.	The number of person days is required by the legislated application form. Additionally, a clear understanding of seasonal and life-of-project variations in the workforce for a project assists the Board and reviewers to evaluate potential impacts and proposed mitigations, and select permit conditions accordingly. The number of person days/season is also incorporated in the template that is often used for calculating security for permits - seasonal and life-of-project variations may be considered in this calculation. Note that although permitting criterion for camp size for a Type B permit is a limited range, there is no upper limit on camp size for a Type A permit, so the Type of permit does not necessarily indicate the size of the workforce.
Seabridge Gold: Jane Howe	Land Use Permitting Guide - section 10 Road and Access	3.2.10	There is no mention of winter roads, establishment of portages etc. Clarify whether winter roads that are located wholly on frozen water require a permit, or whether only those portions of a winter road that cross land requires a land use permit.	Add information regarding winter roads.	A note has been added about winter road construction requiring a permit if the road will cross land and if permitting criteria are exceeded.
GNWT - Lands: Darren Campbell	p.17 11. WASTE MANAGEMENT METHODS	3.2.11	The need for permission from local government landfills is a typical comment on many land use permit applications.	For all readers' information, consider adding specific reference to local government landfills as an example of a waste management consideration.	This is addressed in both the Application Form and the Guide in the Off-site Disposal subsection of section 3.2, item 11. The first sentence of this item has been updated to be more clear that this includes disposal at municipal facilities.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	11. WASTE MANAGEMENT METHODS	3.2.11	There is no differentiation between waste management plans required for Type A or Type B permits. If we can agree that these are two different scales of work, then it could be helpful to proponents to support them with two different requirements. For example, here is the situation required of explorers: - buy a \$50,000 dual chamber incinerator and then have the airstrip capable to have it flown in - incinerate all garbage and incinerate all of the toilet waste to ash too - ship all ash out but before doing so conduct on-site analysis of the ash for heavy metals before it can be shipped off site. - weigh all garbage before incineration, then weigh all of the ash after incineration. - create a Surveillance Monitoring Program for grey water that is released.	Recommend different waste management requirements for Type A and Type B LUPs, with less onerous requirements for the latter.	Although there may be a general relationship between the size of the project and the amount of waste produced, permitting criteria are not based on the type or volume of waste produced, so waste management requirements cannot be strictly determined by Type A or B permit classification. The nature and scale of the project are taken into consideration when determining waste management requirements; however, the LWBs must also consider other factors, such as the nature of the waste, the location of the project, and whether the proposed waste disposal methods are acceptable to the landowner and affected parties.
Seabridge Gold: Jane Howe	Land Use Permitting Guide - section 13 Fuel	3.2.13	There is no mention of "maximum volume of fuel that will be on site at any one time" in the guide. However, the "standard permit terms" and previous land use permit guidelines (2013) suggest that a maximum volume is listed in the permit. Please clarify that information provided will be used to define maximum limits in the permit.	Please clarify that information provided will be used to define maximum limits in the permit.	This information and associated rationale have been added to this item.

Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	p.18 15. SPILL CONTINGENCY PLAN (second sentence)	3.2.15	The acronym INAC is outdated. GNWT acknowledges that at the time the document was published INAC was the correct acronym.	Suggest revising "INAC" to "CIRNAC"	To avoid confusion, the acronym used reflects the correct title of the document being referenced.
Aurora Geosciences: Gary Vivian	17. Potential Environmental Impacts of the Project and Proposed Mitigations	3.2.17	First bullet- groundwater and surface water- include changes to flow, quantity and quality. Not sure if this is where the newly acted upon policy on bathymetry issues comes in but there needs to be some serious consideration to common sense in a first phase or early exploration program. Where one draws water from should be relatively easy to calculate and determine the value of the source. The proponent used to do this with the inspector but the inspector has been removed for some foolish reason.	Recommendation: Issues identified like this one should be addressed by a working group including all of the stakeholders (gov't, IGC, industry, the boards and the most important people the inspectors).	The LWBs have obligations related to other water users, other licensees, and compensation that require all potential water sources to be identified at the application stage in order for the LWBs to make legally-required determinations. These are not new obligations; however, the LWBs have been refining the application requirements over time to ensure that these obligations are met. Despite what may have been done in the past, the LWBs cannot delegate the responsibility of identifying water sources or determining water use limits to Inspectors. The LWBs recognize that requiring bathymetry for all lakes is not practical in all cases and are in the process of developing guidance on water capacity calculations.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	17. Potential Environmental Impacts of the Project and Proposed Mitigations	3.2.17	First bullet- groundwater and surface water- include changes to flow, quantity and quality. Not sure if this is where the newly acted upon policy on bathymetry values comes in but there needs to be some serious consideration to common sense in a first phase or early exploration program. Where one draws water from should be relatively easy to calculate and determine the value of the source. The proponent used to do this with the inspector but the inspector has now been imprudently removed for some reason.	Recommendation: Issues identified like this one should be addressed by a working group including all of the stakeholders (gov't, IGC, industry and the very importantly the inspectors). A risk based analysis would help address appropriate actions for actual water used.	
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	18. CLOSURE AND RECLAMATION - Closure and Reclamation	3.2.18	I think the board tries to do a good job with this but might be time for a review to capture many different types and scales of projects. This should be a good working group task.	Recommendation: Review through a working group.	As noted in the Guide, the LWBs' expectations regarding the level of detail for closure and reclamation planning information do take the scale and nature of the project into consideration - this is also reflected in the <i>Standard Land Use Permit and Water Licence Conditions Templates</i> . The information in the Guides reflects the current MVLWB/AANDC <i>Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the NWT</i> and MVLWB/GNWT/INAC <i>Guidelines for Closure and Reclamation Cost Estimates for Mines</i> , which can be applied to all types of projects. This recommendation will be considered when these documents are updated.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
Aurora Geosciences: Gary Vivian	18. Closure and Reclamation.	3.2.18	I think the board tries to do a good job with this but might be time for a review to capture many different types and scales of projects. This should be a good working group task.	Recommendation: Review through a working group.	
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	18. CLOSURE AND RECLAMATION - Closure Cost Estimate	3.2.18	The guide references the Guidelines for Closure and Reclamation Cost Estimates for Mines. It admits that these "Guidelines were primarily developed for mining and advanced mineral exploration projects, and are generally applicable to all projects". We disagree that they are applicable to all projects, and there have been clear cases with smaller, less intensive exploration projects where they have been inappropriate and overly onerous as a result.	We recommend a new closure cost estimating model be developed specifically for low impact, small footprint, exploration projects. Establish a transparent "task group".	As noted in the Guidelines, for small projects (and most mineral exploration projects) that do not require a water licence, the existing Land Use Permit Application Security Template is typically used to calculate the closure cost estimate. Item 18 in section 3.2 has been updated to better reflect this practice; however, the Guidelines are not strictly about the RECLAIM model and include useful information for all applicants regarding closure cost estimate considerations and security processes, so they are a recommended resource for all applicants.
Seabridge Gold: Jane Howe	Land Use Permitting Guide - section 18, p20; Security Estimate	3.2.18	The land use permitting guidelines suggest that applicants should review the 2017 Guidelines for Closure and Reclamation Cost Estimates for Mines. That guideline is inappropriate for most small land use activities, as is the use of RECLAIM which is by its own definition is for use with mining and associated waste/water management facilities. As structured RECLAIM is inappropriate for small, simple land use activities and using it is akin to trying to hammer a nail with a rocket launcher. The framework for RECLAIM as a tool is sound. The desire to have a common tool that is generally accepted across multiple users, regulators, industries etc. is also logical. The Board should work with other regulators to develop a version of "RECLAIM-lite" which has a separate worksheet (and unit costs) for activities that are appropriate for small land use activities such as early-phase mineral exploration.	MVLWB should develop cost estimate tools (spreadsheets) that are appropriate land use permit activities which are not mining related.	
GNWT - Lands: Darren Campbell	p. 20 Closure Cost Estimate (first paragraph)	3.2.18	For some permits, the Board includes a timeframe for posting security in the permit conditions. Lands understands that such a condition requires that the proponent submit a security to the GNWT (or Landowner) but that the timeframe is not binding on the GNWT (or Landowner).	Please clarify that permit conditions related to the timeframe for posting security are intended to ensure that security is provided to the GNWT (or Landowner) within the timeframe set by the Board.	This section has been revised to clarify that the security deposit must be posted with the Minister and that the timeframe will be specified in the permit conditions.

Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	p. 20 Closure and Reclamation (Closure and Reclamation)	3.2.18	The Boards do not cite a section of the MVRMA or LURs to support their openness to using other reclamation standards in some instances.	Please provide a rationale, references (such as Board guidelines) or legal basis for this.	The MVRMA does not specify closure and reclamation standards or goals. The MVLWB/AANDC <i>Guidelines for Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories</i> do set out a standard closure goal; however, this goal accommodates a variety of possible future uses of a site, and the Guidelines direct the applicant/licensee to engage with stakeholders to develop the closure goals, objectives, and criteria for their site. With regard to land use permits in particular, note that section 15 and subsection 16(1) of the MVLUR also allow for possibility of different closure goals.
GNWT - Lands: Darren Campbell	p. 20 Closure and Reclamation (Closure Cost Estimate)	3.2.18	The last paragraph of this section states that a closure cost estimate "should" include a breakdown of costs between land and water.	GNWT recommends that "should" be changed to "must," as under the current structure of the MVRMA and Waters Act such a division of liabilities must be done when both a land use permit and water licence are issued for a project.	The text has been revised as recommended.
GNWT - Lands: Darren Campbell	p. 21 Closure and Reclamation (Closure Cost Estimate, first paragraph)	3.2.18	The Guide does not explicitly speak to security estimation methods for projects that require a land use permit and a water licence.	Recommend replacing the last sentence with: "For projects requiring a land use permit and a water licence, the Boards strongly encourage the applicant to work with Board staff and the landowner(s) (the GNWT, CIRNAC, or other landowners) in developing the estimate (see Appendix B for contact information). For projects requiring a land use permit and a water licence, use of the RECLAIM model may be recommended."	The text has been revised as recommended.
GNWT - Lands: Darren Campbell	p.20, Closure Cost Estimate - local governments footnote 15	3.2.18	The text and footnote do not set out whether the Boards understand local governments to be exempt from posting security by reason of MVRMA s. 94. The GNWT is not aware of an official Board policy in this regard. The GNWT is aware of at least one example of Board staff circulating draft land use permit conditions for a local government project which included a security amount condition.	Recommend that the revised guide clarify if the exemption of local governments from posting security is a legal requirement, Board policy or a best practice.	As stated in the footnote, this is Board policy. The footnote specifies community governments rather than local governments, because not all municipalities in the NWT fall under the legislated definition for local government. (Note that 'municipal government' has been replaced with 'community government' through the Guide to reflect the terminology used by GNWT-MACA.)
GNWT - Lands: Darren Campbell	p.20, Closure Cost Estimate - provincial governments footnote 15	3.2.18	The text and footnote do not set out whether the Boards understand provincial governments to be exempt from posting security by reason of MVRMA s. 94. The GNWT has not considered this matter in detail.	Revise text and/or footnote 15 to clarify whether the Boards understand provincial governments to be exempt from posting security for projects in the Mackenzie Valley.	Provincial and other territorial governments are not exempt under section 94 of the MVRMA. The footnote has been revised for clarity.
GNWT - Lands: Darren Campbell	p.20, footnote 15 Closure Cost Estimate - territorial government footnote 15	3.2.18	Re: "territorial ... governments are not required to post security." The GNWT's understanding of MVRMA s. 94 is that it exempts the GNWT from posting security, but does not exempt the Yukon Government or the Government of Nunavut.	Footnote 15: Change "territorial ... governments" to "GNWT"	Revised as recommended.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
INAC - Yellowknife: Dinah Elliott	Guide To Land Use Permitting Process - Section 3.2 - 19 - Land Use Planning and Guide to Water Licensing Process - Section 14	3.2.19	It may be beneficial to direct readers to https://www.lands.gov.nt.ca/en/services/land-use-planning-nwt to see the status of land use planning in the NWT, to eliminate the immediate need to update this section when another land use plan is finalized.	N/A	If a new land use plan is approved in the NWT, updates to the Guide are likely to be necessary.
GNWT - Lands: Darren Campbell	p.21 19 Engagement (final sentence of first paragraph)	3.2.19	This sentence should be expanded upon.	This sentence should be replaced with a sentence that indicates that the applicant must contact the federal, territorial, local and/or Indigenous government with administration and control of the lands at issue to be provided with information about any parties, other than Indigenous governments and organizations, potentially affected by the proposed project.	This sentence is specific to lease information, which is not public, so the applicant must contact the GNWT/CIRNAC for assistance in contacting potentially affected lease holders. This sentence has been revised to make this link more clear and to include CIRNAC.
GNWT - Lands: Darren Campbell	p.21 19 Land Use Planning (second sentence of first paragraph)	3.2.19	The wording of this sentence should provide further clarity.	The current sentence should be replaced with the following: "The land use plans set out where certain activities may be authorized and, if the proposed activity is not prohibited in the proposed location, permit conditions must meet land use plan requirements prior to being issued."	The current language was developed by the LWBs' Land Use Planning Team and is an introductory summary of the broader purpose of the land use plans, which is not only relevant to permits. Where land use plans apply, applicants must become familiar with the details of the applicable plans(s), which could include requirements that are not included in the permit. Accordingly, the proposed revisions are not necessary here.
GNWT - Lands: Darren Campbell	p.21 19 Land Use Planning (second sentence of second paragraph)	3.2.19	The wording at the end of this sentence inaccurately suggests that a land use plan will apply in all instances.	The wording at the end of this sentence should be "... conformity requirements of the land use plan, if one exists in the area of the project."	The paragraph opens with 'where an approved Land Use Plan applies.' It is unnecessary to reiterate this in such a short paragraph.
GNWT - Lands: Darren Campbell	Pg. 21 Land Use Planning (after first paragraph)	3.2.19	The LWB's should recognize the value of land use plans during the pre-application stage of permitting where developers engage and consult with communities.	The board should consider adding a paragraph that states: Land use plans and other associated background reports and documents are developed with significant input from communities and regional organizations. Regional land use plans are a valuable resource to understand community land values and interests.	The intention behind this recommendation is acknowledged; however, this additional statement is not necessary. The importance of land use plans is noted throughout the Guide.
GNWT - Lands: Darren Campbell	Pg. 22 Land Use Planning (first sentence)	3.2.19	Regarding: "If requesting exemptions from specific conformity requirements (CRs), a copy of the Land Use Planning Board or Tlicho Government's decision on the exemption, amendment, or variance must be attached to the Application Form."	Applicants would not be asking for an exemption from the Sahtu Land Use Plan, but rather would be seeking a Planning Board decision on an 'exception' to the plan (see for example s. 2.6 of the Sahtu Plan). Any exemptions would require a plan amendment. The guidelines should accurately use the appropriate terminology.	Revised to include 'exceptions' as recommended.

Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	4 REGULATORY PROCESS FOR A LAND USE PERMIT APPLICATION	4	None	Recommend a flow chart be added to more simply describe the regulatory process.	A flow chart similar to the one in the MVLWB <i>Guide to the Water Licensing Process</i> has been added to this Guide.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	Section 4.1 and 4.3	4.1	Section 4.1 states that "Review periods may vary depending on scope, scale, and location of a proposed project". Section 4.3 indicates that it is 42 day for issuing a Board Decision and lists only 3 situations (b through d) where a permit may not be issued. None of these conditions includes an ability to "vary" the timeline for scope, scale, or location.	The MVLWB should not vary the time for issuing a Board Decision (42 days) unless it meets the conditions stated in section 4.3, b through d.	The quoted sentence relates only to the timeline for the public review period, not to the entire timeline for the Board's decision, which is legislated as noted.
Dominion Diamond Mines ULC: Lynn Boettger	Land Use Permit Guide - Public Review (Page 25) and Water Licence Guide (Page 27)	4.1	Comments on an application can become complicated to answer and in particular when there needs to be the involvement of consultants or other parties to assist with the response to a comment. Please keep in mind that the Applicant also requires a reasonable amount of time to respond to reviewer comments.	Not Applicable	This comment is acknowledged; however, the deadlines must be established in advance before the extent of the review comments is known. The LWBs do take the nature and extent of the review comments into consideration when applicants request extensions to the response deadline.
Dominion Diamond Mines ULC: Lynn Boettger	Land Use Permit Guide - Preliminary Screening and Environmental Assessment (Page 26)	4.2	It may not always be clear to an Applicant when to seek an exemption from Preliminary Screening or where to include that in the application. Although this section outlines these things and how this is to be done it may be helpful to have that added into the table for the Application Package Checklist as a reminder to Applicants.	Add the exemption request details to into Table 3: Application Package Checklist.	A note about how to include exemption requests has been included above the Table.
GNWT - Lands: Darren Campbell	p.26 4.2. Preliminary Screening and Environmental Assessment (Line 2)	4.2	As per MVRMA s. 126, a referral to EA may occur "even if a preliminary screening has not been commenced, or, if commenced, has not been completed."	Add a footnote that as per MVRMA s. 126, a referral to EA may occur "even if a preliminary screening has not been commenced, or, if commenced, has not been completed."	A footnote has been added as recommended.
GNWT - Lands: Darren Campbell	p.26 4.2 Preliminary Screening and Environmental Assessment (first sentence of third paragraph)	4.2	Under s. 124(1) of the MVRMA, the authorization must be set out in the Preliminary Screening Requirement Regulations (the federal or territorial laws specified in the regulations made under paragraph 143(1)(b) for a preliminary screening to be required. Also, "may not require" is a better phrase to use than "may be exempt".	The reference to "... may be exempt from screening under the Exemption List Regulations..." should be changed to "... may not require screening under s. 124 of the MVRMA and the Exemption List Regulations..." All subsequent references to exemptions should also be changed accordingly.	The current terminology is consistent with the legislation.
GNWT - Lands: Darren Campbell	p.26 4.2 Preliminary Screening and Environmental Assessment (second sentence of third paragraph)	4.2	The wording of this sentence could be improved.	This sentence should be revised to read: "The Board will decide whether the proposed project is not required to undergo preliminary screening for one or more of these reasons."	This sentence is clear and does not need to be revised.

Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	p.26 Footnote 20	4.2	Referral by the Review Board to EIR could only occur following an environmental assessment, but this footnote suggests otherwise.	This footnote should be deleted.	The footnote has been deleted as recommended.
GNWT - Lands: Darren Campbell	p.26 Footnote 22	4.2	This footnote is incorrect; the board can issue a permit before the end of the 10 day pause period but the permit shall come into force only after the end of the 10 day period and if no referral to EA has been made.	Recommend rewording this footnote to reflect MVRMA s. 125(1.2) and s. 125(4).	During the pause period, the Board could issue a permit that would not come into effect until after the pause period; however, in practice, to avoid confusion, especially in the event that a referral is made during the pause period, the Board will not issue the permit during the pause period The text and footnote have been revised for clarity and to include the legislative references, which were not officially available at the time the draft was prepared.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	4.3. Board Decision	4.3	Most exploration programs will require both an LUP and Water license running simultaneously, however as currently proposed, they have drastically different decision timelines. The LUP at 42 days is reasonable, however at 9 months the Water Licence is simply too long a process. A junior explorer would have to know they are going to work in the NWT at least 1 year before setting foot on the ground. This would seriously hamper their abilities to raise capital given the uncertainty of this application process and the ever changing markets.	Recommendation: Simplify the process to a reasonable length. Keep in mind that the window for exploration in the north for most junior explorers is 7 months. Exploration has a very small footprint and accordingly uses very little water, perhaps consider a timeline more in tune with this particular industry's impact.	Nine months (excluding applicant time) is the legislated maximum timeline for Board decision on water licence applications. For type B licence applications that do not involve a public hearing, the actual timeline is typically shorter than nine months. The typical steps and timelines for both type A and B licences are summarized in Appendix G of the MVLWB <i>Guide to the Water Licensing Process</i> .
Seabridge Gold: Jane Howe	Land Use Permitting Guide - section 4.3 Process/Board Decision	4.3	There is a section describing the decision process for a permit application that is not accompanied by a water license application. The guideline should include a description of the process that is expected when there is an associated water licence.	Add a description of the process that is expected when there is a land use permit and a water licence.	Additional information and cross-referencing has been added to sections 2 and 4 in both Guides.
GNWT - Lands: Darren Campbell	p. 27 4.3. Board Decision (Paragraph 2)	4.3	In the past there have been questions about whether or not the 42 day clock is reset to zero after the completion of an EA or further studies. The Guide does not speak to this matter.	Adding wording to clarify, under MVLUR s. 23.1, the restarting of the 42 day clock upon completion of the EA or further studies.	With regard to EAs, this is clearly stated near the end of section 4.2. Section 4.3 has been updated to clarify that the 42-day timeline recommences after further studies/hearings are complete.
GNWT - Lands: Darren Campbell	p. 27 4.3. Board Decision (Paragraph 2)	4.3	Re: "The Board cannot issue the permit during the pause period, so applicants should ensure this additional time is accounted for in the project schedule." The first clause of the sentence is incorrect. As per MVRMA s. 125(1.2) and s. 125(4), the Board can issue a permit before the end of the 10 day pause period but the permit shall come into force only after the end of the 10 day period and if no referral to EA has been made.	Recommend rewording this sentence to reflect MVRMA s. 125(1.2) and s. 125(4). Retain the advice that applicants account for the 10 day period in their project schedules.	During the pause period, the Board could issue a permit that would not come into effect until after the pause period; however, in practice, to avoid confusion, especially in the event that a referral is made during the pause period, the Board will not issue the permit during the pause period The text in this section has been revised for clarity, and the footnote in section 4.2 has also been revised for clarity and to include the legislative references, which were not officially available at the time the draft was prepared.
GNWT - Lands: Darren Campbell	p. 27 4.3. Board Decision (Paragraph 3)	4.3	Re: "If no other organizations refer the project to EA during the ten-day pause period, the Board can issue the permit after the pause period is complete." While it is correct that the Board can issue a permit after the 10 day period, the Board also has the authority to issue a permit before the end of the 10 day period. As explained above, however, the permit shall come into force only after the end of the 10 day period and if no referral has been made.	Recommend rewording this sentence to account for MVRMA s. 125(1.2) and s. 125(4).	

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	p. 28 4.3. Board Decision last paragraph	4.3	Re: "Following issuance, any security required must be posted in accordance with permit conditions."	For greater certainty, and to be consistent with Department of Lands communications to proponents, revise as follows: "Following issuance, any security required must be posted and accepted in accordance with permit conditions"	Revised as recommended.
GNWT - Lands: Darren Campbell	p.27 4.3. Board Decision, paragraph 2 - EA decision	4.3	Although the environmental assessment decision is signed by a single Minister, the decision is made collectively by the responsible Ministers for a proposed development.	change "the Minister's decision" to "the responsible Ministers' decision."	Although this is correct, in accordance with the legislation, it is the responsible Minister's responsibility to release the decision on the Report of EA, which is the specific action being referenced here.
GNWT - Lands: Darren Campbell	P.29 Section 5, Post- issuance	5	In the past there has been some discussion of when a land use permit is considered to be "activated." The concept of "activating" a land use permit is not found in the MVRMA or the MVLUR. A land use permit is in force as of its effective date, even if the permittee has not yet provided the required notification to the Inspector 48 hours before the commencement of activities. The Guide should clarify this point.	Clarify that a land use permit is in force as of its effective date, even if the permittee has not yet provided the 48 hours' notice to the Inspector that is typically required before the commencement of activities.	A note about this has been added to the end of section 4.3.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	5.1 Inspections	5.1	The land use inspectors are some of the most informed and experienced officials on mineral exploration methods and activities. The Boards should increase their reliance on, and trust in, their advice and judgement, eg, in regards to such things as changes in drill hole locations, water source changes, etc.	Recommend that the Board allow/support inspectors in making field decisions related to changes in drill hole locations, water use, and other such activities that cannot be well predicted before exploration activities begin.	The LWBs cannot delegate their authority for waste disposal or water use to the Inspectors except as specifically allowed under the legislation.
GNWT - Lands: Darren Campbell	p.29 Footnote 26	5.1	This footnote is not in the appropriate location in the sentence in which it appears.	This footnote should be moved to appear after the comma in this sentence.	This footnote is already located after the comma.
GNWT - Lands: Darren Campbell	p.29 5.2 Plans, Reports and Other Submissions	5.2	Re "Reports generally do not require a version number, though a date should be considered:" it is challenging to manage and track documents which lack dates.	Recommend that the Board require all reports to include a date.	Revised to state that a date should be included rather than considered.
GNWT - Lands: Darren Campbell	p.29 5.2 Plans, Reports and Other Submissions	5.2	A report may also be requested by an inspector.	Suggest clarifying this and adding a footnote reference to section 28 of the MVLUR.	Section 5.1 has been revised to include this information.
GNWT - Lands: Darren Campbell	p.29 5.2 Plans, Reports and Other Submissions	5.2	Management plans may be complex and detailed, and often require multiple changes over the course of a project. In addition to version control, any changes to management plans should also include a summary of the changes made with applicable references within the text.	Suggest adding this requirement within section 5.2.	Revision history tables are set out as a requirement in the MVLWB <i>Document Submission Standards</i> , which are referenced and linked in this section.

Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	5.3 Final Plans and Final Clearance	5.3	There is a requirement for GIS data to be in a standard format, and this is provided after the bullet for "GIS Data".	Recommend add "in required GIS format" immediately after bullet for "GIS Data".	The reference and link to the MVLWB <i>Guideline for Geographic Information Systems (GIS) Submission Standard</i> is provided at the end of the list, because it applies to both the map and GIS data components of the final plan. There are several requirements for each of these components, so a summary of the Guideline is not provided in the Guide.
INAC - CARD: Murray Somers	LUP Guide - Final Clearance (section 5.3)	5.3	Section 5.3 "Final Plans and Final Clearance" describes the process for closing a permit. However, it is not clear what permit closure means. Are there still expectations of the permittee post-closure, or does a permit closure absolve the permittee of any further responsibility under the permit (full relinquishment/release)?	Please describe "permit closure".	As per the MVLUR, once the Board issues the final clearance, the permittee is no longer responsible for obligations arising under the permit conditions or the MVLUR. This information has been added to section 5.3.
Dominion Diamond Mines ULC: Lynn	Land Use Permit Guide - Amendments (page 32)	6.1	It is not clear in this text if an application form must be filled out or provided to initiate an amendment process or deem the application complete.	Update this section to provide clarity as to if an amendment application in the prescribed form is to accompany the amendment request.	There is no amendment application form for permits. This has been clarified in section 6.1.
GNWT - Lands: Darren Campbell	p.33 6.1 Amendments, (Paragraph 2, first sentence)	6.1	Re: "the request must include applicable land use fees for any additional federal lands used." This phrase may be confusing to readers who are not aware that land use fees are currently required only for use of federal lands.	Revise this sentence, or add a footnote, to include the wording from p. 20 that "for projects in non-federal areas, there are no land-use fees."	This section includes a link to item 20 in section 3.2, where more information about land use fees is provided.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	6.2 Extensions	6.2	The reference to the MVLUR is incorrect and should be changed from 29(6) to 26(6).	Recommend a discussion be made on the MVLUR to allow extensions for up to 5 years if there is no scope change. This could then replace renewals (or vice versa).	The reference has been corrected. Amendments to the MVLUR are outside of the LWBs' jurisdiction.
GNWT - Lands: Darren Campbell	p.33 Footnote 28	6.2	This footnote does not refer to the correct subsection of the MVLUR.	This footnote should refer to s. 26(6) instead of s. 29(6).	The reference has been corrected.
GNWT - Lands: Darren Campbell	p.34 6.3. Renewals	6.3	Land use permit renewals may result in revisions to the security amount, for example if the security estimation method has been updated since the permit was issued.	Add wording to this section to state that it is possible for renewals to result in revision to the security amount.	A sentence about this has been added as recommended.
GNWT - Lands: Darren Campbell	p. 35 6.4 Assignments and Name Changes	6.4	The bullet about "all liabilities incurred" at the top of the page is not clear that liabilities being assigned under the extant LUP being assigned can include liabilities originally incurred under a predecessor LUP and subsumed within the extant LUP being assigned.	This bullet should be expanded to ensure that this is clear.	This addition is unnecessary. There is no legislative reference for this requirement; however, if the permit that is being assigned has replaced a previous permit for the same activities or project, any liabilities or obligations under the previous permit are explicitly incorporated into the current permit via the standard condition TRANSFER OF LIABILITIES. The assignee is expected to have reviewed the conditions of the permit that is being assigned and should be aware of this responsibility.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	p.34 6.4. Assignments and Name Changes	6.4	Re: "The assignee will be required to post security with the landowner." In some cases, the landowner may not be the security holder. The MVRMA provides for the GNWT to hold securities for projects on land under the administration and control of Indigenous governments.	Change to "Add from the security holder, usually the landowner."	The legislation does not allow the LWBs to require a permittee (or licensee) to post security with a landowner other than the Minister. Both Guides have been revised clarify this.
GNWT - Lands: Darren Campbell	P.36 6.5 Discontinuances	6.5	Re: "If the project (or parts of the project) is located on private lands, the permittee must also notify the landowner." The GNWT acknowledges that MVLUR s. 37(1) only requires notification of discontinuance for land-use operation being carried out on private lands. While the GNWT acknowledges that proponents are not obliged to provide notice to public landowners when they have applied to discontinue an operation, because notice to landowners must be provided in other circumstances, the GNWT would prefer to receive notification of discontinuation for operations on GNWT administered/controlled land.	The GNWT recommends the LWB Include language encouraging proponents to provide notice to public landowners when a proponent is applying to discontinue an operation.	A sentence about this has been added as recommended.
INAC - CARD: Murray Somers	LUP and WL Expiry (WL & LUP Guides)	General	It is not clear what happens upon expiry of a LUP and WL. Expiration of a LUP and WL must have some significant implications on the permit/licence and permittee/licensee. For example, if a WL or LUP is expired, does that mean that it is closed? It is likely that a proponent can no longer operate under an expired LUP/WL, however this is not explicitly clear. Similarly, it is not clear if monitoring can continue after an associated LUP/WL has expired.	Please add a section to both guides on "Expiry", so that proponents can better understand: - the purpose of an expiry date; - implications of expiry on the project; - implications of expiry on the licensee/permittee; - Board expectations prior to expiry; - Board expectations post expiry; - Ability to conduct Site Care and Maintenance and Monitoring post expiry, etc.	Section 5.4 (Final Plans and Final Clearance) of this Guide has been updated to improve clarity about expiration of permits. A section (section 5.4) on closure and expiry has been added to the <i>Guide to the Water Licensing Process</i> ; however, due to the lack of legislative guidance on licence closure, this section provides limited information. When definitive information is available, it will be added.
GNWT - Lands: Darren Campbell	p.37 6.6. Storage Authorizations	6.6	The Guide does not discuss what would occur after the expiry of the second year of a storage authorization.	Please add text explaining that buildings, equipment, etc. being stored under a storage authorization must be removed by the time it expires, particularly when the maximum two years for a storage authorization have run. Please add details of the enforcement consequences that a proponent who fails to comply would face.	A sentence about removal has been added as recommended. Except as generally related to non-compliance with authorizations and inspections, the Guides do not attempt to summarize the Inspector's legislated enforcement options or authority.
GNWT - Lands: Darren Campbell	p. 40 Appendix C - Other Potential Authorizations	Appendix B	The Department of Lands is missing from this list. Among other things, the Department issues quarry permits.	Add "Government of the Northwest Territories – Lands" with weblink to lands@gov.nt.ca email address.	Added to the list with a link to the contact page rather than to the email address provided in case contact information changes over time.
GNWT - Lands: Darren Campbell	p.39 Appendix B - Contact Information for Land Owners	Appendix B	The term "non-federal areas" is imprecise in relation to GNWT as a landowner because it includes private/settlement lands, Tli?cho lands and Déline lands as well as land under the administration and control of the GNWT.	Replace the heading "Non-federal areas" with "GNWT Administered/Controlled Lands."	This heading has been replaced as recommended.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Land Use Permitting Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	p.39 Appendix B - Contact Information for Land Owners	Appendix B	The Department of Lands has a single point of contact for both Territorial and Commissioner's Lands.	Delete reference to "Commissioner's Land Administration." Update the Territorial Lands Administration phone number to 1-855-698-5263 Add website reference: https://www.lands.gov.nt.ca/	Updated as recommended.
GNWT - Lands: Darren Campbell	p.39 Appendix B - Contact Information for Land Owners;	Appendix B	The GLWB website uses the term private/settlement Lands. "Settlement lands" is a defined term in the MVRMA, and refers to the Gwich'in and Sahtu Agreements.	Consider replacing the heading "Gwich'in Private Lands" with "Gwich'in Private/Settlement Lands." Consider	The heading has been updated as recommended.
GNWT - ENR - EAM: Central Email GNWT	Topic 2: Land Use Permit Process Document: Appendix C – Other Potential Authorizations	Appendix C	The Wildlife Management and Monitoring Plan (WMMP) Process and Content Guidelines were finalized in June 2019. The links to WMMP guidance documents in Appendix E should be updated to reflect this.	1) Update the WMMP guidance document links in Appendix C to: https://www.enr.gov.nt.ca/en/services/wildlife-management-and-monitoring-plans	Updated.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

