



Alternatives North

November 29, 2013

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**Re: Proponent's Response to the Report of Environmental Assessment
of the Giant Mine Remediation Project (EA0809-001)**

As one of the parties to the Environmental Assessment, Alternatives North participated in the recent review of the Giant Mine Remediation Project. We wish to acknowledge the financial assistance provided by Aboriginal Affairs and Northern Development Canada (AANDC) through the very first participant funding provided for an Environmental Assessment under the *Mackenzie Valley Resource Management Act*.

This letter presents our comments and views on the Giant Team's assessment of the Review Report of Environmental Assessment of the Giant Mine. Alternatives North participated in the environmental assessment process fully, and presented ideas and alternatives based on lessons learned from other northern projects and other jurisdictions, and on best practices in a northern context. We support much of the Review Board's conclusions and recommendations contained in its Report. Unfortunately, we are disappointed with much of the response of the Giant Team to the Report. Our reasons are set out below.

First and foremost, we feel that the Giant Team's assessment fails to discuss the benefits of the approach outlined in the Report and the potential for a collaborative path forward that, in our view, would save all parties considerable time and money. Its assessment is based on flawed cost estimates, planning for sequential rather than concurrent actions, and an approach that focuses on stabilization rather than remediation. The Giant Team's approach will very likely result in further delays to the project, unnecessary additional costs and may exacerbate existing tensions between the Proponent and affected communities. Finally, we find a failure of due process where the Giant Team has gone against its commitment not to interfere with the Government Response on the Review Board Report.

Further detailed comments and evidence for our conclusions are found in Appendix A.

We strongly urge the Responsible Ministers to consider all the evidence before them before making their decision on the Giant Mine Remediation Project pursuant to s. 130(1) of the *Mackenzie Valley Resource Management Act*. Relying solely on the Giant Team's flawed assessment will not achieve the most practical and effective remediation of the Giant Mine. Instead, we recommend the Responsible Ministers adopt the Review Board Measures without modification as the way to move forward collaboratively and in a way that respects the views and aspiration of residents.

Sincerely,



Kevin O'Reilly
Giant Mine Coordinator
Alternatives North

Alternatives North is a coalition of individuals and community groups including church, women's, anti-poverty, environmental and labour organizations based in Yellowknife, Northwest Territories. We were formed in 1993 and became an active party in the Environmental Assessment of the Giant Mine Remediation Project (see Public Registry #[586](#)).

cc. Matthew Spence, Director General, Northern Projects Management Office
Chiefs Edward Sangris and Ernest Betsina, Yellowknives Dene First Nation
Bill Enge, President, North Slave Metis Alliance
Mayor Mark Heyck, City of Yellowknife
Yellowknife Members of the Legislative Assembly of the NWT
Dennis Bevington, Member of Parliament for the Western Arctic
Alan Ehrlich, Mackenzie Valley Environmental Impact Review Board
Joanna Ankersmit, Contaminated Site Program, AANDC
Ray Case, Assistant Deputy Minister, Environment and Natural Resources, GNWT

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Appendix A. Detailed Comments on the Giant Team's Assessment

1.0 Commitment Not to Interfere with Government Response

Alternatives North has confidence in the process that led to the issuance of the Report of the Environmental Assessment by a Review Board appointed in accordance with the *Mackenzie Valley Resource Management Act* by the Minister of AANDC. The process was rigorous and transparent, culminating in a week-long public hearing in September of 2012.

We were surprised and disappointed to learn in September 2013 that the proponents (AANDC and the Government of the Northwest Territories) were involved in responding to the Report of Environmental Assessment given their multiple roles and assurances provided at the public hearing in September 2012 that there would be no such involvement:

MR. JOHN DONIHEE (Review Board Legal Counsel): I -- I -- just one (1) follow-up question then. Thank you. I understand your point. I understand your position. But the follow-up question, I guess, is this: You know, we're going to hear presentations from -- if -- if we ever stop asking questions that is, we're going to hear presentations from -- from Mr. O'Reilly and others about the many hats that AANDC and, you know, your team are wearing.

And so what I'm wondering about is this: Once the Board's report of EA goes -- is finished, of course, it goes to your Minister. What role will the Giant team play in reviewing and commenting on that report of EA?

THE CHAIRPERSON: Thank you, and we'll go to the Developer.

MS. JOANNA ANKERSMIT (AANDC): Thank you, Mr. Chair. The Giant Mine Team won't be involved in -- in -- in that process. [emphasis added]

(Public Registry #579, MVEIRB Public Hearing Transcript for the Giant Mine Remediation Project, pg. 190)

Responsible Ministers need to know that the Giant Team's assessment of the Report was prepared without any input or support from, or consultation with any of the parties. When the Team finally met with the parties (Yellowknives Dene First Nation, North Slave Metis Alliance, City of Yellowknife and Alternatives North) on November 14, we were told that no changes would be made to the assessment even if there were errors or omissions (see Appendix B, Summary of the November 14, 2013 Working Group Meeting).

Apart from the problem of failing to adhere to a commitment made before the Review Board, it is deeply troubling that the Giant Team would outright reject factual corrections without further discussion.

2.0 Outcomes and Benefits of the Giant Mine Remediation Project Environmental Assessment

The undated assessment of the Review Board's Report by the Giant Team does not recognize or discuss the outcomes or the benefits of the Environmental Assessment. This was a five-year long

process that involved unprecedented collaboration amongst Aboriginal governments (Yellowknives Dene First Nation and North Slave Metis Alliance), the municipal government (City of Yellowknife) and civil society (Alternatives North) based on a convergence of interests.

Not one person supported the remediation plan as brought forward by the Giant Team during the entire Environmental Assessment. There is still no visible support for that plan. For example, neither the City of Yellowknife nor the Yellowknives Dene First Nation has passed a motion of support. There is no ‘social licence’ for the project to proceed. In the Review Board’s own words: “... the Review Board finds that the Project is likely to have significant adverse impacts on the environment, and that there is significant public concern related to these impacts.” Many of the Review Board’s recommendations are designed to specifically build public confidence and trust, something that the Giant Team appears unable and/or unwilling to do.

During the environmental assessment process a strong consensus developed among interveners around some key issues and more importantly, solutions. These included the need for independent oversight, the need for on-going investment into research and development of a more permanent solution for the underground arsenic, and the need for perpetual care planning (including a stable, long-term source of funding). These were seen as improvements to the remediation plan brought forward by the Giant Team.

The Review Board carefully considered all the evidence before it during the long Environmental Assessment, including some 600 individual items filed on the public registry. The Report of Environmental Assessment clearly demonstrates that the Review Board listened to what the parties and the public had to say, analyzed all the information before it and found that 26 measures and 16 suggestions were necessary to address the significant public concern and potential for significant adverse impacts with the project. This unprecedented number of Measures clearly reflects the very complex and difficult decisions before the Review Board as stated by the Chairperson in his closing comments at the public hearing:

It goes without saying that the Board has a very important decision to make. I think it's been restated here over and over again, and -- and it's really a -- probably one of the toughest decisions we probably have to make. The Board is going to work hard, and give careful consideration to everything that we have heard this week.

This environmental assessment is unique. We must consider some highly technical questions. At the same time, the Board has heard the -- our concerns, and the concerns of the Yellowknives, North Slave Metis, and the citizens of Yellowknife. So there are some tough social issues that [are] of concern.

(Public Registry #579, MVEIRB Public Hearing Transcript for the Giant Mine Remediation Project, pg. 285-286 and 290-291)

There has been a strong outpouring of support for the Review Board’s Report of Environmental Assessment as evidenced by:

- A unanimous motion of support from Yellowknife City Council (Public Registry #651, Letter to Responsible Ministers dated August 6, 2013 from City of Yellowknife);

- Letters of support from the Yellowknives Dene First Nation (Public Registry #[650](#) and #[655](#), Letters dated August 6 and 15, 2013);
- Letter of support from the North Slave Metis Alliance (Public Registry #[654](#), Letter to Minister Valcourt dated August 22, 2013);
- Letter of support from three Yellowknife Members of the Legislative Assembly (Public Registry #[649](#), Letter to Responsible Ministers dated August 7, 2013);
- Motion of support for the Review Board Report from the Legislative Assembly of the NWT (Public Registry #[653](#), Excerpt of Hansard from October 21, 2013); and
- Letter of support from Dennis Bevington, MP Western Arctic (Public Registry #[652](#), Letter to Responsible Ministers dated October 7, 2013).

Giant Mine continues to be a source of intense public and media attention (see compilation of media coverage since the Report of Environmental Assessment as Appendix C).

We are disappointed that the Giant Team found it necessary to respond with its assessment of the Report and to do so in the manner it has followed. With the Report of Environmental Assessment on the Giant Mine Remediation Project we have an opportunity to make this a model for other perpetual care sites, building on northern experience and the tradition of collaborative approaches. We can apply best practices from the successful NWT diamond mines, among others. We can learn from and adapt lessons from nuclear waste management for perpetual care planning. The Giant Team assessment is not the appropriate approach if the Responsible Ministers want to move forward with the support of the affected and concerned public. The Review Board incorporated all of these best practices, northern experience and public views to forge a path for working together. While there may be some ways to strengthen and clarify the Review Board measures, the Giant Team’s assessment should not be the basis such a process.

3.0 Giant Team Assessment of Review Board Report of Environmental Assessment

It is our view that the assessment put together by the Giant Team is really a set of conclusions rather than an analysis that reflects the work undertaken during the Environmental Assessment and the understandings reached by the parties. If there is additional research that went into the assessment, we would welcome its production so that we can better understand the Team’s rationale. As it is most of the Team’s assessment is faulty, built on false assumptions, or reflects a worst case scenario rather than a reasonable outcome based on collaboration with the parties.

3.1 Scope

The Giant Team claims that several of the Review Board measures are outside of the scope of the Giant Mine Remediation Project. Although the Team’s covering letter does not go into details on this point, the accompanying table states that several of the measures would significantly increase the scope of the project:

- Measure 3 on a multi-stakeholder research agency;
- Measure 5 on an independent quantitative risk assessment;
- Measure 9 on a human health monitoring program;
- Measure 10 on a quantitative human health risk assessment;

- Measure 11 on diverting Baker Creek off site;
- Measure 12 on water quality at the mouth of Baker Creek meeting CCME guidelines; and
- Measure 13 on water quality objectives for the project;

We agree that some of these measures may indeed represent a change in the scope of the project as developed by the Team and brought forward for internal and external review and approval, including the Federal Contaminated Sites Action Program and the Federal Treasury Board. None of these subjects covered by these Measures should come as a surprise to the Giant Team or to the Responsible Ministers as these issues and concerns were raised consistently throughout the development of the remediation plan since 1999 and before. For example, human health concerns around arsenic have been raised in Yellowknife since at least the 1960s. The Team has consistently failed to respond adequately to the significant public concerns around these issues. The Giant Team did not involve any of the outside parties when it conducted risk assessments despite repeated requests for meaningful involvement. The assessment of risk should involve an evaluation of acceptability by the parties that have to live with the consequences, something that the Review Board tried to rectify through its Measures 5 and 9.

The overarching problem is of the Team’s focus on “stabilization” rather than “remediation” as stated in the closing comments from Alternatives North on September 26, 2012 (Public Registry #[607](#)):

The Giant Team said several times during the public hearing that its efforts have been largely directed at managing the immediate site conditions or stabilizing the site in the short-term, rather than focusing on long-term remedial measures or even completing some of the crucial design work needed to properly assess the significance of potential adverse environmental impacts (Document #[581](#), Public Hearing Transcript, September 13, pages 107, 116, 151; Document #[582](#), Public Hearing Transcript, September 14, pages 138-139). As a result, what we have is a “Stabilization Plan” rather than a real “Remediation Plan” that reflects the needs and desires of the community (Document #[582](#), Public Hearing Transcript, September 14, pages 24-25, 72).

To carry out the Giant Mine Remediation Project and shift it from ‘stabilization’ to real ‘remediation’ will cost a lot more money to properly engage the community and work together on the perpetual care aspects of the development. This will likely require community leaders and the Project Team to convince decision-makers and funders of this necessity. AN believes there is still an opportunity to work together, but a firm, written, legally binding Environmental Agreement (see Exhibit #11 from the public hearing, Public Registry #[599](#)) is needed to firm up the vague commitments made by the Developer and to begin to establish a true partnership for moving forward.

We firmly believe that the Review Board has addressed many of the deficiencies with the original Giant Mine remediation plan in the public interest.

3.2 Timing of Implementation and Delays

Much of the Giant Team’s focus is on the delays that acceptance of the Measures may mean for the remediation project. Rather than focus on the progress and gains on issues made during the Environmental Assessment and the Measures that will build public confidence and trust, the gist of the analysis appears to reflect a view that collaboration means delays and one that sees the Measures as

obstacles or problems. We firmly believe that by working together, significant time and expense will actually be saved.

In its analysis, the Giant Team claims “if the responsible ministers were to accept the Review Board recommendations without modification, this would cause a significant delay to project implementation.” This would apparently be a three to four year delay in “addition to the two years the Project Team was already forecasting between the completion of environmental assessment and the anticipated completion of other key regulatory permitting.” It is not clear when the Giant Team actually expects the active remediation phase to begin. In a Public Works and Government Services Canada, [Giant Mine Procurement Outlook](#) dated November 19, 2013 the “definition phase” is only scheduled to end in 2018, five years from now. This should be more than enough time to complete the necessary Measures as recommended by the Review Board.

There is nothing in the Review Board’s Report of Environmental Assessment that suggests or requires that Measures 5, 7, 8, 9, and 10 need to be carried out sequentially. By devoting sufficient resources and beginning to work together with the parties, it should be possible carry out several of these Measures simultaneously, thus saving time.

The Giant Team itself has caused very significant delays for which it has taken no responsibility. One need look no further than the numerous delays caused by the Team since 2008 when the project was referred to Environmental Assessment. The Giant Team was responsible for at least 13 separate delays totally more than 1.6 years during the Environmental Assessment (see Public Registry #[548](#), #[616](#) and #[631](#) and the [Giant Mine EA Timeline](#) as prepared by the Review Board). In addition, it is our view that had the Giant Team provided timely and complete responses to Information Requests, a second round may have been avoided or significantly reduced, thus saving additional time during the Environmental Assessment.

The collaborative process used by AANDC for the Colomac (see Public Registry #[94](#)) and Port Radium (see Public Registry #[18](#)) remediations allowed those projects to proceed without an Environmental Assessment. Alternatives North believes that the whole five-year long Environmental Assessment of the Giant Mine Remediation Project and its attendant costs in delaying implementation and regulatory costs might have been avoided had the Giant Team worked collaboratively with the parties from the beginning. This failure threatens to continue should the Giant Team’s approach be accepted by Responsible Ministers.

The Giant Team also relies on the deteriorating condition of the site as further rationale for avoiding the Review Board Measures. None of the parties have ever objected to the emergency work that is currently underway at the site when justification is provided and there is rigorous monitoring, regulation and public reporting. Unfortunately much of this work was drawn up and approved as part of the Site Stabilization Plan in November 2011 but only released to the public more than one year later on January 22, 2013 (see Public Registry #[528](#) and #[529](#); Mackenzie Valley Land and Water Board public registry for MV2012L8-0010, [Letter from MVLWB to AANDC on January 7, 2013](#) and [Letter from AANDC to MVLWB on January 22, 2013](#)). Delays to the deconstruction of the Roaster Complex or the Underground Stabilization work appear to have resulted primarily from incomplete tendering specifications and delays in providing information for the regulatory process.

If approaches recommended by the Giant Team are adopted by Responsible Ministers, they will likely lead to a lengthy consult-to-modify process and possible legal action. Further delays to the Giant Mine Remediation Project can and should be avoided. This can be achieved by adopting the Measures as set out by the Review Board. This would begin the process of building public confidence and trust and enable all parties to move forward together effectively and efficiently.

3.3 Costs

It is our view that the Giant Team has needlessly inflated the implementation costs of some of the Measures proposed by the Review Board.

Several of the cost estimates do not reflect increases in costs, or vary from commitments already made by the Giant Team. For example, Measure 14 requires the proponent to add an ion exchange unit as part of the water treatment system. The Team estimates the additional costs for such a cost as between \$12-20 million. The Team actually made the commitment to use ion exchange in March 2013 in response to a Review Board Information Request at a cost of about \$103 million Net Present Value for a 100 year timeframe (see Public Registry #637, pg. 4 and 6; #638, pg. 12). It is not clear how the costs were reduced for the ion exchange unit or whether the Team now considers that an additional \$12-20 million is required.

Another example is the inflated cost for implementing Measure 7 for an independent oversight body. The Team estimates such costs at \$350-800,000 per year, over the life of the project. In the eighth draft of an Environmental Agreement prepared by the Oversight Working Group (which included members of the Giant Team (see Appendix D), the figure for the core budget of such a body was set at \$350,000. This figure would be subject to review after five years and tied to the level of the activity for the project and thus probably reduced upon completion of the active remediation phase.

4.0 Detailed Comments on Proponent Impact Assessment of Recommended Measures Table

Our detailed comments on the Giant Team’s treatment of various proposed Measures appears below, in the order that they are presented in the table dated November 1, 2013.

4.1 Measures 7 and 8--Environmental Agreement and Independent Oversight Body

4.1.1 Background

The Responsible Ministers should carefully review the chronology of events surrounding the issue of independent oversight and an Environmental Agreement to better understand the frustration of the parties, including Alternatives North, surrounding these issues (see Appendix E).

We have attempted in good faith to work with the Giant Team on these issues including an AANDC funded workshop held in March 2012 that resulted in an Oversight Working Group. That group consisted of AANDC, GNWT, Yellowknives Dene First Nation, City of Yellowknife and Alternatives North representatives. It met 12 times between April and September 2012.

The Working Group went through six drafts of a discussion paper that laid out the principles, areas of agreement and areas requiring further work. This May 18, 2012 discussion paper was then taken back to respective leaderships for endorsement and a commitment to further work towards an arrangement. All parties (including AANDC and GNWT) accepted those recommendations from the Working Group. Discussion began on an Environmental Agreement. Eight drafts of an Environmental Agreement were prepared and discussed within the Working Group.

AANDC and GNWT sent a unilateral letter dated August 31, 2012 that provided no details on why the last draft was not acceptable, but committed to a vague set of principles and a pledge to have an oversight body in place before 2017.

The eighth and final draft of a Giant Mine Environmental Agreement is now filed with the consent of all the parties as Appendix D. It should be noted that Alternatives North has requested that AANDC and GNWT recommence the Oversight Working Group several times since the September 2012 public hearings but to no avail. Over a year of time has been lost on this initiative. Only in the Giant Team assessment are its concerns with an Environmental Agreement finally revealed in any detail. At the November 14, 2013 meeting of the Giant Mine Working Group, the Giant Team committed to provide comments on the eighth draft of an Environmental Agreement and to suggest alternative wording on matters that it sees as a problem. No deadline was specified for this work.

4.1.2 Environmental Agreements in Practice

There are three modern Environmental Agreements in place for the diamond mines as shown in the attached chronology in Appendix E. There are now over 38 years combined experience in the implementation and operation of these arrangements.

There is no evidence that these arrangements have ever interfered with the project management and resource allocation of any of the diamond mines. On the contrary, two independent reviews of one of the diamond mine oversight bodies and one international review of similar bodies have all found good value for money and that these arrangements build public confidence (see Public Registry [#519](#), [#520](#), [#521](#), [#522](#)).

Similarly, the claim by the Giant Team that the dispute resolution process contemplated in the last draft Environmental Agreement would be used by parties to delay the project is completely false and unsupported by any factual information. In the 38 years of the diamond mine oversight bodies, there have been four instances where the formal dispute resolution process has been invoked as follows:

- Independent Environmental Monitoring Agency mediation over budget and work plan ([January 2006](#));
- Independent Environmental Monitoring Agency mediation over the use of the Separate Fund (to support involvement in legal and regulatory processes) ([March 2008](#));
- Environmental Monitoring Advisory Board arbitration over its budget ([January 2011](#) and [February 2011](#)); and
- Environmental Monitoring Advisory Board disputed budget where AANDC Minister made a final decision ([September 2013](#)).

All disputes to date were about the funding for the oversight bodies, not about operational decisions, corporate resource allocation or even compliance with the Environmental Agreements.

4.1.3 Eighth Draft of the Giant Mine Environmental Agreement

The Giant Team have inaccurately mischaracterized the Giant Mine Environmental Agreement as an “attempt to usurp this authority [Parliament and the Legislative Assembly of the NWT]” and suggesting a “role for the Oversight Body to be involved in project management and resource allocation decisions as opposed to project oversight”. We are not clear how such misguided conclusions could possibly be reached by the Giant Team. The Team has also concluded that a Measure requiring an Environmental Agreement “essentially hands each of the members of the Oversight Working Group a veto over the commencement of major Project activities.” This is completely contrary to the stated purpose of the Committee proposed in the Agreement, which was to exclude any operational role in the Giant Mine Remediation Project.

Now that the Giant Team has finally consented to the disclosure of the last draft of the Giant Mine Environmental Agreement (Appendix D), it is possible for others to make their own assessment. The draft was very much modelled after the diamond mine Environmental Agreements, to provide for a method to ensure compliance with commitments made during an environmental assessment. Similar arrangements are also in place through project certificates under the Nunavut Land Claims Agreement and likely to be introduced in the changes being contemplated to the *Mackenzie Valley Resource Management Act*.

We now understand that the Giant Team views the dispute resolution section of the draft Environmental Agreement as unacceptable. There seems to be a total misunderstanding of these provisions. Dispute resolution could only be initiated in the following limited circumstances:

- s. 8.0 budget of the Committee [the oversight body] (after an initial five-year period) where disputes can be initiated by any Party and responses to requests for additional funding where disputes can be initiated by the Committee;
- s. 11.2 where the Committee finds that the responses to an evaluation of the Annual Report to be filed by the Giant Team are not adequate, the Committee can take that matter to dispute resolution;
- s. 11.3 where the Committee finds the three-year Environmental Report to be inadequate, it may take the matter to dispute resolution and where the responses to the Committees evaluation of the Environmental Report are found to be inadequate, the Committee can take the matter to dispute resolution;
- s. 11.4 where the Committee finds the responses to a 10-year Adaptive Management Review to be inadequate, the Committee can take the matter to dispute resolution; or
- s. 12 where the Committee finds that environmental management plans are not adequate in relation to the requirements of the Agreement, the matter can be taken to dispute resolution by the Committee;
- s. 13.3 Alternatives North had proposed wording to require special funding to the Committee to prepare a five-year research and development plan into a better solution for the underground arsenic, with provisions for the Committee to take inadequate responses to the

plan to dispute resolution [this wording was not discussed or accepted by the other members of the Working Group]

The only time the proposed parties to the draft Agreement (AANDC, GNWT, YKDFN, City and Alternatives North) could initiate dispute resolution is with regard to the budget for the Committee after the first five years. All other dispute resolution can only be initiated by the Committee which is independent of the parties, and only about compliance with the Agreement, not management decisions or resource allocation. Most of the items that could lead to dispute resolution were with regard to commitments that the Giant Team has already made during the course of the Environmental Assessment, particularly around independent oversight, public reporting, management plans and monitoring program. The draft Agreement simply put in place a structure and organization to these commitments that included provisions for some consequences if commitments are not fulfilled.

Alternatives North views Measures 7 and 8 as essential for moving forward in a collaborative and constructive fashion, and in building a social licence for the Giant Mine Remediation Project. It is very disappointing to see continued resistance and unprofessional mischaracterizations of the work accomplished to date. An Environmental Agreement is likely to reduce timelines, save money and build public confidence, as has been the experience with the diamond mines. We are prepared to enter into mediation and binding arbitration, if necessary, to see the completion of an Environmental Agreement covering the Giant Mine, as we recommended in our Technical Report to the Review Board in July 2012 (Public Registry #482, pg. 43-44).

