



Sustainable Development

Environmental Stewardship Division
Environmental Approvals Branch
123 Main Street, Suite 160 (Box 80), Winnipeg, Manitoba, Canada R3C 1A5
T 204 945-8321 F 204 945-5229
www.gov.mb.ca/conservation/eal

File: 1644.10

October 18, 2016

Mr. Jay Cooper
Hudson Bay Mining and Smelting Co., Limited
P.O. Box 1500, #1 Company Road
Flin Flon, MB R8A 1N9

Dear Mr. Cooper:

Re: Hudson Bay Mining and Smelting Co., Limited – Anderson Tailings Impoundment Area Expansion Environment Act Proposal

The initial review of the Anderson Tailings Impoundment Area Expansion Environment Act Proposal (EAP) has been completed.

The review has generated requests for additional information. Please address and provide detailed responses to the comments and requests for additional information from the Technical Advisory Committee (TAC) and the public that are presented in the attached items. The EAP review process will continue upon receipt of your response.

In their September 12, 2016 letter, the Canadian Environmental Assessment Agency (CEAA) concluded that based on the information provided, the proposed project does not appear to be a designated physical activity under the *Regulations Designating Physical Activities*.

If you have any questions, please feel free to contact me at 204-945-7012.

Yours sincerely,

Jennifer Winsor, P.Eng.

Enclosure

cc. Don Labossiere/Tim Prawdzik/Cristal Huculak– Environmental Compliance and Enforcement Branch, Manitoba Sustainable Development
Somia Sadiq, AECOM
Public Registries

Winsor, Jennifer (SD)

From: Roberts, Dan (SD)
Sent: September-09-16 9:37 AM
To: Winsor, Jennifer (SD)
Subject: Request for review/comment - HBMS Anderson Tailings Mgmt File: 1644.10
Attachments: Application for Licence to Construct Water Control Works.pdf

Any water control works (drains, culverts, dykes, dams, etc.) associated with this project will require licensing under the *Water Rights Act* – an application is attached for the proponent's convenience. Any inquiries in this regard may be directed to the local *Water Resource Officer*. Their contact information may be found at:

http://www.gov.mb.ca/conservation/waterstewardship/licensing/pdf/officer_areas_of_focus_30mar2015.pdf

Sincerely,

Dan Roberts

Water Resource Officer
Water Control Works and Drainage Licensing Section
Department of Sustainable Development
Box 6000, Building #1180, 75 - 7th Avenue,
Gimli, MB R0C 1B0
Cell: (204) 641-1331

**Application for Licence
To Construct Water Control Works**

Water control works are defined as any dyke, dam, surface or subsurface drain, drainage, improved natural waterway, canal, tunnel, bridge, culvert, borehole or contrivance for carrying or conducting water.

Applicant Name(s): _____
 E-mail: _____ Contact #: _____
 Landowner Name: _____
 Landowner Mailing Address/Phone #: _____

The Water Rights Act

- 3(1) Except as otherwise provided in this Act or the regulations, no person shall
- (a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or
 - (b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or
 - (c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.

Location of Works

Municipality: _____ Conservation District: _____
 Parish: _____ River / Wood Lot: _____

Quarter	Section	Township	Range	E / W

Other description(s): _____

Identify water body, natural waterway or drain into which the water will outlet: _____

Proposed works are located on: Private Property Municipal Property Crown Lands
 The applicant is the: Registered Landowner Lessee Other

Description of Works

- Choose all applicable
- Reconstruct drain
 - Install tile drainage
 - Construct protection dyke
 - Construct new drain
 - Reset existing culvert
 - Construct dam
 - Install culvert
 - Relocate culvert
 - Engineered project
 - Remove culvert
 - Install gated culvert

Other description(s): _____

Will drainage / lowering of a slough, pond or lake be undertaken? Yes No
 Has a survey been completed for these works? (If yes please attach) Yes No

Location Plan

Please include a photo, sketch, plans or drawings that depict an accurate representation of the intended works. Please be sure to include the flow direction, north arrow, description and location of the works and / or and industry accepted engineering plan and construction standards. Aerial photo can be requested through your Water Resource Officer.

Approvals

Will the proposed works cause water to leave your land? Yes No
 If yes do you have the necessary approvals? (Please attach) Yes No
 Municipality Conservation District Highways Affected Landowner (s)

