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MACKENZIE VALLEY ENVIRONMENTAL  
IMPACT AND REVIEW BOARD  
  
GIANT MINE REMEDIATION PROJECT  
ENVIRONMENTAL ASSESSMENT 0809-001

TECHNICAL SESSION

The Facilitators:     Alan Ehrlich  
                              Paul Mercredi

HELD AT:

Yellowknife, NT  
October 21, 2011  
Day 5 of 5

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5	Darha Phillpot (np)	)
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7	Dave Tyson	) Tetrattec
8	Cesar Oboni	)
9	Lukas Arenson	) BGC
10	Jack Seto (np)	) BGC
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12	Joanna Ankersmit	) AANDC
13	Lisa Dyer	) PWGSC
14	Adrian Paradis	) AANDC
15	Dr. Ray Case	) GNWT
16	Mark Cronk	) PWGSC
17	Daryl Hockley	) SRK
18	Darren Kennard (np)	) Golder
19	David Knapik (np)	) AECOM
20	Yose Cormier	) AANDC
21	Henry Westermann	) PWGSC
22	Katherine Silcock	) AANDC
23	Erika Nyssonen	) GNWT
24	Dave Abernethy	) PWGSC
25	Bruce Halbert	) SENES

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3	John Hull	)	Golder
4	Octavio Melo	)	AANDC
5	Michael Nahir	)	AANDC
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16	Tony Brown	)	SENES
17	Mark Palmer	)	PWGSC
18	John Hill	)	Golder
19	Norman Quail	)	GoC
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21	Jeff Humble (np)	)	City of Yellowknife
22	Dennis Kefalas	)	
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1 LIST OF APPEARANCES (cont'd)

2 Morag McPherson ) DFO

3 Rick Walbourne )

4 Sarah Olivier (np) )

5

6 Amy Sparks ) Environment Canada

7 Lisa Lowman )

8

9 France Benoit ) Alternatives North

10 Kevin O'Reilly )

11 Ed Hoeve (np) ) EBA Engineering

12 Bill Horne (np) ) EBA Engineering

13

14 Todd Slack ) YKDFN

15 Randy Freeman (np) )

16 Lukas Novy ) ARKTIS

17

18 Ricki Hurst ) DPRA Canada

19

20 Kathleen Graham ) MVLWB

21 Rebecca Chouinard )

22

23

24

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	LIST OF UNDERTAKINGS		
	NO.	DESCRIPTION	PAGE NO.
1			
2			
3	12	To provide records referred to in	
4		Alternatives North IR Number 4,	
5		question number 4	217
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1 --- Upon commencing at 9:06 a.m.

2

3 THE FACILITATOR EHRLICH: Start now. It  
4 looks like we're set up. You're going to hear from me  
5 the same kinds of brief opening comments you've heard on  
6 Tuesday, Wednesday, and Thursday, without a reiteration  
7 of the long stuff that you heard on Monday.

8 Is there anyone that -- new in the room  
9 that has not been here for previous parts of this  
10 session? Please put your hand up. I only see one (1)  
11 person who I -- I haven't spotted here before, two (2)  
12 people I haven't spotted here before.

13 I -- I'm not going to devote the same  
14 amount of time to the opening comments. They are all on  
15 the web at tscript.com in the transcript of the opening  
16 day, but I will hit a few of the important points again,  
17 the ones that I keep saying.

18 First of all, good morning, and something  
19 a little different today. I'd like to give a particular  
20 thank you to everyone who stuck it out for 11 hours of  
21 technical session yesterday.

22 Considering the challenging material that  
23 we're all working through, I think the fact that everyone  
24 was willing to stay here for that long and -- and keep on  
25 swinging speaks to the commitment of everybody in the

1 room to trying to do this right.

2                   And I -- I just -- I thought that was  
3 above and beyond the call of duty on behalf of the  
4 parties and the developer, and really wanted to convey  
5 the Board's appreciation for that.

6                   Today's subject is long-term monitoring,  
7 evaluation, and management. That includes quite a bit of  
8 stuff. As we said yesterday, perpetuity is a  
9 consideration for this, as it was for risk assessment, so  
10 I expect to hear some discussion on that subject.

11                   Adaptive management is something that the  
12 developer has said is going to be an important part of  
13 the project. And community consultation, as well as  
14 community engagement. I'm making a distinction between  
15 the big 'C' of Section 35 and -- and all the other ways  
16 that people can get engaged in a project like this are  
17 also subjects of interest.

18                   And aspects of project management that  
19 haven't really come into play yet, but that will matter  
20 over the long term, such as ongoing funding, whatever it  
21 takes to make sure people are always on-site to be able  
22 to manage this project, as the developer has made clear  
23 will be necessary.

24                   These are all on the block today. I know  
25 that some of the parties want to talk about independent



1 monitoring. I know that the developers had a chance to  
2 hear some of the reviews, and -- and some of the back and  
3 forth that's gone on with respect to the first round of  
4 IRs, some of the comments that we've heard previously,  
5 and I suspect some of their own sidebar discussions.

6                   So it's -- it's a challenging agenda that  
7 we've got, but we don't have any days after this. We've  
8 got to get through it in the time that we have. I'm  
9 going to ask everyone to please try to be succinct, say  
10 what you need to say, but if you can say it in a concise  
11 way that would really help.

12                   A few minor logistical items. The keys to  
13 the washroom are in the little tray at the end of the  
14 bar, next to the mints. If you go to the washroom,  
15 please put the keys back in there, or else no one else  
16 can go to the washroom. But over the course of the day,  
17 someone else will need to. So, keys back in there.

18                   We are going to have the developers  
19 presentation, then we're going to have a break from 10:20  
20 to 10:35. We'll break for lunch at 11:55. We'll get  
21 back here at 1:15. I want to stick to the time that  
22 we've been using for lunch, because it seems to work.  
23 People need enough time to eat lunch, but also to get  
24 their act together for the remainder of the day. And if  
25 it was only an hour, I don't think that would quite be

1 enough.

2                   We're going to start again at 1:15. Our  
3 next break is at 2:45, and then we'll begin our wrap-up.  
4 The schedule says 4:45. If discussions allow, I'd like  
5 to start the wrap-up at 4:30 today, because the wrap-up  
6 on the last day can be a little bit more substantial.  
7 There are a few undertakings to go over, and I think it's  
8 an important time to take stock of where we are now.

9                   Do any of the parties or the developer  
10 have anything to add on to the general procedural stuff  
11 that I've just mentioned?

12                   Right. In that case, as I -- I remind  
13 everyone every day, we're not going to do the round-  
14 robin, but there is a sign-in sheet. We need an accurate  
15 sign-in sheet for every day. And, it's -- it's here,  
16 it's going to be coming around the tables. When it gets  
17 to the end of the tables, please send it through the  
18 chairs and keep it going around the room. This is very  
19 important for our transcription.

20                   I don't think I have anything else to  
21 point out, except for -- to, of course, reinforce that  
22 this is not a hearing. We are not Board members, we are  
23 but humble staff, present to serve, and that means that -  
24 - that this is not a formal Review Board hearing. We're  
25 keeping this at an informal level.

1                   We found that this works well to promote  
2 the purpose of this session, which is the technical  
3 exchange of information between various specialists,  
4 experts, and parties. I don't see any media in the room  
5 today, but if they come in -- oh, yeah, we do -- I'll --  
6 I'll -- I'll say for your benefit what we've repeated in  
7 past days.

8                   It's a public session, so you're welcome  
9 to stay for the -- the duration. It's not intended to be  
10 a media scrum, we want to be sure it doesn't become one.  
11 So in terms of questions regarding things like  
12 interviews, holding interviews and -- and whatnot, we ask  
13 that you do it either in the hall or in other rooms  
14 during the break, at lunchtime. I would suggest not  
15 after the session, because people aren't going to be in  
16 particularly good shape after five (5) days of intense  
17 technical discussions. And I think a lot of people you  
18 might need to talk to will be getting on planes.

19                   But the -- the place for interviews is,  
20 you can -- you can approach people here to see if they're  
21 interested, but we ask if you could hold the interviews  
22 in a place that wouldn't be disruptive to the -- this  
23 kind of proceeding. It -- it would help a lot. We've  
24 got a lot of material to get through today and we can  
25 only do that if we really keep our -- our noses to the

1 grindstone on this. Despite it, obviously, being a  
2 matter of some media interest, as has been shown by the  
3 ongoing presence.

4           As well, in past days CBC has asked to use  
5 our recording for their snippets. It's simply higher  
6 quality than any hand-held recording that they give.  
7 There was nobody here who minded each time I've asked.  
8 Is that still true today? Does anyone object if the  
9 media want to use the audio recording? Remembering that  
10 everything we're saying is transcribed and is going to be  
11 on the Web anyway. So it's all a matter of public  
12 record.

13           Okay. If there's anyone who objects,  
14 please let me know now. All right, I'm assuming then,  
15 that it's okay with everybody, and if CBC is doing the  
16 same kind of recording we're going to say it's okay for -  
17 - for them to -- to use the way they want to.

18           I don't believe we have any carry-over  
19 questions from yesterday, partly due to your merciless  
20 facilitation by yours truly into the -- the later hours  
21 of the day. But, at the end of the day, where we got to,  
22 no parties said they had any more questions on that  
23 particular subject at that time.

24           So we haven't scheduled carry-over time  
25 here. There are some common linkages between yesterday

1 and today. And because it's our -- our -- our last day,  
2 if something comes up that might have fit better in  
3 yesterday, so long as it's not way off, I'll allow it.

4 I'm going to remind parties to try to  
5 remember the scope of the environmental assessment as  
6 well. Remembering that, you know, we're -- we're not to  
7 look at what were all the environmental impacts of Giant  
8 Mine, we're here to look at the project that's been  
9 proposed and is it likely to cause significant adverse  
10 environmental impacts.

11 We're also not here to try and track down  
12 every regulatory detail but in some cases some details do  
13 matter in terms of significance determinations, and the -  
14 - the Giant team has been quite forthcoming about trying  
15 to provide those at a time that's useful for the  
16 environmental assessment.

17 Before the end of the day I'm going to  
18 recap how we see the schedule for the environmental  
19 assessment unfolding now, updated a little bit. I --  
20 I've got someone looking at that in a bit of detail at  
21 the moment, but from where I'm sitting I suspect the  
22 hearings will be sometime in late March.

23 And I -- I don't think this will come as a  
24 shock to any of you. One (1) thing that I heard  
25 yesterday is that the developer is not available for the

1 last two (2) weeks of December. Todd Slack of the  
2 Yellowknives Dene First Nation, my recollection is that  
3 YKDFN closes down for a week before Christmas.

4 Is that right?

5 MR. TODD SLACK: Todd Slack, YKDFN. I'm  
6 not sure on the exact days, I could certainly provide  
7 them. But, yeah, the Yellowknives Dene close down in the  
8 period between Christmas and New Years, and will also be  
9 closed either before or after, depending on -- on when  
10 those hol -- sta -- holidays fall.

11 THE FACILITATOR EHRLICH: Okay. And  
12 based on what I've heard from the Giant team and from the  
13 -- the Yellowknives, and I assume other parties will let  
14 me know if they object to this, but I -- I don't see how  
15 we can do a lot in the last two (2) weeks of December,  
16 considering that important parties are -- are not  
17 available.

18 So I -- you know, I'll try to consider  
19 that to make sure that the agenda we produce is -- is  
20 realistic. The Board is committed to doing a timely  
21 process. We have no wish to drag out anything any longer  
22 than it needs to be for us to produce an effective  
23 environmental impact assessment.

24 But obviously our process has to meet the  
25 needs of the parties, and I just -- I -- I want to



1 for going over the schedule. One (1) of the things we'd  
2 like to just bring to your attention is that we have our  
3 fiscal year end the end of March.

4                   And not that we don't like challenges and  
5 multiple responsibilities, but it would be nice to have  
6 it -- the hearing closer to the beginning of the month  
7 because basically our life disappears into numbers and  
8 invoices and all the rest at the end of the month. And  
9 just to be fair to the team, to be able to give the  
10 dedication and attention we need to the hearing, we would  
11 prefer kind of beginning/middle of the month would work  
12 much better for us.

13                   THE FACILITATOR EHRLICH: Obviously the  
14 timing of our hearings depends not only on the schedule  
15 we've committed to, but the availability of the parties  
16 that need to be involved, as well as sometimes logistical  
17 matters that are hard to predict, like can we get a venue  
18 that's suitable for the activity and is going to lead to  
19 an effective hearing.

20                   The Board will do what it can within those  
21 constraints. If those constraints make it impractical or  
22 impossible to hold a hearing earlier, because as I said I  
23 think that the schedule has the hearing towards the end  
24 of March right now, would you prefer -- if you had a  
25 choice between late March or say early/mid April, does



1 the developer have a preference on there?

2 Have you recovered from fiscal year end by  
3 that point? I -- I've heard what you said about early  
4 March, it's just if that doesn't work out what's your  
5 next preference? Is it go ahead with the end of March  
6 anyway, or is it move it forward a bit?

7 MS. LISA DYER: For us having had a lot  
8 of fiscal year ends under our belts now, the fir -- the  
9 last week of March and the first week of April are  
10 especially nightmarish weeks for us. So if it was -- we  
11 would prefer if it's not before the fiscal year end, then  
12 mid-April, late April for us, just because the -- it's  
13 just our financial people, we need to -- we need to tie  
14 up those financial requirements, so we're really tied up  
15 those two (2) weeks.

16 THE FACILITATOR EHRLICH: Okay. Well,  
17 considering that -- first of all, are there any parties  
18 here who object to what they've heard from the  
19 Yellowknives and the Giant team in terms of availability  
20 in the last two (2) weeks?

21 I assume, looking at Environment Canada,  
22 DFO, and Alternatives North, my assumption is that the  
23 last two (2) weeks in December, based on what I've heard,  
24 are not going to be a time that you can devote to this.  
25 It's very important because we want and try to keep

1 things on schedule, for us to understand parties'  
2 constraints, and having these clear at this point can  
3 help give us some certainty to the schedule.

4 DFO, do you want to weigh in on that? The  
5 last two (2) weeks of December, are you in the same  
6 position as INAC and the Giant team and the Yellowknives,  
7 or is that not true across for all departments?

8 MS. MORAG MCPHERSON: Tricky question.  
9 Morag McPherson. Yeah, we have some resource constraints  
10 right now with our habitat group. And, as you know,  
11 there's other environmental assessments underway, so in  
12 terms of December/January, right now, for the group of  
13 people working on Giant Mine, we're -- we're very limited  
14 or not available for December and January, actually.

15 But it doesn't mean the department can't  
16 have anybody on this, but we're -- we're essentially not  
17 available in December. As for the timing of the -- the  
18 EA hearings, I think, as I said, it -- it, as with the  
19 Board staff, would be limited by some of the other  
20 environmental assessments going on right now, so that  
21 would be some of our main constraints if there is overlap  
22 or a conflict with other projects under review right now.

