



**Mackenzie Valley Land and Water Board**  
**7th Floor - 4922 48th Street**  
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**YELLOWKNIFE NT X1A 2P6**  
**Phone (867) 669-0506**  
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August 2, 2018

File: MV2012L8-0010

Ms. Natalie Plato  
INAC-CARD  
Box 1500  
Yellowknife, NT X1A 2R3

Email: [natalie.plato@aandc.gc.ca](mailto:natalie.plato@aandc.gc.ca)

Dear Ms. Natalie Plato:

**Re: Amendment Application – Water Volumes – Approval  
Miscellaneous – Giant Mine Site**

The Mackenzie Valley Land and Water Board (MVLWB or the Board) received your application dated June 15, 2018 requesting an amendment to Water Licence MV2012L8-0010 on June 18, 2018

In accordance with subparagraph 72.12(1)(b) of the *Mackenzie Valley Resource Management Act*, the Board hereby approves the amendment as applied for. A copy of this amendment has been filed on the [Public Registry](#) at the office of the MVLWB.

If you have any questions or concerns, please contact Tyree Mullaney at (867) 766-7464 or email [tyree@mvlwb.com](mailto:tyree@mvlwb.com).

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Mavis Cli-Michaud".

Mavis Cli-Michaud  
MVLWB, Chair

Copied to: Distribution List

Attached: Water Licence MV2012L8-0010  
Reasons for Decision  
General Procedures for the Administration of Water Licenses



**Mackenzie Valley Land and Water Board  
Water Licence**

**Amendment #3 – August 2, 2018**

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Pursuant to the *Mackenzie Valley Resource Management Act* and Regulations, the Mackenzie Valley Land and Water Board, hereinafter referred to as the Board, hereby grants to:

Aboriginal Affairs and Northern Development Canada – Contaminants and Remediation  
(Licensee)

of 5103-48<sup>th</sup> Street, PO Box 1500, Yellowknife, NT X1A 2R3  
(mailing address)

hereinafter called the Licensee, the right to alter, divert, or otherwise use water subject to the restrictions and conditions contained in the *Mackenzie Valley Resource Management Act* and Regulations made thereunder and subject to and in accordance with the conditions specified in this Licence.

Licence number:	<u>MV2012L8-0010</u>
Licence type:	<u>B</u>
Water Management Area:	<u>WMA Northwest Territories 01</u>
Location:	<u>62°28'54" N, 114°19'12" W</u> <u>62°32'38" N, 114°22'34" W</u>
Purpose:	<u>To use water and dispose of waste and associated uses</u>
Description:	<u>Miscellaneous - Roaster Complex Deconstruction and Underground Stabilization Activities</u>
Quantity of water <b>not to be exceeded</b> :	<u>300 cubic metres (m<sup>3</sup>)</u>
Effective date of Licence:	<u>March 28, 2013</u>
Expiry date of Licence:	<u>July 31, 2020</u>

This Licence, issued and recorded at Yellowknife, includes and is subject to the annexed conditions.

**Mackenzie Valley Land and Water Board**

Handwritten signature of Mavis Cli-Michaud in blue ink.

**Mavis Cli- Michaud, Chair**

Handwritten signature of Tanya Lantz in black ink.

**Tanya Lantz, Witness**

**Type B Water Licence MV2012L8-0010**  
**Aboriginal Affairs and Northern Development Canada –**  
**Contaminants and Remediation Directorate – Giant Mine Remediation Project**

**Part A: Scope and Definitions**

**Scope**

1. This Licence entitles Aboriginal Affairs and Northern Development Canada to use Water and dispose of Waste for miscellaneous undertakings limited to the deconstruction of the Roaster Complex and stabilization of the Underground Stabilization Work Area and associated activities as described in the Accepted Application and the Amendment Application located at the Giant Mine Site (62°28'54" N, 114°19'12" W and 62°32'38" N, 114°22'34" W), Northwest Territories.
2. This Licence is issued subject to the conditions contained herein with respect to the taking of Water and the depositing of Waste of any type in any Waters or in any place under any conditions where such Waste or any other Waste that results from the deposit of such Waste may enter any Waters. Whenever new Regulations are made or existing Regulations are amended by the Governor in Council under the Act, or other statutes imposing more stringent conditions relating to the quantity or type of Waste that may be so deposited or under which any such Waste may be so deposited this Licence shall be deemed, upon promulgation of such Regulations, to be automatically amended to conform with such Regulations.
3. Compliance with the terms and conditions of this Licence does not absolve the Licensee from the responsibility for compliance with the requirements of all applicable federal, territorial, and municipal legislation.

