



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

June 18, 2018

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

**Re: REQUEST FOR AMENDMENT TO THE TYPE B WATER LICENCE MV2012L8-0010 FOR REMOVAL OF VOLUME LIMIT ON MINE WATER USE**

Indigenous and Northern Affairs Canada (INAC) is pleased to submit the attached amendment application for the Type B Water Licence MV2012L8-0010 on behalf of the Giant Mine Remediation Project (GMRP). The GMRP team consists of INAC and the Government of the Northwest Territories (GNWT), and is supported by the federal department of Public Services and Procurement Canada (PSPC). INAC is ultimately responsible for compliance with any water licence and land use permit issued to the GMRP.

There is no change being proposed to the scope of the existing water licence, but the amendment is to request removal of Part C, Condition 3 which reads:

*“The quantity of treated minewater used for all purposes shall not exceed 300 cubic metres per day.”*

The volume indicated in Part C, Condition 3 is also listed on the cover page of the Water Licence.

In 2014, through correspondence between INAC staff and MVLWB staff, it was identified that volumes of water exceeding the 300 m<sup>3</sup>/day limit defined in the Water Licence were required to complete paste backfill activities. This resulted in use of untreated mine water from the Tailing Containment Areas (i.e., North Pond or Northwest Pond) to supplement the treated mine water in the Polishing Pond. The Tailings Containment Areas are artificial reservoirs with no flow and limiting water use from such areas is excluded under the Waters Act.

The GMRP estimates daily volumes of approximately 500 m<sup>3</sup>/day will be required to complete the backfilling activities associated with C5-09. This estimate is based on volumes required for the four stopes that were previously backfilled. INAC is requesting removal of Part C, Condition 3 because the GMRP believes it erroneously limits the amount of water taken from an artificial internal reservoir, based on the following rationale:

- There is no natural inflow or outflow from the Polishing Pond as all water movement is a result of the water management on site (i.e., pumped through pipes). The Polishing Pond is a purpose-

built structure that is part of the effluent treatment system. Water is pumped from the underground to surface into the Northwest Pond. During the discharge season (typically July to September), water is pumped from the Northwest Pond to the Effluent Treatment Plant (ETP) and then into the Settling Pond where the bulk of the flocculation occurs. Water moves into the Polishing Pond through the splitter dyke (this divides the Settling and Polishing ponds) where it is held until it is either (1) pumped through the discharge pipe into Baker Pond, (2) drawn down for use in the paste backfill, which deposits it back underground in a closed circuit, or (3) when treated water is required for dust suppression on roads on site.

- The use of water in the Polishing Pond (or any of the tailings containment areas) is excluded from the definition of water “use” based on the clarification included in the footnote of Water Regulations Schedule H (Miscellaneous Undertakings) which states the defined water use limits in Columns II, III and IV “does not include water taken from an artificial reservoir with no natural inflow”. As a result, use of Polishing Pond water for development of paste backfill, as long as it remains within the internal water management system at site, is in accordance with the Waters Act, without limits needing being placed on its use.
- Use of Polishing Pond water, instead of untreated mine water from the Tailings Containment Areas, reduces health and safety risks to workers.

Removal of this condition will assist the GMRP with completion of approved backfill activities as described in the Site Stabilization Plan and supporting documentation and approved through issuance of MV2012L8-0010, while remaining in compliance with Water Licence conditions and reducing additional risks to worker health and safety. Volume of all mine water used for backfilling activities will continue to be recorded and reported on a monthly and semi-annual basis.

Notification of the intent to submit this amendment application was provided by email to the Distribution List (Attachment 1) on May 24, 2018. A response from Bill Slater to the Giant Mine Working Group was received (Attachment 2); no other comments or responses were received. Mr. Slater identified some items for consideration, but overall is in support of the amendment; therefore, no formal response was provided and this item will be closed out at the next Giant Mine Working Group meeting in July.

Should you have questions or require clarification regarding the information in this amendment application, please contact the undersigned by telephone at (867) 669-2838 or by email at [Natalie.Plato@canada.ca](mailto:Natalie.Plato@canada.ca).