4.2 Measures 5 and 10--Independent Quantitative Risk Assessment and Human Health Risk Assessment

As discussed above, there is no requirement or suggestion from the Review Board that these Measures are sequential to others. At the root of the Review Board Measures is the fundamental concern about human health and the lack of the engagement with the parties in defining and evaluating risks associated with the site and the Giant Mine Remediation Project as put forward by the Team. For example, the Team did not involve any of the parties in any way during the preparation of its Failure Modes Criticality Modes Analysis (Public Registry #284 and #285 and discussion at the Technical Sessions #355, see pages 81-266).

The fundamental issue of human health and the Giant Mine was characterized very well by a former Chief Medical Health Officer for the NWT, Ian Gilchrist at the public hearing (Public Registry #579, pg. 34-35).

And the first thought that -- the first question that I had that came to me was that I note that this is called the Giant Mine Remediation Project that we're talking about. And I would ask the panel of Developers, each one to themselves, what do you think is your role? Why are you doing what you do?

And I would -- before you think that through yourselves, I would hope, very much hope, that you would say, each of you from your various specialities, that your answer is to help make sure that people and the living things around them are kept safe and healthy from the risky material that we call arsenic.

But from what I've heard and read, I have the sense that maybe the thinking is not all the way there. One of the early statements I heard from the Developers was that, Our responsibility is to remediate. But then

when the plan is given in more detail, it sounds like the goal rather ends with clean fish, clean air, water, soils, et cetera, and doesn't quite reach to the people themselves.

So my question is this: Is it not important, along with all the monitoring of those other things, to actually look at people whose lives are spent in this place where there is arsenic?

There has been criticisms about Health Canada is not represented here. And I wonder too about GNWT Health and Social Services who have the doctors the nurses, the clinics, et cetera, who actually look after most people, but who may them -- not themselves be very aware about arsenic and what arsenic can do to people's health. But surely what this means is that the Developer's team is really incomplete.

After all, if the responsibility is to remediate and make things better, surely you need to know what kind of remediation people need. After all, peoples -- people as old as I am, who have lived here all their lives living with arsenic, and yet it's about forty (40) years since the Canadian Public Health Association was called in to look at how people's health might be being affected.

Unfortunately, the Giant Team believes that a human health risk assessment and human health monitoring program (Measure 9) are beyond the scope of their project. There is some appetite for redoing the 2006 human health risk assessment, but there is nothing about collaboration with any of the parties, just a suggestion to update it and make it public. We had hoped that the Giant Team would have understood the parties' interests in being involved in the identification and evaluation of risk.

Measure 11—Diversion of Baker Creek Off-Site

Alternatives North has some level of agreement with the Giant Team's assessment of this Measure. We believe that it is not in the public interest to have a creek running through one of the most contaminated sites in Canada over the long-term. At the same time, diversion off site was not studied in any detail during the Environmental Assessment. We firmly believe that diversion should remain an option in assessing a variety of other options and we are particularly keen to hear from the Elders of the Yellowknives Dene First Nation regarding the future of Baker Creek.

We are concerned with the proposed approach from the Giant Team on this Measure. The Team does not commit to involving the parties or the public in the identification of options for Baker Creek, development and then the application of evaluation criteria for the selection of a preferred alternative. The Team has only committed to its standard approach of seeking public input on an options analysis. Given the public interest in Baker Creek simply making an options analysis available after key decisions are made is simply not good enough.

4.3 Measures 12, 13 and 15—Water Quality Standards and Objectives for Baker Creek and Treated Water Outfall

We believe that the Giant Team has taken an overly narrow interpretation of these Review Board Measures which are really set out to provide design criteria for the overall water management system that still remains incomplete.

The costs identified for implementation of Measure 12 by the Team are premature at best and in any event, may need to be spent if diversion of Baker Creek becomes the publicly preferred alternative.

When asked whether any contaminants in the treated mine water might not achieve CCME guidelines at the November 14 Giant Mine Working Group meeting, turbidity was the only variable identified in a follow-up e-mail (see Appendix E).

4.4 Measure 3—A Multi-Stakeholder Research Agency

We are disappointed that the Giant Team has again taken such a narrow interpretation on this proposed Measure that was a source of significant public concern throughout the Environmental Assessment and before. Contrary to what the Giant Team has indicated, the Measure does not state that an existing body cannot be used for the purposes of coordinating or planning for research and development of a more permanent solution for the underground arsenic trioxide.

As stated above, the Giant Team has consistently refused to respond in a meaningful way to the persistent concern surrounding the lack of any active investment into a longer term solution. This concern was heightened with the revelation in March 2013 that a “new” water treatment system, ion exchange, could reduce arsenic concentrations in the treated effluent to Drinking Water Quality standards and remove the requirement for a diffuser (see the discussion under s. 3.3 Costs above). Why the Giant Team did not consider or propose this alternative after studying the issue for more than 10 years, using a proven technology, has not been explained and has eroded public confidence in the rigour and technical soundness of the overall project (see Public Registry #639).

The Giant Team recently provided a breakdown of the cost it has estimated for a stand-alone research agency. These appear to be rather top heavy with a staff of five with a research budget of only \$100k. We are of the view that the budget for such an entity or addition of this mandate to an existing body, should be the subject of further discussion amongst the parties, just as the Measure suggests.

Unfortunately, the Giant Team conflates this issue with the oversight body and states that it “could assume effective control over management and resource allocation decisions”. This is simply wrong. It is a conclusion apparently based on pure speculation and imputes bad faith on the part of a body that has yet to be created. Rather than see such a Measure as an opportunity to build public confidence, it is characterized as an obstacle and a risk.

What is clearly missing from the Giant Team’s proposed approach to this Measure is any explicit acceptance of the concept that there should be ongoing investment into research and development towards a more permanent solution for the underground arsenic. Without such a clear commitment, it will not happen. A review every ten years of any new technology simply passes on this responsibility to future generations.

4.5 Measure 14—Ion Exchange Unit for Water Treatment

Alternatives North concerns with the Giant Team’s assessment of this Measure are presented in s. 3.3 above.

4.5 Measure 24—Prevention of All-Terrain Access on Tailing Covers

It is hard to see how a “new and significant cost to the project” could be created by a Measure that may cost “\$1.5-2 million” when the overall cost of the project is likely to exceed a billion dollars. The real problem here is the failure of the Giant Team to work collaboratively with the City of Yellowknife and the Yellowknives Dene First Nation in determining the future land use for the site, and the lack of a design for a cover for the 96 hectares of tailings on the site after more than 10 years of developing the remediation plan. The remediation plan was put together with little or no thought to the end land use and there is still no plan or approach envisioned for institutional controls on future use such as zoning, caveats on title, or withdrawal of surface and subsurface rights.

4.6 Measure 26—Consultation with City of Yellowknife and YKDFN on End Use of the Site

The Giant Team has consistently failed to consult with the City and YKDFN over the end use of the site. The Team has misinterpreted the Measure as a requirement for AANDC to institute controls over the end use.

Alternatives North has consistently raised the issue of the need to consider end use as part of rationale land use planning and reclamation but the Team has resisted such moves (see Public Registry #[394](#), Responses to AN Second Round IR#11 and #12). For example, the Team would not provide cost estimates for remediation of the Town Site area (over which the City has a long-term lease) to accommodate the City’s 2006 plan for the area. The Team has promised to engage parties several times for a land use “visioning” exercise in early 2013, but this has repeatedly failed to materialize.



Giant Mine Remediation Project

EA No. 0809-001

APPENDIX B

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Giant Mine Working Group 14 November 2013 Meeting Summary

22 November 2013



Aboriginal Affairs and
Northern Development Canada

Affaires autochtones et
Développement du Nord Canada



Giant Mine Remediation Project

EA No. 0809-001

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Aboriginal Affairs and
Northern Development Canada

Affaires autochtones et
Développement du Nord Canada

1. INTRODUCTION

The Giant Mine Remediation Project (GMRP) Team organized a meeting of the Giant Mine Working Group (GMWG). The meeting was held in the 1st Floor Boardroom of the Waldron Building in Yellowknife, NT, from 9:00 am to 12:30 pm MT on 14 November 2013.

Meeting participants included members of the GMRP, as well as representatives from the Interested Parties and members of the Mackenzie Valley Land and Water Board (MVLWB) and the Northern Projects Management Office (NPMO) of Canadian Northern Economic Development Agency (CanNor):

Giant Mine Remediation Project Team	Team Member
Aboriginal Affairs and Northern Development Canada (AANDC)	Jane Amphlett Adrian Paradis Mark Palmer Jennifer Lukas
Government of the Northwest Territories – Environment and Natural Resources (GNWT-ENR)	Erika Nyyssonen
GMRP Interested Party	Representative
Environment Canada (EC)	Amy Sparks
Fisheries and Oceans Canada (DFO)	Morag McPherson Stuart Niven
Alternatives North (AN)	Kevin O'Reilly Gordon Hamre
Yellowknives Dene First Nation (YKDFN)	Todd Slack Johanne Black
City of Yellowknife (City)	Karin Kronstal (P&L)
North Slave Metis Alliance (NSMA)	Eric Binion
Observers	Representative
Mackenzie Valley Land and Water Board (MVLWB)	Tyree Mullaney Jen Potten
Northern Projects Management Office (NPMO)	David Alexander Marie Adams

*Notes were taken by Krista Amey, DPRA.

OBJECTIVES

The objectives of this meeting:

1. Provide an update to Working Group Members on Site Activities
2. Update on action items (e.g. emergency response)
3. Discussion around process to respond to questions received from Parties
4. Review objective of next meeting- December 12-13th
 - a. Review of Objectives and Criteria
 - b. Design update on work packages

c. Presentation of monitoring and assessment results

5. Review the Proponent's Analysis of the Report of Environmental Assessment (EA) measures.

This report provides a summary of this meeting and will be uploaded to the Review Board (RB) registry.

Jane Amphlett (AANDC) opened the meeting acknowledging Yellowknives Dene First Nation's (YKDFN) request to change the order of the agenda items in order to begin with the review of the analysis of the EA measures.

Alternatives North (AN) stated that this is a very important meeting and that the Parties have been asking for a meeting to discuss the Review Board recommendations for months. Kevin O'Reilly (AN) stated his disappointment that although a meeting was mentioned in an AANDC e-mail in May to discuss the Review Board report, such a meeting did not happen. Kevin noted that he had requested that transcripts of this meeting be produced because of his belief that this would be the only meeting of this nature, but AANDC rejected this idea. He further stated his disappointment that Joanna Ankersmit (Executive Director, Contaminated Sites Program, AANDC) and Ray Case (Assistant Deputy Minister Corporate and Strategic Planning, ENR, GNWT) were not in attendance at today's meeting and would not be participating by phone.

AANDC and GNWT indicated that the purpose of this meeting is to have a discussion on the issues at a working level, however if there is a desire to meet at a higher, political level, then that can be arranged.

AANDC explained the two reporting structures of AANDC for this project. There is the Project Team and the Statutory/Regulatory Team that will brief the minister. The Project Team is the proponent and as such reviewed the RB's EA Report to determine what are the impacts to project scope, schedule and cost. This is an important process required to ensure effective delivery of the project and the Project Team has made the analysis publicly available. One of the objectives of this meeting is to discuss with the Parties how the project team developed the analysis and determine areas of agreement / disagreement on potential impacts to the project when implementing the REA.

AN asked for further clarification on the firewall and how far up the chain briefings go. AANDC explained that because the Regulatory team and the Project team operate within the same department the reporting structure has been developed so that the Regulatory Team briefs up to the Associate Deputy Minister and the Project Team briefs up to the Deputy Minister. This creates separate reporting chains and ensures that staff provides unbiased advice.

AANDC was asked whether any changes would be made to the Giant Team analysis, even if there were errors or omissions. The response was that no changes would be made to the documents released on November 1. AN and YKDFN questioned whether or not the Minister of ENR has already made his decision on the Review Board report based on statements made in the Legislative Assembly where the Minister clearly stated that "we have rejected some" recommendations; and if so, then they wondered what the point to today's review of the analysis would be. "Reasonable apprehension of bias" was raised.

AANDC/GNWT indicated that there is value in going through the analysis with the WG. The analysis was based on the language of the EA Report and it is important to determine whether the parties and the project team are interpreting the

Comment [K1]: Working Group summaries have not been sent to the Review Board for months.

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language in the same way. The project team further stated that this is a chance to provide an explanation of how the project arrived at the analysis and there is still opportunity for discussion and clarification of issues going forward.

AN stated their satisfaction with the RB's EA Report and that there was no misinterpretation on the part of the Review Board (RB) of what the Parties have said during the process of the EA.

AN said the analysis appears to be a set of conclusions that are based on other information but the final presentation does not include the supporting evidence. For example, it would be helpful to see how the cost estimates were determined. AN said that they would be happy to go through the table but also would like to go through the letter. AANDC and GNWT were requested to provide additional information and rationale that went into the Giant Team's analysis.

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2. REVIEW THE PROPONENT'S ANALYSIS OF THE REPORT OF ENVIRONMENTAL ASSESSMENT MEASURES

MEASURES 7 AND 8 - OVERSIGHT

YKDFN and AN questioned why different language on oversight was used in the letter and analysis table from language used in the August 31, 2012 letter from the project to the Review Board. AN provided an overview of the development of a draft Environmental Agreement. As part of an AANDC funded oversight workshop, there was an agreement by AANDC, GNWT, the City of Yellowknife, the Yellowknives Dene First Nation and Alternatives North to form an Oversight Working Group to continue discussion towards an arrangement or agreement. The Working Group met 12 times between April and September 2012. Six drafts of a discussion were developed, the last of which contained a set of recommendations to move forward. All of the parties took this back to their respective leaderships where approval was given to continue to work together. The Working Group then developed eight drafts of an Environmental Agreement and jointly reported progress to the Review Board. AANDC and GNWT did not provide any detailed comments on these drafts, the last of which was dated August 28, 2012. The Parties had expected further discussion, which was precluded when the August 31 letter was issued. In the letter it was stated that AANDC and GNWT were prepared to continue discussions but this has not occurred to date, despite repeated requests over the last 14 months to do so.

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AN asked for agreement of the Parties to file the last draft of the Environmental Agreement on the Public Registry.

AANDC noted that it could be difficult for the project to maintain control and quantify impacts to project scope, schedule and budget depending on the nature of dispute resolution mechanisms. AN noted that in the combined 38 years of experience under the three Environmental Agreement for the diamond mines, there has been a total of four disagreements where the dispute resolution processes have been invoked and all of those were about the funding of the oversight body. There is no evidence that the diamond mine oversight bodies have interfered with corporate decision-making or resource allocation.

It was further noted that the scope of matters that could be taken to dispute resolution as set out in draft 8 of a Giant Mine Environmental Agreement is very limited (for example the budget of the oversight committee and failure to submit required reports, most of which the Giant Team has already committed to do during the course of the Environmental Assessment). It was further noted that the only a disagreement over the funding to the oversight body could be taken to dispute resolution by any of the proposed parties to the Giant Mine Environmental Agreement (AANDC, GNWT, City of Yellowknife, YKDFN and Alternatives North). All other matters that could be taken to dispute resolution could only be initiated by the independent oversight body, not the parties to the agreement. There is nothing in the draft Agreement to suggest that project operational decisions or resource allocation matters can be taken to dispute resolution.

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AANDC indicated that the oversight measures as currently worded suggests that an oversight body would be involved in project management and resource allocation decisions. AN and YKDFN stated ther is no evidence to support that an oversight body would “usurp” Parliamentary Authority as stated in the Giant Team’s analysis and disagreed with the analysis.

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AANDC requested an opportunity to draft an environmental agreement for the Parties to review. YKDFN and AN questioned how writing a new draft of the agreement will make it better, if draft 8 has already been agreed upon by the Parties. Following discussion, it was agreed that the Project Team would use “Draft 8” of the environmental agreement as the basis for providing further comments and alternative wording. YKDFN and AN requested that a rationale be provided for all changes made from Draft 8.

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AN commented on the analysis table, mentioning that there is no recognition that an Environmental Agreement could bring positive benefits to the Project including reduced timelines and costs through better working relationships and communications or how it would build public trust and a social licence. Karin Kronstal (City of Yellowknife) indicated she agreed, saying that it appears to be a partial analysis, thereby only showing the downside of the issues and not the benefits of doing the measure – it would be nice to see the costs and benefits.

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AANDC stated that it is important to determine a way forward and that the Project Team remains committed to establishing effective oversight. YKDFN commented that, to date, this has been an “empty commitment”.

YKDFN asked where the higher end of their cost estimate of \$800,000 came from for an oversight body. AN pointed out that in the Draft 8 of the environmental agreement, the cost estimate for an annula budget for the oversight body was \$350,000 per year, to which the Parties had agreed, and that it would appear as though the inflated costs up to \$800,000 might be considered “fear-mongering”. AANDC responded that the \$800,000 came from one of the mines and they will provide the Parties with the source.

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ACTION

1. Project Team will provide comments and suggested alternative language on Draft 8 of the Giant Mine Environmental Agreement. The Project Team will provide a timeline for completion. Project Team will highlight any changes from previous drafts and provide clarity on proposed changes.
2. Adrian to provide the language/suggestions that the project provided on the dispute resolution during the previous 8 drafts.
3. Project Team to distribute to the Parties the source from which the obtained the \$800,000/year cost estimate for oversight.

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MEASURE 5 AND 10 – INDEPENDENT QUANTITATIVE RISK ASSESSMENT AND HUMAN HEALTH RISK ASSESSMENT

YKDFN asked for the rationale behind the identified linkages to other measures. AANDC said that the language of Measures 5 and 10 clearly link them to regulatory approvals and does not clarify if measures can be done in parallel, if so that is better; however it appears that the Human Health Risk Assessment will feed into the Independent Quantitative Risk Assessment (for example Bullet #2 in Measure 5 requires a holistic examination of health risks). If they are linked and sequential, then the estimate is 3 to 4 years but if they are not linked and can be conducted concurrently, then the estimate is about 1 year. AANDC stated that Measures 5 and 10 are required prior to regulatory approvals and Measures 7 and 8 (oversight agreement) are required prior to work starting onsite. AANDC/GNWT clarified, too, that they are not rejecting any of the RB's measures, that they are identifying concerns/issues. They also said that the analysis is based on if the REA is approved, how long it will take to implement (not looking at historical delays). Several members of the Working Group disputed the Giant Team's interpretation that Measures need to be carried out sequentially as there is not such direction from the Review Board and it should be possible to work on these matters at the same time if there is good will and sufficient resources devoted to working together.

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AN stated that the real delay is directly related to the failure to engage the Parties; not involving the Parties during the EA is why these measures are here. AN stated that the Giant Team has taken no responsibility for the initial referral of the project to Environmental Assessment based on public concern, the numerous delays during the five-year long Environmental Assessment caused by the Giant Team, and a further loss of more than a year since the public hearings where further progress could and should have been made on outstanding issues despite repeated requests for such engagement. AANDC further stated that this analysis is from the Project Team's perspective and knowledge and if there are additional clarifications that can be made here then that is important.

YKDFN, for the benefit of the NPMO, stated this as a "failed commitment" of the project and the actions of the Project Team speak louder than their words. AANDC pointed out that there have been times during the process when the Project Team has asked for the Parties' priorities and have incorporated this feedback in planning

and when determining which areas of study the project should prioritize. AN stated that a priority outcome of the EA is strong binding measures. AN agreed that work towards independent oversight was an identified priority but even that failed.

AN stated that the Project Team seems to think that collaboration causes delay and prefers not involving the Parties with decisions (e.g. choosing an independent risk assessor) instead of engaging Parties in a meaningful way.

The challenge is to balance the potential delay with ensuring good work, but delays are a concern because of the issues on site. AN indicated that engaging the Parties is more than likely to actually speed up work and result in cost savings.

EC stated that based on the public concern regarding human health that the human health risk assessment work should be started as soon as possible. DFO agreed and also said that it should be made clear that Health Canada be brought in now and be involved.

AN said that there is a longer history regarding other federal departments not playing a part in the EA. During the scoping hearing, questions were asked about the participation of other federal and territorial departments and the answer was that such input was internal through mechanisms such as the Federal Contaminated Site Action Program, and that there would be no direct involvement in the Environmental Assessment. AN further stated that the response from the Project Team has been that those federal departments are providing advice – basically saying “trust us, all that is being taken into consideration internally” – this is just another part of the “murky history of the project”.

ACTION

4. Project Team to provide the rationale around lack of clarity over the term “independent”.
5. Project Team to further clarify how M10 is linked to other measures.

MEASURE 11 – BAKER CREEK NORTH DIVERSION

AANDC indicated that this is a prescriptive measure requiring the project to implement a scope of work not included in the DAR and not fully investigated. YKDFN asked if the Project Team accepts responsibility for Baker Creek and what is the plan for Baker Creek. EC pointed out that it wasn't just the Project Team responsible for the inclusion of this measure. AANDC indicated the project team still supports the plan for Baker presented in the DAR however AANDC is willing to conduct a detailed options analysis. YKDFN indicated they are concerned that if an options analysis is conducted there is no commitment from AANDC to proceed with the selected outcome.

AN indicated that the RB may have gone too far with this particular measure, however they are concerned that the analysis only looked at the cost of relocating Baker Creek and the Giant Team does not seem to have considered the potential cost savings associated with water treatment as there would be less water moving through the underground and thus less water to treat. AANDC clarified that issues with water treatment and achieving water quality objectives were highlighted in the response to Measures 12, 13 and 15 (see below). AN further stated that it would

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have been better if the Project Team had ~~suggested the approach that was used in selecting the frozen block method where the public was not involved in developing the alternatives or evaluation criteria in selecting the preferred alternative.~~ AN is of the view that it is appropriate to involve the Parties to help identify options and the selection criteria ~~not just be presented with an options analysis after all the decisions are already made.~~ AN said that a year ago, the Project Team talked about engaging the public on Baker Creek ~~but nothing has happened.~~ The Project Team needs to take responsibility for the delays. AANDC clarified that when the REA was issued in June the project team put some elements of Baker Creek on hold such as public consultation until the full implication of the REA decision is known, however the project team is committed to seeking public input.

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MEASURE 12 AND 13 – WATER QUALITY OBJECTIVES BAKER CREEK

AANDC indicated these measures are directly linked to whether Baker Creek is diverted offsite and creates many uncertainties around how water will be managed. Until these linkages are fully clarified and understood the implications to project scope, schedule and cost of achieving water quality objectives are unknown. YKDFN stated that the Parties have had many concerns regarding the water quality at the outlet of Baker Creek that have not been addressed and the RB has identified this here. YKDFN further stated that the Project Team should accept that the Developers Assessment Report (DAR) did not adequately address this issue. Overall AANDC believes clarity is required on the language and scope/intent of the measures.