**Definitions**

In this Licence: **MV2012L8-0010**

**“Accepted Application”** means the type B Water Licence application as submitted to the Board on December 19, 2012 and the “Site Stabilization Plan for the Giant Mine Remediation Project” dated October 14, 2011 (redactions reduced version) submitted on January 22, 2013.

**“Act”** means the *Mackenzie Valley Resource Management Act*

**“Amendment Application”** means the Type B Water Licence application as submitted to the Board on January 29, 2016.

**“Analyst”** means an Analyst designated by the Minister under subsection 65(1) of the Act.

**“Board”** means the Mackenzie Valley Land and Water Board established under Part 4 of the *Mackenzie Valley Resource Management Act*.

**“Inspector”** means an Inspector designated by the Minister under subsection 65(1) of the Act.

**“Licensee”** means the holder of this Licence.

**“Minister”** means the Minister of Indian Affairs and Northern Development Canada or the Minister of the Government of the Northwest Territories – Environment and Natural Resources, as the case may be.

**“Polishing Pond”** means the retention structure downstream of the effluent treatment plant that is designed to receive treated minewater. Located at 62° 30' 43.146" N, 114° 20' 54.961" W.

**“Roaster Complex”** means a group of industrial process buildings at the Giant Mine Site located south of the B 1 Pit on the south side of Highway 4 (Figures 13 and 14 in the Roaster Complex Deconstruction Detailed Project Description provided in the Accepted Application). Located at 62° 30' 7.099" N, 114° 21' 27.534" W.

**“Regulations”** means Regulations proclaimed pursuant to section 63 of the *Act*.

**“Temporary Waste Storage Area”** means an area located in the northeast corner of the Central Tailings Pond (UTM Zone 11V, 636969.04 mE and 6933427.92 mN) designated for the temporary storage of hazardous and non-hazardous Waste. Refer to Figure 6 – Temporary Waste Storage Location in the document Giant Mine Roaster Complex Deconstruction – Water Management Plan submitted with the Accepted Application.

**“Underground Stabilization Work Area”** includes the underground stopes, chambers and bulkheads that are clustered near the B1 and B2 open pits; on the west side of the Mill near Highway 4; and at the north end of the roaster complex (as shown on Figures 3, 4a and 4b in the Underground Stabilization Detailed Project Description provided the Accepted Application package).

**“Waste(s)”** means Waste as defined by section 1 of the Act.

**“Water(s)”** means any Waters as defined by section 1 of the Act.

**Part B: General Conditions**

1. The Licensee shall file semi-annual reports with the Board as follows which shall contain the information as listed in Schedule 1, item 1:

<b>Reporting Period</b>	<b>Semi-Annual Report Submission Date</b>
May 1 – October 31 each year	January 31 each year
November 1 – April 30 each year	July 31 each year

2. The Licensee shall comply with the terms of any plans approved pursuant to the conditions of this Licence and with any amendments to the plans as may be made from time to time pursuant to the conditions of this Licence and as approved by the Board.
3. Compliance dates specified in the Licence may be modified at the discretion of the Board.
4. The Licensee shall comply with the Schedules annexed to this Licence, and with any amendments to the Schedules as may be made from time to time pursuant to the conditions of this Licence and as approved by the Board.
5. Meters, devices, or other methods used for measuring the volumes of Water used and Waste discharged shall be installed, operated, and maintained by the Licensee to the satisfaction of an Inspector.
6. The Licensee shall ensure a copy of this Licence and all approved plans under this Licence are maintained at site operation at all times.
7. The Licensee shall adhere to the “Communication Plan for Duration of Site Stabilization Activities” as detailed in the Accepted Application.

**Part C: Conditions Applying to Water Use**

1. The Licensee shall obtain all recycled Water from the Polishing Pond.
2. The Licensee shall obtain all fresh Water from on site storage tanks.
3. The quantity of freshwater used for all purposes shall not exceed 300 cubic metres per day.