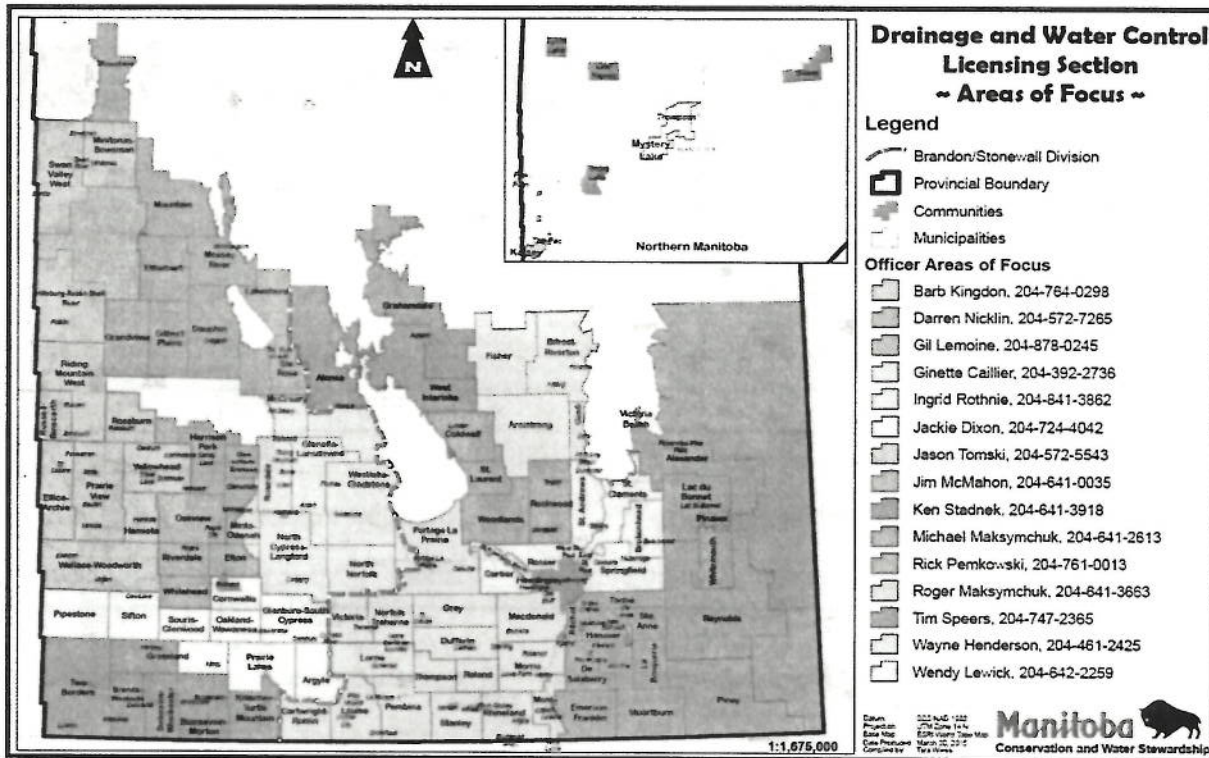
Landowner approval

The legal title holder for the land parcel noted below understands and agrees to the proposed drainage works as explained by the applicant.

Landowner Name and Signature _____ Land parcel affected (Section, Township and Range) _____

Fee

A fee of \$25.00 must accompany all applications. Make check payable to: **MINISTER OF FINANCE**. ALL APPLICATIONS MAILED TO: Box 13, 1129 Queens Avenue, Brandon, MB R7A 1L9 Or Box 8, 200 Saulteaux Cresc. Winnipeg, MB R3J 3W3



 Applicant Signature

 Print Name

For	Date Received:	_____
Office	Amount Received: \$	_____
Use	Received By:	_____
Only	MRO #:	_____



Infrastructure

Highway Planning and Design Branch
Environmental Services Section
1420 – 215 Garry St., Winnipeg, MB R3C 3P3
T (204) 619-4359 F (204) 945-0593

September 26th, 2016

Tracey Braun, M. Sc.
Director, Environmental Approvals Branch
Manitoba Sustainable Development
123 Main St., Suite 160
Winnipeg, MB R3C 1A5

RE: HBMS Anderson Tailing Impoundment Expansion
Client File No. 1644.10

Dear Ms. Braun:

Manitoba Infrastructure (MI) has reviewed the proposal under the *Environment Act* noted above and has the following concerns/comments associated with the proposed development:

MI is concerned with the potential change in flow rates (i.e. Peak flows from TIA control structure) into the adjacent ditches and recently replaced culvert crossing at PR 392. A hydraulic study/drainage plan prepared by a Professional Engineer should be provided to MI for review and approval.


The proponent should be informed that, under the Highways and Transportation Act, any new, modified or relocated access connection onto a PR will require a permit from Manitoba Infrastructure. A permit may also be required for:

1. Any construction (above or below ground level) within 38.1 m (125 ft) of the right of way;
2. Any plantings within 15.2 m (50 ft) from the edge of the right of way;
3. Discharge of water or other liquid materials into the ditch on PR 392.

The proponent should contact Devon Little (204-677-0684 or Devon.Little@gov.mb.ca) for further information regarding permitting, drainage plan/hydraulic study needs.

Thank you very much for providing us the opportunity to review the proposal.

Sincerely,

 Ryan Coulter, M. Sc., P. Eng.
Manager of Environmental Services

Memorandum

Date: October 7, 2016

To: Jennifer Winsor P.Eng
Environmental Approvals Branch
123 Main Street, Suite 160
Winnipeg MB R3C 1A5

From: Kevin Jacobs M.Sc.
Water Quality Management Section
Department of Sustainable
Development
200 Saulteaux Cres.
Winnipeg MB R3J 3W3

Email: Kevin.jacobs@gov.mb.ca

Phone: 945 4304

Fax: 948-2357

Subject: File 1644.10 – Anderson Tailings Impoundment Area Expansion

The above noted proposal has been reviewed by the Water Quality Management Section of the Department of Sustainable Development.

