



7th Floor - 4922 48th Street,
P.O. Box 2130, Yellowknife NT X1A 2P6

Tel: 867-669-0506 Fax: 867-873-6610
www.mvlwb.com

Staff Report

Applicant: Crown-Indigenous Relations and Northern Affairs Canada – Giant Mine Remediation Project	
Location: Giant Mine - Yellowknife, NT	File Number: MV2012L8-0010
Date Prepared: July 14, 2020	Date of Board Meeting: July 23, 2020
Subject: 120 Day Renewal – Type B Water Licence	

1. Purpose

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board) a request to renew type B Water Licence (Licence) MV2012L8-0010 for a period of 120 days submitted by Crown-Indigenous Relations and Northern Affairs Canada – Giant Mine Remediation Project (CIRNAC-GMRP).

2. Background

- March 28, 2013 – Issuance of Licence MV2012L8-0010;
- March 17, 2017 – 2016 Amendment (#1) approved;
- December 18, 2017 – 2017 Amendment (#2) approved;
- August 2, 2018 – 2018 Amendment (#3) approved;
- June 26, 2020 – 120-day Renewal Application received;
- June 29, 2020 – 120-day Renewal Application deemed complete and review commenced;
- July 13, 2020 – Reviewer comments and recommendations due and received;
- July 16, 2020 – Responses due and received;
- **July 23, 2020 – Application presented to the Board for decision; and**
- July 31, 2020 – Expiration of Licence MV2012L8-0010

3. Discussion

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, CIRNAC-GMRP 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).

Amendment #1: Additional Water Required

In 2014, CIRNAC-GMRP 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). CIRNAC-GMRP 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).

Amendment #3 – Water Volumes

On June 18, 2018, CIRNAC-GMRP 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, CIRNAC-GMRP estimated they required approximately 500 m³/day to backfill underground stope C5-09. CIRNAC-GMRP 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

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

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.

120-day Renewal Request

On June 26, 2020, CIRNAC – GIANT submitted an Application to renew their type B Licence for a term of 120 days. The purpose of this Application is to ensure that the Giant Mine site remains under an active Board-issued authorization during the time between the current expiry of MV2012L8-0010 (July 31, 2020) and the Minister’s decision on the current Type A Water Licence Application (MV2007L8-0031).

As noted in the Application, CIRNAC-GMRP had initially intended on only applying for a 60-day renewal, however, Board staff recommended that since it would not be necessarily subject to a Public Hearing, that CIRNAC-GMRP should apply for 120 days to ensure the time allowed for the Minister to make their decision on the Type A Application would be covered. The associated Land use permit is valid until July 19, 2021.

Management Plans

This Application does not affect the current Management Plans that have been previously approved by the Board.

As noted by reviewers, the Plans on the Public Registry for MV2012L8-0010 are outdated. CIRNAC-GMRP have submitted updated Plans as part of its Applications for MV2007L8-0031 and MV2019X0007. These plans apply to the site as a whole as the new Applications are intended to cover all activities at the Giant Mine site.

Engagement

An Engagement Record was included in the Application. CIRNAC-GMRP noted they engaged with the following parties:

- Department of Fisheries and Oceans
- Ecology North
- NWT Chamber of Commerce
- GNWT – ENR
- GNWT – ITI
- INAC – Project
- Łutsel K’e Dene First Nation
- North Slave Métis Alliance
- Yellowknife Gold City Project
- Health Canada
- Bathurst Inlet Lodge
- Yellowknives Dene First Nation
- GNWT – Legislative Assembly
- GNWT – Lands
- Giant Mine Working Group
- Deninoo Community Council
- Smith Landing First Nation
- Canadian Northern Economic Development Agency
- Boxxer Gold Corp
- TerraX
- Environment and Climate Change Canada
- SLEMA
- Chamber of Mines
- Fort Resolution Métis Council
- Fort Smith Métis Council
- Fort Resolution Métis Council
- GNWT – ECE
- Tłı̄chų Government
- Kátł’odeeche First Nation
- Hay River Métis Government Council
- Denínu Kúé First Nation

- Town of Fort Smith
- Dene Nation
- City of Yellowknife
- West Point First Nation
- GNWT – Health
- Northern Project Management Office
- GNWT – MACA
- Northwest Territories Métis Nation
- Town of Hay River
- Enterprise Settlement Corporation
- Akaitcho Screening board
- GNWT – PWGSC
- Workers Safety and Compensation
- Giant Mine Community Alliance – GMAC

CIRNAC-GMRP sent notification to the organizations lists about on June 1, 2020 with a request for comments to be submitted back by June 15, 2020.

