



5019 – 52nd Street
Yellowknife, NT X1A 1T5

August 15, 2014

VIA EMAIL

Chief Edward Sangris
Chief Ernest Betsina
Yellowknives Dene First Nation
PO Box 2514
Yellowknife, NT X1A 2P8

Dear Chiefs:

Re: ***Report of Environmental Assessment and Reasons for Decision: Giant Mine Remediation Project (EA0809-001)***

As you are aware, on August 15, 2014, the Minister of Aboriginal Affairs and Northern Development, as the federal Minister and on behalf of the other responsible ministers (the “Ministers”) with jurisdiction in relation to the project (Minister of Fisheries and Oceans, Minister of the Environment, and the Government of the Northwest Territories), conveyed the Ministers’ decision to adopt the Mackenzie Valley Environmental Impact Review Board’s (the “Review Board”) recommendation that the project be approved subject to the implementation of the measures described in the Report and modified as indicated in the attached letter.

On behalf of the Ministers, I am writing you to outline some of the considerations taken by the Ministers in reaching their decision on the project, including the modification of certain measures. Full and fair consideration was given to all the views expressed in the responses from Aboriginal groups with regard to the Review Board’s findings, including those outlined in your letters of August 2 and 15, 2013, November 27, 2013, and in particular, the letter of January 24, 2014 addressed to the Review Board regarding the Yellowknives Dene First Nation’s (“YKDFN”) views on the proposed modifications to certain mitigation measures.

In making a determination to consult with the Review Board to modify certain measures, the Ministers considered the YKDFN’s recommendation in the letter dated August 2, 2013, that the Ministers accept the Report and measures as is. In that regard, as was noted in the letter of January 24, 2014, from Ms. Gault to the Review Board, the modifications “do not alter the spirit of the decision.” The Ministers’ intent in modifying the measures was to ensure their effectiveness and feasibility during implementation. However, in Ms. Gault’s letter, certain concerns were raised concerning the proposed modifications and I wish to provide clarity in light of the acceptance of the final measures.

With regard to Measures 3 and 4, Ms. Gault's letter indicates that additional resources may be required as a result of the modification to the measure. The Ministers gave consideration to this, and the final wording of Measure 3 provides for "additional resources to manage" the expanded scope of the Oversight Body. The modified wording for Measure 4 acknowledges that the Oversight Body will be the organization responsible for reporting research results to the public.

Though a modification was initially proposed for Measure 5 and more significant modifications were proposed for Measure 10, after consulting with the Review Board and hearing from the parties to the Environmental Assessment, including the YKDFN, the Ministers determined no modification was necessary for Measure 5 and only one additional provision was necessary for Measure 10, which allows the Developer to conduct the human health risk assessment concurrently with the quantitative risk assessment. This change was necessary to correct an oversight in the original wording which would have resulted in the risk assessments being undertaken sequentially.

For Measure 7, Ms. Gault's letter reiterates the YKDFN's concerns expressed at the Review Board's January 20, 2014 meeting with the Parties that the existing oversight working group is not an acceptable substitute for the Oversight Body and that the negotiations for the Oversight Body agreement be subject to timelines. You will be pleased to note that the reference to having the working group act as the Oversight Body in the interim has been removed from the final measure and that a six-month negotiating period, leading to the appointment of a mediator, if necessary, has been stipulated. Additionally, the modified measure prescribes that the Developer will cover the costs of mediation, if required. The measure also ensures that the Oversight Body will exist for the life of the project unless otherwise agreed.

For Measure 11 (12, and 13) regarding Baker Creek, the final modified wording mandates the Developer to determine and implement the preferred option, after being advised by the Oversight Body. Similar language was proposed in Ms. Gault's letter and reflects concerns raised by the YKDFN representative at the January 20, 2014.

Finally, with regard to Measure 15, the Ministers have adopted the wording proposed by the YKDFN and other parties that the water quality objective point be "at" 200 metres from the outfall. With respect to arsenic levels in Yellowknife Bay sediments, after consulting with the Review Board, 500 metres from the outfall was determined to be optimal to reflect the historical degradation of the sediments and respective organisms.

As noted in the Review Board's February 12, 2014 response to the Ministers, the revisions to the measures as adopted by the Ministers maintain the original intent of the Report. The Ministers considered YKDFN's concurrence with this opinion as well as the previous recommendation that the Report be adopted. As such, the Ministers believe that the YKDFN's concerns raised during the environmental assessment and the consult-to-modify process have been substantially addressed.

The Ministers want to thank the YKDFN for its participation in the environmental assessment of the Giant Mine Remediation Project and for taking the time to provide its views.

