



Mackenzie Valley Land and Water Board
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Staff Report

Applicant: Department of Indian Affairs and Northern Development – Contaminants and Remediation Division (DIAND-CARD)	
Location: Gordon Lake, NT	Application: MV2016L8-0006
Date Prepared: February 8, 2018	Meeting Date: February 13, 2018
Subject: Request to change submission deadline – Tailings and Soil Containment Area – Final Detailed Construction Plan	

1. Purpose/Report Summary

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board) a request to change the submission deadline for the Tailings and Soil Containment Area Final Detailed Construction Plan, required under Part D, condition 6 of Water Licence (Licence) MV2016L8-0006, from 45 days prior to the commencement of construction, to 5 days prior to the commencement of construction, for the Gordon Lake Group (GLG) Remediation Project, as submitted by Department of Indian Affairs and Northern Development – Contaminants and Remediation Division (DIAND-CARD).

2. Background

- February 16, 2017 – Issuance of Licence MV2016L8-0006;
- January 22, 2018 – DIAND-CARD requests to change the submission deadline for the Final Detailed Construction Plan for the Tailings and Soil Containment Area; and review commenced;
- January 29, 2018 – Reviewer comments and recommendations due and received;
- February 2, 2018 – Responses received;
- February 8, 2018 – DIAND-CARD requests to further change the submission deadline to 5 days prior to the commencement of construction; submits Final Detailed Construction Plan for the Tailings and Soil Containment Area; and notifies of commencement of construction;
- **February 13, 2018 – Request presented to the Board for decision; and**
- December 18, 2023 – Expiration of Licence MV2016L8-0006.

3. Discussion

On January 22, 2018, DIAND-CARD requested to change the submission deadline for the Tailings and Soil Containment Area Final Detailed Construction Plan required for the GLG Project as per Part D, condition 6 of Licence MV2016L8-0006, from 45 days prior to the commencement of construction, to 10 days prior to the commencement of construction (attached). Part D, condition 6 of Licence MV2016L8-0006 states the following:

A minimum of 45 days prior to the commencement of Construction of any Engineered Structures intended to contain, withhold, divert, or retain Water or Waste, the Licensee shall submit to the Board, the Final Detailed Construction Plans. The Plan shall be in accordance with Schedule 2, item 1.

As outlined in the condition above, a Final Detailed Construction Plan is not for Board approval, and therefore does not undergo a formal public review process. The purpose of requiring the Final Detailed Construction Plan 45 days prior to the commencement of construction is so that Board staff can notify the distribution list of the submission, and so that reviewers and Board staff can confirm the contents of the submission conform with Licence requirements.

However, a Board decision is required to change a submission deadline requirement in the Licence. Part B, condition 8 allows the Board to make such a change:

The Schedules, Surveillance Network Program, any compliance dates specified in this Licence may be changed at the discretion of the Board. If any date for a submission falls on a weekend or holiday, the item shall be submitted on the following business day.

4. Comments

Not applicable.

5. Reviewer Comments

By January 29, 2018, the Indigenous and Northern Affairs Canada – Northwest Territories Inspector (Inspector) recommended the Board grant DIAND-CARD the new submission deadline as requested. Government of the Northwest Territories – Environment and Natural Resources (GNWT-ENR) submitted a no comment letter.

DIAND-CARD responded on February 2, 2018. The Review Summary and Attachments are attached.

Revised Request

Following the review, on February 8, 2018, DIAND-CARD indicated to Board staff that the project timelines will greatly suffer if construction does not begin as soon as possible and requested the submission deadline be further expedited to 5 days prior to the commencement of construction (attached). They also requested the Board make a decision on the timeline change request as early as possible.

In addition, DIAND-CARD submitted the Final Detailed Construction Plan for the Tailings and Soil Containment Area (attached). Board staff have found that it is in conformity with the requirements of Licence MV2016L8-0006; however, the plan notes they will submit the results from geotechnical samples of the off-site borrow material in a memo to the Board when the results are available.

Notification of Construction

In addition, DIAND-CARD notified the Board and Inspector of the commencement of construction on February 8, 2018 (attached) and requested that the timeline required in Part D, condition 8 also be reduced from the 10 days to 5 days, to align with the revised request described above regarding submission of the Final Detailed Construction Plan. Part D, condition 8 states:

A minimum of 10 days prior to the commencement of Construction of the Engineered Structures identified in Part D, item 6; the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the name and contact information for the site manager.

On February 9, 2018, the Inspector confirmed adequate notification has been provided (attached).

6. Security

Not applicable.

7. Conclusion

Board staff conclude there are no outstanding issues or concerns with the request to change the submission deadline for the Tailings and Soil Containment Area – Final Detailed Construction Plan, or the request to change the notification timeline for commencement of construction as requested by DIAND-CARD.

Board staff suggest that DIAND-CARD be reminded that borrow materials should not be used until the memo regarding the geotechnical results is submitted to the Board, as described in the Plan. A conformity check by Board staff should be conducted prior to use of these materials.

