

## Alan Ehrlich

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**From:** kevin o'reilly <kor@theedge.ca>  
**Sent:** February-22-12 11:32 PM  
**To:** Alan Ehrlich  
**Cc:** Paradis, Adrian; TerriBugg; ToddSlack; LisaDyer  
**Subject:** Re: Invitation to Oversight at Giant Mine Workshop  
**Attachments:** Oversight Workshop Agenda (Feb. 22, 2012).docx  
  
**Importance:** High

Alan

Alternatives North and the Yellowknives Dene First Nation would like to invite staff of the Review Board as observers to a workshop that we are putting on in Yellowknife on March 6-7, 2012.

The purpose of the workshop is to examine some case studies of oversight on mining and remediation projects with a view to discussing and hopefully, reaching some consensus, what may be appropriate for the Giant Mine. A report from the workshop will be filed with the Review Board later in March.

An agenda for the workshop is attached. Should you have any questions, please feel free to contact me, Todd Slack or Adrian Paradis. It would be helpful to know for planning purposes, if you or any other staff of the Review Board will attend. If you could let us know by Monday February 27th, that would be much appreciated. Thanks.

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## **Proposal for a Workshop on Independence and Oversight at Giant Mine**

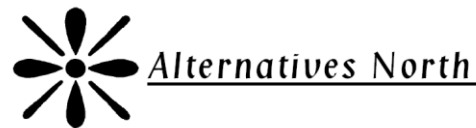
### Background

One of the consistent themes raised by the Aboriginal and public parties to the Giant Mine Remediation Plan Environmental Assessment has been the need for independent oversight for the implementation of the project. There is widespread recognition of the multiple, and potentially conflicting, roles played by the developers; as project proponents, Responsible Ministers for the purposes of the Environmental Assessment, responsible for conducting environmental inspections, having special responsibilities for Aboriginal peoples, and having authority for signing water licences.

The parties to the Environmental Assessment have not had an opportunity to sit down together and explore definitions and concepts for oversight related to the Giant Mine Remediation Plan and its implementation. Although there was some constructive discussion at the October 2011 Technical Sessions sponsored by the Mackenzie Valley Environmental Impact Review Board, the format and timelines of those meetings did not allow for a focused discussion with appropriate resource people and case studies. There was some helpful discussion of perspectives but now is the time to further explore some of these areas in a focused and facilitated workshop with a view to moving forward together.

Alternatives North and the Yellowknives Dene First Nation have worked closely together in developing this proposal and the attached draft agenda for a workshop. Alternatives North will serve as the fiscal agent with an amended contribution agreement for 2011-12. We will continue to work with representatives of the developers (Adrian Paradis and Lisa Dyer) to plan the workshop, to review logistics and to finalize an agenda and the invitation list. There will be at least two meetings for planning purposes with e-mails and phone calls to ensure collaboration and effective communications.

The main product from the workshop will be a report prepared by the facilitator in draft form for the participant organizations to review, and then finalize for submission to the Review Board. It is also anticipated that the next steps toward further dialogue or agreement on independent oversight will be identified along with a timeframe to achieve it all.



## **Oversight of the Giant Mine**

**The Champagne Room—Yellowknife NT (5006 Franklin Avenue)**

March 6-7, 2012

### **Workshop Objectives:**

- Objective 1: Build consensus on the type of oversight appropriate for the Giant Mine Remediation project. If there is agreement on the type of oversight, develop objectives, function and form for such an oversight body.
- Objective 2: Contrast models of oversight against best practices in environmental monitoring and community involvement.
- Objective 3: Compare the logistical organization of various oversight bodies related to mining or remediation projects, to understand how and why they work.
- Objective 4: Identify the next steps and parties to carry out any follow-up work.

The workshop will result in a report for the Review Board and other parties to consider as part of the Environmental Assessment of the Giant Mine Remediation project.

### **Workshop Participants:**

By 'invitation only' to be further discussed at planning meetings.