<i>Draft Guide to the Water Licensing Process</i>					
Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
Imperial Oil Resources: Sherry Becker	Draft Guide to the Water Licensing Process References to Acts and Regulations initially occurs in Definitions, e.g., Type A & Type B water licences and in the Introduction	General	The first references to the Acts and regulations that apply to the Water Licensing process, occur in the definitions and introduction sections. This is very helpful to applicants. However, the guide also duplicates regulations in Appendix B & C, which describe what types of activities require water licences. There is a risk that regulations will be updated and contradict the guides.	Recommend the MVLWB avoid the possibility of contradicting the regulations or Acts by simply referencing the Acts and regulations in the various sections of the guides. That is to say, avoid duplicating regulations and sections of the Acts so as to avoid the possibility of having contradictory information in the guides.	For the applicant's ease of use, these Appendices have been maintained. Regulations are not updated very often, so the likelihood of contradiction is low, but a disclaimer is included noting the the legislation prevails in the case of any discrepancy. The Appendices have been reviewed for errors and some corrections have been made.
Aurora Geosciences: Gary Vivian	General Comment!	General	No particular concern on Water Licensing Guidelines as these are really meant for more advanced projects. If the proponent has a project that evolves to incorporating a water license, they need to be held to a very high standard. This is where a work group is extremely valuable in formulating policies and guidelines that make sense.	None	-
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	General Comment!	General	No particular concern on Water Licensing Guidelines as these are really meant for more advanced projects. If the proponent has a project that evolves to incorporating a water license, they need to be held to a very high standard. This is where a work group is extremely valuable in formulating policies and guidelines that make sense.	None	-
GNWT - Lands: Darren Campbell	p.2 Definitions	General	Global edit	Please ensure that Wek'e`ezhi`i and Tli?cho? have the correct diacritic marks	This will be checked during final editing.
GNWT - Lands: Darren Campbell	p.16 Engagement	General	Use of "Indigenous" rather than "Aboriginal"	Consider using "Indigenous" instead of "Aboriginal."	A definition for Indigenous government/organization has been added to reflect the MVLWB <i>Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits and Rules of Procedure</i> . Terminology in the text of the Guides has been updated accordingly.
GNWT - Lands: Darren Campbell	p.8 3.1 Pre-application Information	General	The document uses the term 'Aboriginal.' Both the federal and territorial governments are now using the term "Indigenous," except when referring to asserted or established Aboriginal and/or Treaty rights. The GNWT acknowledges that the MVRMA uses the term "Aboriginal."	Consider using "Indigenous" instead of "Aboriginal."	
GNWT - Lands: Darren Campbell	p.8 3.1 Pre-application Information sixth bullet	General	This bullet inaccurately suggests that a land use plan will be in effect in every case.	This bullet should be prefaced with "if there is a land use plan in effect..."	Added 'if applicable' to improve clarity.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

<i>Draft Guide to the Water Licensing Process</i>					
Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	Section 3.1 and higher	General	As with the Guide to Land Use Permitting Process, this Guide assumes an owner of a licence of occupation (e.g. a mineral claim holder) is aware that any substantial activity by the mineral claim holder requires months of pre-planning and engagement prior to a water licence application to the MVLWB or other regional board. In most jurisdictions the licence requirements are self evident as the water licence or permit is issued by the same regulatory authority that gave out the licence to occupy. In the NWT there is a wide disconnect between the issuer of the licence (NWT Mining Recorder) and the issuer of the permit (MVLWB, et. al.).	The MVLWB should not assume that an owner of a licence to occupy will know the Water Licence processes. It is imperative that the water licence requirements, including this Guide, and in particular the 'Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits', are given to the mineral rights applicant at the time the Mining Recorder issues the right to occupy (mineral claim). Otherwise the 3 – 12 months indicated in the Engagement Guidelines for engagement activities will result in an unexpected costly time delay on exploration work. A seamless communication bridge needs to be built between the Land and Water Boards and the Mining Recorders office so new rights holders are forewarned of their obligations.	The LWBs maintain public websites that provide all of the information required for applicants, and LWB staff are available to assist all applicants in determining what is required. The waste management, spill contingency planning, closure and reclamation, and engagement Guidelines available on the LWB websites all contain templates or examples that can be used by applicants to develop these required plans. The Mining Recorder or the NWT Chamber of Mines (as the most likely first points of contact for these applicants) can direct applicants to access the LWBs guidance documents on the LWBs' websites and assist with connecting applicants with LWB staff. If another party (e.g., the NWT and Nunavut Chamber of Mines or GNWT-ITI through its Client Services and Community Relations Division) were to take the initiative to build an information package and/or management plan templates for mineral exploration/mining applicants, LWB staff would be available to assist and review the package
Imperial Oil Resources: Sherry Becker	Section 3.2 "Where there is duplication between the Application Form and the applicable Questionnaire, applicants do not need to provide the same information twice."	General	The industry-specific questionnaires request information that is duplicative of what is provided in the basic application.	For efficiency, and ease of use for both the applicant and the Board, industry-specific questionnaires should require only supplementary information, or be stand-alone to the point that the basic application is superceded by an industry-specific application.	The LWBs acknowledge that the questionnaires are outdated. The questionnaires are no longer required and have now been removed from the websites and from the Guide. In some cases, particularly for larger projects or projects that have undergone an EA or EIR, the Board may provide the applicant with an information request listing specific additional information requirements that must be included in the application package in lieu of the questionnaire. To determine what information may be required, applicants are encouraged to contact Board staff prior to submitting an application.
Dominion Diamond Mines ULC: Lynn Boettger	General Comment – Management Plans	General	Established projects will often have approved management plans in place. For a new project or project amendment it is common to need to update parts of those approved management plans. There is little indication in these draft documents how this is best handled. For example, what should be the version number, how is the change to the management plan best submitted (i.e. provide a full plan with the changes or only the parts to be changed). This can get confusing for all involved very easily.	Consider how changes to existing approved management plans are best presented with an application and add this information into these Guides.	Renewal and amendment sections in the Guides have been updated to be more clear that updated versions of documents should be attached to the application/request if changes are needed. Links to section 5.2 (where version numbering is addressed) have been also been added.
GNWT - ENR - EAM: Central Email GNWT	Topic 8: Applicable Minister	General	ENR notes that the term "Responsible Minister" is a specific designation under the MVMRA under Part 5. It would be more appropriate to use a different title here to avoid confusion.	1) ENR recommends that reference to "Responsible Minister" be replaced with "applicable Minister".	It is actually not necessary to specify 'responsible' or 'applicable,' because this is addressed in the definition of 'Minister,' so this qualifier has been removed throughout the Guides.
GNWT - Lands: Darren Campbell	Water Licence Application Process Guide	General	None	None	-
INAC - CARD: Murray Somers	WL Guide - General - compensation	General	The stakeholder compensation request process is not described/ explained in the guidance.	Suggest adding a section on the compensation claims process within this guide, including: how the process works, how it impacts timelines, and what criteria are considered by the Board to make its determination.	The LWBs are in the process of developing separate guidelines for compensation.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

<i>Draft Guide to the Water Licensing Process</i>					
Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
INAC - CARD: Murray Somers	WL Guide - Standard water licence conditions	General	Throughout the guide there is reference to the Standard Water Licence conditions, however there is no reference/link included.	Add in reference to the Standard Water Licence conditions.	The <i>Standard Water Licence Conditions Template</i> was still in draft form at the time the Guide was drafted. The link has been added throughout the Guides.
INAC - CARD: Murray Somers	Acronyms and Definitions (WL & LUP Guides)	Definitions	CIRNAC is defined as well as INAC and AANDC but they don't all refer to the new name. I assume the older names are included to refer to publications under those names, however it would be more clear to confirm they are all the same Department.	For INAC and AANDC acronyms, add in the new Departmental name of CIRNAC.	Added as recommended.
Seabridge Gold: Jane Howe	Both guides	Definitions	The definition of "advanced exploration" can be found in the 2017 Guidelines for Closure and Reclamation Cost Estimate for Mines. This definition, and by corollary a definition for "non-advanced exploration" or "early-stage exploration" should be incorporated into the guidelines to assist applicants to understand the expectations.	The Board should define "advanced exploration projects" and "non-advanced exploration" in order to clarify permitting/licensing expectations for these types of projects	Although the intent of this recommendation is understood, it would not actually serve any purpose to add this definition to these Guides, because this definition is not tied to legislated project categorization or licensing criteria. and the Guides do not set out any specific expectations based on this definition. Additionally, it should be noted that the definition provided in the referenced Guideline describes typical advanced exploration activities, but does not set a specific threshold.
GNWT - Lands: Darren Campbell	p.2/3 Definitions Applicant and Licensee	Definitions	The definitions for applicant and licensee state that they are people; however, companies typically submit applications.	Suggest identifying within the guidelines that the definition of "person" can include a company.	The current definition has been maintained, because it is consistent with with the MVLWB <i>Rules of Procedure</i> . Although the intent of this recommendation is understood, in all cases, an application must be signed by a person, and from a legal perspective, 'person' can mean an individual acting on their own behalf or on the behalf of a company/organization.
GNWT - ENR - EAM: Central Email GNWT	Topic 5: Effluent Quality Criteria	Definitions	The definition of EQC makes reference to numerical and narrative limits. This is also referenced in Section 8. ENR notes that other documents are referenced as a source of the definition. However, the enforceability of narrative EQC is highly questionable due the imprecise nature of the narrative (no direct yes or no way to quantify/test the statements). Thus, even though they are mentioned in other regulatory documents, narrative statements should not be included in the Water Licence due to enforceability concerns.	1) ENR recommends that the definition of EQC should make reference to numerical/quantitative limits only for enforceability reasons. During a prosecution, a non-compliance event needs to stand up in a court of law.	The current definition is consistent with the MVLWB <i>Water and Effluent Quality Management Policy and Guidelines for Effluent Mixing Zones</i> . Revisions to this definition would need to be considered through a revision to the Policy.
GNWT - Lands: Darren Campbell	p.2 Definitions Hazardous Waste	Definitions	The definition for hazardous waste is vague.	Suggest referencing another piece of legislation to narrow the scope of the definition for ease of clarity.	This definition comes from the MVLWB <i>Guidelines for Developing a Waste Management</i> , so it will be maintained for consistency. If this definition is revised in the Guidelines, it will also be updated in the Guides.
GNWT - ENR - EAM: Central Email GNWT	Topic 14: Mining Exploration	Definitions	The wording on selection for exploration could be clearer. For example, mining exploration might be interpreted as exploration only for a mining project. The industry term for exploration for minerals is 'mineral exploration'. Terminology should be improved to ensure a clear message to industry.	1) ENR recommends the guidance reference 'mineral exploration' rather than 'mining exploration'.	This is already the terminology currently used throughout the Guides; however, the title of the applicable water licence questionnaire was 'Mining Exploration Questionnaire,' so mineral exploration was not used in this instance, because it would not have been the correct title of the document. The questionnaires have now been removed from the websites and the Guide.
GNWT - Lands: Darren Campbell	p.6 Ordinary High- Water Mark Third Bullet	Definitions	The term "ordinary high-water mark" is not easily understood nor the definition universally agreed upon. As it is an important concept that needs to be universally understood to ensure all applicants are using the same metrics, it would be beneficial to clearly define this term in the guidance document.	Suggest defining ordinary high-water mark within the guidelines as understood by the LWBs so that applicants use the same metrics.	The definition from the <i>Standard Water Licence Conditions Template</i> has been added.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

