

Unedited Hansard - Nov 7, 2013

QUESTION 27-17(5):

ENVIRONMENTAL ASSESSMENT OF GIANT MINE REMEDIATION PROJECT

MS. BISARO: Thank you, Mr. Speaker. My questions today are addressed to the Minister of Environment and Natural Resources. I'd like to follow up on my Member's statement. I want to ask the Minister with regard to the project team's response to the environmental assessment on the Giant Mine.

On October 21st, this House passed a motion which said, and I quote: "That the Government of the Northwest Territories accept the measures and suggestions contained in the report of the environmental assessment." And that motion was passed by the House.

Eleven days later the project team released a letter to the public, and that was signed by an assistant deputy minister from the Department of Environment and Natural Resources. I'm finding it very difficult that we have, as a government, a motion that was passed to accept the recommendations of this report. We then get a response signed by an assistant deputy minister of one of our government departments which basically refutes the recommendation. I'd like to ask the Minister if he can explain to the House who authorized the signing of the letter, which was the response to the MVERB's report?

MR. SPEAKER: Thank you, Ms. Bisaro. Minister responsible for Environment and Natural Resources, Mr. Miltenberger.

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. I'm the responsible Minister in this instance, and that responsibility is mine.

MS. BISARO: I understand he's the responsible Minister. I accept that. But he's also the Minister responsible for the Environment in the NWT. He should be, in my mind, looking after the best interests of the residents of the NWT. I'd like to know if the Minister can advise me and advise the House and the general public how he can be responsible for the cleanup at the mine on behalf of NWT residents, and at the same time, he is responsible for the regulation of the project, which in this case is rejecting the recommendations?

HON. MICHAEL MILTENBERGER: I can assure the Member and this House and everybody listening that I am indeed very cognizant in my responsibility as the Minister of

Environment and Natural Resources, and my responsibility to make sure that we do in fact protect the environment.

As the government, one of the governments involved, the federal government and territorial government, we have a responsibility to clean up one of the worst environmentally, contaminated sites in the country. It's going to be a billion dollar project at the end of the day, and we are hard at work doing that. We get advice and recommendations from many quarters. We don't disagree with a lot of the work or intent of what's being presented to us through this report, but we definitely are of the opinion that they required some modification. We are the folks on the ground. We are the governments responsible; they're going to have to be accountable and are accountable for how that project is carried out.

We intend to continue working with all the involved parties, but we have an obligation, and our job is to make sure, at the end of the day, we have to pull all those pieces together and make the appropriate decisions, which is what we're doing in this case.

MS. BISARO: I'm afraid we have to agree the work that the Minister is doing is going to be in the best interest of NWT residents. This project, albeit they may be working hard at trying to do the cleanup, it's not in the best interests of residents. Over half of the recommendations are suggested by the Giant team. The project team is suggesting that over half of the recommendations be modified or rejected.

I'd like to know from the Minister why is it so important that 50 percent, more than 50 percent of the recommendations from the MVERB report, why is it so important that they be rejected? Cost should be a factor, as I mentioned earlier.

HON. MICHAEL MILTENBERGER: There is not a question of have to be rejected. We did a review of the recommendations. We looked at them closely. We looked at how they all fit together. Some of them are sequential. There are issues related to time, to cost and to scope of the project. In spite of the Member's comments that money is no object, when you're in government, in fact, money is a constant object.

But very clearly, the concern is cleaning up the site. We don't want any delays. Some of the concerns, in our opinion, are that some of their recommendations, because they're sequential, for example, could add up to three to four years to the project. There is existing degradation that's going to continue, and we have to get on with the process of doing the freezing that's been agreed to of the 237,000 metric tonnes of arsenic trioxide.

We're going to continue to do all the work necessary and we're going to continue to work with the folks here. There are some issues that we don't agree with, and so, as the Member is fond of saying, on some of these issues we're going to have to agree to disagree, I would imagine.

