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Reasons for Decision

Issued pursuant to paragraph 40(2)(c) of the Mackenzie Valley Land Use Regulations (MVLUR) and section 72.12 and 72.25 of the *Mackenzie Valley Resource Management Act* (MVRMA).

Water Licence and Land Use Permit Applications	
File Number	W2021L8-0003 & W2021X0008
Company	Crown-Indigenous Relations - Northern Affairs Canada – Contaminants and Remediation Division
Project	Colomac Remediation Project
Location	Former Colomac Mine Site, NT
Activity	Miscellaneous
Date of Decision	January 24, 2022

On January 24, 2022, the Wek'èezhì Land and Water Board (WLWB or Board) met and considered the Applications made by Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Division (CIRNAC-CARD or the Applicant) to the Board on October 8, 2021 for Water Licence (Licence) W2021L8-0003 and Land Use Permit (Permit) W2021X0008 to continue the remediation project at the former Colomac Mine Site at Baton Lake, NT. After reviewing the Applications and the evidence gathered during the regulatory proceeding, the Board has made the following decisions:

- 1) That the Applications are exempt from Preliminary Screening, as per the Exemption List Regulations of the MVRMA, Part 1, Schedule 1, section 2;
- 2) To issue Water Licence W2021L8-0003 on January 26, 2022 for a term of twenty-five (25) years;
- 3) To issue Land Use Permit W2021X0008 on January 26, 2022 for a term of five (5) years;
- 4) To approve Version 3.0 of the Engagement Plan;
- 5) To not approve Version 9.0 of the Spill Contingency Plan and require CIRNAC-CARD to submit Version 9.1 as soon as possible to address Spill Contingency Plan Revisions #1 through 3;
- 6) To approve Version 3.0 of the Waste Management Plan; and

- 7) To direct CIRANC-CARD to submit an updated version of its Waste Management Plan that addresses GNWT-ENR comments 14 and 18 during the next annual review of the Plan.

These Reasons for Decision set out the Board’s regulatory process for the Applications and rationale for decisions regarding the Licence and Permit. A summary of the Applications is provided in section 2.0, followed by an outline of the regulatory process for the Applications in section 3.0. Section 4.0 describes how the applicable legislative requirements have been met. The Board’s decisions and supporting rationale are set out in section 5.0 for the Licence, section 6.0 for the Permit, and section 7.0 for the management plans.

1.0 List of Defined Terms and Acronyms

Applicant/Licensee/ Permittee	Crown-Indigenous Relations - Northern Affairs Canada – Contaminants and Remediation Division
Applications	The complete application package submitted by the Applicant for Water Licence W2021L8-0003 and Land Use Permit W2021X0008.
CanNor	Canadian Northern Economic Development Agency
CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada
CRP	Closure and Reclamation Plan
DFO	Department of Fisheries and Oceans
DIAND	Department of Indigenous Affairs and Northern Development
Distribution List	The list of individuals and organizations to whom materials from the regulatory proceeding were circulated.
EA	Environmental Assessment
ECCC	Environment and Climate Change Canada
GLWB or Board	Gwich’in Land and Water Board
GNWT	Government of the Northwest Territories
GNWT-ENR	Government of the Northwest Territories – Environment and Natural Resources
IR	Information Request
Inspector	An Inspector designated under subsection 84(1) of the Mackenzie Valley Resource Management Act
Intervener	As per the MVLWB Rules of Procedures , any person or organization that has submitted an intervention in the public hearing phase of the regulatory proceeding, as outlined in the Rules.
Licence	Water Licence W2021L8-0003
LWBs	Land and Water Boards of the Mackenzie Valley
MVEIRB	Mackenzie Valley Environmental Impact Review Board
MVFAWR	Mackenzie Valley Federal Areas Waters Regulations
MVLWB or Board	Mackenzie Valley Land and Water Board
MVRMA	Mackenzie Valley Resource Management Act
Minister	Minister of Northern Affairs
ORS	Online Review System (https://new.onlinereviewsystem.ca/reviews)

Party	As per the MVLWB Rules of Procedures , an applicant, a person, or an organization participating in this regulatory process.
Permit	Land Use Permit W2021X0008
Project	Colomac Remediation Project, the undertaking as described in Part A of the Licence and Part A of the Permit.
Review Board	Mackenzie Valley Environmental Impact Review Board
SCP	Spill Contingency Plan
SLWB or Board	Sahtu Land and Water Board
Standard Licence Conditions	MVLWB Standard Water Licence Conditions Template
Standard Permit Conditions	MVLWB Standard Land Use Permit Conditions Template
TG	Tłı̨chǫ Government
WLWB or Board	Wek'èezhìi Land and Water Board
WMP	Waste Management Plan

2.0 Summary of Applications

On October 8, 2021, the WLWB received a complete renewal Application for a Type B Water Licence W2021L8-0003¹ and a new Type A Land Use Permit W2021X0008.² The Applications were submitted to continue remediation activities and long-term monitoring at the former Colomac Mine Site and proposed a reduction in scope from the previous authorizations. The activities included in the Applications are located within a federal area of the Wek'èezhìi Resource Management Area.

The WLWB issued the existing Land Use Permit W2014X0004 and Water Licence W2014L8-0003 on January 26, 2015. After approving an extension request for the Permit, the Licence and Permit both expire on January 25, 2022. The authorizations were issued for remediation and reclamation of the abandoned gold mining and milling operations at the former Colomac Mine site. Remediation activities were completed in 2012 and since that time, CIRNAC-CARD has been conducting long-term monitoring at the site. CIRNAC-CARD has not proposed any new activities or areas, and therefore requested an exemption from preliminary screening.

In making its decision and preparing these Reasons for Decision, the Board has reviewed and considered:

- 1) The Applications as submitted by the Applicant for the Project;
- 2) The evidence and submissions received by the Board from the Applicant in relation to the Licence and Permit; and
- 3) The comments and recommendations, evidence, and submissions received by the Board from Parties during the regulatory proceeding.

¹ See WLWB Online Registry (www.wlwb.ca) for [Colomac – Licence Application – Application Form – Oct 8 21](#)

² See WLWB Online Registry for [Colomac – Permit Application – Application Form – Oct 8 21](#)

3.0 Regulatory Process

On October 8, 2021, the Applicant submitted a renewal Application for the Licence (W2021L8-0003) and an Application for a new Permit (W2021X0008). The Applications were deemed complete on October 15, 2021 and circulated to the Distribution List for public review on the Online Review System (ORS).^{3,4,5,6,7,8,9} Additionally, CIRNAC-CARD submitted a draft Licence and a draft Permit was developed by Board staff; both were included in the Item for Review.^{10,11} As part of the public review, Board staff requested comments and recommendations to assist with the Board's preliminary screening determination.

Public notices of the Applications were published in *News North* during the week of October 25, 2021, to fulfill subsections 72.16(1) and 72.16(2) of the [MVRMA](#).¹²

On October 28, 2021, the Board decided that there are clear linkages between the Permit Application and the Application for Licence W2021L8-0003, including potential environmental impacts and mitigation measures. In order to develop Permit and Licence conditions that will effectively mitigate impacts of the proposed Project on the affected lands, the Board decided to coordinate the proceedings for the Permit and Licence Applications, pursuant to paragraph 22(2)(b) of the [MVLUR](#).¹³

Comments on the Applications were received by the deadline of November 29, 2021 from the CIRNAC-Inspector, the Government of the Northwest Territories – Environment and Natural Resources (GNWT-ENR), and the Tłı̨chǫ Government (TG); Board staff also submitted questions. The Wek'èezhii Renewable Resources Board indicated they had no comments or recommendations at this time and the CIRNAC-Inspector indicated they fully supported the Application. The Applicant provided responses by the deadline of November 29, 2021.¹⁴

Upon review of recommendations and CIRNAC-CARD's responses, additional information was requested to assist the Board in its decision-making process; an Information Request (IR) was thus issued to CIRNAC-CARD on January 7, 2022.¹⁵ CIRNAC-CARD's response was received by the deadline of January 10, 2022.¹⁶

³ See WLWB Online Registry for [Colomac – WL and LUP Application – Cover Letter – Oct 8 21](#)