Sincerely,



Matthew Spence
Director General
Northern Projects Management Office

Attachments

c.c.: Jack Bird, Assistant Deputy Minister - Operations, Department of Environment and Natural Resources, Government of the Northwest Territories

Catherine Conrad, Director, Environment and Renewable Resources Directorate, Aboriginal Affairs & Northern Development Canada

Mark D'lorio, Director General, Environmental Protection Operations, Environment Canada

Amanda Jane Preece, Director General, Safe Environments Directorate, Health Canada

Stu Niven, Senior Fisheries Protection Biologist, Central and Arctic Region, Fisheries and Oceans Canada

Mark Cliffe-Phillips, Executive Director, Mackenzie Valley Environmental Impact Review Board

Joanna Ankersmit, Executive Director, Contaminated Sites Program, Aboriginal Affairs and Northern Development Canada



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August 15, 2014

VIA EMAIL

Bill Enge, President
North Slave Métis Alliance
P.O. Box 2301
32 Melville Drive
Yellowknife, NT X1A 2P7

Re: ***Report of Environmental Assessment and Reasons for Decision: Giant Mine Remediation Project (EA0809-001)***

As you are aware, on August 15, 2014, the Minister of Aboriginal Affairs and Northern Development, as the federal Minister and on behalf of the other responsible ministers (the “Ministers”) with jurisdiction in relation to the project (Ministers of Fisheries and Oceans, Minister of the Environment, and the Government of the Northwest Territories), conveyed the Ministers’ decision to adopt the Mackenzie Valley Environmental Impact Review Board’s (the “Review Board”) recommendation that the project be approved subject to the implementation of the measures described in the Report and modified as indicated in the attached letter.

On behalf of the Ministers, I am writing you to outline some of the considerations taken by the Ministers in reaching their decision on the project, including the modification of certain measures. Full and fair consideration was given to all the views expressed in the responses from Aboriginal groups with regard to the Review Board’s findings, including those outlined in your letters of August 22, 2013, and in particular, the letter of January 27, 2014, addressed to the Review Board, regarding the North Slave Métis Alliance’s (“NSMA”) views on the proposed modifications to certain mitigation measures.

In making a determination to consult with the Review Board to modify certain measures, the Ministers considered the NSMA’s recommendation in the letter dated August 22, 2013 that the Ministers accept the Report, notably, the measure intended to facilitate research in emerging technologies towards finding a permanent solution for dealing with arsenic at the Giant mine site. With that consideration, as was noted in the Review Board’s February 12, 2014 response to the Ministers, the revisions to the measures as adopted by the Ministers maintain the original intent of the Report. The Ministers’ intent in modifying the measures was to ensure their effectiveness and feasibility of implementation.

With regard to the suggestion provided in the January 27, 2014 letter from Mr. Binion to the Review Board that an absolute timeline be stipulated for the ratification of an environmental agreement (in reference to Measure 7, which also provides for an Oversight Body), the Ministers considered this suggestion, as well as similar suggestions from other parties and have prescribed a six-month negotiating period, at which time a mediator could be appointed if necessary. Furthermore, the modified measure prescribes that the Developer will cover the costs of mediation, if required. The measure also ensures that the Oversight Body will exist for the life of the project unless otherwise agreed.

The Ministers have removed the provision from the originally proposed modification that the existing working group fulfil the role of the Oversight Body and expect that the NSMA will be a participant in the Oversight Body discussions.

The Ministers note that the original measures were supported by the NSMA and believe that the NSMA's concerns raised during the environmental assessment and the consult-to-modify process have been substantially addressed.

The Ministers wish to thank the NSMA for its participation in the environmental assessment of the Giant Mine Remediation Project and for taking the time to provide its views.

Sincerely,



Matthew Spence
Director General
Northern Projects Management Office

Attachments

- c.c.: Jack Bird, Assistant Deputy Minister - Operations, Department of Environment and Natural Resources, Government of the Northwest Territories
- Catherine Conrad, Director, Environment and Renewable Resources Directorate, Aboriginal Affairs & Northern Development Canada
- Mark D'Iorio, Director General, Environmental Protection Operations, Environment Canada
- Amanda Jane Preece, Director General, Safe Environments Directorate, Health Canada
- Stu Niven, Senior Fisheries Protection Biologist, Central and Arctic Region, Fisheries and Oceans Canada
- Mark Cliffe-Phillips, Executive Director, Mackenzie Valley Environmental Impact Review Board
- Joanna Ankersmit, Executive Director, Contaminated Sites Program, Aboriginal Affairs and Northern Development Canada