MEASURE 26 – FUTURE END USES

The City pointed out that there appeared to be contradictory statements in the Project Team's proposed approach. AANDC clarified that the project has proposed to clean the site to industrial standards in the DAR; the Project Team recognized that they can provide input but any process of determining other land uses will be lead by the GNWT as land owner. AN indicated that there had been talk of engagement with the Parties and the Public regarding future land use ~~that was to be done before March 31, 2013,~~ but these discussions never took place. AN said that they had asked on a number of occasions for the incremental cost of changing land use (for example residential in ~~some parts of~~ the townsite ~~as shown in City plans for the area~~) but the Project Team would not provide this ~~information.~~

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MEASURE 9 –HEALTH EFFECTS MONITORING PROGRAM

AN said that although this issue ~~may be out of scope in the view of the Giant Team,~~ the RB has identified it as a significant issue and to ~~accept this Measure.~~ ~~There have been long-standing public concerns and issues around public health and the Giant Mine since at least the 1960s.~~ AN also stated that the Project Team did not have the proper project ~~scope~~ from the beginning ~~and failed to meaningfully respond to public concerns by developing a remediation plan as opposed to a stabilization plan.~~ AANDC responded that this measure is very reliant on other groups and cannot commit on behalf of the health organizations.

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MEASURE 15 - WATER QUALITY OBJECTIVES

AANDC said that there is concern over the language regarding “no increase in arsenic loads” and that they have concerns about compliance. AANDC stated that the commitment was made to meet drinking water standards for Arsenic (10ug/L) due to significant public concern with this contaminant during the hearings.

YKDFN stated discouragement that the Giant team believes the term ‘contaminants of concern’ is ambiguous since the term is common language in FCSAP and regularly used by the Contaminants and Remediation Directorate (CARD). AN requested a list of contaminants that cannot achieve drinking water quality using the planned water treatment system and stated disbelief that other contaminants will not meet the standards. EC agreed that the Parties’ assumption had been that if the criteria were to be met for arsenic that all other contaminants would also meet criteria; if this is not the case, then the Parties need to know which contaminants will not meet the standards. It was noted that drinking water quality guidelines do change and could go up or down for various parameters.

ACTION

5. Project Team to provide additional information around concerns of meeting drinking water quality for potential contaminants of concern other than Arsenic.

MEASURE 3 – REVIEW OF EMERGING TECHNOLOGIES

AANDC stated that the concern with this Measure is primarily around scope and the delivery method for implementing the measure, i.e. the language in the measure may preclude the use of existing research agencies. AN stated that the need for ongoing investment into research and development towards a more permanent solution for the underground arsenic was a known issue since before the EA. Although the Project Team has committed to do a 10-year review during the EA, this is not sufficient as it means we sit back and wait for something better to come along. YKDFN questioned how the \$900,000-1.1 million fixed cost estimate was determined. AN stated that this particular measure is very important to the Parties and that the continued resistance is not appreciated. The Giant Team has still not clearly stated whether it is prepared to accept the concept of the need for ongoing investment into research and development. AN further said that there had been options laid out in the draft Environmental Agreement, one of which was to give money to the oversight committee for the review.

ACTION

6. Project Team to provide rationale/explanation for \$900,000-1.1 million fixed cost estimate that was provided for Measure 3.

MEASURE 14 – ION EXCHANGE

AANDC indicated that there is agreement as to the intent of this measure (drinking water quality for As), however it is important to not limit the use of future or existing technologies that may be able to achieve the same goal. AN stated that AANDC had already committed to add an ion exchange unit as part of the water treatment system after being pushed by the Review Board in February 2013. As

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ion exchange has already been accepted by the Giant Team, AN questioned why additional project costs now appear in the table? It appears that the Giant Team has inflated the costs of the Measures to dissuade the Responsible Ministers from accepting the Measures. ✓

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MEASURE 24 – TAILINGS AND B1 PIT COVERS

AANDC indicated this is another example of a prescriptive measure and that there are other ways to ensure the integrity of the cap and allowing other uses of the remediated areas. AN said that the real problem here is that the RB added this measure because the Project Team has not designed the tailings and B1 pit covers; there has been a lack of design and a lack of engagement with the Parties. AN further stated that the Project Team has not taken responsibility for this and has turned it into a problem with the measure.

MEASURE 25 – AIR QUALITY MANAGEMENT PLAN

AANDC indicated this measure is focused on monitoring parameters for power usage and that the project team does not anticipate a large contribution from project activities. EC said they believe that these parameters were exceeded historically. AN indicated that this is a cumulative effects issue and it is up to the Project Team to monitor these issues; however it seems like the Project has turned this into a problem with the City and land access. GNWT indicated that initial discussions are taking place with Jackfish. EC stated that it would be important to follow-up with some modeling.

AANDC indicated that they have covered the measures for which the Protect Team had identified potential impacts. It was noted there are 12 'green' measures that the project team has identified no issues with implementing. The project team reiterated that the purpose was to provide an analysis of impacts.

AN voiced concerns with the last paragraph of page 6 of the letter that indicates the project team is conducting a similar analysis of the suggestions. AANDC confirmed that this is underway and can provide a timeline for releasing this information. AN requested that the Parties have an opportunity to review a draft of the analysis of the suggestions before it is released.

ACTION

7. Adrian to provide a timeline for the release of the project teams analysis of the REA suggestions.

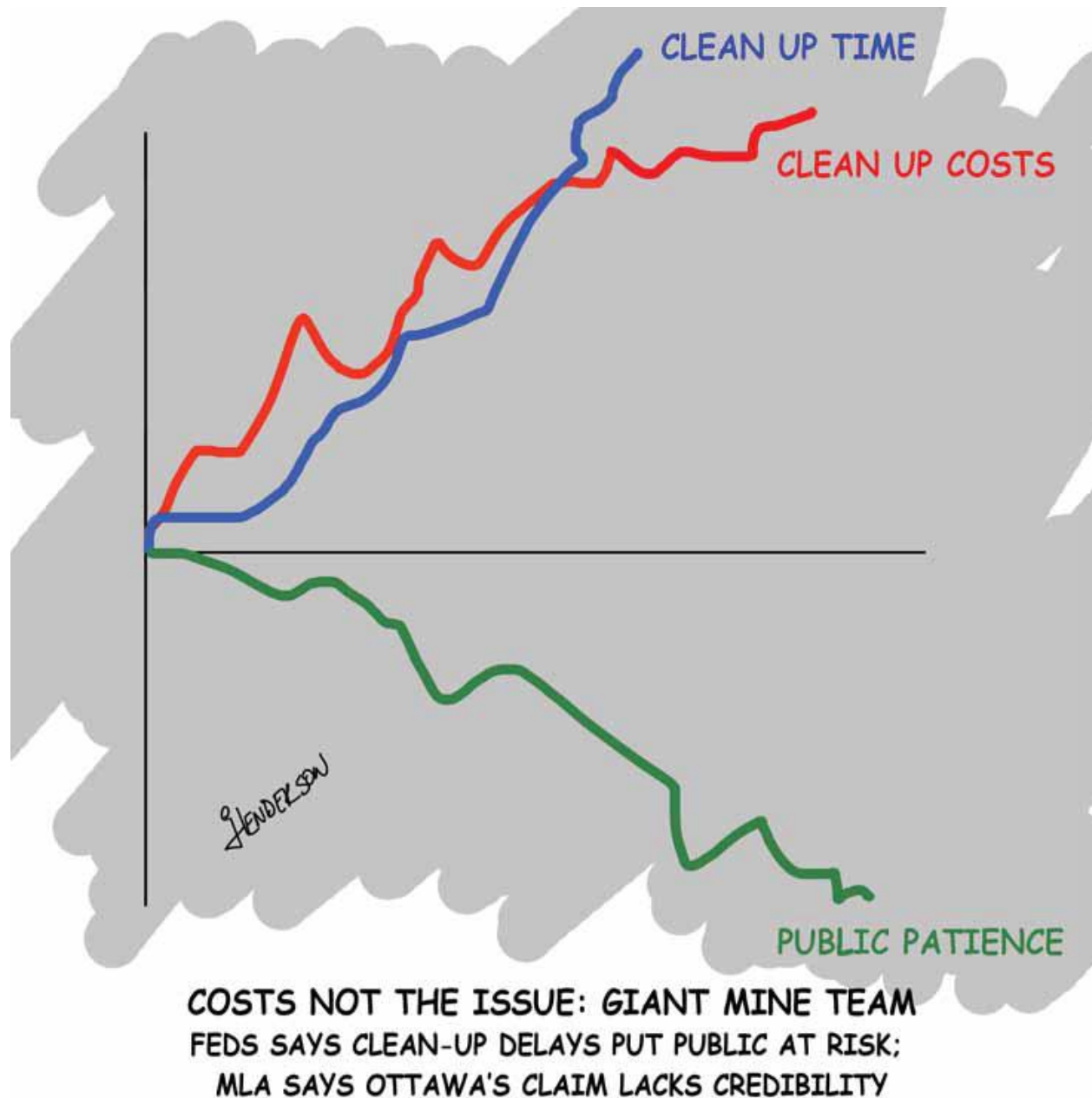
The remainder of the agenda was not visited during this meeting.

3. NEXT MEETING

The next meeting is tentatively scheduled to be a two-day meeting held on December 12-13. The purpose of this get-together will be to go through the criteria and objectives and to have a presentation of the technical and monitoring work conducted this season.

Appendix C—Giant Mine Media Coverage September-November 2013

editorial – opinions YELLOWKNIFER, Friday, November 15, 2013 page A9



Feds must lead by example

Yellowknife - Wednesday, November 13, 2013

Eleven years ago, the Department of Indian Affairs and Northern Development, as it was then called, unveiled stringent new rules to ensure mine sites were cleaned up once diamond companies were done pulling rocks out of the ground.

The mine site reclamation policy was supposed to restore public confidence after taxpayers were left on the hook for the cleanup of Giant and Colomac mines - both owned by Royal Oak Mines, and both abandoned by the company when it went bankrupt.

Mines would be required to pay a full 100 per cent security deposit before going into operation, and the deposit must remain beyond the control of the mining company.

Critics argued the policy was not legally binding on regulatory boards, which set the amount provided in security deposits, and thus it was not legally binding at all. Meanwhile, the Canadian Alliance - precursor to today's ruling Conservatives - were complaining that the government was sitting on its laurels while contaminated mine sites remained neglected.

Fast forward to today, and we can see not much has changed. The Conservatives have inherited the nearly \$1-billion Giant Mine mess. The government's clean-up team is balking at recommendations handed down by the Mackenzie Valley Environmental Impact Review Board earlier this year. The recommendations include rerouting Baker Creek to prevent it from leaking into arsenic chambers underground and installing ion exchangers to treat the water leaving it.

A spokesperson for the Giant Mine clean-up team insists money is not the issue, but rather the potential harm to the public and environment due to delays caused by implementing the recommendations. Weledeh MLA Bob Bromley argues that the clean-up team itself has caused the delays "fighting tooth and nail some of the most fundamental recommendations that finally came out in the (environmental assessment."

We tend to agree, and ask: What message does that send to the private sector?

It's not hard to imagine mining companies feeling emboldened to avoid some of their environmental obligations after witnessing the federal government thumbing its nose at its own regulator.

<http://www.cbc.ca/news/canada/north/debate-continues-over-giant-mine-clean-up-1.2423560>

Debate continues over Giant Mine clean-up

Groups worried clean up team resisting recommendations made after a 5-year review

By Elizabeth McMillan, [CBC News](#) Posted: Nov 12, 2013 1:46 PM CT Last Updated: Nov 12, 2013 3:10 PM CT

Related Stories

- [Feds balk at recommendations for Giant Mine clean-up](#)
- [Concerns over transparency of Giant Mine clean-up continue](#)

- [Feds confirm Giant Mine cleanup to cost \\$1B](#)
- [Board member removes himself from Giant Mine cleanup review](#)
- [Mine clean-up delay threatens environment](#)

Groups that have been part of the Giant Mine environmental assessment say they're worried the team in charge of cleaning up the former gold mine is resisting recommendations made after the five-year review.

The Mackenzie Valley Review Board approved the clean-up plan, but added 26 measures to reduce environmental impacts and the resulting public concerns. The territorial government, and the federal clean up team has now signed off on an analysis of those recommendations. They say following all of them would drive up the cost and delay the work, which could end up putting the public at risk.

The Giant clean-up team has a meeting scheduled with Alternatives North, the Yellowknives, and the City of Yellowknife Thursday to discuss the document. However, the operations manager says they don't intend to revise their analysis but want to explain their concerns.

Environment minister defends the analysis

Michael Miltenberger, the N.W.T. environment minister, defended the analysis in the legislature. "We've accepted some, we've modified some, and we've rejected some," he said. "So it's not accurate to say we've rejected the recommendations. We have an obligation to be thorough and do due diligence."

"No responsible government would be wise just to take things at face value without taking a look at them, especially because we've invested the hundreds of millions of dollars we have and will continue to invest in this project."

The federal minister of Aboriginal Affairs has the final say in whether to accept or reject the recommendations. Miltenberger and the project team say the analysis was meant to provide information to the officials who will make that decision.

But groups that were part of the environmental assessment say the federal government dragged its feet through the long review process and can't justifiably make the claim that further delays will jeopardize the clean-up.

"No one wants to get this done more than the Yellowknives," says Todd Slack, a regulatory specialist with the first nation. "They're looking over at Giant, or they're in their boats or on the land. They're not sitting in Gatineau on the 10th floor. They want this project to move ahead. You can do things quickly, or you can do them good and in this case, a shoddy solution just isn't going to work."

Slack says he doesn't see any reason that health studies couldn't be done while clean-up work proceeded on the site.

Independent oversight needed

Slack also says they need an environmental agreement to set up independent oversight before work starts. "Something that binds the project to living up to what they say they're going to do. We're not asking for the moon or the stars here."

Alternatives North, a social justice group in Yellowknife, backs that claim. Kevin O'Reilly has been pushing for oversight for years. He doesn't buy the clean-up team's concern that a proposed oversight group would have too much authority to dictate how money is spent or that it would lead to delays.

O'Reilly says oversight is necessary to ensure the public has faith that the contaminated site will be cleaned up responsibly. He says several models for such a body already exist in the territory at the diamond mines.

"The corporate decisions of those diamond mines haven't been overturned by the independent oversight bodies, they haven't resulted in the oversight bodies allocating money by the company, that's just crazy," he says.

"People are used to how those environmental agreements work for the diamond mines. They like that model and that's all we're asking for in the context of Giant."

The team met with parties to the environmental assessment about a dozen times in 2012 to discuss setting up oversight. An environmental agreement was drafted, but never finalized. O'Reilly and Slack say the Giant project team walked away from the process.

Slack says that if representatives from Aboriginal Affairs had flagged concerns earlier, they could have had an environmental agreement finished already. "They were in the room the entire time. They could have made changes."

The Giant project team now estimates independent monitoring will cost between \$350,000 and \$800,000 annually and negotiating an oversight body could delay the clean-up work.

Delays could put public at risk: feds

Jane Amphlett, manager of operations with the Aboriginal Affairs clean up team, maintains they are not rejecting the report or any of the recommendations.

"We're just identifying some of our concerns and we want to find a way to definitely, absolutely address public concerns but in a way that we're not delaying the project too much," she says. "There are so many site risks out there, we do want to address those as soon as possible."

She says the clean-up team wanted to point out some of the challenges posed by the Review Board's report. For instance, that a human health risk assessment would have to be done before the clean-up team applied for permits to clean up the site.

The report also asks that Baker Creek be diverted. The project team says that work has never been studied and could require an environmental assessment of its own. They say they don't know if water would still have to be treated if the creek flowed north of the site.

Amphlett says her office has no contact with the people within the same department who will have a say in whether the measures get approved.

The parties have until the end of the month to submit their own responses to the Review Board's report.

The federal Aboriginal Affairs minister still has to respond to the report. He may request to modify recommendations. If measures are rejected outright, the project may go to a further level of scrutiny, an environmental impact review, which could take years.

Northern Journal [Environment](#) — November 11, 2013

Giant Mine cleanup team fears millions more in costs, years of delays if review board report accepted

by [Meagan Wohlberg](#)



Photo: Meagan Wohlberg

Emergency cleanup and demolition efforts at the defunct Giant Mine site began last winter and are ongoing.

Giant Mine cleanup costs could increase by tens of millions and delay work by years if the federal remediation team is forced to comply with the 27 mandatory measures imposed by the review board last June.

The project team complained in a letter last week that six of the Mackenzie Valley Environmental Impact Review Board's recommendations are of "significant concern" with respect to increasing the scope, schedule and cost of the cleanup that already has a price tag of nearly \$1 billion.

"If the responsible ministers were to accept the review board's recommendations without modification, this would cause a significant delay to project implementation...(We) anticipate that this would cause a minimum delay of three years, although a delay of four years or longer could realistically result," the letter states.

The delay would be in addition to the two years already forecast between the completion of the environmental assessment and regulatory permitting.

The cleanup team expects the delay to be the result of the sequential nature of some of the review board's recommendations, which require one measure to be completed before another one can begin.

According to the cleanup team, the danger of further delays is a burden carried by the people of Yellowknife and surrounding area.

"A delay leaves in place a dangerous and deteriorating status quo that will expose the community and the environment to continued or increased risk," the letter states. "The longer the underground chambers remain unfrozen, the greater the potential that a significant deterioration or disturbance could reach or affect the 237,000 tonnes of arsenic trioxide."

Experts say the amount is enough to kill every human in the world. Remediation plans for the mine site propose freezing the arsenic dust underground forever.

While the letter lists human health and safety and environmental protection as the primary objectives of the cleanup team, it notes cost control must be considered. The federal government expects the review board's recommendations to increase costs by potentially hundreds of millions of dollars.

The cost to relocate Baker Creek, which the cleanup team said may not be a necessary approach, could cost anywhere from \$25 million to \$45 million alone. The human health risk assessment called for in the report, as another example, could see costs increase by \$60-\$100 million as a result of the anticipated three to four-year delay required to address sequential conditions.

The cleanup team would also like to do away with the board's recommendation surrounding an independent oversight committee, which it argues currently allows the working group a veto on all major project activities, including authority over project management and funding allocation.

With such a "wholly unbalanced negotiation environment," the team noted it may delay the project indefinitely.

Weledeh MLA Bob Bromley accused the cleanup team of acting like “the worst of the mining companies” in their complaints.

“They want to reject or modify over half of the review board requirements. They reject any need for an environmental agreement or independent oversight. They reject the need to do research on a better solution or to spend money where needed. Modern mining companies know that you need to have the public’s trust,” Bromley said in the legislature last week.

“The environmental assessment was one of the most thoughtful, well considered documents I have seen. Unlike the project team, the agency consulted with the public, listened to their concerns and made requirements that addressed those concerns. The public agreed.”

The cleanup project is funded by the federal contaminated sites program. A total of \$3.6 billion was set aside for 15 years for the program, starting in 2005.

YELLOWKNIFER Friday, November 8, 2013 page A7

Costs not the issue: Giant Mine team

Feds says clean-up delays put public at risk; MLA says Ottawa's claim lacks credibility



The federal government's Giant Mine clean-up team responded to the Mackenzie Valley Environmental Impact Review Board's environmental assessment on Nov 1. Weledeh MLA Bob Bromley said the team is complaining about delays and increased costs, for which they are partly responsible. NNSL file photo

by Cody Punter Northern News Services

Added clean-up costs at Giant Mine due to a raft of recommendations demanded in last summer's environmental assessment is not the reason Ottawa is balking at them, says the head of Giant Mine's clean-up team.

The real fear is that should the federal government accept the recommendations, cleanup of the mine site will be delayed, putting the public and the environment at risk, said Jane Amphlett, general

manager of Aboriginal Affairs and Northern Development Canada's (AANDC) Giant Mine project management team.

Her response comes after Weledeh MLA Bob Bromley pointed in the legislative assembly Monday to a letter to the Mackenzie Valley Environmental Impact Review Board, dated Nov. 1, from an AANDC official stating that by accepting the review board's report, it could delay the project up to five years, while increasing its cost – pegged at nearly \$1 billion – by upwards of \$100 million. The increased costs were calculated on the basis that for every year the cleanup is delayed, the government must pay approximately \$20 million in operational costs to maintain the mine.

On Wednesday, Amphlett emphasized that delays arising from the need to complete further studies, including a human health assessment, could potentially increase the risks to residents and the environment.

"Our primary concern is around our schedule and potential delays on the project," said Amphlett on Wednesday. Bromley does not accept the rationale. He said the project team has been the biggest cause of the delays in cleaning up the mine site.

"For 10 years, they have fought tooth and nail against some of the most fundamental recommendations that finally came out in the (environmental assessment)," Bromley said. "They lost their social licence and the board recognized that."

Bromley said the reason an environmental assessment had to be completed was that the government refused to commit to standards the public demanded. "As they point the finger, there are three fingers pointing back at them," said Bromley.

Alternatives North representative Kevin O'Reilly added he was disappointed the Giant Mine team did not meet with any of the interested parties before releasing its response.

"They've emphasized that this will likely delay the project and that might not be a fair assessment," said O'Reilly. "We think if they actually start to work with people, they will find that their timelines start to speed up and they'll actually save money in the long run."

The letter from the department also expressed concerns over measures recommended in the review board's report that would require the clean-up team to divert Baker Creek as well as to install ion exchange systems to treat the water at the facility. The federal government expects the diversion of the creek will cost between \$25 million and \$45 million, while the ion exchange system will cost between \$12 million and \$20 million.

Those costs would be above and beyond the \$100 million expected as a result of delays. While the costs of those measures factored into the department's response, Amphlett said there are other considerations that must be taken into account.

"We don't know what the environmental impacts of moving that creek off are," said Amphlett. "We haven't assessed that. That wasn't part of our project."

The clean-up team has already rerouted the creek once, in 2005, to prevent it from leaking into the arsenic-filled mine chambers underneath. Amphlett said another study would be required in order to evaluate the potential risks of moving the creek again.

The government has already committed to ensuring water from the mine site meets drinking standards, said Amphlett. She said committing to an ion exchange system would prevent the team from implementing cheaper and more efficient solutions.

O'Reilly said the objection to the ion exchange system is odd, considering the project team had previously been in favour of the system. "They proposed ion exchange. Now, for them to say that they don't want to do it because it costs more money – what is going on?"

Bromley said he would welcome any changes to the current environmental assessment that would decrease the environmental and human impacts of the cleanup.

However, he said that should not exclude the government from agreeing to the minimum standards outlined in the report.

Ultimately, the approval of the 26 recommendations in the environmental assessment report rests in the hands of the federal ministers of Aboriginal Affairs, Environment Canada, and Fisheries and Oceans.

Amphlett said there had been no communication between the project management team and the ministers to date.

Amphlett said the project team is scheduled to meet with representatives from the Yellowknives Dene, Alternatives North, the North Slave Metis Alliance and other interested parties on Nov. 14, in order to address any of their concerns.

"During the hearings we understood that having oversight would address community concerns, so we completely support that," Amphlett said.

"But we just need to make sure that that oversight agreement is accurate and includes appropriate measures and appropriate content."

Giant Mine Cleanup Team Responds to Review Board Recommendations

CBC Radio, Tuesday, November 5, 2013, 6:30/7:30 a.m.

SONYA KOENIG, CBC: The federal clean-up team for Giant Mine has priced out the extra steps it's being asked to take to deal with the contaminated site. It says the Mackenzie Valley Review Board's recommendations could increase the price of the cleanup by millions and delay work by several years. The board says the 27 measures are necessary to address the significant environmental impacts and public concern associated with the cleanup of the former gold mine, and as Elizabeth McMillan reports, one MLA is calling on the federal government to heed the board's advice.

MCMILLAN: Bob Bromley took issue with the cleanup team's analysis in the Legislature.

BROMLEY: They're acting like you would expect the worst of the mining companies to act.

MCMILLAN: The report says six of the review board's recommendations are of significant concern. This means that they would expand the scope of the cleanup, slowing it down and dragging up the cost. For instance, diverting Baker Creek north of the mine site would cost

between \$25 and \$45 million. Having an oversight group could cost up to \$800,000 per year, and conducting a human health assessment could take three to four years and cause delays that would cost up to \$100 million on top of the nearly \$1 billion price tag. Bromley says restoring the public's trust that the cleanup will be done properly should be the priority.

