



Mackenzie Valley Land and Water Board
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Staff Report

Applicant: Aboriginal Affairs and Northern Development Canada – Contaminants and Remediation Directorate (CARD)	
Location: Giant Mine, NT	Application: MV2012L8-0010
Date Prepared: December 11, 2017	Meeting Date: December 18, 2017
Subject: Water Licence - Amendment Application (#2)	

1. Purpose/Report Summary

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board):

- a) An Application to amend Water Licence (Licence) MV2012L8-0010 submitted by Aboriginal Affairs and Northern Development Canada – Contaminants and Remediation Directorate (CARD); and
- b) Consider the continuation of subsection 119(b) of the *Mackenzie Valley Resource Management Act* (“Emergencies Excluded”).

2. Background

- March 28, 2013 – Issuance of Licence MV2012L8-0010;
- March 17, 2017 — 2016 Amendment (#1) approved;
- November 7, 2017– Amendment Application (#2) submitted;
- November 8, 2017 – Amendment Application (#2) deemed complete and review commenced;
- November 28, 2017 – Reviewer comments and recommendations due and received;
- December 4, 2017 – Responses received;
- **December 18, 2017 – Amendment Application (#2) presented to the Board for decision, and**
- January 31, 2019 – Expiration of Licence MV2012L8-0010.

3. Discussion

Amendment Application

On November 7, 2017, CARD submitted an amendment application which proposed a change to the type of pumps used for water management on site (attached). The proposed pumps would be submersible and installed from the surface during the 2017/2018 season and will reduce potential health and safety risks by eliminating the need for workers to access the underground to perform maintenance and repairs. The proposed pumps will also increase the capacity to manage water and allow the Giant Mine Remediation Team to be better prepared for emergency responses (i.e.,

flooding). As submersible pumps were not included as approved equipment in the originally issued Licence, an amendment to the Licence is required.

Licence MV2012L8-0010 will expire on January 31, 2019. AANDC plans to perform the necessary testing of the pumps during freshet 2018. Should delays in procurement of the pumps postpone their installation, the necessary testing of the pumps during maximum flow conditions will not be possible until freshet 2019. Therefore, as a precaution, and in addition to the amendment application for the pumps, CARD is requesting a 1.5-year extension to the Licence term, to July 31, 2020, to allow for proper testing and any additional work needed. The Board can extend the term of a Licence through Section 36(1) if the *Waters Act*.

Background

Licence MV2012L8-0010 was applied for to deconstruct the roaster complex and conduct underground stabilization activities at the Giant Mine site. In their initial application, AANDC – CARD requested that the Board consider licensing under subsection 119(b) of the *Mackenzie Valley Resource Management Act* (Act), which states:

No preliminary screening, environmental assessment or environmental impact review is required to be conducted in relation to a proposal for a development
(a) that is carried out in response to a national emergency for which special temporary measures are being taken under the [Emergencies Act](#); or
(b) that is carried out in response to an emergency in circumstances such that it is in the interest of protecting property or the environment or in the interest of public welfare, health or safety to carry out the proposal forthwith.

At the time of the initial Licence application, the activities proposed were subject to an active Environmental Assessment (EA0809-001) conducted by the Mackenzie Valley Environmental Impact Review Board (Review Board). On March 13, 2013, the Review Board indicated to the MVLWB that, the work is necessary to protect human health and the environment, and [*the Review Board*] is willing to exclude these specific activities from the scope of the development undergoing assessment, based on the considerations described in its March 13, 2013 letter to the developer (attached). Based on the evidence provided by the Review Board, the Board confirmed that subsection 119(b) of the MVRMA was applicable (attached). Thus, the proposed roaster complex deconstruction and the underground stabilization activities were eligible for licensing. Licence MV2012L8-0010 was issued March 28, 2013.

On December 14, 2017, Board staff inquired with AANDC relating to the continuation of subsection 119(b) of the Act (attached).

