

Reviewer Comments and Proponent Responses

Project: Giant Mine Remediation Project
Board: Mackenzie Valley Land and Water Board
Proponent: DIAND-GIANT

File Number: MV2007L8-0031
Review Comments Due: November 5, 2024
Proponent Responses Due: November 26, 2024

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response	Board Decision
Fisheries and Oceans Canada (DFO) - Ms. Natalie Grishaber					
1	Giant Mine Remediation Project 2024 Aquatic Effects Monitoring Program Re-evaluation Report	DFO reviewed the document in accordance with our mandate and has no comments at this time.	DFO has no comments or recommendations at this time.	The GMRP thanks DFO for their review.	Acknowledged.
Environment and Climate Change Canada (ECCC) - Jessica Kassar					
1	Sampling for fish, benthic invertebrates and sediment in Baker Creek 1. 2024 AEMP Report, GMRP - Section 7.1 Water Quality - Section 10.0 Recommended updates 2. GMRP, AEMP Design Plan Version 2.3 - Section 6.4: Sampling Schedule	The Aquatic Effects Monitoring Program (AEMP) Design V2.3 requires comprehensive sampling for benthic invertebrate community, fish health, fish tissue and sediment in Baker Creek once every three years, with the next campaign scheduled in 2025. Recommendation 3d) of the AEMP Re-evaluation Report is to not complete comprehensive sampling in 2025, instead to only sample for water quality and toxicity in Baker Creek. Four arguments to support the change are presented: i. "Patterns in fish health and the benthic invertebrate community in Baker Creek onsite are well characterized through previous EEM [Environmental Effects Monitoring] programs and the 2022 comprehensive year and indicate that remediation is required to improve conditions for aquatic life. Remediation activities in Baker Creek are planned to commence in 2027." Remediation activities in Baker Creek are planned for 2027, after the Water Treatment	ECCC recommends the Proponent further defend their request to skip all the elements of comprehensive sampling in Baker Creek in 2025. Consideration could be given to each element of the comprehensive sampling (fish health, fish tissue, benthic invertebrates and sediment) separately. Additional information provided should include: - Description of likelihood of being able to stop discharging from the Effluent Treatment Plant into Baker Creek in 2026; - Discussion of possible effects of historically low flows in 2023 on Baker Creek sediment quality and distribution, to support hypothesis that monitoring results from 2025 would be similar to those collected prior to 2023; - Details of the fish monitoring	The GMRP considered each component included in previous comprehensive sampling years in Baker Creek to propose no further comprehensive monitoring under the AEMP Design Plan, Version 2.3. As noted in Section 10.1 of the 2024 AEMP Re-Evaluation Report, this proposed approach was based on the patterns in fish health and benthic invertebrate community in Baker Creek being well understood, adequate information on biological effects available to support Action Level responses, monitoring under the Fisheries Act Authorization to begin in Baker Creek in 2024, and lack of scientific justification for additional fish lethal sampling for the purposes of understanding the fish health in Baker Creek. The potential to stop comprehensive sampling (i.e., fish, sediment, and benthic invertebrates) for the 2025 sampling year was contemplated in the AEMP Design Plan, Version 2.3 in Table 6-2 (footnote e) and is supported by the 2024 AEMP Re-evaluation	Adequate response. The Board note the commitment to including the FAA reports annually to be posted to the registry for transparency.

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		<p>Plant is in use and discharge to Baker Creek from the Effluent Treatment Plant (ETP) is no longer occurring. Timelines for large construction projects are difficult to respect because of the projects' complexity. ECCC acknowledges that the AEMP monitoring in Baker Creek is to observe potential impacts of discharge from the ETP and will no longer be required when that discharge stops. Stopping comprehensive sampling in advance of the projected change to effluent discharge assumes certainty in the timing of that change.</p> <p>ii. "The GMRP [Giant Mine Remediation Project] has adequate information on biological effects to support Action Level responses under the AEMP. Fish and benthic invertebrates have been evaluated for effects from the ETP every three years, beginning in 2003 under the EEM, and the conclusions over the years have been similar in that effects observed are linked to historical contamination in the creek (Golder 2017, WSP 2024c)."</p> <p>The conclusions of fish and benthic monitoring studies over the years have been similar. However, the AEMP Re-evaluation report noted that "In 2023, flows in Baker Creek reached historical lows". Water levels lower than what has been monitored in the past may have altered conditions in Baker Creek sediments. Without further sampling it would not be possible to verify if conditions remain the same.</p> <p>iii. "Monitoring under the Fisheries Act Authorization (FAA) 22-HCAA-03099 will begin in 2024 to characterize fish community composition and abundance in Baker Creek prior to remediation. The fish monitoring objectives will move from the AEMP (i.e., monitoring fish health for effects from the ETP discharge in Baker</p>	<p>program for the FAA, with an outline of how it could meet objectives of the AEMP fish monitoring program;</p> <ul style="list-style-type: none"> - Statement on whether results from the FAA monitoring could be shared in AEMP reports; - Clarification of how sediment and benthic invertebrate monitoring would be undertaken in future monitoring programs if they are not completed as part of the AEMP. 	<p>Report analysis.</p> <p>Additional supporting rationale in response to ECCC comment/recommendation is as follows:</p> <ul style="list-style-type: none"> · It is likely that discharge from the ETP will permanently stop at the end of treatment season in 2026. The WTP is anticipated to be operational starting in 2026, but simultaneous discharge from the ETP may be required for an interim period while the new plant is being commissioned. Once the WTP is fully operational, the ETP will be decommissioned. · Supporting sediment quality data in Baker Creek has been collected under the Environmental Effects Monitoring (EEM) program every three years beginning in 2003. This period has encompassed low and record high water level years. As such, data collection has spanned a range of conditions and additional information is not required to characterize the effects of low flow conditions on sediment quality in Baker Creek. Collection of additional sediment quality data during low flow years would not change the conclusion that remediation is required to improve conditions for aquatic life in Baker Creek. · The FAA is not designed or intended to meet the objectives of the AEMP. Monitoring under the FAA began in 2024 to characterize fish community composition and abundance in Baker Creek prior to remediation. This is separate from the AEMP. As the location of discharge moves from Baker Creek to Yellowknife Bay, and remediation in Baker Creek begins, the fish monitoring will switch from the AEMP (i.e., monitoring fish for effects from the ETP 	