MR. SPEAKER: Thank you, Mr. Miltenberger. Final, short supplementary, Ms. Bisaro.

MS. BISARO: Thank you, Mr. Speaker. It's unfortunate that the Minister feels we have to disagree on something which would go towards assuaging the concerns of residents, particularly here in Yellowknife.

I'd like to ask the Minister if he can tell me one of the recommendations which was rejected referenced an oversight of the project, and there's no recognition from the

response from the team of environmental agreements that have been worked on. There is no recognition that oversight is a very large concern for residents. Can the Minister tell me, again, to this particular one, why is oversight of the project a recommendation that he is rejecting?

HON. MICHAEL MILTENBERGER: With the issue of oversight, there has been a general agreement. There were, in fact, letters written where the Giant Mine Remediation Project Environmental Monitoring Advisory Committee would not make decisions with respect to the operations of the project. Operation responsibilities and decisions would remain with the developer in a joint letter in response to the review board on June 11, 2012. The question is what type of an oversight, and there's a difference of opinion between the oversight meaning a veto and oversight means best advice and recommendations as we on the operational side as responsible Ministers do the work necessary to remediate that particular site. Thank you.

MR. SPEAKER: Thank you, Mr. Miltenberger. Member for Yellowknife Centre, Mr. Hawkins.

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QUESTION 30-17(5):

ENVIRONMENTAL ASSESSMENT OF GIANT MINE REMEDIATION PROJECT

MS. BISARO: Thank you, Mr. Speaker. I want to ask a few further questions for the Minister of Environment and Natural Resources. I'd like to follow up with some of the things he referenced in some of his answers. One of which disturbed me when the Minister, at one point, said get on with it, we need to get on with the project. It goes back to my unfortunate feeling that everybody connected with that project wants to just get on with it and they aren't willing to consider residents' concerns.

The Minister mentioned delays that would be caused by accepting recommendations by the Environmental Assessment report, but I'd like to know from the Minister if he can explain to me why the environmental assessment took five years to get done. My understanding is the government had a great deal to do with the length of time for that EA. Can the Minister tell me if we, at that point – we, the GNWT – doing everything we could to move the EA along? Were the delays caused by this government or another government? Thank you.

MR. SPEAKER: Thank you, Ms. Bisaro. The honourable Minister of Environment and Natural Resources, Mr. Miltenberger.

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. I believe that all the parties did the best that they could to move this process along. It's very complicated and there are a lot of players. There's a lot of interest, lots of advice and recommendations and all the decisions being made on the process and the decisions made was on what was going to be done in terms of freezing and those types of things all took time. Thank you.

MS. BISARO: To the Minister, yes, things take time but I don't think it should take five years for an environmental assessment. Goodness knows when it took that long for the pipeline; people were screaming that it was far too long.

The Minister quoted from a letter from 2012, I believe he was referencing the Oversight Working Group at that point, and I feel strongly we need an independent oversight group which apparently has been rejected, or which I know has been rejected. So the Oversight Working Group, from my understanding, has not met since September of 2012, shortly after the letter I think the Minister referenced. I'd like to know from the Minister if this oversight group has not met in over a year's time, how am I to be comforted that we have good oversight on that project? Thank you.

HON. MICHAEL MILTENBERGER: As MLA, I think the Member would be very hard to comfort on this issue. It's clear, she wants total acceptance of the report, and no questions asked. Cost is not an issue, those types of things don't matter and somehow that report should be taken totally as is because a lot of people provided their recommendations. They did a lot of work. We appreciate the work, we're looking at the work and using a lot of the recommendations, but no responsible government would be wise just to take things at face value without taking a look at them, especially when we've invested hundreds of millions of dollars we have and are going to continue to invest in this project. Thank you.

MS. BISARO: I have to ask the Minister how he can say that they are taking a look at them when we have a letter from the project team which rejects these recommendations.