4. Comments

CIRNAC-GMRP do not have plans to carry out any activities under this authorization for the period between the current expiry date of MV2012L8-0010 and the Minister’s decision on MV2007L8-0031. Nevertheless, in the event of any unforeseen circumstances, CIRNAC-GMRP would like a Board-issued authorization to remain in effect.

The Board will hear the Applications for MV2007L8-0031 and MV2019X0007 on June 28, 2020 for consideration.

Board staff have updated the Water Licence cover page and references in the Licence to reflect the new legal name of the applicant from the Aboriginal Affairs and Northern Development Canada to Crown-Indigenous Relations and Northern Affairs Canada. Relevant notification for the legal name change is attached, below. These are administrative updates only and do not change the requirements of the Licence.

5. Public Review

By July 13, 2020 comments and recommendations on the Application were received from four reviewers:

- Alternatives North
- CIRNAC-Inspector
- Giant Mine Oversight Board (GMOB)
- North Slave Métis Alliance (NSMA)

CIRNAC-GMRP responded on July 14, 2020. The Review Summary and Attachments (attached) presents the comments identified through this review.

No significant concerns were raised during review, and Board staff suggest CIRNAC-GMRP responded appropriately and completely to all comments.

Preliminary Screening

A preliminary screening is not required given the activities proposed remain under the subsection 119(b) of the MVRMA emergency provision.

EA0809-001 and a new preliminary screening (September 15, 2019) to cover all proposed remediation activities at the Giant Mine site have been completed under MV2007L8-0031.

6. Security

Security for Permits does not apply to the federal government as per section 94 of the *Mackenzie Valley Resource Management Act* (MVRMA) since the federal government is not required to post security pursuant to section 71 of the MVRMA.

It has been Board practice to not require security for the federal government for Licences as well. There is no security associated with this Licence.

7. Conclusion

Based on the information provided in the application and the public review, the proposed development is not likely to have a significant adverse impact on the environment or be a cause of public concern.

Board staff conclude there are no outstanding issues or concerns with this Application.

8. Recommendation

Board staff recommend the Board:

- a) **Confirm the Application for Water Licence MV20120L8-0010 from Crown-Indigenous Relations and Northern Affairs Canada – Giant Mine Remediation Project is exempt from preliminary screening as the proposed remain under the subsection 119(b) of the MVRMA emergency provision.**
- b) **Make a motion to approve the Type B Water Licence MV2012L8-0010 renewal for an additional 120-days from July 31, 2020 to November 28, 2020 and associated Reasons for Decisions.**

A draft decision letter is attached.

9. Attachments

- [120 – Day Renewal Application including Engagement](#)
- [Underground Site Stabilization Plan – Stage 4 \(2017\)](#)
- [Emergency Management and Response Plan \(2020\)](#)
- [Spill Contingency Plan \(2013\)](#)
- [Waste Management Plan Amendment \(2015\)](#)
- [MV2007L8-0031 Preliminary Screening \(2008\)](#)
- [MV2007L8-0031 Preliminary Screening \(2019\)](#)
- [Report of Environmental Assessment EA0809-001 \(2013\)](#)
- [Legal Name Change Notification](#)
- Review Summary and Attachments
- 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 black ink, appearing to be 'SA', with a long horizontal line extending to the right.

