



Mackenzie Valley Land and Water Board
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Staff Report

Applicant: Indigenous and Northern Affairs Canada (INAC)	
Location: Giant Mine Site, Yellowknife, NT	Application: MV2017X0030 & MV2017L8-0006
Date Prepared: September 18, 2017	Meeting Date: September 28, 2017
Subject: New Type A Land Use Permit and Type B Water Licence	

1. Purpose/Report Summary

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board):

- a) a new Land Use Permit (Permit) Application submitted by INAC;
- b) a new Water Licence (Licence) Application submitted by INAC;
- c) Consider the preliminary screening;
- d) Consider the Waste Management Plan;
- e) Consider the Spill Contingency Plan; and
- f) Consider the Engagement Plan.

2. Background

- August 14, 2017 – Applications received;
- August 18, 2017 – Applications deemed complete and review commenced;
- September 7, 2017 – Reviewer comments and recommendations due (none submitted);
- September 12, 2017 – Responses due (none required);
- **September 28, 2017 – Applications presented to the Board for decision, and end of the 42-day timeline.**

3. Discussion

On August 14, 2017, INAC applied for a new Type A Land Use Permit MV2017X0030 and Type B Licence MV2017L8-0006 on behalf of the Giant Mine Remediation Project (GMRP) (attached). The GMRP team consists of INAC and the GNWT, supported by the federal department of Public Services and Procurement Canada (PSPC). While INAC will ultimately be responsible for compliance with any licence or permit issued, the proposed activities will be conducted by private sector contractors procured through PSPC.

The proposed project is to repair the existing UBC Bridge, which was constructed in 2007 and was used to support care and maintenance activities at the site up until the fall of 2015. It is a single span timber deck bridge with steel girders (the superstructure), supported on concrete pile caps and steel pipe piles (the abutments or substructure). In October 2015, the Interim Care and Maintenance Mine Manager, Deton'Cho/Nuna Joint Venture (DCNJV), noticed the abutments under the bridge deck had moved inward and rotated. INAC ordered the bridge to be closed pending further assessment.

On January 13, 2016, AECOM Canada Ltd. (AECOM) conducted a structural inspection of the bridge and concluded there was lateral earth pressure which caused the bridge abutments to move inwards, thus confirming the DCNJV's observations. A geotechnical investigation was completed which indicated that an increased thickness of the active layer had thawed the (previously) frozen permafrost clay which underlay the bridge site. This reduced the strength and stability of the slope supporting the bridge and resulted in the slope material beginning to creep towards the creek channel. AECOM also noted that bridge superstructure and decking was in good condition.

The proposed repairs will use the existing bridge decking and steel girders (the superstructure) and replace the piles and concrete caps (the abutments or substructure) with an improved pile and cap design. The new design will improve the stability of the bridge approach and reduce lateral movement of the fill by using the bridge's structural components to act as retaining walls.

Baker Creek is anticipated to be frozen while repair work is completed. INAC is anticipating the commencement of the contract tendering process in the fall of 2017 and repairs to start in late 2017. The anticipated duration of the full bridge repair is to take 30 – 60 days and occur between October and March. No in-stream work is proposed as all work will be conducted on lands above the ordinary high-water mark. There is no water withdrawal required in support of repair operations. Best management practices for erosion control will be implemented and monitored, as is appropriate. Wastewater from drilling is anticipated to be minimal and will be deposited into the Hazardous Waste Area of the Northwest Tailings Pond at the Giant Mine site. Fuel; fuel storage locations; and refueling locations for the operation have been included in Permit MV2016S0016.

Management Plans

A Waste Management Plan, Spill Contingency Plan, and Engagement Plan were included with the Application. Board staff suggest that these Plans meet applicable guidelines and sufficiently reflect the scope of the proposed activities.

Eligibility

INAC is eligible as per as per subsection 18(b) of the Mackenzie Valley Land Use Regulations (MVLUR):

- 18 person is eligible for a permit who
(b) in any other case, has a right to occupy the land and either contracts to have the land -use operation carried out or is the person who is to carry out the operation.

Fees

No application fee was required as the Applicant is the Federal Government.

Term

INAC has applied for a term of five years for the Permit MV2017X0030 and seven years term for the Licence MV2017L8-0006.

4. Comments

Triggers

The activities as described trigger a Type A Permit in accordance with paragraph 4(b) of the MVLUR:

4) No person shall, without a Type A permit, carry on any activity that involves

(b) On land within or outside the boundaries of a local government,

(i) The use of motorized earth-drilling machinery the operating weight of which, excluding the weight of drill rods, stems, bits, pumps and other ancillary equipment, equals or exceeds 2.5 t, for a purpose other than the drilling of holes for building piles or utility poles or the setting of explosives within the boundaries of the local government;

A water licence is required for the repair of the UBC Bridge because the width of Baker Creek at the ordinary highwater mark exceeds 5 meters at the point of crossing (the width is 7.5 metres). No in-stream work will be undertaken to repair the UBC Bridge and no other activities for the planned repair trigger the need for a water licence (Schedule 8, item 2(1) of the Mackenzie Valley Federal Areas Waters Regulations).

5. Reviewer Comments

By September 7, 2017, no comments or recommendations were received on the Applications, therefore INAC did not respond by the September 12, 2017 deadline. The Review Summary Table is attached.

The draft Preliminary Screening (attached) contains information from the Applications, along with proposed mitigations, and is for the Board's consideration.

