

MVLWB (DRAFT) Work Plan for the Giant Mine Remediation Project Post-Environmental Assessment Information Package MV2007L8-0031

Dated: April 2019

Purpose of the Work Plan

To outline the processes and timelines to be followed for the Department of Indian Affairs and Northern Development (DIAND) Post-Environmental Assessment (Post-EA) Information Package for the Giant Mine Remediation Project (GMRP) –Water Licence (Licence) MV2007L8-0031.

Background

The Giant Mine, located in Yellowknife, produced gold from 1948 until 1999. After the mine owner (Royal Oak Mines Ltd.) went into receivership in 1999, the mine was transferred to DIAND. Immediately thereafter, DIAND entered into an agreement by which Miramar Giant Mine Ltd. continued to operate the mine, with the gold ore shipped offsite for processing, from 1999 until 2004. Mining ceased in July 2004 and DIAND again took control of the site. The Giant Mine became "orphaned and abandoned" when Miramar Giant Mine Ltd. was assigned into bankruptcy.

On October 18, 2007, DIAND applied for Type A Water Licence, MV2007L8-0031 to cover the remediation of Giant Mine and ongoing maintenance and monitoring of the site. On March 31, 2008, the City of Yellowknife referred the Licence application to the Mackenzie Valley Environmental Impact Review Board (MVEIRB) for Environmental Assessment on the basis that the proposed activities to take place during the term of the Water Licence would have, in the City's opinion, an adverse impact on the environment within its municipal boundaries.¹ On June 20, 2013, MVEIRB released its Report of Environmental Assessment (EA 0809-001 or REA) for the Giant Mine Remediation Project.² The Minister of DIAND provided approval of the REA, including modified measures on August 11, 2014.³

Since 2014, the Giant Mine Remediation Team (GMRT) has worked towards fulfilling the requirements of the 26 Measures set forth in the REA. Since the conclusion of the EA, DIAND has been undertaking care and maintenance activities at Giant Mine under section 89 of the Mackenzie Valley Resource Management Act (MVRMA) and existing authorizations issued by the Board including MV2012L8-0010, MV2016S0016, and MV2017L8-0006.

On April 1, 2019, the GMRT submitted the Post-EA Information Package to the Mackenzie Valley Land and Water Board (MVLWB).

Scope of the Proceeding

The scope of this Project includes the use of land and water and the deposit of waste associated with remediation activities at the Giant Mine Site as outlined in the GMRP REA and Post-EA Information Package.

Guiding Principles

The following principles will guide the Work Plan throughout this licencing process:

¹ [City of Yellowknife, Referral to Environmental Assessment, March 31, 2008.](#)

² [MVEIRB, Report of Environmental Assessment 0809-001, June 20, 2013.](#)

³ [Minister of DIAND, Final Decision and Modified Measures for EA0809-001, August 11, 2014.](#)

- The licensing process shall be carried out in a timely manner and shall have regard to the protection of the environment in consideration of the impacts of the proposed undertaking and the importance of conservation to the wellbeing and way of life of the Aboriginal peoples of Canada (Section 35 of the *Constitution Act*, 1982);
- The Board will review the Post-EA Information Package and consider potential licence conditions based on evidence and rationale submitted by the company or any other party; and
- The Board will review the Licence Application and consider potential licence conditions in order to meet the Board's mandate and applicable policies and to ensure consistency in decision-making throughout the Mackenzie Valley.

Work Plan Objectives

The Work Plan is to achieve the following objectives:

- Compile a broad range of input through the review process;
- Ensure adequate information is gathered to complete the licensing process;
- Facilitate a thorough, inclusive, fair, and timely licence review process; and
- Establish adequate Licence conditions to ensure protection of the environment.

Opportunities for Community Engagement

- The Board required the GMRP Team to engage with communities and aboriginal organizations regarding the Post-EA Information Package prior to its submission;
- The Board will distribute the Post-EA Information Package to reviewers – including Aboriginal organizations, governments, and communities – for review using the Online Review System (ORS);
- The Board will include notification(s) regarding the review process in the newspaper;
- The Board will coordinate technical session(s) to address specific issues that require more focused review and discussion. Two technical sessions are currently scheduled in the draft Work Plan;
- The Board will hold a public hearing; and
- The Board will hold any other consultation or engagement activity that the Board considers appropriate.

Materials Circulated for Comment by Parties

During the course of this proceeding, Board staff will review all evidence filed by the parties. These efforts are intended to identify issues or concerns which must be addressed in the licence and to resolve them, if possible, before the close of the proceeding. In order to focus these discussions, staff will prepare and circulate a draft licence for comment. This process allows parties to address the proposed terms and conditions for the licence in their presentations to the Board and to prepare argument setting out their positions with respect to these provisions at the close of the proceeding.

These staff efforts to develop and circulate a draft licence should focus discussion on appropriate terms and conditions for this authorization. The Board is not bound by the contents of any of these draft materials and will make its decision at the close of the proceeding on the basis of all the evidence and arguments filed by all parties.

Draft Work Plan

Task	Responsible Party	Date Due (Date Completed)	Day Count - Maximum (275)
Minister Decision EA0809-001	Federal Minister	August 11, 2014	0
MVLWB sent request for Post-EA Information Package	MVLWB	August 20, 2014	9
Application (IR Response) Submitted	Proponent	April 1, 2019	9
Application deemed complete/sent for review – News North Ad for Post-EA Application	MVLWB staff	April 10, 2019	18
Reviewer Comments Due on Work Plan	Reviewers	April 18, 2019	26
Reviewer comments due on Application/Plans/C&R/Preliminary Screening	Reviewers	May 16, 2019	54
Proponent response to Reviewer comments on Application	Proponent	June 13, 2019	54
Technical session	All Parties	July 9-12, 2019	83
Circulate Information Requests	MVLWB staff	July 18, 2019	89
Deadline to respond to Information Requests	All Parties	August 8, 2019	89
Technical Session #2	All Parties	September 9-12, 2019	124
Circulate Information Requests	MVLWB	September 19, 2019	131
Deadline to respond to Information Requests	All Parties	October 10, 2019	131
Pre-hearing Conference	All Parties	October 16, 2019,	137
Deadline for Interventions	Interveners	November 7, 2019	159
Proponent response to Interventions	Proponent	November 28, 2019	159
Deadline for Intervener Public Hearing presentations	Interveners	December 12, 2019	173
Proponent Public Hearing presentation due	Proponent	December 19, 2019	173
Public Hearing	All Parties	January 20-24, 2020	209
Circulate Public Hearing Undertakings	MVLWB staff	January 29, 2020	214
Public Hearing Undertakings due	All Parties	February 19, 2020	214
Circulate Draft Licence	MVLWB staff	March 5, 2020	229
Closing Statements from Interveners due	Reviewers	March 23, 2020	247
Reviewer comments due on Draft Licence			
Closing Statements from Proponent due	Proponent	April 10, 2020	247

Proponent response to reviewer comments on Draft Licence due			
Licence Decision by MVLWB	MVLWB	May 18-19, 2020	286
Final Licence Decision from Minister	Minister		
Distribute decision to Proponent	MVLWB staff		

** Prepared by Board staff for discussion and comment by the parties. Comments Due April 18, 2019.

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