23 THE FACILITATOR EHRLICH: Okay. Thank  
24 you for that. I'm going to be again reminding -- my  
25 specific question is regarding the last two (2) weeks of

1 December. Environment Canada, what's your situation at  
2 that time usually?

3 MS. AMY SPARKS: Amy Sparks, Environment  
4 Canada. I'd say similar constraints, just with no  
5 availability kind of in the last two (2) weeks of  
6 December. And then the same for fiscal year end, just  
7 the government workplace is kind of the same kind of  
8 situation. Thank you.

9 THE FACILITATOR EHRLICH: Okay. And I'll  
10 ask Alternatives North because it's the only other party  
11 I see here right now.

12 MR. KEVIN O'REILLY: Thanks, Alan. Kevin  
13 O'Reilly, Alternatives North. Look, we're here as  
14 volunteers. We're not paid to be here. I'm already  
15 taking a week off work so I can be here, so I will  
16 probably be around in December. It'd be nice to spend  
17 some time with my family instead of being at a place like  
18 this.

19 And at the end of March, if you guys would  
20 like to hire a replacement for me for my actual paid  
21 work, that would be nice. But I'd like a little bit of  
22 advanced notice because we -- we have some technical  
23 folks that we'd like to bring. I want to talk to them as  
24 well about availability. But for my actual paid work,  
25 that is supposed to take a priority over this. At the

1 end of March, early April is not a good time. Thanks.

2 THE FACILITATOR EHRLICH: Okay. Well, it  
3 sounds like all the parties are on -- I guess it's  
4 fortunate that the constraints all line up as -- or for  
5 the most part, as opposed to have them spread out,  
6 because it's means it's something we can consider in our  
7 -- in our planning.

8 You know, we appreciate, as I said before,  
9 the commitment and involvement the parties have been  
10 willing to put forth to this assessment, and we're -- we  
11 want to do this in a way that's going to work. So I will  
12 give rough estimates of hearing times by the end of the  
13 day and the timing for Information Requests, assuming we  
14 don't have other procedural unexpected occurrences,  
15 rulings and whatnot, which, of course, the Board is never  
16 in a position to anticipate but needs to respond to and  
17 sometimes needs a certain amount of time to respond to if  
18 they come up.

19 Before the hearing, there will be detailed  
20 discussion about dates that work, so I'm not trying to  
21 nail down detailed hearing dates. I just, for the sake  
22 of decent planning, want people to understand roughly  
23 what chunk of what month we're talking about, because I  
24 think that the more of a heads-up we give people, the  
25 better chance it is going to work for everybody.

1                   So we're not trying to shoehorn you into  
2 anything particular here, but what I've heard will help  
3 us plan a bit. I'll try and give you some kind of a --  
4 an indication by the end of the day where it looks like  
5 it's headed right now.

6                   That's it for the opening comments, unless  
7 the Giant team has anything they want to add. Are you  
8 guys good?

9                   MS. LISA DYER: We're good, thank you,  
10 Alan. Lisa, for the resc -- record.

11                   THE FACILITATOR EHRLICH: Okay.  
12 Alternatives North has a comment?

13                   MR. KEVIN O'REILLY: Thanks. Kevin  
14 O'Reilly, Alternatives North. I want to report on a  
15 meeting that we had this morning, if I can just take a --  
16 a few minutes to talk about that. There was an agreement  
17 yesterday to talk a little amongst ourselves. There was  
18 folks from the Giant Mine remediation team there,  
19 including GNWT, Aboriginal Affairs and Northern  
20 Development Canada, the Yellowknives Dene First Nation,  
21 and Alternatives North.

22                   We had a discussion around -- well, I  
23 think there was a commitment or an understanding that we  
24 would talk a little bit about some form of, dare I say,  
25 risk assessment that would be more collaborative,

1 involving the community. I think it's fair to say that  
2 it was a very good discussion. It evolved into a couple  
3 of other areas.

4           There was agreement to work together on  
5 discussing perpetual-care scenarios and environmental  
6 management plans, particularly the structure and content  
7 of those. And we think we can probably get perpetual  
8 care scenario work done within the next few months, and  
9 certainly a -- a good start on the environmental  
10 management plan structure and content. And I think we're  
11 in a fair bit of agreement on how that might be done, and  
12 that a lot of the work has already been done, it's just  
13 maybe reorganizing it and communicating it a bit  
14 differently.

15           I think there was also some good  
16 discussion around communications, around worst-case  
17 scenarios. So we wanted to thank the department and  
18 their -- or, sorry, the developer and their experts  
19 yesterday for being pretty open in talking about a worst-  
20 case scenario. And we think that that would be helpful  
21 to put together and -- and make available as part of the  
22 communications for the -- the project.

23           So I hope I've captured that fairly, and I  
24 would invite anybody else who was at the meeting to add  
25 their two (2) cents worth, but I think there was a -- a

1 commitment to work together on -- on those items.

2 Thanks.

3 THE FACILITATOR EHRLICH: Giant team have  
4 anything they want to add to that report?

5 MS. LISA DYER: Lisa Dyer. No, I think  
6 Kevin gave a very accurate summary of the meeting we had  
7 this morning.

8 THE FACILITATOR EHRLICH: Were there any  
9 other sidebar meetings that happened that anyone needs to  
10 report on that we've missed to this point? I think we're  
11 caught up on them, but if I'm mistaken now would be a  
12 good time to let me know. Kevin...?

13 MR. KEVIN O'REILLY: I think -- sorry.  
14 Kevin O'Reilly, Alternatives North. I think Mark and I  
15 chatted about something this morning, and, Mark, I'm  
16 going to let you take the mic just for a minute, if you  
17 want to. Thanks.

18 MR. MARK CRONK: Mark Cronk. Yes, I will  
19 turn over two (2) tables from the referenced report on  
20 the roaster, and also make a digital version of that  
21 paper submission available for the Board on the public  
22 registry.

23 THE FACILITATOR EHRLICH: Thank you for  
24 that. For the next part of the morning, I'm going to  
25 hand the facilitator's chair over to Paul Mercredi, my

1 colleague.

2 THE FACILITATOR MERCREDI: Yeah, if we  
3 have any -- unless we have any other questions or  
4 comments, then we'll go on with the developer's  
5 presentation for today. And so we'll get on with the  
6 presentation.

7

8 PRESENTATION BY THE DEVELOPER RE LONG-TERM MONITORING,  
9 EVALUATION, AND MANAGEMENT:

10 MR. OCTAVIO MELO: Good -- good morning,  
11 Alan, Paul, Board staff, Board advisors, and interested  
12 parties. We've come to the last day of our technical  
13 sessions and the topic for today is monitoring,  
14 evaluation, and management.

15 I'm sorry. Octavio Melo, with Aboriginal  
16 Affairs. Sorry.

17 This is where we continue to shift from  
18 the hard science and technology of the past three (3) or  
19 four (4) days and move into the softer aspects of the  
20 project: items such as monitoring, and acting on  
21 monitoring results through adaptive management, overall  
22 management of the site, and the role of various parties,  
23 both in the short and longer-term. This is where we hope  
24 to receive substantive input from the parties on the  
25 information you need and how you wish to participate and



1 be engaged.

2                   We acknowledge that these are very  
3 important matters to the parties, and to us as  
4 proponents. The recently held perpetual care workshop,  
5 organized by the Yellowknife -- the Yellowknives Dene  
6 First Nation and Alternatives North, make this point  
7 clearly.

8                   We thank the organizers for inviting the  
9 project team to attend the workshop, listen to the  
10 discussions, and obtain firsthand information, which will  
11 be useful to plan and execute the project from here on.

12                   Lisa and Adrian, from our team, the Giant  
13 Mine remediation team, attended and reported that they  
14 came away sensing that folks were appreciative of their  
15 presence -- participation, and were looking for ways to  
16 work together on this project. As Joanna has been saying  
17 all week, we share these feelings.

18                   Today, our purpose as proponents is to  
19 remind people of what we have in the DAR, to insure we  
20 have a -- share a common understanding of the existing  
21 processes and future plans. Then, we would like to use  
22 the session that -- today's fifth day of the technical  
23 sessions, to hear from you on what your interests are,  
24 and together find ways to bree -- bridge your needs and  
25 interests.

1                   As in previous days, we'll start today's  
2 session with a presentation. This time from the three  
3 (3) of us at the table here. I will go first and cover  
4 what we've heard and what we said in the DAR, and the  
5 life cy -- have -- give you some -- make some observa --  
6 some observations on the life cycle of the Giant Mine  
7 site and our concept of the path forward.

8                   I -- I'm fairly new to the Giant Mine  
9 remediation project, and I'd like to say a couple of  
10 words about myself. I'm a former project manager of the  
11 Colomac remediation project. I lived in Yellowknife  
12 between 2002-2005, when we worked collaboratively with  
13 the Tlicho to develop the remediation plan for that site,  
14 went through the regulatory process, and carried out  
15 ongoing care and maintenance activities at the site. So  
16 that's my specific experience in the region on -- North -  
17 - Northwest Territories.

18                   The -- following the first two (2)  
19 presentations, which I will give in a minute, Norm Quail,  
20 a colleague of ours from Public Works and Government  
21 Services Canada, will cover adaptive management and the  
22 environmental management system. And then Daryl Lock --  
23 Hockley will close off with perpetual care  
24 considerations. As you heard on day 1, Daryl is the  
25 senior technical advisor to the project.

1                   Okay, so let's -- let's start then with  
2 some of what we've heard and what we said in the DAR.  
3 Just the highlights.

4                   Much of what we heard prior to these  
5 technical sessions were calls for more information. More  
6 detail on monitoring the Giant Mine site.

7                   These requests have focussed on roles and  
8 responsibilities, how the Giant Mine remediation project  
9 will demonstrate accountability, how it will involve the  
10 public, what will be monitored, how it will be designed  
11 and implemented in a way that meets the goals of adaptive  
12 management.

13                   At these technical sessions, you have  
14 emphasized the need for more engagement. The need for us  
15 to work together in a collaborative man -- manner to  
16 build trust, keep everyone informed on an ongoing basis.

17                   We have also heard loud and clear the need  
18 for the development -- the identification measures of  
19 success. What does success look like. And the constant  
20 theme throughout the -- the week has been the need to  
21 consider perpetual care.

22                   Drilling down into some of these issues in  
23 a little more detail. Questions - seek more clarity on  
24 roles and responsibilities of Aboriginal Affairs and  
25 Northern Development Canada and, as I just mentioned,

1 measures of success.

2                   We -- questions have also called for the  
3 planned scheduled resources, and engagement strategy to  
4 develop the environmental management system, and other  
5 aspects of this project.

6                   And questions also around the roles and  
7 functions of existing bodies, and the Aboriginal and  
8 government body that was mentioned in the DAR.

9                   A number of the IRs posed questions and  
10 provided advice of a detailed nature related to  
11 monitoring, such as triggers, thresholds, and technical  
12 detail. Those items have been reinforced again at these  
13 technical sessions.

14                   Several IRs focus on the need for  
15 transparency, and how the developer will provide access  
16 to monitoring information. Several of these requests  
17 were for more details on both the process, and the  
18 monitoring data themselves.

19

20   (BRIEF PAUSE)

21

22                   MR. OCTAVIO MELO:    The Review Board, and  
23 some parties, expressed a strong interest in how the  
24 monitoring information would be used, and how the  
25 processes would be incorporated in adapt -- adaptive

1 management concepts.

2                   During the last four (4) days, we also  
3 heard that adaptive management can be a fuzzy concept,  
4 and that it needs to be backed up with well-defined  
5 measures of success. So that message has been heard.

6                   Turning now to a couple of slides on the -  
7 - some of the commitments that -- that were made in the  
8 DAR. We made statements and commitments regarding --  
9 regarding an environmental management system, and means  
10 of engaging the public.

11                   As I mentioned at the beginning, we'll  
12 have a presentation in a -- in a few minutes on the  
13 environmental management system, and then we'll talk  
14 about engagement a bit later.

15                   This included things like assessment of  
16 conformance, audits, and engagement mechanisms. We also  
17 talked about, in the DAR, for -- about forming an  
18 Aboriginal and government body which could help us  
19 incorporate more traditional knowledge, and Aboriginal  
20 interests into the future Giant Mine decisions. We want  
21 to work with you to develop processes for achieving these  
22 goals.

23                   Moving on to the second part of this  
24 presentation, I'd like to talk a little bit -- give you  
25 some -- some thoughts and make some observations on the

1 life cycle of the Giant Mine site and our concept of the  
2 path forward.

3           Let's start with a look at the life cycle  
4 of the Giant Mine site. The site was a grainfield prior  
5 to mining activities around 1948. The mining phase  
6 occurred between then and about 1999, when the owner  
7 became insolvent. INAC and Aboriginal Affairs became  
8 custodian of the site at that time and the remediation  
9 phase began with the understanding that there was limited  
10 -- limited mining until 2005.

11           Care and maintenance has been ongoing  
12 since then and site stabilization and remediation are  
13 expected to be completed by around 2025. The site will  
14 then transition to perpetual care.

15           So the cu -- the current phase is a  
16 remediation project with a goal of reducing risks and  
17 limiting impacts on health, safety, and the environment.  
18 It's not a new mine development project by the pravi --  
19 private sector; instead, it's being executed by the  
20 public sector, by the governments of Canada and -- and  
21 the GNWT. And the main goal -- the goal of this project  
22 is long-term environmental protection and public safety.

23           A couple of comments on the interplay  
24 between the current decisions that we make on the -- how  
25 we're going to remediate the Giant Mine and perpetual

1 care. I'm sure this will -- the idea here is to make a  
2 couple of statements, and -- and I'm sure it will receive  
3 considerable discussion later on today, but...

4                   So while -- while the project is a  
5 remediation project, today's remediation choices will  
6 influence what must be done during perpetual care. So  
7 there's the interaction between perpetual care  
8 considerations and -- and decisions that -- that we make  
9 today.

10                   This -- the EA process and these technical  
11 sessions are an important way in which the parties  
12 influence today's decisions. It's one (1) of the  
13 vehicles that are -- that are available. Ongoing  
14 engagement with the parties will be key to creating a  
15 shared vision of the future of this site and how the  
16 community will benefit from the remediation.

17                   The transition from the remediation team  
18 to a perpetual care organization or organizations needs  
19 to occur, but we have some time to plan and put those  
20 organizations in place, if they don't exist already.  
21 Today's priority must be on stabilizing and remediating  
22 the site. Of course, keep in mind the first comment or  
23 the statement, that today's decisions influence what --  
24 what we do under perpetual care.

25                   One (1) observation made over the past

1 four (4) days is the considerable tension that -- that  
2 exists between wanting designs and guarantees that things  
3 will last and -- and perform in perpetuity and the  
4 inability of current science and technology to provide  
5 those designs and -- and guarantees. It's just the  
6 reality under which we're operating.

7                   We cannot forecast what technology will be  
8 available in a hundred years or beyond that. All we can  
9 say is there will be improvements. We'll -- we'll have  
10 more means at our -- our disposal.

11                   So what -- what we can do today and what  
12 we must focus on and -- and do today is do the best we  
13 can with the tools we -- and the -- the knowledge and --  
14 and the tech -- technologies that we have. We need to  
15 communicate the importance of caring for this site in the  
16 long term and transfer information that we have to those  
17 that will follow us, and have faith that they will do the  
18 right thing in the future.

