



**Mackenzie Valley Land and Water Board**  
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### Staff Report

<b>Company:</b> Aboriginal Affairs and Northern Development Canada – Contaminants and Remediation Directorate (AANDC-CARD)	
<b>Location:</b> Outpost Island, Blanchet Island, Copper Pass, NT	<b>Application:</b> MV2014X0002
<b>Date Prepared:</b> January 12, 2015	<b>Meeting Date:</b> January 21, 2015
<b>Subject:</b> Amendment Application – Submission Timelines for the Reclamation Completion Report and Long Term Monitoring Plan	

#### 1. Purpose/Report Summary

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB or the Board) an amendment application for Type A Land Use Permit (LUP) MV2014X0002 issued to AANDC-CARD for remediation activities at Outpost Island, Blanchet Island, and Copper Pass Mine Sites. AANDC-CARD has applied to amend the submission timelines for the Reclamation Completion Report and the Long Term Monitoring Plan. Confirmation from the Board on whether the Application is exempt from preliminary screening is also required.

#### 2. Background

- April 2, 2014 – LUP issued for five years;
- August 13, 2014 – LUP amendment approved to change the Final Monitoring Plan submission date;
- September 19, 2014 – AANDC-CARD met with Board staff to discuss project delays;
- December 12, 2014 – Amendment Application received and deemed complete;
- December 15, 2014 – Application sent for review;
- January 6, 2015 – Reviewer comments due;
- January 9, 2015 – Proponent response to reviewer comments due;
- January 21, 2015 – presented to the Board and 42 day timeline reached;
- April 1, 2019 – LUP expires.

### **3. Discussion**

CARD holds a Type A LUP to implement Remedial Action Plans (RAP) for three abandoned mine sites in or near Great Slave Lake: Outpost Island (Outpost), Blanchet Island (Blanchet) and Copper Pass.

In August 2014 the Board approved an amendment to the submission date for the Final Monitoring Plan (condition 65 of the LUP). The submission date was changed from five months following issuance to prior to commencement of 2015 operations.

Because AANDC-CARD has experienced project delays, they have submitted another amendment application to change submission dates for a report and a plan that are required by their LUP. Additionally, one of the sites in the remediation project, Copper Pass, has been removed from the scope of AANDC-CARD's remediation contract. As a result, the project will be completed sooner.

In this Amendment Application, AANDC-CARD has requested the following two changes:

1. Condition 67 of the LUP requires AANDC-CARD to submit a Reclamation Completion Report by April 1, 2017. AANDC-CARD proposes to submit the Reclamation Completion Report six months following final demobilization.
2. Condition 68 of the LUP requires AANDC-CARD to submit a Long Term Monitoring Plan (LTMP) six months prior to completion of operations. AANDC-CARD proposes to submit the LTMP six months following final demobilization.

#### Preliminary screening

A preliminary screening is required for an amendment if there is a change to the project scope or if new activities or processes are proposed that have not yet been screened or have not undergone an environmental assessment. While one site has been removed from AANDC-CARD's remediation contract, AANDC-CARD has not requested that this site be removed from the scope of their LUP (any change to the scope of a LUP would require an application for a new LUP). As AANDC-CARD has not proposed any change to project activities, Board staff concludes that a preliminary screening is not required for this Amendment Application.

### **4. Comments**

N/A

### **5. Review Comments**

The Yellowknives Dene First Nation (YKDFN) submitted a comment stating that they do not support the requested change to condition 68 of the LUP. YKDFN reiterated the position they had expressed during the review of the initial LUP Application, that the LTMP should be submitted 60 days prior to the end of operations, so that the Plan could be reviewed, approved, and

implemented prior to the end of operations. Please refer to [YKDFN's February 27, 2014 submission](#), specifically part 1.b.iv of their recommendations, for background on the rationale they presented.

The federal Inspector submitted a comment that he had no concerns and supported the Amendment Application. No comment letters were submitted by Environment and Natural Resources (ENR), Environment Canada (EC), and Fisheries and Oceans Canada (DFO).

## **6. Security**

As per section 94 of the *Mackenzie Valley Resource Management Act*, there is no security required for this operation.

## **7. Conclusion**

When AANDC-CARD originally applied for this LUP, remediation activities were planned to span two years, with Outpost and Blanchet sites to be remediated during the first year and Copper Pass to be remediated during the second year. With the change in scope of the remediation contracts to include only Outpost and Blanchet sites, the project has been reduced to one year and some of the timelines that were developed for the original project need revision.