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		<p>Creek) to the FAA (i.e., monitoring how fish are using the newly remediated Baker Creek under the FAA). Success criteria and monitoring related to fish and benthic invertebrates in Baker Creek during and following remediation are included as part of the approved Fisheries Act Authorization 22- HCAA-03099, approved closure criteria for Baker Creek, and as part of the Baker Creek Design Plan.”</p> <p>Comprehensive sampling in the AEMP includes sediment, benthic invertebrates and fish. While fish monitoring will be continued under the auspices of the FAA, it is not clear how or where monitoring of sediment or benthic invertebrates will be continued. Additionally, since few details of the fish monitoring planned for the FAA have been shared, it is not possible to determine the equivalence between programs. ECCC supports streamlining fish monitoring requirements if they meet objectives of both programs and information is shared.</p> <p>iv. “Additional sampling of Slimy Sculpin in Baker Creek for the purposes of understanding the health of the fish in Baker Creek prior to remediation cannot be scientifically justified. Adequate time between sampling programs needs to be provided to allow for the successful regeneration and viability of the local population. In particular, Slimy Sculpin have a small home range; given that it may take two or three years for new cohorts to reach maturity, sampling the population less than three years before the planned start of remediation of Baker Creek could cause additional unwarranted harm to the population.”</p> <p>ECCC concurs that unwarranted harm to the slimy sculpin population in Baker Creek should be avoided but is uncertain about the certainty of the project timeline, as discussed above.</p>		<p>discharge in Baker Creek) to the FAA (i.e., monitoring how fish are using the newly remediated Baker Creek under the FAA). Details of the fish monitoring program for the FAA, including success criteria, are included in the Fisheries Act Authorization 22-HCAA-03009 (CIRNAC and GNWT 2023).</p> <ul style="list-style-type: none"> · Results from the FAA monitoring will not be replicated in the AEMP annual reports. These are separate regulatory documents. The FAA monitoring reports will be submitted to DFO and provided to MVLWB for posting to the public registry. · Sediment quality and benthic invertebrates will be monitored in Yellowknife Bay under the AEMP Design Plan Version 3.0. In Baker Creek, monitoring for benthic invertebrate community recolonization in the newly remediated habitat will be completed under the FAA. <p>No changes are proposed to the report.</p> <p>Reference: CIRNAC and GNWT. 2023. Fisheries Act Authorization Application 22-HCAA-03009. Prepared for the Fisheries and Oceans Canada, Yellowknife, NT, Canada. March 2023.</p>	

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2	Depth of sampling at SNP Station 43-12 References: 1. 2024 AEMP Report, GMRP - Figure 4-1 - Section 4.2.2: Overall Trends for Baker Creek Water Quality, 2020-2023	The colours in Figure 4-1, showing surface and bottom percent effluent concentrations measured during the plume delineation study, make it difficult to determine effluent concentrations at the surface and at the bottom just past the breakwater at the mouth of Baker Creek, in the vicinity of surveillance network program (SNP) station 43-12. It appears as if the surface concentration is 0 to ≤10% and the bottom concentration is >10 to ≤20% of effluent. Sampling depth would therefore influence parameter concentrations measured at SNP station 43-12. However, sampling depth is not discussed when presenting data from SNP station 43-12 in the trends for water quality in Baker Creek. Concentrations of several parameters are much lower at SNP station 43-12 than in the three upstream stations, and it is not clear how trends identified could be modified by a different sampling depth at that station.	ECCC recommends the Proponent confirm sampling depth at SNP station 43-12 and discuss if or how different concentrations with depth at this station are considered when evaluating spatial patterns.	Surface grab samples are collected at SNP 43-12, as required by the Water Licence. Spatial and temporal plots of the surface grab sample results are presented in Section 4.2.2 (overall trends for Baker Creek). For patterns with depth at SNP 43-12, refer to field profile measurements from the Yellowknife Bay Aquatic Effects Baseline in Appendix C1 (Section C1-2.0). In Figure 4-1, effluent concentrations at the station near the breakwater (SNP 43-12) were within the same range at the surface and bottom (0% to ≤10%). This effluent range is denoted by the same light blue symbols on the figure, indicating minimal difference between surface and bottom during the plume delineation study. No changes are proposed to the report.	Adequate response.
3	Incorrect graph Reference(s): 1. 2024 AEMP Report, GMRP - Figure 4-31	Figures 4-31 presents five graphs, including two identical graphs of Family Level Bray-Curtis results. It appears as if one of these two graphs should be Lowest Taxonomic Level Bray-Curtis results.	ECCC recommends that in future reports the Proponent check that all the correct graphs are included in figures.	The reviewer is correct. The second Family Level Bray-Curtis graph in Figure 4-31 should have shown the lowest taxonomic level Bray-Curtis graph as is correctly shown in Appendix B, Figure B-6. In future reports, the GMRP will check that all correct graphs are included. No changes are proposed to the report.	The Board note GMRP commitment to check all the correct graphs are reported. The Board directs GMRP to submit all corrected Figures as an addendum with a cover letter, to be uploaded to the registry for completeness of the report.
4		ECCC Cover Letter		N/A	Acknowledged
CIRNAC (Yellowknife) - Megan Larose					
1		CIRNAC - Resource and Land Management do not have comments on the Giant Mine Remediation Project 2024 Aquatic Effects Monitoring Program Re-evaluation Report at this time.	CIRNAC-RLM do not have recommendations at this time.	The GMRP thanks CIRNAC-RLM for their review.	Acknowledged.
Alternatives North (AN) - Michael Nabert					