The proposal is to expand an existing tailings disposal facility to accommodate tailings from the Lalor Mine project as it is noted the existing facility is reaching its capacity. It is noted the facility is Scheduled as per Schedule 2 of the *Metal Mining Effluent Regulation* pursuant to the *Federal Fisheries Act*. Subaqueous tailings would continue to be deposited to prevent oxidation of waste material.

Some of the figures referred to in the report appear to be missing. These include Figures 1-16. There are also reference to multiple figures with the same figure number such as Figure 15 which refers to both a figure of the site location and water quality copper data. It is requested that the missing figures be provided for review.

The proposal assumes that the mineralogy of the tailings from future mining will be similar to historic deposition in the tailings facility. Should this assumption change the proponent may have to re-evaluate treatment options. Ongoing monitoring will provide an indicator in any change in the efficacy of the tailings facility.

There could have been more analysis in the proposal on the effect of the environment on the project. While it is understood the proposed dams will improve the ability of the facility to withstand a severe flood. Are there any areas of permafrost which may be affected by flooding and a warming climate which could impact the stability of the structures or lead to issues with erosion or slumping of shorelines?

It is noted HBMS commits to developing a detailed water quality monitoring plan including erosion and sediment control measures prior to commencing construction. It is requested that the proponent provide a copy of this document for review.

It is noted the discharges from the facility are regulated by the Metal Mining Effluent Regulations and Clean Environment Commission Order number 766. Discharge limits between these two instruments

are not entirely congruent. It is recommended that when the discharge limits noted in the two regulatory instruments differ that the stricter criteria be applied.

With respect to protecting water quality, clauses providing the same intention as those in the Reed Mine Environment Act License No. 3065 are recommended to be adapted to be part of a revised license for this facility. Recommended clauses include 1, 2, 6, 15, 17, 20, 39, 40, 41, Appendix B, Appendix C, and Appendix D of the Reed Mine Environment Act License No. 3065. Reduced frequency monitoring of Radium 226 would be acceptable in accordance with the conditions noted in the MMER. I remain disposed to provide wording of the specific clauses if needed.

Although the Environment Act Proposal indicates increases in downstream mercury concentrations in aquatic biota are unlikely, verification of this is required during the project. Monitoring mercury levels in fish in Anderson Bay and Wekusko Lake before and after the final inundation phase (Stage C) of the Project should be considered as a condition of a License. The proponent should consider measuring selenium concentrations in fish as an additional parameter.

Thank you for the opportunity to comment on this proposal.

Kevin Jacobs M.Sc.
Water Quality Management Section

DUBOFF EDWARDS HAIGHT & SCHACHTER
LAW CORPORATION

Please Reply To: Harley Schachter
Direct Line: 204-955-7666
Fax: 204-942-3362
Email: schachter@dehslaw.com

Assistant: Michelle Herboth
Direct Line: 204-594-1312

File No. 950541-1501

October 11, 2016

via email to jennifer.winsor@gov.mb.ca

Environmental Approvals Branch
Manitoba Sustainable Development
123 Main Street, Suite 160
Winnipeg, Manitoba R3C 1A5

Dear Sir or Madam:

Re: Mathias Colomb Cree Nation and HBMS Anderson Tailings Impoundment Area Expansion – File # 1644.10

We act on behalf of Mathias Colomb Cree Nation. Our client spotted an advertisement in the newspaper regarding the above project and has asked us to respond.

Mathias Colomb Cree Nation feels that it will be affected by the above operation and wishes to make representations in respect of the proposal.

The representations to be made are not in lieu of the required constitutional consultation process that should be initiated by the Crown relative to this matter.

Please contact Chief Arlen Dumas of Mathias Colomb Cree Nation directly with Cc to the writer. His email address is arlendumas@outlook.com

Sincerely,
DUBOFF EDWARDS HAIGHT & SCHACHTER
LAW CORPORATION
Per:



HARLEY SCHACHTER
HIS/mh

cc. Chief Dumas

Winsor, Jennifer (SD)

Subject: FW: Request for review/comment - HBMS Anderson Tailings Mgmt File: 1644.10

From: Kelly, Jason (SD)

Sent: October-14-16 8:25 AM

To: Winsor, Jennifer (SD)

Subject: FW: Request for review/comment - HBMS Anderson Tailings Mgmt File: 1644.10

Parks and Protected Spaces Branch has reviewed the proposal submitted pursuant to *The Environment Act* for the Request for review/comment - HBMS Anderson Tailings Mgmt File: 1644.10 and offers the following comments:

- While Grass River and Wekusko Falls provincial parks are referenced in Chapter 5.7.1 there is no reference as to whether the project will have any impact on the parks or park users. Please add a statement under 6.11.2 addressing this.