



Giant Mine Environmental Assessment

IR Response

Round One: Information Request - Alternatives North #03

June 17, 2011

INFORMATION REQUEST RESPONSE

EA No: 0809-001

Information Request No: Alternatives North #03

Date Received

February 28, 2011

Linkage to Other IRs

YKDFN IR #24, 27
City of Yellowknife IR #03
Alternatives North IR #03

Date of this Response

June 17, 2011

Request

Preamble:

There is no mention in the DAR of the applicability of the *Mackenzie Valley Land Use Regulations* or any municipal by-laws to the Development. The former would require a land use permit with terms and conditions that can be attached regarding waste disposal, fuel storage, erosion control and many other environmentally significant matters. Without a land use permit, it is not clear how these aspects of the Development will be regulated, inspected and enforced. Municipal by-laws, such as the Zoning By-law, Building By-law, Emergency Response By-law and others may have some relevance to the Development and allow some measure of local control over aspects of land use, heritage preservation and other matters of interest to citizens.

Question:

1. Please provide the Developer's views on the applicability of the *Mackenzie Valley Land Use Regulations* and of municipal by-laws to the Development.
2. If the Developer is of the view that these do not apply to the Development, please describe how inspection and enforcement activities may be carried out in relation to those matters that would normally be regulated by these regulations and by-laws.

Reference to DAR (relevant DAR Sections):

S.1.1.4 Project Proponents
S.1.7.2 Key Environmental Legislation and Regulations





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Reference to the EA Terms of Reference

Ts.3.2.2 Developer

Summary

The Giant Mine Remediation Project Team (Project Team) has not applied for permits or authorizations pursuant to the *Mackenzie Valley Land Use Regulations* (MVLURs) because of an outstanding joint determination required under s.98 (2) of the *Mackenzie Valley Resource Management Act* (MVRMA) by the Mackenzie Valley Land and Water Board (MVLWB) and the Territorial Minister. Until such a determination is made, the Giant Mine Remediation Project (Remediation Project) continues to be impacted by jurisdictional uncertainty and the application of the MVLURs to the site remains unclear. The Remediation Project will not be making an application for any land use permits pursuant to the MVLURs until the joint determination has been made. The legislative regime also includes more than Indian and Northern Affairs Canada. A list of permits and subsequent applications appearing in the Developer's Assessment Report (DAR) Table 6.13.1 demonstrates that the regulatory regime is comprehensive, and that the Giant Mine Remediation Project is subject to terms and conditions, scrutiny and inspections under other federal and territorial legislation.

Response 1

To date, the Project Team has not applied for land use permits pursuant to the MVLURs because of an outstanding joint determination required under s.98 (2) of the MVRMA. The MVRMA requires that the MVLWB and the Territorial Minister make a joint determination regarding regulatory jurisdiction within municipal boundaries. Until such a determination is made, the Remediation Project continues to be impacted by jurisdictional uncertainty and the application of the MVLURs to the site remains unclear. As noted in previous correspondence to the Review Board dated May 29, 2009, the Project Team will not be making application for any land use permits pursuant to the MVLURs until the joint determination has been made. There was no deliberate attempt by the Project Team to exclude the City of Yellowknife permitting under the City's Zoning and Building Bylaws.

The legislative regime includes more than Indian and Northern Affairs Canada, and the Giant Project is subject to terms and conditions, scrutiny and inspections under both federal and territorial legislation. This includes authorizations issued by MVLWB; Fisheries and Oceans Canada, Natural Resources Canada; and through Territorial legislation administered by the Chief Inspector of Mines, Workers' Safety and Compensation Commission and departments of Municipal and Community Affairs, Environment and Natural Resources and Public Works and Services.

For further information on the regulatory regime and other relevant permits and authorizations for the Remediation Project, the reader is referred to the DAR Section 1.7.2 and DAR Table 6.13.1.



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Response 2

With respect to inspection and enforcement activities, there is material on the roles and responsibilities of Indian and Northern Affairs Canada contained in other Information Request Responses including Yellowknife Dene First Nations Information Request Responses #24 and #25. As outlined in Response 1 above, inspections of the Giant Mine site are common and frequent under federal and territorial legislation and regulations.