<i>Draft Guide to the Water Licensing Process</i>					
Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	p.2 Definitions	Definitions	The guideline makes numerous references to "small scale projects" and attempts to make exceptions to various information requirements for small scale projects.	Suggest adding a definition to clarify what would constitute a "small-scale project" versus a "Large" or "complex" project.	The use of this term is general and providing a definition would not be appropriate, since there are no legislated or policy thresholds separating large projects from small projects, and it is not the LWBs' intention to create such thresholds.
Seabridge Gold: Jane Howe	Both guides, use of terms such as "small-scale project" and "smaller project"	Definitions	The term "small-scale project" is used throughout both guidelines as well as on the LUP/WL application forms. The guides and forms suggest that applicants for small-scale projects may not be required to provide certain information, or that less detailed information may be required. It would be helpful if this term could be defined so that applicants can better understand the submissions expectations.	The Board should define "small-scale projects" in order to clarify permitting/licensing expectations for these types of projects	
Paramount Resources Ltd.: Terence Hughes	Small-scale projects	Definitions	The documents reference the term small scale projects which are exempt from some requirements under the guidelines. No definition of small scale projects is provided	Provide a definition for small scale projects.	
INAC - CARD: Murray Somers	Acronyms and Definitions (WL & LUP Guides)	Definitions	"Toilet wastes" are defined but not referred to within the guide. Suggest simply using blackwater.	Remove "toilet waste" from the definitions.	Toilet waste is defined because it is used in other definitions (sewage and greywater), and these definitions are consistent with other LWB guidance and standard conditions templates.
GNWT - Lands: Darren Campbell	p.3 Definitions and Acronyms	Definitions	TK is used in a footnote but is not captured in the definition list.	If TK is going to be used, it should be captured in the definition list	The definition has been revised in both Guides to include the acronym.
GNWT - Lands: Darren Campbell	p.3 1.3 How This Guide Was Developed	1.3	Just a reminder that X and Y will need to be populated in final version.	None	These dates have been added in both Guides.
GNWT - Lands: Darren Campbell	p.6 2. When is a Licence required?	2	The wording in the following sentence could be improved: "Type B licences do not require the responsible Minister's signature unless a public hearing is held."	This sentence should be replaced with a sentence that states: "Type B licences do not require the approval of the Minister for issuance unless a public hearing is held."	To address this comment and other review comments, 'signature' has been changed to approval.
GNWT - ENR - EAM: Central Email GNWT	Topic 7: Municipal Facilities	2	Under Section 2, it may be confusing to applicants and reviewers to require a list of municipal water treatment facilities under Type B Water Licences. Note, some municipalities may require a Type A Water Licence depending on water use or the population size that are depositing waste.	1) ENR recommends that municipal water treatment facilities be removed from the examples of Type B Water Licences in Section 2, or be added to both Type A and Type B Water Licences.	The example has been revised to 'municipal water treatment facilities for smaller communities,' noting that these are only examples, and municipal water licences are more commonly type B in the NWT.
GNWT - ENR - EAM: Central Email GNWT	Topic 9: Licence Requirements	2	The wording in the following sentence could be improved: "Type B licences do not require the responsible (applicable) Minister's signature unless a public hearing is held."	1) ENR recommends that this sentence be replaced with a sentence that states: "Type B licences do not require the approval of the Minister for issuance unless a public hearing is held."	'Signature' has been replaced with 'approval.' This is consistent with the language used regarding type A licences.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

<i>Draft Guide to the Water Licensing Process</i>					
Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
Seabridge Gold: Jane Howe	Water Licensing Guide - Section 2	2	The second bullet states "Type B licences are generally for smaller projects with less impact on the environment. Examples include advanced mineral and oil and gas exploration...". Following on from the previous comment, early-stage mineral exploration that does not meet the threshold for "advanced mineral exploration may also require type B water licence to use water but should not be required to meet the same licensing expectations as "advanced exploration". Clarification that non-advanced exploration or early-stage exploration meets the definition of "small-scale projects"	The Board should clarify permitting/licensing expectations for projects such as "non-advanced exploration" which use water only and have no deposit of waste.	From a review of the LWBs' public registry, early-stage mineral exploration more typically requires a land use permit rather than a water licence. Regardless, the general examples given in this introductory section are not intended to be definitive or restrictive. Whether a licence is required, and what type of licence is required, is determined by the legislated licensing criteria, not by whether a project is large or small, since these are not defined terms or thresholds. In all cases, the applicant must provide adequate information for reviewers and the Board to understand the project details and the potential impacts and mitigations. The Board will then include licence conditions and requirements appropriate for the project.
Seabridge Gold: Jane Howe	Water Licensing Guide - Section 2	2	Where two water licenses are required for Federal and non-federal areas - the guide should clarify that one set of supporting documents (management plans and questionnaires) are required for the whole of the project.	Board should clarify that supporting documents should be prepared for the "project" as whole and include specific details about federal and non-federal areas. Clarify that two questionnaires are not required and two different management plans are not required.	It is acceptable to submit one set of supporting documents for both applications in this case. As noted, any differences associated with the different land types must be clearly described. Sections 3.1 and 3.2 have been updated to reflect this information.
Seabridge Gold: Jane Howe	Water Licensing Guide - Section 2	2	Section 2 does not provide sufficient information about (1) how to deal with projects where activities could trigger multiple water licence undertaking categories; (2) how the different undertakings are considered/processed by the Board - particularly information requirements; and (3) project splitting versus amending an existing water licence. Some examples to illustrate (a) A licensee has an existing water licence and decides to construct a stream crossing - is this an amendment or a new licence? (b) A licensee has a license for water use for Industrial purposes such as drilling then decides to build a camp with >50 person occupancy - is that a new licence or an amendment? (c) An applicant requires a water license for a stream crossing - does that automatically trigger the requirement to include information in the application about the water consumption (even if it is	Board should clarify expectations regarding project splitting versus amendments and low threshold projects that may trigger one undertaking while remaining under the threshold for other undertakings.	Section 2 has been updated to clarify that applicants must first identify the project by type and then use the criteria applicable to that type to determine whether a licence is required. The project type is determined by the primary project activity, and the project does not need to be evaluated against the licensing criteria for all types of projects. (See paragraphs 4(1)(c) and 5(1)(c) of the Waters Regulations and MVFAWR.) Section 3 has been updated to clarify that once a licensing criterion is exceeded, all project activities, including those that are below licensing thresholds, will be considered in the licence, so all project activities must be described in the application package. The general steps and timelines in the regulatory process will depend on whether the licence will be a type A or B licence, not on the type of project. Some information requirements are specific to certain project types, and these information requirements are described in the applicable sections of the Guide. Section 6.1 (Amendments) has been updated to clarify that most changes will be considered amendments rather than new licences. The exception would be a scenario in which the proposed new activities take place on a different land type.
INAC - CARD: Murray Somers	WL Guide - Water licence triggers - across undertakings? (p.6) (p.12)	2.1	When a project is deemed as one of the undertaking types, it would seem that only the activities under that undertaking in Appendix C would trigger a water licence. However from our experience it appears that any activity under any of the undertaking types would trigger the licence and not just the ones specific to the undertaking.	Clarification should be provided in the guidance on how the declared "type of undertaking" affects the Board's evaluation of proposed activities as they related to the various water licence triggers. (e.g. Is a declared "Industrial Undertaking" only evaluated under the activity types and triggers specific to the Industrial Undertakings schedule, or would the project be evaluated across the various undertaking schedules?)	Section 2 has been updated to clarify that applicants must first identify the project by type and then use the criteria applicable to that type to determine whether a licence is required. The project type is determined by the primary project activity, and the project does not need to be evaluated against the licensing criteria for all types of projects. (See paragraphs 4(1)(c) and 5(1)(c) of the Waters Regulations and MVFAWR.) Section 3 has been updated to clarify that once a licensing criterion is exceeded, all project activities, including those that are below licensing thresholds, will be considered in the licence, so all project activities must be described in the application package.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

<i>Draft Guide to the Water Licensing Process</i>					
<i>Reviewer</i>	<i>Topic</i>	<i>Section of Guide</i>	<i>Reviewer Comments</i>	<i>Reviewer Recommendations</i>	<i>Draft Responses</i>
GNWT - ENR - EAM: Central Email GNWT	Topic 10: Licence Requirements	2.1	Section 2.1 should explicitly direct the reader to the Water Regulations for clear determination on when a Water Licence is required, and the type. The current version has this direction in a foot note, but due to the potential of it being missed or misinterpreted, clear direction is warranted.	1) ENR recommends that the guideline make clear reference to the Waters Regulations and the Mackenzie Valley Federal Areas Waters Regulations for determination on when, and what type, a Water Licence is required by a proponent. This should be in the main body of the text of Section 2.1.	Section 2.1 has been updated to provide more clear instruction to applicants on how to evaluate their project against the legislated criteria. References and links to the legislation have been added directly to the text in this section. In general, because it is not possible to link directly to specific sections of the legislation, references to the legislation are provided in footnotes throughout the Guides.
GNWT - ENR - EAM: Central Email GNWT	Topic 11: Licence Requirements	2.1	Section 2.1 (bottom of p.6) one of the sentences is incomplete.	1) ENR recommends that the underlined wording should be added to the following sentence: "The total volume of water used and/or the waste deposited for the entire project will determine whether the licences (no plural needed) are type A or B (both licences will be the same type)..."	This paragraph has been updated to ensure it includes other criteria that would determine whether the licences are type A or B.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	2.1 Activities that Require a Water Licence	2.1	Why does mineral exploration require a water license? While this question may sound impertinent, in searching the Waters Regulations and the Guide to the Water Licensing Process, there is no mention of mineral exploration or mineral exploration drilling in the requirement for a water license. It begs the question then why it's required. Where is this found? While one might assume that it falls under industrial undertaking, there is also no mention of it in the list of activities provided under that definition. While the words "mining exploration" are in the Guide related to the questionnaire, there appears to be no legal basis supplied to explain why mineral exploration requires it. The reference to "for a full list of activities requiring a water license ... refer to ... Appendices B and C" is als not helpful as there is no mention to mineral exploration or drilling activities either.	Identify in the document under what legislation/regulations mineral exploration requires a water license. Specifically identify mineral exploration under this section if it applies.	Based on the legislated undertaking types, mineral exploration falls into the category of miscellaneous undertakings. This has been added to the footnotes in Appendices B and C. The LWBs acknowledge that mineral exploration projects have often been classified as mining and milling projects in the past; however, the licensing criteria that would typically apply to mineral exploration projects are the same in both the miscellaneous and mining and milling categories.
Seabridge Gold: Jane Howe	Water Licensing Guide - Section 2.1	2.1	Schedules D to H of the Waters Regulations and Schedules 4 to 8 of the MVFAWR do not specially mention "mineral exploration". Oil & gas exploration is defined as Industrial undertaking. Mining & milling are defined as an undertaking. The Board should clarify that "mineral exploration" should be considered "Miscellaneous" undertaking, because it is neither Industrial nor Mining & Milling	The Board could clarify whether "mineral exploration" is considered a "Miscellaneous" undertaking.	
GNWT - Lands: Darren Campbell	p.6 2.1 Activities that require a water licence (bottom of page 6)	2.1	One of the sentences is incomplete.	The underlined wording should be added to the following sentence: "The total volume of water used and/or the waste deposited for the entire project will determine whether the licences are type A or B (both licences will be the same type)..."	Deposit of waste has been added to this sentence.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

<i>Draft Guide to the Water Licensing Process</i>					
Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - ENR - EAM: Central Email GNWT	Topic 12: Licence Criteria	2.1	Section 2.1 may be little misleading as while 100 m3/day is the trigger for industrial and misc. water use, the trigger for municipal water use is 50 m3/day. Additionally, the section does not include the trigger for watercourse training (the removal or placement of 100 m3 of material). As well, the last bullet is a bit confusing as while it does note the 50 person Water Licence trigger for camp waste, the last bullet implies that any discharge of sewage would require a Water Licence. This is not accurate as a deposit of sewage from a camp of less than 50 people would not require a Water Licence provided the deposit of waste must be in accordance with the Public Sewerage Systems Regulations and there must be no direct or indirect deposit to surface waters. Finally, the last bullet should be clarified that a Water Licence will be required for any direct or indirect deposit of waste to waters.	1.) ENR recommends that the MVLWB review Section 2.1 and make any clarifications as required noting the specific examples in the comment above.	Watercourse training is broadly captured in the 'channel and bank alterations...' bullet, since the term 'watercourse training' is commonly misunderstood. The specific 100 m3 criterion is not included, since it does not apply to all of the activities included in this bullet, and there are also other licencing criteria for watercourse training. As noted, this is a general overview list, and applicants should go to the Appendices and/or the regulations for specifics if their proposed activity fits into the broad categories set out in the list. The last bullet has been clarified as recommended regarding direct or indirect waste deposit to water.
INAC - CARD: Murray Somers	WL Guide - Deposit of Waste - legacy waste	2.1	If the project is remediation of an abandoned mine and the waste was not deposited by the proposed project it is not evident it should be considered "deposit of waste".	Guidance document could provide further clarification around "deposit of waste".	While legacy waste can be an on-going source of waste deposition (e.g., via seepage), recently-issued licences for remediation projects have been required because the remediation activities themselves exceed licencing criteria. The project as a whole, including pre-existing waste deposits and project activities that do not necessarily exceed licensing criteria, is then considered in the preliminary screening and in the development of the licence.
INAC - CARD: Murray Somers	WL Guide - Water licence triggers - winter roads/ ice roads	2.1	The guide does not provide any discussion or guidance regarding the potential need for water licences for the construction and maintenance of winter roads/ ice roads. There is currently a lot of confusion and inconsistency in how these undertakings are regulated.	Add in a specific section for guidance on winter roads/ ice roads and the associated water use triggers and information needed to submit.	The existing regulations specify that projects in the agricultural/recreational/conservation/miscellaneous category do not require a licence to use water for making an ice bridge (if the water is taken directly from the watercourse on which the ice bridge is being constructed). At this time, there is no similar exception for ice bridges in the other project categories, so if a project includes a winter/ice road, the water used for the road could potentially exceed the licensing criteria for water use. Regardless, if a project of any type includes a winter/ice road and exceeds any licensing criteria in the applicable Schedule, water use for the winter/ice road will be included in the preliminary screening and the licence. Although the new MVLWB <i>Reference Bulletin: Water Use</i> does not directly address specific examples, the intent of the Bulletin is to provide clarity and consistency around these types of water use.
GNWT - Lands: Darren Campbell	p.7 Footnote 8	2.2	Footnote 8 has a different text size for MVFAWR link.	Change text size	Corrected.
Seabridge Gold: Jane Howe	Water Licensing Guide - Section 2.2	2.2	It would be easier to understand if the sixth bullet provided greater clarity. The preceding five bullets provide clear examples of when a water licences is not required. The sixth bullet should be revised to include examples: "Any activities involving water use, stream crossings, waste disposal..... that are described in Column II of Schedules D to H of the regulations....."	Revise the sixth bullet to include examples.	Because there is more variation in these Columns, the LWBs have chosen not to summarize them here in this list.
GNWT - Lands: Darren Campbell	p.11 3 Applying for a New Water Licence	3	Section 3 is labeled "Applying for a New Water Licence" but then the subsection goes on to mention amendments and renewals.	Suggest mentioning amendments and renewals earlier on rather than for the first time in the details of how to complete the application form.	Added to the introductory paragraph of section 3.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Water Licensing Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
INAC - CARD: Murray Somers	WL Guide - Federal & Territorial jurisdictions (Various - Section 2.1, 3.2, etc.)	3	It is unclear how two water licences (federal and territorial) will be developed and managed. It appears two application forms are required, but can other submissions be combined (questionnaire, various plans, application fees etc.)? Are both applications expected to be the same (i.e. both include the scope of the entire project), or is the content to be limited to the scope of the project that falls only within the respective jurisdictions?	Add further clarity for proponents on how two licences will be developed and managed if the activities are on both federal and territorial lands. Add further clarity on the application differences/similarities for federal and territorial applications whenever two licences are required.	Additional information on split-interest projects and applications has been added to the Guides (sections 2.1, 3.1, and 3.2 in the <i>Guide to the Water Licensing Process</i> , and section 2.1 in the <i>Guide to the Land Use Permitting Process</i>). The LWBs have also developed the MVLWB <i>Reference Bulletin: Split-Interest Projects</i> , which provides information on both licensing and permitting of split-interest projects.
INAC - CARD: Murray Somers	Notifications - federal third parties (p. 11 LUP Guide, pg. 16 WL Guide)	3.1	Both WL & LUP guides suggest that "Applicants should contact GNWT-Lands to assistance in notifying lease holders." However, if the activities are on federal lands, then CIRNAC Lands should be contacted to identify and engage with lease or reserve holders. Note that CARD has reserves for all of the federal exclusions associated with contaminated sites, and therefore should be engaged with early on in the process.	Expand the engagement section to clarify requirements to engage CIRNAC Lands if operations are on or near federal lands.	CIRNAC has been added as recommended. These sections have also been updated to be more clear about the purpose of this contact.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	3.1 Pre-Application Information	3.1	For closure cost guidance, reference is made to the Guidelines for Closure and Reclamation Cost Estimates for Mines, which the Guide says are generally applicable to all projects. We disagree that they are applicable to all projects, and there have been clear cases with smaller, less intensive exploration projects where they have been inappropriate and overly onerous as a result.	As with the Land Use Plan Guide, we recommend a new closure cost estimating model be developed specifically for low impact, small footprint, exploration projects.	As noted in the Guidelines, for small projects (including most mineral exploration projects) that do not require a water licence, the existing LWB <i>Land Use Permit Application Security Template</i> is typically used to calculate the closure cost estimate. The LWBs acknowledges that the Template requires revision. For water licences, the RECLAIM model should be used. Note, however, that the Guidelines are not strictly about the RECLAIM model and include useful information for all applicants regarding closure cost estimate considerations and security processes.
GNWT - Lands: Darren Campbell	p.8 3.1 Pre-application Information fourth bullet	3.1	There is no requirement in the MVRMA or Waters Act for an applicant to have obtained or be in the process of obtaining all required authorizations when they apply for a water licence nor is there any reason to require this.	The reference should therefore be to "are obtained, are in the process of being obtained or will be obtained".	Other authorizations may be required by other authorities prior to commencing operations (regardless of whether the licence has been issued), so it is in the applicant's best interest to be aware of and be in the process of obtaining any required authorizations. Item 14 in section 3.3 has been revised for clarity.
GNWT - ENR - EAM: Central Email GNWT	Topic 17: Pre-Application Information	3.1	Regarding Section 3.1, ENR notes that there is no requirement in the MVRMA or the Waters Act for an applicant to have obtained or be in the process of obtaining all required authorizations when they apply for a Water Licence, nor is there any reason to require this.	1) ENR recommends that the reference be updated to note that authorizations "are obtained, are in the process of being obtained or will be obtained".	
GNWT - Lands: Darren Campbell	p.8 3.1 Pre-application Information	3.1	This section outlines the information that must be completed before submitting an application to the LWB. However, there are no references to the applicable sections of the MVRMA/MVLUR or NWT Waters Act/NWTWR which give the land and water boards the authority to require this information.	Suggest reviewing this list to separate required information from 'suggested' and adding legal references where applicable to support.	Applicants should use the Application Completeness Checklist in section 3.4 to ensure their application package contains all of the required information. The list provided in this pre-application section is intended to help the applicant gather and prepare the information needed to complete their application package. Many of items in this pre-application list are not actually information requirements but involve contacting other agencies to determine what is required. Additionally, many of items in the list state 'if applicable/necessary.'