Shannon Allerston
Regulatory Specialist

Review Comment Table

Board:	MVLWB
Review Item:	Giant Mine Remediation Project - Type B Water Licence Renewal - 120 days (MV2012L8-0010)
File(s):	MV2012L8-0010
Proponent:	DIAND - GIANT
Document(s):	120-Day Renewal Application including Engagement (683.68 KB) Underground Site Stabilization Plan - Stage 4 (2017) (1.83 MB) Emergency Management and Response Plan (2020) (2.83 MB) Spill Contingency Plan (2013) (6.42 MB) Waste Management Plan Amendments (2015) (1.53 MB) MV2007L8-0031 Preliminary Screening (2008) (2.7 MB) MV2007L8-0031 Preliminary Screening (2019) (560.17 KB) Existing Authorization - Type B Water Licence (47.55 KB)
Item For Review Distributed On:	June 29 at 13:23 Distribution List
Reviewer Comments Due By:	July 13, 2020
Proponent Responses Due By:	July 16, 2020
Item Description:	<p>Crown-Indigenous Relations and Northern Affairs Canada, Giant Mine Remediation Project (CIRNAC-GMRP) submitted a complete renewal application for type B water licence, MV2012L8-0010. The purpose of this Application is to ensure the Giant Mine site remains under an active Board-issued authorization during the time between the current expiry of MV2012L8-0010 (July 31, 2020) and the Minister's decision on the current Type A Water Licence Application (MV2007L8-0031). The Applicant has also requested an exemption from preliminary screening because the Applicant believes that the development, as allowed under this Licence, has not been modified since it was previously licenced.</p> <p>Using the Online Review System (ORS), reviewers are invited to submit comments and recommendations on the documents linked below by the review comment deadline specified. Reviewers may also wish to consider providing an overarching recommendation regarding whether the Board should approve the submission, to provide context for the comments and recommendations and assist the Board with its decision. Notices of intent to file a claim for water compensation must also be submitted by the review comment deadline. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the Applicant prior to submitting comments and recommendations.</p> <p>Board staff agree the renewal Application may be exempt from preliminary screening in accordance with the Exemption List Regulations. If you believe a preliminary screening is required, please describe your rationale and provide comments and recommendations (e.g., on impacts and mitigation measures) to</p>

	<p>assist with the Board’s preliminary screening determination. The most recent preliminary screenings that were approved by the Board are located under Document(s) below.</p> <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>
Contact Information:	Shannon Allerston 867-766-7465

Comment Summary

Alternatives North: Michael Nabert				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Wildfire	<p>Comment The 2020 Parsons Emergency Management and Response Plan accommodates for concerns like a possible bomb threat, earthquake, or severe thunderstorm.&nbsp; While the possibility of an on site fire or explosion is considered, there appears to be no specific plan for dealing with a forest fire that might impact the site area and operations there.&nbsp; How might preparations for a possible forest fire that impacts the site grounds be different from those for a possible fire arising on the site from other means such as ignited fuel?&nbsp;</p> <p>Recommendation Alternatives North recommends that the board agree to this extension of the project’s current water licence as requested. Alternatives North recommends the addition of a specific Incident Action Plan for possible wildfire events.</p>	<p>July 16: The GMRP acknowledges this comment and will review this recommendation in any future updates to this plan.</p>	<p>July 16: Noted</p>
CIRNAC - Inspector: Tim Morton				

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General Comment	<p>Comment The Inspector supports the extension of the licence to help bridge the gap between the expiry of the current licence and the issuance of the new licence.</p> <p>Recommendation Please issue the licence extension.</p>	<p>July 16: The GMRP acknowledges this comment.</p>	<p>July 16: Noted</p>

Giant Mine Oversight Board: GMOB Giant Mine Oversight Board

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Approval of Submission	<p>Comment In the preamble on the ORS, the Board requests that parties provide an overarching recommendation regarding whether the Board should approve this submission. GMOB does not see any harm in extending the term of this licence until a Type A licence is in place. However, there are several actions that must happen before an approved Type A licence is in place, such as the final decision by the MVLWB, ministerial review and approval, etc. The potential approval timeline should be reviewed to ensure that 120 days will be sufficient, and that another renewal process will not be required in the coming months.</p> <p>Recommendation GMOB recommends that the GMRP and MVLWB review the potential approval timeline and ensure that the requested 120 days will be adequate.</p>	<p>July 16: The GMRP applied for a 120-day extension at the recommendation of Board staff (see response to GMOB-2). As to the duration of the extension request, GMRP recognizes that there are a variety of factors that can influence the approval of the Type A licence as noted by GMOB. As per the most recent work plan from the MVLWB, and the legislated 90-day timeframe for a Ministerial decision, GMRP believes the 120-day extension request to be adequate based on available information.</p>	<p>July 16: Agreed</p>