⁴ See WLWB Online Registry for [Colomac – Licence Application – Application Form – Oct 8 21](#)

⁵ See WLWB Online Registry for [Colomac – Permit Application – Application Form – Oct 8 21](#)

⁶ See WLWB Online Registry for [Colomac – Engagement Plan – Version 3.0 – Oct 8 21](#)

⁷ See WLWB Online Registry for [Colomac – Licence Application TG Letter of Support – Oct 8 21](#)

⁸ See WLWB Online Registry for [Colomac – Spill Contingency Plan – Version 9.0 – Oct 8 21](#)

⁹ See WLWB Online Registry for [Colomac – Waste Management Plan – Version 3.0 – Oct 8 21](#)

¹⁰ See WLWB Online Registry for [Colomac – Licence Application – Draft Licence – Oct 8 21](#)

¹¹ See WLWB Online Registry for [Colomac – Permit Application – Draft Permit – Oct 8 21](#)

¹² See WLWB Online Registry for [Colomac – Licence Application – Notification of Application – Oct 25 21](#)

¹³ See WLWB Online Registry for [Colomac – Permit – Notification of Timeline Pause – Oct 28 21](#)

¹⁴ See WLWB Online Review System for [Colomac – Type B Water Licence and Type A Land Use Permit Application](#)

¹⁵ See WLWB Online Registry for [Colomac – Licence and Permit Applications – Information Request – Jan 7 22](#)

¹⁶ See WLWB Online Registry for [Colomac – Licence and Permit Applications – CIRNAC-CARD Response to IR – Jan 10 22](#)

4.0 Legislative Requirements Related to Licence and Permit Issuance

This Project is subject to the [MVRMA](#) and the [Mackenzie Valley Federal Areas Waters Regulations](#) (MVFAWR) with respect to licensing because it is located in a federal area. With respect to permitting, the [MVRMA](#) and the [MVLUR](#) apply.

As per the [MVFAWR](#) and the [MVLUR](#), the proposed use of land and water, and the deposit of waste for this Project require a licence and a permit. Accordingly, the Board has jurisdiction to issue the Licence and Permit as per subsection 60(1) and section 102 of the [MVRMA](#) and subsection 59(1) of the [MVRMA](#).

In conducting its regulatory process for the Applications (as described in sections 3.0 and above), the Board has ensured that section 62 of the [MVRMA](#) and all applicable legislative requirements have been satisfied as outlined in the subsections below. The Board has considered the people and users of the land and water in the Mackenzie Valley, and any Traditional Knowledge and scientific information that was made available to the Board during the regulatory proceeding, as per section 60.1 of the [MVRMA](#). The consideration of information provided to the Board is discussed in detail below and in sections 5.0, [6.0](#), and [7.0](#).

4.1 Consultation, Engagement, and Public Notice

In exercising its authority under the [MVRMA](#), the Board must consider the importance of conservation to the well-being and way of life of Indigenous peoples of Canada, as per paragraph 60.1(a) of the [MVRMA](#), specifically those to whom section 35 of the *Constitution Act, 1982*, applies and who use an area of the Mackenzie Valley. Accordingly, the Board works with applicants, affected parties (including Indigenous governments and organizations), and other parties (such as other boards and regulators) to ensure that potential impacts of proposed projects, including impacts on rights under section 35, are understood and carefully considered before decisions are made with respect to the issuance of permits and licences.

The Board's requirements for engagement are set out in the MVLWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#). The Policy and Guidelines were developed to ensure that the Board's obligations for achieving meaningful consultation (as set out by land claims and applicable legislation) with all affected parties, including Indigenous groups in the Mackenzie Valley, are met and engagement and consultation results clearly articulated. CIRNAC-CARD began conducting pre-submission engagement for the Applications on August 13, 2021 and the Applications were submitted to the Board on October 8, 2021. In accordance with the Policy and Guidelines, the Applicant's engagement efforts and proposed procedures are detailed in the Engagement Record and Plan (Version 3.0), submitted with the Applications.¹⁷ The Board has approved the Applicant's Engagement Plan (Version 3.0), and the Board's reasons for this decision are described

¹⁷ See WLWB Online Registry for [Colomac – Engagement Plan – Version 3.0 – Oct 8 21](#)
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below in section 7.1. Following issuance, the Applicant must continue engagement efforts as outlined in the Engagement Plan, as required in the Licence and Permit.

The Applications were posted to the Board's Public Registry and distributed through the ORS. As the Project is located in the Wek'èezhìi Resource Management Area, the appropriate organizations, governments, First Nations, and Indigenous organizations were included in the Distribution List.¹⁸ More information about the proceeding for the Applications is provided above in [section 3.0](#).

In accordance with sections 63 and 64 of the [MVRMA](#), the Board is satisfied that notice of and access to copies of the Applications was provided, and that a reasonable amount of time was given to communities, First Nations, and the public to participate in this proceeding and make submissions to the Board.

4.2 Eligibility for Land Use Permit

As per section 18 of the [MVLUR](#), eligibility must be determined before the Board can issue a permit. It was confirmed using the GNWT ATLAS and GNWT Mineral Tenure Map Viewer that CIRNAC is the landowner, which demonstrates eligibility under paragraph 18(b) of the MVLUR. No issues were raised regarding eligibility during this proceeding. The Board believes that eligibility requirements under section 18 of the MVLUR have been satisfied.

4.3 Land Use Plan Conformity

As per section 61 of the [MVRMA](#), where an approved Land Use Plan applies, the Board must confirm conformity with the Land Use Plan before issuing a permit or licence. No approved Land Use Plans apply in the Project area.

4.4 Land Use Fees

The Project is located wholly inside of a federal area; however, as per section 20 of the [MVLUR](#), territorial and federal governments are exempt from paying permit application and land-use fees, so land-fees do not apply.

4.5 Water Use Fees

The Applicant is exempt from paying fees for the right to use water as per section 7 of the [MVRMA](#).

¹⁸ To access the Distribution List, use the hyperlink in the Item for Review: See WLWB Online Registry for [Colomac – Type B Water Licence and Type A Land Use Permit Application](#)

4.6 Existing Licences

Prior to issuing a Licence, the Board is required to ensure that issuing the Licence to the Applicant will not adversely affect, in any significant way, any existing licensee or any other applicant. The Board is aware that CIRNAC-CARD and Nighthawk Gold Corp (Nighthawk) are authorized to conduct activities at the former Colomac Mine Site and have a Conveyance and Reclamation Agreement for Nighthawk to conduct activities at the site. During the public review, no comments or recommendations were received from Nighthawk. As discussed in section 5.4 of these Reasons for Decision, CIRNAC-CARD is in the long-term monitoring phase of the Project which no longer includes the use of water. Any waste that is deposited as part of CIRNAC-CARD's operations must meet EQC prior to being Discharged into the Receiving Environment. Additionally, the Licence includes requirements with respect to waste management and contingency planning that will protect water quality. Given the nature of the activities proposed by CIRNAC-CARD, Licence requirements for waste management and contingency planning, and lack of concern raised by Nighthawk, the Board is satisfied that issuing the Licence to the Applicant will not adversely affect, in any significant way, any existing licensee or any other applicant, provided the Applicant complies with the conditions of the Licence. Therefore, paragraph 72.03(5)(a) of the MVRMA has been satisfied.

4.7 Compensation to Existing Water Users

Paragraph 72.03(5)(b) of the [MVRMA](#) prohibits the issuance of the Licence unless the Board is satisfied that appropriate compensation has been or will be paid by the Applicant to persons who would be adversely affected by the use of waters, or deposit of waste proposed by the Applicant, at the time when the Applicant filed the Licence Application with the Board.

The Board received no claims for compensation either during the time period established in the Notice of Applications, or afterwards. Provided the Applicant complies with the Licence conditions, the Board is satisfied there are no water users or persons listed in paragraph 72.03(5)(b) of the [MVRMA](#) who will be adversely affected by the proposed use of waters or the deposit of waste.

