

Mackenzie Valley Land and Water Board

7th Floor - 4910 50th Avenue • P.O. Box 2130
YELLOWKNIFE, NT X1A 2P6
Phone (867) 669-0506 • FAX (867) 873-6610

March 28, 2013

File: MV2012L8-0010

Ms. Katherine Silcock
for Mr. Adrian Paradis
Acting Manager, Giant Mine Remediation Project
Aboriginal Affairs and Northern Development Canada
Contaminants and Remediation Directorate (AANDC-CARD)
YELLOWKNIFE NT X1A 2R3 Email: Katherine.Silcock@aadnc-aandc.gc.ca
Adrian.Paradis@aadnc-aandc.gc.ca

Dear Ms. Silcock:

**Type B Water Licence Application
Roaster Deconstruction and Underground Stabilization Work
Giant Mine, NT**

The Mackenzie Valley Land and Water Board (the Board) met on March 28, 2013 to review the Type B Water Licence (WL) application submitted by AANDC-CARD. The Board has confirmed that this application is eligible for permitting pursuant to paragraph 119(b) of the Mackenzie Valley Resource Management Act (MVRMA).

The Board will proceed with the issuance of a WL for the activities as outlined in the application.

If you have any questions or concerns, please contact Lynn Boettger at (867) 766-7461 or email lboettger@mvlwb.com.

Yours sincerely,

A handwritten signature in black ink, appearing to read "W. Hagen".

Willard Hagen
Chair

Copied to: Distribution List
Lynn Boettger, Regulatory Officer, MVLWB



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Reasons for Decision

Issued pursuant to Section 26 of the *Northwest Territories Waters Act (NWTWA)*

Type B Water Licence Application – Section 119 Confirmation	
Preliminary Screener	Mackenzie Valley Land and Water Board
Reference/File Number	MV2012L8-0010
Applicant	Aboriginal Affairs and Northern Development Canada – Contaminants and Remediation Directorate
Project	Roaster Complex Deconstruction and Underground Stabilization, Giant Mine, NT

Decision from Mackenzie Valley Land and Water Board Meeting of

March 28, 2013

With respect to this application, notice was given in accordance with sections 63 and 64 of the MVRMA and section 23 of the NWTWA. There was no public hearing held in association with this application.

Background

This Water Licence (WL) application package is for a Type B WL for the deconstruction of the roaster complex and underground stabilization activities at the Giant Mine site. Aboriginal Affairs and Northern Development Canada (AANDC), the Applicant, is requesting that the Mackenzie Valley Land and Water Board (MVLWB or the Board) "...via section 119(b) of the Mackenzie Valley Resource Management Act proceed to the licensing phase for these two activities".

Section 119 (b) of the Mackenzie Valley Resource Management Act (MVRMA) states that:

119. 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.

The WL application was received on December 19, 2012 and circulated for review and comment on January 2, 2013. Comments were provided to the Mackenzie Valley Land and Water Board (MVLWB or the Board) by Environment Canada (EC), Fisheries and Oceans Canada (DFO), Yellowknives Dene First Nation (YKDFN), and Alternatives North (AN) on February 15, 2013. The Proponent responded to comments on March 8, 2013.

Concerns received related to the applicability of section 119(b) are summarized below:

- EC did not comment on this issue although they did provide comments on the draft WL.
- DFO indicated that this decision is at the discretion of the Board.
- YKDFN supported the application of section 119(b) for the Roaster Complex deconstruction work but are not supportive of the underground stabilization activities proceeding through the licensing phase.
- AN is not in support of the project proceeding with the licensing phase for a number of reasons and have asked the Board to consider holding a public hearing on this application.

Summary of Evidence

Evidence presented with the application in support of the urgent nature of the roaster deconstruction and underground stabilization work included professionally endorsed reports attesting to deteriorating conditions on site and the serious risks posed to the environment and human health and safety.

Regarding the Roaster, AECOM's report states that:

Engineering assessments and investigations over the last two years have identified issues of concern that pose a risk that, if not mitigated immediately, may negatively impact the environment and public safety.