The LUP contains conditions relating to monitoring to check that surface water and other environmental receptors are not impacted, action levels or thresholds are defined, and contingency plans exist to address unforeseen results or events. A Final Monitoring Plan is due prior to commencing operations and is for Board approval. As laid out in condition 65 of the LUP, the Final Monitoring Plan will act as a monitoring framework and will include site specific remediation target levels, monitoring endpoints (action levels), and contingency plans for each component being monitored.

The intention for the LTMP is for AANDC-CARD to develop it over the course of a field season; as the field season has been condensed from two years to one, there is no way for AANDC-CARD to ground truth the monitoring framework and finalize the LTMP before field operations are complete.

As AANDC-CARD stated in their response to reviewer comments, the amended submission date for the LTMP would be approximately mid-March 2016. This would allow time for reviewers to give input on the LTMP ahead of the first field season for the post-remediation monitoring program.

A draft LUP is attached with the changes to conditions 67 and 68 as proposed in track changes.

## 8. Recommendation

Board staff recommends that the Board confirm that this Amendment Application is exempt from preliminary screening.

Board staff recommends that the amendment be granted as requested by AANDC-CARD.

## 9. Attachments

- [LUP amendment application](#);
- Comment summary table;
- No comment letters from ENR, EC and DFO;
- Draft LUP cover letter and conditions;
- Draft Reasons for Decision; and
- Draft issuance letter.

Respectfully submitted,



Miki Ehrlich  
Regulatory Officer

## Review Comment Table

<b>Board:</b>	MVLWB
<b>Review Item:</b>	AANDC-CARD - Land Use Permit Amendment (MV2014X0002)
<b>File(s):</b>	<a href="#">MV2014X0002</a>
<b>Proponent:</b>	AANDC-CARD
<b>Document(s):</b>	<a href="#">MV2014X0002 - AANDC-CARD - Amendment application</a> (1 MB)
<b>Item For Review Distributed On:</b>	Dec 15 at 13:51 <a href="#">Distribution List</a>
<b>Reviewer Comments Due By:</b>	Jan 6, 2015
<b>Proponent Responses Due By:</b>	Jan 9, 2015
<b>Item Description:</b>	<p>Aboriginal Affairs and Northern Development (AANDC) - Contaminants and Remediation Directorate (CARD) has submitted an application to amend their Land Use Permit (LUP) for the Great Slave Lake Remediation Project. This amendment application includes three proposed changes:</p> <ul style="list-style-type: none"> <li>• Removal of the Copper Pass site from the scope of the project;</li> <li>• Revision of the timeline for submission of the Reclamation Completion Report (condition 67 of the LUP) ; and</li> <li>• Revision of the timeline for submission of the Long Term Monitoring Plan (condition 68).</li> </ul> <p>If you have any questions or comments regarding this review or using the Online Review System, please contact Miki Ehrlich at (867)766-7469 or <a href="mailto:mehrlich@mvlwb.com">mehrlich@mvlwb.com</a>.</p>
<b>General Reviewer Information:</b>	<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; <a href="mailto:Fieldworker.frmc53@northwestel.net">Fieldworker.frmc53@northwestel.net</a></p> <p>Hay River Metis Council - Wally Shuman, President - (867)874-4472; <a href="mailto:hrrmc@northwestel.net">hrrmc@northwestel.net</a></p>

	NWT Metis Nation - Tim Heron, NWTMN IMA Coordinator - (867)872-2772; <a href="mailto:rcc.nwtmn@northwestel.net">rcc.nwtmn@northwestel.net</a>
<b>Contact Information:</b>	Angela Plautz 867-766-7459 Miki Ehrlich 867-766-7469

## Comment Summary

AANDC: Tim Morton				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	Application for Land Use Permit Amendment	<b>Comment</b> The Inspector has no concerns with the proposed amendment. <b>Recommendation</b> Please amend the applicable Land Use Permit as requested by the permittee.	<b>Jan 9:</b> Thank you for your review and comment.	
Environment Canada: Melissa Pinto				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	General File	<b>Comment</b> <a href="#">(doc)</a> EC No Comment Letter <b>Recommendation</b>		
Fisheries and Oceans Canada: Mark D Aguiar				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	LUP Amendment	<b>Comment</b> no comments <b>Recommendation</b> No comments	<b>Jan 9:</b> Thank you for your review	
GNWT - Environment and Natural Resources: Central Email GNWT				