19                   A little bit -- a few observations on the  
20 current governance and overview for this project. The  
21 Giant Mine remediation project is being executed by the  
22 Government of Canada and GNWT as a -- as co-proponents,  
23 as I mentioned, as everyone knows. The project is  
24 already subject to quite a bit of oversight. It -- it  
25 reports to senior management within both governments, and



1 eventually to -- to Parliament, and so it's subject to  
2 all the accountability and oversight bodies that -- that  
3 exists -- that exist.

4           It is subject to a robust regime of  
5 regulatory and policy requirements, and makes use of  
6 external expert reviewers, auditors, and engages, and  
7 plans to engage more effectively with Aboriginal groups  
8 and the community.

9           As mentioned, and as you'll hear in more  
10 detail in a minute, there -- there is a commitment to  
11 establishing an environmental management system for --  
12 for this project, an EMS. The EMS will be designed  
13 according to an international standard, ISO 14001, and  
14 follow the well-known Plan-Do-Check-Act management model.

15           So you plan what -- what your issues are  
16 and how you're going to manage them; you implement those  
17 measures; you monitor; you take corrective action; you --  
18 sorry, you monitor, take corrective action, and then you  
19 go through regular management reviews to continually  
20 improve the way the sys -- the -- the project is being  
21 executed.

22           This is -- the development and -- and  
23 implementation of this EMS is -- cannot be done in  
24 isolation. We need to engage the Aboriginal groups, the  
25 community in identifying the significant environmental

1 aspects and information needs, and how we're going to  
2 share information and get public input into continuous im  
3 -- improvement measures.

4           The items that I've highlighted here in --  
5 in red or -- are the areas where we particularly think  
6 the community and the parties need to be involved in  
7 working with us to establish how this system needs to be  
8 established and -- and operate.

9           A couple of comments. One (1) -- one (1)  
10 comment on the -- the -- we've mentioned the use of peer  
11 reviewers, auditors, advisors, and so on. Just an  
12 observation comment, that the people, the individuals who  
13 are ful -- fulfilling these roles invariably belong to  
14 professional organizations. They're professional  
15 engineers, geologists, certified environmental auditors,  
16 and they're governed generally by codes of ethics that  
17 they're committed to, integrity, public safety, and so  
18 on.

19           A couple of slides commenting a little bit  
20 on the community alliance, which came up in -- just in  
21 passing in -- in the previous days. The community  
22 alliance was an honest, early attempt in 2003 to engage  
23 with stakeholders, and the functions are listed there,  
24 the main functions. They were to identify concerns and  
25 information needs, provide community input into

1 decisions, report back to the communities, et cetera.

2 Membership was to be -- to come from a  
3 cross-section representing the -- the stakeholder  
4 community. The co-proponents, the Government of Canada,  
5 the GNWT, were observer members and provided secretarial  
6 functions.

7 However, the uptake by the community, by  
8 stakeholders, was disappointing and the role of this body  
9 became one (1) of reviewing docume -- by and large,  
10 reviewing documents prepared by the proponents.

11 The challenge I see before us is to  
12 reconstitute or transform this community alliance so that  
13 it serves a useful and important purpose.

14 Getting close to -- to the end here. We -  
15 - we described in the DAR, past engagement activities and  
16 -- and the mechanisms that -- that have been used. The  
17 main goal of these past activities have been to inform  
18 the public and the -- on the -- of the condition of the  
19 site and the options for long-term management of the  
20 arsenic trioxide dust, and to solicit input from the  
21 public on options.

22 The future engagement activities, again  
23 are described in the -- in the DAR. And so, beyond the  
24 EA and the future regulatory review, we will focus on  
25 systems to increase communication and improve engagement

1 on matters such as surface remediation and monitoring.

2           The other communication that -- activities  
3 listed above, such as the website, tours and so on, are  
4 to provide increased public access to technical and other  
5 information on the project.

6           To conclude this portion of the  
7 presentation, I would like to summarize in this diagram,  
8 this slide, how we see engagement and -- and  
9 communication -- sorry, just restate that engagement and  
10 communication is a very important aspect of this project.

11  
12           We have many subject matters that we need  
13 to engage on. We have a lot of -- not a lot -- or we  
14 have interests that parties, stakeholders, the community,  
15 and so on, that need to be engaged. We have existing and  
16 planned bodies and processes for carrying out the  
17 engagement and -- and communication.

18           The items listed under each of those  
19 quadrants are -- are examples which have def -- defined  
20 what -- what we mean by -- by each of those.

21           The path forward is, that we would like to  
22 hear from you and work with you on how to make these  
23 bodies and processes transparent and efficient, and able  
24 to satisfy your needs and interests, as well as ours.

25           With that, I'll turn it over to Norm

1 Quail, to talk a little bit -- to talk about the  
2 environmental management system. Norm...?

3 MR. NORMAN QUAIL Octavio, thank you.  
4 Norm Quail, Giant Mine team.

5 I -- I am, as Octavio introduced, I am  
6 with Public Works and Government Services Canada, and I  
7 work in the area of environmental management and -- and  
8 compliance for public works, so.

9 Now speaking of technology I have to  
10 figure out which button to push on the -- there, that's  
11 forward . Oh, there we go. Excellent.

12 What I'm -- what I'm here to speak today  
13 about is our vision for how we see incorporating adaptive  
14 management and the use of environmental manag -- of an  
15 environment management system for the project to -- to  
16 carry forward a lot of the things that Octavio has  
17 already addressed here.

18 As -- as we move through this -- through  
19 this presentation, I want to introduce a few of the  
20 concepts that we think are underpinning our vision of  
21 adaptive management and an environmental management  
22 system for the project.

23 I'll talk a little bit about how we see  
24 some of the linkages and how we see -- and following  
25 that, of how we -- we -- we see making those linkages

1 work and then also just a few slides on some of the  
2 things that we think are important in -- in moving  
3 forward with insuring that adaptive management is  
4 incorporated in our-- in our development of the project  
5 and that the environmental management system that we're  
6 proposing is -- is effective.

7                   And I think it's important we should maybe  
8 just get a -- a sense of what we're thinking of in terms  
9 of a definition when we speak -- speak about adaptive  
10 management, and -- and this is a very short one (1) that  
11 we're using here, but the idea that it's a structured  
12 approach; it's iterative; it -- it takes into account  
13 uncertainty; and that it's underpinned by an effective  
14 monitoring program, both extensive monitoring program and  
15 targeting monitoring for various aspects of the project.

16                   Again, it's -- it's built on learning.  
17 It's -- it's -- we -- we speak very much about the -- the  
18 characterization of uncertainty.

19                   And I think you've heard extensively over  
20 the last four (4) days in the majority of the  
21 presentations that where we don't know things, we're  
22 actively putting both resources and research to ensure  
23 that we can better characterize many of the complex  
24 aspects of this project to -- to have a successful  
25 conclusion.

1                   And also I think you've also heard that as  
2 we go through there, there are, in some cases, going to  
3 be very large volumes of data, certainly around the  
4 monitoring of the frozen block and -- and tracking  
5 temperature and that.

6                   We -- we anticipate that there will be  
7 very large amounts of data coming out of that, and we  
8 need to have robust systems where we can summarize this  
9 data so it's both effective for project implementation  
10 use, and also supports transparency so that third parties  
11 and interested members of the public can actually make  
12 sense of -- of the data that we're getting out of our  
13 long-term managing of the project.

14                   And I guess key to this, and I think in  
15 all sincerity, we believe that we're -- we're embracing  
16 the uncertainty in this project, and that -- that we --  
17 there's -- this -- this table is supported by a large  
18 group of people -- look behind us -- and also many people  
19 working behind the scenes on this project that are --  
20 that are looking at these things, and we're very --  
21 working very diligently to -- to ensure that we're  
22 integrating our uncertainty across the project so that  
23 we're not stovepiping our understanding as we move  
24 forward with this -- with this.

25                   Just a -- this is just a bit of an

1 overview of sort of the classic vision of adaptive  
2 management. Certainly during the environmental  
3 assessment project, as we're in, we're trying to do our  
4 best to -- to predict what the -- what the effects of the  
5 project -- implementing the project will be, mitigation  
6 certainly during the implementation phase, and  
7 monitoring.

8           And we see monitoring occurring throughout  
9 the life of the project. As -- as many of you know, and  
10 you've heard in presentations, we already have a -- an  
11 extensive surveillance network program on site. We have,  
12 I believe, a hundred and twenty-six (126), at least a  
13 hundred and twenty-six (126) underground, discrete areas  
14 underground where we're monitoring groundwater already.

15           And this data is informing both our  
16 design, and the majority of the monitoring that is  
17 occurring on site, with modification to -- to account for  
18 changes in the implementation project will continue, and  
19 that we're using this information to adapt already as we  
20 go.

21           You may recall from the DAR, there's an  
22 image in the DAR where even our thinking around the  
23 diffuser has changed. The picture in the DAR shows a 'T'  
24 coming out at 90 degrees. You saw a physical display  
25 here in the room already where, you know, taking into



1 account thinking around sediments, et cetera, on the  
2 bottom, that we're looking at a 30 degree angle.

3           So at -- at every level -- at every level  
4 as we go through -- go through the process, we're --  
5 we're trying to use information that we're gathering to  
6 refine and adapt our -- our -- adapt our implementation  
7 of the project.

8           Just a little bit about an environmental  
9 management system. The -- the idea of an environmental  
10 management system is it's used to im -- to implement an  
11 environmental policy, and -- and manage environmental  
12 aspects in an effective manager -- manner.

13           As Octavio mentioned, we're committed to  
14 rolling out an environmental management system that is  
15 consistent with the ISO standard, the 14001 standard,  
16 developed by the internation -- or the International  
17 Organization for Standardization.

18           The reason we've looked to the ISO, there  
19 are other models that are of -- of environmental  
20 management systems, but we believe that the -- the ISO  
21 model is an internationally recognized system for  
22 environmental management.

23           And it gives us a set of common def --  
24 definitions from which to work with, with -- with parties  
25 who will be working with us in developing an

1 environmental management system.

2                   There's a large body of literature, and --  
3 and work around environmental management, and that we can  
4 draw on a lot of that experience to have a common  
5 understanding of what we're talking about as we move  
6 forward with the environmental management.

7                   Just a bit of a linkage here in terms of  
8 what we believe some of the -- the guiding principles and  
9 implementation tools that we have available to us as we  
10 move forward with environmental management.

11                   Again, we've talked a bit about the role  
12 of adaptive management, the ide -- the -- the need for a  
13 comprehensive monitoring and evaluation program, and also  
14 transparency and public participation.

15                   I think, again, this is something that  
16 we've talked about extensively, the use of the registry,  
17 the continued use of the website, our intention to work  
18 with -- directly through an Aboriginal body of some sort  
19 to -- to collect and -- and effectively integrate  
20 traditional knowledge, and to also work with an -- an  
21 advisory group, if -- if you will, in terms of developing  
22 both the EMS and the -- the detailed environmental  
23 management plans that support that.

24                   And -- and as I mentioned, the EMS will  
25 not replace our current programs initiatives. What we

1 see is that we're building on already a very good program  
2 that we have going onsite in terms of environmental  
3 monitoring and use of that information.

4           What we see, one (1) of the most effective  
5 things around the EMS is that we see that it -- it  
6 creates that umbrella, that framework for us to -- to  
7 better integrate our existing efforts and improve the  
8 coordination across functional areas of the -- of the  
9 project.

10           And again, just another slide to sort of  
11 show the linkages. A lot of the -- the literature out --  
12 out there now is talking about the role of an  
13 environmental management system to -- to meet the goals  
14 of adaptive management. As Octavio said, the -- the  
15 Plan-Do-Act-Check-Monitor-Adapt language is sort of -- is  
16 a melding of sort of the -- the common language out there  
17 around adaptive management and how that links with an ISO  
18 -- ISO environmental management system here, so.

19           I think one (1) of the -- one (1) of the  
20 key things that we need to be considering as we move  
21 forward with the development of -- development of  
22 environmental manage -- management system is our -- is --  
23 is our communication and engagement and linkages back and  
24 forth.

25           We have actually set as one (1) of our

1 environmental management plan requirements is actually to  
2 develop criteria for what constitutes effective  
3 consultation. So you may have seen in Chapter 14 of the  
4 DAR we've -- where we've outlined a preliminary set, or  
5 at least what we believe are -- are priorities for the  
6 development of environmental management plans around  
7 aquatics, vegetation, wildlife baselining of wildlife  
8 information.

9                   And one (1) of those that we've included  
10 there is also that we need to discuss with -- with  
11 parties how we would actually consider that we have an  
12 effective consultation program that's sustainable over  
13 the life of the project.

14                   So in terms of the EMS, the -- sort of the  
15 where the rubber hits the road piece are the  
16 environmental management plans. And certainly this is --  
17 as Octavio has mentioned, we've heard a lot of input and  
18 concern already about the establishment of criteria and  
19 targets and commitments. And we -- we believe that that  
20 is fundamental to this.

21                   Where we have been able to do so, we've  
22 addressed that in the DAR. For example, around the  
23 construction in water works construction for the  
24 construction of the diffuser we've set that we will not  
25 be releasing -- we will not be removing siltrinsic

1 (phonetic) or other -- other silt reduction tools until  
2 we -- the water inside the -- the works reaches  
3 background.

4                   So where we've can, we've tried to -- to  
5 set parameters. And where we have felt that we are --  
6 we're not in a position during the development,  
7 particularly with Chapter 8 of the DAR, we identified  
8 very clearly that we need to further develop criteria  
9 through the -- the construction of environmental  
10 management plan.

11                   So what we set out in -- in Chapter 8 were  
12 sort of the -- the key elements that we believe needed to  
13 go into environmental management plan, what are the --  
14 what are the mitigation measures, what are the -- what  
15 are the adaptive actions that we need to take where we  
16 could find them at that time.

17                   So -- and I think also the other thing  
18 that we -- we recognize in the development of  
19 environmental management plan is it's not a static list,  
20 that this -- this project will have a very long life, and  
21 as we move from implementation to a long-term perpetual  
22 care situation, that some environmental management plans  
23 will be more critical at the front end and some will have  
24 -- will be required as we move through perpetual care and  
25 some will have a role to play throughout the entire

1 implementation of the project.

2                   Just in terms of building on -- on the --  
3 the whole feedback mechanism to ensure that we are  
4 adapting to what we're learning through environmental mo  
5 -- environmental monitoring is that we're committed to  
6 assess conformance through -- of our EMS, and when I say  
7 EMS, I -- I mean both our environmental management plans  
8 and the EMS system as a whole, and that these will  
9 provide both our senior management team with the  
10 information that they need to make critical path  
11 decisions on the project, and also to be able to provide  
12 to the public the results that we're -- that we -- that  
13 we see that we're receiving from our monitoring in terms  
14 of implementation of the project.

15                   And again, all in all, our -- our goal is  
16 to have actions that are leading to improved  
17 environmental performance across the project.