...The current base care and maintenance program is designed to keep the Giant Mine site "as is" until such time that the Type A licence is in place. The roaster complex, which is highly contaminated with arsenic and asbestos dust, is a high risk element that is considered to be in a state of emergency. It is in very poor condition and needs to come down to prevent a sudden collapse of any part of the complex.

We are concerned that an incident or accident will occur as a result of a major storm or fire at the Roaster Complex. The consequence of an accident would be the release of arsenic dust and asbestos fibres into the air and into the surface drainage system. Our independent professional judgement of the current situation was corroborated by community members who raised similar concerns about storms and fires during the mine site tour on November 6, 2012.

... It is our recommendation to proceed with the roaster complex demolition as soon as possible to mitigate and control the high-risk items that are becoming an emergency at the Giant Mine today.

Photos of various components of the roaster complex are also provided that illustrate these deteriorating conditions.

Regarding the underground stabilization work, a technical memorandum from Golder Associates Ltd. indicates that:

...there is significant concern that some crown pillars may fail and the failures may propagate up to ground surface. Subsidence features such as sinkholes may suddenly develop resulting in a significant safety hazard to members of the public and project workers who access the area. Arsenic dust may be released to the atmosphere. As well, depending on which particular stopes fail, Baker Creek could enter the mine through a collapsed crown pillar resulting in flooding of the mine.

There is also a significant concern that failure of sill pillars or rib pillars adjacent to arsenic stopes and chambers could occur. Propagation of these failures could lead to connections between the arsenic stopes and chambers and the mine. Hazards to underground workers could develop and significant amounts of arsenic dust could flow into the mine and potentially into the mine water pool.

Some underground bulkheads that retain arsenic dust in several of the arsenic stopes cannot be inspected and their condition remains unknown. Failure of any bulkhead could allow significant amounts of arsenic dust to escape into the mine and potentially into the mine water pool.

Environmental Assessment

The work(s) proposed by this WL application is currently subject to an ongoing Environmental Assessment (EA0809-001) by the Mackenzie Valley Review Board (Review Board). The Review Board indicated to the MVLWB in correspondence dated March 13, 2013 that

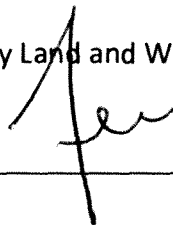
...this work is necessary to protect human health and the environment, and [the Review Board] is willing to exclude these specific activities from the scope of the development undergoing assessment, based on the considerations described in its March 13th 2013 letter to the developer.

Decision

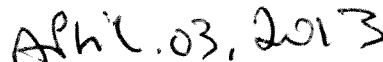
The Board is in agreement with the evidence contained in the professionally endorsed reports (i.e. AECOM memo dated December 17, 2012 and Golder Associates Technical Memorandum dated December 17, 2012) and the WL application as presented by the AANDC. There was no evidence provided to the contrary.

SIGNATURE

Mackenzie Valley Land and Water Board



Chair



Date



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P.O. Box 2130
YELLOWKNIFE NT X1A 2P6
Phone (867) 669-0506
FAX (867) 873-6610

FILE NUMBER MV2012L8-0010

Date: April 3, 2013

To: Ms. Katherine Silcock

Organization: AANDC – CARD – Giant Mine Remediation
katherine.silcock@aandc.gc.ca

Email: Adrian.paradis@aandc.gc.ca

Copied To: Distribution List

From: Amanda for Willard Hagen, Chair

Number of pages including cover 10

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AKAITCHO REGION DISTRIBUTION LIST

