

NWT LEGISLATIVE ASSEMBLY
OCTOBER 21, 2013
MOTION 23-17(4): GIANT MINE REMEDIATION pg. 37-46

MS. BISARO: Thank you, Mr. Speaker.

WHEREAS the Giant Mine leaves a terrible environmental legacy in the NWT;

AND WHEREAS there is still significant concern with the Giant Mine Remediation Project as envisioned by the federal and territorial governments;

AND WHEREAS the Report of Environmental Assessment by the Mackenzie Valley Environmental Impact Review Board resolves some limitations with the original remediation plan and presents a reasonable and sound path to a closure program that will build accountability and public trust in the project;

AND WHEREAS the five-year environmental assessment was a thorough and fair process in which residents' concerns were heard and reflected in the review board report;

AND WHEREAS recently the City of Yellowknife unanimously passed a resolution for the acceptance and implementation of the recommendations in the Report of Environmental Assessment;

AND WHEREAS a number of Regular Members of the Legislative Assembly representing ridings in Yellowknife have expressed support for this resolution and the Report of Environmental Assessment;

AND WHEREAS it is time to begin a new chapter for mineral development in the North;

NOW THEREFORE I MOVE, seconded by the honourable Member for Deh Cho, that the Government of the Northwest Territories accept the measures and suggestions contained in the Report of Environmental Assessment and recommended by the review board pursuant to s. 130(1)(b)(i) of the Mackenzie Valley Resource Management Act;

AND FURTHER, that the Government of the Northwest Territories urge its federal counterparts to do the same, to ensure the timely and cooperative remediation of the Giant Mine.

Thank you.

MR. SPEAKER: Thank you, Ms. Bisaro. The motion is in order. To the motion. Ms. Bisaro.

MS. BISARO: Thank you, Mr. Speaker. The Giant Mine site is an historic part of

Yellowknife in the NWT, but it is a blight on our landscape, and worse, it is the biggest environmental liability in this country, one which we may have in this community forever, for eternity. I have trouble even contemplating that. One hundred years is an amount of time I can rationalize, or even several hundred years, but forever? That's beyond comprehension for most of us and certainly for me.

The federal government has assumed responsibility for the remediation of the Giant Mine site, but we, the GNWT, have also assumed some of that responsibility. Our Minister of Environment and Natural Resources is the GNWT Minister responsible for this project under the Mackenzie Valley Resource Management Act. As such, Minister Miltenberger presents our position to the federal government. He represents the interest of NWT citizens and the development of a remediation plan for Giant Mine. That plan includes managing 237,000 tonnes of underground arsenic trioxide dust by ground freezing, remediating the surface, including covering the 13.5 million tonnes of contaminated tailings, managing the open pits, demolition of contaminated buildings and management of contaminated soils all to industrial standards for future land use, managing site water and releasing treated water through a diffuser in Great Slave Lake. Aboriginal Affairs and Northern Development Canada and the Government of the Northwest Territories also propose that the project be actively maintained for perpetuity with vital components replaced periodically. That's the plan, and that plan or project was subject to an environmental assessment performed by the Mackenzie Valley Environmental Impact Review Board, a body established under the MVRMA, Mackenzie Valley Resource Management Act. That assessment took quite some time from start to finish, but only because the board was thorough. To their credit, they took the time necessary to do the work and to do due diligence in evaluating the proposed remediation and closure project.

I presented at one of the hearings here in Yellowknife, giving voice to my concerns and those of my constituents. I spoke to a number of issues, but I want to mention two specifically. First, I was very concerned with the lack of commitment and openness from the developer – that would be the federal and territorial governments – to researching and possibly using different methods to deal with the arsenic problem in future years. The other was a concern about the lack of an independent oversight body for the ongoing, well, eternal care and maintenance of the mine site. The project proposes oversight by the developer. That's like asking the fox to guard the henhouse.

My concerns, and those expressed by others through the hearings, were heard by the Mackenzie Valley Environmental Impact Review Board. Their press release of June 20, 2013, which announced the release of the assessment report, stated "After careful deliberation, the review board concluded that the proposed project is likely to cause significant adverse social and biophysical impacts, including cumulative impacts arising from the potential effects of the proposed project in combination with the effects of past mining activities. It also found that these impacts would generate significant public concern."