## **Part D: Conditions Applying to Waste Disposal**

1. The Licensee shall ensure that any unauthorized Wastes associated with this Licence undertaking do not enter any Waters.
2. The Licensee shall, 45 days prior to starting deconstruction of the Roaster Complex, submit to the Board for approval a Giant Mine Roaster Complex Deconstruction Waste Management Plan.
3. The Licensee shall, 45 days prior to starting backfilling of stopes or chambers, construction of new bulkheads or repair of existing bulkheads, in the Underground Work Stabilization Area, submit to the Board for approval an Underground Stabilization Waste Management Plan.
4. The Licensee shall implement the plans referred to in Part D items 2 and 3 as and when approved by the Board.
5. If not approved by the Board, the plans referred to in Part D items 2 and 3 shall be revised and resubmitted for approval as directed by the Board.
6. The Licensee shall modify the Waste Management Plans referred to in Part D, items 2 and 3 as necessary to reflect any proposed changes in operations. Any proposed changes shall be submitted to the Board for approval.
7. The Licensee shall not remove or pump any ponded water encountered in the South and Central tailings ponds to areas other than within the South and Central tailings ponds unless otherwise approved by the Board.
8. The Licensee shall provide written correspondence to the Board and Inspector ten days prior to the initial deposit of Waste demonstrating that the facility has agreed to accept the Waste and has the ability to receive the volumes of Waste requested.

**Part E: Conditions Applying to Modifications**

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## **Part F: Conditions Applying to Contingency Planning**

1. If, during the period of this Licence, an unauthorized discharge of Waste occurs, or if such a discharge is foreseeable, the Licensee shall:
  - a. Employ the appropriate contingency plan;
  - b. Report the incident immediately via the 24-hour NWT Spill Report Line. Currently the number is (867) 920-8130; and
  - c. Submit to an Inspector a detailed report on each occurrence not later than 30 days after initially reporting the event that includes a summary of clean-up actions and preventative measures to avoid any further unauthorized discharges as applicable.
2. The Licensee shall adhere to the approved General Contingency and Emergency Spill Response Plan as submitted with the Accepted Application.
3. The Licensee shall modify the General Contingency and Emergency Spill Response Plan referred to in Part F, item 2 as necessary to reflect any proposed changes in operations. Any proposed changes shall be submitted to the Board for approval.

**Part G: Conditions Applying to Abandonment and Restoration**

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## **Part H: Conditions Applying to Construction**

1. The Licensee shall, 45 days prior to starting deconstruction of the Roaster Complex, submit to the Board for approval a Roaster Complex Detailed Deconstruction Plan. This plan shall contain the items as listed under Schedule 2, item 1.
2. The Licensee shall, 30 days prior to the use of any wetting agents during decontamination for Roaster Complex deconstruction, submit to the Board for approval the Material Safety Data Sheet(s) for the wetting agents.
3. The Licensee shall, 45 days prior to starting backfilling of stopes or chambers, construction of new bulkheads or repair of existing bulkheads in the Underground Work Stabilization Area, submit to the Board for approval a detailed Underground Work Stabilization Plan. This plan shall contain the items as listed under Schedule 2, item 2.
4. The Licensee shall implement the plans referred to in Part H items 1 and 3 as and when approved by the Board.
5. If not approved by the Board, the plans referred to in Part H items 1 and 3 shall be revised and resubmitted for approval as directed by the Board.
6. The Licensee shall modify the plans referred to in Part H items 1 and 3 as necessary to reflect any proposed changes in operations. Any proposed changes shall be submitted to the Board for approval.
7. The Licensee shall only use tailings paste, waste rock from mine development, or existing inert rock material stockpiled on the surface to backfill the chambers and stopes unless otherwise approved by the Board.
8. At least seven days prior to the use of any chemicals that were not identified in the complete application, the MSDS sheets must be provided to an Inspector and the Board.
9. The Licensee shall repair or reinforce bulkheads as described in the Giant Mine Underground Stabilization Detailed Project Description, submitted with the Accepted Application, unless otherwise approved by the Board.