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

<i>Draft Guide to the Water Licensing Process</i>					
<i>Reviewer</i>	<i>Topic</i>	<i>Section of Guide</i>	<i>Reviewer Comments</i>	<i>Reviewer Recommendations</i>	<i>Draft Responses</i>
Dominion Diamond Mines ULC: Lynn Boettger	Land Use Permit Guide - Corporate Registries (Page 13, #2) and Water Licence Guide (Page 10, #2)	3.1	As it is necessary, for a company, to obtain a corporate registries certificate in order for an application to be deemed complete the requirement for a certificate from Corporate Registries should appear in the list for section 3.1 Pre Application Information for completeness purposes as it is something a company would need prior to applying for a Land Use Permit or Water Licence.	Add the requirement for companies to be in good standing and registered with GNWT Corporate Registries to do business in the Northwest Territories, and provide a copy of their current NWT Certificate of Registration in the application package to section 3.1 Pre Application Information, page 11 of the Land Use Permit Guide. Note that this does appear in the Water Licence Guide checklist table.	Added to list in section 3.1 in both Guides.
GNWT - Lands: Darren Campbell	p.8 3.1 Pre-application information sixth bullet	3.1	The bullet implies that applicants must contact the applicable Land Use Planning Board or Tlcho Government to discuss conformity with relevant land use plans. There is no requirement in the MVRMA for an applicant to do this. Rather, it is the responsibility of the regulatory authority to complete the conformity check with relevant land use plans per (47(1) (a) of the MVRMA.	The GNWT recommends deleting this bullet, or revising to clarify that it is suggested but not mandatory. As above: [This bullet should be prefaced with: "If there is a land use plan in effect." And then should read: "... proponents should refer to a land use plan as early as possible when any land use activities are being contemplated to ensure that the proposed land use activity is an allowable use, and provide sufficient evidence that conformity requirements are considered early in project design."	It is responsibility of the regulatory authority to complete the conformity check; however, to avoid delays, it is in the applicant's best interest to ensure their project is in conformity with any applicable land use plan prior to applying for a land use permit. The best way for the applicant to accomplish this is to contact the LUPB or the TG, as applicable.
GNWT - ENR - EAM: Central Email GNWT	Topic 18: Land Use Plan	3.1	Section 3.1 inaccurately suggests in the sixth bullet that a Land Use Plan will be in effect in every case.	1) GNWT recommends that the subject bullet be prefaced with "if there is a Land Use Plan in effect..."	Added 'if applicable' to improve clarity.
GNWT - ENR - EAM: Central Email GNWT	Topic 19: Municipal Facilities	3.1	In Section 3.1, it is mentioned that approval must be obtained to use municipal waste facilities. It may also be prudent to mention that applicants ensure that the municipal facility where they are hoping to deposit waste is within compliance and has sufficient capacity. Approval from the facility alone has been insufficient in the past and applicants may want to confirm with the relevant LWB(s) or Inspector to avoid delays in approvals. This comment also applies to Section 8.	1) When anticipating use of municipal facilities, ENR recommends the guide also suggest that the applicant confirm with the applicable LWB or Inspector that the facility is in compliance and has capacity.	It should be noted that written agreement, not approval, from the municipality is required. The Board will approve the proposed waste disposal method through the Waste Management Plan based on the evidence gathered through the public review process (for the application package or the Waste Management Plan), which includes the Inspector and other parties that may have additional information regarding the current status of the municipal facility. Additionally, in the <i>Standard Water Licence Conditions Template</i> , there is a condition requiring the licensee to provide notification to the Board and the Inspector prior to actually depositing waste at the municipal facility, since conditions can change over time.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

<i>Draft Guide to the Water Licensing Process</i>					
<i>Reviewer</i>	<i>Topic</i>	<i>Section of Guide</i>	<i>Reviewer Comments</i>	<i>Reviewer Recommendations</i>	<i>Draft Responses</i>
GNWT - ENR - EAM: Central Email GNWT	Topic 3: 3.1 Water Licence Process Document: Pre-Application Information - Wildlife Management and Monitoring Plan (WMMP)	3.1	Section 3.1 directs proponents to "Contact GNWT-Environment and Natural Resources for guidance on whether a Wildlife Management and Monitoring Plan may be required. If applicable, a requirement for this Plan may be included in licence conditions". As the requirement for a WMMP will be determined by the Minister of ENR based on the Wildlife Act and its regulations, there is no reason for a WMMP requirement (as such under the Wildlife Act) to ever be included in licence conditions. A Land and Water Board could, however, impose specific substantive and/or procedural requirement in relation to wildlife habitat, outside of a WMMP, in Land Use Permit or Water Licence terms and conditions.	1) Delete the second sentence that states: "If applicable, a requirement for this Plan may be included in licence conditions".	The sentence has been deleted as recommended.
Seabridge Gold: Jane Howe	Water Licensing Guide - Section 3.1, page 9	3.1	There is a new questionnaire required for applicants doing "Mining Exploration". The questionnaire is entitled "Mining Exploration/Development Questionnaire" and is virtually identical to the Mining Industry questionnaire. The term "Mining Exploration/Development" is odd terminology and I have never heard it used previously nor seen it defined in any NWT regulations or guidelines. Perhaps this questionnaire would be more appropriately referred to as the "Advanced Mineral Exploration Questionnaire" and the requirement to complete it (on page 9) should be applicants who meet the definition of "Advanced Mineral Exploration" - see my earlier comment # 6.	Revise all references to the "Mining Exploration" Questionnaire" to "Advance Mineral Exploration"	The LWBs acknowledge that the questionnaires are outdated. The questionnaires are no longer required and have now been removed from the websites and from the Guide. In some cases, particularly for larger projects or projects that have undergone an EA or EIR, the Board may provide the applicant with an information request listing specific additional information requirements that must be included in the application package in lieu of the questionnaire. To determine what information may be required, applicants are encouraged to contact Board staff prior to submitting an application.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	3.2 Completing the Water Licence Application Form	3.2	Applicants for Mining Exploration are required to complete a questionnaire and upon review, it is very focused on very, very advanced exploration and mini-mining. A proponent operating enough exploration drills to exceed 100 m3/day would have a tough job wading through the many questions on tailings composition, description of portable mill plants, etc.	It might be helpful to differentiate early in the questionnaire what the size of the project is, and if small then simply say, eg, skip questions 4 thru 8.	
Seabridge Gold: Jane Howe	Water Licensing Guide - Section 3.2	3.2	There is duplication between the basic application form and the industry specific questionnaires. See comment and recommendation #2 by Sherry Becker, Imperial Oil Resources.	Board should streamline application forms and questionnaires.	
GNWT - Lands: Darren Campbell	p.10 3.2 Completing the Water Licence Application Form third bullet	3.2	"This also includes management areas outside of the NWT (e.g., the land and waters regulated by the Yukon Government, and land and waters regulated by the GLWB)."	"NWT" should be switched to the "Mackenzie Valley" – because GLWB is in the NWT and the sentence likely contemplates the ISR region	Revised as recommended.
GNWT - Lands: Darren Campbell	p.11 GIS data	3.2	last line of paragraph is a different font size	change font size	Corrected.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

<i>Draft Guide to the Water Licensing Process</i>					
Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	p.11 Maps	3.2	Maps terminology for scale should be corrected.	"map scaled at 1:250,000 or less" should say "map scaled at 1:250,000 or larger". "detailed map scaled at 1:50,000 or more" should say "map scaled at 1:50,000 or larger".	The language used corresponds to the language used in the MVLWB <i>Guideline for Geographic Information System (GIS) Standard</i> .
GNWT - ENR - EAM: Central Email GNWT	Topic 27: Water Use Fees	3.2	The section on fees outlines that federal and territorial governments do not pay water use fees. This is a reflection of section 3 of the Waters Act and section 7 of the MVRMA. However, these sections do not exempt the federal government from paying water use fees to the territorial government, should a project be located in a non-federal area and vice versa.	1) ENR recommends consideration be given to clarifying that "in most cases", the territorial and federal governments do not pay water use fees.	Section 3.2 and Table 2 have been revised as recommended.
GNWT - Lands: Darren Campbell	p.19 Footnote 23	3.2	Re: It is Board policy not to require security from federal, territorial, and municipal governments. GNWT is not aware of an official board policy in this regard. Currently, the MVRMA and its regulations and the Waters Act and regulations do not contain provisions in relation to governments not being required to post security.	Recommend that the revised guide clarify if this is Board policy or a best practice.	As stated in the footnote, this is LWB policy. Although section 94 of the MVRMA only applies to permits, the LWBs also apply this approach to water licences.
GNWT - Lands: Darren Campbell	p.19 Footnote 23	3.2	GNWT is aware of recent examples where Board staff included draft security conditions in licences for government corporations. Following comments from reviewers, these conditions did not appear in the final licence.	Recommend that the revised guide include clarification regarding government and Crown corporations.	The footnote has been updated to note that requirements for security from Crown corporations will depend on the nature of the relationship between the corporation and the government, and must be assessed on a case-by-case basis. The LWBs do not have further clarification to provide on this matter at this time.
GNWT - Lands: Darren Campbell	p.20 Fees	3.2	"All application fees are payable to the Receiver General for Canada. Water use fees are payable to the GNWT in non-federal areas and to the Receiver General for Canada in federal areas."	Change first sentence to "Currently, land use fees are only payable for use of federal lands and are payable to the Receiver General for Canada."	Land use fees do not apply to water licences.
GNWT - Lands: Darren Campbell	p.9 Completing the Water Licence Application Form first bullet	3.2	This bullet does not set out all circumstances in which a water licence application will need to be submitted to MVLWB	There should also be a reference to a water licence application for a project that is likely to have an impact on the lands and/or waters managed by two boards or within two regions needing to be submitted to MVLWB as per s. 103(1)(a) of the MVRMA.	Added 'potential impacts' to the transboundary information in the first bullet of section 3.2.
GNWT - ENR - EAM: Central Email GNWT	Topic 20: Applications	3.2	Section 3.2 does not set out all circumstances in which a Water Licence application will need to be submitted.	1) ENR recommends that Section 3.2 also make reference to a Water Licence application for a project that is likely to have an impact on the lands and/or waters managed by two boards or within two regions needs to be submitted to the MVLWB as per s. 103(1)(a) of the MVRMA.	
Fortune Minerals Limited: Rick Schryer	Reference to NWT Waters Act in Water license guide	3.2	Footnote #10 on page 9 is incorrect. Section 25(6) (d) is cited but it should be 26(5) (d)	Correct footnote #10	Corrected.
GNWT - Lands: Darren Campbell	p.11 Geographic Coordinates	3.2.3	UTM is commonly used but is not allowed for LWB applications. It would be helpful to explain why UTM cannot be used or state that it cannot be used so there is no confusion.	Suggest stating that UTM cannot be used and/or provide the reason for ease of clarity.	The acceptable format is clearly stated, and a reference to the MVLWB <i>Guideline for Geographic Information System (GIS) Standard</i> is provided. The Guide is not intended to reiterate all of the information provided in other LWB guidance.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Water Licensing Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	5. TYPE OF UNDERTAKING	3.2.5	Further to ouu comment on 2.1 above, there is no reference to mineral exploration (and drilling) requiring a water license.	Recommend you indicate here that mineral exploration / drilling is to be described as an Industrial Undertaking, if that is in fact the case.	Mineral exploration is considered a Miscellaneous Undertaking. This has been added to the footnotes in Appendices B and C. Specific guidance for different types of projects is not included in section 3.2, item 5.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	7. QUANTITY OF WATER INVOLVED (point 1)	3.2.7	In the special case where the number of drills on a project then requires a water license, the issue of source water will be difficult to predict on the application date, and field decisions would provide flexibility required. See our comments on the land use permit guide.	Recommend Inspectors be allowed / empowered to make field decisions for water sources for drilling projects that require a water license. Recommend that risk analysis be conducted to assess whether the new requirement of bathymetry makes sense given the small amount of water diamond drills can use.	The LWBs have obligations related to other water users, other licensees, and compensation that require all potential water sources to be identified at the application stage in order for the LWBs to make legally-required determinations. These are not new obligations; however, the LWBs have been refining the application requirements over time to ensure that these obligations are met. Despite what may have been done in the past, the LWBs cannot delegate the responsibility of identifying water sources or determining water use limits to Inspectors. The LWBs recognize that requiring bathymetry for all lakes is not practical in all cases and are in the process of developing guidance on water capacity calculations.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	7. Quantity of Water Involved (point 2)	3.2.7	Names and types of water sources are problematic for proponents who have large regional (contiguous) land packages. Exploration is not so predictable as to know exactly where drilling may occur at the beginning of the 5-year licence. Bathymetry is also a major concern as very few NWT lakes have such publically available information, and to direct companies (or individual prospectors) to do such detailed studies will be extremely costly and time consuming. This is especially true for junior exploration companies who typically don't have the resources for such an endeavour.	Recommendation: Allow the inspector(s) to work with the proponents when assessing possible water sources, and to ensure water use will not adversely impact the source.	
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	7. Quantity of Water Involved (point 3)	3.2.7	Some areas within the NWT are under Federal jurisdiction including the enclosed water bodies. There are exploration projects where the proponents have both Federal and Territorial lands and are thus inspected by agents for both. In some cases they even have different daily water use limits whereby a Type B of 299 cubic metres per day is divided up between the two governing bodies, not evenly and not in accordance to their vastly different hectares. This makes it very difficult to explore. For example, there are instances where a company currently active in the region has a LUP allowing up to five drills to be active but their bifurcated water licence does not allow them to deploy the drills as they would breach the daily limits on either Federal or Territorial lands. However, they would be ok if the dailey use was not divided between the two.	Recommendation: Make sure the LUP and water licenses are not contradictory to one another. This only complicates a very simple matter in terms of the daily water limit. Two inspectors covering the same project area seems inefficient, nor is messaging always consistent between the two....consider consolidating into one inspector.	The concerns about requirements for two separate licences and Inspector coordination are outside of the LWBs' authority; however, the LWBs try to minimize complications when developing licences and permits for split-interest projects. The LWBs have also developed the MVLWB <i>Reference Bulletin: Split-Interest Projects</i> , which provides information on both licensing and permitting of split-interest projects.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Water Licensing Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	7. Quantity of Water Involved (point 4)	3.2.7	Very little to virtually no data currently exists for the vast majority of potential water sources in the NWT. Requiring bathymetry data would require a proponent to engage in a land use activity at significant expense, prior to a permit being issued, in order to physically gather the required data. Our analysis indicates that doing so is also a moot exercise, as the actual volume of water used for drilling is not significant to environmental impacts. Our polling of members also indicates that this requirement is not required anywhere else in Canada by DFO.	Remove the requirement for bathymetry data in a permit application. Conduct a risk analysis to determine that the bathymetry data requirement can be removed due to the insignificance of environmental impacts.	The LWBs are currently working with the GNWT and other interested parties to develop guidance on water source capacity calculation.
GNWT - ENR - EAM: Central Email GNWT	Topic 15: Water Sources	3.2.7	Quantity of water – The GNWT recognizes that it has been difficult for applicants to provide source water information (such as capacity, depth, bathymetry, etc.) as part of a licence application. ENR notes that the Waters Act and Regulations outline that the Board must establish limits for water extraction in the water licence and the Board must ensure that the volume authorized for removal in the water licence can safely be removed without significantly affecting a water sources capacity and function. Specifically, for recent mineral exploration applications, implementation of this requirement has been challenging. To address these challenges and balance the requirements, the Board should develop further guidance on how and when this information is required. Further, the guidance should include a process to collect this information.	1) GNWT recommends that additional technical guidance for water source allocations should be developed collaboratively with participation from the Land and Water Boards and other interested parties (e.g. ENR, Lands, ITI, industry, DFO, ECCC, etc.).	
GNWT - ENR - EAM: Central Email GNWT	None	3.2.7	None	2.)GNWT recommends, in the interim, the Board provide guidance on a method to calculate available volume (i.e. conservative estimates) until such time that specific technical guidance is developed on this subject.	
GNWT - Lands: Darren Campbell	p.12 Quantity of Water Involved	3.2.7	Quantity of water – The GNWT recognizes the challenges that exist in requiring source water information (such as capacity, depth, etc.) as part of a licence application. It is acknowledged that the amount of water that can safely be removed from a water source is required by the Board such that it can include water withdrawal limitations in the water licence. A process to collect this information should be included as part of the application or as described in any guidance developed on this subject in the future.	GNWT recommends providing guidance to applicant on the type of information required for a water source or method to calculate available volume (conservative estimates) or as described in any guidance developed on this subject in the future.	

