



Alternatives North

March 14, 2012

Richard Edjericon
Chairperson
Mackenzie Valley Environmental Impact Review Board
Box 938
Yellowknife NT X1A 2N7

Dear Mr. Edjericon

Re: EA0809-001 [2008] Giant Mine Mill Conveyor

Alternatives North has reviewed the letter submitted yesterday by Aboriginal Affairs and Northern Development Canada (AANDC) on removal of a portion of the Giant Mine Mill Conveyor. While we do not object to legitimate emergency remedial measures, this letter raises several important issues for the ongoing Environmental Assessment.

The mill conveyor is clearly within the scope of the development (see May 19, 2009 Review Board Terms of Reference pg. 5-6):

2.1 Scope of Development

Under section 117(1) of the MVRMA, the Review Board determined that the scope of development will consist of all the physical works and activities required to remediate Giant Mine, an abandoned gold mine that houses approximately 237,000 tonnes of arsenic trioxide in underground chambers. **Should the proposed development be altered by the developer at any point in the environmental assessment, the Review Board may adjust the scope of development.**

...

The Review Board has determined that the following list of physical works or activities will occur during the remediation process:

- **Removal of site infrastructure and materials, such as buildings, waste and contaminated materials** [emphasis added]

The conveyor is also described in the Developer's Assessment Report (see pages 5-67, 5-71 and 6-91).

It is not clear whether AANDC is seeking agreement or permission of the Review Board for this demolition, or simply informing the Review Board of a unilateral internal decision by the developer to exempt a portion of the project from the ongoing Environmental Assessment. We are concerned by the incremental project splitting that has already occurred (e.g. JoJo Lake tailings remediation). Further project splitting is contemplated from correspondence recently filed with the Review Board.

We request that the Review Board continue to exercise its jurisdiction over Environmental Assessments, and not allow developers to unilaterally exempt portions of a development or adjust the scope of a development that is already under review.

There is nothing on the public record that serves as evidence that the mill conveyor presents an emergency situation. We are aware that the developer has already rerouted site traffic from underneath the conveyor to other routes around the site to mitigate risk.

Stamped and signed engineering reports based on actual site visits and investigations should be submitted by AANDC as evidence to support any request for exemption of parts of the development from the ongoing Environmental Assessment or adjustments to the scope of this development. Such evidence should be the norm for an evidence-based quasi-judicial tribunal such as the Review Board.

While a minor point, AANDC states in the last bullet of its letter that waste from the conveyor will be disposed of “in accordance with the main Type A water licence for the site.” There is no water licence currently in place for any of the activities at the site as the last licence covering Giant Mine (N1L2-0043 held by Miramar Giant Mine Ltd.) expired on December 31, 2005. It is unclear how waste disposal of the conveyor debris will be done pursuant to a water licence.

In closing, we are not attempting to prevent emergency remedial actions or delay the ongoing Environmental Assessment in any way. However, we recommend that the Review Board maintain its jurisdiction over this Environmental Assessment and that proper supporting evidence be provided for any moves to exempt portions of the development. We look forward to the Review Board’s decision on these important matters

Sincerely,



Kevin O'Reilly
Alternatives North

cc. Chiefs, Yellowknives Dene First Nation
Adrian Paradis, A/Manager, Giant Mine Team, AANDC
Ray Case, Environment and Natural Resource, GNWT
Gordon Van Tighem, Mayor, City of Yellowknife
Bob Bromley, MLA Weledeh
Willard Hagen, Chair, Mackenzie Valley Land and Water Board