**Part I: Conditions Applying to Operation and Maintenance**

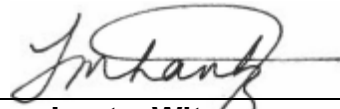
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**Signed on behalf of the Mackenzie Valley Land and Water Board**



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**Mavis Cli-Michaud  
Chair**



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**Tanya Lantz, Witness**

## Schedule 1 – General Conditions

1. The Semi-Annual Report(s) referred to in Part B, item 1 shall include, but not be limited to, the following information:
  - a) The monthly and semi-annual quantities in cubic metres of fresh Water obtained from all sources;
  - b) The monthly and semi-annual quantities in cubic metres of recycled Water obtained from all sources;
  - c) The monthly and semi-annual quantities in cubic metres of each and all Waste discharged including but not limited to any “bleed” water collected from the tailings paste;
  - d) A list of unauthorized discharges, including any clean-up actions taken and preventative measures implemented to prevent future discharges;
  - e) An outline of any spill training and communications exercises carried out;
  - f) A summary of any engagement and consultation activities completed during the reporting period and an outline of any activities anticipated for the upcoming reporting period;
  - g) A summary of any revisions to the approved General Contingency and Emergency Spill Response Plans;
  - h) A summary of any revisions to the approved Waste Management Plans for Roaster Complex Deconstruction and Underground Stabilization;
  - i) Details of all work completed for the Roaster Complex, including but not limited to the actual deconstruction sequence of the associated structures;
  - j) Details of all work completed for the Underground Stabilization Work Area;
  - k) Details of any anticipated activities for the upcoming reporting period for the Roaster Complex deconstruction and the Underground Stabilization Work Area, including the proposed sequence in which the structures of the Roaster Complex will be deconstructed;
  - l) Details on the types and quantities of hazardous materials removed from the Roaster Complex deconstruction;
  - m) Details on the types and quantities of packaging used for storing waste at the Temporary Waste Storage Area, including non-hazardous and arsenic-containing hazardous waste;
  - n) Details on the volume of each type of backfill material used in each stope or chamber during the reporting period;
  - o) Completed “As-Built Statement of Risk Mitigation” letters stamped by a professional engineer that confirm the mitigation of risks associated with the Underground Stabilization Work Area; and
  - p) Any other details on Water Use or Waste disposal requested by the Board three months prior to the semi-annual report submission date.

## **Schedule 2 – Conditions Applying to Construction**

1. The Roaster Complex Detailed Deconstruction Plan referred to in Part H, item 1 shall include, but not be limited to, the following:
  - a) An assessment of the potential risks to the environment from the chosen deconstruction methods and mitigating measures to address these risks;
  - b) A summary of the equipment and methodology to be used for deconstruction of the Roaster Complex;
  - c) The proposed sequence of deconstruction work within each structure of the Roaster Complex to be taken down, including where decontamination work is required as part of the structure deconstruction;
  - d) The size reduction, stacking, packaging, and storage procedures for non-hazardous waste and arsenic-containing hazardous waste, and packaging type as applicable;
  - e) Spill contingency plans specific to Roaster Complex deconstruction if the plans deviate from or add to the November 2012 General Contingency and Emergency Spill Response Plan prepared by Nuna/Deton Cho Joint Venture as submitted in the Accepted Application;
  - f) A plan for the management and monitoring of dust, including but not limited to thresholds, action levels, and management responses; and
  - g) Design of the recycled water collection and transport system, and related spill prevention measures.
  
2. The detailed Underground Work Stabilization Plan referred to in Part H, item 3 shall include, but not be limited to, the following:
  - a) A summary of the types of backfill material required which may be one or a combination of tailings paste, waste rock from mine development, or existing inert rock material on the surface (e.g., quarried rock);
  - b) An estimate of the volume of each backfill material required;
  - c) Details of the proposed methodologies for carrying out backfilling of the chambers and repairing/reinforcing bulkheads;
  - d) Detailed plans to mitigate potential effects to the environment and issues related to tailings excavation including:
    - o Management of wet or frozen tailings if encountered;
    - o Ensuring acceptable grain size range of tailings as there can be no slimes used in making paste;
    - o Operational dust control (wetting of tailings during excavation and paste production using treated minewater);

- Operational water management (treated minewater usage associated with dust control and wash down of equipment);
- Cross-highway transport of tailings to temporary stockpiles (trucked or piped);
- e) Details on the process to collect, store, and treat “bleed” water from tailings pastes; and
- f) Spill contingency plans specific to the Underground Stabilization Work Area if the plans deviate from or add to the November 2012 General Contingency and Emergency Spill Response Plan prepared by Nuna/Deton Cho Joint Venture as submitted in the Accepted Application.