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Water Licensing Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
Fisheries and Oceans Canada: Triage Group Fisheries Protection Program	Section 3.2, part 7 – Quantity of Water Involved	3.2.7	Fisheries and Oceans Canada requires additional information regarding each water body proposed for withdrawal in terms of capacity and comparison of use to capacity in order to determine if there may be impacts to fish and fish habitat.	Information in the application should include the following (for each proposed water body): Surface Area (Ha), Total Lake Volume (m3), Calculated Withdrawal Volume (m3), Total Required Water Volume Extracted (m3). Where a project includes winter water withdrawal, information should also include: Under Ice Volume (m3) - based on maximum ice thickness for region and Maximum Expected Ice Thickness Value Used (m).	The information in the Guide reflects the current Water Licence Application Form.
INAC - CARD: Murray Somers	WL Guide - Quantity of Water Involved (section 7, page 12)	3.2.7	It is unclear if water that is being returned to a water source is included in the water use calculations.	Clarify how "water being returned to a water source" is considered in the calculation of total water use.	This is still considered water use and does not affect water use calculations or fees. Item 7 in section 3.2 has been revised to clarify that this information is related to assessing capacity and potential effects. Additionally, the LWBs have developed the <i>MVLWB Reference Bulletin: Water Use</i> .
GNWT - ENR - EAM: Central Email GNWT	Topic 25: Editorial	3.2.8	Section 8, Under "Waste Management Plan" in the sentence "For most applicants, this should be attached in the form of a Waste Management Plan, developed in accordance with in accordance", the phrase "in accordance" is duplicated.	1) ENR recommends that the sentence be edited as required.	Revised as recommended.
INAC - Yellowknife: Dinah Elliott	Guide to Water Licensing Process - Section 9	3.2.9	This section instructs applicants to contact water users, but does not provide methods for determining who they may be.	If possible, providing some guidance on determining water users would be beneficial for proponents.	Other water users should be identified through the engagement process. Applicants may contact LWB staff for assistance in obtaining contact information and developing a list of minimum engagement requirements based on the proposed project location.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	10. PREDICTED ENVIRONMENTAL IMPACTS OF THE UNDERTAKING AND PROPOSED MITIGATIONS.	3.2.10	Not sure if this is required for both types of water licences or not. If it is for a Type B licence then this is a new requirement. Type B licence activities such as mineral exploration are low impact and as such would not have much of anything in terms of lasting impacts. It's also a bit confusing that the water license is requiring input on none-water related issues (ex. land, geological features, vegetation, fauna, etc.)	Recommendation: Clarify if this applies to both types of water licences, and perhaps revisit the necessity for such detailed requirements for low impact activities such as mineral exploration.	This information not a new requirement. It is required for all applications for the purpose of preliminary screenings, which have a broader scope with regard to potential impacts. An impact-mitigation table has been added to the Application Forms and to the Guides. The table is intended to assist applicants in thoroughly considering the potential impacts of their project, which can help prevent delays in the regulatory process. Not all projects will have potential impacts on every item in the list.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	11. WASTE MANAGEMENT METHODS	3.2.11	We note that both the Land Use Plan Guide and the Water License Guide require waste management plans based on the same MVLWB guidelines document. We request that there be no duplication between the permit and license requirements, and the same plan can be used for both.	Recommend there be no duplication between the permit and license requirements, and allow the same waste management plan to be used for both.	This is current LWB practice. The Guides have been updated to ensure this is clear.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

<i>Draft Guide to the Water Licensing Process</i>					
<i>Reviewer</i>	<i>Topic</i>	<i>Section of Guide</i>	<i>Reviewer Comments</i>	<i>Reviewer Recommendations</i>	<i>Draft Responses</i>
Seabridge Gold: Jane Howe	Water Licensing Guide - Section 11; Permitting Guide - Section 3	3.2.11	The requirement to provide information about contractors and sub-contractors is unnecessary and could be inaccurate. The ultimate responsibility for compliance with a permit or licence and all other statutory instruments lies with the applicant/owner of the project/property. For most projects, information about contractors and subcontractors is not known at the time of application and even if it is known, it is highly probable that it will change during the term of a licence. If there are other reasons for requesting this information, the Board should clarify why it is required.	Remove requirement to provide contractor and sub-contractor information.	This information is required by the legislated application form.
INAC - CARD: Murray Somers	WL Guide - Contractors and Sub-Contractors (Section 11, p.16)	3.2.11	CARD remediation projects (and likely many other projects/proponents) typically do not have contracts awarded at the time of WL application, but this should not prevent water licences from being issued. Conditions of the authorization are usually integrated into the contract terms and conditions.	Perhaps state in the application that this information is to be provided once contracts have been awarded.	This information is required by the legislated application form.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	14. ADDITIONAL SUPPORTING INFORMATION - FINANCIAL CAPACITY	3.2.14	Most junior explorers secure their finances through the capital markets, often on a year to year basis, thus they are at the mercy of the markets and have no control over the availability of capital to advance their projects. Knowing this, then how are they expected to have the adequate finances in hand to complete their project? Furthermore, how are they expected to know how long it will take as exploration is not a definitive science. The advancement of any project is dependent upon the success in finding something, which is certainly not a given, nor are the earth's resources so predictable in terms of their locations and contained value....thus it's called exploration.	Recommendation: Allow flexibility in this requirement. Finances simply cannot be in place to cover the entire length of an exploration program, as no one knows how long that will be or its eventual scale of activity.	This is not a LWB policy, but a legislated requirement for licence issuance. Please see paragraph 26(5)(d) of the <i>Waters Act</i> and paragraph 72.03(5)(d) of the MVRMA.
GNWT - Lands: Darren Campbell	p.16 14 Engagement (final sentence of the first paragraph)	3.2.14	This sentence should be broadened given the previous sentence. "Applicants should contact GNWT-Lands for assistance in notifying lease holders."	This sentence is only applicable on territorial lands; other agencies need to be contacted when the land is owned by others. It should be replaced with a sentence that indicates that the applicant must contact the federal, territorial, municipal and/or Aboriginal government with administration and control of the lands at issue to be provided with information about any parties, other than Aboriginal governments and organizations, potentially affected by the proposed project.	This sentence is specific to lease information, which is not public, so the applicant must contact the GNWT/CIRNAC for assistance in contacting potentially affected lease holders. It has been revised to make this link more clear and to include CIRNAC.
GNWT - Lands: Darren Campbell	p.16 Engagement	3.2.14	p.8 mentions the Engagement and Consultation Policy, which could also be referenced under this engagement section.	Suggest mentioning the Engagement and Consultation Policy in this section.	The focus in this section is about the specific requirements for the Engagement Record and Plan, which are detailed in the Guidelines. References and links to the underlying Policy are provided elsewhere in the document, as noted in the comment.
GNWT - Lands: Darren Campbell	p.17 TEK/TK	3.2.14	It would be helpful for applicants to have the reference linking them to why TEK/TK must be submitted in SLWB. TEK/TK should appear in the acronyms list	Suggest including a reference why TEK/TK must be submitted in SLWB, which could be incorporated as a footnote.	This requirement is a SLWB policy. There is no document to reference.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Water Licensing Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	p.17 14 Eligibility (first sentence of first paragraph)	3.2.14	There is no eligibility requirement under the MVRMA or Waters Act to apply for a water licence.	The reference to "must" in the first sentence should be changed to "should".	Although it is correct that there is no eligibility requirement for water licences, it is in the best interest of all parties to ensure that the landowner's permission will be granted prior to undertaking the regulatory process; otherwise, the project could be significantly delayed or unable to proceed at all, regardless of whether the licence is issued. The licence will not give the applicant the right to use or access the land/water if the landowner's permission is not granted. The paragraph has been revised for clarity.
GNWT - Lands: Darren Campbell	p.17 14 Eligibility (final paragraph)	3.2.14	The final paragraph indicates that an applicant should be in the process of applying for all other required authorizations at the time of applying for a water licence, however, there is no such legal requirement.	The reference to "... should be obtained, or be in the process of being obtained..." should be changed to "... should be obtained, be in the process of being obtained or subsequently be applied for..."	Other authorizations may be required by other authorities prior to commencing operations (regardless of whether the licence has been issued), so it is in the applicant's best interest to be aware of and be in the process of obtaining any required authorizations. Item 14 in section 3.3 has been revised for clarity.
GNWT - Lands: Darren Campbell	p.17 14 Engagement (second last sentence of final paragraph)	3.2.14	The second last sentence is missing the word "must" before "meet".	Add the word "must" before "meet".	Corrected.
GNWT - Lands: Darren Campbell	p.17 14 Land Use Planning (after first paragraph)	3.2.14	The LWB's should recognize the value of land use plans during the pre-application stage of permitting where developers engage and consult with communities.	The board should consider adding a paragraph that states: Land use plans and other associated background reports and documents are developed with significant input from communities and regional organizations. Regional land use plans are a valuable resource to understand community land values and interests (this also applies to the WL application process guide.)	The intention behind this recommendation is acknowledged; however, this additional statement is not necessary. The importance of land use plans is noted throughout the Guide.
GNWT - Lands: Darren Campbell	p.17 14 Land Use Planning (second sentence of first paragraph)	3.2.14	The wording of this sentence could be improved.	The current sentence should be replaced with the following: "These land use plans set out where certain activities may be authorized and, if the proposed activity is not prohibited in the proposed location, conditions that must be met for the proposed activity to be authorized."	The current language was developed by the LWBs' Land Use Planning Team and is an introductory summary of the broader purpose of the land use plans, which is not only relevant to permits/licences. Where land use plans apply, applicants must become familiar with the details of the applicable plans(s), which could include requirements that are not included in the permit/licence. Accordingly, the proposed revisions are not necessary here.
GNWT - Lands: Darren Campbell	p.17 14 Land Use Planning (second sentence of second paragraph)	3.2.14	The wording at the end of this sentence inaccurately suggests that a land use plan will apply in all instances.	The wording at the end of this sentence should be "...conformity requirements of the land use plan if one exists in the area of the project."	The paragraph opens with 'where an approved Land Use Plan applies.' It is unnecessary to reiterate this in such a short paragraph.
GNWT - Lands: Darren Campbell	p.17 14 Land Use Planning (first sentence)	3.2.14	Regarding: "If requesting exemptions from specific conformity requirements (CRs), a copy of the Land Use Planning Board or Tlcho Government's decision on the exemption, amendment, or variance must be attached to the Application Form."	Applicants would not be asking for an exemption from the Sahtu Land Use Plan, but rather would be seeking a Planning Board decision on an 'exception' to the plan (see for example s. 2.6 of the Sahtu Plan). Any exemptions would require a plan amendment. The guidelines should accurately use the appropriate terminology (this also applies to the WL application process guide.)	Revised to include 'exceptions' as recommended.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