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1	Scope of AEMP	<p>Within this proposed framework, a "linkage to the GMRP" refers only to activities conducted on the site by the active remediation process rather than encompassing the overall environmental impact of the legacy of the mine. This suggests that the impacts of legacy contamination such as from contaminated areas that the GMRP is choosing not to attempt to mitigate for cost or other reasons will not be considered. Assessment of discharges from the ETP and WTP and what their impacts might be is important, but is too narrow a focus to adequately assess or consider overall impacts to receiving aquatic environments from the entirety of the project and the site. We endorse and echo technical consultant Bill Slater's more eloquent arguments that the AEMP must serve to measure and address not only the impacts of active remediation efforts but also all legacy adverse effects from the mine's operation period.</p>	<p>Alternatives North recommends that an expanded AEMP must assess and consider all aspects of legacy contamination and mitigation efforts, including remediation or nonremediation of areas of historically contaminated soils and tailings, in order to produce a more comprehensive understanding of total impacts to receiving aquatic environments.</p>	<p>See responses to GMOB-1, Slater-1, Slater-2, Slater-8.</p> <p>As outlined in the AEMP Design Plan, Version 2.3 and the 2024 AEMP Re-evaluation Report, the objective of the AEMP is to determine the short- and long-term effects of the GMRP on the aquatic receiving environment. The scope of the GMRP was set through the Environmental Assessment and the Water Licence process, including the closure principles and objectives identified in the CRP. The AEMP is designed to detect changes in the receiving environment as a result of GMRP activities, in alignment with the AEMP Guidelines and the Reasons for Decision.</p> <p>No changes are proposed to the report.</p> <p>Reference: MVLWB. 2020. Reasons for Decision MV2007L8-0031 and MV2019X0007 – CIRNAC GMRP – Giant Mine Remediation Project. Submitted to CIRNAC-GMRP 20 July 2020. Yellowknife, NT, Canada.</p>	<p>Adequate response.</p>
2	Time scale of AEMP evaluation	<p>Section 7.1 suggests that further clarification is needed for the timescales to be evaluated in the evaluation of water quality trends. Pursuant to the above comment about the AEMP's scope, both time scales appear relevant. The process of actively implementing remediation plans may cause measurable short term impacts, but may also result in less immediately obvious impacts that only become more apparent over time. Comparison between assessment approaches may also help over time to identify legacy impacts from unremediated contaminant areas which are less easy to differentiate from the larger changes tied to active remediation work.</p>	<p>Alternatives North recommends that evaluation of water quality for the purpose of action levels should be conducted over both short time scales that can respond rapidly to acute effects which may be the result of active remediation and long time scales that maintain a watch for long term trends that may not be immediately apparent.</p>	<p>The AEMP Design Plan, Version 3.0, will include text that supports the evaluation of both short-term and long-term trends for action levels in the receiving environment. See recommendation 15 from the 2024 AEMP Re-evaluation Report.</p> <p>No changes are proposed to the report.</p> <p>For legacy impacts, refer to response to AN-1.</p>	<p>Adequate response.</p>

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3	Dilution of effluent in Yellowknife Bay	<p>A 2022 study to track the effluent plume indicated that the plume was quickly diluted beyond 100 metres from the mouth of Baker creek. This study was undertaken during a time when water levels in Yellowknife Bay overall were at or near a historic high point. The aquatic effects baseline report for Yellowknife Bay identified legacy contamination effects in sediment samples. Record low water levels in the bay recently raised questions about what concentration of contaminants may have settled into certain sediments in the bay, and whether shallower waters over those sediments nearer the shoreline or the exposure of those sediments to the air could potentially increase concern from legacy contaminants contained within.</p>	<p>Alternatives North recommends that an updated plume delineation study should seek to assess how significant fluctuations in Yellowknife Bay water levels may alter plume behaviour. Further study of whether legacy contaminants in Yellowknife Bay sediments may become more bioavailable in response to significant fluctuation of water levels over those sediments should also be considered. The fact that the bay has broken both record high and record low water levels over just the last five years suggest that it would be wise to better understand the possible impacts should this fluctuation continue to set new peak highs and lows.</p>	<p>Plume dispersion studies have been completed under various climate conditions in 2003, 2009, 2012, and 2022 (Golder 2003, 2009, 2013; WSP 2023). Spatial patterns from 2018 to 2023 using results from seasonal water quality samples are provided in Appendix C1 (Figures C1-8 to C1-10). As well, forward-looking plume estimates were provided in the EQC Report under various effluent, temperature, and depth conditions (CIRNAC and GNWT 2019). In all studies, the mixing in Yellowknife Bay remains reliably consistent, with concentrations of treated effluent dispersing rapidly in Yellowknife Bay past the breakwater.</p> <p>In addition to the past studies, an updated plume delineation study will be proposed in the AEMP Design Plan Version 3.0, to evaluate the effluent plume from the combined discharge from the ETP and WTP during the first year of WTP discharge (if needed) and the WTP only during under-ice and open water conditions. The effects of interannual variability of lake levels on water quality are included in the forthcoming AEMP Design Plan, Version 3.0, through the additional plume study and continued profile measurements and water quality sampling at the mixing zone boundary and far-field stations.</p> <p>Monitoring the bioavailability of legacy contaminants in sediments is not within the scope of the AEMP. Refer to responses to AN-1 and GMOB-1.</p> <p>No changes are proposed to the report.</p> <p>References:</p>	<p>The Board note GMRP commitment to update the plume delineation study and the effects of interannual variability of lake levels on water quality in the AEMP DP V3.0. The Board require this item to be included in a conformity table to indicate where in the Aquatic Effects Monitoring Program Design Plan these changes have been addressed.</p>

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				<p>CIRNAC and GNWT (Crown-Indigenous Relations and Northern Affairs Canada and the Government of the Northwest Territories). 2019. Giant Mine Remediation Project. Effluent Quality Criteria Report. Prepared for the Mackenzie Valley Land and Water Board, Yellowknife, NT, Canada. April 2019.</p> <p>Golder (Golder Associates Ltd.). 2003. Dispersion of effluent from Miramar’s Giant Mine. Prepared for Miramar Mining Corporation by Golder Associates Ltd., Calgary, AB, Canada.</p> <p>Golder. 2009. Dispersion of effluent from Giant Mine, Northwest Territories – technical memorandum. Prepared for Deton’Cho/Nuna Joint Venture by Golder Associates Ltd., Yellowknife, NT, Canada. Golder Doc No. 09-1328-0029/2000/2200. November 2009.</p> <p>Golder. 2013. Giant Mine environmental effects monitoring, phase 4, final interpretive Report. Prepared for Aboriginal Affairs and Northern Development Canada by Golder Associates Ltd., Yellowknife, NT, Canada. Golder Doc No. 12-1328-0002. June 2013.</p> <p>WSP (WSP Canada Inc.). 2023. Giant Mine Remediation Project – Aquatic Effects Monitoring Program 2022 Annual Report. Submitted to Public Services and Procurement Canada, Edmonton, Canada.</p>	
4	Recommendations from technical consultant	Alternatives North does not see the comments and recommendations provided by the working group's technical consultant Bill Slater here in response to this review, so we are attaching	Alternatives North agrees with the attached comments by Bill Slater and recommends thorough consideration of every	The GMRP notes the agreement of Alternatives North with comments provided by Bill Slater. Responses to comments submitted by Slater Environmental	Acknowledged. Board staff uploaded Bill Slaters comments as