8. Recommendation

Board staff recommend the Board:

1. Make a motion to change the submission deadline for the Tailings and Soil Containment Area – Final Detailed Construction Plan, required by Part D, condition 6 of Water Licence MV2016L8-0006, from 45 days prior to the commencement of construction to 5 days prior to the commencement of construction;
2. Acknowledge the February 8, 2018 submission of the Tailings and Soil Containment Area – Final Detailed Construction Plan to satisfy Part D, condition 6 of Water Licence MV2016L8-0006, including a reminder to submit geotechnical results; and
3. Make a motion of change the notification timeline for commencement of construction of the Tailings and Soil Containment Area, required by Part D, condition 8 of Water Licence MV2016L8-0006, from 10 days prior to the commencement of construction to 5 days prior to the commencement of construction.

A draft decision letter has been prepared for the Board's consideration.

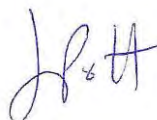
9. Attachments

- [Request letter from DIAND-CARD to the Board – January 22, 2018](#)
- Review Comment Table and Attachments
- [Revised request - 5 days prior to construction timeline – February 8, 2018](#)
- [Final Detailed Construction Plan for the Tailings and Soil Containment Area](#)
- [Notification of construction – February 8, 2018](#)
- [Inspector confirmation of requests, plan, and construction notification – February 9, 2018](#)
- Draft Decision Letter

Respectfully submitted,



Kierney Leach
Technical Regulatory Specialist



Jen Potten
Regulatory Coordinator

Review Comment Table

Board:	MVLWB
Review Item:	INAC-CARD - Gordon Lake - Request to revise submission deadline of a Final Detailed Construction Plan (MV2016L8-0006)
File(s):	MV2016L8-0006
Proponent:	INAC - Contaminants and Remediation Directorate
Document(s):	Request to revise Final Detailed Construction Plan submission deadline (57 KB) Water Licence MV2016L8-0006 (3.7 MB)
Item For Review Distributed On:	Jan 22 at 11:33 Distribution List
Reviewer Comments Due By:	Jan 29, 2018
Proponent Responses Due By:	Feb 2, 2018
Item Description:	<p>On January 22, 2018, Indigenous and Northern Affairs Canada – Contaminants and Remediation Division (INAC-CARD) submitted a request for the Gordon Lake Group (GLG) Remediation Project, to submit the Final Detailed Construction Plan for the design of the Tailings and Soil Containment Area (TSCA) 10 days prior to the commencement of construction, rather than the 45 days required by Part D, item 6 of Licence MV2016L8-0006 (attached).</p> <p>Reviewers should note that the Final Detailed Construction Plan is not for Board approval and will not have a formal ORS review, however it will be posted to the Online Registry and distributed to the distribution list. Reviewers should also note that the Final Detailed Construction Plan for the TSCA has not yet been submitted to the Board.</p> <p>Reviewers are invited to submit questions, comments, and recommendations on this submission deadline change request using the Online Review System (ORS) by Monday January 29, 2018 at 5pm MST. The review has been set for a 1-week period, rather than the standard 3-week review period, due to the minimal content of this review item.</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 regarding this letter or using the Online Review System, please contact Kierney Leach at 867-766-7470 or kleach@mvlwb.com.</p>
General Reviewer Information:	<p>In addition to the email distribution list, the following organizations received review materials by fax:</p> <p>Fort Resolution Métis Council - Trudy King (867) 394-3322</p>

	Hay River Metis Council - Trevor Beck, President (867) 874-4472 NWT Metis Nation - Tim Heron, NWTMN IMA Coordinator (867) 872-3586
Contact Information:	Jen Potten 867-766-7468 Kierney Leach 867-766-7470

Comment Summary

GNWT - ENR: Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	General File	Comment (doc) ENR Letter - No Comments or Recommendations at this time. Recommendation		No analysis required.
INAC - NWT Inspectors: Tim Morton				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	Inspectors Comments	Comment Due to the limited amount of time that the licence holder has to complete the work, the Inspector agrees with the proposed changes to the deadline. Recommendation Please grant the licence holder the new requested submission deadline as requested.		Noted.



January 29, 2018

Jen Potten
Regulatory Officer
Mackenzie Valley Land and Water Board
7th Floor – 4910 50th Avenue
P.O. Box 2130
Yellowknife, NT
X1A 2P6

Dear Ms. Potten,

**Re: INAC CARD
Water Licence – MV2016L8-0006
Request to Revise Submission Deadline
Final Detailed Construction Plan
Request for Comments**

The Department of Environment and Natural Resources (ENR), Government of the Northwest Territories has reviewed the request at reference based on its mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Forest Protection Act*, the *Species at Risk (NWT) Act*, the *Waters Act* and the *Wildlife Act* and has no comments or recommendations for the consideration of the Board at this time.

Should you have any questions or concerns, please do not hesitate to contact Patrick Clancy, Environmental Regulatory Analyst at (867) 767-9233 Ext: 53096 or email patrick.clancy@gov.nt.ca.

Sincerely,

Patrick Clancy
Environmental Regulatory Analyst
Environmental Assessment and Monitoring Section
Conservation, Assessment and Monitoring Division
Department of Environment and Natural Resources
Government of the Northwest Territories