So the review board made some suggestions and put some measures in their report to address this significant public concern and some of those measures will mitigate those concerns, and they were the following:

- require that the project time frame be reduced from perpetuity to a more manageable time frame of 100 years;
- facilitate ongoing research in emerging technologies towards finding a permanent solution;
- require independent reviews of the project every 20 years to evaluate its effectiveness and decide if a better approach can be identified;
- a comprehensive general risk assessment and detailed human health risk assessment;
- human health monitoring;
- investigation of long-term funding options;
- independent oversight;
- diversion of Baker Creek;
- improvement of water treatment to a drinking water standard;
- replacement of the proposed underwater diffuser near Ndilo with a near shore outfall immediately offshore of the Giant Mine site.

There were other ones, as well, but for me, most notable among these measures are the ones that will reduce the timeframe for the project from eternity to 100 years. That there should be an independent oversight body for the project and that there should be ongoing research toward finding a permanent, better solution for containing the arsenic.

To me these recommendations indicate that the hard work of organizations and individuals fighting the plan of the project developers has paid off. The environmental assessment report contains recommendations and suggestions which address those concerns.

As the preamble of the motion states, the report presents a reasonable and sound path to a closure program that will build accountability and public trust in the project. The report and the recommendations and suggestions within it must now be accepted by the Minister responsible for the Mackenzie Valley Resource Management Act, three federal Ministers and our own Minister of Environment and Natural Resources. In order for the recommendations to take effect and have an impact on the remediation closure project, these Ministers can accept any or all of the recommendations and, conversely, they can reject any or all of them. Should the rejection occur, it would indicate a complete disdain for the views of Northwest Territories residents as expressed at the hearings and complete disdain for the work of the review board.

This motion asks for the responsible Ministers to heed the concerns expressed by Northwest Territories residents and to heed the considered and thoughtful recommendations of the review board in regards to the Giant Mine Remediation Plan. It asks the Government of the Northwest Territories to accept the measures outlined in

the environmental assessment report and it asks the government to urge the federal government to do the same.

If this government truly listens to its residents, truly believes in the work and the autonomy of its boards and agencies – in this case the Mackenzie Valley Environmental Impact Review Board – then the government will vote in favor of this motion. By supporting this motion, the government will be properly representing its people, will be supporting the will of its residents, and be seen to be responding to residents' concerns. The report of the Mackenzie Valley Environmental Impact Review Board is a considered, valid and just document, one which has proposed measures for the betterment of NWT society, measures which will improve the remediation project, and measures which, if accepted, will assuage some of the fear we feel whenever we think of the monstrous amount of toxic waste stored beneath our feet not far from town. I ask all Members to vote in favor of this motion. Thank you.

MR. SPEAKER: Thank you, Ms. Bisaro. To the motion. Do I have a seconder? Mr. Nadli.

MR. NADLI: Mr. Speaker, I would like to say something in my own language, just briefly. [English translation not provided.]

Giant Mine is a legacy of an underground arsenic that could be substantially dangerous if it ever leaks into Great Slave Lake and also down the Mackenzie River. For those reasons, I strongly support this motion, along with my colleague. Of course, the efforts of the review board and the report recommendations must go forward. This effort has been going on for some time. I really encourage my colleagues and all governments to ensure that this legacy of abandoned mine sites not be left unheeded. We have a responsibility to the environment and also to the future generations. We want to ensure that we hold the environment in as high regard as we can.

What interests me is just the collaboration and also the efforts to try to bring people together in terms of remediating a site. I think a going term these days within the government is collaboration. I would like to see that more so in terms of more efforts are allocated to this legacy and that work is done to move forward. As I pointed out earlier, Giant Mine is potentially, if the arsenic is not contained, it could leak into Great Slave Lake and Mackenzie River watershed. That is a dangerous scenario. Hopefully it will never happen. To avoid that, this motion speaks to deploring the governments, both federal and Government of the Northwest Territories, to move forward in their efforts to bring the interests groups together, ensuring the recommendations of the review board report are used as a guideline.

What inspired me to also second this motion is also for the communities along the Mackenzie River, Fort Providence being the first community along the Mackenzie River. The water has become a very valuable resource, especially in terms of nature. Water is crucial in advancing life and also the whole world. For those reasons I support this motion. Mahsi.

MR. SPEAKER: Thank you, Mr. Nadli. Mr. Dolyunny.

MR. DOLYNNY: Thank you, Mr. Speaker. I rise to support the motion brought forth by Ms. Bisaro and would like to thank the seconder for allowing debate here today.

Out of sight or out of mind, that tends to be the issue herewith the Giant Mine issue as of late. I think the people of the Northwest Territories are still greatly concerned about the issue but we only hear it from time to time. It is paramount that we bring this forward here today.