<i>Draft Guide to the Water Licensing Process</i>					
<i>Reviewer</i>	<i>Topic</i>	<i>Section of Guide</i>	<i>Reviewer Comments</i>	<i>Reviewer Recommendations</i>	<i>Draft Responses</i>
GNWT - ENR - EAM: Central Email GNWT	Topic 13: Financial Solvency	3.2.14	An applicant would benefit from some additional guidance from the Board on the information needed to determine proof of financial solvency, especially for companies that are not publically traded.	1) ENR application guide should identify the types of information that would assist the Board in determining financial solvency. The Boards should develop additional guidance on what types of information would be useful for their assessment. The GNWT would like to participate as part of a working group on this topic.	The LWBs do not have more detailed information to share with applicants at this time. In the long term, the LWBs expect that more detailed requirements will be developed through legislative amendments, but in the interim, the LWBs have requested guidance from the GNWT and CIRNAC on what is considered acceptable.
Seabridge Gold: Jane Howe	Water Licensing Guide - page 9 and page 19	3.2.14	Board should provide guidance about what information is required to prove financial solvency(page 9) and financial capacity (page 19). Note also that section 25(6)(d) referred to in Footnote #10 is an incorrect reference.	Board should use consistent language and provide guidance about what information is required to prove financial solvency/capacity. Correct footnote #10.	
GNWT - Lands: Darren Campbell	p.18/19 Closure and Reclamation	3.2.15	"For most applicants, this should be attached in a conceptual Closure and Reclamation Plan..." vs. "For small-scale projects, closure and reclamation plans can be described in grey field on the Application Form." The 'for most applicants' part is contradictory as most applications are for small-scale projects.	Suggest using a more accurate term than 'most' such as 'some'.	Most water licence applications are for projects that are large enough to require a separate Closure and Reclamation Plan.
GNWT - Lands: Darren Campbell	p.18 Closure and Reclamation Bottom of Page	3.2.16	Closure, restoration, remediation and reclamation can mean very different things to different proponents.	Suggest adding definition of "closure" and "Reclamation" to list of definitions.	It is not the LWBs' intention to re-iterate information that is available in other LWB resources that are available to all applicants. Both the MVLWB <i>Guidelines for Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories</i> and the <i>Standard Water Licence Conditions Template</i> provide definitions for closure and reclamation terminology, as well as general information regarding the LWBs' expectations for Closure and Reclamation Plans.
GNWT - Lands: Darren Campbell	p.21 Table 2	3.3	"Miscellaneous" doesn't show that an AEMP 'may be required'. Nor for geochemical characterization and management plan, explosives management plan, etc.	Suggest a careful review of this table as applicants will rely heavily on it.	The table has been updated to include the possibility that these plans may be required for the Miscellaneous project category.
GNWT - ENR - EAM: Central Email GNWT	Topic 26: Application Package Checklist	3.3	Table 2 includes the information requirements for various types of projects. ENR has several suggestions for inclusions or areas where additional clarification should be provided.	1) Regarding information requirements, ENR recommends the following: • Maps should be included for municipal projects which include areas of municipal infrastructure, drainage pathways, proposed sampling locations, etc. • LWBs should clarify why questionnaires are not required for industrial activities. • It should be clarified again in Table 2 that water use fees are not required for government agencies, the table currently suggests that all projects aside from municipal activities require water use fees. It should be clarified that in most cases, government agencies are not required to pay water use fees. ENR has included further information to this effect below regarding water use fees.	Map requirements for municipalities are set out in the O&M templates. Questionnaires were required as part of the application package for oil and gas projects, which is primary type of industrial application in the NWT. The LWBs acknowledge that the questionnaires are outdated. The questionnaires are no longer required and have now been removed from the websites and from the Guide. In some cases, particularly for larger projects or projects that have undergone an EA or EIR, the Board may provide the applicant with an information request listing specific additional information requirements that must be included in the application package in lieu of the questionnaire. To determine what information may be required, applicants are encouraged to contact Board staff prior to submitting an application. A note has been added to this item in the Table.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

<i>Draft Guide to the Water Licensing Process</i>					
<i>Reviewer</i>	<i>Topic</i>	<i>Section of Guide</i>	<i>Reviewer Comments</i>	<i>Reviewer Recommendations</i>	<i>Draft Responses</i>
INAC - CARD: Murray Somers	WL Guide - Proponent developed draft water licence	3.3	Board staff have recommended to us to submit draft water licences with our applications in order to reduce the review and processing time in obtaining a licence, however this suggestion/option does not seem to be included within the guide.	Suggest adding option to develop and submit your own draft water licence in order to reduce regulatory approval timelines where appropriate.	Applicants should contact Board staff to determine whether submitting a draft water licence would be beneficial.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	4. Regulatory Process for a Water Licence Application	4	Most exploration programs will require both an LUP and Water license running simultaneously, however as currently proposed, they have drastically different decision timelines. The LUP at 42 days is reasonable, however at 9 months the Water Licence is simply too long a process. A junior explorer would have to know they are going to work in the NWT at least 1 year before setting foot on the ground. This would seriously hamper their abilities to raise capital given the uncertainty of this application process and the ever changing markets. The board's discretion to add a public hearing to a Type B application, if they so choose, only adds to this timeline and introduces more uncertainty or risk to a project; and risk is a killer to investment.	Recommendation: Simplify the process to a much shorter, reasonable length. Keep in mind that the window for exploration in the north for most junior explorers is 7 months. Exploration has a very small footprint and accordingly uses very little water, perhaps consider a timeline more in tune with this particular segment of the mineral industry's impact.	Nine months (excluding applicant time) is the legislated maximum timeline for Board decision on water licence applications. For type B licence applications that do not involve a public hearing, the actual timeline is typically shorter than nine months. The typical steps and timelines for both type A and B licences are summarized in Appendix G.
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	Section 4	4	The statement "The Board is required to make a decision on a type A or type B water licence within 9 months" is incorrect. The extensive conditions listed for "not counted as part of the nine month time period", coupled with the ability of "other organizations" (who are not defined) to refer and application to EA makes a statement of 9 months misleading at best, and untrue at worst.	Better define the timelines associated with a type B licence versus the larger type A licence, to eliminate many of the conditions on the timeline that are not applicable to a type B application. Alternatively, if no recognition can be made between the timeline difference in the two types of licence requirements, simply remove the first paragraph from Section 4 so the Guide accurately reflects the uncertain timeline associated with a water licence application.	
GNWT - Lands: Darren Campbell	p.24 4 Regulatory Process for a Water Licence Application (top of p. 24)	4	The reference to what is meant by "excluding applicant time" could be made clearer.	Suggest replacing the reference to "excluding applicant time" with "excluding time required by an applicant to provide any information or studies required by the Board".	Additional information about what is considered applicant time is provided in the next sentence in this paragraph. Although the recommended wording is consistent with the legislation, it has not been used here because it can create confusion. For example, the Board does not issue a specific information request to the applicant to respond to review comments on the ORS; however, the applicant's response time is considered applicant time.
GNWT - ENR - EAM: Central Email GNWT	Topic 21: Regulatory Process	4	Section 4 (top of p.24) has a reference to "excluding applicant time" which could be clarified.	1) ENR recommends that the reference to "excluding applicant time" be replaced with "excluding time required by an applicant to provide any information or studies required by the Board".	
GNWT - ENR - EAM: Central Email GNWT	Topic 22: Regulatory Process	4	In Section 4, the reference to "consequently" is not ideal wording	1) ENR recommends that the reference to "consequently" be replaced with "and, if so".	Revised as recommended.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Water Licensing Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	p.24 4 Regulatory Process for a Water Licence Application (second last sentence on p. 24)	4	The reference to "consequently," is not the ideal wording.	Suggest replacing the reference to "; consequently," with "and, if so."	Revised as recommended.
GNWT - ENR - EAM: Central Email GNWT	Topic 23: Regulatory Process	4	In Figure 1, under the Type A process map, after the LWBs send the recommendation to the Minister, three options are noted: approval, denial or request additional information. The GNWT notes that under the Waters Act only 2 options are available to the Minister. The LWBs should clearly define this process. One method may be to create policy that outlines that the Minister can seek additional information from the LWBs and that any request would be made public for transparency purposes.	1) The GNWT suggest that the LWBs revise the guide or consider developing a policy on this matter to maintain openness and transparency.	It is the LWBs' understanding that the Minister may request clarification before approving or rejecting the licence. Figure 1 has been revised to better reflect this understanding.
GNWT - Lands: Darren Campbell	p.25 Type A Water Licensing Process Figure 1	4	In Figure 1, under the Type A process map, after the Board sends the recommendation to the Minister, three options are noted: approval, denial or request additional information. The GNWT notes that under the Waters Act only 2 options are available to the Minister. The Board should clearly define this process. One method may be to create policy that outlines that the Minister can seek additional information from the Board and that any request would be made public for transparency purposes.	The GNWT suggests that the Board revise the guide or consider a Board policy on this matter to maintain openness and transparency.	
GNWT - Lands: Darren Campbell	p.25-26 Figures 1 & 2	4	Minister is defined on page 3 of the document as "The Minister of Environment and Natural Resources (non-federal areas) or the Minister of Crown-Indigenous Relations and Northern Affairs (federal areas), as the case may be." The reference to the "Minister" on Figure 1 and 2 refers to the Ministers making a decision in relation to an environmental assessment recommendation (i.e. the Minister of Lands or the Federal Minister, depending on the location of the project, and responsible Ministers). The Minister signing the environmental assessment decision is not necessarily the Minister as defined on page 3.	Clarify that the Minister on Figure 1 and 2 refers to the Ministers making a decision in relation to an environmental assessment recommendation.	This comment is acknowledged. As per the legislation, although multiple ministers may be involved in the decision, it is the Minister (as defined in the Guide) that is responsible for distributing the decision. This decision process has been simplified for the purposes of the flowchart, since it is not the LWBs' intention to describe the EA/EIR process in this Guides. The term 'responsible' Minister has been removed throughout the Guide to reduce confusion.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

<i>Draft Guide to the Water Licensing Process</i>					
Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	p.25-26 Figures 1&2	4	The portion of the flow chart that addresses environmental assessments should be updated to more accurately reflect the possible outcomes of an environmental assessment. The flowchart does not indicate the possibility of an environmental impact review nor does it accurately illustrate that the federal Minister and the responsible ministers must adopt a recommendation from the Review Board to reject a project prior to the application being rejected.	Update Figure 1 and 2 to more accurately reflect sections 128 and 130 of the MVRMA.	The Minister has been added into the rejection endpoint, and the possibility of an EIR has been added to the flowcharts. Note that the flowcharts are a simplified summary of the process, so they do not reflect the details of every step in the process.
GNWT - Lands: Darren Campbell	p.25-26 Figures 1&2	4	To support a timely and effective process, a post-environmental assessment information package should be assessed for completeness prior to being posted on the ORS for public review.	Add a step to Figure 1 and 2 showing that Board staff will assess the post- environmental assessment information package for completeness prior to posting it on the ORS for public review.	This has been incorporated into the step about posting the post-EA information package.
GNWT - Lands: Darren Campbell	p.26 Figure 2	4	If it is possible that a technical session could be held for a Type B WL, for transparency, this should be identified.	Suggest identifying that a technical session could be held for a Type B WL.	The titles of the figures have been revised to ensure that it is clear that Figure 1 represents the process for either a type A or a type B if a public hearing is held. A technical session will typically not be held for a type B licence without a public hearing.
Dominion Diamond Mines ULC: Lynn Boettger	Land Use Permit Guide - Public Review (Page 25) and Water Licence Guide (Page 27)	4.1	Comments on an application can become complicated to answer and in particular when there needs to be the involvement of consultants or other parties to assist with the response to a comment. Please keep in mind that the Applicant also requires a reasonable amount of time to respond to reviewer comments.	Not Applicable	This comment is acknowledged; however, the deadlines must be established in advance before the extent of the review comments is known. The LWBs do take the nature and extent of the review comments into consideration when applicants request extensions to the response deadline.
INAC - CARD: Murray Somers	WL Guide - Responses to proponents comments on draft WL (Section 4.6, p.30)	4.1	When applying for a water licence, proponents can provide comments in response to the draft water license developed by the Board, however often don't receive follow up justification or clarification of how the comments were addressed.	A section should be included on the process of the board/board staff responding to the applicants comments on the draft water licence.	The Board's reasons for decision are posted to the public registry when a licence is issued. These reasons explain how the evidence, which includes review comments and responses, was considered, though not every comment will be directly addressed. Additionally, the review comment summary table is posted to the public registry after the Board's decision, and in some cases, this may include Board responses to individual review comments.
INAC - CARD: Murray Somers	WL Guide - Review period (Section 4.1+, p.27)	4.1	Understanding that the review period will vary pending on scope, scale or location of a proposed project. It would be nice to include general estimates in this section to give the applicant an idea on timeline. There is a table at the rear of the document that has an overview for timeline (reference that table in text) to give reader a general idea on timeframe.	Define "reasonable period" for reviewers to provide comments to the board.	A link to Appendix G has been added to this paragraph.
GNWT - ENR - EAM: Central Email GNWT	None	4.2	None	2) ENR recommends that the second sentence of the third paragraph be changed to "The Board will decide whether the proposed project is not required to undergo preliminary screening for one or more of these reasons."	The current language is consistent with the legislation and standard LWB terminology.
GNWT - Lands: Darren Campbell	p.28 4.2 Preliminary Screening and Environmental Assessment (second sentence of third paragraph)	4.2	The wording of this sentence could be improved.	This sentence should just state: "The Board will decide whether the proposed project is not required to undergo preliminary screening for one or more of these reasons."	

