

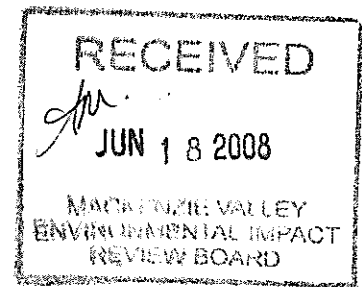


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June 12, 2008

Ms. Tawanis Testart  
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Mackenzie Valley Environmental Impact review Board  
P. O. Box 938, 5102-50<sup>th</sup> Avenue  
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**Re: EA0809-001 Giant Mine Remediation**

As a party to the Environmental Assessment of the Giant Mine Remediation Project, we would like to respond to the Draft Work Plan and Party Status Notification released by the Mackenzie Valley Environmental Impact Review Board (MVEIRB). As a clarification, it should be noted that although Indian and Northern Affairs Canada (INAC) is acting as the custodial department for the Giant Mine site and has submitted the application for a Water License for the remediation in its name, the Government of the Northwest Territories (GNWT) is a co-proponent of the Remediation Plan under the terms of the Cooperation Agreement respecting the Giant Mine Remediation Project that was executed by respective INAC and GNWT Ministers on March 15, 2005.

It is our view that the MVRMA contemplates the potential for government to have more than one role with respect to a project of this nature. Please be advised the role of INAC, Contaminants and Remediation Directorate and GNWT – Environment and Natural Resources (ENR), Environmental Protection Section during the analytical and hearings phase of MVEIRB's work plan is that of co-proponent, not intervener. The Environmental Assessment and Monitoring Section in ENR will maintain their standard role of ensuring representation of GNWT information that may be needed by the Board that is not within the mandate of the Project Office, but will not be an intervener.

Following the scoping and issuance of the Terms of Reference for the Developers' Assessment Report/EIS, we will be providing additional information on how INAC and GNWT intend to discharge responsibilities during the Decision Phase.



The following comments pertain to the Draft Work Plan:

**1. Introduction** – To provide clarification with respect to the introductory paragraph of the Work Plan, Giant Mine began production in 1948 and until 2005 was owned by several different companies. The site is now abandoned and ownership of Giant mine rests with the Queen in Right of Canada. The mine site is on Commissioner's land that is administered by the Government of Northwest Territories, Department of Municipal and Community Affairs that has established Reserve #R662T in their Reserve Register in favour of Indian and Northern Affairs Canada (INAC). This instrument allows INAC unrestricted surface access to and occupancy of the site in order to complete works necessary for the remediation of the site. Indian and Northern Affairs Canada is currently the custodial department looking after necessary care and maintenance activities at the mine site to ensure continued protection of human health and the environment.

## **2. Approach**

- a. **Decision Phase** – work plan refers to s. 118 - this should be s. 128
- b. Clarification is needed on the statement “The nature of this EA, meaning the potential severity and scale of the adverse impacts and its close proximity (to) a large community, necessitate a more thorough and careful examination by the Review Board.”

With respect to statement quoted above, it is not clear if the Review Board is referring to the adverse impacts arising from the site itself or if it is referring to adverse impacts that may arise from the implementation of the remediation of the site that is the proposed undertaking or development in this case. It is important to recognize that the undertaking is to remediate the adverse impacts on the site that were caused by over 50 years of mining activity.

## **4. Scope of Assessment – Cumulative Impacts**

The scope includes consideration of cumulative impacts as per MVRMA s. 117 (2)(a). It is unclear how the Board intends to assess the cumulative impacts in the context of the proposed Remediation Plan that is intended to improve the environmental state of the Giant Mine site and eliminate or mitigate past impacts. Recognizing that there may be short term minor impacts associated with the implementation of remediation, INAC has included an environmental impact matrix as Remediation Plan - Supporting Document Q4 and an evaluation of the potential cumulative effects associated with the Giant Mine Remediation Project in Supporting Document Q-5. Any assessment of impacts must take into consideration the existing environmental condition of the site because it is heavily impacted from past mining and ore processing. The main objective of this undertaking is to improve the existing environmental condition of the site to protect human safety and the environment through implementation of the Remediation Plan. We would appreciate clarification in this regard.



**5.4 Government Bodies** – Please note the introductory comments around INAC and ENR’s role in this process. Additionally, we would like to comment that the Review Board is independent and has the ability to hire independent expert advisors should the board require advice. We therefore request that the word “advisor” in the last part of the paragraph in this section “or an “advisor” to the Review Board”, be changed to read “or as a party and provider of technical information.”

Sincerely;

Trish Merrithew Mercredi  
Regional Director General  
NT Region  
Indian and Northern Affairs Canada

Gary Bohnet  
Acting Deputy Minister  
Environment and Natural Resources  
Government of the Northwest Territories