



Giant Mine Environmental Assessment IR Response

Round One: Information Request - City of Yellowknife #03

June 17, 2011

INFORMATION REQUEST RESPONSE

EA No: 0809-001

Information Request No: City of Yellowknife #03

Date Received

February 28, 2011

Linkage to Other IRs

YKDFN IR #24, 27
Alternatives North IR #03
Review Board IR #27

Date of this Response

June 17, 2011

Request

Preamble:

The DAR indicates the Project Team will seek all approvals needed to complete the work and lists the permits and authorizations required in Table 6.13.1. The table fails to include the City of Yellowknife's Development Permit which is governed by Zoning Bylaw 4404 or the City's Building Permit which is governed by Building Bylaw 4469.

All work within the City which significantly alters the grade of a site, demolishes buildings, or builds structures are required such permits. Significant work has been undertaken to date and no such permits have been applied for by INAC.

Question:

1. Why are the City of Yellowknife's bylaws excluded from the list of permits required and why have no such permits been applied for to date?
2. Will the Project Team be making application for works completed to date and what process will be established for ongoing work which falls under the City's Zoning Bylaw and Building Bylaw?

Reference to DAR (relevant DAR Sections)

DAR Table 6.13.1 Relevant Permits





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Reference to the EA Terms of Reference

s.3.2.2 Developer

Summary

With respect to a land use permits under the *Mackenzie Valley Land Use Regulations* (MVLURs), there is regulatory and jurisdictional uncertainty due to the outstanding joint determination required under s.98(2) of the *Mackenzie Valley Resource Management Act* (MVRMA). The Giant Mine Remediation Project Team (Project Team) believes that the jurisdictional certainty that would come with concluding the joint determination would help to clarify applicability of City of Yellowknife permits to the Giant Mine site and Giant Mine Remediation Project. There was no deliberate attempt by INAC to exclude City permitting under the City's Zoning and Building Bylaws.

Response

Questions 1 and 2 are answered together given their interconnected nature.

The Project Team is committed to satisfying all regulatory requirements and to ensuring that there is transparency and accountability regarding compliance and enforcement at the site. A list of permits and subsequent applications appearing in the Developer's Assessment Report Table 6.13.1 demonstrates that the regulatory regime is comprehensive, and that the Giant Mine Remediation Project is subject to terms and conditions, scrutiny and inspections under federal and territorial legislation.

With respect to land use permits under the MVLURs, there is regulatory and jurisdictional uncertainty due to the outstanding joint determination required under s.98(2) of the MVRMA. There was no deliberate attempt by the Project Team to exclude the City of Yellowknife permitting under the City's Zoning and Building Bylaws. Under that section, the Mackenzie Valley Land and Water Board (MVLWB) and relevant Territorial Minister are expected, in consultation with the local government, to jointly determine the extent to which the local government regulates the use of the land. Indian and Northern Affairs Canada believes that the jurisdictional certainty that would come with concluding the joint determination required by s. 98(2) of the MVRMA would help to clarify applicability of City of Yellowknife permits to the Giant Mine site.

