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Amendment Process to the *Metal Mining Effluent Regulations* (MMER) for the Sisson Project

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Outline

- Context
- The *Metal Mining Effluent Regulations* (MMER) and use of water frequented by fish
- Analysis of Alternatives Assessment
- Scope of the consultations
- MMER Schedule 2 Amendment Process
- How to provide comments



Context

- The Sisson Partnership (the Proponent) is planning to construct and operate an open pit tungsten and molybdenum mine, at Sisson Brook
- The project underwent a provincial Environmental Impact Assessment and received approval in December 2015
- The mining project also underwent a federal environmental assessment under the former *Canadian Environmental Assessment Act*, and a decision was issued on the project in June 2017
- To go forward with the project, the proponent requires various authorizations/permits/licenses
- The proponent is proposing to use portions of Bird Brook and a small unnamed tributary to West Branch Napadogan Brook (waters frequented by fish) for the disposal of mine waste, which require an authorization through a regulatory amendment to the *Metal Mining Effluent Regulations*



Why we are consulting your community

- Environment and Climate Change Canada (ECCC) consults with Indigenous peoples and the public when there are potential impacts on fish habitat related to mine waste disposal
- ECCC wants to know your opinion and questions about:
 - The proposed assessment of alternatives for mine waste disposal
 - The loss of portions of Bird Brook and a small tributary to West Branch Napadogan Brook due to mine waste disposal
 - The proposed fish habitat compensation plan



What are the the *Metal Mining Effluent Regulations*

- The Regulations were made under section 36 of the *Fisheries Act* and apply to both new and existing metal mines
- Environment and Climate Change Canada administers the Metal Mining Effluent Regulations.
- The Regulations have strict limits on the quality of effluent that can be discharged by metal mines and require ongoing monitoring and inspection.



The *Metal Mining Effluent Regulations* (2)

- Can allow the use of water bodies frequented by fish for the disposal of mine waste, under certain conditions:
 - The development and implementation of a compensation plan to offset the loss of fish habitat due to the disposal of mine waste
 - Fisheries and Oceans Canada will oversee the implementation and monitoring of the plan
 - The submission of an irrevocable letter of credit to cover the plan's implementation costs
 - An amendment to the MMER to add the proposed water to Schedule 2 of the Regulations
- To date, 37 water bodies are listed in Schedule 2, associated with 19 mines.



Use of water frequented by fish to deposit mine waste

- The proponent must demonstrate through an assessment of alternatives that the use of water bodies frequented by fish for mine waste disposal is the best option from an environmental, technical and socio-economic perspective
- ECCC's *Guidelines for the Assessment of Alternatives for Mine Waste Disposal (2013)* outline a systematic and transparent approach to compare options based on a number of factors



Analysis of alternatives assessment: step by step

The seven steps to assess alternatives are:

1. Identify all potential options for waste disposal, including one that does not use fish frequented waters
2. Pre-screen options to determine those that are “fatally flawed” and focus analysis on feasible options
3. Characterize each option in terms of environmental, socio-economic, technical and economics factors
4. Develop measureable indicators that differentiate each option and organize indicators under accounts and sub accounts in a ledger.
 - example of accounts: environment, socio-economic, technical and project economics
 - example of potential socio-economic sub-accounts: archaeology, recreational uses, traditional land use, and perception

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Steps to analysis (cont'd)

5. Calculate a score for each option:
 - assign weightings to each indicator, sub-account and account to give emphasis to important factors
 - measure indicators
 - calculate scores for each option
6. Test the sensitivity of the analysis to the assigned weightings
7. Document the results of the assessment in a comprehensive technical report



Sisson Partnership's Proposal

- Sisson Partnership is proposing to use portions of Bird Brook and a tributary to West Branch Napadogan Brook for the disposal of mine waste
 - The water bodies are frequented by fish
 - Determined by Sisson Partnership to be the best option following their assessment of alternatives
- Sisson Partnership submitted a proposed compensation plan to offset the loss of fish habitat as a result of the loss of portions of Bird Brook and a tributary to West Branch Napadogan Brook



Scope of consultations on proposed amendments to the MMER

- ECCC consults Indigenous communities and the public on the proposed amendments to the MMER that would authorize Sisson Partnership to use portions of Bird Brook and a small tributary to West Branch Napadogan Brook (waters frequented by fish) for the disposal of mine waste
- ECCC wants to know your opinion regarding:
 - The assessment of alternatives report
 - The proposed fish-habitat compensation plan



MMER Schedule 2 amendment process

- Proponent submits alternative assessment report and proposed compensation plan to offset the loss of fish habitat
- ECCC reviews the assessment of alternatives report and Fisheries and Oceans Canada reviews the compensation plan to ensure compliance with DFO's and ECCC's policies and guidelines and with the *Regulations*
- **Consultations with Indigenous groups and with stakeholders**
- Comments and concerns are addressed and considered
- Drafting of regulatory documents and recommendation from the Minister to Cabinet
- Pre-publication in the *Canada Gazette*, Part I for a 30-day comment period
- Comments and concerns are addressed and considered
- Final publication in the *Canada Gazette*, Part II.

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How Can You Participate?

- Share your comments during this session
- Provide written comments by May 3rd, 2018 to the following address:

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Documents available at:
<https://app.centralcollab.com>

Username: Sisson1
Password: Sisson1!