BROMLEY: The costs they're talking about might be tens of millions of dollars, those are substantial costs, but compared to the billion or more dollars that we're talking about here there may be some worthwhile investments there.

MCMILLAN: The federal Minister of Aboriginal Affairs has the final word about how the cleanup should proceed. Elizabeth McMillan, CBC News, Yellowknife.

CBC Radio, Tuesday, November 5, 2013, 8:30 a.m.

TONY BUGGINS, CBC: The Giant Mine cleanup team says following all the steps in the mine's environmental review would delay the work by several years and would significantly increase the costs. For example, it says one measure, rerouting Baker Creek, would cost between \$25 and \$45 million. But the MLA for Weledeh says time and money are not the only consideration. Bob Bromley says the government should not ignore the report that was the result of years of input from the public and Aboriginal groups.

BROMLEY: It's been over a decade working with the Giant project team and we have not developed the trust. The review board saw that and they attempted to put in place processes and requirements that will build that social licence, that is build the trust, the public can feel good yes that there is oversight and things are going responsibly.

CBC: The federal cleanup team analyzed how the review board's recommendations would affect the current plan to clean up Giant Mine. A letter to federal officials does not say whether or not to approve the measures. The federal Minister of Aboriginal Affairs has the final say on whether to accept the review board's recommendations.

<http://www.cbc.ca/news/canada/north/feds-balk-at-recommendations-for-giant-mine-clean-up-1.2415161>

Feds balk at recommendations for Giant Mine clean-up

[CBC News](#) Posted: Nov 05, 2013 7:56 AM CT Last Updated: Nov 05, 2013 8:35 AM CT

The federal clean-up team for Giant Mine says the extra steps it's being asked to take to deal with the contaminated site could increase the price of the clean up by millions, and delay work by several years.

The Mackenzie Valley Review Board [gave its conditional approval to the clean-up plans this summer](#), provided that 27 further measures were taken at the site.

In a report discussed in the legislature yesterday, the federal government says six of those recommendations are of “significant concern.”

For instance, the government estimates that moving Baker Creek away from the mine site would cost between \$25 and \$45 million, having an oversight group could cost up to \$800,000 a year, and conducting a human health assessment could take three to four years. They say the delays could cost up to \$100 million, on top of the nearly billion dollar price tag.

Weledeh MLA Bob Bromley took issue with the clean-up team's analysis.

"The strange thing is, in their response they're acting like you would expect the worst of the mining companies to act," he told the legislature Monday.

Bromley says the government should not ignore the report that was the result of years of input from the public and aboriginal groups. Rather, he thinks restoring public trust that the cleanup will be done properly should be the priority.

"The costs we're talking about may be tens of millions of dollars," he said. "Those are substantial, but compared to the billion or so dollars that we're talking about here, there may be some worthwhile investments there."

The federal minister of Aboriginal Affairs has the final word about how the clean up should proceed.

Time to invest in the cleanup

Editorial, Weekend Yellowknifer - Friday, October 11, 2013

One hundred years, \$190 million and counting.

That's how long, at least according to the current plan from the federal government, the arsenic tailings at Giant Mine will be frozen underground.

In other words, the current plan is to freeze it in a giant toxic ice cube under the old mine site and keep it frozen at a cost of \$1.9 million a year, until government scientists can figure out a better way to deal with it.

The Mackenzie Valley Environmental Impact Review Board (MVEIRB) recommended that the arsenic be moved elsewhere, although the where wasn't specifically addressed. That plan was deemed too dangerous. Either way, the arsenic would just be moved and contaminate another site.

This is why Yellowknife Centre MLA Robert Hawkins has the right idea.

Last week, Hawkins made the suggestion the federal government cough up a few bucks (he suggested \$20 million) for a competition to spur on private enterprise to devise a way to deal with the arsenic sooner rather than later. Hawkins said there are ways to motivate people and money is certainly one of the top ones.

The payout could inspire those in the environmental clean-up business to come up with an innovative way to deal with the tailings. In fact, another recommendation from the MVEIRB was to invest in research with the intent of exploring emerging technologies.

One of those emerging technologies could be phytostabilization. That mouthful of a word comes from a 2007 study done by the University of Arizona. According to the study's authors, a vegetative cap could be grown that would help to contain mine tailings.

The theory is that plants, specifically chosen to be resistant to contaminants, would absorb the harmful components of the tailings, and store them in its root structure, lessening the potential exposure to the surrounding environment.

Now, the study was initially conducted for mine tailings in arid and semi-arid climates, but who's to say that the same technique couldn't be adapted to work in the North?

That's where the research funding comes in - if we invest in potential technologies, we can find a way to clean up the mess that's been left by past mining exploits. And who's to say if we do perfect this new technology, we wouldn't be able to sell it to other areas around the world facing the same problems?

We need to invest in emerging technologies such as these in order to help clean up contaminated sites like Giant Mine.

It's better to spend some money now than to throw the problem on to future generations to solve for us.

CBC Radio, Thursday, October 10, 2013, 12:30/4:30 p.m.

ANGEL DUBOIS, CBC: A Yellowknife environmentalist is concerned about a conflict of interest around the Giant Mine cleanup. Aboriginal Affairs has the final say on how to clean up the mine site. It also has to do and pay for the work. The Mackenzie Valley Review Board says the federal government needs to go above and beyond what they've proposed. For instance, by diverting Baker Creek and treating water on the site so it meets drinking water standards. Kevin O'Reilly is with Alternatives North. He met with members of the cleanup team yesterday and is worried they're getting too much say in what work will be done.

O'REILLY: I'm hearing that they've prepared their own assessment of what's in the Review Board report and that's moving up the briefing chain, and senior people within the GNWT and

for Aboriginal Affairs and Northern Development Canada are getting this report. They're getting briefings about it. Who knows what that says? We don't get a chance to see it.

CBC: O'Reilly wants the internal briefings made public. Aboriginal Affairs says the cleanup team won't influence the minister's decision. No one from Aboriginal Affairs would agree to an interview.

CBC Northbeat, Thursday, October 10, 2013, 6:00 p.m.

RANDY HENDERSON, CBC: A Yellowknife environmentalist is calling once again for more transparency around Giant Mine. It's been almost four months since the Mackenzie Valley Review Board made more than two dozen recommendations to make sure the contamination site is cleaned up properly. Now there are questions about whether the government is in a conflict of interest making its final decision. Elizabeth McMillan has more on this story.

MCMILLAN: Randy, usually a mining company proposing to clean up its site would make its pitch, the review board would evaluate it and then the federal Minister would have the final say. But with Giant it's always been a unique case. Here Aboriginal Affairs is doing the work. It's also paying for the billion dollar clean-up and it's the federal Minister who decides if his department is doing a good enough job. The review boards says the federal government's plan doesn't go far enough. It added 27 measures for improvement. That includes asking for Baker Creek to be diverted away from the mine, treating water on the site so it meets drinking water standards and looking for a better alternative to permanently freezing the arsenic trioxide stored underground. Now federal officials are deciding whether to accept those recommendations. Kevin O'Reilly of Alternatives North is worried the clean-up team is getting another chance to influence whether those changes are approved.

O'REILLY: Those folks, they've already had a kick at this project and if they're providing new information to whoever is going to be putting together the response for the Ministers, why can't everybody else see that?

MCMILLAN: No one from Aboriginal Affairs would agree to an interview. An email response says the clean-up team has a responsibility to answer questions and explain how the review board's report would affect the proposal to clean up the site. That may include cost estimates. Aboriginal Affairs also says the clean-up team will not influence the Minister's decision. O'Reilly says if that's the case the clean-up team's responses should be public.

O'REILLY: Because I think it would help build public confidence that there's the best responses possible are coming out and that people from the community have actually had an opportunity to throw their input into this rather than just the team, the project team itself giving its assessment.

MCMILLAN: It's already been almost four months, but the federal Minister has no set timeframe for when he has to respond to the final report. We already know it's expected to cost

taxpayers close to \$1 billion to deal with the contamination here. Adding to that plan could very well drive up the price. Randy.

CBC: Thanks, Elizabeth. The CBC's Elizabeth McMillan reporting from Giant Mine in Yellowknife.

CJCD Radio, Wednesday, October 9, 2013, 5:00 p.m.

CRAIG RICHENBACK, CJCD: The MP for the Western Arctic has written to the federal and territorial Ministers responsible and asked if they fully accept the measures laid out by the Mackenzie Valley Environmental Impact Review Board for Giant Mine. Dennis Bevington toured the mine last week and says freezing the deadly arsenic trioxide is the best course of action right now. However, he says that doesn't mean the problem is solved.

BEVINGTON: It's mechanical, it will have its lifespan as well, the equipment, and certainly it's not something you can rely on for eternity.

CJCD: One of the key measures Bevington says needs to be addressed is the funding model for maintaining the frozen chambers underground.

BEVINGTON: They need to move ahead with planning, with their efforts that are going into the project and the year by year funding is not working. The Minister has to accept what the review board has said and then go ahead and design a multi-year approach to getting the project done.

CJCD: The review board released its report in June, proposing measures to mitigate the impact of the remediation project on residents and the environment.

CBC Radio, Thursday, October 10, 2013, 6:30/7:30 a.m.

SONYA KOENIG, CBC: A Yellowknife environmentalist is calling once again for more transparency around Giant Mine. It's been almost four months since the Mackenzie Valley Review Board released its final report on the clean-up at the old gold mine. The board wants the federal government to go above and beyond the existing clean-up plan, but local environmentalist Kevin O'Reilly is worried officials are evaluating the recommendations based on cost. Elizabeth McMillan reports.

MCMILLAN: Kevin O'Reilly has been calling for independent oversight of the Giant Mine clean-up for years.

O'REILLY: Too many holes, too much potential for conflict.

MCMILLAN: Now he's concerned because the Department of Aboriginal Affairs is getting internal input from the clean-up team on the report.

O'REILLY: Those folks, they've already had a kick at this project and if they're providing new information, to whoever is going to be putting together the response for the Ministers, why can't everybody else see that?

MCMILLAN: The same department that gets the final say on how to clean up the mine also has to pay for it and do the work. Aboriginal Affairs maintains the clean-up team will not influence the Minister's decision. No one from the department would agree to an interview. An email response says the clean-up team has a responsibility to answer questions, and to explain how the Review Board's report would affect the proposal to clean up the site. That may include doing cost estimates. O'Reilly says the clean-up team's responses should be public.

O'REILLY: Because I think it would help build public confidence that the best responses possible are coming out and that people from the community have actually had an opportunity to throw their input into this.

MCMILLAN: The clean-up is already expected to cost \$1 billion. Elizabeth McMillan, CBC News, Yellowknife.

CKLB Radio, Thursday, October 10, 2013, 8:30 a.m.

JOSH LONG, CKLB: Yellowknife MLA Robert Hawkins is pushing for innovation to handle arsenic trioxide at the Giant Mine site. He's suggesting the federal government put up a \$10 to \$20 million prize for anyone who comes up with a permanent solution.

HAWKINS: The problem with challenges like this is it quite often requires innovation and it certainly requires motivation. Now the federal government will be paying \$1.9 million forever on that site and I'm suggesting let's roll some of it up into a bundle and motivate someone with a cash award or an incentive, call it whatever you want, to come and solve this.

CKLB: Hawkins believes that something needs to change to prevent the mine from incurring the annual fee. He thinks this lump sum payment could do just that.

HAWKINS: I think part of this problem is is when somebody says can you solve or neutralize the arsenic trioxide problem today is it's the fact that there is no one working on this problem that I'm aware of. The response constantly is well, you know, there is no technology. Well, you know, there was no technology to help solve diabetes until someone had decided that they were going to tackle the diabetes problem.

CKLB: Hawkins also points out the projected costs of maintaining the mine are rising. He says the \$1.9 million spent every year in the mine is almost twice what it was when he was a city councillor 10 years ago. Back then it was \$1 million a year.

<http://www.assembly.gov.nt.ca/live/pages/wpPages/2013NewsReleases.aspx#oct11>

September 30, 2013

Yellowknife Centre MLA Concerned About Giant Mine Remediation Proposals

(YELLOWKNIFE) Monday, September 30, 2013 – Yellowknife Centre MLA Robert Hawkins is calling on Premier Bob McLeod to encourage Aboriginal Affairs and Northern Development Canada (AANDC) and Environment Canada to provide an incentive for innovative solutions to arsenic contamination at the Giant Mine site.

During the Giant Mine remediation discussion in N'Dilo earlier this week, it was noted that \$1.9 million dollars annually will be required to operate the mine into perpetuity. MLA Hawkins voiced concern that none of the recommended courses of action inspire the innovation necessary to find a permanent solution to this costly dilemma.

To stimulate innovation, MLA Hawkins suggests a lump sum payment of between 10 and 20 million dollars be offered as a reward for designing a permanent solution. "By fostering creative thinking and ingenuity, this could provide the spark that causes people to find a solution to the arsenic problem once and for all", he said. MLA Hawkins proposes that this reward be offered to national and international parties in order to attract the highest level of innovation possible. "If universities and private companies from around the world were to consider this challenge, the chances of achieving a long-term solution will greatly increase", says Mr. Hawkins.

MLA Hawkins continues, "solving this problem requires the kind of spirit that has resulted in the greatest of mankind's achievements. People are motivated by the advancement of science, technology, and the chance to contribute to the betterment of society. The situation at Giant Mine is complex, but this reward would motivate and encourage this type of inspired thinking. Additionally, an original solution would mean unique and great contributions to the field of environmental remediation". According to MLA Hawkins, providing monetary incentive is a low-risk strategy that, if successful, would yield invaluable results. "If a solution is not found, it does not cost the government anything; however, if a solution is found, the upfront price tag still pales in comparison to the cost of maintaining the mine over the long-term", he adds.

Mr. Hawkins hopes the Premier will consider his proposal as a viable option and will make efforts to include this suggestion into the Government of the Northwest Territories' strategy for the remediation of Giant Mine.

For more information, please contact:

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**A DRAFT FRAMEWORK AGREEMENT
FOR THE GIANT MINE REMEDIATION PROJECT**



Photo credit: Kevin O'Reilly

**A report prepared by the Giant Mine Oversight Committee Working Group
August 28, 2012**

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A DRAFT FRAMEWORK AGREEMENT FOR THE GIANT MINE REMEDIATION PROJECT

1.0 Introduction

The Government of Canada and the Government of the Northwest Territories (the “**Proponent**”) intend to remediate the former gold mine and immediate surrounding area known as the Giant Mine site and have jointly prepared a Developer’s Assessment Report (the “**Project**”) including a remediation plan and accompanying reports and other documentation. The Mackenzie Valley Environmental Impact Review Board is conducting an environmental assessment of the Project and will be holding a public hearing in September 2012 to hear from Canada and the GNWT and interveners as to the details of the proposed Project and related concerns. The Board will then prepare a report indicating whether the Project should proceed and if so, the measures the Proponent should follow. Detailed terms and conditions would be set by the Mackenzie Valley Land and Water Board, should the Project proceed to that stage.

The Proponent proposes to conduct adaptive environmental management (including research and monitoring) to minimize the environmental impact of the Project and to maximize its environmental and social benefits. Research and monitoring programs will include studies on ground water flow, surface water quality, hydrology, creek and lake biology, wildlife and wildlife habitat, vegetation, permafrost, weather, ambient air quality, stationary emission sources, arsenic trioxide management, and the cumulative effects of the Project.

In addition to expressing concerns about specific aspects of the Project, residents and organizations in Yellowknife, N’Dilo, Dettah and the surrounding area potentially affected by the Project are concerned about the multiple roles that are played by the Proponent, e.g., as regulator, developer, inspector and land-holder. Alternatives North, a registered NWT non-profit society representing a collation of labour, church, environmental organizations, women and family advocates, anti-poverty groups and other interests, and the Yellowknives Dene First Nation have strongly promoted the establishment of an independent oversight body to monitor the environmental aspects of the Project.

The Proponent agrees that ongoing engagement among affected parties with respect to the environmental aspects of the Project is central to the success of the Project. Following a workshop in March 2012 in Yellowknife, a working group with representation from the Department of Aboriginal Affairs and Northern Development Canada, the Department of Environment and Natural Resources (GNWT), Alternatives North, City of Yellowknife and Yellowknives Dene First Nation (the “**Parties**”) was established to develop terms of reference and context (the “**Framework Agreement**”) for an arms-length advisory committee (the “**Committee**”) to monitor the Proponent’s implementation of the environmental aspects of the Project, should it proceed. This document summarizes the results of the working group’s deliberations to date.

2.0 Preamble

The Framework Agreement is without prejudice to any:

- Aboriginal or treaty rights of the Yellowknives Dene First Nation or other Aboriginal Peoples with affirmed rights in the area of the Giant Mine site;

- on-going or future land claims and self-government negotiations affecting Yellowknives Dene First Nation or other Aboriginal Peoples with affirmed rights in the area of the Giant Mine site;
- constitutional changes which may occur in the Northwest Territories; or
- changes to legislation or regulations resulting from the settlement of land claims and self-government negotiations, or resulting from constitutional changes or devolution.

The purpose of the Framework Agreement and the Committee is to augment, not duplicate, regulatory processes. It is intended to address environmental concerns not covered by existing legislation and regulations. In the event that any provisions of the Framework Agreement are in conflict with or inconsistent with any specific statute, regulation or regulatory instrument with respect to the Project, the terms of the statute, regulation or regulatory instrument will prevail to the extent of the conflict or inconsistency.

The Proponent will at all times carry out the Project in compliance with all environmental laws and regulations applicable to them and in compliance with all regulatory instruments, including all applicable land use regulations, archaeological site regulations, waste management and disposal regulations and municipal by-laws. It will comply in all material respects with the Framework Agreement and all approved Environmental Plans and Programs.

The Proponent will routinely employ best practices in all aspects of the Project and will take prompt and appropriate corrective action to remedy any non-compliance with the Framework Agreement.

The Proponent will incorporate all available Traditional Knowledge in its environmental plans and programs and will give all available Traditional Knowledge full consideration along with other scientific knowledge as the environmental plans and programs are developed and revised.

3.0 Purpose and Guiding Principles

The Framework Agreement provides the context for the Committee and the roles and responsibilities of the Parties with respect to the Committee and the Project. The guiding purposes of the Framework Agreement and the Committee are to:

- support the remediation of the Giant Mine site in a manner respectful of the land, water and wildlife and the land-based economy essential to the way of life and well-being of the Yellowknives Dene First Nation and other Aboriginal Peoples in the area;
- support the remediation of the Giant Mine site in a manner which eliminates or mitigates the environmental risks posed by the site and takes into account the City's long term plans for the area;
- facilitate the use of comprehensive, integrated ecosystem-based approaches for the monitoring, management and regulation of the Project;
- maximize the effectiveness and co-ordination of environmental monitoring and regulation of the Project
- minimize long-term care and maintenance and effectively communicate with future generations;
- provide advice that will assist the Proponent in managing the Project consistent with these purposes; and,

- facilitate effective participation of Yellowknives Dene First Nation, City of Yellowknife, Alternatives North and the general public in the achievement of the above purposes.

The activities and responsibilities set out in the Framework Agreement are to be carried out in ways which:

- fully consider Traditional Knowledge, western science and other technical information;
- apply adaptive management principles making use of the best available information and technology;
- promote the development and implementation of remediation and environmental protection measures designed to maximize environmental quality to the extent reasonably practicable;
- support ongoing research and development into an inherently safe, economically viable and permanent remediation solution regarding the arsenic trioxide stored underground at the Giant Mine site; and
- apply the Precautionary Principle.

4.0 Establishment of the Committee

The Committee will be established as a non-profit organization under the NWT *Societies Act* to operate at arms length from, and independent of, the Parties. It will be established within 90 days of the finalization of the Framework Agreement, which should immediately follow the decision to proceed with the Project. An establishment protocol is appended to the Framework Agreement.

5.0 Mandate of the Committee

The Committee is mandated to:

- serve as the primary mechanism for the functions described in the Framework Agreement, without fettering the mandates or the responsibilities of the Parties to intervene or otherwise engage in regulatory and other processes related to the Project;
- provide an integrated approach to achieving the purposes set out in section 3.0 above;
- serve as an arms-length body to monitor the environmental aspects of the Project including implementation of the Framework Agreement, public participation, communications, access to information and other related matters;
- compile and analyze available relevant environmental quality data, in order to review, report, or make recommendations concerning:
 - Project environmental effects monitoring program respecting short-term, long-term and cumulative effects;
 - compliance monitoring reports and self-assessment reports;
 - environmental plans and programs;
 - annual reports and environmental impact reports;
 - environmental research, monitoring and related management programs in relation to the Project; and
 - integration of Traditional Knowledge and experience of the Aboriginal Peoples into environmental plans and programs.
- participate as an intervener in regulatory and other legal processes respecting environmental matters and in related workshops, conferences, meetings and the like;

- provide an accessible and public repository of environmental data, studies and reports relevant to its responsibilities;
- provide programs for the effective dissemination of information to the Aboriginal Peoples and the general public on matters pertaining to its mandate;
- monitor, encourage and facilitate research regarding environmentally sound and economically viable alternatives to the perpetual care and maintenance of the underground arsenic trioxide stores;
- provide an effective means to bring to the Proponent the concerns of Aboriginal Peoples and the general public about the Project and the monitoring and regulation of the Project; and
- participate in the dispute resolution process set out in the Framework Agreement.

6.0 Committee Composition

The Committee will consist of five (5) members, one (1) appointed directly to the Committee by each Party (Department of Aboriginal Affairs and Northern Development Canada, the Department of Environment and Natural Resources (GNWT), Alternatives North, City of Yellowknife and Yellowknives Dene First Nation). The members will not act in a representative capacity. Respective appointments will be made on a collaborative basis and reasonable efforts will be made to ensure that the composition of the Committee is broadly representative of the various issues and aspects of the Project. Committee members will be selected based on a mutually agreed-upon set of desirable skills and qualities.

Among other considerations, members will be selected based on their knowledge of the Project, their knowledge of the concerns of the residents regarding the Project, their understanding of the technical and environmental issues associated with the Project and their objectivity regarding the Project and the positions of affected groups, including the Parties. No member can be an employee of a Party or otherwise in a conflict of interest with respect to a Party or the Project. The Parties will establish the constitution and by-laws of the Committee in accordance with the terms of the Framework Agreement. Terms of appointment and selection of officials and similar matters such as remuneration and conflict of interest will be governed by the Committee's by-laws, as amended by the Committee from time to time.

The members of the Committee will appoint a chairperson, a vice-chairperson and a secretary-treasurer from among the members.

7.0 Accountability and Reporting

The Committee is mandated to provide the Proponent with its frank views, questions, and concerns about the Project. An atmosphere of mutual respect for honest differences of opinion is essential to the effective functioning of the Committee and the effective implementation of the Framework Agreement. The Committee and its members will be accountable to the Parties and to fellow Committee members for promoting and encouraging this atmosphere of mutual respect and tolerance. The Parties are similarly responsible.

The Committee will report annually and, as appropriate, submit other reports on its findings and recommendations to the Parties. All reports of the Committee are to be made available to the general public.

The Proponent will give full and serious consideration to the reports and recommendations of the Committee, implement those recommendations of the Committee that it considers appropriate, and respond to the Committee with its written reasons within specified periods including if, how and when the recommendations will be implemented.