**Mackenzie Valley Land and Water Board**  
**7th Floor - 4922 48th Street**  
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**FAX (867) 873-6610**

**Reasons for Decision**

Issued pursuant to section 72.25 of the *Mackenzie Valley Resource Management Act* and Section 54 of the *Waters Act*

<b>Water Licence</b>	
<b>Preliminary Screener</b>	MVLWB
<b>File Number</b>	MV2012L8-0010
<b>Company</b>	Aboriginal Affairs and Northern Development Canada – Contaminants and Remediation Directorate
<b>Project</b>	Giant Mine Remediation, Yellowknife, NT
<b>Date of Decision</b>	August 2, 2018

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These Reasons for Decision set out the Mackenzie Valley Land and Water Board’s (the MVLWB/Board) regulatory process and decisions on Board amendment of Water Licence (Licence) MV2012L8-0010 for the Giant Mine Remediation Project.

**1.0 List of Abbreviations**

AANDC – CARD	Aboriginal Affairs and Northern Development – Contaminants and Remediation Directorate
Distribution List	Refer below to Section 5: Legislative Requirements
GNWT	Government of the Northwest Territories
Licence	Water Licence MV2012L8-0010
MVLWB or Board	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
Project	Giant Mine Remediation
Reviewer	As per the Board’s <i>Rules of Procedures</i>

**2.0 Regulatory Process**

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”. Based on water volumes required to backfill four previous underground stopes, CARD estimates they require approximately 500 m<sup>3</sup>/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* 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 is it 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).
- 2) Use of Polishing Pond water, instead of untreated mine water from the Tailings Containment Areas, reduces health and safety risks to workers.

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.

**3.0 Legislative Requirements**

In conducting the review process as described in Sections 2 above, the Board has ensured that all applicable legislative requirements have been satisfied as outlined below.

**3.1 MVRMA: The Board’s Duty to Consult**

In exercising its authority under the MVRMA, generally, the Board must ensure that the concerns of Aboriginal people have been taken into account under paragraph 114(c) of the MVRMA. It must also consider the importance of conservation to the well-being and way of life of Aboriginal peoples of Canada, under paragraph 60.1(a) of the MVRMA, specifically those to whom section 35 of the *Constitution Act*, 1982 applies and who use an area of the Mackenzie Valley. Accordingly, the Board works with applicants, affected parties (including Aboriginal organizations/governments), and other

parties (such as other boards and regulators) to ensure that potential impacts of proposed projects are understood and carefully considered before decisions are made with respect to the issuance of and Licences.

### 3.1.1 Distribution List

Each application and supporting documents are uploaded to the Board’s webpage and then an application package is distributed to parties, including: appropriate federal and territorial government departments and agencies; land owners; affected communities and Aboriginal organizations; Renewable Resource Boards; heritage regulators; and other interested parties. Table 1 below identifies the Distribution List that the Board used for this regulatory process.

**Table 1: Organizations on the Distribution List for Licence MV2012L8-0010**

Akaitcho IMA Implementation Office	Golder Associates
Athabasca Denesuline Council – Prince Albert	Government of Canada
Bathurst Inlet Development Ltd.	Hamlet of Fort Resolution
Bathurst Inlet Lodge	Hay River Metis Council
BNT Gold Resources Ltd.	INAC - Contaminants and Remediation Directorate
CanNor NWT Region	INAC - NWT Inspectors
Chamber of Mines NWT & Nunavut	Katlodeeche First Nation
City of Yellowknife	Lutsel K'e Dene First Nation – Chief or Wildlife, Lands and Environment
Dene Nation	Mackenzie Valley Environmental Impact Review Board
Deninu K'ue First Nation	Manitoba Denesuline
Environment and Climate Change Canada	Miramar Northern Mining Ltd.
Fisheries and Oceans Canada	National Energy Board
Fort Resolution Metis Council	North Slave Metis Alliance
Fort Smith Metis Council	Northwest Territory Metis Nation
General Public – Kevin O-Reilly	Salt River First Nations
General Public – Steve Robertson	Smith Landing First Nation
GNWT - ECE	Snap Lake Environmental Monitoring Agency – SLEMA
GNWT - ENR	Tlicho Government
GNWT - Health	Town of Fort Smith
GNWT - INF	Wek' eezhii Renewable Resources Board
GNWT - ITI	West Point First Nation
GNWT - Lands	WLWB
GNWT - MACA	Workers' Safety and Compensation Commission
GNWT- OROGO	Yellowknives Dene First Nation