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

<i>Draft Guide to the Water Licensing Process</i>					
Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - Lands: Darren Campbell	p.27 4.2 Preliminary Screening and Environmental Assessment	4.2	Section 4.2 states that the responsible minister distributes a decision on the Report of EA. Under section 130(4) of the MVRMA the federal Minister, not the responsible ministers, is responsible for distributing a decision made on the Report of EA.	Change "responsible minister" to "federal minister" in the sentence "After the EA is complete, and the responsible Minister has distributed a decision on the Report of EA, the Board will send an information request to the applicant, outlining the information that must be included in the applicant's post-EA information package"	As per the legislation, although multiple ministers may be involved in the decision, it is the Minister (as defined in the Guide) that is responsible for distributing the decision. It is actually not necessary to specify which Minister, because this is addressed in the definition, so qualifiers (e.g., responsible, federal, etc.) been removed throughout the Guides.
GNWT - Lands: Darren Campbell	p.27 4.2 Preliminary Screening and Environmental Assessment	4.2	It would be helpful to include the Renewable Resource Boards in an appendix and then this could be referenced on this page.	Suggest listing the renewable resource boards in the guide.	It is not clear why this would be useful in this section.
GNWT - Lands: Darren Campbell	p.27 4.2 Preliminary Screening and Environmental Assessment (first sentence of third paragraph)	4.2	Under s. 124(1) of the MVRMA, the authorization must be set out in the Preliminary Screening Requirement Regulations (the federal or territorial laws specified in the regulations made under paragraph 143(1)(b)) for a preliminary screening to be required. Also, "may not require" is a better term to use than "may be exempt".	The reference to "... may be exempt from screening under the Exemption List Regulations..." should be changed to "... may not require screening under s. 124 of the MVRMA and the Exemptions List Regulations..." All subsequent references to exemptions should also be changed accordingly.	The current language is consistent with the legislation and standard LWB terminology.
GNWT - ENR - EAM: Central Email GNWT	Topic 24: Preliminary Screening and Environmental Assessment	4.2	Regarding Section 4.2 (first sentence of third paragraph), under s.124(1) of the MVRMA, the authorization must be set out in the Preliminary Screening Requirement Regulations (the federal or territorial laws specified in the regulations made under paragraph 143(1)(b)) for a preliminary screening to be required. Also, "may not require" is a better term to use than "may be exempt". As well, the wording of the second sentence could be improved.	1) ENR recommends that the reference to "... may be exempt from screening under the Exemption List Regulations..." should be changed to "... may not require screening under s. 124 of the MVRMA and the Exemptions List Regulations..." All subsequent references to exemptions should also be changed accordingly.	
GNWT - Lands: Darren Campbell	p.28 Footnote 31	4.2	Referral by the Review Board to EIR could only occur following an environmental assessment, but this footnote suggests otherwise.	This footnote should be deleted.	The footnote has been removed as recommended.
GNWT - ENR - EAM: Central Email GNWT	Topic 28: Technical Sessions	4.3	Regarding technical sessions, it is noted that the technical sessions may be recorded. As technical sessions include vital evidence and information to assist in making final recommendations and decisions, it is quite beneficial to have all technical sessions recorded and transcribed.	1) ENR recommends that the LWBs require recording and discretionary transcription of all technical sessions given the importance of this discussion in making final recommendations and decisions. They provide a record of discussion and commitments (both operational or closure related) which is extremely useful in regulatory proceedings and decision making.	The Guide has been updated to indicate that all technical sessions will be recorded and transcribed. The LWBs will continue to assess the need for recording and/or transcribing technical workshops on a case-by-case basis.
GNWT - Lands: Darren Campbell	p.29 "IR"	4.4	"IR is referenced"	Add "IR" to acronyms list	IR is already in the acronym list.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Water Licensing Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - ENR - EAM: Central Email GNWT	Topic 29: Pre-Hearing Conferences	4.5	As discussed on previous files, ENR's position is that the pre-hearing conference (PHC) should be held after parties submit their interventions. Parties should have indicated their intent to participate well before PHC through the regulatory process. During the PHC, Board staff often request details from parties on specific presenters, topics and time requirements which are not possible to provide prior to completion of the intervention. ENR made similar comments recently during the Snap Lake renewal process and the MVLWB concurred moving the pre-hearing conference after the intervention in work plan (version 4).	1) ENR recommends that the pre-hearing conference occur after the submission of interventions to facilitate hearing planning. If the LWBS are interested in critical information (legal or other) prior to written submissions, written request for information could occur.	The Guide reflects the current LWB preference to hold the PHC before interventions, so that parties can ask questions and determine whether they want to intervene in the hearing. According to legal counsel, the PHC is always without prejudice, so even if the PHC is held after interventions, parties are not bound by the information they provide at the PHC. It is acknowledged that in some cases, the LWBs may determine that the PHC should be held after interventions are submitted.
GNWT - ENR - EAM: Central Email GNWT	Topic 30: Draft Water Licences	4.6	Section 4.6 notes that draft Water Licences are circulated following the application review or public hearing. ENR notes that in the past, LWB staff have submitted draft licences with the application. This is not an appropriate approach to solicit input on the authorization.	1) ENR recommends that draft Water Licences be circulated after the application review (Type B) or after the public hearing (Type A). Draft WL should not be sent out for review with the original application.	For type A licences (and type B licences with a public hearing), a draft licence will typically be circulated for review following the public hearing. For type B licences, the timing of the draft licence review will depend on the nature and complexity of the project. With the <i>Standard Water Licence Conditions Template</i> finalized, it may be more common for draft type B licences to be reviewed with the application package.
GNWT - ENR - EAM: Central Email GNWT	Topic 31: Issuing the Water Licence	4.8	Section 4.8 explains that the LWBs send the licence to the applicable Minister for approval before issuing the final Water Licence and circulating the reasons to all parties.	1) ENR recommends Section 4.8, and/or elsewhere as appropriate, be amended to clarify that the LWBs sends the licence with the reasons for decision to the applicable Minister and that all correspondence including attachments are posted on the public registry.	This section has been updated to clarify that the documents are posted to the public registry.
GNWT - ENR - EAM: Central Email GNWT	None	5.1	None	2) ENR recommends a footnote be added in Section 5.1 to clarify that GNWT inspectors are responsible for non-federal areas and CIRNAC inspectors are responsible for federal areas.	The existing footnote has been revised for clarity.
GNWT - Lands: Darren Campbell	p.31 5.1 Inspections third sentence	5.1	It's unclear what is meant by "Inspectors report to the Board". Currently, there is no legislative or procedural requirement for Inspectors to report directly to the Board.	Suggest replacing "the word "report" with "communicate".	Revised as recommended in both Guides.
GNWT - ENR - EAM: Central Email GNWT	Topic 32: Inspections	5.1	The use of operations and closure in Section 5.1 may be misleading. In most projects, there is often a distinction between the construction period as well (e.g. roads and mines) which is often seen as the period before operations during which inspections can occur as well as well during the closure period (post operations). Section 5.1 should also be clarified to outline that whether the inspection is conducted by territorial or federal inspectors depends on the project's location.	1) ENR recommends that Section 5.1 also state that inspections can and will occur in the construction and closure periods.	Revised to state that inspections will occur throughout the life of the project and at closure.
GNWT - Lands: Darren Campbell	p.31 5.2 Plans, Manuals, Reports, and other submissions.	5.2	Management plans are complex and detailed, and often require multiple changes over the course of a project. In addition to version control, any changes to management plans should also include a summary of the changes made with applicable references within the text.	Suggest adding this requirement within section 5.2.	Revision history tables are set out as a requirement in the <i>MVLWB Document Submission Standards</i> , which are referenced and linked in this section.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

<i>Draft Guide to the Water Licensing Process</i>					
<i>Reviewer</i>	<i>Topic</i>	<i>Section of Guide</i>	<i>Reviewer Comments</i>	<i>Reviewer Recommendations</i>	<i>Draft Responses</i>
GNWT - Lands: Darren Campbell	p.34 Footnote 39	6.1	Some of what is contained in this footnote should be in another footnote at the end of the previous sentence.	There should be a footnote at the end of the previous sentence with the reference to s. 41(2)(b) of the Waters Act and s. 72.15(2)(b) of the MVRMA.	This footnote contains references for the paragraph as a whole.
GNWT - ENR - EAM: Central Email GNWT	Topic 16: Water Sources	6.1	At times there is a need to add sources to a licence as project expansion or changes occur.	1) GNWT recommends the Board outline the process to include a water source to the licence within the guide.	The addition of new water sources requires an amendment process. A note about this has been added to item 7 in section 3.2
NWT & Nunavut Chamber of Mines: ... Chamber of Mines	6.2. Renewals	6.2	The expectation that Type B renewals should take the same 9 month timeline as a new application seems excessive, especially if there are no changes being asked in the application. Most junior exploration companies do not have the inhouse expertise to pull the applications together and therefore have to retain external contractors at considerable cost. The cost escalates as the duration and requirements grow. Unfortunately, the permitting process as it currently stands is very expensive and has not effectively priced the independent Canadian prospector out of the business of exploring for riches in the NWT.	Recommendation: Simplify the renewal process and shorten the timeline significantly.	Nine months (excluding applicant time) is the legislated maximum timeline for Board decision on water licence applications. For type B licence applications that do not involve a public hearing, the actual timeline is typically shorter than nine months. The typical steps and timelines for both type A and B licences are summarized in Appendix G.
GNWT - Lands: Darren Campbell	p.34 6.2 Renewals	6.2	For previously licensed projects, water licences have been renewed an unlimited number of times, even if the previous licence has expired.	GNWT recommends these divergent sections of this guideline be corrected. It is GNWT's position that expired WLs can not be renewed	The legislation does not specify that only active licences can be renewed, and the status of the licence when the renewal application is submitted does not actually change the regulatory or exemption determination processes for previously-licensed projects.
GNWT - Lands: Darren Campbell	p.35 Mid-page	6.2	"Renewals applications"	should say "Renewal applications"	Corrected.
GNWT - ENR - EAM: Central Email GNWT	Topic 33: Assignments and Name Changes	6.3	Section 6.3 is related to assignments and name changes. It should also be noted that other authorizations, as well as securities, must be updated to reflect assignments and name changes. It should be made clear that applicants ensure this is considered prior to initiating the process.	1) ENR recommends that a clause be added to Section 6.3 to inform applicants that when applying for an assignment or name change, that other authorizations and securities will also require updating.	For assignments, it is already clear that security must be posted by the assignee, but a note has been added about updating security for name changes and about updating other authorizations for both assignments and name changes .
INAC - CARD: Murray Somers	General - LUP Discontinue vs. WL Cancellation (s.6.5 LUP Guide, s.6.6 WL Guide)	6.6	The processes for LUP "Discontinuance" and WL "Cancellation" are very similar. However, it is not clear if their outcomes are the same. A LUP "Discontinuance" request with a Final Plan can close a permit. Does a "cancellation" close a water licence? If not, then what is the purpose of a "cancellation"?	Please clarify the utility of the water licence "cancellation". Please clarify how a cancellation affects the water licence, as well as the associated responsibilities of the licensee.	These recommendations are acknowledged. The legislation provides some guidance on permit expiry and closure, but does not provide similar guidance for licences. A section on closure and expiry has been added to this Guide; however, this section reflects the limited information currently available and will be updated when more information becomes available. It is anticipated that further guidance on closing licences may be developed through amendments to the Waters Act. Section 5.4 (Final Plans and Final Clearance) of the <i>Guide to the Land Use Permitting Process</i> has been updated to improve clarity about expiration of permits.
INAC - CARD: Murray Somers	WL Guide - General - water licence closure	6.6	There is no information in the guidance about the process to close a water licence. Although the legislation does not specifically refer to licence closure, Board staff have indicated that there is an administrative process that could be followed to meet the intent of closure. This option and its associated limitations should be described so that proponents can apply for an appropriate duration for their water licence accordingly.	The guide should describe the closure process for water licences. If there is no closure process, then this should also be discussed. The licensee should be clearly informed if or under what conditions a water licence must be maintained in perpetuity, including the Board's continued expectations of a licensee following water licence expiry/cancellation.	Note that the cancellation process for licences is not equivalent to a closure process, but may be used to amend the expiry date of a licence.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Water Licensing Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
INAC - CARD: Murray Somers	LUP and WL Expiry (WL & LUP Guides)	General	It is not clear what happens upon expiry of a LUP and WL. Expiration of a LUP and WL must have some significant implications on the permit/licence and permittee/licensee. For example, if a WL or LUP is expired, does that mean that it is closed? It is likely that a proponent can no longer operate under an expired LUP/WL, however this is not explicitly clear. Similarly, it is not clear if monitoring can continue after an associated LUP/WL has expired.	Please add a section to both guides on "Expiry", so that proponents can better understand: - the purpose of an expiry date; - implications of expiry on the project; - implications of expiry on the licensee/permittee; - Board expectations prior to expiry; - Board expectations post expiry; - Ability to conduct Site Care and Maintenance and Monitoring post expiry, etc.	
Seabridge Gold: Jane Howe	Water Licensing Guide - Appendix B	Appendix B	The description for "Mining and Milling" refers to the Canada Mining Regulations. This should be updated to refer to the NWT Mineral Resources Act.	Update reference.	This reference cannot be updated until the regulations are updated.
GNWT - ENR - EAM: Central Email GNWT	Topic 34: Appendix C	Appendix C	Appendix C includes criteria for all activities noted in schedules of the Water Regulations with the exception of watercourse training.	1) ENR recommends that Appendix C be updated to include watercourse training to ensure this part of the regulations is not overlooked.	The Appendix has been corrected as recommended.
GNWT - Lands: Darren Campbell	p.48 Appendix E	Appendix E	Hyperlinks for contact info will not be useful if the guide is ever printed. Expanding the list of authorizations would be helpful for applicants.	Suggest expanding the list of authorizations to include quarry permits, ECCC authorizations, etc. Suggest including the written contact details or webpage if the guide is ever to be printed.	ECCC has been added to the list of authorities applicants may need to contact. The LWBs cannot be responsible for maintaining up-to-date contact information in the Guides for all other relevant organizations, since contact information can change considerably over time, so links are provided to websites where these organizations should keep their contact information current. Written webpage addresses will not be of use to an applicant unless they have access to a computer, in which case they will be able to use the hyperlinks or search functions to find the contact pages for the listed organizations.
GNWT - ENR - EAM: Central Email GNWT	Topic 4: Water Licence Process Document: Appendix E – Other Potential Authorizations	Appendix E	The Wildlife Management and Monitoring Plan (WMMP) Process and Content Guidelines were finalized in June 2019. The links to WMMP guidance documents in Appendix E should be updated to reflect this.	1) Update the WMMP guidance document links in Appendix E to: https://www.enr.gov.nt.ca/en/services/wildlife-management-and-monitoring-plans	Updated.
GNWT - Lands: Darren Campbell	p.49 Appendix F	Appendix F	While this checklist is somewhat useful, the internal LWB internal preliminary screening checklist is likely of equal value to applicants so they have a better understanding of the metrics of how their application is reviewed.	GNWT suggests including the following internal LWB checklists in the guide. • Maps should be included for municipal projects which include areas of municipal infrastructure, drainage pathways, proposed sampling locations, etc. • MVLWB should clarify why questionnaires are not required for industrial activities. • It should be clarified again in Table 2 that water use fees may not be required for government agencies, the table currently suggests that all projects aside from municipal activities require water use fees.	Map requirements for municipalities are set out in the O&M templates. Questionnaires were required as part of the application package for oil and gas projects, which is the primary type of industrial licence application in the NWT. The LWBs acknowledge that the questionnaires are outdated. The questionnaires are no longer required and have now been removed from the websites and from the Guide. In some cases, particularly for larger projects or projects that have undergone an EA or EIR, the Board may provide the applicant with an information request listing specific additional information requirements that must be included in the application package in lieu of the questionnaire. To determine what information may be required, applicants are encouraged to contact Board staff prior to submitting an application. A note has been added to this item in the Table.

**Land and Water Boards of the Mackenzie Valley
Draft Guides to the Land Use Permitting and Water Licensing Processes:
Responses to Review Comments and Recommendations (September 2020)**

Draft Guide to the Water Licensing Process

Reviewer	Topic	Section of Guide	Reviewer Comments	Reviewer Recommendations	Draft Responses
GNWT - ENR - EAM: Central Email GNWT	Topic 35: Information Requirements	Appendix F	While Appendix F includes a template of a checklist of potential impacts and mitigation measures, the level of information that is required with a Water Licence application is still isn't clear. ENR is concerned that there have been several cases recently where insufficient information has been submitted with Water Licence applications resulting in information being submitted late in the licensing process. This has caused procedural issues such as difficulty in making a preliminary screening determination.	1) ENR recommends that LWB staff ensure the appropriate level of information is submitted with the Water Licence application package (completeness and conformity checks) to allow an assessment of potential impacts and allow adequate preliminary screening determinations to occur.	An impact-mitigation table has been added to the Application Forms and the Guides.
GNWT - Lands: Darren Campbell	p.52 Appendix G	Appendix G	It is not clear in the table provided if the time required for information requests has been included within one of the steps.	Suggest identifying where information requests fit within the table.	The Table has been updated as recommended.