



Giant Mine Remediation Project

Water Licence MV2007L8-0031 and Land Use Permit MV2019X0007 Application

**Presentation to the
Mackenzie Valley Land and Water Board**
Public Hearing, Yellowknife, NT
January 20-24, 2020

Overview of Presentation

1. Fisheries and Oceans Canada (DFO) – Fish and Fish Habitat Protection Program (FFHPP)
 - Mandate and Legislation
2. Gaps
 - Baker Creek
 - Historical Jo-Jo Lake
 - Foreshore Tailings Area and Nearshore sediments
 - Outfall and Intake
3. Proponent Responses
4. Assessment and Recommendations
5. Conclusion
6. Questions and Comments

DFO – FFHPP– Mandate

- Amended Fisheries Act came into force on **August 28, 2019**
- The **mandate** of the Fish and Fish Habitat Protection Program is to maintain the sustainability and ongoing productivity of **all fish and fish habitat** in Canada

DFO – FFHPP– Legislation

- **Fisheries Act**

- Sections 34.4 and 35

- Prohibit “death of fish” and “harmful alteration, disruption or destruction” of fish habitat (HADD)
- Allow for authorization of impacts with conditions
- Allow authorization amendments under HADD

Gaps – Introduction

- DFO acknowledges that the level of detail provided in the Closure and Reclamation Plan may be sufficient at this level of the Board process
- However, additional information will be required prior to entering DFO's review process before works are conducted in-water
- DFO's gaps are to be interpreted as guidance to the Proponent on information that will likely be required throughout DFO's review process

Gaps – Baker Creek

Information currently unavailable will be required for Fisheries Act authorization:

- Final designs for Baker Creek, including habitat features
- Footprint and quality of habitat proposed to be altered
- Length of time habitat will be unavailable to fish
- Details regarding fish rescue (e.g., how many fish are expected to be killed, fish salvage methods)
- Final flow regimes
- Monitoring plans

Gaps – Historical Jo-Jo Lake

Information currently unavailable will be required by DFO:

- Final designs for Jo-Jo Lake (incl. created habitat features, if any)
- Footprint and quality of habitat altered, if any (e.g., Trapper Creek)
- Length of time habitat will be unavailable to fish, if applicable
- Details regarding fish rescue (e.g., how many fish are expected to be killed, fish salvage methods), if applicable

Gaps – Foreshore Tailings and Nearshore Sediments

Information currently unavailable will be required by DFO:

- A fish habitat assessment (are fish using the area?)
- Final designs (e.g., which substrate will be used for the cap and if final site conditions will provide similar fish habitat)
- Footprint and quality of habitat altered
- Length of time habitat will be unavailable to fish

Gaps – Outfall and Intake

Information currently unavailable will be required by DFO:

- A fish habitat assessment (are fish using the area?)
- Final designs
- Footprint and quality of habitat altered
- Length of time habitat will be unavailable to fish

NOTE: Water velocities in the area of the outfall are predicted to be low, and as such, velocity-related effects on swimming fish are not anticipated.

Responses from Proponent

- GMRP will cooperate with DFO and will provide the requested material to DFO through the Fisheries Act Authorization and review process

Assessment

- DFO does not expect to encounter issues that cannot be addressed within DFO's regulatory process

Recommendations

DFO-FFHPP recommends the Proponent:

1. Continues engaging with DFO prior to and throughout the project review and *Fisheries Act* authorization process

Conclusion

- Fisheries and Oceans Canada will continue to work with the Proponent and stakeholders to help facilitate DFO's review process and ensure that concerns related to in-water works are addressed

Thank You

Questions or Comments?