4.8 Water Quality Standards

With regards to subparagraph 72.03(5)(c)(i) of the [MVRMA](#), no water quality standards have been prescribed in the [MVFAWR](#); however, the MVLWB [Water and Effluent Quality Management Policy](#) applies to the Licence, and the primary objective of the Policy is "protection of water quality in the receiving environment." This objective is directly reflected in Part D, Condition 1 of the Licence. No changes have been made to the EQC, CIRNAC-CARD did not request any changes, and no reviewers raised concerns during the public review process. The Board is satisfied that the conditions set out in the Licence are consistent with the Policy and compliance with these conditions will ensure that waste will be collected and disposed of in a manner that will be protective of water quality in the receiving environment.

4.9 Effluent Quality Standards

With regards to subparagraph 72.03(5)(c)(ii) of the [MVRMA](#), no effluent quality standards have been prescribed in the [MVFAWR](#); however, as noted in section 4.8 above, the MVLWB [Water and Effluent Quality Management Policy](#) applies to the Licence. In the absence of prescribed standards, the Policy sets out when and how the Board will include EQC in a licence to protect water quality in the receiving environment, and Appendix 2 of the MVLWB/GNWT [Guidelines for Mixing Zones](#) describes the general principles and standard process the Land and Water Boards (LWBs) will apply in setting EQC for a project.

The EQC included in the Licence are from the existing Licence W2014L8-0003. The proponent did not request any changes to the EQC and no reviewers raised concerns with the current EQCs during the public review. Accordingly, the Board is satisfied that compliance with these criteria and associated conditions will ensure that effluent from the Project is disposed of in a manner that will be protective of water quality in the receiving environment. These conditions and criteria, and detailed rationale, are further discussed below in section 5.5.

4.10 Financial Responsibility

Under paragraph 72.03(5)(d) of the [MVRMA](#), before the Board can issue the Licence, it must be satisfied that the Applicant's financial responsibility is adequate to complete the Project, including any required mitigation measures, and the closure and reclamation of the site. The Board is confident that the Applicant is capable of meeting any financial obligations set out in the [MVRMA](#) and Licence concerning the use of water and deposit of waste for the purposes of the Project.

4.11 Minimization of Adverse Effects

With regards to subsection 72.04(2) of the [MVRMA](#), the Board must ensure that the Licence conditions minimize potential adverse effects on other water and land users from the proposed use of water and deposit of waste. As discussed above in section 4.1, the Applicant conducted pre-application engagement, and the Board also provided opportunities for potentially affected parties to make submissions to the Board during the regulatory proceeding. The Board did not receive notice of potentially adverse effects on other users of the water and lands in the Project area.

Regardless, as noted above in sections 4.8 and 4.9, and as detailed in [section 5](#), the Board has set conditions in the Licence to regulate waste management for the purpose of protecting the receiving environment. Additionally, as described in [section 5.4](#), based on the evidence, the Board has removed all conditions related to water use. It is the opinion of the Board that compliance with the Licence conditions that have been set to protect the water sources and the receiving environment will also minimize any potential adverse effects on other water and land users in the Project area.

4.12 Time Limit

As required under subsection 72.18(1) of the [MVRMA](#), the Board made its decision on the Licence within nine months after receiving the complete Licence Application.

As per section 22 of the [MVLUR](#), the Board is required to make its decision on a permit within 42 days of receiving a complete application. On October 28, 2021, the Board met and decided to apply paragraph 22(2)(b) of the [MVLUR](#) in order to develop Permit and Licence conditions that will effectively mitigate impacts of the proposed Project on the affected lands.¹⁹

4.13 Environmental Review (Part 5 of the MVRMA)

4.13.1 Exemption from Preliminary Screening

In accordance with the *Preliminary Screening Requirement Regulations* in subsection 124(1) of the MVRMA, the Board must conduct a preliminary screening of Applications. However, Schedule 1 (Section 2), Part 1, paragraph 2(b) of the MVRMA Exemption List Regulations states that an application can be exempt from preliminary screening if:

A development, or a part thereof, for which renewal of a permit, licence or authorization is requested that (a) has not been modified; and (b) has fulfilled the requirements of the environmental assessment process established by the *Mackenzie Valley Resource Management Act*, the *Canadian Environmental Assessment Act* or the *Environmental Assessment Review Process Guidelines Order*.

In its submission, CIRNAC-CARD requested that the scope of the existing Permit and Licence be reduced to reflect current activities that would take place at the former Colomac Mine Site. Additionally, CIRNAC-CARD requested an exemption from preliminary screening because the activities included in the Applications were screened prior to issuance of MV2004L8-0001.²⁰

A preliminary screening of the Project was conducted prior to issuance of MV2004L8-0001 and the Board determined that the proposed operation was not likely to be a cause of public concern and should not have a significant adverse impact on the environment.”²¹ The Renewal Application for W2014L8-0003 was exempt from preliminary screening because “the project was screened prior to issuance of WL MV2004L8-0001 and the scope of the Water Licence and Land Use Permit have not changed.”²² The Applicant has not proposed changes to the Project other than a reduction in the scope of some activities. Additionally, no comments regarding preliminary screening were received during the public review. Therefore, the

¹⁹ See WLWB Online Registry for [Colomac – Permit – Notification of Timeline Pause – Oct 28 21](#)

²⁰ See WLWB Online Registry for [MV2004L8-0001 – Type A Water Licence – Reasons for Decision – Feb 3 05](#)

²¹ See WLWB Online Registry for [MV2004L8-0001 – Type A Water Licence – Reasons for Decision – Feb 3 05](#)

²² See WLWB Online Registry for [Colomac – Type B Water Licence and Type A Land Use Permit – Renewal – Reasons for Decision – Jan 26 15](#)

Board has determined that the Project is exempt from preliminary screening under Part 1, Schedule 1, section 2 of the Exemption List Regulations to the MVRMA. Consequently, no further preliminary screening was conducted.

- ***Decision #1: The Board has determined that the Applications are exempt from Preliminary Screening, as per the Exemption List Regulations of the MVRMA, Part 1, Schedule 1, section 2.***

5.0 Decision – Water Licence W2021L8-0003

Having due regard to the facts, circumstances, and the merits of the submissions made to it, and to the purpose, and provisions of the [MVRMA](#), the Board has determined that Licence W2021L8-0003 should be issued, subject to the scope, defined terms, conditions, and term contained therein.

As part of the Application submitted by CIRNAC-CARD, a draft Water Licence was provided and distributed for review. This draft Licence was based on the existing Licence W2014L8-0003 and included CIRNAC-CARD’s proposed reduction in scope and other changes. The Board’s determinations and reasons for this decision are set out below to address updates requested by CIRNAC-CARD in the draft Licence, as well as comments and recommendations received during the public review.

5.1 Term of Licence

The Applicant has applied for a term of twenty-five (25) years for the Licence. Subsection 72.03(2) of the [MVRMA](#) allows for a type B licence term of not more than 25 years. The Applications were made in support of the Project to remediate the former Colomac Mine Site; the Project is currently in the long-term monitoring phase in which the site is only anticipated to be accessed six days a year to conduct the monitoring program. Previous Licences have been issued for terms of five and seven years to align with the renewal of the Permit associated with the remediation activities at the former Colomac Mine Site. The Board recognizes that the Licence term CIRNAC-CARD has proposed is longer than previous Licences for the Project or any other Licences typically issued by the Land and Water Boards. Given that the Project is in its long-term monitoring phase and the proposed activities do not include Water Use or any large waste deposits, and that no comments or recommendations regarding the proposed term of the Licence were received during the public review, the Board has not identified a reason to limit the Term to less than that requested by CIRNAC-CARD. Therefore, the Board has decided to issue the Licence for a term of twenty-five (25) years.

5.2 Part A: Scope and Definitions

5.2.1 Scope

In the draft Licence submitted with the Application, CIRNAC-CARD proposed that the current scope “to use water and dispose of Waste for the long-term water management activities associated with the Remediation and Reclamation of the abandoned mining and milling operations...” be updated to read “to use water and dispose of Waste for the long-term environmental monitoring activities associated with

the remediated mining and milling operations...” In the Cover Letter, CIRNAC-CARD indicated that the Colomac Remediation Project was completed in 2012 and that CIRNAC-CARD is now conducting the Colomac Long Term Monitoring Project.