As we have talked and heard that we are sitting on potentially the largest environmental disaster they say in Canada, I say in the world, and yet the world does not know the true issues that face mankind. I think it is paramount that we deal with this today and talk about the mechanisms of this motion. What we have heard thus far from any of the teams involved, is that we are dealing with a remediation plan, and I get it, but when you look at the fundamentals, the levers, the nuts and bolts of it, this is nothing more than a safety plan. I am not saying that we don't need to do it; I am saying that we have to do it in order to protect the safety of all the residents in the Northwest Territories, but there is very little mention about a recovery plan. I think this is something that is missed in the message. Having something that is in perpetuity forever, even if it is down to a hundred years, I don't want this burden on my grandkids; I don't want this burden on their grandkids. We have the power to deal with it today. We have the power to create dialogue to make sure we are not just dealing with the safety issue but that we are dealing with a full recovery issue.

There has been brought forward, I have brought forward, that there is ingenuity all over in the world, in fact we have patented technology here in Canada that deals with repatriating the gold that is in the tailings ponds. There is a process. It is Canada-wide. It talks about using high pressure hydrochloric acid to get the gold out of the tailings ponds where, God forbid, we can actually repatriate this gold and use the proceeds to actually do the remediation work and to do the recovery work, and yet this goes unnoticed. Why don't we investigate it? Well, it's not in plan number 58; it is not plan 59.

We are worried so much about protecting bureaucratic jobs, worrying so much about protecting pensions out there, that no one is seeing the forest for the trees. Because no one wants to bring out that idea, because, it's too risky, we can't talk about it. Let's stick with the plan. I am saying, people, take the blinders off, both sides of the House, both the territorial and federal governments. Let's find a solution out there. There are seven billion people in this world. There has to be someone out there who understands how to fix this problem. Earlier last week Mr. Hawkins brought a motion or an idea to the table and we had to repeat his message countless times. Why? We don't know why. Selective hearing maybe, I have no idea. It was a great idea and yet we still have not received a formal reply from this side of the House. Which really basically says, will you take this idea over to your federal counterparts and talk about it? Nothing more. It's not a promise. It's not about spending our money. Well, I guess indirectly it is spending

taxpayers' money; we all pay taxes. But really it's an idea that we need to foster and move forward.

This motion is broad-based and I appreciate its content, but it speaks to us doing something rather than sitting on our hands on an issue that affects everyone, and will affect my kids and their kids. We have to deal with it. I support the motion and take the opportunity to thank every Member here for allowing me to speak towards it. Thank you.

MR. SPEAKER: Thank, you, Mr. Dolynny. Mr. Bromley.

MR. BROMLEY: Thank you, Mr. Speaker. I will be supporting this motion and I appreciate the mover and seconder for bringing this motion forward.

A massive amount of work has been done for a long period of time and is represented and boiled down in this report. The report says, "We have concluded, as a review board, that there are major significant impacts from this project." They further concluded, not surprisingly, that there are major and significant public concerns, and they have, I would say, done a pretty good job of recommending measures to address those significant concerns and impacts.

What we have here, if we fail, is a tangled web of consequences and liabilities that extend across this country. The consequences are something we don't want to consider. We want to avoid. I think this report goes a good ways in making progress on that front.

The first one is – and many of these issues have been spoken about and expressed very well from a broad range of interests and people and groups and so on – the Yellowknives Dene First Nation, for decades. We don't want an in perpetuity solution. That is not a solution. This report recommends shortening in perpetuity, that is infinity, to 100 years. Now, even that is a grievous undertaking, but it says no to in perpetuity. We want a solution implemented, and this board has recommended that and listened to the public even if it is for generations and they also put in some review time frames every 20 years, so that is just about every generation must take a look and see if we can tune up even further.

They have said we don't want to freeze it in place forever. That is not a solution. That is a temporary stopgap. Albeit that may be acceptable in the short term, we want to find this permanent solution that actually deals with this massive and insecure storage of a highly toxic substance, in this case, arsenic dioxide, a very deadly substance.

The funding, we have all seen programs come and go from governments. Here we are talking about in perpetuity. Now 100 years, several generations of funding. Where is the certainty that that funding is going to be there every year to do the due diligence we need to keep this situation secure and safe while at the same time we put in significant and meaningful effort into resolving it? This board addresses that issue of funding.

