1. **Purpose**

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board) a request for a one-time compliance date change to Water Licence (Licence) MV2017L8-0008 held by Miramar Northern Mining Ltd. for activities at the Con Mine.

2. **Background**

- January 22, 2019– Issuance of Licence MV2017L8-0008;
- June 15, 2020 – Request received;
- June 18, 2020 – Request deemed complete and review commenced;
- July 3, 2020 – Reviewer comments and recommendations due and received;
- July 6, 2020 – Responses received;
- **July 23, 2020 – Request presented to the Board for decision,**

3. **Discussion**

On June 15, 2020, MNML submitted a request for a one-time compliance date change to Part F, condition 7 of Licence MV2017L8-0008, which states:

> An inspection of the hazardous waste disposal site, Tailing Containment Ares(s), and the former hazardous waste storage sites at Con and Negus Ponds, shall be carried out annually in June by a qualified Professional Engineer. The Professional Engineer’s inspection report shall be submitted to the Board within 60 days of the inspection, including a covering letter from the licensee outlining an implementation plan to respond to the Processional Engineer’s recommendations.

The Engineer of Record and Inspecting Geotechnical Engineer for the Con Mine are from outside of the Northwest Territories, and as a result of the current COVID-19 travel and self-isolation restrictions MNML believes it is not practical for these parties to travel to the site and complete the inspection. MNML noted the inspections are most valuable when completed in-person by the inspecting engineer and will make arrangements with the inspecting engineer to complete the inspection pending the
relaxation of travel restrictions. If travel restrictions are not relaxed, Con Mine will make alternate arrangements to ensure that the 2020 inspection is completed by October 2020.

MNML commits to completing weekly inspections of the Dams and Tailings facilities and maintain communication with the Engineer of Record of any observations made during the inspections which may require action prior to the inspection.

4. Comments
Given the current situation, Board staff believe that changing the compliance date in this instance is reasonable and acceptable.

5. Public Review
By July 3, 2020, comments and recommendations on the Request were submitted by one reviewer (Government of the Northwest Territories – Environment and Natural Resources), who is supportive of the compliance date change (attached). GNWT-ENR requested that the Board be notified if alternative measures are required to complete the inspection, to which Con agreed.

6. Security
This request will not affect the security.

7. Conclusion
Based on the information provided in the request and the public review, there are no outstanding concerns with granting this compliance date change.

8. Recommendation
Board staff recommend the Board made a motion to change the compliance date of Part F, condition 7 to October 31, 2020 for this year only.
A draft decision letter is attached.

9. Attachments
- Compliance Date Change Request
- Review Summary and Attachments
- Draft Decision Letter from the Board

Respectfully submitted,

[Signature]

Tyree Mullaney
Regulatory Specialist
## Review Comment Table

<table>
<thead>
<tr>
<th>Board:</th>
<th>MVLWB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review Item:</td>
<td>MNML - Request to Delay Submission of 2020 Annual Geotechnical Inspection and Report - MV2017L8-0008</td>
</tr>
<tr>
<td>File(s):</td>
<td>MV2017L8-0008</td>
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<tr>
<td>Proponent:</td>
<td>Miramar Northern Mining Ltd.</td>
</tr>
<tr>
<td>Document(s):</td>
<td>Request to Delay 2020 Annual Geotechnical Inspection and Report (176.16 KB)</td>
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<tr>
<td>Item For Review Distributed On:</td>
<td>June 18 at 07:23 Distribution List</td>
</tr>
<tr>
<td>Reviewer Comments Due By:</td>
<td>July 3, 2020</td>
</tr>
<tr>
<td>Proponent Responses Due By:</td>
<td>July 8, 2020</td>
</tr>
<tr>
<td>Item Description:</td>
<td>On June 15, 2020, Miramar Northern Mining Limited (MNML) submitted a request to delay the 2020 Annual Geotechnical Inspection and Report required under Part F, condition 7 of Water Licence (Licence) MV2017L8-0008. Using the Online Review System (ORS); reviewers are invited to submit comments and recommendation on the document listed 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. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the Applicant prior to submitting comments and recommendations. If you have any questions or comments regarding this review or the Online Review System, please contact Tyree Mullaney at <a href="mailto:tyree@mvlwb.com">tyree@mvlwb.com</a>.</td>
</tr>
<tr>
<td>Contact Information:</td>
<td>Jen Potten 867-766-7468 Tyree Mullaney 867-766-7464</td>
</tr>
</tbody>
</table>
### Comment Summary

<table>
<thead>
<tr>
<th>ID</th>
<th>Topic</th>
<th>Reviewer Comment/Recommendation</th>
<th>Proponent Response</th>
<th>Board Staff Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>General File</td>
<td>Comment <a href="doc">doc</a> ENR Letter with Comments and Recommendations</td>
<td>-</td>
<td>Noted.</td>
</tr>
<tr>
<td>1</td>
<td>Topic: General</td>
<td>Comment ENR has reviewed MNML's request to defer the Annual Geotechnical Inspection for the Con Mine Site as required by MV2017L8-0008, Part F, Condition 7. ENR acknowledges MNML's intent to have the annual inspection completed by October 2020, whereby if they are still unable to complete the annual inspection at that time, alternative arrangements will be made. <strong>Recommendation</strong> 1) ENR recommends that the request to defer the Annual Geotechnical Inspection be granted with the guarantee that MNML will continue to complete weekly inspections and monitoring of the Dams and Tailing facilities and maintain communication with the Engineer of Record, noting any observations made during these inspections which may require attention in advance of the inspection. If by October 2020, MNML is still unable to complete the annual inspection, the Board should be notified of any alternative arrangements.</td>
<td>July 6: Thank you for the review and recommendation. MNML will continue weekly inspections and maintain communication with the EoR in advance of the 2020 inspection. MNML will notify the board of any alternative arrangements that may be required in the event travel restrictions and isolation requirements remain in place into the fall.</td>
<td>This has been committed to by MNML.</td>
</tr>
</tbody>
</table>
July 3, 2020

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

Dear Ms. Potten:

Re: Miramar Northern Mining Ltd.  
MV2017L8-0008  
Submission of 2020 Annual Geotechnical Inspection and Report  
Request to Delay  
Request for Comment

The Department of Environment and Natural Resources (ENR) 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 provides the following comments and recommendations for the consideration of the Board.

**Topic 1: General**

**Comment(s):**

ENR has reviewed MNML’s request to defer the Annual Geotechnical Inspection for the Con Mine Site as required by MV2017L8-0008, Part F, Condition 7. ENR acknowledges MNML’s intent to have the annual inspection completed by October 2020, whereby if they are still unable to complete the annual inspection at that time, alternative arrangements will be made.

**Recommendation(s):**

1) ENR recommends that the request to defer the Annual Geotechnical Inspection be granted with the guarantee that MNML will continue to complete weekly inspections and monitoring of the Dams and Tailing facilities and maintain communication with the Engineer of Record, noting any observations made.
during these inspections which may require attention in advance of the inspection. If by October 2020, MNML is still unable to complete the annual inspection, the Board should be notified of any alternative arrangements.

Comments and recommendations were provided by ENR technical experts in the Water Management and Monitoring Division and the North Slave Region and were coordinated and collated by the Environmental Assessment and Monitoring Section (EAM), Environmental Stewardship and Climate Change Division.

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
Environmental Stewardship and Climate Change Division
Department of Environment and Natural Resources
Government of the Northwest Territories