4. Comments

Not applicable.

5. Reviewer Comments

By November 28, 2017, the Acho Dene Koe First Nation (ADKFN) had submitted one comment which indicated that the project is not in their traditional territory but recognize that the environment and ecosystems are interconnected. CARD acknowledged this comment and responded by December 4, 2017. The Review Summary and Attachments (attached) presents the concerns identified through this review.

A draft Licence cover page and conditions are attached for the Board's consideration. Board staff note that only the footer of the conditions has been updated.

6. Security

In accordance with section 94 of the *Mackenzie Valley Resource Management Act* (MVRMA), the federal government is not required to post security pursuant to section 71 of the MVRMA.

7. Conclusion

Board staff conclude there are no outstanding issues or concerns with this submission and that the Board can approve the amendment to Licence MV2012L8-0010.

8. Recommendation

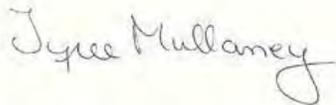
Board staff recommend the Board:

- a) Confirm the continuation of subsection 119(b) of the *Mackenzie Valley Resources Management Act* ("Emergencies Excluded"); and
- b) Make a motion to approve the amendment of Water Licence MV2012L8-0010 and associated Reasons for Decision.

9. Attachments

- [Application](#)
- [March 13, 2013 Review Board letter to the developer](#)
- [Board confirmed that subsection 119\(b\) of the MVRMA – March 28, 2013](#)
- AANDC Confirmation of Continuation of Emergency – December 14, 2017
- Review Summary and Attachments
- Draft Water Licence Cover Page
- Draft Water Licence Conditions
- General Procedures (Water Licence)
- Draft Reasons for Decision
- Draft Decision Letter from the Board

Respectfully submitted,



Tyree Mullaney
Regulatory Specialist

Review Comment Table

Board:	MVLWB
Review Item:	INAC CARD - Giant Mine - Amendment Applications - MV2012L8-0010 MV2016S0016
File(s):	MV2012L8-0010 MV2016S0016
Proponent:	INAC - Contaminants and Remediation Directorate
Document(s):	Amendment Applications (4.5 MB)
Item For Review Distributed On:	Nov 8 at 11:45 Distribution List
Reviewer Comments Due By:	Nov 28, 2017
Proponent Responses Due By:	Dec 5, 2017
Item Description:	<p>Good afternoon,</p> <p>INAC - CARD - Giant Mine, has submitted two amendment applications for Land Use Permit MV2016S0016 and Water Licence MV2012L8-0010. INAC is proposing to change the type of pumps used for water management onsite. Use of submersible pumps, installed from the surface, will eliminate the need for workers to access the underground to perform maintenance and repairs, reducing potential health and safety risks. The proposed pumps also increase pumping capacity of the water management system. The GMRPT to be better prepared for emergency response in the case of a flood. Submersible pumps were not included as approved equipment in the preliminary screening of the original licence and permit application. Therefore, amendment to the existing Licence and Permit are required.</p> <p>The work is anticipated to be completed during the Winter 2017/2018 season. Water Licence MV2012L8-0010 is set to expire January 31, 2019. Should delays in procurement delay installation of the submersible pumps, the necessary testing of the pumps during maximum flow conditions will not be possible until freshet 2019. Therefore, as a precaution, in addition to an amendment for the type of pumping equipment, INAC is requesting a 1.5-year extension to Water Licence MV2012L8-0010 term, to July 31, 2020, to allow for proper testing and any additional work needed, prior to Water Licence expiry.</p> <p>Reviewers are invited to submit questions, comments and recommendations on the applications by November 28, 2017.</p> <p>If you have any questions or comments regarding this review or the Online Review System, please contact Tyree Mullaney at (867) 766-7464 or tyree@mvlwb.com.</p>

