The Government of the Northwest Territories

Public Hearing Presentation


Behchoko, NT
May 28th and 29th, 2015
Presentation Overview

• Introduction and Background
• Licence Scope
• Licence Definitions
• Options for Including Closure
  – Regulation Under the Final Closure Plan
  – Two Part Licence
  – Blended Licence
• General Terms and Conditions
• Closing
• DDMI’s renewal application did not identify any proposed changes to water licence conditions.
• DDMI has requested a 15 year term:
  – 15 year term length would extend beyond the end of mine operations into closure.
• Including closure will require updates to licence wording.
Licence Scope

• Current scope does not explicitly include closure activities.
• Activities associated with closure and reclamation would need to be included in a 15 year licence.

ENR recommends that the licence scope be amended to include all activities that would occur at the Diavik site during the term of the renewed water licence.
Licence Definitions

• Current definitions specific to closure and reclamation would need to be included under a 15 year term.
• Definitions should assist with identifying the end of operations, initiation of closure, active closure period and the post-closure monitoring and maintenance period.
Licence Definitions (cont.)

ENR recommends that, once the term of the licence is determined, the definitions section be updated to include terms specific to that licence term. However, some definitions could be included in the licence regardless of the term. Examples include: closure and reclamation plans, reclamation status reports, closure assessment reports, closure criteria, etc.
Incorporating Closure

• ENR has identified 3 options for incorporating closure into a longer term licence:
  – No changes to the water licence; closure activities are regulated through the closure plan;
  – The licence is written in two parts: an operations section and a closure section; or
  – Closure terms are blended into the licence conditions.
Regulation through Closure Plan

• Licence conditions are not changed.
• Closure activities are regulated through an approved closure plan.
• ENR has several concerns with this approach:
  – Plans are not written like licences – need clear, enforceable conditions; and
  – Changes to plans can occur without the same procedural review as water licences. i.e. Board approval versus Ministerial approval.
Two Part Licence

- Licence written in two parts: first part in effect during operations, the second part in effect during closure.
- Second part would need to be written as part of this process.
- Complication is that there is no approved final closure plan that would provide the information necessary to draft closure terms and conditions.
Blended Licence

• Closure terms blended into existing terms and conditions.
• Terms must be written to clearly identify when separate aspects of a requirement came into effect (operations or closure).
• Similar complication as with the two part licence: need approved final closure plan to write the terms and conditions.
Incorporating Closure - Conclusion

• ENR does not support the first scenario – regulation under a closure plan.
• Either the two part licence or the blended licence could be fully implemented once a final closure plan is reviewed and approved by the Board.
• Licence would be amended to include closure conditions when the closure plan is finalized.
Incorporating Closure - Recommendation

ENR recommends the Board approve DDMI’s term request. Once the details of a final closure plan are determined, the terms and conditions of the licence will need to be amended, where appropriate, to reflect the content of the final closure plan and ensure clear and enforceable conditions are contained within the body of the licence.
General Terms and Conditions

- Several components of the licence should be updated to align with other licences in the NWT.
- Consolidate EQC.
- Review monitoring stations to align with construction and mitigation plans for A21 development.
General Terms and Conditions - Recommendations

ENR suggests the Board consider consolidating all effluent quality limits and parameters into a single table, consistent with other water licences.

ENR recommends the Board consider amending any terms and conditions and definitions to align with other licences recently issued by the various Boards throughout the Mackenzie Valley.

ENR suggests the Board review the location requirements for dike monitoring to ensure they align with the construction and mitigation plans for the A21 development.
Questions?