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	General File	<b>Comment</b> <a href="#">(doc)</a> ENR No Comments or Recommendations at this time. <b>Recommendation</b>		
<b>Yellowknives Dene First Nation: Todd Slack</b>				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Response
1	Proposed change to submission date for the long term monitoring plan	<p><b>Comment</b> <a href="#">(doc)</a> We aren't going to submit something formal on this – I don't have time to get it done. But YKDFN does not support the proponents changes to condition "c.68". (see attached email for original submission)</p> <p><b>Recommendation</b> The long term monitoring plan must be completed, approved and implemented prior to the end of operations. Our position was laid out in the letter of February 27th, 2014 and remains the same. In that, we stated that our belief is that the initial LTMP should be submitted 60 days prior to the on-site activities. Convenient link:  <a href="http://www.mvlwb.ca/Boards/mv/Registry/2014/MV2014X0002/MV2014X0002%20-%20AANDC-CARD%20-%20Yellowknives%20Dene%20First%20Nation%20submission%20-%20Feb27-14.pdf">http://www.mvlwb.ca/Boards/mv/Registry/2014/MV2014X0002/MV2014X0002%20-%20AANDC-CARD%20-%20Yellowknives%20Dene%20First%20Nation%20submission%20-%20Feb27-14.pdf</a></p>	<p><b>Jan 9: (doc)</b>  The Long Term Monitoring Plan submission requirement set out under Condition 68 of the existing LUP was based upon the original project work schedule (a 2 year work program). With the removal of Copper Pass from the remediation project, the work schedule is now reduced</p>	<p>A Final Monitoring Plan is due prior to commencement of 2015 operations and is for Board approval. Reviewers will have the opportunity to comment on the proponent's monitoring framework and give input into the development of the LTMP during the review of the Final Monitoring Plan. Due to</p>

			<p>to one year (summer/fall of 2015) with a planned mob in by late June 2015 and demob by mid-September 2015. The existing condition requires the submission of the Long Term Monitoring Plan 6 months prior to the completion of operations. With completion of operations by mid-September 2015, this brings the submission to mid-March 2015. This would conflict with the finalization of</p>	<p>the field season being reduced to one year, the opportunity to finalize the LTMP prior to the end of field operations is no longer available.</p>
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			<p>the Interim Monitoring Plan (Condition 64) which will be used as a foundation for the Long Term Monitoring Plan. The requested amendment (submission 6 months following final demobilization) will bring the submission date to mid-March 2016. This will allow for long term monitoring strategies that will "ground truthed" on the sites while remediation activities are being completed through the</p>	
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			<p>summer of 2015. This will include optimizing the selection of monitoring stations, determination of monitoring matrices, monitoring depths, monitoring frequency and season. The Long Term Monitoring Plan would be submitted well in advance of the 2016 open-water season which will be Year 1 of the post-closure monitoring program.</p>	
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Environment Canada    Environnement  
Canada                    Canada

Environmental Protection Operations Directorate (EPOD)  
Prairie & Northern Region (PNR)  
5019 52<sup>nd</sup> Street, 4<sup>th</sup> Floor  
P.O. Box 2310  
Yellowknife, NT X1A 2P7

January 6, 2015

EC File: 5600 000 005 /001  
MVLWB File: MV2014X0002

Miki Ehrlich  
Regulatory Officer  
Mackenzie Valley Land and Water Board  
7<sup>th</sup> Floor, 4922 48<sup>th</sup> St.  
PO Box 2130  
Yellowknife, NT X1A 2P6

via online submission

Attention: Ms. Ehrlich

**RE: MV2014X0002 (Land Use Permit Amendment – Great Slave Lake Remediation – AANDC-CARD)**

Environment Canada (EC) has reviewed the information submitted to the Mackenzie Valley Land and Water Board regarding the above-mentioned Land Use Permit amendment and have no comments at this time. EC's specialist advice is provided pursuant to the *Canadian Environmental Protection Act 1999*, the pollution prevention provisions of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

Should you require further information, please do not hesitate to contact me at (867) 669-4733 or [Melissa.Pinto@ec.gc.ca](mailto:Melissa.Pinto@ec.gc.ca).

Sincerely,

Melissa Pinto  
Environmental Assessment Coordinator

cc: Dave Fox, A/Head, Environmental Assessment North (NT and NU), PNR-EPOD

[www.ec.gc.ca](http://www.ec.gc.ca)

January 6, 2015

Miki Ehrlich  
Regulatory Officer  
Mackenzie Valley Land and Water Board  
7<sup>th</sup> Floor – 4910 50<sup>th</sup> Avenue  
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Dear Ms. Ehrlich,

**Re:           AANDC CARD**  
**Land Use Permit Amendment Application – MV2014X0002**  
**GSL Remediation Project - Change of Scope**  
**Revision of Report Timeline for Remediation Completion**  
**Long Term Monitoring Reports**  
**Request for Review and Comments**

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

Should you have any questions or concerns, please do not hesitate to contact Patrick Clancy, Environmental Regulatory Analyst at 920-6118 or [patrick\\_clancy@gov.nt.ca](mailto:patrick_clancy@gov.nt.ca).

Sincerely,



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