While the main activity at this point in the Colomac Remediation Project is long-term monitoring, the Application and responses provided by CIRNAC-CARD during the public review indicate that some maintenance activities may be required (e.g., Section 13 of the Licence Application, responses to CIRNAC-Inspector comments 3 and 5, and responses to Board staff comments 1 and 2). This is also reflected within the Post-Closure Monitoring and Maintenance Plan,²³ which was previously approved by the Board and which CIRNAC-CARD has proposed to retain as part of its Licence. Thus, to ensure that the Licence allows for the disposal of Waste related to potential maintenance activities (i.e., remediation and reclamation activities), the Board decided not to include CIRNAC-CARD’s proposed change.

As discussed in section 5.4 of these Reasons for Decision, conditions related to Water Use have been removed from the Licence. GNWT-ENR recommended that if conditions applying to Water Use are being removed from the Licence, then references to Water Use should be removed throughout the Licence (GNWT-ENR comment 19). CIRNAC-CARD responded that if the Board approves the removal of conditions related to Water Use, references to Water Use should be removed from the Licence. No comments or recommendations were received regarding this update. The Board has thus removed Water Use from the scope of the Licence.

In the draft Licence submitted by CIRNAC-CARD, it proposed updating the scope of the Licence from “long-term water management activities” to “long-term environmental monitoring activities.” The Board understands that at the Colomac Site, Tailings Lake acts as a natural water storage location. When the water level in Tailings Lake exceeds the elevation of the Dam 2 Discharge Channel, discharge from Tailings Lake will occur. This discharge location is monitored through the SNP and is represented by SNP Station 1563-39, which is described in the SNP as “Tailings Lake surface, immediately prior to Discharge through the Tailings Lake Discharge Channel at Dam 2.” During the public review, GNWT-ENR recommended that CIRNAC-CARD expand on how it would address an EQC exceedance (GNWT-ENR comment 22). In response to the Board’s IR requesting a more fulsome response to this comment, CIRNAC-CARD indicated that increased or continued monitoring may be adopted. As discussed in section 5.5 of these Reasons for Decision, the Board has decided to include a condition related to steps to be taken should EQC be exceeded (i.e., Part D, Condition 5). As corrective actions may require water management activities, the Board has retained “long-term water management activities” in the scope of the Licence. It has however also included “environmental monitoring activities” to reflect the Application.

In the draft Licence provided by CIRNAC-CARD the proponent’s name was updated from Aboriginal Affairs and Northern Development Canada – Contaminants and Remediation Directorate to Crown-Indigenous

²³ See WLWB Online Registry for [Colomac – Post Closure Monitoring and Maintenance Plan – Version 4.0 – Nov 1 18](#)
W2021L8-0003 & W2021X0008 – CIRNAC-CARD - Colomac

Relations and Northern Affairs Canada – Contaminants and Remediation Directorate in the scope of the Licence. The Board has adopted this change and carried this update throughout the Licence.

5.2.2 Defined Terms

In the draft Licence provided by CIRNAC-CARD, CIRNAC-CARD proposed updating the definition for “Post-Closure Monitoring and Maintenance Plan.” In the previous Licence, a definition for Post-Closure Monitoring and Maintenance Plan was included to reference the Colomac Mine Remediation Project – Post-Reclamation Monitoring and Residual Hydrocarbon Remediation Management Plan.²⁴ Updated versions of this Plan have been submitted and titled “Post-Closure Monitoring and Maintenance Plan.” This definition is no longer required because recent versions have been submitted with the correct title and therefore, the Board has removed the definition from the Licence.

During the public review, the CIRNAC-Inspector recommended that the definition of Inspector be updated to include contact information (CIRNAC-Inspector comment 2). CIRNAC-CARD responded that this will be addressed in the final version. The MVLWB Standard Water Licence Conditions and Schedules (Standard Conditions) do not include contact information for the Inspector in the definition; rather, the contact information is included in conditions that require communication with the Inspector. To be consistent with the Standard Conditions, the Board has not adopted this change but has verified that the contact information provided throughout the Licence is correct.

5.3 Part B: General Conditions and Schedule 1

5.3.1 Part B General Conditions

Part B of the Licence primarily contains general administrative conditions regarding compliance and conformity with the MVRMA as well as LWB policies and procedures. During the public review, GNWT-ENR recommended that several conditions be added to Part B to be consistent with the Standard Conditions (GNWT-ENR comment 20). These Standard Conditions included:

- PRECAUTION TO PROTECT THE ENVIRONMENT;
- IDENTIFY TRADITIONAL KNOWLEDGE;
- REFERENCES;
- SUBMISSION FORMAT AND CONFORMITY;
- SUBMISSION DATE;
- COMPLY WITH BOARD DIRECTIVES;
- NOTIFICATION – NON-COMPLIANCE WITH CONDITIONS;
- NOTIFICATION – NON-COMPLIANCE WITH DIRECTIVES; and
- COPY – WRITTEN AUTHORIZATION

²⁴ See WLWB Online Registry for [W2009L8-0003 – Colomac – Post Reclamation Monitoring and Residual Hydrocarbon Management Plan – Oct 15 12](#)

CIRNAC-CARD’s response indicated that it would accept the inclusion of any of these Conditions to the Licence. Table 2 below provides rationale for why each condition identified by GNWT-ENR was either included or not. The Board has adopted the changes as described in Table 2.

Table 1: Rationale for adopting or not adopting changes recommended by GNWT-ENR

Condition	Rationale	Board Decision
PRECAUTION TO PROTECT THE ENVIRONMENT	The purpose of this condition is to provide a general goal for the Licensee through the life of the Project. Currently, there is no condition that serves a similar purpose in the draft licence provided by CIRNAC-CARD, the condition does not create additional burden for the Proponent, and the addition would be consistent with the Standard Conditions.	The Board has included this condition in the Licence (i.e., Part B, Condition 2).
IDENTIFY TRADITIONAL KNOWLEDGE	The purpose of this condition is to require the Licensee to demonstrate how traditional knowledge is being incorporated into submissions. The Standard Conditions indicate that this condition ensures the requirements of the condition INCORPORATE SCIENTIFIC INFORMATION AND TRADITIONAL KNOWLEDGE (Part B, Condition 14 in the draft Licence) are being fulfilled. This condition has been included in the Licence to increase transparency about how Traditional Knowledge has been incorporated into submissions and to be consistent with the Standard Conditions.	The Board has included this condition in the Licence (i.e., Part B, Condition 16).
REFERENCES	The purpose of this condition is to clarify that the most recent version of references in the Licence should be used unless otherwise indicated. A similar condition does not exist in the draft Licence and the proposed condition provides additional clarity on what documents are being referenced in the Licence.	The Board has included this condition in the Licence (i.e., Part B, Condition 17).
SUBMISSION FORMAT AND CONFORMITY	The purpose of this condition is to set the Board’s expectations for submissions and to improve the consistency and efficiency of the submission and review process. The draft Licence does not contain a comparable condition and this condition provides additional clarity on the Board’s expectations regarding submissions required by the Licence.	The Board has included this condition in the Licence (i.e., Part B, Condition 18).
SUBMISSION DATE	The purpose of this condition is to clarify submission deadlines in relation to holidays and weekends. A similar condition does not exist in the draft Licence and the proposed condition provides additional clarity on when submissions are due.	The Board has included this condition in the Licence (i.e., Part B, Condition 19).

COMPLY WITH BOARD DIRECTIVES	The purpose of this condition is to ensure the Licensee is aware of the requirement to comply with Board directives regarding Licence conditions. A similar condition does not exist in the draft Licence and the proposed condition provides additional clarity on expectations related to Board directives.	The Board has included this condition in the Licence (i.e., Part B, Condition 20).
NOTIFICATION – NON-COMPLIANCE WITH CONDITIONS	The purpose of this condition is to assist the Board, Inspectors, and reviewers in tracking compliance with Licence conditions. A similar condition does not exist in the draft Licence.	The Board has included this condition in the Licence (i.e., Part B, Condition 21). The Board notes that written notification can be provided by letter or email.
NOTIFICATION – NON-COMPLIANCE WITH DIRECTIVES	The purpose of this condition is to assist the Board, Inspectors, and reviewers in tracking compliance with Board directives. A similar condition does not exist in the draft Licence.	The Board has included this condition in the Licence (i.e., Part B, Condition 22). The Board notes that written notification can be provided by letter or email.
COPY – WRITTEN AUTHORIZATION	The Licence includes conditions which require the Licensee to obtain written authorization from an Inspector to conduct certain activities. The intent of this condition is to promote transparency and to maintain a complete public record of the Project.	The Board has included this condition in Part B, Condition 23 of the Licence.