Sincerely,



Natalie Plato  
Deputy Director  
Indigenous and Northern Affairs Canada  
Giant Mine Remediation Project



Indigenous and  
Northern Affairs Canada

Affaires autochtones  
et du Nord Canada

Cc: Devin Penney, Resource Management Officer, INAC, Yellowknife, NT  
Tim Morton, Resource Management Officer, INAC, Yellowknife, NT

Attachments: Attachment 1: Giant Mine Remediation Project Distribution List  
Attachment 2: Memorandum Re: Review of GMRP Notification of Request for Water



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

May 24, 2018

**GIANT MINE REMEDIATION PROJECT – DISTRIBUTION LIST**

**Re: NOTIFICATION OF REQUEST FOR AMENDMENT TO THE TYPE B WATER LICENCE MV2012L8-0010 FOR REMOVAL OF MINEWATER VOLUME LIMIT**

Please accept this letter as notification that Indigenous and Northern Affairs Canada (INAC) Giant Mine Remediation Project (GMRP) intends to submit an amendment application to the Mackenzie Valley Land and Water Board (MVLWB or Board) for the existing Type B Water Licence MV2012L8-0010. There is no change being proposed to the scope of the existing water licence. Specifically, INAC is requesting removal of Part C, Condition 3 which reads:

*“The quantity of treated minewater used for all purposes shall not exceed 300 cubic metres per day.”*

The volume indicated in Part C, Condition 3 is also listed on the cover page of the Water Licence.

In 2014, through correspondence between INAC staff and MVLWB staff, it was identified that volumes of water exceeding the 300 m<sup>3</sup>/day limit defined in the water licence were required to complete paste backfill activities. This resulted in use of untreated minewater from the Tailing Containment Areas (i.e., North Pond or Northwest Pond) to supplement the treated minewater in the Polishing Pond. The Tailings Containment Areas are artificial reservoirs with no flow and limiting water use from such areas is excluded under the Waters Act.

The GMRP estimates daily volumes of approximately 500 m<sup>3</sup>/day will be required to complete the backfilling activities associated with C5-09. This estimate is based on volumes required for the four stopes that were previously backfilled. INAC is requesting removal of Part C, Condition 3 because the GMRP believes it erroneously limits the amount of water taken from an artificial internal reservoir, based on the following rationale:

- There is no natural inflow or outflow from the Polishing Pond as all water movement is a result of the water management on site (i.e., pumped through pipes). The Polishing Pond is a purpose-built structure that is part of the effluent treatment system. Water is pumped from the underground to surface into the Northwest Pond. During the discharge season (typically July to September), water is pumped from the Northwest Pond to the Effluent Treatment Plant (ETP) and then into the Settling Pond where the bulk of the flocculation occurs. Water moves into the Polishing Pond through the splitter dyke (this divides the Settling and Polishing ponds) where it is held until it is either (1) pumped through the discharge pipe into Baker Pond, (2) drawn down

for use in the paste backfill, which deposits it back underground in a closed circuit, or (3) when treated water is required for dust suppression on roads on site.

- The use of water in the Polishing Pond (or any of the tailings containment areas) is excluded from the definition of water “use” based on the clarification included in the footnote of Water Regulations Annex G (Miscellaneous Undertakings) which states the defined water use limits in Columns II, III and IV “does not include water taken from an artificial reservoir with no natural inflow”. As a result, use of Polishing Pond water for development of paste backfill, as long as it remains within the internal water management system at site, is in accordance with the Waters Act, without limits needing being placed on its use.
- Use of Polishing Pond water, instead of untreated minewater from the Tailings Containment Areas, reduces health and safety risks to workers.

Removal of this condition will assist the GMRP with completion of approved backfill activities as described in the Site Stabilization Plan and supporting documentation and approved through issuance of MV2012L8-0010, while remaining in compliance with Water Licence conditions and reducing additional risks to worker health and safety. Volume of all minewater used for backfilling activities will continue to be recorded and reported on a monthly and semi-annual basis.

INAC is anticipating submission of the amendment application in early June 2018. Once the amendment application has been deemed complete by the MVLWB, all parties will have the opportunity to submit formal comments through the MVLWB’s Public Review Process.

Should you have comments, questions, or would like more information prior to submission of the amendment application, please contact the undersigned by telephone at (867) 669-2838 or by email at [Natalie.Plato@canada.ca](mailto:Natalie.Plato@canada.ca), no later than June 7, 2018.

Sincerely,



Natalie Plato  
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# Memorandum

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To: Giant Mine Working Group

From: Bill Slater, Principal Consultant

Date: June 7, 2018

Re: **Review of GMRP Notification of Request for Water Licence Amendment**

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I have reviewed the Giant Mine Remediation Project (GMRP) "*Notification of Request for Amendment to the Type B Water Licence MV2012L8-0010.*" I have also spoken with Ms. Katherine Harris from the project team to discuss the purpose and scope of the proposed amendment. This memo provides my comments for consideration by the Giant Mine Working Group (the Working Group).