General Reviewer Information:	In addition to the email distribution list, the following organizations received review materials by fax:
	<p>Organization Contact Name Contact Position/Title Email/Fax Fort Resolution Métis Council Trudy King (867)394-3322; Fieldworker.frmc53@northwestel.net;</p> <p>Hay River Metis Council Trevor Beck President (867)874-4472; hrmc@northwestel.net;</p> <p>NWT Metis Nation Tim Heron NWTMN IMA Coordinator (867)872-3586; rcc.nwtmn@northwestel.net;</p>
Contact Information:	Jen Potten 867-766-7468 Tyree Mullaney 867-766-7464

Comment Summary

Acho Dene Koe First Nation: Julie Swinscoe				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General Comment	<p>Comment ADKFN acknowledges notification of the proposed changes to the Water Licence, Land Use Permit, and permit extension for the GMRP.</p> <p>Recommendation While the GMRP is outside of ADKFN’s traditional territory within the Northwest Territories, ADKFN recognizes that the environment and ecosystems are interconnected and as a result, projects in surrounding areas of the traditional territory have the potential to impact ADKFN land and resources.</p>	<p>The Giant Mine Remediation project acknowledges the ADKFN’s concerns.</p> <p>Environmental impacts for the installation and testing of the new pumps are anticipated to be minimal and localized.</p>	Noted
2	General	<p>Comment (doc) Please see the attached document for ADKFN full response.</p> <p>Recommendation See attached.</p>	See response to Comment 1	Noted.



Acho Dene Koe
— FIRST NATION —



Memorandum

To: Natalie Plato (Deputy Director), Indigenous and Northern Affairs Canada
From: Julie Swinscoe, Project Director
c.c.: Boyd Clark, Operations Manager; Chief Gene Hope, Acho Dene Koe First Nation
Date: November 28, 2017
Re: INAC Giant Mine Referral MV2016S0016 and MV2010L8-0010

The following Referral response is being submitted online via the MVLWB Online Review System on behalf of Acho Dene Koe First Nation.

1. Background

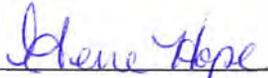
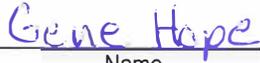
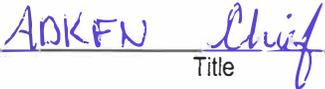
Acho Dene Koe First Nation (ADKFN) understands that Indigenous and Northern Affairs Canada (INAC) has submitted applications for the amendments to Water Licence MV2010L8-0010 and Land Use Permit MV2016S016 on behalf of the Giant Mine Remediation Project (GMRP). ADKFN acknowledges that INAC is proposing a change to a submersible pump that is used for water management on site. ADKFN recognizes that in addition to the change in the pump, INAC has also requested a year and a half extension to Water Licence MV2012L8-0010 to allow time for proper testing and any additional work that may be required.

1.1. General Comments

ADKFN acknowledges notification of the proposed changes to the Water Licence, Land Use Permit, and permit extension for the GMRP. While the GMRP is outside of ADKFN's traditional territory within the Northwest Territories, ADKFN recognizes that the environment and ecosystems are interconnected and as a result, projects in surrounding areas of the traditional territory have the potential to impact ADKFN land and resources.

2. Authorization

These recommendations were provided on behalf of Acho Dene Koe First Nation on the 27th day of November, 2017.

Acho Dene Koe First Nation	Landmark Resource Management
 _____ Signature	 _____ Signature
 _____ Name	Julie Swinscoe _____ Name
 _____ Title	Project Director _____ Title



Giant Mine Remediation Project
PO Box 1500
Yellowknife, NT X1A 2R3

December 4, 2017

Mavis Cli-Michaud
Mackenzie Valley Land and Water Board
7th Floor, 4910-50th Avenue
PO Box 2130
Yellowknife, NT X1A 2P6

Re: RESPONSE TO REVIEW COMMENTS FOR THE TYPE B WATER LICENCE MV2012L8-0010 AND LAND USE PERMIT MV2016S0016 AMENDMENT APPLICATION

Dear Mavis Cli-Michaud:

Indigenous and Northern Affairs Canada (INAC), on behalf of the Giant Mine Remediation Project (GMRP), is pleased to submit the following responses to review comments for the amendment of the Type B Water Licence MV2012L8-0010 and Land Use Permit MV2016S0016 (attachment).