The draft Permit (attached) contains recommended conditions based on the standard Permit conditions list and reflects Board staff recommendations. The draft Licence (attached) contains conditions reflective of more recently issued licences and reflects Board staff recommendations.

6. Security

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.

7. Conclusion

The draft Permit conditions are based upon the standard condition list and Board staff recommendations. The draft Licence conditions are based upon recent issuances and Board staff recommendations. Board staff conclude that these conditions should mitigate the potential environmental impacts this development may have on the land and water.

Board staff conclude that the Spill Contingency Plan, Waste Management Plan, and Engagement Plan, as submitted, can be approved.

8. Recommendation

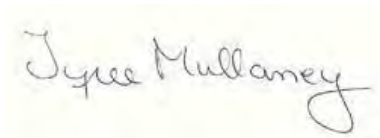
Board staff recommend the Board:

- a) Approve the preliminary screening;
- b) Approve the Type A Land Use Permit MV2017X0030, with a term of five years;
- c) Approve the Type B Water Licence MV2017L8-0006, with a term of seven years;
- d) Approve the Reasons for Decision;
- e) Approve the Waste Management Plan;
- f) Approve the Spill Contingency Plan; and
- g) Approve the Engagement Plan.

9. Attachments

- Application
 - [Land Use Permit Application](#)
 - [Water Licence Application](#)
 - [Engagement Plan and Log](#)
 - [Spill Contingency Plan](#)
 - [Waste Management Plan](#)
- Review Summary Table
- Draft Preliminary Screening
- Draft Land Use Permit Cover Page
- Draft Land Use Permit Conditions
- Draft Water Licence Cover Page
- Draft Water Licence Conditions
- Water Licence General Procedures
- Draft Reasons for Decision
- Draft Decision Letter – Land Use Permit
- Draft Decision Letter – Water Licence

Respectfully submitted,



Tyree Mullaney
Regulatory Specialist

Review Comment Table

Board:	MVLWB
Review Item:	INAC - CARD - Giant - Applications Water Licence and Land Use Permit - MV2017L8-0006 MV2017X0030
File(s):	MV2017L8-0006 MV2017X0030
Proponent:	INAC - Contaminants and Remediation Directorate
Document(s):	Water Licence Application (3.8 MB) Land Use Permit Application (4.9 MB) Engagement Plan and Log (1.4 MB) Spill Contingency Plan (9.4 MB) Waste Management Plan (2.1 MB) Draft Land Use Permit Conditions (1 MB) Draft Licence conditions (171)
Item For Review Distributed On:	Aug 18 at 13:28 Distribution List
Reviewer Comments Due By:	Sep 7, 2017
Proponent Responses Due By:	Sep 12, 2017
Item Description:	<p>Indigenous and Northern Affairs Canada (INAC) has submitted applications for both a type A land use permit and a type B water licence to the MVLWB. The proposed project is to repair the existing UBC bridge. The bridge will be repaired by replacing the substructure of the bridge with piles (which require drilling) and caps designed to withstand identified lateral earth pressure being place on the bridge from the movement of fill materials surrounding the abutments. The bridge deck and steel girders of the current bridge structure will be re-used. No instream work is required to complete the bridge repair. The contractor will mobilize the equipment to site. The contractor may set -up a temporary office structure near the UBC bridge location to support the repair operations, this will be removed once repairs are complete.</p> <p>Reviewers are invited to submit questions, comments, and recommendations using the Online Review System (ORS) by the review comment deadline specified below. Please provide comments and recommendations on the:</p> <ul style="list-style-type: none"> • Applications; • Engagement Record; • Engagement Plan; • Waste Management Plan; • Spill Contingency Plan; • Draft Land Use Permit; and • Draft Water Licence.

	<p>Please note that the draft Permit has been developed using the MVLWB’s current Standard Land Use Permit Conditions Template. The purpose of this draft Permit is to allow parties to comment on Board staff’s suggested conditions. These draft materials are not intended to limit in any way the scope of parties’ comments. The Board is not bound by the contents of the draft Permit and will make its decision at the close of the proceeding on the basis of all the evidence and arguments filed by all parties.</p> <p>Also, under the Preliminary Screening Requirement Regulations of the Mackenzie Valley Resource Management Act (MVRMA), the Board must conduct a preliminary screening for an application for a proposed development that requires a land use permit, unless it is exempt from Part 5 of the MVRMA. Reviewers are encouraged to provide comments and recommendations (e.g. on impacts and mitigation measures) to assist with the completion of the preliminary screening.</p> <p>Please be advised that comments made by reviewers regarding impacts of this project to wildlife and wildlife habitat in this preliminary screening will inform the GNWT Minister of Environment and Natural Resources’ determination regarding whether a Wildlife Management and Monitoring Plan will be required for this project as per Section 95 of the Wildlife Act.</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>
<p>General Reviewer Information:</p>	<p>The following organizations have also received the application via fax:</p> <p>Fort Resolution Métis Council Trudy King (867)394-3322; Fieldworker.frmc53@northwestel.net;</p> <p>Hay River Metis Council Trevor Beck President (867)874-4472; hrmc@northwestel.net;</p> <p>NWT Metis Nation Tim Heron NWTMN IMA Coordinator (867)872-3586; rcc.nwtmn@northwestel.net;</p>
<p>Contact Information:</p>	<p>Jen Potten 867-766-7468 Tyree Mullaney 867-766-7464</p>

Comment Summary – None submitted