Organization	Contact Name	Contact Position/Title	Email/Fax
Akaitcho Screening Board	Stephanie Poole	Screening Officer	screeningofficer@eastarm.com ;
Akaitcho Screening Board	Stephen Ellis	IMA Implementation Officer	scellis@eastarm.com ;
City of Yellowknife	Gordon Van Tighem, c/o Judy Brennan	Mayor, c/o Executive Secretary	jbrennan@yellowknife.ca ;
City of Yellowknife	Robert Long	City Administrator	rlong@yellowknife.ca ;
Dene Nation	Lee Mandeville	Lands Program Coordinator	lmandeville@denenation.com ;
Deninoo Community Council	Carol Collins	Lands Officer	Caroic.lands@gmail.com ;
Deninu K'ue First Nation	Emile Bjornson	IMA Coordinator	ima_dkfn@northwestel.net ;
Deninu K'ue First Nation	Chief Louis Balsillie	Chief	admin_dkfn@northwestel.net ;
DFO	Rick Walbourne	Habitat Biologist	Rick.Walbourne@dfo-mpo.gc.ca ;
Enterprise Settlement Corporation	Mike St. Amour	Mayor	Sao_enterprise@northwestel.net ;
Environment Canada	Not applicable	Central email	ec.ea.nwt@ec.gc.ca ;
Fort Resolution Métis Council	Gary Bailey	President	Frmc53@yahoo.ca ;
Hamlet of Fort Resolution	Carol Collins	Lands Officer	Caroic.lands@gmail.com ;
Fort Resolution Metis Council	Trudy King	Member	fieldworker.frmc53@northwestel.net ;
Fort Smith Métis Council	Ken Hudson	President	fortsmithmetisCouncil@northwestel.net ;
Fort Smith Métis Council			rcc.nwtmn@northwestel.net ;
Fort Resolution Métis Council	Trudy King		(867)394-3322;
GNWT	Not applicable	Central email	Gnwt_ea@gov.nt.ca ;
GNWT – DOT	Rhonda Batchelor	Environmental Affairs Analyst	Rhonda_Batchelor@gov.nt.ca ;
GNWT – ENR	Patrick Clancy	Environmental Regulatory Analyst	Patrick_Clancy@gov.nt.ca ;
GNWT – HEALTH	Duane Fleming	Chief Environmental Health Officer	Duane_Fleming@gov.nt.ca ;
GNWT – HEALTH	Doug Carr	Environmental Health officer	doug_carr@gov.nt.ca ;
GNWT – HEALTH	Jeremy Roberts	Environmental Health officer	Jeremy_roberts@gov.nt.ca ;
GNWT – HEALTH	Steven Shen	Environmental Health officer	Steven_shen@gov.nt.ca ;
GNWT – HEALTH	Tim Hibbs	Environmental Health officer	Tim_hibbs@gov.nt.ca ;
GNWT – ITI	Amy Lizotte	Senior Analyst	Amy_Lizotte@gov.nt.ca ;
GNWT – ITI	Russell Teed	Mineral and Petroleum Development Impact Analyst	Russell_Teed@gov.nt.ca ;