### **Facilitator and Resource People:**

Lois Little, Lutra Associates Ltd., Yellowknife  
Dr. Natasha Affolder, Faculty of Law, University of British Columbia  
Patricia Fitzpatrick, Department of Geography, University of Winnipeg  
Charles Sangmeister, Stillwater Good Neighbour Agreement Oversight Committee  
???—Aboriginal Affairs and Northern Development Canada

### **For further information contact:**

Adrian Paradis, Giant Mine Team 669-2425 [Adrian.Paradis@aandc-aadnc.gc.ca](mailto:Adrian.Paradis@aandc-aadnc.gc.ca)  
Todd Slack, Yellowknives Dene First Nation 766-3496 [tslack@ykdene.com](mailto:tslack@ykdene.com)  
Kevin O'Reilly, Alternatives North 920-2765 [kor@theedge.ca](mailto:kor@theedge.ca)

# Draft Agenda

## Day One

- 9:00 am     **Opening Remarks and Participant Introductions**
- 9:15 am     **Review of the Agenda and Purpose of the Workshop**
- 9:30 am     **Initial Discussion of Workshop Expectations and Elements of Oversight**
- 10:15 am    **Nutrition Break**
- 10:30 am    **Case Studies on Oversight**
- 1. Diamond Mine Independent Monitoring Agencies Panel Discussion**  
              Dr. Laura Johnston—Director, Independent Environmental Monitoring Agency  
              Eric Denholm—BHP Billiton [to be confirmed]  
              David Livingstone—Consultant (former negotiator on oversight bodies)
- 11:30 am    **Questions & Answers**
- 12:00 noon **Lunch** served on site
- 1:00 pm     **Case Studies on Oversight**
- 2. Case Studies on Oversight: Selected Canadian Public Sector Examples and Emerging Private Sector Best Practice**
- 1:30 pm     **Questions & Answers**
- 2:00 pm     **Case Studies on Oversight**
- 3. Good Neighbour Agreements**  
              Charles Sangmeister, Stillwater Good Neighbour Agreement Oversight Committee  
              Caleb Lande, Stillwater Good Neighbour Agreement Manager
- 2:30 pm     **Questions & Answers**
- 3:00 pm     **Nutrition Break**
- 3:15 pm     **Legal and Institutional Aspects of Environmental Oversight Agencies**  
(presentation by Dr. Natasha Affolder, UBC)

3:45 pm     **Questions & Answers**

4:15 pm     **Closing and Reflections on the Day**

**Evening Public Event:** (time and location TBA).

A public information session will be held for the public to hear from some of the resource people and participants in the workshop. They will repeat some information provided during the day (e.g. oversight case studies and comparative reviews). There will be an opportunity for questions and answers.

## **Day Two**

9:00 am     **Current Management and Oversight at Giant Mine**  
Joanna Ankersmit, Aboriginal Affairs and Northern Development Canada

- Roles and responsibilities, legislative framework and responsibilities
- Giant Mine Cooperation Agreement
- Giant Mine Oversight Committee
- Independent Peer Review Committee
- Giant Mine Community Alliance
- Current Commitments

9:30 am     **Questions and Answers**

10:00 am     **Nutrition Break**

10:15 am     **Identification, Definitions and Discussion of Principles/Methods to Guide Oversight at Giant Mine** (small groups) examples may include;

- Transparency,
- Accountability,
- Public Reporting, and
- Information Sharing.
- How can independence be incorporated into oversight?

11:15 am     **Small Group Presentations**

12:00 noon     **Lunch** (served on site)

1:00 pm     **Form and Function for Oversight at Giant Mine** (small groups)  
examples may include;

- Source of authority for the oversight body (e.g. legislation, contract, agreement, memorandum of understanding);
- Purpose, organization, mandate and powers;

- Membership with special attention to Aboriginal peoples, local citizens and municipal governments, qualifications of members, term of appointment;
- Funding and staffing including opportunities for additional funds, including funding for involvement or implementation by the parties;
- Review and amendment provisions including outside evaluations of the organization and any conclusions;
- Timing of establishment and duration;
- Frequency of meetings, rules of procedure;
- Community-based monitoring, review of monitoring and management plans and results;
- Accountability and reporting including public information;
- Access to information and information sharing with regulators and others;
- Duties of developer(s) and regulators, including responses to information requests, responses to recommendations, timelines; and
- Default, remedies and dispute resolution.

2:00 pm      **Reports from Small Groups and Plenary Discussion**

3:00 pm      **Nutrition Break**

3:30 pm      **Next Steps** (plenary session)

4:00 pm      **Closing Remarks** (sharing of final thoughts)