HON. MICHAEL MILTENBERGER: We've accepted some, we've modified some and we've rejected some. It's not accurate to say that we've rejected the recommendations. We have an obligation to be thorough and due diligence and look at the work that we're doing, look at the advice and recommendations from other parties and we've done that. We've agreed with some, modified some and some we've rejected.

MR. SPEAKER: Thank you, Mr. Miltenberger. Final, short supplementary, Ms. Bisaro.

MS. BISARO: Thank you, Mr. Speaker. To the Minister, one of the ones that have been rejected that I've referenced several times is an independent oversight. If we have to accept a non-independent oversight body, the Oversight Working Group has been working on an environmental agreement. It's been worked on for many years. I'd like to ask the Minister when will the oversight group get back to the table and finalize this environmental agreement. Thank you.

HON. MICHAEL MILTENBERGER: We're prepared to and want to engage to resolve this issue. The letter is very positive about what we still see as the potential for the role of an oversight group when it comes to advice and recommendations as opposed to final say and vetoes. So we have to resolve that issue. It's a very fundamental one, but there's still a lot of good work that can be done. Thank you.

MR. SPEAKER: Thank you, Mr. Miltenberger. Member for Sahtu, Mr. Yakeleya.

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QUESTION 33-17(5):

ENVIRONMENTAL ASSESSMENT OF GIANT MINE REMEDIATION PROJECT

MR. BROMLEY: Thank you, Mr. Speaker. My questions are in follow up to my colleague Ms. Bisaro's questions with respect to the Giant Mine. I'd like to ask the Minister of the Environment, I know he's aware that there's a potential conflict of interest here with the proponent, the double role that the government is playing in this case being that there is no mining company and we are both the proponent and the regulator. Now the federal government has developed a firewall to try and keep the processes separate between the regulatory side and the proponent side. Do we have such a firewall between the two components to avoid such a conflict of interest in the GNWT's situation? Mahsi.

MR. SPEAKER: Thank you, Mr. Bromley. Minister of Environment and Natural Resources, Mr. Miltenberger.

HON. MICHAEL MILTENBERGER: Yes, Mr. Speaker. We as well try to make sure we work to make sure we have those same type of firewalls. Thank you.

MR. BROMLEY: Thanks to the Minister, I'm glad we have that and I hope the Minister at some point can explain how that works to us in detail. But for now, I'm sure I heard the Minister say that he has rejected some of the environmental assessment recommendations, accepted some and proposing to modify some, accept, reject and modify, but I'm not aware of any decisions having been made at the Ministerial level yet on these environmental assessment recommendations.

Was the Minister speaking for himself or was he speaking on behalf of the proponent team, the actual project team, which is the proponent in this case?

HON. MICHAEL MILTENBERGER: At this juncture, I was speaking to the contents of the letter that was written to Mr. Spence and signed off by both governments.

MR. BROMLEY: I'm sure we'll see in the Hansard tomorrow exactly what the words were, but I think they were very plain. The Minister said I have rejected some, I have accepted some, and so on.

Could the Minister tell us what exactly has he done here? Has he suggested that he has accepted, rejected and proposed to modify some to the federal Minister, and where is the clarity on this conflict of interest situation?

HON. MICHAEL MILTENBERGER: No, I haven't spoken to the federal Minister directly on this issue.

MR. SPEAKER: Thank you, Mr. Miltenberger. Final, short supplementary, Mr. Bromley.

MR. BROMLEY: Just the other part of that question, I'll repeat it here, was: Has the Minister made decisions on these recommendations as to whether to reject, accept or modify them specifically?

HON. MICHAEL MILTENBERGER: What we were talking about in the House today, as I just indicated, was I was responding to questions related to the letter that has been posted and written to Mr. Spence, and that is the extent.

MR. SPEAKER: Thank you, Mr. Miltenberger. Time for oral questions has expired. Item 9, written questions. Mr. Bromley.