Organization	Contact Name	Contact Position/Title	Email/Fax
GNWT – MACA	Mark Davy	Senior Environmental Planner	Mark_Davy@gov.nt.ca ;
GNWT – PWNHC	Glen Mackay	Assessment Archaeologist	Glen_Mackay@gov.nt.ca ;
Hay River Métis Government Council	George Lafferty		hrmc@northwestel.net
Hay River Metis Council	Paul Harrington	President	(867)874-4472; hrmc@northwestel.net ;
AANDC – Intergovernmental Affairs	Not applicable	Central email	intergov@aandc.gc.ca ;
AANDC – Mineral & Petroleum Resources Directorate			MDD@aandc.gc.ca ; PDD@aandc.gc.ca ;
AANDC – Aboriginal and Territorial Relations	Not applicable	Central email	consultationsupportunit@aandc.gc.ca ;
	Alison Heslep	Project Officer	Alison.Heslep@aandc.gc.ca ;
INAC – CARD – Giant Mine	Vacant	Executive Director	
INAC – CARD – Giant Mine	Adrian Paradis	Head, Tech. and Env. Services	Adrian.Paradis@aandc.gc.ca ;
AANDC – Environment and Conservation	Julian Kanigan Krystal Thompson	A/Head, Environmental Assessment and Agreement	Julian.Kanigan@aandc.gc.ca ; Krystal.Thompson@aandc.gc.ca ;
AANDC – Environment and Conservation	Charlotte Henry	Renewable Resources and Environment Division	Charlotte.Henry@aandc.gc.ca ;
AANDC – South Mackenzie District Office	Scott Stewart – Email only	District Manager	Scott.Stewart@aandc.gc.ca ;
AANDC – South Mackenzie District Office	Charlene Coe – Email only	Land Use Administrator	Charlene.Coe@aandc.gc.ca ;
AANDC – Water Resources	Robert Jenkins	Manager	Robert.Jenkins@aandc.gc.ca ;
AANDC - Water Resources	Patrick Kramers	Resource Management Officer	Patrick.Kramers@aandc.gc.ca ;
AANDC- RSA Section	Nathen Richea	A/Head	Nathen.Richea@aandc.gc.ca ;
AANDC	Not applicable		CAU-UCA@aandc.gc.ca ;
Katloodeeche First Nation	Roy Fabian c/o Victoria St. Jean	Chief c/o Lands and Resources Manager	landsnresources@katloodeeche.com ;
Kevin O'Reilly	Kevin O'Reilly		kor@theedge.ca ;
Lutselk'e Dene First Nation	Dora Enzoe	Chief	lkdfn.executiveChiefandCouncil@gmail.com ;
MVEIRB	Vern Christensen	Executive Director	vchristensen@reviewboard.ca ;
MVEIRB		Environmental Assessment Officer	preliminaryscreening@reviewboard.ca ;
MVLWB Public Registry	Not applicable	Registry Clerk	permits@mvvlwb.com ;
North Slave Métis Alliance		Office Manager	researcher@nsma.net ;
	Eric Binion	Regulatory Analyst	reganalyst@nsma.net ;
	Arnold Enge	Director	arnoldenge@gmail.com ;
Northern Projects Management Office	Matthew Spence	Senior Project Coordinator	Matthew.Spence@cannor.gc.ca ;

Organization	Contact Name	Contact Position/Title	Email/Fax
NWT Metis Nation	Tim Heron	NWTMN IMA Coordinator	(867)872-2772; rcc.nwtmn@northwestel.net ;
AANDC-CARD	Katherine Silcock	Project Manager	Katherine.Silcock@aadnc-aandc.gc.ca ;
Salt River First Nations	David Poitras	Chief	chief@srfn195.com ;
Smith Landing First Nation	Cheyenne Paulette	Chief	(867)872-5154;
Smith Landing First Nation	Jeff Dixon	Lands & Resources Coordinator	lands@sifn196.com ;
Tlicho Government - Lands Protection Department	Karri Garner	Lands Manager	kerrigarner@tlicho.com ;
Town of Fort Smith	Jim Hood	Senior Administrative Officer	jhood@fortsmith.ca ;
Town of Hay River	Michael Richardson	Senior Administrative Officer	mrichardson@hayriver.com ;
True North Safaris	Gary Jaeb	Owner/Operator	gary@truenorthsafaris.com ;
WSCC – Employer Services	Susan Abernethy	Manager	Susan.Abernethy@wscc.nt.ca ;
West Point First Nation	Gwen Cayen	Chief	wpfn@northwestel.net ;
Yellowknives Dene First Nation	Not applicable	Central email	environment@ykdene.com ;
Yellowknives Dene First Nation	Todd Slack	Lands and Environment Office	tslack@ykdene.com ;
Yellowknives Dene First Nation (Dettah)	Eddie Sangris	Chief	(867)873-5969; esangris@ykdene.com ;
Yellowknives Dene First Nation (Ndilo)	Ted Tsetta	Chief	(867)873-8545; ttsetta@ykdene.com ;

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Abbreviations:

HS: Host Send	PL: Polled Local	CP: Completed	TS: Terminated by System
HR: Host Receive	PR: Polled Remote	FA: Fail	TU: Terminated by User
MS: Mailbox Save	WS: Waiting To Send	RP: Report	G3: Group3
MP: Mailbox Print	EC: Error Correct		