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		them here for the board's consideration.	recommendation made in the attached document.	Consulting are provided.	submitted by Alternatives North.
MVLWB - Beth Cowan					
1	Section 4.1.3.1 Acute Toxicity	The footnote on p. 17 indicates the definition of acutely lethality is based on the MDMER. Although it is understood that the MDMER formed the basis for the AEMP Design Plan, Water Licence MV2007L8-0031 includes the requirement for effluent to be not acutely lethal. It is inherent in the requirement that this be completed on a full-strength sample with no dilution. The SNP Annex specifies the test methods to be used, and the endpoint is defined as the LC50 (or EC50 for Daphnia immobility) in those standard methods. It should be noted that this definition not only applies to the MDMER but also to the LWB Water Licence requirements.	For information only; no response required.	The GMRP thanks MVLWB for the clarification of acute toxicity test requirements per the Water Licence. Future reports will reference/include GMRP Water Licence requirements.	Adequate response.
2	Section 4.2.2.1.1 Supporting Parameters and Major Ions	Figures 4-3 to 4-15 provided in the report are of quite low quality and the median values are not legible. A similar issue appears to have occurred in relation to Appendix C, Figures C1-20 to C1-22	Can GMRP provide updated versions of Figure 4-3 to 4-15 and Appendix C Figures C1-20 to C1-22?	A clearer version of the figures is provided as an attachment to the comment responses. Figures will be reviewed for clarity in future reports prior to submission. No changes are proposed to the report.	The Board direct GMRP to submit all corrected Figures as an addendum with a cover letter, to be uploaded to the registry for completeness of the report.
3	Section 4.2.2.1.1 Supporting Parameters and Major Ions	As expected, trends in specific conductivity and total dissolved solids (TDS) mirror one another; however, the range in specific conductivity at the Baker Creek exposure point is broader than would be expected based on the range in TDS results.	Can GMRP provide further context regarding the broader range in conductivity relative to the TDS concentrations at the Baker Creek exposure point?	For total dissolved solids (TDS), the plot did not include two statistical outliers from 2023 (2,260 and 2,650 mg/L). For specific conductivity, the plot incorporates high values (i.e., values that were not identified as statistical outliers). The specific conductivity plot also includes an additional specific conductivity value from July 2023 associated with a sample collected for radium-226 analysis only; the additional conductivity measurement also contributed to the observed differences in the interquartile ranges for TDS and conductivity at this station. No changes are proposed to the report.	

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4	Section 4.3.1.2.2 Temporal Trends - Sediment	Footnote 7 on p. 58 provides rationale for not including cadmium and thallium as key parameters. Part of the rationale is based on both parameters having historical data with elevated detection limits. While this is valid supporting rationale when looking at the entire historical dataset, this detection limitation would not be relevant to more recent data. It would be helpful to understand when detection limits were lowered and if there is any sign of an increase in concentrations over a reduced temporal scope.	Can GMRP provide information for the following: (1) clarify when the detection limits for cadmium and thallium changed to the lower level; and (2) if there is any indication of a temporal trend in the years since the detection limit changed.	<p>(1) Sediment quality programs were undertaken in 2004, 2010, 2019, and 2022. The detection limits for cadmium and thallium decreased between the 2004 and 2010 programs. There were further decreases in cadmium and thallium detection limits between the 2010 and 2019 sediment quality programs. The implications of lower detection limits over time are described below for cadmium and thallium:</p> <ul style="list-style-type: none"> · The decreased detection limits for cadmium between 2004 and 2010 resulted in detectable concentrations in some samples in 2010, and in all samples in Baker Creek in 2019 and 2022. · The decreased detection limits for thallium between 2004 and 2019 resulted in detectable concentrations in all samples from Baker Creek in 2019 and 2022. Thallium concentrations were not detectable in Baker Creek prior to 2019. <p>(2) There have been no increases in concentrations of cadmium and thallium in Baker Creek sediments since detection limits were decreased. The mean detectable cadmium concentration for the Baker Creek near-field area (based on data from 2010 to 2022) was below the lowest CCME sediment quality guideline.</p> <p>No changes are proposed to the report.</p>	Adequate response.
5	Section 7.1 Water Quality - Clarification of Timescale Associated with Identifying a Trend	Text on p. 84 states "[f]urther clarification is also needed for the timescales to be considered in the evaluation of upward trends, i.e., whether trends should be identified over the entire timeseries, or if an upward step in concentrations over a 2-to-3-year period constitutes an upward trend". It is unclear if GMRP is recommending a preferred approach at	Can GMRP clarify if a preferred approach for the timescale associated with identifying an upward trend is being proposed now or if further information regarding the timescale associated with an upward trend will be provided in the AEMP Design Plan	See response to AN-2. The GMRP will incorporate further information regarding the timescale associated with an upward trend in the AEMP Design Plan, Version 3.0. No changes are proposed to the report.	Adequate response. See Board analysis for comment AN-2.