The GMRP intends to request that its Type B licence be amended to remove the 300 m<sup>3</sup>/day volume restriction on use of treated mine water. The GMRP expects to use approximately 500 m<sup>3</sup>/day of water for underground backfill operations at the C5-09 stope. Under the *Mackenzie Valley Resource Management Act* and its *Mackenzie Valley Federal Areas Waters Regulations*, use of more than 300 m<sup>3</sup> of water per day for a miscellaneous undertaking requires a Type A licence, something the Giant Mine Project currently does not have.

As explained in the GMRP letter, previous underground backfill activities have also exceeded the 300 m<sup>3</sup>/day threshold, but the shortfall has been made up by using untreated mine water from the North Tailings Pond and Northwest Tailings Pond. The Regulations provide that the calculated volume of water use "*Does not include water taken from an artificial reservoir with no natural inflow.*" The GMRP states that 2014 discussions with the Mackenzie Valley Land and Water Board staff led to the conclusion that the tailings ponds were artificial reservoirs with no natural inflow, and therefore did not count when measuring water use under the licence.

The cover page of the water licence limits total water use to 300 m<sup>3</sup>/day and Part C – Clause 3 states that "*The quantity of treated minewater used for all purposes shall not exceed 300 cubic metres per day.*" Part C – Clause 1 clarifies that the source of treated minewater is the Polishing Pond. The GMRP proposes removal of Part C – Clause 3. It is not clear whether the proposed amendment would include removal of the limitation stated on the cover page. The proposed amendment would allow the GMRP to use additional treated water from the Polishing Pond for backfill activities instead of using untreated water from the tailings ponds. The GMRP states that the use of treated water will reduce health and safety risks to workers.

The proposed amendment is based on the GMRP's conclusion that the Polishing Pond, like the tailings ponds, should be considered as an artificial reservoir with no natural inflow. The interpretation would allow unlimited water use from this source without triggering the need for a water licence – either Type A or Type B. The interpretation appears reasonable because the Polishing Pond was constructed as part of the water management system and all flows into and out of the pond are controlled by mine operations.

However, the current water licence has clearly interpreted the Polishing Pond as a water source that is included in the calculation of water use volumes for licensing purposes. The proposed amendment entails a change in this interpretation. Ms. Harris confirmed that the GMRP has discussed the proposed amendment with staff from the Mackenzie Valley Land and Water Board who have agreed that the proposed change warrants consideration.

The proposed amendment appears to make sense in the context of the site stabilization activities and water licence for the GMRP. I have identified the following issues that Working Group members may wish to consider in relation to the proposed water licence amendment:

1. The removal of the 300 m<sup>3</sup>/day restriction on water use from the Polishing Pond will result in increased use of water from that source. The GMRP expects use of up to 500 m<sup>3</sup>/day<sup>1</sup>. Increased use of water from this source will lead to decreased release of water from the Polishing Pond to Baker Pond/Baker Creek. At some times, the discharge from the Polishing Pond makes up a substantial portion of the flow in Baker Creek. The reductions in flow during periods of high use for underground backfill programs will likely cause measurable changes in habitat areas in some portions of the creek during these periods.

While changes in flows and habitat will occur, they may not be of substantial concern because they are consistent with the changes that are expected once the closure plan is implemented. In accordance with the closure plan, all water treatment effluent will be discharged to Yellowknife Bay rather than Baker Creek. All flows that are currently released from the Polishing Pond will cease when the closure plan is implemented. The proposed amendment would lead to earlier reductions in flow than anticipated with the closure plan.

2. The proposed amendment may have implications because of any precedent that may be established by the amendment. Also, previously established precedents may be relevant for the proposed amendment. For example, are there water licences for other mine sites where the use of treated mine water is included in the calculation of water use volumes, and would a decision for the GMRP lead to similar requests at other sites? Or, does the use of water from the Polishing Pond equate to the use of minewater, which the Board has previously included in the definition of water use (and therefore in the calculation of use volumes): for example, water licence MV2007L8-0025 for the Con Mine, "*Water Use*" means a use of Water as defined by section 1 of the Act and shall include freshwater from all sources and Minewater."
3. The cover page of the GMRP licence includes an overall limitation on water use of 300 m<sup>3</sup>/day. It may be worthwhile for the licence to clarify that the limitation is 300 m<sup>3</sup>/day not including water that comes from the Polishing Pond or Tailings Ponds (or alternatively not including water that comes from an artificial reservoir with no natural inflow).

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<sup>1</sup> While use rates are not expected to exceed 500 m<sup>3</sup>/day, the amendment will remove any limitation on use of water from the Polishing Pond, so use rates could be higher if the project needs the water.