Amanda Gauthier - MVLWB

From: Amanda Gauthier - MVLWB [agauthier@mvlwb.com]
Sent: Wednesday, April 03, 2013 4:50 PM
To: 'screeningofficer@eastarm.com'; 'scellis@eastarm.com'; 'jbrennan@yellowknife.ca'; 'rlong@yellowknife.ca'; 'lmandeville@denenation.com'; 'Carole.lands@gmail.com'; 'ima_dkfn@northwestel.net'; 'admin_dkfn@northwestel.net'; 'Rick.Walbourne@dfo-mpo.gc.ca'; 'Sao_enterprise@northwestel.net'; 'ec.ea.nwt@ec.gc.ca'; 'Frmc53@yahoo.ca'; 'Carole.lands@gmail.com'; 'fieldworker.frmc53@northwestel.net'; 'fortsmithmetisCouncil@northwestel.net'; 'rcc.nwtmn@northwestel.net'; 'Gnwt_ea@gov.nt.ca'; 'Rhonda_Batchelor@gov.nt.ca'; 'Patrick_Clancy@gov.nt.ca'; 'Duane_Fleming@gov.nt.ca'; 'doug_carr@gov.nt.ca'; 'Jeremy_roberts@gov.nt.ca'; 'Steven_shen@gov.nt.ca'; 'Tim_hibbs@gov.nt.ca'; 'Amy_Lizotte@gov.nt.ca'; 'Russell_Teed@gov.nt.ca'; 'Mark_Davy@gov.nt.ca'; 'Glen_Mackay@gov.nt.ca'; 'hrmc@northwestel.net'; 'hrmc@northwestel.net'; 'intergov@aandc.gc.ca'; 'MDD@aandc.gc.ca'; 'PDD@aandc.gc.ca'; 'consultationsupportunit@aandc.gc.ca'; 'Alison.Heslep@aandc.gc.ca'; 'Adrian.Paradis@aandc.gc.ca'; 'Julian.Kanigan@aandc.gc.ca'; 'Krystal.Thompson@aandc.gc.ca'; 'Charlotte.Henry@aandc.gc.ca'; 'Scott.Stewart@aandc.gc.ca'; 'Charlene.Coe@aandc.gc.ca'; 'Robert.Jenkins@aandc.gc.ca'; 'Patrick.Kramers@aandc.gc.ca'; 'Nathen.Richea@aandc.gc.ca'; 'CAU-UCA@aandc.gc.ca'; 'landsnresources@katlodeeche.com'; 'kor@theedge.ca'; 'lkdfn.executiveChiefandCouncil@gmail.com'; 'vchristensen@reviewboard.ca'; 'preliminaryscreening@reviewboard.ca'; 'researcher@nsma.net'; 'reganalyst@nsma.net'; 'arnoldenge@gmail.com'; 'Matthew.Spence@cannor.gc.ca'; 'rcc.nwtmn@northwestel.net'; 'Katherine.Silcock@aadnc-aandc.gc.ca'; 'chief@srfn195.com'; 'lands@sifn196.com'; 'kerrigarner@tlich.com'; 'jhood@fortsmith.ca'; 'mrichardson@hayriver.com'; 'gary@truenorthsafaris.com'; 'Susan.Abernethy@wssc.nt.ca'; 'wpfn@northwestel.net'; 'environment@ykdene.com'; 'tslack@ykdene.com'; 'esangris@ykdene.com'; 'ttsetta@ykdene.com'
Cc: 'Lynn Boettger - MVLWB'
Subject: MV2012L8-0010 - AANDC - CARD - Giant Mine Remediation - Sec. 119(b) Determination & Issuance - Type B Water Licence
Attachments: MV2012L8-0010 - AANDC - CARD - Giant Mine Remediation - Section 119(b) Determination.PDF; MV2012L8-0010 - AANDC - CARD - Giant Mine Remediation - Issuance - Type B Water Licence.PDF

Good day,

Please see the attached documents. If you have any questions, please contact Lynn Boettger at (867) 766-7461 or email lboettger@mvlwb.com.

Regards,

Amanda Gauthier

Executive Coordinator

Mackenzie Valley Land and Water Board

7th Floor, 4922 48th St. | PO Box 2130 | Yellowknife NT | X1A 2P6

ph 867.766.7460 | mobile 867.444.9822 | fax 867.873.6610

agauthier@mvlwb.com | www.mvlwb.com

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