5.3.2 *Schedule 1*

Schedule 1 outlines the information that must be included in the Annual Report required by Part B, Condition 2 of the Licence. During the public review, GNWT-ENR recommended that a condition be added to require CIRNAC-CARD to describe Traditional Knowledge considerations for the Project in the Annual Report (GNWT-ENR comment 24). CIRNAC-CARD responded that Traditional Knowledge is addressed in the Engagement Plan. The Standard Conditions include a requirement for Annual Reports to include “a summary of how Traditional Knowledge was incorporated into decision making.” Although CIRNAC-CARD has included Traditional Knowledge in the Engagement Plan, the Engagement Plan does not require CIRNAC-CARD to annually report on how Traditional Knowledge was considered for the Project. Table 1 of these Reasons for Decision outlines the inclusion of several Standard Conditions in the Licence, including IDENTIFY TRADITIONAL KNOWLEDGE (i.e., Part B, Condition 15 of the Licence). Including GNWT-ENR’s recommendation into Schedule 1 ensures that the Annual Report will include a summary of Traditional Knowledge considerations and also aligns with the Standard Conditions for Schedule 1. Therefore, the Board has included this requirement in the Licence (i.e., Part B, Schedule 1, Condition 1i).

As discussed in section 5.4 of these Reasons for Decision, the Board has decided to remove the conditions related to Water Use. Therefore, as recommended by GNWT-ENR (comment 19) and agreed to by CIRNAC-CARD, references to Water Use were also removed throughout the Licence. This included removing Schedule 1, Condition 1(a) and the reference to Water Use in Schedule 1, Condition 1(j).

5.4 Part C: Conditions Applying to Water Use

Part C of the Licence contains conditions related to Water Use for the Project. In the draft Licence, CIRNAC-CARD proposed removing all conditions related to Water Use because there will no longer be a need for Water Use as part of the Project activities; Water Use was previously included in the Licence for camp use and dust suppression of roads. During the public review, the CIRNAC-Inspector recommended CIRNAC-CARD reconsider the need for a camp to ensure that all scenarios are considered (CIRNAC-Inspector comment 1). Additionally, CIRNAC-CARD was asked to discuss how it determined which activities to remove and retain in the Licence with consideration for maintenance and/or repair activities that may be necessary in the future (Board staff comment 1). In response to recommendations and questions, CIRNAC-CARD confirmed that: no camps are required or predicted for long-term monitoring activities, the Licence was developed with contingencies for minor maintenance activities, and the site is considered stable. Based on the information provided in the Application and in response to comments, the Board has decided to remove the conditions applying to Water Use from Part C of the Licence to align with CIRNAC-CARD's request.

5.5 Part D: Conditions Applying to Water and Waste Management

Part D of the Licence contains conditions applying to Water and Waste Management activities for the Project. During the public review, GNWT-ENR commented that small projects do not always require an Erosion and Sedimentation Management Plan; however, conditions to manage erosion and sedimentation should be included (GNWT-ENR comment 21). GNWT-ENR recommended including conditions in the Licence to address the implementation of erosion control measures. In its response, CIRNAC-CARD indicated that it would accept the inclusion of the Standard Condition EROSION CONTROL to the Licence. The draft Licence included three conditions that address implementation of erosion control measures: Part D, Condition 6(b) requires erosion of containment structures to be addressed immediately; Part D, Condition 9 requires the Licensee to notify the Inspector and take necessary corrective action to mitigate any erosion problem to the satisfaction of the Inspector; and Part E, Condition 7 requires the Licensee to implement best practices for erosion control during Construction and maintenance work, to the satisfaction of an Inspector. The Standard Condition EROSION CONTROL, requires the Licensee to prevent erosion and sediment deposition into the watercourse to the satisfaction of the Inspector. Given that the intent of the EROSION CONTROL Standard Condition is to prevent erosion and sedimentation, while the general condition in the draft Licence (i.e., Part D, Condition 8 of the draft Licence) focuses on mitigating erosion problems that have occurred, and the fact that CIRNAC-CARD indicated it was agreeable to the inclusion of the condition, the Board has included the EROSION CONTROL Standard Condition in the Licence (i.e., Part D, Condition 10).

GNWT-ENR also commented that the draft Licence does not include a description of the steps that will be taken if the EQC are exceeded (GNWT-ENR comment 22). GNWT-ENR recommended that the EQC section be updated to include a description of the steps to be taken if EQC are exceeded. CIRNAC-CARD's response did not address the recommendation or provide information about the steps CIRNAC-CARD would take in the event the EQC were exceeded. In response to the Board's IR requesting a more fulsome

response, CIRNAC-CARD indicated that if an EQC exceedance is detected, it would continue monitoring, increase the frequency of monitoring, and develop a site-specific mitigation plan as necessary. The suggestions from CIRNAC-CARD represent some potential corrective actions, but depending on the situation, steps may need to be taken to cease Discharge. The standard condition EFFLUENT QUALITY – EXCEEDANCE provides steps to be taken if EQC are exceeded at the point of Discharge. The addition of a similar condition would provide clarity on the steps the Licensee should take in the event that Discharge exceeds EQC. As the outlet from Tailings Lake is an uncontrolled Discharge point, immediately ceasing the Discharge may not be possible; however, CIRNAC-CARD should work with the Inspector to address an EQC exceedance. Therefore, the Board has decided to include a modified version of the Standard Condition in Part D, Condition 5 of the Licence to reflect CIRNAC-CARD’s response and to ensure CIRNAC-CARD follows standard procedures if an EQC exceedance is detected.

5.6 Part G: Conditions Applying to Post-Closure Monitoring and Schedule 3

5.6.1 Part G: Conditions Applying to Post-Closure Monitoring

In the draft Licence submitted with the Applications, CIRNAC-CARD proposed removing Part G, Condition 2 which requires submission of Version 2.0 of the Post-Closure Monitoring and Maintenance Plan within 90 days of the effective date of the Licence. CIRNAC-CARD commented that Version 2.0 of the Post-Closure Monitoring and Maintenance Plan has been submitted and approved by the Board.²⁵ Part G, Condition 3 in the draft Licence, requires CIRNAC-CARD to review and submit an updated Plan at minimum 60 days prior to changes to the approved Plan or at the request of the Board. Under the current Licence, the most recently approved version of the Post-Closure Monitoring and Maintenance Plan is Version 4.0.²⁶ Because Version 2.0 has already been submitted and approved by the Board and there is a condition which outlines the requirements if an updated plan were necessary, the Board has removed this condition from the Licence.

5.6.2 Schedule 3

Schedule 3 of the existing Licence (i.e., W2014L8-0003) outlines the requirements for Version 2.0 of the Post-Closure Monitoring and Maintenance Plan. In the draft Licence, CIRNAC-CARD proposed that Schedule 3 be removed because it is no longer relevant given that Version 2.0 of the Post-Closure Monitoring and Maintenance Plan has been approved by the Board. As noted in section 5.6 of these Reasons for Decision, Version 2.0 of the Plan has been submitted and approved by the Board.²⁷ No comments or recommendations were received during the public review regarding CIRNAC-CARD’s proposal to remove Schedule 3 from the Licence.