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		<p>this time. It is acknowledged that GMRP has recommended that no changes be made to the existing Action Level framework (Section 10.1, Recommendation 1); however, it is also noted that on p. 102 (Section 10.2, Recommendation 15), GMRP recommends to "[s]pecify the timescales to be considered in the visual evaluation of upward trends." Clarification as to whether GMRP is proposing a recommended timescale now or if further information regarding the timescale will be provided in the AEMP Design Plan Version 3.0 is required.</p>	Version 3.0?		
Giant Mine Oversight Board (GMOB) - Giant Mine Oversight Board (GMOB) Giant Mine Oversight Board (GMOB)					
1	Section 10.2 - Recommendation 9 - Legacy Sediment	<p>One of the Board Directives on the 2022 Annual Report was "Consider the behaviour of legacy sediments within the AEMP Design Plan for Yellowknife Bay". Statements within the 2024 Re-evaluation Report (e.g. Plain Language Summary, pg viii) acknowledge that it was challenging to separate the effects of metals and nutrients in the water from legacy sediment contamination.</p> <p>The response proposed in Recommendation 9 is to summarize existing knowledge of legacy sediment contamination gathered during previous studies, to collect additional sediment samples in the vicinity of the outfall and selecting a reference area with elevated arsenic. It is GMOB's understanding that the level of contamination existing in the sediment is relatively well characterized, and it is not clear how additional sediment sampling will help to understand impacts to the aquatic ecosystem. GMOB further notes that studies of arsenic flux in Yellowknife Bay (Chetelat et al., 2023) suggest that arsenic flux in sediments varies across Yellowknife Bay; as such, choosing a reference area with elevated arsenic may not "tell the</p>	GMOB recommends the GMRP provide additional information regarding how the Board directive on legacy impacts will be addressed.	<p>This Board directive applies to the AEMP Design Plan, Version 3.0. Study design information regarding the behaviour of legacy sediments will be considered in the forthcoming AEMP Design Plan, Version 3.0, as per the Board directive.</p> <p>The Board directive to the GMRP to consider the behaviour of legacy sediments within the AEMP Design Plan, Version 3.0, is interpreted as requiring the GMRP to outline how impacts from legacy sediments will be distinguished from impacts of the Project, most notable from the WTP. The GMRP understands that it was not the intent of the board to have the GMRP study legacy impacts, but to be able to separate out legacy impacts from impacts due to the Project (i.e., mostly discharge from the WTP), which aligns with the Reasons for Decision on the GMRP Water Licence.</p> <p>To separate out legacy impacts in sediment from Project impacts, the consideration of the behaviour of legacy sediments within the AEMP Design Plan Version 3.0 will be</p>	Adequate response.

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		<p>whole story". Will other types of data collection or studies be completed in conjunction with the sediment sampling to aid in understanding the existing level of impact?</p>		<p>proposed in the following ways:</p> <ul style="list-style-type: none"> · Recent sediment concentration envelope for sediment arsenic and other sediment parameters relevant to legacy sediments established using Yellowknife Bay Aquatic Effects Baseline sampling. · Selection of a candidate reference area that has also been influenced by legacy contamination · Monitoring of sediment quality stations. <p>Further details related to this Board directive will be included in the forthcoming AEMP Design Plan Version 3.0.</p> <p>Monitoring the legacy contaminants in sediments is not within the scope of the AEMP. Refer to responses to AN-1 and GMOB-2.</p> <p>No changes are proposed to the report.</p> <p>Reference: MVLWB. 2020. Reasons for Decision MV2007L8-0031 and MV2019X0007 – CIRNAC GMRP – Giant Mine Remediation Project. Submitted to CIRNAC-GMRP 20 July 2020. Yellowknife, NT, Canada.</p>	
2	Section 10.2 - Recommendation 13 - Reference Areas	<p>North Yellowknife Bay is recommended as the primary reference area for the AEMP v3.0. The Nearshore Cover area may be evaluated for inclusion once remediation of the Nearshore Tailings area is complete. GMOB has previously expressed concerns regarding the limited number of proposed reference areas and the ability of the AEMP to separate potential effects due to the project from impacts associated with legacy contamination.</p> <p>GMOB acknowledges that the AEMP program in</p>	GMOB recommends the GMRP consider the potential benefits of incorporating additional reference areas as part of the AEMP v 3.0 design.	While incorporating multiple reference areas can produce a broader dataset for comparison, to understand the potential impacts of the Project (i.e., mostly impacts from the effluent discharge as per the Reasons for Decision), it is important that conditions in the reference area are as similar to the exposure area as possible. Based on the results of the two-year reference area reconnaissance, North Yellowknife Bay is the most similar to the exposure area compared to the other	Adequate response.

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		<p>Yellowknife Bay is not responsible for, nor expected to manage or mitigate legacy arsenic in sediments, however a monitoring program design sufficient to parse impacts of WTP discharge from the anticipated sediment loading will require a sufficient understanding of the severity and variability in sediment loading to the environment. Additional reference areas may be required for the program.</p>		<p>reference areas surveyed.</p> <p>The GMRP considered a range of potential references areas, based on a wide range of criteria and two years of reference area reconnaissance surveys (Appendix C2). Following the two years of reference area reconnaissance surveys, North Yellowknife Bay was determined to be a suitable and representative reference area and meets the intent of the AEMP guidance.</p> <p>As such, additional reference areas are not recommended/required. See also response to GMOB-1 and Slater-2.</p> <p>Reference: MVLWB. 2020. Reasons for Decision MV2007L8-0031 and MV2019X0007 – CIRNAC GMRP – Giant Mine Remediation Project. Submitted to CIRNAC-GMRP 20 July 2020. Yellowknife, NT, Canada.</p>	
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Slater Environmental Consulting - Bill Slater					
1	Objectives and Scope of Aquatic Effects Monitoring	<p>The 2024 Aquatic Effects Monitoring Re-evaluation Report (AEMP Re-evaluation) is intended to provide recommendations for revision of the Aquatic Effects Monitoring Program Design Plan (AEMP-DP), including Version 2.3 that applies before the new Water Treatment Plant (WTP) begins operating, and Version 3.0 that will apply once the WTP is operational. Section 3.2 of the AEMP Re-evaluation describes the overall objective of the AEMP as "to determine the short- and long-term effects of the GMRP on the aquatic receiving environment." This broad objective is consistent with the "Guidelines for Aquatic Effects Monitoring Programs" (MVLWB/GNWT, 2019) that includes the following objectives: 1)</p>	<p>Ensure that the scope of the AEMP addresses the full range of potential project-related effects on the aquatic receiving environment, and design the AEMP to evaluate all effects and the adequacy of mitigation measures. This scope should be clearly reflected in the objectives and design of the AEMP.</p>	<p>The GMRP disagrees with the reviewer comment and recommendation. The purpose of the AEMP is not to address the full range of project-related effects on the aquatic receiving environment, nor is it to evaluate all effects and the adequacy of mitigation measures. As per the Water Licence Reasons for Decision, the AEMP should meet the MVLWB Guidance by focusing on monitoring negative effects from the Project's operations in the receiving environment, primarily related to effluent discharge. Monitoring for improvement and positive change should be conducted via the Closure and Reclamation Plan (CRP) and associated monitoring and</p>	Adequate response.