Oversight, my gosh, this gray hair – I didn't have it when I started working on this. I got gray hair at a young age. The Ecology North was started because of this issue in 1971. I am so old, I am starting to forget those numbers.

We need a public independent and legally binding environmental agreement that governs our public oversight. This has been said repeatedly over and over again for decades. This board is recommending that they see the requirements to this.

Health effects on people, again – and I'm trying to personalize this – I and many others have been case studies of the health impacts of this arsenic and other heavy metal contaminants in Yellowknife. Other members of my family have been part of the health studies and so on. Many of our gardens have been sampled for soil contamination.

Health effects on people is a big one. This board has addressed that in this solution, in this environmental assessment. Baker Creek goes right over storage chambers and presents a very high risk situation because of the vulnerability of those chambers to intrusion by the Baker Creek. This is addressed in the environmental assessment we see before us.

The treated water quality and diffuser, Ms. Bisaro talked to, and I and others have talked to at various hearings. Again this assessment pays a good level of attention to those.

Impacts on traditional use, something that is often glossed over. Again, for many decades now, our Yellowknives Dene and other Aboriginal people, those staying in the area, had to travel for miles to get away from the contamination and do so to this day. Those are impacts that have not been properly discussed. They are called for. A proper discussion is called for by the board, the review board.

Community engagement, again, I have to say I was on a community engagement committee sponsored by DIAND and it soon became very apparent that it was not going to be real engagement. I left in protest over that. That was again decades ago. Again, I very much appreciate the board addressing this point as well.

This is not a perfect report, but this goes a long way to indicate to me that this review board has done their work; they have heard people from a broad-sweep range of the public interest. They have heard the concerns. They recognize them as real concerns, as we have heard today. There's probably no more serious environmental issue in Canada and perhaps a much wider geographic scale.

Finally, I would say, why are we doing this? The board has made the recommendations while we are doing this, unfortunately because Ministers have a record of ignoring the recommendations of these review boards despite millions and millions of dollars put into these reviews, heart and soul of all kinds of people. The Ministers ignore these reports and say, no, we don't like that, we don't like that. We negotiate with you and get you

down on that one. It is sad, but that is where we are at. That is why we are at the table today saying, Ministers, endorse this report, get on with it. The people have spoken. Mahsi.

MR. SPEAKER: Thank you, Mr. Bromley. To the motion. Mr. Hawkins.

MR. HAWKINS: Thank you, Mr. Speaker. I don't think I need to go too much further than what has been offered here already today, but I do want to make very clear that I am certainly in full support of this motion. I am certainly glad that it is here today to discuss and here. I think that when we hear the narrative provided by people like Mr. Bromley, who in some ways is an historian on this particular person. He has seen the passage of time on this particular project. He complains about his gray hair. When I started the Assembly, I had a full head of hair. See what this has done to me?

In all seriousness, the issue of how this is going to perpetual, ongoing monitoring project where the concept today I see it has a passive solution. They think they've fixed it. They tidied it up and they have swept it under the carpet. I think that Member Dolynny was quite right; if you don't see it, it is not an issue. I think what is happening here is a lot of people don't see the volume or magnitude of the problem. We hear about it. We hear the number. The reality is, it doesn't make a lot of sense to a lot of people because it is buried under the ground. We don't get to see it, smell it, taste it. It is not like the gallows are hanging over us every day where we can look at it and go, oh my goodness, watch out for that glacier of a problem. We don't see it. If people were to understand, and I don't have the right size to give you a sense of magnitude and I'm not going to try to pretend to say it is exactly like this, but if people could see and visualize that there is more arsenic there than, say, the court building downtown type of thing, people would be, oh my goodness, that is a lot of arsenic. When the reality is something as a minute sliver of a Bayer aspirin could kill you and all of a sudden you are looking at the size of a less than an Aspirin to the size of a building, you think, is this what is hanging over our head? It is that type of illustration that I think the public needs to be fully aware of. The deciders in this case I think have missed the point. It is about what is best for the public. I think what they've done is they've decided what is best for administration, what is best for them. And yes, they may be doing a great job. I'm not going to suggest that they are not employing some of the best engineering and the best philosophy of today, but that is kind of like the issue I've been raising as of yet, is the fact that we are trying to solve yesterday's problems with today's technology, but today's technology is nowhere near able to address these problems for the future. That is why I believe strongly that innovation is so important on this particular one.

It is time, as the report has said even under section 5.1 where they talk about wanting to have active research as a permanent solution to this problem. It is almost like saying, once we've put this problem on ice, we will forget about it. By the way, that is exactly what we've done.