When the Board issued W2014L8-0003, Schedule 3 was developed to outline updates required in Version 2.0 of the Post-Closure Monitoring and Maintenance Plan to better align the plan with the *MVLWB*

²⁵ See WLWB Online Registry for [Colomac – Post-Closure Monitoring and Maintenance Plan – Version 2.0 – Apr 27 15](#)

²⁶ See WLWB Online Registry for [Colomac – Post Closure Monitoring and Maintenance Plan – Version 4.0 – Nov 1 18](#)

²⁷ See WLWB Online Registry for [Colomac – Post-Closure Monitoring and Maintenance Plan – Version 2.0 – Apr 27 15](#)

Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories (Closure Guidelines).²⁸ On February 28, 2019, the Board approved Version 4.0 of the Post-Closure Monitoring and Maintenance Plan.²⁹ In the Board's decision on Version 4.0, it provided direction for Version 5.0 of the Post-Closure Monitoring and Maintenance Plan to be completed when the next version of the Post-Closure Monitoring and Maintenance Plan was submitted. After reviewing Schedule 3 in W2014L8-0003, the Board determined that some requirements were specific to updates related to Version 2.0 while others are more representative of the minimum information requirements for the Post-Closure Monitoring and Maintenance Plan (e.g., Schedule 3, Condition 1(g) in the draft Licence). To ensure the requirements that outline minimum information requirements are retained in future versions of the Post-Closure Monitoring and Maintenance Plan, the Board has retained some conditions in Schedule 3. Should CIRNAC-CARD want additional updates to Schedule 3, a request to update the Schedule can be submitted to the Board.

5.7 Part H: Conditions Applying to Contingency Planning

Part H of the Licence contains conditions related to spill contingency planning and reporting, reclamation of spills and unauthorized discharges, and emergency response for the Project. During the public review, GNWT-ENR recommended including the Standard Condition OBJECTIVE – PREVENT WASTE INTO WATER (GNWT-ENR comment 23). The purpose of this Standard Condition is to protect Water quality in the event of a spill or other Unauthorized Discharge. A comparable condition does not exist in the current Licence and CIRNAC-CARD responded that the conditions would be updated if approved by the Board. The Board has thus included this Standard Condition in the Licence (i.e., Part H, Condition 2).

GNWT-ENR recommended including the Standard Condition SPILL PREVENTION AND RESPONSE EQUIPMENT (GNWT-ENR comment 23). The purpose of this Standard Condition is to have spill response infrastructure and equipment available on site before the Project commences to respond to spills and prevent larger-scale contamination of land and Water. The Standard Conditions recommend this condition be included in addition to a requirement for a Spill Contingency Plan. CIRNAC-CARD did not identify any problems with the inclusion of this condition and therefore the Board has included it in the Licence (i.e., Part H, Condition 3).

GNWT-ENR also recommended including the Standard Condition MATERIAL STORAGE – ORDINARY HIGH WATER MARK (GNWT-ENR comment 23). The purpose of this Standard Condition is to provide a buffer to prevent fuel spills from impacting surface Water. The rationale also states that this condition is normally included in a Land Use Permit but may be included in a Licence if there is no associated Permit. Given that there is an associated Permit which includes the FUEL STORAGE SETBACK condition, the Board has decided that it is not necessary to include this condition in the Licence.

²⁸ See WLWB Policies and Guidelines for [MVLWB Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories \(2013\)](#)

²⁹ See WLWB Online Registry for [Colomac – Post-Closure Monitoring and Maintenance Plan – Reasons for Decision – Feb 28 19 W2021L8-0003 & W2021X0008 – CIRNAC-CARD - Colomac](#)

5.8 Conditions Applying to Security Requirements

The Board did not include security requirements in the Licence. As per section 94 of the [MVRMA](#), territorial and federal governments are not required to post security for permits. Although this exemption does not include licences, it is Board practice to not require security for a water licence when the applicant is the territorial and federal government, as the liability with respect to the undertaking already rests with the government. The Board is satisfied that the Licensee will be accountable for carrying out closure and reclamation even though a security deposit is not required.

5.9 Annex A: Surveillance Network Program

During the public review, GNWT-ENR commented that several inactive Surveillance Network Program (SNP) Stations did not have rationale for the status and recommended that rationale be provided (GNWT-ENR comment 26). These stations included:

- 1563-13;
- 1563-23;
- 1563-29;
- 1563-33;
- 1563-42; and
- 1563-46, 47, 48, & 49.

CIRNAC-CARD's response did not address the recommendation or provide information required for the Board to make a decision and therefore, an IR was issued to CIRNAC-CARD to obtain the additional information. In response to the Board's IR requesting a more fulsome response, CIRNAC-CARD indicated that the inactive stations were updated following an update to the SNP in 2019.³⁰ In its response to the IR, CIRNAC-CARD also provided rationale for each station's inactive status, which aligns with the rationale provided in the Board's 2019 decision to update the status of the stations; therefore, the Board has included this rationale in the SNP.

GNWT-ENR commented that the rationale for the inactive status of SNP Station 1563-28 indicates that results will be similar to SNP Station 1563-30, which is also inactive (GNWT-ENR comment 27). The rationale for SNP Station 1563-30 being inactive states that impacts would be detected at SNP Station 1563-4, which is also inactive. GNWT-ENR recommended that the rationale for the status of SNP Station 1563-28 and 1563-30 remove references to other SNP Stations and be updated to reflect current site conditions. In response to the Board's IR requesting a more fulsome response to this comment from GNWT-ENR, CIRNAC-CARD agreed that the references to inactive stations should be removed and provided a proposal to the Board for updated rationale. The purpose of SNP Station 1563-28 was to monitor water quality near the footprint of the waste rock pile. The purpose of SNP Station 1563-30 was

³⁰ See WLWB Online Registry for [Colomac – Post Closure Monitoring and Maintenance Plan – Reasons for Decision – Feb 28 19 W2021L8-0003 & W2021X0008 – CIRNAC-CARD - Colomac](#) Page 18 of 26

to detect Zone 2.0 Pit tailings water migration and detect and monitor waste rock runoff. After the status of SNP Station's 1563-28 and 1563-30 were updated to inactive, all potential impacts were monitored through SNP Station 1563-4. The status of SNP Station 1563-4 was updated to inactive in 2014 because this station was monitored to measure potential contaminant sources from the mine infrastructure and the potential contaminant sources had been removed.³¹ SNP Stations 1563-28, 1563-30, and 1563-4 were monitored to detect changes related to site infrastructure that have since been removed. The Board is of the opinion that retaining the original rationale for status provides valuable historical context to the Licence but has decided to include additional context stating "the site infrastructure this station was used to monitor has been removed" in the rationale for SNP Stations 1563-28 and 1563-30.

GNWT-ENR recommended that a definition for BOD 5 be included in the Licence (GNWT-ENR comment 25). In the Licence, SNP sampling parameters are grouped into separate categories and BOD 5 falls into the Microbiological category. In its response, CIRNAC-CARD suggested that the microbiological parameters be removed from the SNP because they are not included elsewhere in the Licence. After reviewing the SNP, microbiological parameters are required to be sampled at SNP Station 1563-11. This SNP Station is currently inactive and was previously required to sample effluent from the Sewage Disposal Facilities. The rationale for the inactive status is that there is no sewage being produced. The Board has decided to not include further description for BOD 5 in the Licence because BOD 5 is a standard sampling parameter for microbiological parameters and no active SNP Station requires sampling of BOD 5.

In the draft Licence submitted by CIRNAC-CARD, an update to the sampling frequency of SNP Stations 1563-2, 1563-26, and 1563-39 was proposed. CIRNAC-CARD proposed updating the sampling frequency from "biannually in June and August" to "biannually between June and October." No comments or recommendations were received regarding the proposed update during the public review. It is noted that this extends the timeline in which CIRNAC-CARD can complete the SNP and allows for flexibility of when sampling will be conducted during the open water season. Therefore, the Board has updated the sampling frequency for SNP Stations 1563-2, 1563-26, and 1563-39. The update to the sampling frequency has been included in the SNP Site Quick Reference Table and the individual SNP Station Tables.

Additionally, at SNP Stations 1563-2, 1563-26, and 1563-39, CIRNAC-CARD proposed to include sampling for dissolved metals. Currently, these three SNP Stations include a sampling requirement for total metals. No comments or recommendations were received about this update during the public review. The Board has included dissolved metals in the sampling requirements for SNP Stations 1563-2, 1563-26, and 1563-39 because no Parties raised a concern and this update includes an addition, rather than a decrease in CIRNAC-CARD's sampling requirements.