18                   Again, this is sort of building on what --  
19 what we're seeing in the last slide, is that it is a very  
20 clear linkage to the concept of adaptive management, and  
21 the monitoring, inspection, and auditing, as well as  
22 management review that -- that we're proposing under an  
23 environmental management system.

24                   And I think -- and Octavio touched on it,  
25 as well -- I think that it is more than just the EMS

1 system that we're looking at for this project. We  
2 realize we have other interested parties, and -- and in  
3 respect to partners, in what we're trying to achieve with  
4 the Giant Mine site, we are working with, certainly,  
5 Department of Fisheries and Oceans and Environment Canada  
6 on a number of aspects of the project, and we recognize  
7 that this project will be subject to regulatory  
8 inspections, and -- and we think that's an important part  
9 of the oversight that we have for this project.

10                 We will have reporting to the Land and  
11 Water Boards. We will be going through relicensing  
12 activities, and these are all points in the life of the  
13 project where we -- will we -- where we will be  
14 revisiting the results that we're getting out of  
15 monitoring and -- and using and incorporating the results  
16 of inspections and requirements of -- of oversight  
17 bodies.

18                 I think it's -- it's an important thing,  
19 it's a unique thing that we have in the North. I haven't  
20 lived in -- in the Northwest Territories, but I -- I was  
21 with the GN -- or the GN in -- in Nunavut, and both with  
22 NTI, and I think one (1) of the -- one (1) of the  
23 advantages and -- and unique things that we have across  
24 the North is we have oversight through -- oh, there we  
25 go. Helps if I keep the button on the -- on the right

1 slide -- that I -- that I think that the -- the oversight  
2 provided by co-management boards is -- is a unique thing  
3 that we have in the North, and contributes a great deal  
4 to transparency and accountability in a project, in the  
5 implementation of a project such as this.

6                   This touches a little bit on what we've  
7 talked about in Chapter 14, the DAR 14.2, and -- and  
8 specific -- the -- we're looking currently now at  
9 fourteen (14) areas that are -- that we believe are  
10 candidates for a long-term monitoring program,  
11 irrespective of what may be developed through the  
12 development of the environmental management plans, and I  
13 think it's a very comprehensive list.

14                   If you've had a -- a -- if you've had a  
15 chance to -- to look at 14.2 in depth, you will see that  
16 we have looked -- we have established a broad range of  
17 parameters that we believe contribute to long-term  
18 monitoring of the project and -- and will contribute to  
19 effectiveness.

20                   And just a couple of concepts I -- I want  
21 to touch on in terms of adaptive management. Again, part  
22 of going through a process like this is starting to have  
23 a common understanding of language and a common  
24 understanding of the terms that we're talking about. And  
25 this -- this is adapted from -- it's on the next slide



1 where -- where it's been adapted from, but certainly the  
2 idea that significant thresholds are important to  
3 establish.

4                   I think we know that they are -- the --  
5 the collective experience, I think, in this room  
6 recognizes that sometimes setting those things is -- is a  
7 very difficult process, but, with effort, we can  
8 certainly establish action levels to ensure that we're  
9 not exceeding sig -- significant thresholds, and that we  
10 can identify points where management actions are  
11 required. And, as I've mentioned before, we're -- we're  
12 committed that, where special studies are required over  
13 and above our long-term monitoring program, that -- that  
14 we will implement those.

15                   And an area certainly that -- that is  
16 important is around vegetation, where to -- to determine  
17 effectiveness of any revegetation planning that we do for  
18 the site, that we recognize that we will have to do  
19 initial sampling to establish baseline and background  
20 conditions so that we can evaluate success in those  
21 areas.

22                   And this is the -- where we -- we've  
23 adapted the -- the -- sort of conceptually what we --  
24 what we see in terms of adaptive management and the idea  
25 of -- that it's not just a single action point, because I

1 know there was some certainly questions around the frozen  
2 block, and I -- and I'll talk a little bit more about  
3 that in a few slides.

4                   But there, I -- I don't think we're  
5 looking at a lot of these things to say there's just one  
6 (1) point, you know. It's -- it's merrily we car --  
7 carry along on this point, and then we respond. I think  
8 what we're looking at is that we have a graduated  
9 response in -- in -- graduated response in response to --  
10 to monitoring data as we move forward here so.

11                   And I -- and I think some of you are  
12 familiar with the closure and reclamation planning  
13 process that's -- that's used in the Northwest  
14 Territories, and certainly aspects of -- of that process  
15 are -- are where we're seeing our thinking is going. To  
16 be looking at components, or -- and in terms of EMS  
17 language aspects of the project, where we need to set  
18 objectives, look at the options, and then work at  
19 establishing criteria for -- for each one (1) of those  
20 objectives.

21                   Information sharing. Regulatory filings,  
22 we believe that that is a -- is a key piece of supporting  
23 transparency for what we're doing on this project. We've  
24 committed in the DAR, in chapter 14, to prepare both  
25 annual reports as well as status of the environment

1 reports every -- every three (3) years during the -- the  
2 first fifteen (15) years of the project, and then every  
3 three (3) years thereafter.

4                   And also, as Octavio said, we certainly  
5 have a commitment to maintain and enhance the current  
6 remediation website for public access to -- to  
7 information.

8                   This -- this slide here is just, again, a  
9 bit of another linkage. The numbers here, the four point  
10 three (4.3), four point one (4.1), these are specific  
11 elements out of the ice, so the 14001 standards.

12                   So just to -- again, to give you an idea  
13 about the -- what the, sort of the common language of  
14 environmental management. It -- it adds some structure  
15 and some framework to these terms that predict,  
16 implement, monitor, and adapt that -- that we can  
17 actually pin, okay well, what -- what -- what does it  
18 mean when we talk about implement and mitigate. Well, we  
19 already have a -- a common language, a common standard to  
20 which we can go back to as a basis for -- for discussion.  
21 So moving forward as to -- as to what's required for --  
22 to meet the concept of adaptive management for this  
23 project.

24                   And I guess that one (1) of the important  
25 things about this project also is to talk about the forms

1 of adaptive management that we see applying to the  
2 project. And I've mentioned already the long-term  
3 monitoring program that will be used to detect and  
4 characterize trends that may be attributable to the  
5 project.

6                   And -- and that occurs on two (2) levels.  
7 It's both compliance -- are we actually implementing the  
8 things the way we anticipated them to be implemented in  
9 the plan? And also, we're monitoring to -- to ensure  
10 that they're -- that they're being effective.

11                   And -- and the other part of -- of  
12 adaptive management is what we have been terming the  
13 "built-in" adaptive management of project components.  
14 And I -- and I think this -- this is an important piece  
15 to it as well.

16                   We're -- we're monitoring both for  
17 negative -- potential negative environmental aspects from  
18 the actions that we're taking. Are we creating erosion?  
19 Are we causing minor operational releases through  
20 drilling, et cetera? And -- and do we have a plan to do  
21 that and are our mitigation measures effective to -- to  
22 contain the -- the -- the results of that in a way that  
23 we anticipated through -- through the environmental  
24 assessment process? But also the built-in adaptive  
25 management of the components of the project to see, are

1 we effective in terms of stabilizing the site the way the  
2 project intended to do that?

3           And certainly, the -- the best example --  
4 or the excellent example I would say, in the DAR, of how  
5 -- how we conceptualize that is -- is the frozen block.  
6 We've set performance criteria. We've -- we've talked, I  
7 think, extensively about the temperature profiles that  
8 we're looking forward -- looking towards to -- to confirm  
9 that we have been successful in that -- in that  
10 endeavour. And that we're using the freeze optimization  
11 study to modify our technical designs, and that we're  
12 meeting our performance criteria.

13           And that we're -- as we move forward on  
14 that project, the idea is that we will apply what we're  
15 learning out of the FOS and what we believe are the  
16 "simpler" chambers to freeze, and that as we go through  
17 the process it will be a continuous process of refinement  
18 and implementation of the frozen block as well.

19           And that -- that we've set out in the DAR,  
20 that if we're not achieving the objectives that we had  
21 anticipated, that we already have a plan from -- from  
22 modifying the landscape through the addition of --  
23 addition of overburden to adding additional  
24 thermosyphons. So, already we've been putting thought  
25 into what are some of the adaptive management tools that

1 -- that are in our toolkit.

2                   At this stage of the game, even without  
3 having started implementing, that we -- we know will be  
4 available to us to respond to -- to variations in how the  
5 project is implemented, so.

6                   So in terms of moving forward, I think one  
7 (1) of the first things that we are -- are looking at is  
8 to develop a policy statement that's -- that's ISO 14000  
9 and compliant.

10                   And sort of the first boots on the ground  
11 piece that we see is the -- is the gap analysis, and this  
12 gap analysis is the -- is an EMS gap analysis to look at  
13 the ISO standard. And as I mentioned, the -- what --  
14 look at the number of things that we have already going  
15 on-site, and -- and determine what are the -- what are  
16 the key first steps that we need to take in terms of  
17 closing that gap between the monitoring program and the  
18 environmental management actions that we already take on-  
19 site, and what are the additional things that we need to  
20 be working on to -- to bring us to an ISO 14000 and  
21 compliant program.

22                   So we don't believe that we can in any way  
23 do this in isolation without engagement, and -- and I  
24 guess I'm heartened to hear that there was the sidebar  
25 that was made before I got here this morning about some

1 agreement to -- to move forward with identifying some of  
2 the ways of -- of building on that.

3 But certainly our goal in -- in completing  
4 this gap analysis is that we can firm up a timeline, the  
5 resources that are required, the -- and the  
6 organizational responsibilities that will be required to  
7 -- to implement an effective environmental management  
8 system for this -- for the project, so.

9 So just in terms, some very broad timeline  
10 goals that we have here is that we plan to begin the gap  
11 analysis work in this fall -- this winter, and carry that  
12 through into 2012. And that our objective is to have EMS  
13 development completed by water licence hearing. And  
14 certainly our initial thrust will be on the environmental  
15 management plans that we've set out in chapter 14 of the  
16 DAR as priorities, subject to -- to variation based on  
17 what we hear. And that we plan to have the EMS ready for  
18 full implementation prior to beginning the full  
19 remediation plan, so.

20 So maybe just to sum up here, the -- we --  
21 we believe that the environmental management system model  
22 that ISO 14000 gives us is -- is an effective way to  
23 manage environmental aspects across the -- the life of  
24 the project, that adaptive management, both in terms of  
25 how we see ourselves adapting to carrying out the project

1    itself and also adaptive management to sure that --  
2    ensure that we're not having negative impacts from the  
3    implementation of the project, is -- is critical.

4                   Public participation. I think we believe  
5    and are demonstrating is fundamental. And that we  
6    already have some ideas about how to build transparency  
7    through auditing, through release of reports. And I  
8    think we're open to -- to more suggestions around how we  
9    can -- can build on that transparency in terms of sharing  
10   information and -- and creating information in a way  
11   that's useful for -- for parties to use and actually give  
12   us feedback to that, so.

13                   Thank you very much. Octavio...?

14                   MR. OCTAVIO MELO:    Yeah, Dar -- Daryl  
15   will -- will wrap up with the third part of the -- of  
16   this. Octavio Melo.    So Daryl will wrap up with the  
17   third part of this presentation. Daryl...?

18

19   (BRIEF PAUSE)

20

21                   MR. DARYL HOCKLEY:    Yeah, I -- I don't  
22   have the social skills to invite people to the party, so  
23   I'm just going to give a few slides and then turn it over  
24   to -- to others later, but I'll cover the technical side.

25                   The -- this -- this slide shows



1 schematically the relationship between two (2) components  
2 of perpetual care, one (1) of which is managing the  
3 residual hazards and the other is managing the remaining  
4 site resources.

5                   Most of my role, and -- and the technical  
6 people's role, focuses on -- on this. Arguably, the --  
7 the role of the -- the EA to date has focussed on the  
8 management of residual hazards. And much of our  
9 discussion this week has been about the -- the proposed  
10 engineering measures, the proposed technical measures,  
11 and the necessary regulations and oversight needed to  
12 manage those residual hazards.

13                   It -- it would -- in -- in my opinion, it  
14 would be a missed opportunity if -- if the relationship  
15 between proponent and communities was restricted only to  
16 the -- to managing residual hazards. There -- there are  
17 significant opportunities as to -- to manage the -- the  
18 remaining resources on this site.

19                   And in my -- my last slide I'll show you  
20 some examples of how doing a good job on this side of the  
21 picture dealing with those opportunities actually  
22 improves the management of the residual hazards or the --  
23 the likelihood that residual hazards are going to be  
24 properly managed over -- over the -- over the very long-  
25 term.

1                   The management of the residual hazards,  
2   aga -- again, stepping back from the -- the technical  
3   details and -- and looking at it at a broader scale,  
4   there -- there are the underlying hazards, the arsenic  
5   trioxide dust for example. There are the measures we  
6   propose to take on those, such as the frozen blocks.  
7   There are a series of institutional controls around that:  
8   fences, public announcements, limitations on land title  
9   registries, et cetera.

10                   And there's a monitoring program to ensure  
11   that each of those things is -- is working. In one (1)  
12   of Octavio's earlier slides we -- we could add a couple  
13   of rings to that. One (1) ring would be the -- the  
14   project governance, and another ring beyond that would be  
15   the project oversight.

16                   And I think arguably you could add a much  
17   broader ring that would be the -- the guiding philosophy,  
18   the -- the goodwill between the parties, et cetera, the -  
19   - but -- but again, the engineer's focus is -- is on this  
20   side. We just can't -- can't lose sight of the fact that  
21   there's still important work to be done on -- one some of  
22   those other areas.

23                   In terms of the transition from  
24   remediation to perpetual care, on the technical side, an  
25   organization that -- that plans an executes a remediation

1 project looks quite different from an organization that  
2 looks after a site over the long term. And you can see  
3 some of the differences here. Again, I think Octavio had  
4 an earlier slide that -- that didn't have -- that wasn't  
5 limited to the technical side but -- but talked about  
6 transitions in -- in oversight, and then community  
7 relations that also need to go along with that.

8           So what are the -- what are the technical  
9 requirements, if you like, the pure technical  
10 requirements for -- for perpetual care? This is a  
11 picture of the site that -- that shows up in -- in a  
12 number of the -- I believe it shows up in the DAR.  
13 Certainly we've been using it in our presentations for  
14 quite some time. And a lot of the details are -- are  
15 subject to ongoing design discussions.

16           For example, the -- here we're showing  
17 fences all the way around the pits. And we heard  
18 yesterday some discussion about fences and -- and berms  
19 and, in some areas, the alignment of the freeze pipes  
20 around the chambers is -- is open to changes in design.

21           One (1) thing that is fairly nice about --  
22 about this picture though that -- that won't change is --  
23 is the rough proportions of the areas impacted. The --  
24 the area required for arsenic trioxide management is --  
25 is only a part of the site. I was going to say a

1 fraction, but -- but it's a significant fraction  
2 certainly, but it's -- it's only a part of the site, it's  
3 not the whole site by any means.

4           Even the area of covered tailings is -- is  
5 not the whole site. So when we think about opportunities  
6 for -- for the site as a whole, that -- that's important  
7 to keep those proportions in mind.