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		<p>Determine the effects of a project on the aquatic receiving environment, 2) Test predictions from the regulatory process regarding the effects of a project on the receiving environment, 3) Provide data that can be used to assess cumulative effects and impact predictions, 4) Assess the effectiveness of mitigation measures and, if necessary, identify the need for additional mitigation measures to reduce or eliminate project-related effects, and 5) Provide an early warning system to prevent or avoid adverse environmental impacts. The Guidelines, in Section 2.1.1, note that AEMPs may be required for projects that directly deposit waste to the receiving environment, as in the case of the proposed WTP, and may also be required for project with indirect deposits like transport of project-related contaminant to receiving waters through seepage, run-off, groundwater or air. With this, the Guidelines indicate that AEMPs are intended to cover all types of potential effects on the aquatic environment, not just direct discharges. Both Version 2.3 and the proposed Version 3.0 of the GMRP AEMP are narrowly focused on evaluating effects of only certain aspects of the project and the site, primarily the Effluent Treatment Plant and WTP discharges, with some consideration of ongoing loading of contaminants to Baker Creek. However, there are many other aspects of the project that could affect the aquatic environment, for example remediation of the Foreshore Tailings and Nearshore Areas, cleanup of spilled tailings downstream of the North Dam, and general remediation of contaminated soils. All of these activities, among others, could contribute to effects on Yellowknife Bay, but have not been considered in the proposed design of the AEMP. The narrow focus of the GMRP AEMP approach does not appear to achieve either the intent of</p>		<p>performance assessments. The Reasons for Decision also noted that biological monitoring in Baker Creek after 2026 would be linked to the requirements of the FAA and the Baker Creek Design Plan. Monitoring data collected per the Baker Creek Design Plan will be presented in annual Water Licence reports, the Performance Assessment Report (PAR), and the Post-Closure Monitoring Plan (MVLWB 2020).</p> <p>As outlined in the water licence proceedings and in the Aquatic Advisory Committee meetings, the GMRP is following the required regulatory framework. Additional monitoring plans are in place and were reviewed by the Aquatic Advisory Committee and/or through the MVLWB review process, and are available on the MVLWB public registry:</p> <ol style="list-style-type: none"> 1. Monitoring programs under the Fisheries Act Authorization will monitor fish and fish habitat (e.g., abundance, species returning to newly built habitat) in Baker Creek and Yellowknife Bay and are approved and regulated by DFO. 2. Construction activities in Baker Creek and Yellowknife Bay are monitored through SNP and construction monitoring, as well as the Erosion and Sediment Management and Monitoring Plan, approved and regulated by the MVLWB. Action level exceedances per the Erosion and Sediment MMP are reported to the Board and Inspector as per the approved MMP. 3. The Design Plans and Management and Monitoring Plans outline action levels and contingencies should remediation not be proceeding on the trajectory to meeting closure objectives and criteria. 	

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		<p>AEMPs described in the Guidelines, or the broad objective stated in Section 3.2 of the AEMP Re-evaluation.</p>		<p>Finally, as outlined in the Reasons for Decision, the GMRP formed the Aquatics Advisory Committee to provide a forum for the discussion of the full range of potential aquatics related effects and discussions on the regulatory framework, the aquatic environment, and environmental monitoring concepts. It is here where the different aquatic monitoring and management plans and monitoring results are discussed.</p> <p>Given the above, the GMRP does not propose edits to the AEMP objectives and design to address remediation success/mitigations.</p> <p>No changes are proposed to the report.</p> <p>Reference: MVLWB. 2020. Reasons for Decision MV2007L8-0031 and MV2019X0007 – CIRNAC GMRP – Giant Mine Remediation Project. Submitted to CIRNAC-GMRP 20 July 2020. Yellowknife, NT, Canada.</p>	
2	AEMP for a Remediation Project	<p>The design of the AEMP for the GMRP must consider the context that the project is a remediation project. A mine remediation project is, in broad terms, the primary mitigation measure applied during the life cycle of a mine to address adverse effects of mining activities. As such, a mine remediation project is aimed at not only preventing or avoiding adverse environmental effects (see Guidelines [MVLWB/GNWT, 2019] objective No. 5), but also at restoring conditions to fix adverse effects that may have occurred during mining. This is particularly true for a project like the GMRP where there are significant adverse legacy effects from historic mining - addressing those effects is</p>	<p>The AEMP DP Version 3.0 should provide a framework for evaluating the effectiveness of both specific mitigation measures (e.g., WTP, Foreshore Tailings Cover) and the remediation plan as a whole. To achieve this, it is critical to understand whether unremediated legacy effects lead to unacceptable effects. This will require comparison of conditions to reference areas that are not affected by historic contamination from the Giant Mine activities.</p>	<p>The GMRP disagrees with the reviewer comment and recommendation. Evaluation of the effectiveness of all remediation activities conducted by the GMRP is beyond the scope of the AEMP. Approved remediation activities are carried out per the Closure and Reclamation Plan and monitored via associated Design Plans and site-wide MMPs. Evaluations will be reported via annual Water Licence reports and Performance Assessment Reports, as is required by the Water Licence. E.g., monitoring data collected per the Baker Creek Design Plan will be presented in annual Water Licence reports, the</p>	Adequate response.