8.0 Funding

Canada will provide adequate financial resources to the Committee to carry out its responsibilities. The budget will reflect the respective phase of the Project and the associated activities of the Committee. It is expected that when the Project moves from the active remediation phase to the perpetual care and maintenance phase, the associated activities of the Committee will diminish and with that, its budget requirements.

For each of the first five (5) years after establishment of the Committee the Core Budget is to be \$350,000.00, to be funded by Canada. The Core Budget will apply to office-related expenditures (rent, equipment, utilities and so on), administration (employee salaries and benefits), travel, board meetings, honoraria, document review, contracted expertise, communications and so on.

For the sixth (6th) year the following provisions will apply:

- the Committee will prepare a work plan for the subsequent five-year period which will include a Core Budget and incorporate a review of the prior five-year's expenditures;
- the Parties and the Committee will meet to discuss the work plan and the recommended Core Budget and will establish a Core Budget based on the work plan; and,
- if the Parties and the Committee cannot agree on the Core Budget, the matter may be referred by any Party or the Committee to the dispute resolution process set out in the Framework Agreement.

Determination of the Core Budget should be done in conjunction with the five-year review described in section 9.0. Once determined, the Core Budget will be established for five (5) years unless the Committee requests and Canada agrees to a shorter or longer term.

In addition to the Core Budget, Canada or the GNWT may provide additional funding to the Committee based on proposals submitted to Canada or the GNWT by the Committee for research and monitoring activities or regulatory interventions which are within the mandate of the Committee and for which funding is not available in the Core Budget.

Canada and the GNWT, as appropriate, will in good faith review and consider proposals submitted by the Committee for additional funding and will provide written reasons to the Committee if any request for funding is not accepted within 60 days of the request. Where the Committee finds the decision by Canada or the GNWT to be unsatisfactory for reasons of reasonableness and fairness, the matter may be referred by the Committee to the dispute resolution process described in the Framework Agreement.

9.0 Information and Cooperation

Each of the Parties will at all times co-operate fully with the Committee and will make best efforts to provide the Committee with the information and assistance it is able to provide and which is required for the Committee to carry out its mandate. The Proponent will openly and fairly consult in good faith with the Committee on environmental matters covered in the Framework Agreement and will provide the Committee access to all non-confidential environmental information related to the project information. The Proponent will ensure:

- open and timely access to information related to the implementation of the Project, including arsenic trioxide care and maintenance;
- access to necessary confidential information in a manner which will ensure continued confidentiality; and
- requests for information and correspondence from the Committee are responded to the best of its ability and within 30 days. It will encourage regulatory agencies to do likewise.

10.0 Framework Agreement Term and Amendment Process

On the fifth anniversary date of finalization of the Framework Agreement and on each fifth anniversary date thereafter, the Parties to the Framework Agreement and the Committee will conduct a comprehensive review of the Framework Agreement with a view to amending or revoking provisions of the Framework Agreement where necessary to improve operations, to incorporate best practices in all aspects of the Project and the Framework Agreement and to ensure that the purposes of the Framework Agreement remain relevant and valid. Each comprehensive review will include public meetings intended to ensure that the interested public has the opportunity to engage in the discussions about the Framework Agreement, its effectiveness and its future.

In addition to the above, the Framework Agreement may be amended at any time by agreement among the Parties and the Committee provided that any substantive amendments shall only be made following the conduct of public meetings. The Parties and the Committee shall give full consideration to the views gathered through such meetings and consultation and shall in good faith undertake to achieve a consensus among themselves with respect to the amendments to be made. All amendments to the Framework Agreement require consensus among the Parties and the Committee.

The Committee shall be in place and carry out its functions until full and final reclamation of the Project site is completed, subject to the results of the above five-year reviews. Should there be a consensus among the Parties that the Committee may no longer be required, a public consultation process specific to the issue would be held to determine if this is so and if so, to develop a mechanism other than the Committee to address residual concerns regarding the perpetual care phase of the Project. The public consultation process will include effective public meetings attended by the Parties and the Committee.

The Parties may terminate the Committee only by unanimous agreement of the Parties.

11.0 Project Reporting

11.1 General

At all times, every effort will be made by the Parties and the Committee to avoid duplication with regulatory requirements. Where reports required by regulatory agencies address the same reporting requirements set out in the Framework Agreement, these reports may be provided to the Committee in fulfilment of the requirements set out herein.

11.2 Annual Report

The Proponent will prepare and submit a report (the "Annual Report") to the Committee commencing on *(date to be determined, for example May 1; note that at least one full year should elapse after the signing of the Framework Agreement before the first Annual Report is required. This will likely mean that the first Annual Report will cover more than one year)* and on each *(same date)* annually thereafter until full and final reclamation of the Project site has been completed. Each Annual Report will be accompanied by a plain language summary prepared by the Proponent and will include the results of ongoing compliance with the Framework Agreement and applicable legislation, instruments and other relevant agreements for the preceding reporting year. The Proponent will provide the Committee with all supporting information and data from the environmental monitoring programs and all studies and research conducted in accordance with the terms of the Framework Agreement.

Each Annual Report shall contain but not be limited to the following:

- compliance reports (including inspection and spill reports) with respect to the water license, the land use permits, the surface leases and other regulatory instruments;
- results and findings of all studies and research conducted in the preceding year related to the environmental aspects of the Project;
- adjustments to conceptual or predictive models used to guide Project management and the rationale thereof;
- results and findings of environmental monitoring programs;
- changes to any monitoring and inspection programs and the rationale thereof;
- summary of operational activities during the reporting period;
- actions taken or planned to address impacts or compliance problems which are set out in the Annual Report;
- summary of public consultations, issues raised and responses;
- internal and external audit results and responses to those audits;
- summary of operational activities for the next reporting period including proposed changes in funding levels and rationale;
- lists and abstracts of all environmental plans and programs; and
- complaints received, if any, and responses.

In order to prepare each Annual Report and with a view to ensuring early disclosure, discussion of problems and that each Annual Report will meet the requirements of the Framework Agreement, the Proponent will consult with the Committee as it compiles the information and data to be included. Relevant information collected and prepared by the Proponent for reports required by regulatory agencies should be included in the Annual Report.

Within forty-five (45) days of the receipt by the Committee of the Annual Report, the Committee will provide an Evaluation Report to the Proponent, indicating whether in its view the Annual

Report is satisfactory, including whether the information provided is adequate and whether remedial actions taken or proposed in respect of impact or compliance problems are satisfactory.

Within thirty (30) days of the receipt by the Proponent of the Committee's Evaluation Report, the Proponent will reply to the Evaluation Report, making best efforts to address satisfactorily the deficiencies identified by the Committee. Where the Committee finds the replies of the Proponent to be unsatisfactory for reasons of reasonableness or fairness (i.e. non-compliance with the Framework Agreement), it may refer the matter to the dispute resolution process described in the Framework Agreement.

11.3 Environmental Report

The Proponent will prepare and submit to the Committee a comprehensive report (the "Environmental Report") on *(date to be determined)* three (3) years after the signing of the Framework Agreement and on each third *(same date)* thereafter until full and final reclamation of the Project site has been completed. Each Environmental Report will be accompanied by a plain language summary and will report on the following:

- the longer term effects of the Project;
- the actual performance of the Project in comparison to the results predicted in the Developers Assessment Report;
- an assessment of the cumulative effects on the environment from the Project combined with other human activities;
- an evaluation as to how adaptive environmental management has performed to the date of such report.
- a summary of the results of environmental monitoring programs;
- a summary of operational activities during the reporting period;
- a summary of actions taken or planned to address impacts or compliance programs which are set out in the Environmental Report;
- a summary of operational activities for the next reporting period; and
- a list and abstracts of all environmental plans and programs produced in the reporting period.

In order to prepare each Environmental Report, and with a view to early disclosure and discussion of problems and that each Environmental Report will meet the requirements of the Framework Agreement, the Proponent will consult with the Committee as it compiles the information and data to be included in the Environmental Report. Relevant information collected and prepared by the Proponent for reports required by regulatory agencies should be included in the Environmental Report.

Within forty-five (45) days of the receipt by the Committee, the Committee will, in an Environmental Evaluation Report, advise the Proponent whether in its view the Environmental Report is satisfactory, including whether the information provided is adequate and whether the remedial actions taken or proposed in respect of impact or compliance problems are satisfactory.

Within thirty (30) days of the receipt by the Proponent of the Committee's Environmental Evaluation Report, the Proponent will reply to the Committee's Environmental Evaluation Report, making best efforts to address satisfactorily the deficiencies identified by the

Committee. Where the Committee finds the replies of the Proponent to be unsatisfactory for reasons of reasonableness or fairness, it may refer the matter to the dispute resolution process described in the Framework Agreement.

11.4 Adaptive Management Review

The application of adaptive management principles making use of the best available information and technology, and the promotion of the development and implementation of remediation and environmental protection measures designed to maximize environmental quality to the extent reasonably practicable are central to effective implementation of the Project and the Framework Agreement.

Ten (10) years after the signing of the Framework Agreement, the Committee will conduct a comprehensive public review of the adaptive management measures taken by the Proponent with regard to all aspects of the Project. The Adaptive Management Review will focus on the effectiveness of adaptive management measures taken by the Proponent since Project initiation, including a review of emerging improved or alternative methods for managing the underground arsenic trioxide and the steps taken to incorporate these advances in the Project. The Parties will participate fully and effectively in the Adaptive Management Review. The Proponent will cooperate fully in all aspects of the Adaptive Management Review, including the provision of all required information and data requested by the Committee. The Adaptive Management Review will not be funded through the Core Budget but in addition to it; Canada will provide the necessary funding. The findings of the Adaptive Management Review, including all recommendations, will be made public by the Committee and will be transmitted to the Proponent within sixty (60) days of the completion of the Adaptive Management Review.

Within sixty (60) days of the receipt by the Proponent of the Committee's report of its review of the effectiveness of adaptive management measures taken by the Proponent, the Proponent will reply to the Committee, making best efforts to address satisfactorily the findings and recommendations identified by the Committee, including the steps it will take to address the research and monitoring recommendations contained in the Committee's report. Where the Committee objects to the replies of the Proponent for reasons of reasonableness or fairness, the matter may be referred to the dispute resolution process described in the Framework Agreement.

11.5 Public Meetings

The Proponent will make each Annual Report and each Environmental Report available to the public and will arrange for public meeting(s) to review and discuss the respective reports.

12.0 Environmental Management Plans

12.1 General

With respect to the review or approval of Environmental Plans and Programs having aspects within the authority of two or more government authorities or regulatory agencies, the Proponent will facilitate procedures to deal with these matters in an integrated or complimentary manner. The Committee will be invited to participate in these procedures as appropriate.

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It is anticipated that there will be two broad and inclusive environmental management plans developed for the Project: a Site Remediation Phase Environmental Management Plan; and a Long Term Operation and Maintenance (Perpetual Care) Phase Management Plan.

Each environmental management plan will, where applicable, contain the following specific and comprehensive plans:

- air quality management plans;
- materials management plans, including a spill contingency plan for on site spills;
- wildlife management plans;
- traffic management plans;
- aquatic life management plans;
- waste management plans;
- arsenic trioxide management plans
- quarry management plans;
- environmental monitoring programs; and
- any other relevant plans required over the life of the Framework Agreement.

Such plans shall include, without limitation, the following:

- quality control and assurance programs;
- environmental awareness training for employees and contractors;
- regular briefing on environmental matters to on-site supervisors; and
- detailed environmental mitigation measures.

12.2 Site Remediation Phase Environmental Management Plan

On or before (*date tbd*) the Proponent shall provide the Committee with its Site Remediation Phase Environmental Management Plan. The Site Remediation Phase Environmental Management Plan will be developed and updated in conjunction and in co-operation with all relevant agencies, the Parties and the Committee. The Proponent will incorporate available results of all Traditional Knowledge studies as well as technological advances in environmental management, particularly arsenic trioxide disposal, in this Plan.

12.3 Long Term Operation and Maintenance (Perpetual Care) Phase Management Plan

The Proponent will provide the Committee with its Long Term Operating and Maintenance Phase (Perpetual Care) Management Plan according to a mutually agreed-upon schedule to be determined in consultation with the Committee. The Proponent and the Parties will meet with the Committee a year after the Framework Agreement is finalized specifically to discuss the Long Term Operating and Maintenance (Perpetual Care) Phase Management Plan. The Proponent will provide the Committee with an initial Long Term Operating and Maintenance (Perpetual Care) Phase Management Plan no more than three years following this meeting.

The Proponent will thereafter and from time to time shall provide the Committee with any and all amendments or revisions to the Long Term Operating and Maintenance (Perpetual Care) Phase Management Plan as and when such amendments or revisions are made or as requested by the Committee. The Plan will be developed and updated in conjunction and in co-operation with all relevant agencies and the Committee. The Proponent will incorporate available results of all Traditional Knowledge studies as well as technological advances in environmental management, particularly arsenic trioxide disposal, in the Plan.

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In addition to specific and comprehensive plans intended to address environmental matters of particular concern during this phase of the Project, the Long Term Operating and Maintenance Phase (Perpetual Care) Management Plan will include provisions for the following, given the importance of maintaining institutional memory and the need to ensure that future generations understand the Project:

- site designation(s) including land use controls to assist with institutional and societal memory of the Project;
- Project and historical record preservation (including consideration of various media and locations);
- signage and interpretation at the site;
- specific plans for the transition of the site from active remediation to perpetual care; and
- long-term funding options for the Project.

12.4 Review of Environmental Management Plans

In the event that, at any time, the Committee determines that an Environmental Management Plan is inadequate or incomplete, the Committee may provide the Proponent with an Environmental Management Plan Evaluation Report and the Proponent will within thirty (30) days of receipt of the Committee's Environmental Management Plan Evaluation Report provide:

- the Committee with revisions to the Environmental Management Plan which address satisfactorily the deficiencies described in the Committee's Environmental Management Plan Evaluation Report; or
- a replacement Environmental Management Plan which addresses satisfactorily the deficiencies described in the Committee's Environmental Management Plan Evaluation Report; or
- specific replies to the deficiencies described in the Committee's Environmental Management Plan Evaluation Report and detailed explanation as to why, in its view, the Environmental Management Plan need not be revised or replaced to deal with the deficiencies outlined in the Committee's Environmental Management Plan Evaluation Report.

The Proponent will carry out a regular review of its Environmental Management Plans every three (3) years, in consultation with the Committee, and take into account the following:

- the evaluation of adaptive management systems as undertaken in the Environmental Reports;
- internal and external audits of the environmental management systems;
- new technology and results of environmental research; and
- any compliance issues or public complaints.

Where in the view of the Committee, the Proponent has failed to meet its obligations set out in section 12.0, applying the tests of reasonableness and fairness, the matter may be referred to the dispute resolution process set out in the Framework Agreement.

13.0 Environmental Monitoring and Research Programs

13.1 General

The Proponent will undertake research and compliance and environmental effects monitoring of the Project to meet the primary objective of eliminating or mitigating the environmental risks

posed by the Giant Mine site. The Proponent will deliver research and monitoring data and information to the Committee in time frames and in formats developed in consultation with the Committee. It will carry out its monitoring and research activities in a manner which will provide data useful in cumulative effects monitoring programs and will consult and cooperate with the agencies undertaking such programs.

13.2 Environmental Monitoring Programs

Project Environmental Monitoring Programs will be reviewed and approved in conjunction with the Environmental Management Plans. The monitoring programs will include activities designed to:

- measure compliance with regulatory requirements;
- determine the environmental effects of the Project;
- test impact predictions; and
- measure the performance of operations and effectiveness of impact mitigation.

Environmental components to be monitored will include:

- ambient water, including quality, hydrology, lake and stream ecology and ground water;
- wildlife;
- reclamation, including revegetation success, soil suitability and the diversity and density of plants;
- vegetation, including the loss of habitat;
- ambient air quality and stationary air emission sources; and,
- operation and performance monitoring of Project facilities and equipment as they relate to the environment

Each monitoring program will include details on locations, duration, frequency and methods of data collection and analyses; identification and rationale for key indicators; triggers and thresholds for actions and contingencies and plans for their application as part of an adaptive management approach.

13.3 Environmental Research Programs

The Proponent will conduct revegetation and reclamation studies as portions of the Giant Mine site are reclaimed and will incorporate the results of these studies in the Project. It will also conduct additional studies and research necessary to carry out its obligations under this Framework Agreement and in order to achieve the objective of eliminating or mitigating environmental risks associated posed by the Giant Mine site.

As part of the commitment to adaptive management and in recognition of the fact that the frozen block method is not a full and final solution, the Proponent shall make \$250,000 available to the Committee to prepare a five-year research and development plan to investigate alternatives to the frozen block method for managing the underground arsenic trioxide. The purpose of this plan is to do the following:

1. *to commission a state of knowledge report on treatment and management options for arsenic trioxide, with an emphasis on minimizing perpetual care costs and management;*
2. *to identify gaps in knowledge and understanding for the design of a permanent solution to the underground arsenic trioxide at Giant Mine;*
3. *to identify priority areas for further research and development; and*

Comment [D1]: Note: this section has been inserted as an alternative to the approach taken in the non-italicized text, at the request of Alternatives North. Alternatives North remains of the view that research into arsenic trioxide treatment is an essential component of an effective oversight agreement.

4. *to commission independent research and development for items 2 and 3 above, based on a competitive request for proposal basis.*

The Committee shall consult with the Parties in developing the plan, evaluation criteria for proposals submitted and other operational aspects of the implementation of the plan. The Committee may also carry out evaluation of proposals jointly with the Parties.

The plan and all research and development prepared under the plan, shall be made publicly available. The plan will be reviewed at least every second year, with a view to ensuring effective and efficient use of resources. The Committee shall report on the progress of the plan and its implementation as part of its annual reporting requirements and shall include any recommendations for further research, development or other related matters.

Within ninety (90) days of the receipt by the Proponent of the recommendations from the Committee's plan and its implementation, the Proponent will reply to the Committee, making best efforts to address satisfactorily the findings and recommendations identified by the Committee, including the steps it will take to address research and monitoring recommendations. Where the Committee objects to the replies of the Proponent for reasons of reasonableness or fairness, the matter may be referred to the dispute resolution process described in the Framework Agreement.

The Proponent will cooperate fully in all aspects of the plan, including the provision of all required information and data requested by the Committee. Should additional funding be required, the Committee will make a special request pursuant to section 8 and those procedures will apply.

13.4 Surface Remediation

The Committee will evaluate the effectiveness of measures undertaken by the Proponent with respect to the following objectives:

- ensuring that the Project site is physically stable and any requirement for long-term maintenance and monitoring is minimized; ;
- preventing continuing impacts from contaminants and wastes on the environment including those associated with tailings drainage or seepage from the arsenic storage areas; and
- returning affected areas to a state where negative effects on the use of the surrounding lands are minimized to the fullest extent reasonably possible giving due consideration to factors such as aesthetics, economics, future ecosystem productivity and future uses.

13.5 Archaeological Sites

The Proponent will carry out the Project to minimize the impacts on archaeological sites. In the event that an archaeological site is discovered in carrying out the Project, the Proponent will immediately notify the affected Aboriginal Peoples of the presence of the archaeological site and shall take all reasonable precautions necessary to protect the Archaeological Site. In the event that it becomes necessary to disturb the archaeological site and collect the artifacts, the Proponent shall first consult with the affected Aboriginal Peoples.

14.0 Dispute Resolution

The dispute resolution process set out here is intended to address only those matters related to the implementation of the Framework Agreement. In particular it is intended to address only those matters specifically identified in the Framework Agreement that may be referred to dispute resolution. Dispute resolution is intended to be used in situations where the Committee is of the view that the Proponent has acted unreasonably or unfairly in meeting its specified obligation in the Framework Agreement. It is not meant to address matters properly under the purview of the regulatory authorities (other than in circumstances where the Proponent may be exercising regulatory authority).

Matters of dispute arising out of this Framework Agreement will be resolved as follows:

- first, the Parties and the Committee will act in good faith and promptly engage in discussions to resolve any dispute;
- second, in the event that any one of the Parties and the Committee determine that the dispute cannot be resolved through discussions, the Parties and the Committee will appoint a mediator to assist in further discussions to resolve the dispute; and
- third, in the event that any one of the Parties and the Committee determine that the dispute cannot be resolved satisfactorily with the assistance of a mediator, the dispute will be referred to arbitration. The arbitration process will be open to the public and will be conducted pursuant to the *Commercial Arbitrations Act* (Canada). The decision of the arbitrator will be binding on the parties.

The Parties and the Committee will bear their own costs of the steps leading to initiation of formal dispute resolution (i.e., the appointment of a mediator). The Proponent will bear its own costs of dispute resolution, the costs of a mediator or an arbitrator and the costs of the Committee.

In the determination of a dispute, the Parties or any mediator or arbitrator will take into consideration the Framework Agreement as a whole, the roles and responsibilities of the Parties and that of the Committee, including the following:

- the Proponent has the sole right and responsibility to manage the Project;
- the Committee has the right and responsibility to discharge its mandate as defined in the Framework Agreement.

Annex 1

Definitions

"Aboriginal Peoples" means the Yellowknives Dene First Nation and other First Nations or Metis with affirmed rights in the area of the Giant Mine site

"Advisory Panel" has the meaning attributed thereto in Section

"Annual Report" has the meaning attributed thereto in Section

"Arbitration Committee" has the meaning attributed thereto in Section

"Archaeological Site" means a site or work of archaeological, ethnological or historical importance, interest or significance or a place where an archaeological specimen is found and includes explorers' cairns.

"Canada" means Her Majesty the Queen In Right of Canada.

"Committee" means the arms-length committee established by the Framework Agreement to monitor the Proponent's implementation of the environmental aspects of the Project

"Confidential Information" is information for which the following criteria **DO NOT** apply:

- All information required to be disclosed pursuant to federal or territorial "access to information" legislation or by federal or territorial environmental laws and regulations
- Data generated or derived from the Project Monitoring Programs
- Data and information generated and derived from Third Party environmental studies and reports relevant to the Project.
- All public reporting required under this Framework Agreement.
- Any decisions or awards made as a result of dispute resolution process.

"Consultation" shall mean, at a minimum:

- the provision, to the party to be consulted, of notice of a matter to be decided in sufficient form and detail to allow that party to prepare its views on the matter;
- the provision of a reasonable period of time in which the party to be consulted may prepare its views on the matter, and provision of an opportunity to present such views to the party obliged to consult; and
- full and fair consideration by the party obliged to consult of any views presented.

"Core Budget" means the budget required to provide the [Environmental Monitoring Advisory Committee] with adequate financial resources to carry out its responsibilities for a particular period of time determined in accordance with Section.....

"Developer's Assessment Report" has the meaning attributed thereto in the recitals to this Framework Agreement.

"\$" means Canadian dollars.

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"Engagement" means the commitment by the Parties to ensure that they will strive to keep one another continuously apprised of, and involved accordingly in, all activities relevant to the Framework Agreement.

"Environmental Report" has the meaning attributed thereto in Section

"Environmental Management Plans" means the Site Remediation Phase Management Plan, the Long Term Operation and Maintenance Phase (Perpetual Care) Management Plan and all amendments and revisions to such plans.

"Environmental Monitoring Programs" has the meaning attributed thereto in Section

"Environmental Plans and Programs" means the Environmental Management Plans, Environmental Monitoring Programs and any other environmental management plans or environmental monitoring programs carried out or conducted in connection with the Project.

"Environmental Protection Measures" means all measures taken to effect Environmental Quality, including but not limited to, assessment and prediction of impacts, monitoring, measures to avoid or mitigate impacts, setting of limits for environmental degradation, and measures for construction, operations, closure, reclamation and abandonment of the Project.