Should you have any questions or require any clarification regarding the information in this application, please contact the undersigned by telephone at (867) 669-2775 or by email at Katherine.Harris2@canada.ca.

Sincerely,

Katherine Harris
Regulatory Manager
Indigenous and Northern Affairs Canada
Giant Mine Remediation Project

CC: DISTRIBUTION LIST

Attachment: Table 1 Comment Summary

Comment #	Reviewer	Topic	Reviewer Comment	Proponent Response
1	Acho Dene Koe First Nation (ADKFN)	General	<p>Comment: ADKFN acknowledges notification of the proposed changes to the Water Licence, Land Use Permit, and permit extension for the GMRP.</p> <p>Recommendation: While the GMRP is outside of ADKFN's traditional territory within the Northwest Territories, ADKFN recognizes that the environment and ecosystems are interconnected and as a result, projects in surrounding areas of the traditional territory have the potential to impact ADKFN land and resources.</p>	The Giant Mine Remediation Project acknowledges the ADKFN's concern. Environmental impacts from the installation and testing of the new pumps are anticipated to be minimal and localized.
2	ADKFN	General	<p>Comment: Please see the attached document for ADKFN full response.</p> <p>Recommendation: See attached.</p>	See response to Comment 1

From: [Harris2, Katherine \(AADNC/AANDC\)](#)
To: [Tyree Mullaney](#)
Subject: RE: MV2012L8-0010 - INAC CARD - Giant
Date: December 14, 2017 12:02:59 PM

Hi Tyree

Yes, these pumps are still considered to be part of the underground stability emergency works as outlined under the original WL application. At the time of that application pumping was identified as an on-going requirement and maintenance/upgrades were discussed in the original work plan. At that time, submersible pumps had not been investigated as an option because full replacement of the pumps hadn't come forward as a risk item. There is on-going concern in relation to the underground stability should the pumps fail and the mine floods. The additional benefit of the submersible pumps eliminates the risk to workers having to enter the underground and by having a greater capacity, should a catastrophic event happen and Baker Creek flooded the underground mine, these pumps would be better to deal with that situation.

Please let me know if you require anything further or if this clarifies things. Can you please confirm if this will remain on the Dec 18 board agenda or if will move to Jan (and if it moves approximate date of that meeting)?

Regards
Katherine

Please note my new e-mail address:

Regulatory Manager, Giant Mine Remediation Project
Indigenous and Northern Affairs Canada
Katherine.Harris2@canada.ca
Tel: 867-669-2775 / Cell: 867-445-3413

From: Tyree Mullaney [mailto:tyree@mvlwb.com]
Sent: Thursday, December 14, 2017 9:15 AM
To: Harris2, Katherine (AADNC/AANDC)
Subject: MV2012L8-0010 - INAC CARD - Giant

Good morning Katherine,

I have prepared the Board package for the water licence amendment but have been asked to seek further clarification on the following:

Do you still consider this an emergency?

If so why

If not refer to the Exemption list regulations where it states that there have been no modifications.

If you can send me an email providing the clarification that would be great. If there is a way we can have it ASAP that would be amazing. The reason is that the Board may ask why is it still an emergency and what evidence do we have.

Please feel free to call....

Thanks

Tyree

Tyree Mullaney, EP
Regulatory Specialist
Mackenzie Valley Land and Water Board
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Please note: All correspondence to the Board, including emails, letters, faxes and attachments are public documents and may be posted to the public registry.