³¹ See WLWB Online Registry for [W2009L8-0003 – Colomac – SNP Amendment – Directive and Reasons for Decision – Sep 5 14 W2021L8-0003 & W2021X0008 – CIRNAC-CARD - Colomac](#)

CIRNAC-CARD also proposed updating the description of SNP Station 1563-39 in the draft Licence. In the previous Licence, the description of SNP Station 1563-39 was “Tailings Lake surface, immediately prior to Discharge through the Tailings Lake Discharge Channel at Dam 2.” CIRNAC-CARD proposed updating the description to “Tailings Lake surface, located at the entrance to the Tailings Lake Discharge Channel at Dam 2.” No comments or recommendations were received about the proposed update during public review. Based on the Board’s understanding of the former Colomac Mine Site, this would not result in a change in the location of the SNP Station; thus, the Board has included this update in the Licence.

In the draft Licence submitted by CIRNAC-CARD, it proposed removing Part B, Condition 2 of the SNP. This condition requires the water levels in Steeves Lake to be monitored twice per year. CIRNAC-CARD indicated that Steeves Lake is no longer monitored for water levels as it has achieved a steady state. This information was first provided in Version 4.0 of the Post-Closure Monitoring and Maintenance Plan.³² No comments or recommendations were received related to the proposed update. Therefore, the Board has removed this condition from the SNP.

6.0 Decision – Land Use Permit W2021X0008

Having due regard to the facts, circumstances, and the merits of the submissions made to it, and to the purpose, scope, and intent of the [MVRMA](#), the Board has determined that Permit W2021X0008 should be issued, subject to the scope, defined terms, conditions, and term contained therein. The Board’s determinations and reasons for this decision are set out below.

A draft Land Use Permit was included in the Item for Review. The draft Permit was developed using the Mackenzie Valley Land and Water Board (2019) *Standard Land Use Permit Conditions Template* (Standard Permit Conditions) and the existing Permit W2014X0004.^{33,34} In the draft Permit, non-standard conditions were highlighted in green and areas where specific feedback was requested was highlighted in yellow. The Board’s determinations and reasons for this decision are set out below to address comments and recommendations received during public review; Project changes included in the Application were included in the draft Permit by Board staff. As such, the discussion below is focused on conditions for which comments and recommendations were received from reviewers.

6.1 Part A: Scope of Permit

The scope of the Permit ensures the Permittee is entitled to conduct activities which have been applied for and which have been subject to Part 5 of the [MVRMA](#). To reflect CIRNAC-CARD’s Permit Application, the scope included in the draft Permit circulated for public review did not include ‘construction and maintenance of a winter road’ and ‘development of a camp’. During the public review, CIRNAC-CARD was asked to discuss how it determined which Permit activities would no longer be required for the Project,

³² See WLWB Online Registry for [Colomac – Post Closure Monitoring and Maintenance Plan – Reasons for Decision – Feb 28 19](#)

³³ See WLWB Policies and Guidelines for [MVLWB \(2019\) Standard Land Use Permit Conditions Template Version 2.2](#)

³⁴ See WLWB Online Registry for [W2014X0004 – Colomac – Land Use Permit – Jan 20 20](#)

with consideration for maintenance and/or repair activities that may be necessary in the future (Board staff comment 1). CIRNAC-CARD described that to date, there have been no major failures and the site is considered stable therefore there would be no future need for major care and maintenance activities. Additionally, the CIRNAC-Inspector recommended CIRNAC-CARD reconsider the need for a camp to ensure all scenarios have been considered (CIRNAC-Inspector comment 1). CIRNAC-CARD responded that no camps are required or predicted for the monitoring. Based on CIRNAC-CARD's response to recommendations and the activities proposed as part of the Application, the Board has not included the construction and maintenance of a winter road or the development of a camp in the scope of the Permit.

6.2 Part C: Conditions Applying to All Activities

The CIRNAC-Inspector had two recommendations regarding the amount of fuel CIRNAC-CARD has proposed. In the Application form, CIRNAC-CARD identified that the maximum amount of fuel required for operations would be 1230 litres. The CIRNAC-Inspector recommended that CIRNAC-CARD reconsider if this amount of fuel is sufficient to address the needs of the operations (CIRNAC-Inspector comments 3 and 5). CIRNAC-CARD responded that it would like to revise the amount of fuel to support potential care and maintenance activities. CIRNAC-CARD proposed that the final volume would be six barrels of diesel, six barrels of gasoline, and six barrels of Jet-A/B fuel. This increases the total amount of fuel being requested from 1230 litres to 3690 litres. No other comments were received regarding the amount of fuel CIRNAC-CARD has proposed to store on site. Therefore, the Board has included the revised fuel volume of 3690 litres in the MAXIMUM FUEL ON SITE condition of the Permit.

The CIRNAC-Inspector also recommended wording in the REPAIR LEAKS condition be updated to state "examine all fuel storage containers daily while the Permittee is onsite" (CIRNAC-Inspector comment 4). The Inspector did not provide rationale for the recommended update; however, it seems reasonable to assume that this schedule of inspections may be better suited to the short and infrequent visits to the project site. Regardless, in response to the Board's IR requesting a more fulsome response to this recommendation, CIRNAC-CARD agreed with including the additional wording in the REPAIR LEAKS condition. No other comments or recommendations were received about the REPAIR LEAKS condition. Given that CIRNAC-CARD agreed to this, the Board has updated the REPAIR LEAKS condition.

7.0 Management Plans

As part of its Application, CIRNAC-CARD submitted management plans associated with the Licence and Permit. These management plans included: Version 3.0 of the Engagement Plan, Version 9.0 of the Spill Contingency Plan, and Version 3.0 of the Waste Management Plan. These plans were updated from previously approved versions of the plans required by the existing Licence and Permit.

7.1 Engagement Plan

The Board assesses engagement adequacy of applications through the MVLWB [Engagement and Consultation Policy](#), and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#). In accordance with the Policy and Guidelines, the Applicant included Version 3.0 of the Engagement Plan, which included an Engagement Record for the Applications,³⁵ and these documents were distributed for public review with the Applications. The Engagement Plan is required by Part B, Condition 12 of the Licence and Condition 56 of the Permit. This Plan was an update to Version 2.0 of the Engagement Plan which was previously approved under W2014L8-0003.³⁶

During the public review, the TG recommended that CIRNAC-CARD continue to provide required support for TG's capacity to participate in the long-term monitoring efforts (TG comment 1). CIRNAC-CARD responded that it appreciates the time and involvement of the TG in the monitoring of Colomac and in administering the Job Shadow program. The Current Engagement section of the Engagement Plan describes how CIRNAC-CARD intends to continue engagement with the TG and includes a commitment to continuing the Job Shadow Program. The Board is of the opinion that this commitment in the Engagement Plan addresses the TG's recommendation. Based on the information provided in the Plan and reviewer comments and recommendations during the public review, the Board has decided to approve Version 3.0 of the Engagement Plan, Version 3.0.

➤ **Decision #3: The Board has decided to approve Version 3.0 of the Engagement Plan.**

7.2 Spill Contingency Plan

All applicants must describe spill contingency planning. For most applicants, this will be in the form of a Spill Contingency Plan (SCP), developed in accordance with the INAC [Guidelines for Spill Contingency Planning](#), and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board. As part of the Application, CIRNAC-CARD submitted Version 9.0 of the Spill Contingency Plan. This Plan is required by Part H, Condition 1 of the Licence and Condition 43 SPILL CONTINGENCY PLAN of the Permit. This Plan was an update to the previously approved Spill Contingency Plan approved under W2014L8-0003.³⁷ During the public review, comments and recommendations were received from GNWT-ENR; Board staff also asked questions.