"Environmental Quality" means the state of the environment at any time as compared to natural, unaltered characteristics of the area with respect to biological diversity and ecosystem structures and processes. Environmental Quality is maximized when measured indicators show that ecological processes are functioning naturally, ecosystem structure and reproductive capacity of animal and plant populations is unimpaired, and human interference has negligible impacts.

"Fish Habitat Authorization" means the authorization which has or may be granted to The Proponent for the Project pursuant to Section 35(2) of the Fisheries Act (Canada).

"GNWT" means the Government of the Northwest Territories.

"Land Use Permits" means such Land Use Permits which have been or may be granted for the Project pursuant to the regulations to the *Mackenzie Valley Resource Management Act* (Canada) and any similar successor legislation.

"Long term Operation and Maintenance (Perpetual Care) Environmental Management Plan" has the meaning attributed to it in Section.....

"Minister of AANDC" means the Minister of Aboriginal Affairs and Northern Development Canada or his or her designates.

"Minister of ENR" means the Minister of Environment and Natural Resources or his or her designates.

"NWT" means the Northwest Territories.

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"Parties" means Alternatives North, City of Yellowknife, Department of Aboriginal Affairs and Northern Development, Department of Environment and Natural Resources, and Yellowknives Dene First Nation.

"Precautionary Principle" means, where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing reasonable measures to prevent environmental degradation.

"Project" means the Giant Mine Remediation Project.

"Regulatory Instruments" means the Water License, the Surface Leases, the Land Use Permits, the Fish Habitat Authorization, City by-laws and such further or other regulatory instruments as may become applicable to environmental management or monitoring of the Project.

"Reporting Year" means, with respect to an Annual Report, *(date tbd)*

"Site Remediation Phase Management Plan" has the meaning attributed to it in this Framework Agreement

"Surface Leases" means such surface leases which may apply to the Project pursuant to the Commissioner's Lands Act, *Mackenzie Valley Resource Management Act*, the *Territorial Lands Act* and any similar successor legislation.

"Traditional Knowledge":

- the Government of the Northwest Territories defines TK as:
..knowledge and values, which have been acquired through experience, observation, from the land or from spiritual teachings, and handed down from one generation to another.
- the Mackenzie Valley Environmental Impact Review Board has identified three key elements in its definition of traditional knowledge:
 - 1) **Knowledge about the environment** -- This is factual or "rational" knowledge about the environment. It includes specific observations, knowledge of associations or patterns of biophysical, social and cultural phenomena, inferences, or statements about cause and effect, and impact predictions. All are based on direct observation and experience, shared information within the community and over generations.
 - 2) **Knowledge about use and management of the environment** -- This is the knowledge that people have about how they use the environment and about how they manage their relationship with the environment. Examples include cultural practices and social activities, land use patterns, archaeological sites, harvesting practices, and harvesting levels, both past and present.
 - 3) **Values about the environment** -- This knowledge consists of peoples' values and preferences, and what they consider "significant" or valued

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components of the environment, and what they feel is the “significance” of impacts on those valued components. Aboriginal spirituality and culture plays a strong role in determining such values. This element of traditional knowledge includes moral and ethical statements about the environment and about the relationships between humans, animals, and the environment; the “right way” to do things.

"Water License" means any water license which may be granted for the Project pursuant to the *Northwest Territories Waters Act* and any similar successor legislation

Annex 2

Framework Agreement Implementation Protocol

Alternatives North, City of Yellowknife, Department of Aboriginal Affairs and Northern Development, Department of Environment and Natural Resources, Yellowknives Dene First Nation (the “Parties”) have reached consensus on a Draft Giant Mine Remediation Project Framework Agreement. The Framework Agreement is intended to address environmental issues related to the Project that are not covered by existing regulatory instruments and provide the context for, and establish, a Committee to monitor at arms-length from the Parties the environmental aspects of the Project.

The Parties will, as soon as practicable following acceptance by the Minister of the water licence issued by the Mackenzie Valley Land and Water Board for the Project, conclude a Framework Agreement consistent with the Draft Framework Agreement.

The Parties will, within two (2) weeks of the execution of the Framework Agreement, establish an Implementation Group (the “Group”) to facilitate the establishment and initial operations of the Committee. Each Party will appoint one representative to the Group. Canada will make available \$25,000 for the work of the Group.

The Group shall, as soon as practicable, develop and implement a work plan for the establishment of the Committee. The work plan shall include the following steps:

- drafting of by-laws and incorporation of the Committee pursuant to the *Societies Act*;
- development of criteria and a selection process to guide the appointment of members to the Committee;
- appointment of the members of the Committee;
- provision of the core funds for the initial five-year budget period;
- arrangements for administrative services;
- other related activities as agreed by the Group.

The Parties will, within ninety (90) days of the execution of the Framework Agreement, establish the Committee with a mandate, membership and terms of reference consistent with the Framework Agreement.

Signed

Alternatives North

AANDC

City of Yellowknife

Government of the Northwest Territories

Yellowknives Dene First Nation

ANNEX 3

Contact Information

Alternatives North

P.O. Box 444
Yellowknife, Northwest Territories X1A 2N3
Attention:, Alternatives North
Telephone: 867-920-2765
Fax: 867-873-4295

City of Yellowknife

P.O. Box 580
Yellowknife, Northwest Territories X1A 2N4
Attention: Mayor, City of Yellowknife
Telephone: 867-920-5693
Fax: 867-920-5649

Department of Aboriginal Affairs and Northern Development

P.O. Box 1500
Yellowknife, NT
X1A 2R3
Attention: Regional Director General
Phone: 867-669-2501
Fax: 867-669-2703

Giant Mine Remediation Project [Environmental Monitoring Advisory Committee]

P.O. Box.....
Yellowknife, Northwest Territories.....
Attention: Chair, Giant Mine Remediation Project [Environmental Monitoring Advisory Committee]
Telephone:
Fax

Government of the Northwest Territories

P.O. Box 1320
Yellowknife, Northwest Territories X1A 2L9
Attention: Deputy Minister Environment and Natural Resources
Telephone: 867-873-7401
Fax: 867-873-0638

Yellowknives Dene First Nation

P.O. Box 2514
Yellowknife, Northwest Territories X1A 2P8.
Attention: Chief, Yellowknives Dene First Nation
Telephone: 867-873-4307 (Dettah); 867-873-8592 (Ndilo)
Fax: 867-873-5969 (Dettah); 867-873-8595 (Ndilo)

**Appendix E—Chronology of Independent Oversight,
Environmental Agreements and Giant Mine**

Jan. 7, 1997	Ekati Environmental Agreement signed by BHP, federal and territorial governments. [Public Registry # 20]
Mar. 8, 2000	Diavik Environmental Agreement signed by Diavik, federal and territorial governments, Dogrib Treaty 11 Council, Lutsel K’e Dene Band, Yellowknives Dene First Nation, North Slave Metis Alliance and Kitikmeot Inuit Association. [link]
May 21, 2004	Snap Lake Environmental Agreement signed by De Beers, federal and territorial governments, Dogrib Treaty 11 Treaty Council, Lutsel K’e Dene Band, Yellowknives Dene First Nation and North Slave Metis Alliance. [link]
Feb. 13, 2008	Letter sent to Mackenzie Valley Land and Water Board from Kevin O’Reilly on a water licence application to carry out the Giant Mine Remediation Project. Letter identifies independent oversight as a key issue. [PR# 29]
Apr. 24, 2008	Letter to Review Board from Kevin O’Reilly identifies preliminary issues for the environmental assessment, including the need for independent oversight of the Giant Mine Remediation Project. [PR# 21]
June 17, 2008	Review Board holds scoping session. Independent oversight identified as an issue. [PR# 41 , pg. 8]
July 18, 2008	City of Yellowknife letter to Review Board identifies issues for scoping. City calls for an independent entity to monitor implementation of the plan and maintenance at the site. [PR# 64 , pg. 4]
July 22-23, 2008	Review Board scoping public hearing held. INAC presentation sets out three options for “monitoring and independent audit evaluation” (Saskatchewan uranium status of environment reports, Alaska independent monitoring audits, NWT Independent Environmental Monitoring Agency, see PR# 73 , pg. 54). Independent oversight is raised at the public hearing with a commitment by Developer to examine different models. [Hearing Transcripts PR# 68 , pg. 137-139, 144-148, PR# 67 , pg. 65- 66, 101]
Jan. 10, 2009	Proposal for participant funding from Yellowknives Dene First Nation, City of Yellowknife and Kevin O’Reilly to carry out a study on independent oversight submitted to Giant Mine Remediation Office. [PR# 123]

Appendix E—Chronology of Events

May 12, 2009	Review Board releases its Terms of Reference for the Giant Mine Remediation Project. Developer to describe plans to continue public consultation and involvement with particular regard to reporting monitoring results and adaptive management and a description of how public complaints will be addressed and the dispute resolution process. [PR# 116 pg. 14-15]
Oct. 26, 2009	Letter from Yellowknives Dene First Nation, City of Yellowknife and Kevin O'Reilly to DIAND Regional Director General requests response to funding request for a study on independent oversight. [PR# 121]
Nov. 12, 2009	Letter from Regional Directors General, Indian and Northern Affairs Canada to Yellowknives Dene First Nation, City of Yellowknife and Kevin O'Reilly rejects proposal for an independent oversight study. Oversight options to be evaluated and presented in Developer's Assessment Report so another study would be unwarranted. [PR# 123]
Dec. 8, 2009	Weledeh Member of the Legislative Assembly, Bob Bromley, sends a letter to Minister of Indian Affairs and Northern Development Canada requesting reconsideration of funding request for study on independent oversight. [PR# 124]
Jan. 28, 2010	Letter from Minister of Indian Affairs and Northern Development Canada to MLA Bromley states departmental staff and consultants are well advanced in identifying all possible independent monitoring programs as required by the Terms of Reference issued by the Review Board. Funding for an additional study would duplicate work already substantially complete. [PR# 128]
Mar. 3, 2010	Proposals for research on independent oversight studies by University of British Columbia and University of Winnipeg submitted to Review Board. Work to be done at the request of Yellowknives Dene First Nation, City of Yellowknife and Kevin O'Reilly. Final report expected in September 2010, filed in Feb. 2011 after delays in the Developer's Assessment Report. [PR# 130]
Oct. 27, 2010	Developer's Assessment Report submitted by Indian and Northern Affairs Canada and Government of the NWT. There are no options for independent oversight models presented or evaluated. [PR# 139 , see sections 13 and 14 for consultation and engagement, and environmental monitoring]
Feb. 9, 2011	Review Board issues an Information Request (#27) to Indian and Northern Affairs and GNWT asking about any plans for an independent monitoring agency for the project. [PR# 178]

Appendix E—Chronology of Events

Feb. 28, 2011	Independent Environmental Oversight Report by Dr. Natasha Affolder, University of British Columbia completed and filed with the Review Board as requested by the Yellowknives Dene First Nation, City of Yellowknife and Kevin O'Reilly. [PR# 185]
Feb. 28, 2011	Yellowknives Dene First Nation (IR#25 on independent oversight) and Alternatives North (IR#1 on independent oversight) submit Information Requests on independent oversight to Aboriginal Affairs and Northern Development Canada. [PR# 179 for YKDFN IRs, and PR# 180 for AN IRs]
June 17, 2011	AANDC and GNWT response to Review Board Information Request (PR# 290) describes environmental management system and states there is no intention to establish an independent monitoring agency for the project. AANDC responded to YKDFN (PR# 613) and AN (PR# 309) Information Requests on independent oversight but no specific mention is made of independent oversight.
Oct. 17-21, 2011	Technical Sessions held by Review Board with concerns raised by parties on issue of independent oversight. No specific proposals for independent oversight presented by AANDC or GNWT. Support emerges for a workshop on independent oversight. [Technical Session Transcripts PR# 356 , see pages 68-143]
Nov. 30, 2011	AN submits a second round Information Request (#22) asking for an explanation as to why the Developer's Assessment Report contained no discussion or evaluation of oversight options. [PR# 381]
Feb. 17, 2012	AANDC and GNWT response to AN IR#22 states that oversight was dealt with in the context of environmental management and engagement but commits to participate in upcoming workshop on oversight. [PR# 394]
Mar. 6-7, 2012	Oversight Workshop held in Yellowknife with participation from AANDC, GNWT, City of Yellowknife, Yellowknives Dene First Nation, City of Yellowknife, Alternatives North and others. GNWT Minister of Environment and Natural Resources attends. Consensus reached to form an Oversight Working Group to continue discussions. [Agenda and invitation to Review Board filed on Feb. 23, 2012, see PR# 396]
Mar. 30, 2012	Report on the Oversight Workshop filed with the Review Board. [PR# 412]
Apr.-Sept. 2012	Twelve meetings of the Oversight Working Group (AANDC, GNWT, YKDFN, City of Yellowknife and AN) held on Apr. 12, 27, May 8, 24, June 22, July 3, 10, 24, Aug. 8, 21 and Sept. 4. Six drafts of a "without prejudice" discussion paper reviewed and then endorsed by all the parties as a basis to continue discussions with eight drafts of an Environmental Agreement. [Final Version of the Discussion Paper filed with the Review

	Board dated May 18, 2011 filed with the Review Board on Sept. 22, 2011, PR# 599 , Draft 8 of the Environmental Agreement is Appendix D of this submission]
May 7, 2012	Review Board issues Information Requests including an update from the Oversight Working Group on status of discussions, including areas of agreement and disagreement. [PR# 422]
June 11, 2012	Joint letter from AANDC, GNWT, YKDFN, City of Yellowknife and AN sets out areas of agreement on mandate and functions with areas for further discussion also outlined. A further update to the Review Board is to be filed on or before the Technical Report deadline of July 11, 2012. [PR# 433]
Aug. 31, 2012	AANDC and GNWT submit a two-page letter on oversight to the Review Board. There is agreement to have an advisory committee in place prior to remediation, committee to be established through a terms of reference, with funding from government linked to the phases of the project, with a dispute resolution process. No draft of the terms of reference provided and other parties are not invited to sign the letter. Letter filed on the last day that the Public Registry is open prior to the public hearing. [PR# 586]
Sept. 10-14, 2012	Public hearing held by the Review Board with the last day largely focused on independent oversight and an Environmental Agreement. YKDFN, AN, NSMA and City all support a legally-binding Environmental Agreement as the basis for establishing independent oversight. [Public Hearing Transcripts PR# 368 , see pages 131-142, 162-164, 177-183, 190, 204-205, 206-228, 228-242, 243-249, 250-251, 253, and 280-283]
Sept. 25, 2012	AANDC and GNWT file undertaking #4 from the Public Hearing with the Review Board. Final engineering designs for tailings cover, diffuser, frozen block and Baker Creek to be completed in summer 2015 (three years). [PR# 598]
Nov. 2, 2012	AN e-mail sent to AANDC requesting that the Oversight Working Group begin to meet again. [attached]
Dec. 13, 2012	Giant Mine Environmental Management Working Group meeting held. Alternatives North raises concerns with the lack of a meeting to continue discussions on issues arising at the public hearing, including an Environmental Agreement. [attached summary of the Dec. 13, 2012 meeting]
Feb. 25, 2013	AN e-mail sent to senior AANDC project manager asking for recommencement of Oversight Working Group. [attached]

Appendix E—Chronology of Events

May 27, 2013	E-mail from AANDC to Giant Mine Working Group states “once [Review Board report is] received and reviewed in June the project team will proceed with consultation on measures in the report such as oversight.” [attached]
June 20, 2013	Review Board issues its Report of Environmental Assessment for the Giant Mine Remediation Project. Measure 7 recommends a legally binding Environmental Agreement with independent oversight that would build on the Oversight Working Group’s efforts and the last draft of an agreement. [PR# 647 , see pages 81-93]
Sept. 20, 2013	Giant Mine Working Group Meeting held. Alternatives North expresses concern that the Giant Team has briefed “our senior management on feasibility, cost and schedule implications.” AN requests that this information be disclosed and that parties have an opportunity to comment on it. [attached summary of the Sept. 20, 2013 Giant Mine Working Group Meeting Summary]
Oct. 9, 2013	Giant Team provides an update at a regular Alternatives North meeting. Members express concern that the Team has analyzed the Review Board report and briefed senior management. Concern also raised as the parties, including the Developer, have not met to discuss the Review Board report.
Oct. 11, 2013	Alternatives North e-mail to AANDC and GNWT staff raising concern that Giant Team has analyzed the Review Board report and briefed senior management after a commitment was made at the public hearing that the Team would not be involved in assessing the report. Concern also raised at the fact that the Giant Team has not met with the parties to discuss the Review Board report. [PR# 654]
Nov. 1, 2013	Giant Team (AANDC and GNWT staff) release its analysis of the Review Board proposed measures. Team rejects Measure 7 as it would delay the project by at least 3-4 years (in addition to the two years predicted to complete the design and regulatory process) and potentially increase the project scope and budget in unpredictable ways. Team characterizes the Working Group efforts as attempts by the parties to secure a role in managing the project and resource allocation. Team claims that it withdrew from the negotiations. Team “remains committed to establishing effective project oversight” not based on previous discussions and not as a pre-requisite for the project to move forward with no specific proposal. [PR# 655]
Nov. 14, 2013	Giant Mine Working Group Meeting held to discuss the Giant Team assessment of the Review Board proposed measures. No senior AANDC or GNWT staff present. Alternatives North asks in advance for a transcript to be kept of the meeting, AANDC refuses. AANDC and GNWT staff

indicate that no changes will be made to the November 1, 2013 assessment even if errors or omissions are identified. Northern Project Management Office staff attend the meeting as observers. Parties express concern with the Giant Team assessment and request additional information. Giant Team agrees to provide written comments and alternatives wording on Draft 8 of the Giant Mine Environmental Agreement. [see summary of the Nov. 14, 2013 meeting as Appendix B]

Nov. 24, 2013 AANDC provides to the Giant Mine Working Group additional information on its rationale and costing of the Giant Team's assessment of the Review Board Measures. [see attached e-mail below]

November 2, 2012 e-mail from Alternatives North to AANDC

----- Original Message -----

From: kevin o'reilly <kor@theedge.ca>

Date: Friday, November 2, 2012 16:12

Subject: Re: Giant Mine Roaster Complex Deconstruction and Underground Stabilization

To: Adrian.Paradis@aandc-aadnc.gc.ca,Todd Slack <tslack@ykdene.com>

Cc: ray_case@gov.nt.ca,altnorth-plan@povnet.org, Henry.Westermann@pwgsc-tpsgc.gc.ca,permits@mvlwb.com, vchristensen@reviewboard.ca,Bob Bromley <bob_bromley@gov.nt.ca>GordonHamre<gordon.hamre@gmail.com>

Adrian

Today I received a copy of the latest newsletter from the MVEIRB (see <http://reviewboard.ca/upload/news/MVEIRB%20October%202012%20Valley%20Talk%20Newsletter.pdf>). With regard to the ongoing environmental assessment of the Giant Mine Remediation Plan, the newsletter states:

"The Review Board is currently deliberating on the evidence. A decision is expected in the first quarter of 2013."

As I understand it, AANDC and PWGSC does not intend to begin demolition of the roaster complex until May 2013. Please provide a detailed explanation as to why AANDC continues to push ahead with an exemption of this part of the plan from the ongoing environmental assessment.

Would your efforts not be better directed towards negotiating an environmental agreement with interested parties and completing the design of various aspects of the project including the underground freeze? **When will the Oversight Working Group be convened again?**

Kevin O'Reilly, Alternatives North

+++++

Feb. 25, 2013 e-mail from Alternatives North to AANDC

----- Original Message -----

From: kevin o'reilly <kor@theedge.ca>

Date: Monday, February 25, 2013 20:30

Subject: Re: RE: Seeking Public Input on GMRP IPRP Membership

To: Michael Nahir <Michael.Nahir@aadnc-aandc.gc.ca>

Cc: Todd Slack <tslack@ykdene.com> "Morag.McPherson@dfo-

mpo.gc.ca" <Morag.McPherson@dfo-

mpo.gc.ca> "amy.sparks@ec.gc.ca" <amy.sparks@ec.gc.ca> GordonHamre <gordon

.hamre@gmail.com> ErikaNyyssonen' <Erika_Nyyssonen@gov.nt.ca> RayCase' <Ray

_Case@gov.nt.ca> "aehrlich@mveirb.nt.ca" <aehrlich@mveirb.nt.ca> "enviromgr@

nsma.net" <enviromgr@nsma.net> "reganalyst@nsma.net" <reganalyst@nsma.net

> MarkPalmer <Mark.Palmer@pwgsc-

tpsgc.gc.ca> "dkefalas@yellowknife.ca" <dkefalas@yellowknife.ca> ShannonGault <s

gault@ykdene.com>

Thanks Michael. We stand by our comments. The issue is that some people continue to use an Independent Peer Review Panel in order to justify that there is no need for independent, community-based oversight.

Alternatives North is ready and able to recommence discussions/negotiations on a legally binding Environmental Agreement for the Giant Mine, including independent oversight. We have heard nothing from AANDC and GNWT on this since August 2012, even though there was a written commitment to continue. Given the push to exempt the roaster demolition and the underground work to start this summer, it is critical that independent oversight is in place as soon as possible. **When does AANDC and GNWT intend to start talking again about independent oversight?**

Kevin O'Reilly
Alternatives North

----- Original Message -----

From: Michael Nahir <Michael.Nahir@aadnc-aandc.gc.ca>

Date: Monday, February 25, 2013 13:06

Subject: Re: RE: Seeking Public Input on GMRP IPRP Membership

To: kevin o'reilly <kor@theedge.ca>, Todd Slack <tslack@ykdene.com>

Cc: "Morag.McPherson@dfo-mpo.gc.ca" <Morag.McPherson@dfo-mpo.gc.ca> ,

"amy.sparks@ec.gc.ca" <amy.sparks@ec.gc.ca> , GordonHamre

<gordon.hamre@gmail.com> , ErikaNyyssonen' <Erika_Nyyssonen@gov.nt.ca> ,

RayCase' <Ray_Case@gov.nt.ca> , "aehrlich@mveirb.nt.ca"

<aehrlich@mveirb.nt.ca> , "enviromgr@nsma.net" <enviromgr@nsma.net> ,

"reganalyst@nsma.net" <reganalyst@nsma.net> , Mark Palmer

<Mark.Palmer@pwgsc-tpsgc.gc.ca> , "dkefalas@yellowknife.ca"

<dkefalas@yellowknife.ca> , ShannonGault <sgault@ykdene.com>

Folks, for clarity I said in the hearings that we are wanting to reconstitute the Independent Peer Review Panel. The mandate of this panel is technical in nature and is to provide assurance to the government and other parties as to the technical viability and robustness of the project design. It is independent of corporate or other interests of the project and the members do not stand to benefit from the outcomes of their assessments. They are paid by AANDC as are many entities in the project that provide input. The experts proposed are internationally recognized experts in their specific disciplines. Over half were part of the original Independent Peer Review Panel.

Cheers
Mike

Michael Nahir, P.Eng. M.Eng,
Senior Project Manager
Giant Mine Remediation Project
Contaminated Sites Program
Natural Resources and Environment
Indian and Northern Affairs Canada
Les Terrasses de la Chaudière
25 Eddy, 10th floor, Gatineau
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ph: (819) 997-8413
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PLEASE NOTE NEW EMAIL

email / courriel: michael.nahir@aandc.gc.ca

> >>> On 2/21/2013 at 3:26 PM, in message
<f50af6222506e.5126209d@theedge.ca>, kevin o'reilly <kor@theedge.ca> wrote:

> Thanks Todd. Alternatives North agrees with the YKDFN position and below is what we said at the Working Group meeting on February 7, 2013 (corrected in a few places). Until there is progress on oversight through an Environmental Agreement, it would be premature to engage in any way with the proposed Independent Peer Review Panel. There have been no discussions or meetings of the Oversight Working Group since August 2012 and this is a real obstacle to working together.