2	Engagement	<p>Comment The engagement documentation refers to a 60 day extension, while the application is for a 120 day extension.</p> <p>Recommendation GMOB does not object to the additional requested time. However, GMOB recommends that the GMRP and Board ensure that other parties have been made explicitly aware of the difference between what was proposed during engagement and what has been requested, and that the requested extension is sufficient.</p>	<p>July 16: The GMRP acknowledges the extension request has been modified from 60 days to 120 days. This was done at the recommendation of Board staff. The intent of the extension remains unchanged.</p>	<p>July 16: Noted.</p>
3	Licence Scope	<p>Comment The current scope of the licence relates to Roaster Deconstruction and Underground Stabilization. Documentation submitted with the renewal (e.g. the Stage 4 Underground Stabilization Workplan) suggests that this work is complete. Discussion in the licence renewal application suggests that the reason for extending the licence term is to maintain a regulatory document in place while waiting for a final decision on the process for MV2007L8-0031.</p> <p>Recommendation GMOB is not certain what activities the GMRP intends to conduct on site during this period, e.g. only care and maintenance? GMOB recommends the GMRP clarify what activities will be occurring on site during the extended term and ensure these activities are adequately considered within</p>	<p>July 16: The GMRP confirms this request is to extend this Type B Licence expiry date to help bridge the gap between expiry of this Licence and issuance of the anticipated Type A Water Licence. No amendments are being proposed to the scope of this licence for additional activities. Should any field activities need to take place that are within scope of this Type B licence, the Communications Plan included in this extension application will be followed.</p>	<p>July 16: Board staff understand that no actual activities are anticipated for the duration of this renewal.</p>

		the current licence scope. The GMRP should identify whether any modifications are required to the licence scope.		
4	Freshwater Usage	<p>Comment Clause 2 of Part C identifies that freshwater will be obtained from on-site storage tanks. It doesn't identify the origin of the freshwater in these tanks - e.g. is it obtained from the City of Yellowknife?</p> <p>Recommendation GMOB recommends that the source of the freshwater should be clarified; if it is municipal water than this water withdrawal would already be regulated through the City of Yellowknife, and would this clause still be required?</p>	<p>July 16: The freshwater used in on-site storage tanks can come from a variety of off-site sources. No additional amendments to conditions of the Licence are being requested with this application.</p>	<p>July 16: No amendments being requested. No activities are planned for the duration of the renewal. All requirements for water use will be more clearly defined in the new Type A Licence, when/if issued.</p>
5	Waste Management and Spill Contingency Plans	<p>Comment The Waste Management and Spill Contingency Plans were developed for the Roaster Deconstruction and Underground Stabilization activities, and do not appear to have been updated since (e.g. GMOB is not certain that contact numbers are current). The provided Emergency Management and Response Plan is recent, and contains much of the information that is required of a Spill Contingency Plan, however the formatting is different and the information is not laid out as explicitly as in a Spill Contingency Plan. In addition, some of the recommended components of a Spill Contingency Plan (INAC Guidelines for Spill Contingency Planning (2007))</p>	<p>July 16: The recently posted Emergency Management and Response Plan contains updated contact information. The existing approved Spill Contingency Plan (SCP) contains site plans. The GMRP submitted Version 1.0 of the updated Spill Contingency Plan as well as Version 1.0 of the updated Waste Management and Monitoring Plan as part of the ongoing Type A Water Licence proceeding; The GMRP is currently developing an updated version for resubmission. The GMRP will continue to implement the approved SCP, the provided Emergency Management and Response Plan, and the approved Waste Management Plan until the SCP and Waste Management</p>	<p>July 16: Noted.</p>

		<p>such as site plans, etc. are not included with the Emergency Management and Response Plan.</p> <p>Recommendation GMOB recommends that the plans be updated to include current emergency contact information. In addition, information recommended in the INAC 2007 Guidelines for Spill Contingency Planning should be made available as part of the Emergency Management and Response Plan, perhaps as an appendix.</p>	<p>and Monitoring Plan are approved as part of the Type A Water Licence. This avoids the need for multiple reviews and any potential confusion with development of additional versions of a SCP and a Waste Management Plan.</p>	
--	--	--	--	--

North Slave Metis Alliance: Jess Hurtubise

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General Comment	<p>Comment NSMA supports the extension of the Type B Water Licence noting the pending decision on the Type A Water Licence application.</p> <p>Recommendation We recommend the licence extension be issued, following the recommendations made by the Giant Mine Oversight Board.</p>	<p>July 16: The GMRP acknowledges this comment.</p>	<p>July 16: Noted</p>