February 20, 2012

Mr. Dennis Kefalas
Director, Public Works and Engineering
City of Yellowknife
PO Box 580
Yellowknife, NT X1A 2N4

Dear Mr. Kefalas,

Re: City Water Pipeline and Giant Mine Remediation Project Environmental Assessment Scope

The Review Board has carefully considered the your request of January 17th, 2012 to have the replacement of the City's potable water pipeline included in the scope of the Giant Mine Remediation Project (the proposed project) environmental assessment (EA). The Review Board has decided to deny the request for the reasons outlined below.

The replacement of the water line is not part of the proposed project. In some cases, additional components or activities associated with a project can be added to the EA. There are specific tests for when this is appropriate. These involve considerations of linkages to the primary development and interdependence of the additional activity with the primary development. These tests are described in section 3.8 of the Review Board's 2004 EIA Guidelines as follows:

> *"The first test is dependence: that is, if the principle development could not proceed without the undertaking of another physical work or activity, then that work is considered part of the scoped development.*
>
> *The second test is linkage: if a decision to undertake the principle development makes the decision to undertake another physical work inevitable, then the link or interconnected physical work or activity will be considered part of the scoped development.*
>
> *The third test is proximity: if the same developer is undertaking two physical works or activities in the same area, then the two may be considered to form one development."*

In this case, these tests are not satisfied.

Mackenzie Valley Environmental Impact Review Board
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Moreover, the Review Board is not aware of a case where a development proposed by a separate third party has been included in a project being assessed thereby imposing the burden of assessing the new facilities on the original developer.

The Review Board is aware of the City's view that the proposed project may increase public perception of risks associated with its water supply, and that replacement of the pipeline drawing water from upstream of the project would help alleviate these perceived risks. The Review Board notes, however, that the City chose to draw water from the Yellowknife River to address concerns about existing contamination many years before the remediation project was proposed. The evidence on the public record to date clearly indicates that the contamination in Back Bay is due to historical arsenic deposition. The proposed remediation project does not include the cleanup of Back Bay.

Accordingly, it is the opinion of the Review Board that the replacement of the water line should not be included in the EA of the Giant Mine Remediation Project.

The Review Board appreciates the City's commitment to alleviating the concerns of its residents and looks forward to the valuable ongoing participation of the City in the remainder of the environmental assessment.

Sincerely,

Vern Christensen
Executive Director