Kevin O'Reilly
Alternatives North

Independent Peer Review Panel (IPRP)

Mark asked if the group felt the same way about the Independent Peer Review Panel (IPRP). Kevin said that the IPRP is not in lieu of independent oversight. Kevin stated that the IPRP is not independent, that the members are selected by and are getting paid by AANDC – it is a Peer Review Panel. Kevin said that there are five people on the panel and the Parties are now being asked for input on two others. Mark explained that the project will have a Peer Review

Panel regardless to review technical aspects of the project.

Kevin restated that the two main issues are that it is not “independent” and the bigger context of the lack of a social licence that can be partially addressed through an Environmental Agreement that provides for community-based oversight. There have been no discussions or meetings of the Oversight Working Group since August 2012. Until there is progress on this front, it would be premature to engage in any way on the IPRP. Kevin suggested removing ‘independent’ from the title. Mark said he would talk to Mike Nahir about that. Mark assured the group that this Peer Review Panel was never intended to be seen as a replacement for an Oversight Body. AANDC has committed to an Oversight Body of some sort, separate and removed from the mandate of the IPRP.

Morag said that it is unclear how the Parties can provide input – it would help to receive some context on the topics selected, how people are selected and what they will be looking at.

Kevin said that it is not unusual to have independent oversight –the recent environmental assessment of the Inuvik-to-Tuktoyaktuk Highway has recommended an oversight body.

> ----- Original Message -----

> From: Todd Slack <tslack@ykdene.com>

> Date: Thursday, February 21, 2013 12:38

> Subject: RE: Seeking Public Input on GMRP IPRP Membership

> To: Mark Palmer <Mark.Palmer@pwgsc-tpsgc.gc.ca>, "Morag.McPherson@dfo-mpo.gc.ca" <Morag.McPherson@dfo-mpo.gc.ca>, "kor@theedge.ca" <kor@theedge.ca>, "amy.sparks@ec.gc.ca" <amy.sparks@ec.gc.ca>, "dkefalas@yellowknife.ca" <dkefalas@yellowknife.ca>, "enviromgr@nsma.net" <enviromgr@nsma.net>, "reganalyst@nsma.net" <reganalyst@nsma.net>

> Cc: Adrian Paradis <Adrian.Paradis@aandc-aadnc.gc.ca>, 'Erika Nyyssonen' <Erika_Nyyssonen@gov.nt.ca>, Michael Nahir <Michael.Nahir@aandc-aandc.gc.ca>, 'Ray Case' <Ray_Case@gov.nt.ca>, "aehrlich@mveirb.nt.ca" <aehrlich@mveirb.nt.ca>, Shannon Gault <sgault@ykdene.com>

Hi, I’m sorry for the delay here. I’ve spent another week in front of our friends at the Review Board. Remember those good times?

In principle, my belief is that YKDFN have no objection to the IPRP. Given all that the project said during the hearing it probably should be reconvened – the project found some value in it the first time around, they seemed to put a lot of faith in it during the hearing and lead up, so go for it. YKDFN probably wouldn’t have an objection to participating in selection of members.

However, given the potential trouble with perception here (we’ve seen the way government likes to characterize particular issues), we want to be sure that the YKDFN focus remains on the independent oversight structure that YKDFN has been seeking for some time. *Since the start of the EA.* Until we have meaningful action on that front (or indeed any action since the August 31st

letter), it seems little value to look into whatever structure the project wants to support their engineering approach. Just for clarity here – the IPRP will not address the concerns of YKDFN and will debase the structure that we believe would be most efficient and effective at addressing concerns while potentially building trust in the project.

Once some certainty exists on accommodations for YKDFN concerns we can look at dedicating efforts elsewhere (indeed, that is part of the point), but until then, the primary focus is to get that committee established, running, and over its initial operating barriers.

Cheers.

> **From:** Mark Palmer [mailto:Mark.Palmer@pwgsc-tpsgc.gc.ca]
> **Sent:** January-15-13 1:37 PM
> **To:** 'Morag.McPherson@dfo-mpo.gc.ca'; 'kor@theedge.ca'; 'amy.sparks@ec.gc.ca'; Todd Slack; 'dkefalas@yellowknife.ca'; 'enviromgr@nsma.net'; 'reganalyst@nsma.net'
> **Cc:** Adrian Paradis; 'Erika Nyyssonen'; Michael Nahir; 'Ray Case'; 'aehrlich@mveirb.nt.ca'
> **Subject:** Seeking Public Input on GMRP IPRP Membership

Hi, the GMRP is in the process of reconvening the Independent Peer Review Panel (IPRP). The IPRP will be comprised of seven (7) internationally renowned, leading experts in technical fields relevant to the execution of the GMRP. This Panel will provide valuable third-party technical guidance on major design and technical matters related to the project. A preliminary TOR is for the IPRP recruitment and selection has been drafted (see below).

Five (5) members have already been identified by AANDC using the criteria below. There are currently two (2) spots remaining to be finalized for the IPRP and the GMRP Team is planning to seek public input on the nominations for these spots. Potential areas of expertise include Community Health and Risk Assessment and Perpetual Care

A suggested process is:

Review the criteria and recruitment sections below

- Determine the potential categories for these final two (2) spots
- Consider your networks for possible candidates for these spots
- Get together the 6th or 7th of Feb to finalize the spots
- Finalize TOR

First meeting of IPRP proposed for early next FY

We look forward to working with you in getting this important component of the project finalized and under way.

Mark

Preliminary Draft Giant Mine Remediation Project Independent Peer Review Panel (IPRP) Terms of Reference

Role

As the project moves from conceptual design into preliminary design, detailed design and construction, the Giant Mine Remediation Project Independent Peer Review Panel (IPRP) will play an important role in reviewing major design and conceptual changes, as well as technical issues that are beyond the existing project scope i.e. new technology. The IPRP is comprised of internationally renowned experts in subject matter categories relevant to the project. The IPRP is convened annually to review scope and technical matters related to the project. The IPRP is appointed by and reports directly to the GMRP Management Board. The Management Board may rely on the IPRP to provide subject matter expertise on technical issues on an as-needed basis.

Composition

The Panel comprises seven leading experts in the following disciplines:

- Geotechnical and Rock Mechanics
- Water Management
- Hydrology
- Geochemistry
- Ground Freezing
- Community Health and Risk Assessment*
- Other (e.g. Perpetual Care)*

The first five members, including Co-Chairs, have been selected by the GMRP Team:

Dr. Andy Robertson - Geotechnical and Rock Mechanics (Co-chair)

Mr. Randy Knapp - Water Management (Co-chair)

Dr. Ian Hutchinson - Hydrology

Dr. Mark Logsdon - Geochemistry

Dr. Jean-Marie Konrad - Ground Freezing

Randy Knapp and Jean-Marie Konrad sat on the IPRP during the review of the Arsenic Trioxide Management Alternatives, and all these individuals have provided expert independent advice to the project.

The GMRP intends to seek public input on two members of the panel with expertise related to community health, risk assessment and other areas of public interest (e.g. Perpetual Care, Oversight).

Term

IPRP members will be appointed for a term of 5 years, at which time the role and membership of the IPRP will be reviewed.

Recruitment and Selection

Criteria

The following criteria are proposed as requirements for consideration in nominating individuals to serve on the panel:

International reputation in subject matter area

Advanced degree in related discipline (ideally PhD)

Relevant experience in peer review

References

Availability

These criteria will be validated by the nominating committee once established.

Process

The recruitment and selection process will be coordinated and facilitated by a third party facilitator. In January 2013, the GMRP will establish a nominating committee of 5 individuals representing the Parties and interested members of the public. The GMRP will seek input from the Giant Mine Community Alliance and the EMS Working Group of the Parties on suitable individuals to sit on the nominating committee. The nominating committee will be asked to review the selection criteria and to recommend expert categories to be considered for the two positions. The committee will then be asked to nominate individuals in those categories that satisfy the criteria. Potential nominees are to be asked to confirm their interest and availability and to provide a CV. The facilitator will collate CVs for the nominated individuals and conduct a preliminary screening

against the established criteria. The committee will then be convened to go through a facilitated process to arrive at a consensus recommendation on 2 individuals to nominate.

Consideration may be given to allowing for alternates if there are additional strong candidates, as well as for expert advisors to be appointed to the panel who would be selected to address specific issues.

Operation of Panel

The Chair of the GMRP Design Review Committee (DRC) will ask as secretariat/Project Manager for the IPRP, and will work with the Co-Chairs of the panel to coordinate an annual agenda setting session with the IPRP, typically during the 4th quarter of the year (January - March). During this session the panel will review the proposed work plan for the following year and determine which potential design and conceptual changes and as well as technical issues should be subject to review by the panel. A work plan for the panel will be developed and incorporated into the project plan for the year. The work plan will detail the number of times the panel will be meeting, on what topics and at what times. It is anticipated that the panel will meet at least twice per year. Materials for review will be circulated to panel members well in advance of meetings with clear guidance on issues to be considered and questions to be addressed. The IPRP may be asked to provide subject matter expertise on technical issues on an as-needed basis as well.

Transparency and Reporting

Reports of the IPRP will be presented to Management Board. The Terms of Reference, Agendas and Reports of the IPRP will be posted on the GMRP Web site.

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May 27 e-mail from AANDC to Giant Mine Working Group

----- Original Message -----

From: Jane Amphlett <Jane.Amphlett@aandc-aadnc.gc.ca>

Date: Monday, May 27, 2013 16:07

Subject: Giant Mine Working Group - May 3 Meeting - Update on outstanding items

To: 'Morag McPherson' <Morag.McPherson@DFO-MPO.GC.CA>, 'Amy Sparks' <Amy.Sparks@EC.gc.ca>, "'reganalyst@nsma.net'" <reganalyst@nsma.net>, 'kevin o'reilly' <kor@theedge.ca>, 'Chris Greencorn' <cgreencorn@yellowknife.ca>, 'Dennis Kefalas' <dkefalas@yellowknife.ca>, jhumble@yellowknife.ca, jblack@ykdene.com, tslack@ykdene.com

Cc: Michael Nahir <Michael.Nahir@aadnc-aandc.gc.ca>, Erika_Nyyssonen@gov.nt.ca, Robert.Girvan@pwgsc-tpsgc.gc.ca, 'Mark Palmer' <Mark.Palmer@pwgsc.gc.ca>

All, I'd like to provide an update on outstanding items from our meeting May 3rd.

- 1) Permitting with City - a demolition permit has been issued for the roaster deconstruction and is attached for your information. I have also included correspondence with the City on why a development permit was not applied for to complete this work.
- 2) Emergency Response Plan - attached is the plan prepared by our contractor Parsons for the roaster deconstruction. It is important to note that this is a living document that will be continually evaluated and improved. The latest version will be publically available through the AANDC website prior to work beginning onsite.
- 3) Public forum on Roaster - presentation is attached.
- 4) Info on ion exchange - there has been a delay due to contracting issues with our consultant AECOM. This has now been resolved and we anticipate the info will be distributed by May 31st.
- 5) Org chart - this will also be distributed by May 31st.
- 5) Roaster air monitoring and experience - this was addressed in our response to the MVLWB on May 21st. Williams Engineering have supplemented their team with expertise from WESA. If further information is required we can provide more details on their experience.
- 6) Report of EA - this is still anticipated in June 2013. As indicated in our meeting the Ministerial Response will be a separate AANDC process and the project team will not have direct involvement, however once received and reviewed in June the project team will proceed with consultation on measures in the report such as oversight.**

Thanks
Jane

Jane Amphlett, MAsC, P.Eng.
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November 24, 2013 e-mail from AANDC to Giant Mine Working Group

----- Original Message -----

From: Jane Amphlett <Jane.Amphlett@aandc-aadnc.gc.ca>
Date: Sunday, November 24, 2013 17:30

Subject: RE: RE: Giant working group - agenda and materials November 14th meeting
To: Morag McPherson <Morag.McPherson@DFO-MPO.GC.CA>, "Stuart.Niven@DFO-MPO.GC.CA" <Stuart.Niven@DFO-MPO.GC.CA>, Amy Sparks <Amy.Sparks@EC.gc.ca>, "gordon.hamre@gmail.com" <gordon.hamre@gmail.com>, "Erika_Nyyssonen@gov.nt.ca" <Erika_Nyyssonen@gov.nt.ca>, "reganalyst@nsma.net" <reganalyst@nsma.net>, "kor@theedge.ca" <kor@theedge.ca>, "kkronstal@yellowknife.ca" <kkronstal@yellowknife.ca>, Johanne Black <jblack@ykdene.com>, Todd Slack <tslack@ykdene.com>
Cc: Adrian Paradis <Adrian.Paradis@aandc-aadnc.gc.ca>, David Alexander <David.Alexander@cannor.gc.ca>, Marie Adams <Marie.Adams@cannor.gc.ca>, "krista.amey@dpra.com" <krista.amey@dpra.com>, "jpotten@mvlwb.com" <jpotten@mvlwb.com>, "tyree@mvlwb.com" <tyree@mvlwb.com>, Mark Palmer <Mark.Palmer@pwgsc.gc.ca>, "cgreencorn@yellowknife.ca" <cgreencorn@yellowknife.ca>, "dkefalas@yellowknife.ca" <dkefalas@yellowknife.ca>, "jhumble@yellowknife.ca" <jhumble@yellowknife.ca>, "walexander@yellowknife.ca" <walexander@yellowknife.ca>

Attached is the additional information requested in the November 14th meeting. There are two outstanding items that Adrian will follow up with early this week, they are:

- update on the project analysis of suggestions
- language / suggestions provided by project on dispute resolution and oversight.

I want to thank everyone for their input and taking the time to go through the information. If there are any issues that parties feel were not covered please let me know and I will add to the next agenda.

Regards

Jane

Oversight and cost breakdowns

The project team has no objections to filing Draft 8 Environmental Agreement on the MVEIRB registry.

The project team based the estimate for an oversight body on existing agreements in the NWT.

Below is a breakdown of costs reviewed:

Snap Lake Monitoring Agency

1st 550,000

2nd: 650,000

3rd +: nominally 450,000

BHP Environmental Agreement

1st: 450,000

2nd: 450,000

3rd +: 350,000

Diavik Environmental Agreement

1st: 800,000

2nd: 800,000

3rd +: 600,000

Term ‘independent’

The term “independent” can have a range of meanings, depending on its context. The Review Board itself used ‘independent’ in a variety of ways throughout the Report of EA. The Project is unsure of what the term “independent” means in the specific context of recommended Measure 10. Different meanings, or the absence of a shared understanding of the meaning, could have different implications for both cost and schedule.

We believe that the term “independent” in this context means that a qualified third-party risk assessor (but not a Government agency or employee) must undertake the work. The recommended Measure would further require that this contractor be selected “in collaboration” with Health Canada, the YKDFN and the City of Yellowknife.

We are less certain of whether others would interpret the recommended Measure as requiring an assessor that has had no prior involvement at the Giant site, and that the assessor is “independent” in the sense that its only role at the Giant site must be the Measure-10 assessment work. This could create a very large learning curve for the contractor, which would affect both schedule and cost.

Finally, we are also uncertain of how others will interpret this recommended Measure in respect of how the assessment work is to be procured. While the Project Team can certainly “collaborate” with others in preparing for procurement, Government procurement is subject to regulations and policy. Would others view it as inconsistent with “independence” or “collaboration” that the procurement process is run according to the applicable rules, and that the contract for the work is a federal contract?

Measure 10 linkages

Measure 5 outlines the completion of an Independent Quantitative Risk Assessment and requires (bullet #2) an ‘examination of risks from a holistic perspective, integrating the combined environmental, social, health and financial’. The project team’s analysis is that the health risk information required in Measure 5 is an output of Measure 10 (Human Health Risk Assessment) and therefore the Human Health Risk Assessment would precede the Quantitative Risk Assessment.

The project team has raised this concern in order to seek clarification because if the Human Health studies must indeed be completed prior to completing the Quantitative Risk Assessment the sequencing of these measures could cause significant delays (3-4 years).

Drinking Water Quality and other contaminants of concern

Ion exchange resins are designed to target removal of specific constituents from water; as such, not all constituents are removed although some constituents besides the target constituents may be removed to varying degrees. It is noted that mine water monitoring data from the Giant Mine has been found to contain low levels of most metals of concern. In addition, it is expected that the final treatment plant design would include a conventional system in front of the ion exchange component to enhance the overall performance of the treatment plant. Hence, while it is expected that the quality of the effluent would meet drinking water standards for most constituents, it is conceivable that constituents such as turbidity may not meet drinking water standards on a consistent basis. Furthermore drinking water standards for various parameters are changed periodically, which adds a further level of uncertainty in meeting targets for all

contaminants of concern. Prior to commissioning the full water treatment system, pilot tests will be completed and will provide additional information, however at this time the project team is identifying a compliance risk due to wording in the measures regarding meeting standards for all potential contaminants of concern.

Research Agency

The cost estimate in the analysis table included the following breakdown and assumptions:
Salary (\$850K / year) – 5 positions (Executive Director, Admin, Program Manager, 2 Project Officers)
based on government salaries and allowances for equivalent positions.

Rent / O&M (\$45K / yr) – Building space in Yellowknife (1000 sq ft at assumed rate of \$45/sq ft)

Funding of research (100K / yr)

Total – provided as range of ~\$900K – 1M / year

The Project Team applied an ordinary meaning to word “agency” by interpreting it as it was used in this specific context in the Report. In our view, the recommended measure strongly implies a requirement for a stand-alone organisation, which has an existence that is independent of its stakeholders. This interpretation is supported by:

1. the use of the term “agency”, which is often used interchangeably with the term “organisation”; and
2. the fact that the measure refers to the agency as “this body”, implying separate and self-contained existence.

In our view, the recommended Measure would require a stand-alone research organization with its own capacity, and could not (for example) be met with a multi-party working group. Furthermore the language in the measure indicates ‘the developer will create a multi-stakeholder research agency’ which implies that this measure could not be met by using an existing agency.

Health Canada

The Project Team has confirmed that Health Canada officials were aware of the Report of EA, and specifically of the measures that mention that Department. Until there is a Ministerial decision, the Project Team believes it is not in a position to fulfil the recommended measures.



Giant Mine Remediation Project

EA No. 0809-001

Environmental Management System

Working Group with the Parties

13 December 2012 Meeting Summary

17 January 2013



Aboriginal Affairs and
Northern Development Canada

Affaires autochtones et
Développement du Nord Canada



Giant Mine Remediation Project

EA No. 0809-001

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APPENDIX A – MEMO ON FUTURE USES OF THE SITE

APPENDIX B – PRESENTATION ON FOS UPDATE

APPENDIX C – PRESENTATION ON LONG-TERM MONITORING PROGRAM

APPENDIX D – COMPONENT SPECIFIC OBJECTIVES

APPENDIX E – FOS RECLAMATION RESEARCH PLAN

APPENDIX F – LIST OF ENVIRONMENTAL MANAGEMENT PLANS (EMPs)

APPENDIX G – DRAFT ROASTER EMP

APPENDIX H – DRAFT UNDERGROUND EMP



Giant Mine Remediation Project

Meeting Summary

Giant Mine Meeting – EMS Working Group – 13 December 2012

17 January 2013

1. INTRODUCTION

The Giant Mine Remediation Project (GMRP) Team organized a meeting of the Environmental Management System (EMS) Working Group of the Parties (WG). The meeting was held in the Basement Boardroom of the Scotia Building in Yellowknife, 13 December 2012 from 1:00 pm to 5:00 pm.

The PowerPoint presentations used by the EMS Team are provided in Appendix A. Meeting participants included members of the GMRP, as well as representatives from the Interested Parties:

Giant Mine Remediation Project Team	Team Member
Aboriginal Affairs and Northern Development Canada (AANDC)	Aaron Braumberger
	Mike Nahir
	Mark Palmer
Government of the Northwest Territories – Environment and Natural Resources (GNWT-ENR)	Erika Nyssonen
Public Works and Government Services Canada (PWGSC)	Norm Quail
	Linda Pickett
	Chris Doupe
GMRP Interested Party	Representative
Environment Canada (EC)	Amy Sparks
Fisheries and Oceans Canada (DFO)	Morag McPherson
Alternatives North (AN)	Gordon Hamre
	Kevin O'Reilly
Yellowknives Dene First Nation (YKDFN)	Todd Slack
City of Yellowknife (City)	Wendy Alexander (PW & Eng)
	Karin Kronstal (P & L)
North Slave Metis Alliance (NSMA)	Eric Binion
Technical Advisor	
SRK Consulting Ltd.	Daryl Hockley (on phone to provide FOS update)
Observer	
Mining Heritage Society	Walt Humphries

*Notes were taken by Krista Amey, DPRA.



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Aaron Braumberger (AANDC) provided an overview of the meeting's agenda and initiated roundtable introductions. Aaron then presented the purpose and objectives of the meeting.

PURPOSE OF THE MEETING

This meeting is intended to provide an update on the activities of the Giant Mine Remediation Project Team on the EMS. This update will include a presentation on the status of the Freeze Optimization Study (FOS), and discussion on Reclamation Research Plans. There will also be a dialogue initiated on the concept of a session to discuss future uses of the site.

OBJECTIVES

The objectives of this meeting:

- To provide an update to the Working Group members on progress since the last meeting and the continuing development of the EMS
- To update on the FOS
- To discuss concepts for seeking input to future uses of the site and Baker Creek
- To share the Reclamation Research Plans

This report provides a summary of this meeting and will be uploaded to the Review Board registry along with the associated materials.

2. UPDATES ON EMS AND EMPs

Aaron provided an update on the progress of the Environment, Health, Safety and Community Policy. Comments that were received on the first draft distributed in March 2012 have been incorporated and a second version of the Policy has been provided.

ACTION

1. Parties to review the revised EHSC Policy and provide any additional feedback by January 15 2013.

Regarding the EMS, Aaron reported that the framework and the 'big pieces' are almost in draft form and will be ready by Christmas, at which time feedback will be sought from the Parties.

Norm Quail (PWGSC) gave an update on the Environmental Management Plans (EMPs). Much time has been spent on the format with different iterations based on input from the EMS WG with the Parties. He stated that the EMS Team wants to return to the list of Mine Components and determine, with the EMS WG with the Parties, how to prioritize the list. Norm said that the EMS Team is also seeking determination of the scope of issues to be addressed regarding environmental management, as well as



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the objectives of the work and the EMS Team wants to work on the criteria with EMS WG with the Parties.

Todd Slack (YKDFN) asked when the Parties will receive a list of closure objectives, further stating that the Parties have been asking for component-based objectives since the March 2012 meeting.

Aaron and Norm responded by saying that we have the objectives and we are seeking input now. Last meeting we went over the matrix and now, based on input from June, we have a product. We can now go through the list of components, prioritize them and then work through the objectives and sub-objectives. Today's meeting is meant to update the Parties and re-focus the WG with the Parties.

Kevin O'Reilly (Alternatives North) stated that he understood that the WG would meet more frequently. He said that it would be very helpful to receive the materials ahead of time, thereby providing sufficient time for review. Kevin re-stated his interest in participating in a workshop-setting, where we all sit down and work through each component and objective. Kevin stated his disappointment with the fact that two EMPs were taken out of the WG and handled in a different way. He mentioned a November 30th letter from Adrian Paradis, in which the EMPs for the Roaster and the Underground were referenced. He questioned whether or not these two EMPs were seen by this WG.