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		<p>why all the effort is being taken to carry out the remediation project. In this context, the AEMP must not only evaluate whether aquatic conditions are getting worse as the project activities progress (i.e., up to some newly established threshold that represents further addition of contaminants to the environment), but also whether the mitigation (i.e., the remediation project) is reducing or eliminating mine-related effects (see Guidelines Objective No. 4). The adequacy of the mitigation must be considered broadly for this project, considering all of the legacy effects of the Giant Mine Project, not just those that the GMRP chose to remediate. The decision to not remediate certain legacy effects represents an active decision to not take action. These decisions were made based on various criteria including cost, practicality and predictions about relative importance of various legacy effects. Nonetheless, these decisions influence the effectiveness of the overall remediation project, and must be evaluated when considering the adequacy of mitigation - we must consider not just the adequacy of individual mitigation measures to achieve specific outcomes, but also the adequacy of the overall remediation project to achieve the expected remediation outcomes overall and the effects on the aquatic environment. We cannot assume that the predictions of the importance of these non-remediated legacies are correct, we must measure them as the remediation project proceeds. The AEMP, in accordance with Guidelines Objective No. 4, is a critical component of evaluating mitigation effectiveness. To achieve this, the AEMP needs to consider the combined effects on the aquatic environment from the project. This includes the effects of GMRP's decisions to address some</p>		<p>Performance Assessment Report (PAR), and the Post-Closure Monitoring Plan (MVLWB 2020).</p> <p>The exposure area for the WTP is impacted by legacy arsenic contamination, which may have detectable impacts on fish, independent of effluent exposure from the WTP. As such, incorporating a reference area without similar influences of legacy contamination would increase the risk of detecting effects in the exposure area unrelated to the GMRP and WTP. This would limit the ability of the GMRP to monitor for the relative success of an adaptive management response related to the WTP discharge.</p> <p>No changes are proposed to the report.</p> <p>Reference: MVLWB. 2020. Reasons for Decision MV2007L8-0031 and MV2019X0007 – CIRNAC GMRP – Giant Mine Remediation Project. Submitted to CIRNAC-GMRP 20 July 2020. Yellowknife, NT, Canada.</p>	

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		<p>legacy effects for example by treating and discharging water with the WTP, and the effects of things like covering the Foreshore Tailings. It also must include the effects of the decisions not to remediate certain legacy effects, for example contaminated soils in undisturbed areas, or contaminated sediments in Yellowknife Bay. By recommending only one reference area with elevated arsenic concentrations in sediments for the proposed AEMP DP Version 3.0, the GMRP is proposing an AEMP framework that cannot effectively evaluate the overall effects of the GMRP, including the effectiveness of decisions about which mitigation measures to implement. The AEMP must be designed to understand whether active remediation measures are causing adverse environmental effects, and also whether the decisions to not address other legacy mining impacts prove to be the right decisions.</p>			
3	Understanding the Causes of Effects	<p>Further to the above comment about the need to understand the legacy effects and the effectiveness of the overall remediation project as a mitigation measure, the GMRP in Section 9.2.2 highlights the importance of being able to understand causes of effects. When discussing the adequacy of Prosperous Lake as a potential reference area, the GMRP states that the low concentrations of arsenic in water and sediment "would limit the ability for the AEMP to consider the effect of legacy contaminants (i.e., arsenic) in future AEMP studies." There is no doubt that only having a reference area that is not affected by arsenic contamination would confound the ability to understand the causes of any changes in arsenic concentrations in the areas exposed to WTP discharge. However, the same issue is true when using areas affected by historic arsenic contamination as reference areas. Attributing cause requires an understanding of all three</p>	<p>Incorporate reference areas that are both affected and not affected by historic mine-related arsenic contamination to support evaluation of any causes of effects in future AEMP studies.</p>	<p>Potential reference areas, including both areas affected and not affected by historic mine-related arsenic contamination were evaluated as part of the Reference Area Reconnaissance Special Study (See Section 9.2 and Appendix C2).</p> <p>Refer to responses to GMOB-2 and Slater-2.</p> <p>No changes are proposed to the report.</p>	Adequate response.

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		areas - the exposure area, areas with historic arsenic contamination, and areas with no historic arsenic contamination.			
4	Large Bodied Fish	<p>Section 4.4 of the AEMP Re-evaluation describes the primary objective of the fish tissue chemistry survey as "to determine whether treated effluent discharged to Baker Creek has altered fish in such a way as to limit their use by humans." The GMRP argues that large-bodied fish are not residents of Baker Creek and are not typically present in the reaches of Baker Creek during effluent discharge. As a result the survey relies on small-bodied fish (i.e., slimy sculpin) as a surrogate to understand contaminant effects on fish. From a purely western science perspective, this approach can be justified. However, it does little to address actual concerns about whether the fish that people eat are safe for use by humans because people don't use the fish that are being measured. Objective 2 of the AEMP Guidelines (MVLWB/GNWT, 2019) relates to testing the predictions of effects on the receiving environment. The western science prediction for large-bodied fish is that they would not be affected to the point that would limit use by humans, and the western science way of measuring this is to use a surrogate of slimy sculpin because western science has concluded that concentrations in slimy sculpin will be higher than in large-bodied fish. While all of this may prove to be correct, it can only be confirmed by actually measuring concentrations in large-bodied fish - and this is the measure that can most effectively confirm that the predictions about large-bodied fish were correct and that they are safe for use by humans.</p>	<p>Reconsider the decision to not include surveys of contaminant concentrations in large-bodied fish as part of the AEMP.</p>	<p>The GMRP maintains that large-bodied fish tissue concentration monitoring not be included in the AEMP for the following three reasons:</p> <ol style="list-style-type: none"> 1. The intent of the AEMP is to monitor for effects mainly from the effluent discharge. The predicted area of the treated effluent plume is very small. Large-bodied fish will spend a small fraction of their life cycle in or immediately adjacent to this plume. Further, the WTP is designed to treat arsenic down to very low concentrations. The Project's ability to detect changes in large-bodied tissue chemistry attributable to remediation will be very limited, making this ineffective within an AEMP to look for and mitigate potential effects. However, small-bodied fish such as Slimy Sculpin are non-migratory and have a relatively small home range, and as such contaminant concentrations in this small-bodied fish can be linked to the exposure area and can be used as a surrogate for indication of the risk to the large-bodied fish community. 2. Small-bodied fish such as Slimy Sculpin are resilient to harvesting pressure, making them widely used in impact assessment studies. Increasing fishing pressure on large-bodied fish in Yellowknife Bay does not seem appropriate given understanding potential changes in tissue chemistry and linkage to the Project is weak. As discussed in the Water Licence proceedings, the GMRP commitment to updated large-body fish tissue chemistry was pre-remediation; this 	<p>Adequate response.</p>

