



Mackenzie Valley Land and Water Board
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Staff Report

Applicant: Aboriginal Affairs and Northern Development Canada – Contaminants and Remediation Directorate (AANDC - CARD)	
Location: Giant Mine, NT	Application: MV2012L8-0010
Date Prepared: July 19, 2018	Meeting Date: August 2, 2018
Subject: Water Licence - Amendment Application (#3)	

1. Purpose/Report Summary

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board) an Application to amend Water Licence (Licence) MV2012L8-0010 submitted by Aboriginal Affairs and Northern Development Canada – Contaminants and Remediation Directorate (AANDC-CARD) for the Giant Mine Remediation Project.

2. Background

- March 28, 2013 – Issuance of Licence MV2012L8-0010;
- March 17, 2017 — 2016 Amendment (#1) approved;
- December 18, 2017 – 2017 Amendment (#2) approved;
- June 18, 2018– Amendment Application (#3) submitted;
- June 25, 2018 – Amendment Application (#3) deemed complete and review commenced;
- July 16, 2018 – Reviewer comments and recommendations due and received;
- **August 2, 2018 – Amendment Application (#3) presented to the Board for decision, and**
- July 31, 2020 – Expiration of Licence MV2012L8-0010.

3. Discussion

Background

Licence MV2012L8-0010 was issued for the removal of the roaster complex and to conduct underground stabilization activities at the Giant Mine site. In their initial application, AANDC-CARD requested the Board consider licensing under the emergency provisions in subsection 119(b) of the *Mackenzie Valley Resource Management Act (MVRMA)*, 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). During the public review of Licence MV2012L8-0010, the Review Board commented that the activities applied for were necessary to protect human health and the environment, and that specific activities scoped into the environmental assessment could be excluded. On March 28, 2013, the MVLWB confirmed that subsection 119(b) of the MVRMA applied and issued the licence (decision letter and reasons attached).

Additional Water Required

In 2014, CARD determined they required additional water volumes allowed by Part C, condition 3 of Licence MV2012L8-0010, to complete paste backfill activities (attached). As a result, untreated mine water was used from two Tailing Containment Areas (TCA) (North Pond or Northwest Pond) to supplement the treated mine water in the Polishing Pond. This use was permissible under the *Waters Act* because the TCA's are artificial reservoirs with no flow and limiting water use from such areas is excluded.

Amendment #2: Additional Pumps

On December 14, 2017, Board staff inquired if continuation of subsection 119(b) of the MVRMA remained valid (attached). CARD identified that pumping of water remained an on-going concern and that new, large-capacity submersible pumps were required to mitigate the risk of flooding the underground and Baker Creek. As a result, on December 18, 2017, the Board amended Licence MV2012L8-0010 to include the additional pumps (Amendment #2) (attached).

Current Application – Amendment #3 – Water Volumes

On June 18, 2018, AANDC-CARD applied to amend Licence MV2012L8-0010 to remove Part C, condition 3: "The quantity of treated mine water used for all purposes shall not exceed 300 cubic metres per day" (attached). Based on water volumes required to backfill four previous underground stopes, CARD estimates they require approximately 500 m³/day to backfill underground stope C5-09. CARD's provided the following rationale:

- 1) The Polishing Pond is a purpose-built structure with no natural inflow or outflow that is part of the on-site effluent treatment system. Therefore, water from this artificial reservoir can be used without limits being placed on its use in accordance with the *Waters Act*¹ if it remains within the internal site water management system. Water remains within the site's system as follows: underground water is pumped to the surface and into the Northwest Pond. During the discharge season (typically July to September), water is pumped from the Northwest Pond to the Effluent Treatment Plant, and then into the Settling Pond for flocculation. The Settling Pond joins onto the Polishing Pond at the splitter dyke. Water is pumped across the splitter dyke and into the Polishing Pond, where it is held until it is either (1) pumped through the discharge pipe into Baker Pond, (2) used in the paste backfill, or (3) used for dust suppression on roads at the site (where it meets applicable criteria).

¹ *Waters Act* and supporting Waters Regulations: Schedule H – Columns II, III and IV.

- 2) Use of Polishing Pond water, instead of untreated mine water from the Tailings Containment Areas, reduces health and safety risks to workers.

4. Comments

The Board can amend this Licence under subparagraph 72.12(1)(b) of the MVRMA, which states: "Subject to subsections (2) and (3), a board may, in respect of a federal area, amend, for a specified term or otherwise, any condition of a licence."

5. Reviewer Comments

By July 16, 2018, review comments were due; however, none were submitted. As a result, CARD did not provide any responses by the July 19, 2018 deadline.

A draft Licence cover page and conditions are attached for the Board's consideration. A preliminary screening is not required given the activities proposed remain under the subsection 119(b) of the MVRMA emergency provision. No changes were made to the quantity of water allowed on the draft amended cover page as this amount specifically refers to the amount of freshwater allowed; this excludes water from the Polishing Pond. Board staff note that Part C, condition 3 has been amended to reflect freshwater use, and 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.

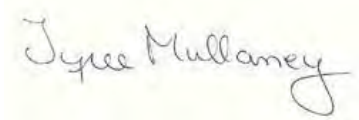
8. Recommendation

Board staff recommend **the Board make a motion to approve the amendment of Water Licence MV2012L8-0010 and associated Reasons for Decision.**

9. Attachments

- [Application](#)
- [Board confirmed that subsection 119\(b\) of the MVRMA –March 28, 2013](#)
- [June 9, 2014 – Water use for underground stabilization](#)
- [Amendment 2: Additional Pumps; Staff Report](#)
- AANDC Confirmation of Continuation of Emergency – December 14, 2017
- 2014 Correspondence with MVLWB Staff
- 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,

A handwritten signature in cursive script that reads "Tyree Mullaney". The signature is written in black ink on a light-colored background.

Tyree Mullaney
Regulatory Specialist

Review Comment Table

Board:	MVLWB
Review Item:	MV2012L8-0010 - INAC CARD - Giant Mine - Amendment Request
File(s):	MV2012L8-0010
Proponent:	INAC - CARD
Document(s):	Amendment Request (256 kB)
Item For Review Distributed On:	June 25 at 16:17 Distribution List
Reviewer Comments Due By:	July 16, 2018
Proponent Responses Due By:	July 19, 2018
Item Description:	<p>INAC – CARD – Giant Mine (Giant) has submitted a request to amend Water Licence (Licence). Giant is requesting to remove Part C, item 3 which reads:</p> <p>The quantity of treated minewater used for all purposes shall not exceed 300 cubic meters.</p> <p>Reviewers are invited to submit comments and recommendations using the Online Review System (ORS) by the review comment deadline specified below. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the proponent prior to submitting comments and recommendations.</p> <p>Reviewers may also wish to consider providing an indication of whether they are in support of the submission to provide context for comments and recommendations and to assist the Board with its decision.</p> <p>Please provide comments and recommendations on the:</p> <ul style="list-style-type: none"> • Amendment Request <p>All documents that have been uploaded to this review are also available on our public registry. If you have any questions or comments about the ORS or this review, please contact Board staff identified below.</p>
General Reviewer Information:	<p>The following organization received the notification via fax:</p> <p>NWT Metis Nation Tim Heron NWTMN IMA Coordinator (867)872-3586; rcc.nwtmn@northwestel.net;</p>
Contact Information:	<p>Jen Potten 867-766-7468 Tyree Mullaney 867-766-7464</p>

Comment Summary – None Submitted.