GNWT-ENR recommended several updates to the Plan be completed to align with the INAC Guidelines for Spill Contingency Planning (2007).³⁸ . These recommendations included:

- Adding the site name and site location to Section 1.1 (GNWT-ENR comment 1);
- Including a distribution list in the introduction (GNWT-ENR comment 2);

³⁵ See WLWB Online Registry for [Colomac – Engagement Plan – Version 3.0 – Oct 8 21](#)

³⁶ See WLWB Online Registry for [Colomac – Engagement Plan – Version 2.0 – Jun 7 16](#)

³⁷ See WLWB Online Registry for [Colomac – Spill Contingency Plan – Version 8.1 – Sep 29 17](#)

³⁸ See WLWB Policies and Guidelines for [INAC Guidelines for Spill Contingency Planning \(2007\)](#)

- Identifying potential impacted areas (GNWT-ENR comment 3);
- Including a description of how the Plan relates to territorial and/or local contingency plans (GNWT-ENR comment 4);
- Discussing the potential impacts of a Jet A/B fuel spill (GNWT-ENR comment 5);
- Expanding on procedures associated with initial actions following observation of a spill (GNWT-ENR comment 6);
- Expanding section 3.3.4 to include a plan for transferring, storing, and managing waste response materials (GNWT-ENR comment 7);
- Providing specific detail regarding the restoration activities that may be used (GNWT-ENR comment 8);
- Updating section 4.1 to describe what type of spill kit is location where (GNWT-ENR comment 9);
- Providing an estimate of timing for deployment of off-site resources (GNWT-ENR comment 10);
- Expanding upon the information provided in section 5 of the Spill Contingency Plan to address requirements in the Guidelines (GNWT-ENR comment 11);
- Revising the site map to fulfil the requirements outlined in section 2.1 of the Guidelines (GNWT-ENR comment 12); and
- Including the Safety Data Sheet (SDS) for motor oil in Appendix B (GNWT-ENR comment 13).

CIRNAC-CARD responded to these recommendations through the public review or in response to the IR by providing the information or committing to providing the information in the next version of the Plan. Additionally, CIRNAC-CARD noted, that Version 9.0 of the Spill Contingency Plan was an update to Version 8.1 of the Spill Contingency Plan which was approved by the Board. Given that the updates are to conform to the Guidelines, the Board believes these recommendations should be addressed in the next version of the Spill Contingency Plan.

- ***Spill Contingency Plan Revision #1: CIRNAC-CARD is to address GNWT-ENR recommendations 1 to 13.***

CIRNAC-CARD was also asked if it intended to use secondary containment for the storage of 205 litre containers (Board staff comment 2). CIRNAC-CARD indicated that all fuel barrels (205 litres) will be stored in a secondary containment berm. This is not consistent with section 1.9 of the Spill Contingency Plan which states, “secondary containment will be required for stationary fuel containers with a capacity greater than 230 litres.” Therefore, section 1.9 of the Spill Contingency Plan needs to be updated to reflect this commitment.

- ***Spill Contingency Plan Revision #2: CIRNAC-CARD is to update section 1.9 to reflect its commitment to use secondary containment for all fuel barrels***

As discussed in section 6.2 of these Reasons for Decision, CIRNAC-CARD is now proposing to increase the maximum volume of fuel from what was included in the original application. In the Spill Contingency Plan, Table 4 outlines the maximum amount of fuel to be stored on site and reflects the volume that was applied for (i.e., 1,230 litres). In response to the CIRNAC-Inspector's recommendation, CIRNAC-CARD is now proposing to store up to 3,690 litres of fuel. Therefore, Table 4 in the Spill Contingency Plan must be updated to reflect the increased volume of fuel.

- ***Spill Contingency Plan Revision #3: CIRNAC-CARD is to update the maximum fuel volume to reflect increased volume;***

Based on the information provided in the Plan and reviewer comments and recommendations during the public review, the Board has not approved the Spill Contingency Plan Version 9.0 as submitted with the Applications. CIRNAC-CARD must revise the Plan and submit Version 9.1, as soon as possible. Project activities may not commence until Version 9.1 of the Plan is approved by the Board. Version 9.1 is to be revised to: reflect updates as agreed to during the regulatory proceeding; reflect the proposed activities; and meet the applicable guidelines; outlined in Spill Contingency Plan Revisions #1 through 3.

- ***Decision #4: The Board has decided to not approve Version 9.0 of the Spill Contingency Plan and requires CIRNAC-CARD to submit Version 9.1 as soon as possible to address Spill Contingency Plan Revisions #1 through 3.***

Once submitted, the revised Plan will undergo the Board's standard public review process before being considered by the Board.

7.3 Waste Management Plan

All applicants must submit detailed waste management information, identifying all types of waste that will be produced by the project (including quantity and quality) and describing the disposal methods that are proposed for each type of waste. For most applicants, this will be in the form of a Waste Management Plan (WMP), developed in accordance with the MVLWB [Guidelines for Developing a Waste Management Plan](#), and licences and permits will include standard conditions regarding compliance with the Plan, as approved by the Board. The Guidelines can be applied to a wide range of projects and are intended to ensure that all waste management activities are carried out in a way that is consistent with best practices and applicable guidelines to minimize waste released from a project.

As part of the Application, CIRNAC-CARD submitted Version 3.0 of the Waste Management Plan. This Plan is required by Part D, Condition 2 of the Licence and Condition 26 WASTE MANAGEMENT of the Permit. In the Application Forms, CIRNAC-CARD indicated that the Waste Management Plan provides information on intended waste management practices related to the long-term monitoring phase of the Project. If additional maintenance and repair activities are required that are not included in this version of the Waste Management Plan, CIRNAC-CARD indicated an updated Plan would be submitted to the Board for approval.

During the public review, GNWT-ENR had several recommendations related to the Waste Management Plan. GNWT-ENR recommended that (1) the location of the waste management activities be provided; (2) a description of each waste type be included in the Plan; and (3) a description of how management methods were chosen for each waste type be included (GNWT-ENR comments 15, 16 & 17). CIRNAC-CARD's response to these recommendations indicated that the scope of work on site is limited to long-term monitoring and no waste management activities are planned. CIRNAC-CARD's response reflects the information provided in the Application. Given that no waste management activities are planned, the Board is of the opinion that CIRNAC-CARD has addressed these recommendations and that the Waste Management Plan is appropriate for the scope of activities CIRNAC-CARD has applied for.

Two recommendations from GNWT-ENR were editorial: GNWT-ENR recommended including the site name and site location in section 1.1 (GNWT-ENR comment 14) and defining the acronym "WMP" when it is first used (GNWT-ENR comment 18). CIRNAC-CARD responded that these recommendations will be addressed in the next version of the Plan. Part D, Condition 3 of the Licence requires CIRNAC-CARD to annually review the Plan and submit updates to the Board. Given that the updates recommended by GNWT-ENR are editorial in nature, the Board has decided that these recommendations do not require an immediate update and can be addressed during the next annual review of the Plan.

Based on the information provided in the Plan and reviewer comments and recommendations during the public review, the Board has decided to approve the Version 3.0 of the Waste Management Plan. The Board notes that during the next annual review of the Plan CIRNAC-CARD must submit an updated version that addresses GNWT-ENR comment 14 and 18.

- ***Decision #5: The Board has decided to approve Version 3.0 of the Waste Management Plan.***

- ***Decision #6: The Board directs CIRNAC-CARD to submit an updated version of its Waste Management Plan that addresses GNWT-ENR comments 14 and 18 during the next annual review of the Plan.***

8.0 Conclusion

Subject to the scopes, definitions, conditions, and terms set out in the Licence and Permit, and for the reasons expressed herein, the WLWB is of the opinion that the activities, land use, and waste disposal associated with the Project can be completed by Crown-Indigenous Relations – Northern Affairs Canada – Contaminants and Remediation Division while providing for the conservation, development, and utilization of waters in a manner that will provide the optimum benefit for all Canadians and in particular for the residents of the Mackenzie Valley.

Water Licence W2021L8-0003 and Land Use Permit W2021X0008 contain provisions that the Board deems necessary to ensure and monitor compliance with the MVRMA, and the Regulations made thereunder, and to provide appropriate safeguards in respect of Crown-Indigenous Relations – Northern Affairs W2021L8-0003 & W2021X0008 – CIRNAC-CARD - Colomac

Canada – Contaminants and Remediation Division’s use of the water and land as authorized by the Licence and Permit.

SIGNATURE



January 24, 2022

Mason Mantla, Chair
Wek’èezhii Land and Water Board

Date