8           So again, we had lengthy discussion about  
9 this, but the -- the most significant hazard on -- on the  
10 site is -- is the arsenic trioxide dust. And there --  
11 there is a -- there have been lengthy discussions already  
12 about the -- the measures to -- to control that over the  
13 long-term. And the current plan is that there would be  
14 several hundred of these thermosyphons sticking out of  
15 the ground in perpetuity for the very long term.

16           And again, very rough. This is, in fact,  
17 cartoonish because -- because there's more thermosyphons  
18 than this, but something like this. These red dots would  
19 be the thermosyphons around the chambers. What you saw,  
20 David's presentation earlier, there's different  
21 alignments of the thermosyphons being po -- proposed, and  
22 those may change again by the time we've done  
23 optimization, but -- but something like this.

24           And the frozen blocks, again, they're not  
25 bright blue ice cubes, they're frozen rock, and we -- we

1 need to improve that cartoon somehow. But -- but the  
2 frozen blocks are under the ground there, and that --  
3 that requires the -- the long-term -- the long-term  
4 management.

5                   In all likelihood, there will be a -- a  
6 fence around those -- those very actively managed areas,  
7 either a single fence like this around the whole group of  
8 them or possibly a series of fences around each set of --  
9 of thermosyphons.

10                   Within the fences somewhere, either the  
11 big fence or within one (1) of the small fences, would be  
12 a water treatment plant. That, I guess, is -- is the  
13 other feature of the long-term management, that there --  
14 there is a need for long-term management and as I  
15 explained earlier in the week that need will -- is there,  
16 regardless of what happens to the arsenic trioxide.

17                   In fact, even if there never was arsenic  
18 trioxide on this site, there -- there is arsenopyrite in  
19 the tailings that are backfilled to the mine, and -- and  
20 our concern is that even after the arsenic trioxide is  
21 fully contained within locks or fully flushed out of the  
22 system there will be the long-term source of arsenic  
23 underground. And -- and that's why we've -- we've already  
24 said to people that you should count on running this  
25 water treatment plant for the very long term.

1                   Unfortunately, the animation's not working  
2 here, but -- but over here is a picture of the current  
3 arsenic treatment plant at Giant Mine, which is  
4 functional but -- but not particularly attractive. This  
5 is -- this is a modern treatment plant, recently built,  
6 about fifty (50) miles north of Vancouver at Britannia  
7 Beach. It's a -- it's a lovely place. In fact, they run  
8 public tours of the place. There's a -- it's an -- it's  
9 integrated with the Mining Heritage Museum. And -- and  
10 it's -- it's a very pleasant place to work, and -- yeah,  
11 so pleasant that they do run public tours, well-attended  
12 public tours.

13                   Stepping into an -- another area now, the  
14 -- the pit walls -- the -- the pit walls are --  
15 constitute a safety hazard, and the current proposal for  
16 managing the -- the pit walls is -- is fencing --  
17 combinations of fencing and berms. Throughout most of my  
18 career in -- in mine closures, pit walls have only been  
19 seen as safety hazards.

20                   There are now serious discussions amongst  
21 landscape architects and artists of the aesthetic value  
22 of pit walls, and I -- I've yet to see that being  
23 reflected in -- in closure planning, but I -- it won't be  
24 the first time that artists have been a little ahead of  
25 engineers in figuring these things out. So -- so maybe -

1 - maybe pit walls are not just a hazard to be managed.  
2 Maybe they -- maybe they have an opportun -- maybe they  
3 fall on the other side of that first chart as an  
4 opportunity.

5                   The cover tailings, again, very large  
6 areas of cover tailings, 93 hectares, Mark? Ninety-five  
7 (95) hectares, thank you, of the -- of the combined  
8 tailings covered -- covered areas. There are -- there  
9 are elements of those tailings that will need to be  
10 managed. There are dams that hold back the tailings.  
11 And they will need to be managed in the sense of being  
12 available for geotechnical inspection and -- et cetera,  
13 et cetera, et cetera.

14                   The covers themselves are -- will need to  
15 be adaptively managed for -- for many years but, over the  
16 long term, one would hope that at least significant  
17 portions of these tailings surfaces would be available  
18 for -- for other uses.

19                   I'm going to -- these are -- now, this is  
20 the -- my last slide here where I want to get back to the  
21 point about how making use of -- of site resources can --  
22 can actually help us do a better job in the long term,  
23 even of the -- of the hazard management side.

24                   This is a site in -- in southeast British  
25 Columbia. These are tailings. They were taken out of

1 the river largely and -- and out of a side channel of the  
2 river where they were -- they were posing a -- a threat  
3 to -- to fish. There -- there was a DFO order to get the  
4 tailings out of the creek.

5                   We looked at many different places to put  
6 the tailings. And -- and the community asked them to put  
7 them here and to shape them in the form of an  
8 amphitheatre. This is a community that -- one (1) of the  
9 things they do, they have folk concerts, or I suppose  
10 it's alternative rock concerts, in fact, every -- every -  
11 - I'm -- I'm not quite sure of the terminology these  
12 days, but I'm -- I think it's alternative rock, though.  
13 Sorry, alternative concerts. So -- okay, I'm well  
14 outside the area of the technical advisor right now.

15                   So, anyhow, they -- they have a -- they  
16 have a -- they -- they have several -- this is a  
17 community of about two hundred (200) people. They have  
18 several thousand people show up for these -- for these  
19 concerts, right? So they asked us to shape these  
20 tailings in the form of an amphitheatre. Another  
21 element, the community said, If you're doing that, how  
22 about building us a frisbee golf site there? And another  
23 element of the community, I think, without talking to --  
24 to the rest of the community, decided to make it a ski  
25 jump in -- in winter, so.



1                   So we now have at least three (3) seasons  
2 of -- of community involvement in this site. And -- and  
3 nobody rides ATVs on that tailings cover, and not because  
4 we built a fence -- well there is no fence, not -- not  
5 because there's a -- a -- a sheriff there who is going to  
6 stop them, but because the -- the rest of the people of  
7 that community will lynch them if they -- if they -- if  
8 they run an ATV on that site.

9                   So this other one (1) down here is -- is a  
10 -- is a wetland. I -- I have no involvement in this  
11 tailings. It -- it's just a -- a picture -- an example  
12 of how some tailings are turned into wetlands. And you  
13 could imagine, let's say, birding blinds or things like  
14 that here. Getting us another couple of seasons of  
15 community -- community people who have taken intense  
16 interest in this site, right?

17                   And -- and that comes back to my -- just -  
18 - my point on the very first slide where you have those  
19 two (2) bu -- bubbles. Managing hazards over the long  
20 term, making use of opportunities over the long term.

21                   I would argue, and -- and many people in  
22 the -- in the mining closure world now argue that when  
23 you add value to the surface through careful community --  
24 interaction with communities on that second bubble, you  
25 -- you make it much more likely that the controls, the

1 regulations, the oversight planned on that first bubble  
2 is -- is going to get done over the long term -- get done  
3 well over the long term, so.

4                   So in -- in summary again, stepping back  
5 to this site. The -- the -- the land use restrictions  
6 required to implement the remediation plan -- a  
7 remediation plan that, to date, has largely been focussed  
8 on managing hazards, involves these -- these measures  
9 here. There -- there are going to be -- there's going to  
10 need to be a road here and there, so this is approximate.  
11 But -- but the -- the rest of the site, I guess, and even  
12 parts of this site over time, are -- are going to be  
13 available for discussion as -- as opportunities going  
14 forward.

15                   With that I'll hand back to Octavio, I  
16 think. Okay.

17                   MR. OCTAVIO MELO: Octavio Melo. The --  
18 this is the last slide, and it's a summary slide.

19                   It reminds us all of some of the points  
20 that have been made. This project is an environmental  
21 remediation project. It's being executed within a fairly  
22 robust governance and oversight re -- regime. It's  
23 addressing a site with high risks, that we've -- as we've  
24 heard over the past few days, old infrastructure. It is  
25 large and complex. Our understanding of it will continue

1 to evolve over time.

2 And finally, a -- an invitation to the  
3 parties to the environmental assessment. Let's find ways  
4 to work together in the spirit of cooperation that  
5 respects mandated roles and processes in order to  
6 stabilize, remediate, and transition -- transition the  
7 site to perpetual care to ensure public and environmental  
8 safety today and in the future.

9 Thank you.

10 THE FACILITATOR MERCREDI: Thank you,  
11 Octavio, and the Giant team for that. Definitely food  
12 for thought for the rest of the day, but we will take a  
13 ten (10) minute break and then we will come back with  
14 questions from the parties. Thank you.

15

16 --- Upon recessing at 10:32 a.m.

17 --- Upon resuming at 10:45 a.m.

18

19 QUESTION PERIOD:

20 THE FACILITATOR MERCREDI: Okay, I see  
21 that most of our parties are seated, so we'll get started  
22 with the morning -- with the rest of the questions.  
23 Thank you again to the Giant team for -- for the  
24 presentation this morning.

25 I will -- I'm going to start off with a

1 point of order. There's -- there's two (2) time frames  
2 that -- that are important to specify for any questions  
3 that you have. There's between -- and this is in case --  
4 the agenda did say long-term, that long-term monitoring  
5 would be discussed today, but it's important to, in case  
6 there are any questions, specify if your time frame is  
7 between now and when the frozen block is essentially in  
8 place as the Giant Team designed it. And then -- or else  
9 for that second time frame between the blocks being in  
10 place and in long-term, so just so that there's -- we're  
11 not five (5) -- five (5) minutes into a line of  
12 questioning before that becomes apparent.

13                   So for any parties that have a question on  
14 that, please specify what time frame you're talking  
15 about. With that, I'll open the floor to questions.  
16 Yellowknives Dene have any to start off with?

17                   MR. TODD SLACK: Sure. Thanks, Paul.  
18 Todd Slack, YKDFN. It's times like now that I apprec --  
19 or I would wish that I had the -- the foresight to have  
20 prepared all these things, to put them into a concise  
21 package like DFO ha -- was earlier. The -- it would have  
22 really helped, I think. But I'll start in and we'll see  
23 where -- see where we go.

24                   I think that it's important for the record  
25 to sort of establish a foundation for the Yellowknives

1 Dene and their perspective towards the long-term  
2 management and oversight of this project. And it's worth  
3 saying, you know, what we've seen this week, the Giant  
4 Mine team has done a very good job in terms of dealing  
5 with this responsibility that has fallen to them.

6                   And our desire here is just to ensure that  
7 this project is going to be operated in as -- the best  
8 manner that's possible. So the lead-in to the -- the  
9 first thing that I have to say is, whe -- when we heard  
10 about the co-management boards -- at this point in time,  
11 like it was mentioned that there's comfort and confidence  
12 in these boards.

13                   And while to a certain degree that's true,  
14 it's worth remembering the history of this project. At  
15 the Land and Water Board stage during the initial  
16 application the Yellowknives asked for this to be sent to  
17 environmental assessment. The review -- or the Land and  
18 Water Board chose not to recognize that request and,  
19 instead, decided that it should pro -- just proceed  
20 directly to the licensing.

21                   Now -- and as Kevin mentioned earlier in  
22 the week, this was the first time that the Yellowknives  
23 Dene chiefs went to the City, because at that point the  
24 only recourse to have this project undergo the type of  
25 scrutiny, which I think we've all seen is -- has been a

1 good step forward in terms of design and management  
2 structures, that -- so the Chiefs went to the City, and  
3 that was the first time in twenty (20) years or  
4 something, maybe ever, I don't know for a fact.

5                   But the -- and so the City referred it to  
6 EA. And while there are -- there -- there's a good deal  
7 of confidence in the environmental assessment process,  
8 when this goes back to Land and Water Board the -- the  
9 Yellowknives Dene have had a history with the Water Board  
10 that included a court case two (2) years ago where both  
11 INAC -- or the Crown and the Board were taken to court.  
12 And there was a fairly resounding judgment in the  
13 Yellowknives Dene favour.

14                   So while there is confidence in the  
15 structures and that review process, this is not a  
16 complete and necessarily thorough system to ensure that  
17 the concerns of the -- the First Nation are met. And  
18 that's really where I'm coming from here.

19                   Other points in the presentation, there  
20 was the expressed desire, and we've heard this through  
21 the week and -- the expressed desire to work with the  
22 parties. And the Yellowknives Dene and the City, again,  
23 in what I think to be a first, submitted a joint proposal  
24 to -- early on in the process with Alternatives North,  
25 just a couple of months after the -- this was referred to

1 EA, to look at different models and different structures  
2 that could have been in place in order to inform this  
3 environmental assessment process.

4                   There was a lot of things that went on  
5 during that intervening period and, eventually, this  
6 proposal was denied.

7                   Now, I'm not saying this to try and turn  
8 back the clock, or to grind the system, but we have to  
9 remember the foundation that exists. This project team  
10 does not operate in isolation. They are part of INAC.  
11 And, you know, not only do we have the history and the  
12 core -- the caribou situation, the land management, we  
13 have Dry Bones Bay, where the Crown has not addressed the  
14 -- the First Nation concerns.

15                   But more than that, you know, we have  
16 funding issues and capacity issues and while we -- we're  
17 -- you know and -- so that's our IRMA funding and that's  
18 all tied to projects and our ability to respond to these  
19 things is somewhat limited. So, it's important to set  
20 these structures up at this point. It's -- we can't wait  
21 for the Land and Water Board phase, because there is no  
22 guarantee that we're going to be -- have the resources to  
23 participate in that.

24                   So, moving off that sort of history a  
25 little bit. The way that I -- I kind of see this is,

1 that we're -- we're faced with a -- a couple -- and  
2 sorry, this is very long winded, but -- we're faced with  
3 this -- and here's a term that INAC often refers to  
4 consultation with -- but in terms of a spectrum.

5                   One (1) of the things we've been looking  
6 for is certainty in terms of what this project is going  
7 to deliver, in terms of targets and commitments. And  
8 while I'm very sympathetic to the -- the challenges, and  
9 you guys have done a very good job of, you know, further  
10 explaining how complex this project is, and there --  
11 there's no doubts about that. And the different ins and  
12 outs that go along with that.

13                   If we're going to trade off that  
14 certainty, at this point, there needs to -- to be a  
15 management structure that has local involvement, that  
16 prov -- that has sufficient discretion and flexibility to  
17 undertake those management decisions at a later date to  
18 respond to the mo -- the -- sorry, to use the right  
19 terminology -- the design requirements, the design  
20 information that's coming forward.

21                   Because we don't need a whole lot of  
22 certainty at this point, only on a couple of key factors.  
23 But there does have to be confidence in any system that's  
24 developed.

25                   And the Yellowknives Dene have been quite



1 clear in their desire for an independent body and this --  
2 this is not coming out of left field. Number 1, you guys  
3 have heard this before. But number 2, this is something  
4 that, at the -- at the scoping session that the -- the  
5 team had -- was -- had expressed openness to.