### 3.2 MVRMA Part 3 and 4 and *Waters Act*: Land and Water Regulation

The use of water, and the deposit of waste proposed is of a nature contemplated by the MVRMA and the *Waters Act*.

#### 3.2.1 General

The Board has considered the people and users of the Mackenzie Valley, and any traditional knowledge and scientific information that was made available to it during this regulatory proceeding, under section 60.1 of the MVRMA.

### 3.2.2 Public Notice

Notice of the Board's intent to renew the water licence were given to fulfill sections 63 and 64 of the MVRMA. The Board is satisfied that a reasonable amount of time was given to communities, First Nations, and the public to participate in this regulatory process by making submissions to the Board.

### 3.2.3 Water Use Fees

Under section 7 of the MVRMA, the federal government is not required to pay water use fees.

### 3.2.4 Existing Licences

With respect to 26(5)(a) of the *Waters Act*, the Board is satisfied that the granting of this Licence will not adversely affect, in a significant way, any existing Licensee or any other applicant if compliance with the Licence occurs.

### 3.2.5 Compensation to Existing Water Uses

Paragraph 26(5)(b) of the *Waters Act* prohibits the issuance of the Licence unless the Board is satisfied that appropriate compensation has been or will be paid by the applicant to persons who would be adversely affected by the use of waters, or deposit of waste proposed by the applicant, at the time when the applicant filed its licence application with the Board.

The Board received no claims for compensation either during the time-period stipulated in the Notice of Application or afterwards. Provided compliance with the Licence conditions takes place, the Board finds that there are no water users or persons listed in paragraph 26(5)(b) of the *Waters Act* who will be adversely affected by the use of waters or the deposit of waste proposed.

### 3.2.6 Water Quality Standards

With regards to 26(5)(c)(i) of the *Waters Act*, the Board is satisfied that compliance with the Licence conditions will ensure that waste will be collected and disposed of in a manner which will maintain water quality consistent with applicable standards and the Board's *Water and Effluent Quality Management Policy*. No changes were made to the Licence relating to the collection and disposal of waste.

### 3.2.7 Effluent Quality Standards

There are no effluent quality standards prescribed in the Waters Regulations. This section has not changed as a result of the Amendment.

### 3.2.8 Financial Responsibility

The Board must satisfy itself of the financial responsibility of AANDC-CARD 26(5)(d) of the *Waters Act* before it can issue the Licence.

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.

### 3.2.9 Minimization of Adverse Effects

With regards to subsection 27(2) of the *Waters Act*, it is the opinion of the Board that compliance with the Licence will ensure that any potential adverse effects on other water users, which might arise because of the issuance of the Licence, will be minimized.

### 3.2.10 Time Limit

The Board is satisfied it has adhered to 48(1) of the *Waters Act*, which requires it to make a decision within a period of nine months.

### 3.2.11 Length of Licence Term

Section 36(1) of the *Waters Act* allows for a Licence term of not more than 25 years or the duration of the undertaking.

The term of the licence has not been modified during this amendment process.

## 3.3 MVRMA Part 5

### 3.3.1 Preliminary Screening

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.

On December 14, 2017, the Board acknowledged the continuation of subsection 119(b) of the MVRMA and amended Licence MV2012L8-00010 to include additional pumps. A preliminary screening was not required given the activities proposed remain under the subsection 119(b) of the MVRMA emergency provision.

## 4.0 Decision – Water Licence MV2012L8-0025

In making its decision and preparing these Reasons for Decision, the Board has reviewed and considered:

- 1) The comments, recommendations, and concerns that arose during the regulatory processes;
- 2) The evidence and submissions from Reviewers

- 3) The Staff Report prepared for the Board; and
- 4) The purpose, scope and intent of the Board's statutory responsibilities under the MVRMA and the *Waters Act*.