Norm said that the EMS Team had advised the WG that these two EMPs would be taken out of the WG because of the imminent work on site; further stating that it was in no way meant to thwart the process.

Aaron stated that it is unfortunate that the WG has not met within the past five months. The intent is to work collaboratively to develop a workplan with monthly meetings until the end of March and continuing through the next fiscal year. We will provide materials ahead of time.

Gordon Hamre (Alternatives North) stated his appreciation for the commitment to work together. He said, referring to the matrix, that his initial reaction is that it is a "modest" document with not much in it. Erika Nyyssonen (GNWT) responded that following the June 20 meeting, the EMS Team revisited to matrix and simplified it based on feedback from the WG. This is now meant to start the conversation again and it is not where we are stopping with its development. Erika asked the WG if the EMPs contain what was expected and said that the EMS Team is still open to input at this point.

Mike Nahir (AANDC) commented on the lack of a sense of "working group" – there is a need for everyone to get on the "same page".

Kevin said that he recognizes that the Giant Mine Team continues to work and acknowledges that there has been a lot of effort to move things along. He stated that his disappointment comes from the complete lack of communication with the Parties and this is the first time in three months that they have heard anything directly from the Giant Mine Team. He said that a commitment was made to engage the communities but we are not seeing that. Kevin said that the mood of the Parties is the



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cumulative effects of a lack of engagement from the Team – there is a lot of frustration about the lack of communication and how the Parties are spoken to.

Amy Sparks (EC) made two suggestions – 1) that the EMS WG with the Parties should have an independent co-chair and 2) that there should at least be a presentation to the WG on the Roaster and Underground EMPs, because she agrees with Kevin that those two EMPs did not go through the WG.

Todd said that he will give this WG one more try but if there is still no improvement, he will not be participating any further.

Mike admitted that during the Public Hearings, there was agreement to engage more and that hasn't happened yet. He also agreed that the current approach to this WG isn't working.

Kevin stated that part of the problem is that there are not enough people in Yellowknife. He agreed with Amy that an independent co-chair for the WG is a good idea and that it should be someone in Yellowknife. He said that there needs to be a way outside of this WG to discuss other stuff and questioned why we haven't sat down since the Hearings to all get on the "same page". Kevin stated that there is no trust on the Parties' side for what is happening. He asked How do the Parties get more involved? And said that there needs to be an Environmental Agreement for this project, which is something that he has been asking for and wants to have.

3. FOS UPDATE

Daryl Hockley (SRK Consulting Ltd.) provided a update on the FOS via the telephone.

Kevin requested that any reports be provided to the Parties on a regular basis, which would be a good way to keep the Parties up-to-date on the design. Daryl agreed and said they can and will be circulated when internal final drafts are complete.

Kevin asked if it has been determined if there will be a need for horizontal pipes in addition to the vertical pipes. Daryl said that he still thinks that only vertical pipes are required; adding that longer pipes will be placed where weak spots have been identified through modelling.

Kevin asked if there are criteria determined for the various options (for example, reversibility – when the time comes to purposefully thaw out the chambers, will reversibility be a criterion used in a trade-off study? Daryl admitted that that specific example had not occurred to him and said that he would look into reversibility further. Daryl thinks that it might be a secondary criterion. Kevin added that cost will be a factor.

Kevin said it's like sustainable development – we don't want to take away from future generations. He added that it is good to have these discussions as there is a lot of value in these group meetings.



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Daryl stated that the system is robust, such that once it gets to a certain point that if there are 5 – 10 years where something bad happens, everything still stays frozen.

Kevin said that he would be interested in seeing the criteria, etc. and that it would be good to have a way to bring it back to this group for discussion.

Daryl stated that he prefers to have a situation where we do have these group meetings to discuss design, criteria, etc.

Kevin asked Mike if there are budget constraints – is there enough money to get the job done? Mike said the budget is set to +/- 2% and that some work will be pushed out to start April 1st. Kevin raised his concern about the need for long-term funding.

Gordon asked Daryl if the temperatures are measured at a single point or averaged. Daryl responded that there are 5 – 15 temperature measuring points (thermistors). Many of the pipes have thermistors, too. The temperature is measured in and out. The data are analyzed in various ways and during the different seasons.

4. FUTURE USES OF THE SITE

Aaron said that in the package that was sent out in advance of this meeting, there was a note from the EMS Team regarding the future uses of the site. He said that we are committed to working with this group for “visioning” on the future uses of the site. An approach might be to go community-wide to hear what folks want on the site in the future (a brain-storming session for what the site after remediation will look like). Aaron said that the team is hoping for late March/early April. He said that we could also look at key designs (*i.e.*, Baker Creek, diffuser, open pits, tailings covers) and that different people with certain expertise could be pulled in from time-to-time. He then asked the group for their initial reaction on the approach.

Eric Binion (NSMA) asked if the “brain-storming” sessions would be different get-togethers than these. He further stated that he has run many “visioning” sessions and in his experience, the process takes over a year. Eric agrees that it is a good place to start, but it takes a lot of time and they would need funding to participate.

Karin Kronstal (City of Yellowknife - Planning & Lands) asked if there will be other sessions involving the Public and if there is budget for this. She also stated that this type of engagement would take a lot of time and it would need to be handled carefully. Given the scope of the project and the various topics, Karin said that there would need to be lots of engagement needed occurring over several days and evenings with facilitated focus groups.

Mike stated that the feedback today will inform the budget, which has not yet been set.



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Kevin said that he thinks this is good but feels it is bizarre that we are just getting around to talking about it now about 12 years after it should have started; adding that that is something that should have been done at the beginning. Kevin said that the City has a plan for the site. Kevin had three main points that he wanted to make on the topic: 1) there are high hurdles to get over as a result of bad blood and no trust – the Giant Mine Project has steamed ahead with no engagement; 2) the City should be doing this work, as they have the credibility and the experience and so the Giant Mine Team will have to give up control but will have to provide money; and 3) if this “visioning” process is going to be constrained by the (Developer’s Assessment Report) DAR and the remediation plan, then he will not be interested in participating. Kevin suggested that Clark Ferguson, who is producing a film regarding the future of Giant Mine, could be brought into this process.

Gordon agreed with all of the main points that had been raised – he too has lots of experience with consultation and stated that it is a lengthy and expensive process. He also said that it is a good initiative but that it should have been conducted at the outset of the project. Gordon said he thinks it, too, should be done by a third party (not necessarily the City).

Walt Humphries (Mining Heritage Society) stated that he would like to see the site (cross-section of the Yellowknife Greenstone Belt) become a Geological/Nature Preserve with interpretive trails.

Aaron said that this the kind of input is very informative and that it sounds like there is support for this approach. He said that would be a need for certain parameters. He said that the visioning exercises would put this in the workplan.

Todd asked when the budget for the visioning exercises for future land use would be known (Aaron responded that it should be known by mid-January). Todd also asked who would be brought in from time-to-time to provide expertise (Aaron said that he didn’t know at that point).

On the topics of the workplan and budget, Mark Palmer (AANDC) said that the EMS Team would go to the internal group to come up with the money. Once the concept of the “visioning” is approved, then will run the plan past this WG, then will take the final plan to the high-level group for final approval.

Gordon said that without a plan in place to demonstrate a solid approach, he would be hesitant to see the allocated budget amount. Mark replied that it would be a ballpark figure. Kevin suggested that they talk to Jeff Humble to get an idea of the required dollar figures as the City is very experienced with this kind of thing.

Kevin further stated, and Todd agreed, that there would have to be a very different plan for YKDFN. Todd said that he himself would not be involved.

Amy said that she has two concerns: 1) the already identified industrial land use constraints and 2) the design of the tailings cover. Mike said that a cover design is needed but we cannot design it well without knowing the future land use. On the topic of industrial remediation, the DAR was speaking specifically to



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the area around the Roaster Complex because of the arsenic. The DAR was silent on the level of remediation for the remainder of the Giant Mine site. He said that we need to have a common understanding and that sometimes the industrial standards are misapplied to the entire site.

Gordon asked Erika what the thoughts are of the GNWT on future land use of the site. Erika said that there have been some initial discussions with Municipal and Community Affairs (MACA) and we have said that we can help get it going. She further said that she cannot really speak to the topic much more.

Kevin added a few additional opinions on the topic of “visioning”: 1) much thought will need to go into the implementation, institutional controls, tools, options, advantages and disadvantages; 2) need a plan; and 3) wants to see a discussion paper.

Todd asked what are the next steps and what does the EMS Team want from the Parties. Erika referred to the three questions that were in the memo (Appendix A). Karin asked when the community engagement sessions are thought to take place; suggesting that April to June is the best time.

Morag McPherson (DFO) said that there will need to be a lot of information sharing and engagement so that people are not misled. There is a lot that should be done up front, such as a communication plan. Much has been done already through the years and these pieces will have to be pulled together and presented before further work can be done.

Gordon asked generally who is responsible for the overall Giant Mine Remediation Project. Mark said that he is ultimately responsible (under Joanna Ankersmit).

Mark said that he suggests that he prepare a one-page document stating support from the Parties and listing of the ideas and assumptions. He further suggests holding a ½-day planning session with the Parties in January to come up with a plan forward. Mark asked the group to approve this approach. Morag sought clarification that that would give enough time for design this summer. Mark said that more input and goals are needed.

ACTION

2. Mark Palmer will produce a plan for the Future Land Use Visioning Exercise and will circulate among the Parties by January 10 2012.

5. RECLAMATION RESEARCH PLANS

Erika provided an overview of the Reclamation Research Plans. Erika explained that the Project Team has prepared Project Plans (structured by mine component e.g. open pits) which identify work for the next four years. From this Reclamation Research Plans will be developed. As the plans develop, drafts will be provided to the Working Group for review. It was noted that three Research Reclamation Plans



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were complete. These included the FOS (which Daryl presented on) and *Yellowknife Bay Hydrodynamic and Aquatic Study* and the *Yellowknife Bay Fish Collection and Fish Tissue Processing and Preparation Study*. The Yellowknife Bay RRP's would be provided to the party following the meeting. Todd and Kevin asked what these "Project Plans" are and whether they are component-based. The response was "yes", they are component-based. Mark and Mike spoke to what the Project Plans are, offering that they are the work breakdown structures and state what is hoped to be accomplished for each – every component has a plan. Mike added that they are related to funding and are in four-year cycles because they are linked to the Treasury Board (authority/language), to satisfy their needs – ultimately to ensure that we get long-term funding.

ACTION

- 3. Mark Palmer to distribute a copy of the Project Plans (Work Breakdown Structures) to the Parties and will provide a 15 minute presentation at the next WG meeting**

Erika said that they need to identify those with issues/uncertainties, in order to prioritize. The Project Plans will be distributed among the parties for feedback. In our January meeting we will discuss these further.

Kevin said that they want to be able know the uncertainties in the matrices once there are measurable criteria. He voiced concern about if there is inability to show uncertainties in the matrices then that is a big issue. Erika said that the EMS Team knows the uncertainties but need to put them into a format that the Parties are comfortable with – we are again looking for input here. Kevin returned to the suggestion made in the initial March 5 meeting to look at BHP and other mines for examples of how to lay objectives and criteria very clearly.

ACTION

- 4. Erika Nyssonen will mesh the new matrix with the old larger one to strike a balance of desired detail.**

Chris Doupe (PWGSC) provided an overview of the Long-Term Monitoring Program. There was questioning over terminology - *e.g.*, perpetual care versus long-term or post-remediation monitoring – Perpetual Care is the preferred terminology by the Parties. Chris continued describing the process, whereby the EMPs are produced by the EMS and are provided to the contractors, who in turn produce Environmental Protection Plans (EPPs).

Karin asked for clarification regarding how the contractors are monitoring themselves. Chris explained that the contractors have their own protocols in place and they check their lists to ensure things are being met but that the EMS Team also conducts independent sampling at the site.



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Todd questioned the likelihood of having the EMPs completed by summer if there are currently no objectives and criteria. Mark said that there will be a number of gaps in the EMPs that will have to be filled in later. Mike pointed out that his understanding is that the Parties want to see the objectives and criteria first and to fill in the EMPs around those.

Kevin asked if the Parties will be seeing the EPPs – the answer was “no. Kevin did say that they would like to see the EMPs and that the monitoring results need to be made public.

Todd asked two questions/statements: 1) if the contractor exceeds the guidelines, what is the reporting cycle? What are the consequences? (did not expect an answer immediately) and 2) the criteria should be linked to the objectives (it is not part of the monitoring).

Norm responded saying that there are criteria in both – the contractor has criteria requirements and the long-term monitoring has criteria (to ensure that long-term goals are being met). Kevin and Todd agreed that it is the long-term criteria that the Parties are concerned about. Kevin further stated that the WG needs to talk about the component objectives and criteria.

ACTION

- 5. Chris Doupe to provide a copy of his presentation deck (please see Appendix C)**

On other matters, Morag said that there is a report on additional work being done for Baker Creek, but it needs some more work before it can be distributed.

6. NEXT STEPS

Discussion took place centred on how frequently, when and for how long future WG meetings should be.

ACTION

- 6. All meeting materials will be provided well in advance of next meeting of the EMS WG with the Parties (set for a full day the 4th Wednesday of every month – next meeting is scheduled for JANUARY 23 2013)**
- 7. Will obtain a local, independent facilitator to run the EMS WG with the Parties meetings as we move forward.**



Giant Mine Remediation Project

Meeting Summary

Giant Mine Meeting – EMS Working Group – 13 December 2012

17 January 2013

7. CLOSING REMARKS

Aaron thanked everyone for coming and providing input, recognizing the value in continuing to have these meetings and looks forward to holding them more often.

8. RUNNING LIST OF ACTION ITEMS

The running list of action items, as identified during meetings of the EMS Working Group with the Parties, has been provided separately



Giant Mine Remediation Project

Meeting Summary

Giant Mine Meeting – EMS Working Group – 13 December 2012

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APPENDIX A – MEMO ON FUTURE USES OF THE SITE

Giant Mine Remediation Project MEMO

To: EMS Working Group of the Parties
From: EMG
Date: December 6, 2012
Subject: Proposed Approach to Exploring Future Use of Giant Mine Site

The Giant Mine Remediation Project (GMRPT) team believes that future uses of the Giant Mine site should be the subject of an open and transparent process, and that it will be important that the GNWT, Yellowknives Dene, Alternatives North, the City, NSMA, and other interested parties work together to discuss uses for the site.

The concept for holding a “Visioning” session is in response to what was presented at Public Hearings and committed to in the Developer’s Assessment Report. It is important to make a distinction between the objective of this session and ‘land use planning’. The objective of the session or workshop would be to seek input from the public on interests and needs related to future uses of the site. The project would not be stepping into the role of the Territorial Government or the City. GNWT will be the host of the meeting as the ultimate owner of the land; however, the GMRPT would have a significant role in planning, attending and funding the meeting.

The EMG is seeking the input of the EMS Working Group of the Parties on the proposed visioning session, which will be tabled at the December 13th meeting for discussion. In particular, does the EMS Working Group of the Parties support the concept of the visioning session? What are the Working Group’s suggestions regarding the approach to engage with interested parties? What conditions are necessary for participation?

The input provided by the EMS Working Group of the Parties will be provided as guidance to an expert facilitator (to be determined) in shaping the design of the session.



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Giant Mine Remediation Project

Meeting Summary

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APPENDIX B – PRESENTATION ON FOS UPDATE

DRAFT



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Giant Mine Remediation Project

EA No. 0809-001

Giant Mine Working Group

20 September 2013 Meeting Summary

01 October 2013



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Giant Mine Remediation Project

EA No. 0809-001

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Giant Mine Remediation Project

EA No. 0809-001

1. INTRODUCTION

The Giant Mine Remediation Project (GMRP) Team organized a meeting of the Giant Mine Working Group (GMWG). The meeting was held as a teleconference from 10:00 am to 11:00 pm MT on 20 September 2013.

Meeting participants included members of the GMRP, as well as representatives from the Interested Parties and members of the Mackenzie Valley Land and Water Board (MVLWB):

Giant Mine Remediation Project Team	Team Member
Aboriginal Affairs and Northern Development Canada (AANDC)	Jane Amphlett
Government of the Northwest Territories – Environment and Natural Resources (GNWT-ENR)	Erika Nyssonen (regrets)
GMRP Interested Party	Representative
Environment Canada (EC)	Amy Sparks
Fisheries and Oceans Canada (DFO)	Morag McPherson (regrets)
Alternatives North (AN)	Kevin O'Reilly
Yellowknives Dene First Nation (YKDFN)	Todd Slack
City of Yellowknife (City)	Karin Kronstal (P&L)
North Slave Metis Alliance (NSMA)	Eric Binion
Observers	Representative
Mackenzie Valley Land and Water Board (MVLWB)	Tyree Mullaney
	Jen Potten

*Notes were taken by Krista Amey, DPRA.

Jane Amphlett (AANDC) opened the meeting by acknowledging YKDFN's September 19th email, where Todd stated his frustrations and lack of understanding around the change in agenda for today's meeting from working on the Project's closure objectives and criteria to a regular update. Jane apologized for the agenda change, further stating that although they had been hoping to hold a longer meeting today focussed on the closure objectives and criteria, she stated that the design team needs to be part of this process. AN echoed YKDFN's frustration and said that this issue was raised two years ago during the Technical Sessions and it is perplexing as to why it continues to take so long, adding that the MVLWB representatives on the call should be aware that the Parties raised this issue in October 2011. AANDC said that the discussion centered on objectives and criteria is important and will continue once the design team is fully aligned and can feed properly into the process. She further stated that design is not currently occurring as the design engineer contract had not yet been awarded. Jane assured the group that the objectives and criteria are not being developed without the WG.



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PURPOSE OF THE MEETING

This meeting was intended to provide an update to the Giant Mine Project Working Group as to the on-site activities of the Giant Mine Remediation Project.

OBJECTIVES

The objectives of this meeting:

1. Provide an update to the Working Group regarding on-site activities
2. Briefly discuss any progress being made with regard to the Minister's response to the Review Boards Report to the EA

This report provides a summary of this meeting and will be uploaded to the Review Board registry along with the associated materials.

2. UPDATES

VISIONING SESSIONS

- Still trying to pursue a strategy. Continues to be a priority for the team.

DEVELOPMENT PERMIT

- Talks with the City re development permits will begin in October

ENGAGEMENT MANAGER

- Interviews will be happening soon, hopefully in the next month
- The Team now has Jennifer Lukas out of the Region – similar role as Yose Cormier on Communications

ON-SITE ACTIVITIES

- Buildings
 - Roaster stack came down on September 12 – a successful mission
 - Air monitoring occurred for the duration of the demolition – all air quality was good
 - Additional structures and flues are being removed to improve access to other sites and buildings
 - This work will continue into late Oct / November depending on weather
 - Decontamination of the Cottrell building is proceeding but there have been delays due to discovery of additional contamination (arsenic caked on it) – if this building is not completely decontaminated in 2013, it will have to be winterized so winter work can continue or the containment will be maintained over winter and work will continue in the spring.



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- The pad and fencing for material storage area for the roaster waste is complete. Originally it was planned to use temporary structure but will now use shipping containers, which is consistent with the waste management plan. The storage bags will be secured over the winter. If all bags cannot be placed in containers due to weather than an environmental liner will be used to ensure the bags are protected from the elements. AANDC will amend the waste management plan with any changes.
- Concerns were raised about known incidents of storage bags tearing and spilling. The WG was assured that the environmental liner is only temporary before the bags are stored in the shipping containers. The contractor does need to wet the material prior to placing in the bags (dust suppression) but not too much otherwise some leaking out the bags could occur. There was one incident where excessive wetting did result in minor leaks early in the season, however the contractor quickly addressed this and no leaking has been observed in the last few months.
- Through discussions with the City and a letter received from SAO, Dennis Kefalas, a development permit was not required for the roaster and material storage area.

ACTION

1. Jane will look into distributing the specs for storage bags and environmental liner.

- Underground
 - Board approval was received yesterday (19 September) for the workplans on the underground work. The approvals will be issued soon as indicated by the MVLWB. AN asked if the Board's decision will be made publicly available and whether or not there were any concerns or conditions identified. MVLWB said that the Board's decision will be uploaded to the Public Registry and also sent out on their distribution list within the next day or so.
 - The site is gearing conduct drilling that will support the underground work. This is being done under the land use permit.
 - Once the Board's approval is received, they will start moving the tailings and then start the paste testing.
 - There is a public forum on the topic of underground stabilization scheduled in Ndilo for 25 September, with another public forum planned for the roaster wrap up in November.
- Air Monitoring
 - Air Quality Monitoring Weekly Reports continue to be issued.



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- There has been no decisions yet made on the location of the Niven Lake air monitoring station. Locating a site will be tricky due to the need for power and potential noise issues with neighbours. It is possible that they may need to use the NAP station through the winter.

ACTION

- 2. Erika will send out an air monitoring update on the Niven location.**

AN asked what happened with the comments and concerns that they had submitted regarding the emergency response plans and crisis communications. AANDC said that all comments and concerns were considered and incorporated appropriately. The 2 page summary document for the website has been finalized and is currently in translation but it will be posted prior to the forum.

ACTION

- 3. Jane will distribute a response to the WG on their comments / concerns on the emergency response and crisis comms docs.**

- Baker Creek
 - Scope items directly related to the final remedial option selection for Baker Creek are on hold until the Ministerial Decision on the EA however the team is continuing with assessment and baseline work. The team is completing an initial assessment of the North Diversion with a small scope of work to look at the fish habitat to determine if it is viable along this route. No final decisions have been made regarding Baker Creek.

ACTION

- 4. Jane will send the Baker Creek scope of work on the North Diversion to EC, DFO and AN for review and comment.**

- General Site
 - Water Treatment for the season is almost complete – it is still running 8 hrs/day. Will shut down on 24 September with the discharge shutting down by the end of September.
 - Road re-alignment – additional fencing will be erected to address new access points. The team has had discussions on potential sites for a viewing platform but no decisions have been made. The gate facilities to block off the Ingraham Trail will be located after the Heritage Museum/Marina entrance and at Vee Lake. The old Ingraham Trail through the mine site will have no public access and will become part of the mine site, all visitors would have to sign in with security and go through a



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safety orientation; however AANDC has always been open to conducting site tours upon request where possible. This information will be communicated to the Public – DOT will advise/update the Public and AANDC will work with them on any communications regarding the road. Any discussions regarding final use of the road section will be part of the development permit.

- Other
 - Replacing the boilers onsite
 - A chunk of wood fell off the main head frame, which the team is addressing – there is now a scope of work to look at the head frame to further assess and provide recommendations on how to ensure secure. Risk assessments are continually being done.
 - The Minister's decision has taken three months so far – how much longer will it take? There are no timelines on the response and the firewall is up. The Giant Mine Project has briefed our senior management regarding technical information on feasibility, cost and schedule implications. AN inquired as to whether the costs and implications can be shared with the Parties. **Concern was voiced with respect to procedural fairness – the project team is providing technical information up the chain but the Parties do not have access to it – there should be the requirement to disclose it and give people the opportunity to comment on it.**

ACTION

5. Jane will communicate procedural concerns on the EA and request the regulatory group attend the next WG meeting to provide an update.

- AN appreciated the overview of the Environmental programs provided at the last meeting but they had also requested an update on the design / engineering side, too.

ACTION

6. Jane will look into getting a design / engineering overview to the WG as soon as possible.

3. NEXT MEETINGS

- Thursday, October 17, 2013 – short update to WG (one to two hours)
- Thursday, November 14, 2013 – presentation of the environmental work (1/2 day)
- Possibly another meeting to go over the objectives and criteria



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