



# Giant Mine Environmental Assessment

## IR Response

Round One: Information Request - Yellowknives Dene First Nation #25

June 17, 2011

### INFORMATION REQUEST RESPONSE

**EA No: 0809-001**

**Information Request No: YKDFN #25**

**Date Received**

February 28, 2011

**Linkage to Other IRs**

YKDFN IR #24, 27  
Alternatives North IR #01

**Date of this Response**

June 17, 2011

**Request**

***Preamble:***

All parties at the scoping noted the need for independent oversight and monitoring review for this project – there is considerable unease with INAC and GNWT being the proponent, regulator and responsible authority. The perception surrounding the mixed mandate, seen lately in the LUP issues for the test drilling, is an issue that could manifest itself quite rapidly as all staff operate within the same reporting structure. Independent oversight is the only way for the community and First Nation to have confidence that the remediation is transparent and the concerns of the local people are being addressed rather than that of the current government.

The document acknowledges that the overall responsibility for environmental management in relationship to GIANT mine is a shared responsibility between INAC and GNWT, with local Parties, at best, providing recommendations to the regulatory system. In recent regulatory permit processes, the YKDFN have seen the various regulatory bodies shuffle their concerns between them – each stating that it fell to other Boards and/or Departments, with no one actually stepping forward to ensure that the concerns of the First Nation had been addressed. There is little faith that the Crown can be trusted and the YKDFN refuse to accept a bit part in the guidance of this critical project which has thoroughly contaminated one of the most productive areas in their traditional territory.

***Question:***

INAC should be required to complete their design of the aboriginal and government body as well as providing information on how this body provides real and tangible oversight of the project. They should be required to outline a comprehensive rationale as to why co-management is inappropriate in this case.





# Giant Mine Environmental Assessment

## IR Response

Round One: Information Request - Yellowknives Dene First Nation #25

June 17, 2011

### Reference to DAR (relevant DAR Sections)

s. 14 Environmental Monitoring and Evaluation Framework and Long-Term Environmental Monitoring

### Reference to the EA Terms of Reference

S.3.6 Monitoring, Evaluation and Management

### Response

The Giant Mine Remediation Team is open to developing a collaborative approach with an Aboriginal and Government body for the Giant Mine Remediation Project (Remediation Project) as noted in 13.12.2 of the Developer's Assessment Report (DAR).

The establishment of an Aboriginal and Government body is a priority for the Giant Mine Project Team (Project Team). The Project Team has contacted the Yellowknives Dene First Nation (YKDFN) on several occasions to discuss the formation of this group. We are waiting to hear when it is convenient for the YKDFN leadership to meet and discuss how this body may provide real and tangible oversight of the project.

Co-management of the Remediation Project will be realized in part through the environmental assessment and regulatory review processes. The concept of 'co-management' as defined in a number of northern land claim agreements includes a variety of roles – including providing advice to making decisions that are binding on all parties (except the relevant territorial or federal Minister). The Boards themselves embody the concept of co-management. For example, the Mackenzie Valley Environmental Impact Review Board (Review Board) is an impartial administrative decision-maker who is independent of the INAC Minister. Neither INAC nor the Minister has direct control over the Review Board's decision making processes. Similarly the Mackenzie Valley Land and Water Board, in undertaking a regulatory review of the Remediation Project, meets the concept of co-management. The co-management approach is also founded on the principle that the authority of the Minister cannot be fettered.

Engagement is also a core element of the Environmental Monitoring and Evaluation Framework (EMEF) and Environmental Management System (EMS) and transparency will be part of the approach to monitoring taken by the Project Team. Aboriginal communities and the public have provided important input into the design of the Giant Mine Remediation Plan (Remediation Plan), and continue to provide input through the Environmental Assessment (EA) process. The Project Team intends to regularly engage with Aboriginal communities and the public on this EMEF, on the development and implementation of the EMS and Environmental Management Plans (EMPs), on shaping specific environmental monitoring activities, and in response to monitoring results throughout the life of the project.

The format and content of the Giant Mine Remediation EMEF, EMS and EMPs is not presently developed. It will be developed and finalized in response to the detailed project design (which is





# Giant Mine Environmental Assessment

## IR Response

Round One: Information Request - Yellowknives Dene First Nation #25

June 17, 2011

currently under development); pursuant to direction from the Review Board; and in conjunction with the requirements of relevant regulatory instruments. Drafts will be shared as they become available throughout the EA and regulatory review process. For further information on plans for the monitoring program the reader is respectfully referred to the response to the Review Board Information Request #27 which describes seven principles which will be followed throughout the Giant Mine remediation generally and the monitoring program specifically.