INAC has put the arsenic problem on ice and it will be forgotten about and no one is going to pay attention to the \$1.9 million of today's dollars being spent under the care

and maintenance of this problem. Over 10 years ago it was \$1 million a year of public money, of federal government money under DIAND stewardship, which is now under AANDC but federal government money at the end of the day. That's why it's so important to be relentless on this issue.

Mr. Speaker, to wait for technology to be stumbled upon I think is a mistake. It's chasing a rainbow and just hoping it comes over to your area one day and there's the pot of gold that revealed itself. I don't believe that that is going to be the case. I believe the only way we're going to find a solution for Giant Mine is if we actively pursue one.

I'd like to point out a section within the report. and at this time, Mr. Speaker, I want to give thanks to Mr. Kevin O'Reilly who has provided me with some areas to focus in on. I really appreciate his passion and how he works so hard on these types of things. I do admire his ability and concerns and experience and, as I said, his passion. I don't think we can underscore his passion and concern of the environment. There's a clause here, or a chapter and a line here, that I do want to point out. It says, "Many people of the public, including elected officials such as band councillors, expressed their concern that active research to identify a permanent solution is a necessary requirement of the project." This isn't this side of the House speaking. This isn't me speaking. This is the public speaking about what they want. Hence, that's partly probably why Ms. Bisaro has brought this motion forward, is because enough is not being done.

Today we need the government to adopt this report and then even more so take the bold and innovative step in implementing it and finding a solution. If we don't do this, as I said earlier, the Giant Mine arsenic problem will just sit on ice and will long be forgotten. That, Mr. Speaker, is a big shame. Thank you.

MR. SPEAKER: Thank you, Mr. Hawkins. To the motion. Mr. Miltenberger.

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. I'd like to thank the Members who brought this motion forward and articulated their concerns and the concerns that they've heard.

As responsible Ministers, we are obligated to look at what we're doing, what we've done and the contents of that report. We're going to do that. We're going to do it in a very thorough way, and we will look at all the recommendations and there will be a response forthcoming.

In the meantime, that motion is a recommendation to government and we will be abstaining, but before I sit down, I do want to point out that I concur there has been an enormous amount of work done, time, money and effort by many, many people over a long period of time. This is going to be a billion dollar project. It's one that we have to look at and deal with very carefully. We are well along that path. We all want to achieve the same end. We've got some further recommendations from the review board and we will give them very clear and serious consideration. Thank you.

MR. SPEAKER: Thank you, Mr. Miltenberger. I will allow the mover of the motion to have closing remarks. Ms. Bisaro.

MS. BISARO: Thanks, Mr. Speaker. I want to, first of all, thank the seconder, Mr. Nadli, for seconding the motion so we could bring it forward. I would like to thank all of my colleagues who made comments for your support. To Mr. Hawkins, the arsenic trioxide fits in a rather larger building. It's the Bellanca Building, not the courthouse, unfortunately. So fill up the Bellanca Building and that's our 237,000 tons of arsenic trioxide.

I appreciate Mr. Miltenberger's comments that he recognizes the amount of work that's been done. This motion asks that Mr. Miltenberger, and hopefully the federal Ministers as well, represent us properly by recognizing the work that's been done is the right work. The report is thorough, the report is just, the report is valid. I exhort the Ministers to recognize the concerns of residents and that the concerns of residents have been addressed through the recommendations and suggestions in the report and ask again that they endorse the report and start putting the recommendations in place.

Mr. Speaker, I would like to ask for a recorded vote, and thank you again to my colleagues.

MR. SPEAKER: Thank you, Ms. Bisaro. The Member has requested a recorded vote. All Members in favour, please stand.

RECORDED VOTE DEPUTY CLERK OF THE HOUSE (Mr. Schauerte):
Ms. Bisaro, Mr. Moses, Mr. Bromley, Mr. Yakeleya, Mrs. Groenewegen,
Mr. Dolynny, Mr. Nadli, Mr. Hawkins.

MR. SPEAKER: All those opposed, please stand. All those abstaining, please stand.

DEPUTY CLERK OF THE HOUSE (Mr. Schauerte): Mr. Blake, Mr. Beaulieu, Mr. Abernethy, Mr. Miltenberger, Mr. McLeod - Yellowknife South, Mr. Lafferty, Mr. Ramsay, Mr. McLeod - Inuvik Twin Lakes.

MR. SPEAKER: In favour, eight; opposed, zero; abstentions, eight. The motion is carried. ---Carried