6 And then, I'm just going to read this into  
7 the record again -- and this was Mr. Bill Mitchell:

8 "The question in terms of oversight.  
9 We view that the monitoring  
10 requirements, essentially, are a  
11 regulatory requirement that would be  
12 defined by the Land and Water Board  
13 during the regulatory process. And we  
14 have suggested various options for  
15 independent audit and monitoring that  
16 have been used elsewhere. Obviously,  
17 we are certainly open to these types of  
18 audits going forward."

19 And the -- sorry, and I'm just going to  
20 interject, these two (2) options that they advance was a  
21 -- both the IEMA (phonetic) model for the BHP and  
22 independent monitoring that's used in Alaska. And we  
23 would suggest there's a fair number of other independent  
24 audit models that could be used.

25 And here's the key point for me. To

1 continue Bill Mitchell's comments:

2 "And again it talks to our comfort  
3 level in believing that the -- this  
4 remediation plan will achieve its  
5 objective. That will -- that we will  
6 be willing to entertain this  
7 independent arm's length, independent  
8 oversight for this project in the  
9 future."

10 And effectively, we agree with that  
11 sentiment. And that's where I -- I think we should be  
12 looking. When -- when it comes to this aboriginal  
13 government body, I have a great number of questions about  
14 this as well, but...

15 This -- this is not independent. It is  
16 always going to be subject to the whim -- whims of  
17 funding. It's going to be subject to the whims of  
18 capacity, which are affected through INAC funding  
19 mechanisms. And we have seen these slowly be -- being  
20 eroded over the last couple of years.

21 So in terms of that independent body -- or  
22 sorry, that Aboriginal government body, even as proposed  
23 by the bo -- or the project team, there's very little  
24 guarantee that that will have sufficient resources for  
25 the future. I -- I'm not entirely clear on what the

1 rationale and the -- the mandate of this body will be,  
2 but we'll come to that in the future.

3                   So I guess the function -- or the -- the  
4 goal -- or the question that I have here is: Given the  
5 issues, the lack of certainty at -- at this point, and  
6 the concerns that the First Nation have, why aren't we  
7 looking towards an independent body at this point,  
8 considering it answers so many of the questions?

9                   And I guess I'll just stop there for a  
10 very long question.

11

12   (BRIEF PAUSE)

13

14                   MS. JOANNA ANKERSMIT: Thank you, Todd.  
15 Joanna Ankersmit. I appreciate the comments. And I  
16 think what you've heard from us is that we'd like to  
17 actually figure out what it is that we all need from this  
18 project. And before we start to put a -- a name to it,  
19 call it what you will.

20                   But I can tell you that under pins and  
21 drives, the approach that we're looking for is one that  
22 is collaborative and not adversarial. And that we will  
23 have -- we're open to the discussions in terms of how  
24 we're going to collectively check that we're doing the  
25 right thing, we're doing what we said we would do, the

1 environment is being protected. I think there's a  
2 variety of ways that that can be done.

3           So I appreciate where you've started with  
4 this and I think as you've heard from us we're here to  
5 listen today so that we can integrate those -- those --  
6 that thinking into the development of the environmental  
7 management plans, creating a structure that ensures that  
8 we have input and engagement. We're -- we're committed  
9 to that. And so I think this is a good first step. And  
10 we -- we do want to take a collaborative approach.

11           We can get into a situation where we are  
12 doing things and -- and people -- and we can be -- we --  
13 we're going to be regulated, there's going to be a great  
14 amount of information that we have to produce from that  
15 process. But it's -- it's bigger than that, I hear what  
16 you're saying, it's bigger than that.

17           And what we're trying to do this week and  
18 after we leave this week it's not going to end, I think  
19 you're -- I hope you're hearing that from us, is to  
20 figure out how it is that we're going to have a  
21 collaborative approach so that we all feel comfortable,  
22 so that it's not us.

23           It's like this technical session, it's us  
24 talking to each other, it's us explaining our  
25 perspectives. It's not an exchange of paper. It's not a

1 constant we produce and you review and -- and get back to  
2 us, it's something that we need to work together, and  
3 we're committed to doing that.

4 THE FACILITATOR MERCREDI: Todd, before  
5 we go to Dennis, did you have any -- anything to follow-  
6 up on that?

7 MR. DENNIS KEFALAS: Sorry, Dennis  
8 Kefalas with the City of Yellowknife. This question is  
9 just to expand on what Todd was requesting.

10 I'm wondering if the Giant team would be  
11 willing to set up an oversight committee made up of key  
12 stakeholders. I can see four (4) or five (5) right here,  
13 which we could meet on a regular basis to go over these  
14 things in a more timely manner and to address some of our  
15 concerns and to help facilitate the delivery of some of  
16 the information.

17 THE FACILITATOR MERCREDI: Giant team...?  
18

19 (BRIEF PAUSE)  
20

21 MS. LISA DYER: Lisa Dyer, Giant Mine  
22 team. That's a really important question and I just want  
23 to take -- have an opportunity to talk with my colleagues  
24 before answering that. So if you could just give us a  
25 few moments.



1 Slack, YKDFN. You jumped in on me the first time, so you  
2 can jump in after this one.

3 Well, thanks, Octavio. Like I -- I hear  
4 what you're saying. And if you're asking for advice,  
5 listen, I -- I got advice at length. And the -- the  
6 request for this -- this kind of structure is not about  
7 this team because if you guys fulfill the commitments  
8 that you're making and do everything, we're not going to  
9 have a problem, right? This request is for the future.

10 And so I guess this comes to long-term, in  
11 which the situation -- we're entering periods of which  
12 interpretation is the issue, where you're going to have  
13 differences of opinion. And in the absence of clarity of  
14 criteria, this has to be independent because the -- this  
15 -- this Aboriginal government body -- and it doesn't  
16 sound like it's a co-management structure necessarily in  
17 -- but by the way that it's set up because: 1. the  
18 funding is entirely dependent on INAC, so it would have  
19 no real independence; and, number 2, the mandate and the  
20 role of this body is very confused at this point.

21 And while I appreciate this is perhaps  
22 early days, given the long-standing requests and the  
23 early initiation towards this end, for -- for all my  
24 concerns with the other potential targets and the  
25 measures of success that I've talked about, this -- this

1 ranks way above that, and the development of this is  
2 rather lacking.

3                   In reading the DAR, the -- the intent of  
4 this body is suggested to collect TK to support the  
5 incorporation of traditional knowledge into future  
6 decisions and to support a direct and distinct Aboriginal  
7 role in the planning and implementation of monitoring and  
8 evaluation of that.

9                   Without providing any guidance on what  
10 that direct -- like a direct role in -- in this project  
11 can mean an awful lot of things, but given that it  
12 answers to INAC, there are two (2) levels of management  
13 above this. The audits do not come back to this body.  
14 They go to the -- the over -- Giant Mine oversight  
15 committee and the whatever -- I'm for -- losing the name  
16 of the other one.

17                   This body is not being established in a  
18 way that either makes it independent or gives it a direct  
19 and distinct role. It is being set up as a subservient  
20 body to provide traditional knowledge information. And,  
21 you know, we've seen this kind of thing before where  
22 these things will get marginalized as time goes on.

23                   And in -- in the lack of those real  
24 commitments in terms of independence and role, like  
25 that's -- it's not -- there's a great deal of concern



1 with that.

2

3

(BRIEF PAUSE)

4

5

THE FACILITATOR MERCREDI: Okay, there's  
6 more comment than -- than something, I think -- it was --  
7 was it adding to?

8

9

MR. TODD SLACK: Todd Slack, YKDFN. I  
was providing that advice that we're...

10

11

12

THE FACILITATOR MERCREDI: Okay. I know  
Kevin has something that he wants to either ask or also  
provide advice for, so I'll...

13

14

15

16

MS. LISA DYER: Lisa Dyer, for the  
record. I will let you go first, Kevin, but I would like  
an opportunity because there's a lot that's been said,  
and I would like an opportunity for us to -- to respond.

17

18

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23

THE FACILITATOR MERCREDI: Kevin...?

MR. KEVIN O'REILLY: Thanks. Kevin  
O'Reilly, Alternatives North. This is one (1) of my  
passions around this project, so I -- I sort of want to --  
- I can go back to the Giant Mine community alliance if  
you want because I was there when the discussions were  
taking place around sending it -- setting it up.

24

25

And -- okay, why don't I start with that.  
And I -- so I do want to speak to the bigger issue of

1 trust, and that's going to take a big chunk of time and  
2 I'm going to need some slack from those folks to be able  
3 to talk about it. Sorry, Pau -- Alan and Phil, I'm --  
4 I'm --

5 THE FACILITATOR MERCREDI: Yeah, this is  
6 about setting up something for like the long-term, so, I  
7 mean, if there's got to be some context, definitely go  
8 ahead.

9 MR. KEVIN O'REILLY: Sure. Kevin  
10 O'Reilly, Alternatives North. I want to do the bigger  
11 piece about trust, not right now, but I'm going to  
12 extract a little bit on the Giant Mine community alliance  
13 because I was there when it was being discussed and when  
14 it was being set up and so on.

15 I was there -- I think I was there for  
16 ecology north, Canadian Arctic resource committee, to  
17 environmental NGOs. And it was going -- thi -- I think  
18 the offer was put on the table to talk about some sort of  
19 multi-stakeholder body that would having -- have a  
20 meaningful role in the project.

21 I don't think it was terribly well defined  
22 at the time. This was back in 2002, so it was when the  
23 evaluation of the alternatives was going on. And I  
24 think, from my remarks on Monday, you probably have a  
25 sense that -- I don't think that was done particularly

1 well. There wasn't funding provided. There wasn't a  
2 direct role for the community in defining the evaluation  
3 criteria or in applying them. And I think that's what I  
4 heard Daryl say as well.

5                   So there was this context of folks not  
6 really being involved or engaged in a meaningful way.

7                   And I think it's fair to say that some of  
8 the folks going into the meeting to talk about this body  
9 also had the -- the idea that there should be some  
10 ability for it to be truly independent, the ability to  
11 have its own funding, hire its own technical expertise,  
12 and start to participate on a more even playing field  
13 basis. And that it might actually serve as a -- a bit of  
14 a -- a watchdog.

15                   And I'm not going to drag you through the  
16 dirty details of the meeting, but there was a -- a  
17 facilitator hired to run the session and I'll just say  
18 that that individual didn't do a very good job. And  
19 clearly had the wrong ideas about what should come out of  
20 it. And allowed a number of things to happen that  
21 shouldn't have happened.

22                   So what came out the other end certainly  
23 did not meet the expectations of a number of the parties  
24 that started those discussions. And I hope nobody takes  
25 offense to this, but I think I would summarize it very

1 quickly to say, some folks went into there hoping that  
2 there would be a watchdog and we ended up with a lap dog.

3                   The focus was around communications, which  
4 is important, I -- and I'm not going to deny that. But  
5 that wasn't the expectations of a -- a number of the  
6 individuals that went into the -- the discussions at the  
7 meetings.

8                   And, I know that it met a couple of times  
9 and one (1) of the -- the person who was actually  
10 selected to serve as Chair stayed on and decided to  
11 resign shortly after that. Just felt that it was going  
12 to be completely ineffective and that it wasn't  
13 worthwhile participating in it.

14                   And I know for a fact that Ecology North  
15 does not participate in the -- in the community alliance.  
16 The environmental community does not participate in the  
17 community alliance.

18                   So I'm not quite sure exactly what they  
19 do. I know there are minutes kept and they're apparently  
20 available. They're not posted on a website somewhere. I  
21 guess they're in a binder somewhere in the -- in the  
22 office.

23                   But -- an example, we had one (1)  
24 researcher who was starting to do some work around the  
25 concept of independent oversight. She went to your

1 office and nobody could provide them -- her with a copy  
2 of the terms of reference. I had to give it to her. I  
3 had to go back into my own files and find it, as well as  
4 the -- the correspondence and the emails that were flying  
5 around at the time and, so...

6                   Anyways, there -- I think there's a lot of  
7 bad stuff -- bad feelings about the community alliance  
8 that make it, I think it -- a hard sell. That's not to  
9 say it -- there may be a way to -- I'm not going to maybe  
10 use the word reconstitute, there may be another way of  
11 addressing communications and re -- anyways, I think  
12 there's another way to do it pe -- perhaps, but -- an  
13 information sharing.

14                   So I -- but I want to draw a distinction,  
15 though, between information sharing and oversight and  
16 meaningful involvement. I'll -- I'll just say oversight,  
17 why don't we -- we start with that. So, anyways that's  
18 my Giant Mine community alliance piece.

19                   And I want to move now a little bit to  
20 independent oversight. And I guess, you know, during --  
21 Todd raised this a bit. During the -- the scoping  
22 session, you know, here's the slide from back then.  
23 Indian Affairs and North -- Indian and Northern Affairs  
24 Canada, Government of the Northwest Territories,  
25 monitoring an independent audit evaluation. A slide from

1 the presentation at the scoping sessions back in July of  
2 2008.

3 Right on here, various audit options, and  
4 then there's three (3) items listed. Status of  
5 environmental reports, uranium industry example.  
6 Independent monitoring audits every five (5) years of  
7 project and enforcement, regulatory agencies, Alaska  
8 example. Independent environmental monitoring agency,  
9 NWT example.

10 So, I think back during the scoping  
11 session it was clear at least to those of us that were  
12 there, that the -- the Giant Mine team was going to look  
13 at these items, and was going to cover them in the -- in  
14 the DAR.

15 And during that same scoping session, I  
16 outright asked Bill Mitchell (phonetic), Would the  
17 department be prepared to consider participant funding?  
18 And he indicated, Yes, on a case by case basis the  
19 department would do that.

20 And so I -- we took them up on that, as  
21 Todd said. I worked hard with the City and the  
22 Yellowknives Dene First Nation to put together a proposal  
23 that was submitted in good faith to the department.

24 And I -- we met, the three (3) of us, the  
25 mayor of Yellowknife, Todd, and myself, we met with

1 Martin Gavin (phonetic), and I think, Lisa, you might  
2 have been there, as well. And we talked about it. I  
3 think there was a few concerns, shall we say, but I think  
4 the -- the feeling was that -- that it was a pretty good  
5 idea.

6                   And that -- what we were offering to do  
7 was to go out and -- and look at a number of case studies  
8 in other jurisdictions about how independent oversight  
9 works, what kind of lessons could we learn from that, and  
10 how might -- how might we start to think about that in  
11 the context of this particular project.

12                   And I -- I noticed -- I'm going to div --  
13 divert for just a second here. In one (1) of the sets of  
14 minutes from the Giant Mine oversight committee there  
15 was, you know, regional director general was  
16 characterizing this study as costing a lot of money, and  
17 that the request was basically for a veto over the  
18 project.

19                   So clearly your RDG had a -- I don't know  
20 where she got that impression from, but it was clearly  
21 not what was being suggested or requested, and obviously  
22 there was some miscommunications going on. So I -- I  
23 just note that for the record.

24                   So we submitted the proposal. There was a  
25 bit of back and forth on it for a while. And then it sat

1 with the department for ten (10) months. Meanwhile, the  
2 -- the DAR's going on, the process is rolling on. We're  
3 trying to figure out what's going on.

4           And finally the -- the three (3) parties  
5 sent a letter to the department saying, What's going on?  
6 Just -- just tell us yes or no, whether you're going to  
7 fund this or not.

