



16 Yellowknife Airport
Yellowknife, NT. X1A 3T2

File: N1L2-0043
NT Spill #: 11-159

May 30th, 2011

MV2007L8-0031

Giant Mine Directorate
Indian and Northern Affairs Canada
5103 – 48th St. Waldron Building
Yellowknife, NT. X1A 2R3

Attention: Mark Palmer

RE: Inspector Direction to Permanently Mitigate Historic Tailings (NT Spill 11-159)

Dear Mr. Palmer,

I, Michael Martin, duly designated Inspector under ss. 35(1) of the *Northwest Territories Water Act* (1992, c.39), have reasonable grounds to believe there is danger to the environment if Indian and Northern Affairs Canada – Giant Mine Directorate does not take permanent mitigative measures to remove the potential for release of tailings into the receiving environment. The Inspector hereby directs the Giant Mine Directorate under cl.37(1)(b) of the *Northwest Territories Waters Act* to permanently mitigate the historic tailings in Baker Pond (Jo Jo Lake) at the Giant Mine Site to eliminate the potential adverse effects.

The Giant Mine Directorate is hereby directed to do the following;

- 1) The Giant Mine Directorate must provide a plan on the mitigative measures to permanently remove the potential of these tailings from coming into contact with the water of the receiving environment as outlined in the Giant Mine Remediation Plan and the Developers Assessment Report,
- 2) This plan must be submitted to the Inspector for approval, in consultation with Environment Canada (EC) and the Department of Fisheries and Oceans (DFO), no later than August 1st 2011,
- 3) Upon approval the plan must be implemented,
- 4) Monthly written updates, in regards to this direction, must be submitted by the Giant Mine Directorate to the Inspector, EC and DFO on the 15th of every month commencing September 15th, 2011 for the purposes of ascertaining the progress of the implementation of the above noted plan, and

5) All works associated with this direction must be completed no later than April 30th, 2012.

Compliance with the terms of this direction and approved supplementary documentation does not absolve the Giant Mine Directorate from the responsibility for compliance with the requirements of all applicable federal, territorial and municipal legislation.

Failure to comply with this direction given under cl. 37(1)(b) of the Northwest Territories Waters Act will constitute an offence and liable on summary conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding 1 year, or both. Where an offence is committed, or continued, more than one day it shall be deemed a separate offence for each day on which it is committed or continued.

Your cooperation in this matter is anticipated.

Yours truly,



Michael Martin
Water Resource Officer
Indian and Northern Affairs Canada

CC: PWGSC (Via Email)
MVLWB (Via E-mail)
INAC SMD Manager (Via E-mail)
EC (Via Email)
DFO (Via Email)
GNWT – MACA (Via Email)