

Staff Report

Applicant: Aboriginal Affairs and Northern Development Canada – Contaminants and Remediation Directorate (AANDC – CARD)	
Location: Giant Mine, NT	Application: MV2012L8-0010
Date Prepared: February 29, 2016	Meeting Date: March 17, 2016
Subject: Water Licence Amendment	

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 (AANDC - CARD) on January 29, 2016; and
- b) Consider the continuation of subsection 119 (b) of the *Mackenzie Valley Resource Management Act* (“Emergencies excluded”).

2. Background

- March 28, 2013 – Licence issued to AANDC – CARD;
- January 29, 2016 – Amendment application received;
- February 3, 2016 – Amendment deemed complete and sent out for review;
- February 25, 2016 – Comments submitted by reviewers;
- February 29, 2016 – Responses submitted by AANDC – CARD;
- **March 17, 2016 – Amendment presented to the Board for decision;**
and
- March 27, 2016 – Licence expires.

3. Discussion

On January 29, 2016, AANDC – CARD submitted an Amendment application to the Board for the following:

- 1) Amend the term of the Licence to January 31, 2019 to allow for the procurement process that AANDC – CARD has to follow to complete the

underground stabilizations (specifically chamber C5-09). AANDC – CARD is encountering various technical difficulties in the process to fill C5-09. The proposed amendment to the term includes contingency time if there are future procedural delays. The current Licence expiry is March 27, 2016.

- 2) Add the following condition: “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.” The Licence currently requires AANDC – CARD to use the products that have been identified in their initial application. However, some products identified are no longer manufactured or the products have changed in other ways. Addition of this condition would grant flexibility to AANDC – CARD and their contractors. This condition is from the Working Group 4 Standard List which was developed for Land Use Permits, but it can also be applied to Water Licences. There is no current standard condition list for Water Licences.

4. 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 (attached) 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 13, 2013 letter to the developer.

Based on the evidence provided by the Review Board, the Board confirmed that subsection 119(b) of the MVRMA was applicable. The proposed roaster complex deconstruction and the underground stabilization activities were eligible for licensing.

5. Comments

On February 29, 2016, Board staff contacted AANDC – CARD to seek their interpretation of the continued applicability of subsection 119(b) of the Act to this amendment. On March 1, 2016, AANDC – CARD submitted a letter (attached) indicating:

- 1) The remaining activities are a continuation of the initial application;
- 2) Completing the underground backfilling is required prior to the commencement of the full remediation program assessed during EA0809-001.

6. Reviewer Comments

By February 25, 2016, comments and recommendations on the application were received from two reviewers:

- AANDC - Inspector; and
- Environment and Climate Change Canada.

AANDC-CARD responded on February 29, 2016. The comments submitted did not indicate any issues with the proposed amendment. The reviewer comment table is attached for the Board to review.

7. Security

AANDC - CARD is exempted from posting reclamation security under section 94 of the Act.

8. Conclusion

The Board can amend the term of this Licence and add the condition requested by AANDC – CARD. No evidence was presented which would contradict continuing the application of subsection 119(b) of the Act.

The attached draft Licence has been updated in red text to reflect changes that resulted from devolution.

9. Recommendation

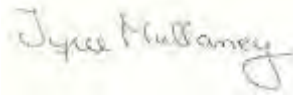
Board staff recommends the Board:

- a) Confirm that the amendment application is a continuation of subsection 119(b) of the *Mackenzie Valley Resource Management Act*; and
- b) Approve the amendment of the Type B Water Licence MV2012L8-0010 as submitted by Aboriginal Affairs and Northern Development Canada – Contaminants and Remediation Directorate.

10. Attachments

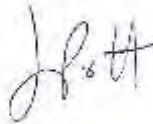
- [Amendment Application, January 29, 2016](#)
- [Review Board letter to MVLWB, March 13, 2013](#)
- [AANDC – CARD letter to MVLWB, March 1, 2016](#)
- Reviewer Comment Summary Table
- Draft Water Licence Cover Page
- Draft Water Licence Conditions
- General Procedures (Water Licence)
- Draft Reasons for Decision
- Draft Decision Letter from the Board

Respectfully Submitted,



Tyree Mullaney
Regulatory Officer

Reviewed by,



Jen Potten
Regulatory and Office Manager

Review Comment Table

Board:	MVLWB
Review Item:	AANDC CARD - Giant - Amendment Application - MV2012L8-0010
File(s):	MV2012L8-0010
Proponent:	AANDC
Document(s):	Amendment Application (4 MB)
Item For Review Distributed On:	Feb 3 at 10:35 Distribution List
Reviewer Comments Due By:	Feb 25, 2016
Proponent Responses Due By:	Mar 2, 2016
Item Description:	<p>AANDC - CARD - Giant has submitted a request for an amendment to Water Licence MV2012L8-0010, which covers activities associated with the use of water and deposit of waste for miscellaneous undertakings limited to the deconstruction of the Roaster Complex and stabilization of the Underground Stabilization Work Area and associated activities. AANDC-CARD Giant has request an amendment to their Water Licence to in order complete the work identified in the 2012 accepted application.</p> <p>Please submit comments on the amendment request using the Online Review System.</p> <p>If you have any questions or comment regarding this amendment process or the Online Review System please contact Tyree Mullaney at (867) 766-7464 or tyree@mvlwb.com</p>
General Reviewer Information:	<p>In addition to the e-mail distribution list, the following organization received review materials by fax:</p> <p>Fort Resolution Métis Council Trudy King (867)394-3322; Fieldworker.frmc53@northwestel.net;</p> <p>Hay River Metis Council Karen Lafferty President (867)874-4472; hrrmc@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

AANDC: Adrian Paradis				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	AANDC Inspector	Comment (Submitted after Due Date) Acknowledge. Recommendation Acknowledge.	-	-
AANDC: Tim Morton				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	Inspector Comments	Comment The Inspector has no issues with the proposed amendment. Recommendation The Inspector recommends issuing the amended licence.	Feb 29: Acknowledged.	Noted
Environment and Climate Change Canada: Sarah-Lacey McMillan				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	General File	Comment (doc) ECCC no comment letter Recommendation	-	Noted



Environmental Protection Operations Directorate
Prairie and Northern Region
5019 52nd Street, 4th Floor
P.O. Box 2310
Yellowknife, NT X1A 2P7

February 23, 2016

EC file: 5100 000 002 / 004
MVLWB file: MV2012L8-0010

Tyree Mullaney
Regulatory Officer
Mackenzie Valley Land and Water Board
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PO Box 2130
Yellowknife, NT X1A 2P6

via online submission

RE: MV2012L8-0010 – Giant Mine - Water Licence Amendment for the Advanced Underground Site Stabilization

Environment and Climate Change Canada has reviewed the information submitted to the Mackenzie Valley Land and Water Board (MVLWB) from the Giant Mine Remediation Team regarding the above-mentioned amendment application and has no comments at this time.

The Proponent is still required to comply with its obligations under relevant legislation, including the *Canadian Environmental Protection Act*, the pollution prevention provisions of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

Should you require further information, please do not hesitate to contact me at (867) 669-4724 or sarah-lacey.mcmillan@ec.gc.ca.

Sincerely,

Sarah-Lacey McMillan
Senior Environmental Assessment Coordinator

cc: Wade Romanko, Head, Environmental Assessment North (NT and NU)
ECCC Review Team