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				<p>was completed in summer 2021 and the data were filed in the AEMP 2021 Annual Report.</p> <p>3. The Project cannot determine whether fish are safe for use by humans, those assessments are provided by GNWT Department of Health. The current assessment is that fish are safe to eat in Yellowknife Bay.</p> <p>No changes are proposed to the report.</p>	
5	Baker Creek Water Quality	Section 4.2.1 of the AEMP Re-evaluation discusses the water quality in Baker Creek during the review period. The discussion does not provide and information or interpretation about differences in water quality conditions when discharge was occurring on not. This would be a useful distinction in trying to understand the specific effects of water treatment discharge versus other soruces of contamination. For example, graphs that show concentrations over time with the discharge/non-discharge periods would be informative.	Provide additional information about water quality conditions in Baker Creek during periods of discharge versus periods without discharge.	<p>The City of Yellowknife provided a similar recommendation during review of the AEMP 2023 Annual Report (CofYK-5): "Provide separate graphs for discharge and non-discharge periods and identify distinctions of discharge/non-discharge in data tables. Consistently provide interpretation in the report about conditions in two distinct periods." In response, the GMRP committed to considering how to present discharge and non-discharge periods in future AEMP submissions, including the AEMP 2024 Annual Report. The Board agreed with this response and directed the GMRP to present discharge and non-discharge periods more consistently in the 2024 and future AEMP annual reports.</p> <p>No changes are proposed to the report because it was based on plots and results from 2021 to 2023 AEMP annual reports. However, the GMRP will follow the Board's directive in future reporting for both discharge into Baker Creek (AEMP Design Plan, Version 2.3) and Yellowknife Bay once the WTP is commissioned.</p>	<p>Adequate response.</p> <p>The Board note that GMRP have committed to present distinct discharge and non-discharge periods more consistently in future AEMP annual reports. The Board require this item to be included in a conformity table to indicate where in the Aquatic Effects Monitoring Program Annual Report these changes have been addressed.</p>
6	Slimy Sculpin Tissue Chemistry	Section 4.4.1.2 of the AEMP Re-evaluation describes analysis of contaminant concentrations	Provide rationale for removal of organs in slimy sculpin samples	To compare concentrations of metals in fish over time, it's important to keep sample	Adequate response.

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		<p>in slimy sculpin "carcass samples" where the swim bladder, gall bladder, gonads, kidney, liver, stomach, spleen, and ageing structures are removed. The reason for this sampling method is not described, but could influence the results of analysis because organs often have higher contaminant concentrations than other tissues. Because these results form the basis for conclusions about human use of large-bodied fish, the lack of information about organs may lead to a gap in understanding of conditions that could affect human use of large-bodied fish.</p>	<p>used for analysis of contaminant concentrations.</p>	<p>composition consistent. To avoid over-harvesting Slimy Sculpin, the GMRP uses the same fish for both fish health and tissue analysis. Some organs, like gonads, stomach, and otoliths, are needed for fish health analyses, while the spleen and liver may be used to support supplementary analyses, and as such these organs cannot be included in the fish tissue chemistry sample consistently as they are needed elsewhere.</p> <p>Further, even though metals concentrations can be higher in some tissues than others, the goal of the fish tissue component is to compare relative changes in metals between areas over time, not measure absolute concentrations. Using carcass tissue allows the GMRP to collect consistent samples for these comparisons.</p> <p>No changes are proposed to the report.</p>	<p>The Board direct GMRP to submit AEMP DP Version 3.0 to clarify sampling methods.</p>
7	Action Levels - Water Quality	<p>In Section 7.1 of the AEMP Re-evaluation, the GMRP notes that further clarification is needed for the timescales to be considered in the evaluation of upward trends in water quality - whether these trends should be evaluated over the entire time series or over a short time period. This is an important consideration that needs to be resolved in relation to trend-related Action Levels. It is possible (perhaps likely) that both scales of trend analysis may be relevant and important. It is also possible that different approaches may be required for different locations or time periods.</p>	<p>GMRP should proceed with additional analysis to evaluate the time scales that should be applied to trend-based Action Levels for water quality.</p>	<p>See responses to AN-2 and MVLWB-5. The GMRP will incorporate further information regarding the timescale associated with an upward trend in the AEMP Design Plan, Version 3.0.</p> <p>No changes are proposed to the report.</p>	<p>Adequate response. See Board analysis of AN-2 and MVLWB-5.</p> <p>The Board require further information regarding timescale associated with an upward trend incorporated in the AEMP Design Plan Version 3.0.</p>
8	Linkage to GMRP	<p>The GMRP proposes that the AEMP DP should be revised to outline that a "linkage to the GMRP" refers to an activity conducted on the site by the GMRP. This "linkage to the GMRP" is used in the AEMP to evaluate whether effects and Action Level triggers are related to the GMRP. As</p>	<p>The GMRP's proposed clarification about linkage to the project should not be accepted because the AEMP should provide a mechanism to initiate responses if the Giant Mine is leading to</p>	<p>The GMRP disagrees with this comment and recommendation.</p> <p>The scope of the GMRP's remediation activities is outlined in the CRP and has been approved through the regulatory process, which is detailed in the Reasons for Decision.</p>	<p>Adequate response.</p>

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		<p>described in above comments, the context of a remediation project must be considered in the AEMP framework. Because of the legacy effects at the site, adverse effects on the aquatic environment may be caused not only by activities that the GMRP is carrying out, but also by the GMRP's decisions not to carry out certain other activities (e.g., remediation of sediment contamination in certain areas). If adverse effects in the aquatic environment are observed as a result of conditions at or caused by the Giant Mine regardless of whether they are directly linked to a current GMRP activity, the AEMP should identify these effects, attribute them to the Giant Mine and trigger a process to consider whether action should be taken to address the effects.</p>	<p>triggers of Action Levels, regardless of whether the triggers arise specifically because of a current action being taken by the GMRP.</p>	<p>The scope does not include initiating responses for all potential changes in the receiving environment, including those that are not a result of actions taken by the GMRP (e.g., legacy contamination; see responses to AN-1, AN-3, GMOB-1, and Slater-2).</p> <p>The objective of the AEMP is to evaluate changes in the receiving environment and determine if these changes are a result of activities conducted by the GMRP. The inclusion of a "linkage to the GMRP" in the action level framework is a critical part of this assessment. The inclusion of "linkage to the GMRP" in the action level framework is consistent with the approved AEMP Design Plan, Version 2.3, as well as response frameworks in other approved management plans (e.g., the Erosion and Sediment MMP).</p> <p>No changes are proposed to the report.</p> <p>Reference: MVLWB. 2020. Reasons for Decision MV2007L8-0031 and MV2019X0007 – CIRNAC GMRP – Giant Mine Remediation Project. Submitted to CIRNAC-GMRP 20 July 2020. Yellowknife, NT, Canada.</p>	