8           And -- and the request was for forty  
9 thousand dollars (\$40,000). We're not talking huge  
10 amounts of money, forty thousand dollars (\$40,000), but  
11 it sat there for ten (10) months.

12           So finally the answer came back from the  
13 regional director general, and -- and it's filed on the -  
14 - the public registry, but I just -- I need to go back to  
15 this to talk about this for a second.

16           So here's a quote from this letter dated  
17 November the 12th, 2009. I'm going to read one (1) --  
18 one (1) sentence from it:

19                   "All of the independent oversight  
20 options that were mentioned during  
21 INAC's presentation at the  
22 Environmental Assessment Scoping  
23 Hearing, held in Yellowknife in July 2,  
24 2008, will be evaluated to determine  
25 the model most suited to the Giant Mine



1 remediation project."

2 So I come away thinking, okay, so they're  
3 still going to do this work. I think this work was  
4 considered so important that one (1) of the local MLAs,  
5 Bob Bromley, actually sent a letter to the Minister  
6 asking, What's going on? Why can't you fund this work?

7 The letter back from the Minister, dated  
8 January 28th, 2010, says:

9 "As specified in the terms of  
10 reference, Indian and Northern Affairs  
11 Canada and its consultants are already  
12 well advanced on identifying a  
13 framework for all possible independent  
14 monitoring programs. Consequently, the  
15 provisional funding for the noted  
16 proposal would be a duplication of work  
17 already substantially completed."

18 So here's a letter from the Minister  
19 saying, You know what, we're going to do that work. So  
20 fla -- you know, we -- we flash forward to October of  
21 2010. We get the -- the developer's assessment report  
22 and guess what; there's nothing in here about independent  
23 oversight.

24 So I'm -- I guess my question, and sorry  
25 I've taken a long time to -- to get up to this point.

1 Well, actually I'll -- I'll just div -- diverge for one  
2 (1) more little side bit.

3                   After the department said, We're not going  
4 to fund this because we're going to do the work  
5 ourselves, I don't take no for an answer very easily. So  
6 I actually worked with the Yellowknives and the City and  
7 we actually went out and found somebody else to do the  
8 work for free, a university professor, Dr. Natasha Thorpe  
9 (phonetic), Professor of Law, University of British  
10 Columbia.

11                   She did the work, part of the work. We  
12 have somebody else working away on a different portion of  
13 it. And her work was really around comparing and  
14 contrasting the legal construction of different  
15 arrangements, and I think it was a very good report.  
16 It's about a hundred pages. It's been filed on the  
17 public registry probably for about six (6) or eight (8)  
18 months. So the -- we -- we -- there's some ideas about  
19 models there.

20                   And we have another piece of work that  
21 we're hopefully going to get done, as well, that will  
22 provide some insights maybe into how these things  
23 actually function on the ground.

24                   So I guess I -- my -- now I'll get to the  
25 -- sort of the question here is: I'm trying to figure

1 out how the -- there was a commitment made to look at  
2 some of these things in the context of the DAR. And then  
3 when the DAR arrived there was nothing in it about  
4 independent oversight. So how did -- how did that change  
5 or evolve?

6                   And I guess I do want to go back to some  
7 of the stuff that Todd said, that I think this -- you  
8 know, you -- you folks should not be afraid of  
9 independent oversight. And from what I -- I understand,  
10 I think there's some -- some fear there. I think there's  
11 also some concern about how much money it might cost.

12                   But in order to build the public  
13 confidence that I think you want to have in this project,  
14 this is something that would make a very, very  
15 substantial difference.

16                   And I talked yesterday a little bit about  
17 the redundancies on the engineering side, the -- the good  
18 work that you folks have done on the engineering side.  
19 We're talking about now the redundancies on the  
20 institutional side that will provide a comfort level that  
21 the community I think will have some confidence in what's  
22 moving forward and that they feel that there is somebody  
23 independent who's watching.

24                   Independence doesn't have to mean a veto,  
25 and it shouldn't necessarily mean a veto. A lot of the

1 inde -- independent monitoring bodies that are presented  
2 in the paper that Natasha put together, they don't have  
3 veto power. In most cases, it's actually refusable  
4 advice.

5 But what it does is it -- it builds  
6 confidence, it builds accountability, it builds a track  
7 record and it could be very collaborative, but it needs  
8 to be independent.

9 So, anyways, I've wandered all over the  
10 place, but I -- I hope that I've offered some  
11 perspectives, some insights into where we've seen this go  
12 and how it is still an important matter. It -- it still  
13 needs to be on the table. And I'm hoping that if you  
14 want to comment on it, that would be great. If you want  
15 to go away and think about it, I think we should talk  
16 about it, as well.

17 So all that to just give you a bit of  
18 context. I'm sorry to drag you through all the -- the  
19 mushy details, but I think it was necessary to do it.  
20 Thanks.

21 MS. LISA DYER: Lisa Dyer, for the Giant  
22 Mine team. I'd like to thank Dennis, Todd, and Kevin for  
23 providing us their history with this project. And I  
24 think it's really important for the Giant Mine project  
25 team to understand your perspective and the work that has

1 been done to date and how it's met your needs or how it's  
2 not met your needs. So that time was very well spent.  
3 We needed to hear that from your perspectives.

4           With that, going forward, I'm not going to  
5 start debating what happened in the past. And I don't  
6 think it would be a good use of our time. I'd really  
7 like to focus on moving forward. And I think that's all  
8 we're -- we're looking towards.

9           I would like to explore some of the  
10 terminology we're using. And, you know, we're -- we've  
11 talked about things that I heard, and I'm just going to  
12 refer to my page. We heard about funding. We heard  
13 about oversight. We heard about independence and  
14 transparency. And having been involved in the  
15 development of the DAR, we did look at other models in  
16 other places. That was looked at closely. And we did,  
17 you know, look at the report that Natasha -- I think  
18 that's right -- Natasha Thorpe put together. We did look  
19 at that very carefully.

20           And in the IR we tried to -- what we  
21 really looked at was the elements that people were  
22 bringing forward that were really needed to make people  
23 comfortable. And so I'd like to explore those elements  
24 further this afternoon so we're all on a common page.

25           I think that, right now, for everyone in

1 the room, words like "oversight" and "independence" have  
2 a different meaning and are loaded for people in their  
3 minds. We all have a preconceived notion of what that  
4 means. And so I think it's important for us to explore  
5 those qualities, understand why they're important for the  
6 different people around the table.

7                   And to be -- to be open and transparent,  
8 we actually did think a lot on these things, and that's  
9 why we put forward the environment bill management system  
10 approach. We put forward some ideas that we thought  
11 would help to achieve some of the issues we've heard.

12                   Obviously, there's still some concerns  
13 about that but we haven't actually had the opportunity to  
14 sit down face to face and talk about those things, so  
15 this really is our first opportunity. And I think that  
16 this afternoon I'd like to explore that more.

17                   You know, ultimately, the Government of  
18 Canada is responsible for this project and the Government  
19 of Canada has to make some -- has to take responsibility  
20 for human health and safety. And so we have that  
21 responsibility and we take it very seriously.

22                   That does not mean that we're not open to  
23 kind of further discussion and kind of exploring what  
24 people need and require. Right now, I think naming it is  
25 creating some problems because we -- as I've mentioned,

1 we have preconceived concepts.

2 I'd rather like to spend some time and  
3 talk about why things are needed, you know, transparency,  
4 what you see independence meaning for you guys. We have  
5 our preconceived mo -- our preconceived notions of what  
6 that means but without having that meaningful discussion  
7 I think we're going to remain polarised. And I think  
8 that we're actually much -- our line of thinking are not  
9 -- are not totally in agreement, are not -- we don't  
10 agree on everything, but I don't think we're as -- as  
11 diametrically opposed as -- as it appears.

12 And we have actually thought very hard on  
13 this and put forward something that we felt to try and  
14 open up the door to put something on the table to  
15 discuss. And I think we should take this opportunity  
16 through the technical sessions to -- to have that  
17 discussion we have not had the opportunity to have so  
18 far.

19 THE FACILITATOR MERCREDI: Kevin, do you  
20 have any followup to that?

21 MR. KEVIN O'REILLY: Thanks. Kevin  
22 O'Reilly. That's helpful. And if we want to explore  
23 some of the -- the principles or concepts, that's --  
24 that's fine. But at the base of this is trust. We all  
25 know that. So I don't know if you want me to start off

1 on the issue of trust now because it's going to be twenty  
2 (20) minutes, half an hour. I'm sorry. We can do --  
3 maybe we should do this after lunch, but --

4 MS. LISA DYER: That would actually help  
5 build up my appetite for lunch. So I would be more than  
6 willing to hear your thoughts on what's required.

7 MR. KEVIN O'REILLY: Okay. Thanks.  
8 Kevin O'Reilly. Okay. You probably sense that I've been  
9 mulling over the Giant Mine project for probably over  
10 twenty (20) years. But I -- so I want to start with  
11 saying some nice things. I'm going to say some stuff  
12 that's probably not very nice, but I -- I -- so if  
13 apologize in -- or sorry, if I offend anybody, I want to  
14 apologize in advance.

15 And I understand the imp -- or I'm  
16 reminded again of the importance of our language and our  
17 -- English is not great in -- in terms of expressing  
18 something sometimes.

19 So I guess the -- let's start with the  
20 nice things, the really good stuff. I'm thankful for the  
21 fact that we're in this room together for five (5) days.

22 I think it -- I've -- have a greater  
23 understanding of some of the complexities of the folks  
24 that -- of some of the complexities that you folks have  
25 to deal with. I've -- I think that you're listening. I





1 the social legacy side of things. We had a -- a terrible  
2 strike here in 1992. It divided the community, it  
3 divided families, it divided neighbours. Nine (9)  
4 workers were -- were killed underground. It's one (1) of  
5 the few times in Canadian history where replacement  
6 workers had been used. Pinkerton's was draw -- brought  
7 in.

8                   And it was only last year that the Supreme  
9 Court finally ruled on who was responsible and liability  
10 and all of those sorts of things, so it's left a terrible  
11 social legacy in this community and I'm not sure if  
12 everybody's aware of that, but ...

13                   THE FACILITATOR EHRLICH: Kevin -- Kevin,  
14 I don't -- I'm not looking to cut you off, but I just  
15 want to be sure that we're framing this in a way that's  
16 going to be valuable for the technical session. I mean,  
17 you're going to have an opportunity to -- to continue  
18 with your comment in -- in just one (1) second, but I --  
19 I think it's important for everyone in the room to  
20 remember that the -- the Giant project team is doing the  
21 cleanup.

22                   Now, that said, I -- I've heard clearly  
23 that the question of independence with respect to the  
24 monitoring is something that's important for this project  
25 and you've made a clear connection between that and

1 trust. So I -- I -- I can see where you're going with  
2 that.

3 I -- I just want to make sure that -- that  
4 people who aren't as familiar with the context as the  
5 Giant team or -- or Kevin might be, understand what we're  
6 hearing and how that fits in to this idea of  
7 environmental monitoring.

8 We're not trying to have subject creep  
9 here. I mean -- we've -- we've heard earlier from the  
10 Yellowknives and from -- from Kevin why this matter of  
11 trust is an important one (1). I just -- I'm sorry to  
12 interrupt but I wanted to get that out before this so  
13 people can understand it in context. Please go ahead,  
14 Kevin.

15 MR. KEVIN O'REILLY: Thanks, Alan. Kevin  
16 O'Reilly, here.

17 I think these are going to be some of the  
18 most important I say during the technical sessions.

19 So I want to move on though to the  
20 environmental legacy. And we -- we do know that for the  
21 first three (3) years of the operation of the mine, there  
22 was no controls, and the best people to talk about what  
23 that was like are the elders with the Yellowknives Dene  
24 First Nation. They will tell you stories of sickness and  
25 death. And that's in the -- the report workshop.

1                   I've looked at a lot of the historical  
2 records around the Giant Mine, and I've been at the  
3 Library and Archives of Canada in Ottawa, and one (1)  
4 thing that just continually astounded me was that not  
5 once was -- did anybody ever talk about shutting the mine  
6 down. They knew that it was bad, they knew that it was  
7 harming people, but nobody ever talked about shutting it  
8 down.

9                   I'm going to skip ahead a bit because I  
10 don't want to bore people but -- so just I want to talk a  
11 little bit about my personal involvement. I'm going to  
12 leave out the really nasty bits, some of the personal  
13 stuff, I'll try to do my best.

14                   1987, I worked with Chris O'Brien  
15 (phonetic) to file the -- the first request for  
16 environmental investigation under the Environmental  
17 Rights Act into the stack emissions from Giant.

18                   And we were then asked by the territorial  
19 government, after we filed the request, to investigate  
20 what was coming out of the stack. Then we were told by  
21 the territorial government, Well what's your evidence  
22 anything's coming out of the stack?

23                   Well, we pulled one (1) of their own  
24 reports off and said, Well here's -- here's the evidence.  
25 You already know this.

1                   So then we spent a number of years mulling  
2 over what the effects of the stack emissions were. GNWT  
3 actually started to draft a regulation for sulfur  
4 dioxide.

5                   During that process, Environment Canada  
6 under the Canadian Environmental Protection Act finally  
7 declared arsenic a priority substance, and then had to  
8 come up with a management plan, lots of discussions about  
9 alternative technologies for controlling the roaster  
10 emissions, and nothing really ever happened. Everybody  
11 basically waited until the mine shut down. So that was -  
12 - the -- the control was waiting for the mine to shut  
13 down.

14                   And why that's important is because  
15 anybody who lived here before 1999 and had to drive by  
16 the mine, and even in town several days a year, you get  
17 this sour taste in the back of your mouth. And you know  
18 what that was? Sulfur dioxide. Mark, you know this.  
19 And if you're getting -- tasting sulfur dioxide, you're  
20 tasting arsenic. So not a good thing. We all knew about  
21 it, but the -- the ultimate solution was to wait for the  
22 mine to -- to close.

23                   So I'll move onto city council. I served  
24 on city council for nine (9) years in the community.  
25 During that time, the -- the mine went into receivership.

1 There was a whole wack of back taxes that were owed.

2                   And the -- the federal and territorial  
3 government said to the City, If you forgive the back  
4 taxes we'll give you a lease for the townsite area. So  
5 that was the quid pro quid.

6                   So the City got the -- the townsite area  
7 in a lease, and we were told, verbally, I suggest we  
8 should get it in writing, but that, We'll clean up that  
9 site. We'll clean up that area for you. And the -- the  
10 surface lease was issued for municipal purposes, if I  
11 remember correctly. I see Dennis shaking his head.

12                   So within a couple years though, the  
13 government came back and said, You know what, we're  
14 really only going to clean it up to an industrial  
15 standard. It's not quite, I think, what the City had in  
16 mind.

17                   So I'll fast forward to 2005. There's a  
18 cooperation plan signed between the territorial and  
19 federal governments to work together on the remediation,  
20 and the City was only told about this afterwards. I  
21 still remember the people, Lorne Tricateel (phonetic) and  
22 a few others, coming into a City committee meeting  
23 saying, Well, we signed this agreement; here's a copy.