Having due regard to the facts, circumstances, and the merits of the submissions made to it, the Board has determined that Licence MV2012L8-0010 should be amended as requested by AANDC-CARD. The Board's reasons for this decision are set out below; they focus on the major concerns and issues raised including those that were the subject of substantive argument submitted by one or more Reviewers.

No changes were made to the quantity of water allowed 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 on and clarify the use of freshwater, and the footer of the conditions has been updated.

### **5.0 Conclusion**

Subject to the scope, definitions, conditions, and term set out in the Licence and for the reasons expressed herein, the MVLWB is of the opinion that the land-use activities, water use, and waste disposal associated with the Giant Mine Reclamation Project can be completed by Aboriginal Affairs and Northern Development while providing for the conservation, development, and utilization of land and water resources in a manner that will provide the optimum benefit for all Canadians and in particular for residents of the Mackenzie Valley.

Water Licence MV2012L8-0010 contains provisions that the Board deems necessary to ensure and monitor compliance with the MVRMA, *Waters Act*, and the Regulations made thereunder, and to provide appropriate safeguards in respect of MNML use of the land and water and deposit of waste affected by the Licence.

SIGNATURE

Mackenzie Valley Land and Water Board

  
\_\_\_\_\_  
Mavis Cli-Michaud, Chair

August 2, 2018

\_\_\_\_\_  
Date

**General Procedures for the Administration of Licences  
Issued Under the *Mackenzie Valley Resource Management Act*  
in the Northwest Territories**

1. At the time of issuance, a copy of the Licence is placed on the Public Registry in the office of the Mackenzie Valley Land and Water Board (MVLWB or the Board) in Yellowknife and is then available to the public.
2. To enforce the terms and conditions of the Licence, the Minister of Indigenous and Northern Affairs Canada has appointed Inspectors in accordance with subsection 84(1) of the *Mackenzie Valley Resource Management Act*. The Inspectors coordinate their activities with staff of the MVLWB. The Inspector responsible for Licence MV2012L8-0010 is located in the Yellowknife office.
3. To keep the MVLWB and members of the public informed of the Licensee's conformity to the Licence's conditions, the inspectors prepare reports which detail observations on how each item in the Licence has been met. These reports are forwarded to the Licensee with a covering letter indicating which action, if any, should be taken. The inspection reports and cover letters are placed on the Public Registry, as are any responses received from the Licensee pertaining to the inspection reports. It is therefore of prime importance that you react in all areas of concern regarding all inspection reports so that these concerns may be clarified.
4. It is the responsibility of the Licensee to apply to the MVLWB for a new licence. The past performance of the Licensee, new documentation and information, and points raised during a public hearing, if required, will be used to determine the terms and conditions of any new licence. Please note that if the Licence expires and another has not been issued, then water and waste disposal must cease, or you, the Licensee, would be in contravention of the *Mackenzie Valley Resource Management Act*. It is suggested that an application for a new licence be made at least eight months in advance of the Licence's expiry date.
5. If, for some reason, Licence # MV2012L8-0010 requires amendment, a public hearing may be required. You are reminded that applications for amendments should be submitted as soon as possible to provide the MVLWB ample time to complete the amendment process. The process may take up to six months or more depending on the scope of the amendment requested.

6. Specific clauses of your Licence make reference to the Board, Analyst, or Inspector. The contact person, address, phone, and fax number of each is:

**Mackenzie Valley Land and Water Board:**

Public Registry Clerk  
Mackenzie Valley Land and Water Board  
7th Floor - 4922 48 Street,  
P.O. Box 2130  
YELLOWKNIFE NT XIA 2P6  
Phone (867) 669-0506  
Fax (867) 873-6610

**Analyst:**

Analyst  
Water Laboratory  
Indigenous and Northern Affairs Canada  
P.O. Box 1500  
4601- 52nd Avenue  
YELLOWKNIFE NT XIA 2R3  
Phone (867) 669-2780  
Fax (867) 669-2718

**Inspector:**

Water Resource Officer  
Indigenous and Northern Affairs Canada  
4923-52<sup>nd</sup> Street  
YELLOWKNIFE NT X1A 2R3  
Phone (867) 669-2442  
Fax (867) 669-2871