



Yellowknives Dene First Nation
Lands & Negotiations Office

FAX COVER SHEET

To: Tawanis Testart	From: YKDFN-LMO
Company: NIVEIRB	Date: June 18/08
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Re: Correspondence	

- URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

NOTES/COMMENTS:

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June 18, 2008

Tawanis Testart
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
Box 938, 5102 50th Avenue
Yellowknife, NT X1A 2N7

RE: Giant Mine Remediation Draft Work Plan (EA0809-001)

Dear Ms. Testart;

The Lands and Environment office of the Yellowknives Dene First Nation (YKDFN) reviewed the Draft Work Plan for the Giant Mine Remediation (EA0809-001) and is submitting the following for the Mackenzie Valley Environmental Impact Review Board's (MVEIRB) consideration.

This is a unique environmental assessment in that a remediation plan is being assessed for its impacts, or lack thereof, on the environment. The YKDFN believe the Draft Work Plan (May 26, 2008) does not sufficiently capture the geographic scope of the mine's impacts over its lifetime. Therefore, MVEIRB is encouraged to present its basis for the Draft scope development and scope of assessment at its July scoping sessions.

It is also unique because it is not evaluating the potential severity and scale of adverse impacts of a proposed development, but rather the extent to which the proposed development mitigates and remediates existing and possible impacts on the environment. This is a key perspective on the goal of the environmental assessment which we hope MVEIRB adopts in its work plan and subsequent Terms of Reference.

The following provides detailed comments on the content of the workplan:

Section One, Introduction

The YKDFN recommends expanding the scope of the text in the first paragraph (and wherever else relevant) to include not only the remediation and reclamation of the abandoned gold mine, but also remediating and reclaiming the scope of impacts on the environment resulting from 60 years of operation, including a significant period of lax environmental controls.

Section Three, Scope of Development

The YKDFN recommends the following changes to Section three:

- (a) The addition of an initial date(s); preferably the inclusion of two dates, one noting the commencement of gold mining in Yellowknife as well as Giant mine operations beginning in late 1948.
- (b) The inclusion in of an item mentioning the process and players leading to the decision of a 'frozen block' method.
- (c) Under "Surface Remediation" the inclusion of the Ingram Trail relocation, as the road's relocation proposals are much advanced compared to when the Giant Mine Reclamation plan was originally created.

- (d) Clarification of the scope of development by including the following text. "Surface remediation as it applies to all impacts on the environment caused over the life of the mine deemed necessary of reclamation and remediation."
- (e) Under "Monitoring Program", the addition of an entry (or text) that involves the discussion of a more comprehensive review process to reconsider the state of technology and research, in addition to the more standard monitoring already listed.

Section Four. Scope of Assessment

There is conflicting language in this section. In the second paragraph, the principle mentioned is the 'impact on the environment'. It then goes on to define the geographic scope of assessment to extend to only the land comprising the "Giant Mine Site" and the adjacent waters. The YKDFN Land and Environment office believes these descriptions to be incompatible.

The proposed spatial definition of the assessment does not represent the actual range of either environmental or socio-economic effects. Therefore, the YKDFN recommends scoping the assessment to include the actual extent of impacts of the Giant Mine over its lifetime, with particular emphasis on socio-economic impacts and off-site arsenic impacts.

Beyond the draft workplan, the YKDFN contend that the unique nature of this environmental assessment and the magnitude of potential impacts justify moving quickly to an environmental impact review (EIR) pursuant to ss.117(3) of the *Mackenzie Valley Resource Management Act* (MVRMA). An EIR will permit the Panel to consider the following factors:

- (a) *The purpose of the development.* The purpose of this development is to remediate and reclaim specific areas within the former Giant Mine lease block and to reduce/manage the risk associated with the in-situ arsenic trioxide. The YKDFN believes the purpose of the development is central to the issue; and that is 237,000 of arsenic trioxide. Without clarity of project purpose there will be uncertainty throughout the assessment or impact review process.
- (b) *Alternative means, if any, of carrying out the development that are technically and economically feasible, and the impact on the environment of such alternative means.* The YKDFN's goal of further reducing and/or eliminating in-situ arsenic trioxide risks and undertaking an appropriate scope of development requires a sound evaluation of alternatives which is not possible in an environmental assessment.
- (c) *The need for any follow-up program and the requirements of such a program.* Because the proposed development will exist in perpetuity, it is important to have a long hard look at what kind of follow-up programs are appropriate, and the specific requirements of such programs. This matter cannot be adequately addressed within an environmental assessment; yet, it is perhaps the most critical component of the development given it will carry on indefinitely.
- (d) *The capacity of any renewable resources that are likely to be significantly affected by the development to meet existing and future needs.* The degree and nature of reclamation will determine the quantity and quality of renewable resources available for future generations. The proponent's proposed industrial reclamation standards forsake future generations from the benefits they might otherwise have. Therefore a more careful examination of trade-offs that could increase the benefit to future generations is warranted.

Finally, an EIR and the creation of a dedicated panel could facilitate the inclusion of a YKDFN member to participate in the hearing of the impact review.

If you have any questions or concerns regarding this letter, please contact the YKDFN Lands and Environment office.

Sincerely,



Rachel Crapeau
A/ Director of Lands

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