24                   And that agreement formalized the  
25 remediation standard as industrial, and GNWT got to limit

1 its liability to, I think it's about \$23 million, if I  
2 remember correctly, for the -- the surface remediation.

3 So there was a quid pro quid going on  
4 there, where GNWT could limit its liability for the site  
5 in exchange for buying into the frozen block, and also  
6 agreeing to the industrial remediation standard, so.

7 So let's fast forward again to the Giant  
8 Mine remediation plan development, and I'm not going to  
9 walk you through that stuff again but I think it's fair  
10 to say that at the end of it there is no widespread  
11 support for the frozen block. There's no City letter or  
12 council motion from either the Yellowknives or the City  
13 supporting it.

14 I'm not going to drag you through the  
15 Giant Mine community alliance stuff.

16 I do want to go back to the environmental  
17 assessment though, why we're here. It was because the  
18 City made the referral.

19 As I said earlier, I -- my opinion, you  
20 didn't follow the advice of your technical advisor in  
21 voluntarily submitting this to an EA. And I started  
22 asking about whether this pro -- this project was going  
23 to go through an EA in about the year 2000. I could  
24 never get a straight answer. Never. And when you had  
25 the opportunity to do it, you didn't.

1 I'll -- I'll just confine my remarks to  
2 the Review Board, when they did the scoping. I think I  
3 said in a letter to the Review Board that I was disapp --  
4 that I was disappointed to say -- anyways, I'll just say  
5 I was very disappointed with the scoping of this -- of  
6 the -- the EA. I'd hoped that we might get at things  
7 like alternatives and so on, but we're not.

8 So I've gone on at great length and I'm  
9 hoping that you might see a bit of a pattern there of  
10 frustration. People that -- and -- and the reason why I  
11 say these things is because I don't think I'm the only --  
12 the only person in this community that feels this way.

13 I think a number of these sets of  
14 experiences and views are shared across the community,  
15 various sectors, whether it's the city, whether it's  
16 folks in environmental organizations, it's regular  
17 citizens. I don't represent them all, but I think they -  
18 - they share a number of these views.

19 So I guess when people don't feel like  
20 they have a meaningful role and they feel like they're  
21 dis-empowered, you find other ways to influence the  
22 process. And I'll -- I'll be brutally blunt. I've done  
23 that.

24 So that's not always helpful, it's not  
25 always constructive, but when people feel like they have



1 no other way to influence things, you do some --  
2 sometimes things that are not viewed as constructive.  
3 And I'll just leave it at that.

4                   So thanks, Alan, for letting me roll on  
5 for a while. Now we're at the point where we're five (5)  
6 months before the end of the -- the EA, perhaps maybe six  
7 (6) months. Personally, I feel an incredible amount of  
8 pressure.

9                   We don't have much capacity. You're  
10 looking at France and I here, sitting here as volunteers.  
11 I'm taking an entire week off my work -- my own time.  
12 I'm not getting paid to be here.

13                   So I feel an incredible amount of pressure  
14 and there's a fair bit of skepticism when I said earlier  
15 that I -- I'm getting good feelings, good vibes from you  
16 folks. That's great. But there's also a pretty high bar  
17 that you folks have to get over in terms of the track  
18 record here. And I feel good about where we're at, but  
19 there's a pretty high bar that you've got to get over.

20                   Now the next part is not going to be very  
21 pretty either, but lessons learned.

22                   I don't think there's actually anything in  
23 regulation or legislation that would prevent another  
24 Giant mine from happening. I don't think there really  
25 is. Not in the Northwest Territories. Financial

1 security, still discretionary. Reclamation plans,  
2 discretionary under water licences.

3 I was involved in a study that was filed  
4 with the Review Board about -- that was part of review of  
5 mining reclamation regimes across -- across Western  
6 Canada and the US. The Northwest Territories was at the  
7 bottom of the heap, without a doubt.

8 We have some better policy guidance but  
9 it's not binding on anybody.

10 So lessons learned. I'm just -- because  
11 if we can't actually learn any lessons from this  
12 experience, we've failed. We've failed ourselves, we've  
13 failed our kids, our grandkids. And I just don't get a  
14 sense that we've actually learned anything from this in  
15 terms of preventing this sort of thing happening again.  
16 Now some people may want to debate that, but that's where  
17 I'm coming from.

18 So where does this leave us? Essentially,  
19 you folks now are at the -- a point in the project where  
20 you're looking for a social licence to carry this out.  
21 That's what it is. You -- you -- you need the social  
22 licence to have the buy-in of the community to carry this  
23 out. And I -- I'm hearing some openness. That's very  
24 good. But the foundation for the social licence and in  
25 building a better relationship, in my humble opinion,

1 it's -- well, actually, it's not just my opinion, is  
2 there needs to be an apology for what happened. There  
3 has to be an apology.

4                   And when I say an apology, it's not an  
5 admission of guilt. It's not blame. It's about taking  
6 responsibility. And Lisa said it earlier about  
7 responsibility. So I -- I think that the foundation of a  
8 better relationship, for me personally and for many of  
9 the people that attended the workshop, that Adrian and  
10 Lisa were at, including the -- the Yellowknives Dene  
11 First Nation Elders, the foundation of a better  
12 relationship has got to be an apology. And there's some  
13 good ideas in here about how that can start.

14                   Unfortunately, I know you've got to sneak  
15 this by the people in your Department of Justice somehow,  
16 but if you truly want to move forward on this, an apology  
17 is absolutely essentially. And I think once you do that  
18 the doors are going to open.

19                   THE FACILITATOR EHRLICH: Kevin, I'm  
20 going to -- I'm going to --

21                   MR. KEVIN O'REILLY: I -- sorry, I'm --  
22 I'm going to go on, Alan, yes.

23                   THE FACILITATOR EHRLICH: -- jump in for  
24 a moment. Well, no, just one (1) second, please. I  
25 think it's just worth remembering that the historical

1 management of the site wasn't by the Giant remediation  
2 team.

3 MR. KEVIN O'REILLY: I understand that.

4 THE FACILITATOR EHRLICH: And just, you  
5 know, I think that that's necessary to bear in mind. The  
6 concept of an apology has been broached earlier by the  
7 Yellowknives Dene First Nation. Whatever concluding  
8 remarks you have to make about the apology I'd ask that  
9 you try and keep them brief so that we can continue on  
10 towards the questions you're getting at.

11 MR. KEVIN O'REILLY: Thanks, Alan. Kevin  
12 O'Reilly. And I'm -- I am grateful for the amount of  
13 time you've given me. But I also know that I've sat here  
14 for hours now listening to presentations from the  
15 developer, and this is one (1) of my few chances to  
16 actually let them know what I'm thinking, so.

17 So an apology is a foundation for building  
18 a better relationship. And I'm happy to talk more about  
19 that. I think folks from the Yellowknives are very  
20 interested in that as well, and I think it can be done in  
21 a collaborative way that is not about blame. It's about  
22 taking responsibility and building a new relationship.

23 So I -- I want to move on to maybe some  
24 more positive stuff. I think that I see the beginning of  
25 a -- or the potential for a new relationship. I'm

1 hopeful because you always have to have hope.

2                   So -- and I think the idea of talking  
3 together about the scenarios for perpetual care and  
4 designing those redundancies on the social and  
5 institutional side would be really helpful discussions,  
6 and I'm willing to participate in those. We might have  
7 some capacity issues, and I want to talk to you about  
8 that, as well, but I'm interested in pursuing that with  
9 you.

10                   I'm interested in -- in pursuing -- I  
11 think we are interested in pursuing the idea of the --  
12 the structure and content of the environmental management  
13 plans. I'm interested in talking about independent  
14 oversight again. But I -- I hope that you can hear what  
15 I've said and -- and understand, I think, where a lot of  
16 folks in this community come from in terms of the lack of  
17 trust.

18                   But I -- I see some openings. I see some  
19 opportunities. And I'm thankful for that. And I'm --

20                   THE FACILITATOR EHRLICH: They're getting  
21 an understanding of where you're coming from, and you've  
22 certainly laid it out in a clear way. What I want to  
23 make sure we do for the rest of the day is take what  
24 you've heard as it applies to the technical sessions, as  
25 it applies to the kinds of things we're talking about

1 here, like the subject of independent monitoring that's  
2 been raised by the Yellowknives and Alternatives North,  
3 and -- and see how far we're able to get with it in the  
4 context of the environmental assessment.

5                   What I'm hearing that's a bit different  
6 from previous days is -- at least what I've heard this  
7 morning and a bit earlier, is that there's a degree of  
8 confidence in the technical engineering capabilities of  
9 the Giant team that I hadn't heard as much expressed  
10 earlier in the technical sessions, and I think the  
11 technical sessions have helped get there.

12                   I'm not saying everyone's perfectly  
13 confident in every aspect, but -- but, you know, there --  
14 there is a building confidence in there, in the parties  
15 from -- from what we've heard.

16                   The question that we've heard this morning  
17 has more to do with -- your question to them was, you  
18 know, that I understood was, Why independence? Because  
19 the different aspects of independent monitoring are  
20 things you're quite prepared to look at as they've been  
21 articulated in the report that Alternatives North put on.

22                   And the response that I heard from  
23 Alternatives North was, It's not just the aspects; it has  
24 to do with -- with trust, which -- which relates to  
25 underlying values.

1                   It makes me reflect back to something I  
2 heard from Dr. Wes Craig (phonetic) who's with the -- Wes  
3 Craig who is involved with the nuclear waste management  
4 organization when they're looking at long-term storage of  
5 nuclear waste.

6                   But he's -- he's quite involved with  
7 CBERN, which is the Canadian Business Ethics Research  
8 Network, and he -- he's argued quite compellingly that no  
9 matter how good your technical skills are, this social  
10 licence to operate that I -- I -- that has been  
11 referenced here has to do not just with the public  
12 understanding the skills are there, but also having trust  
13 that they will be steered by the same values that they  
14 share in terms of decision making and how those skills  
15 will be applied.

16                   And so I -- I think the stuff that we've  
17 heard this morning, I think that reflects some of the  
18 stuff that we've heard this morning. And it's an  
19 important part of a project.

20                   I think that an important aspect of -- of  
21 this project, as Environment Canada pointed out  
22 yesterday, there are other places where, for example,  
23 tailings are stored in perpetuity. But the Giant team  
24 has made clear that for this project, yes, that's part of  
25 it. It's a relatively passive thing that can go on in

1 perpetuity. It doesn't require -- but there are parts of  
2 this project that will require active monitoring, and  
3 need people on the site doing this active monitoring  
4 forever to prevent certain problems.

5                   And -- and so I think that that -- that  
6 scope also has some bearing on -- on the degree of trust  
7 that -- that I'm -- I'm hearing is -- is expected from  
8 the Yellowknives and from Alternatives North.

9                   I trust the parties will correct me if  
10 I've misunderstood any of the stuff that I've just tried  
11 to encapsulate. I -- I apologize if I -- I may have  
12 gotten any of this wrong. I'm just trying to summarize,  
13 you know, quite a broad discussion that followed the  
14 presentation in light of what we've heard in the previous  
15 few days.

16                   I'd -- I'd like to not take any -- any  
17 questions at this time. We're going to break for lunch.  
18 Can we come back at one o'clock instead of 1:15, because  
19 I know it's -- it's a little bit shorter but we're  
20 leaving a tiny bit early now.

21                   I -- I just want to make sure we don't run  
22 out of time. I'm getting the feeling there's a lot of  
23 material to cover this afternoon. It's an important day.

24                   So we'll meet back here, and we'll --  
25 we'll start promptly at one o'clock. Thank you everyone.



1 --- Upon recessing at 11:54 a.m.

2 --- Upon resuming at 1:00 p.m.

3

4 THE FACILITATOR EHRLICH: Thank you for  
5 taking the shorter lunch. We understand that not  
6 everyone had a chance to eat and anyone who wants to eat  
7 at the technical session certainly won't be thought of as  
8 rude for it.

9 I'd like to take other questions and the  
10 Review Board's consultants will -- will hop in and out  
11 depending on the subject, and where we can stick to a  
12 certain theme we'll try to. If we can't and we have to  
13 jump around, that's okay.

14 Let's see, when we last left, Kevin had  
15 described some views regarding the history of the project  
16 and the role of trust. I tried to summarize.

17 Is there a question that's on the table  
18 now, or are you okay for now, Kevin? Oh, here's a point,  
19 it's extremely important for the rest of the day to state  
20 your name at the beginning, because Wendy is doing this  
21 entirely by remote for the remainder of the afternoon and  
22 we have to make this very clear.

23 You don't need to say, "For the record,"  
24 because it's implied that it's for the record, it's going  
25 to be on the record, but you do need to say your name at

1 the beginning of each thing and the rest is up to you.

2 So, Kevin...?

3 Sorry, let me -- I -- I stand corrected.

4 Todd Slack of the Yellowknives.

5 MR. TODD SLACK: Todd Slack, YKDFN.

6 Where -- where to start. I -- I think that I'll -- I'll  
7 try to bring some of the comments that we heard earlier  
8 back to the DAR proposal and just point out how -- how  
9 the things that we're looking for meshes with the -- a  
10 lot of the things that -- that are advanced, certainly  
11 within the Information Requests and, in particular, I'm  
12 looking at YKDFN-23.

13 And this was, essentially, our IR along  
14 this sort of line of inquiry. And I'll just read a -- a  
15 quick little snippet:

16 "In terms of administering the program,  
17 the project team is committed to  
18 developing and managing the long-term  
19 monitoring program in a manner that is  
20 adaptive, objectives based, credible,  
21 inclusive, transparent, cost effective,  
22 accountable."

23 Now while this talks about the monitoring  
24 program in particular -- oh, sorry, I should have read  
25 this first sentence:

1                    "In terms of administering the program,  
2                    the project team is committed to  
3                    managing the program in a -- in a  
4                    manner with those same seven (7)  
5                    criteria."

6                    And the point that I just want to make is  
7                    that in terms of these listed criteria, the independent  
8                    oversight models, and while I guess there's discussion  
9                    about what these words -- what that phrase "independent  
10                    oversight" means, for us to address these criteria, the  
11                    best way is through this model.

12                    The -- jeez, the Aboriginal and government  
13                    body, from the Yellowknives' perspectives -- perspective,  
14                    pardon me, I don't think that all of these things  
15                    necessarily will be achieved considering what we've heard  
16                    before and the history that has occurred both between the  
17                    Yellowknives and INAC, and Yellowknives and Giant.

18                    In terms of credibility, transparency, and  
19                    accountability, I don't think that there's real issues in  
20                    terms of whether that body would meet this. And so  
21                    again, I would just -- in terms of offering advice, I  
22                    would suggest that the better model would be something  
23                    that has more independence and is at arm's length rather  
24                    than a group that is essentially -- subservient is not  
25                    the word I want, but subje -- or subject to the

1 management organizations that are set up within the Giant  
2 program.

3 MS. LISA DYER: Hi, Lisa Dyer. I just  
4 want to explore -- because we've -- we've presented a  
5 model in the Developer's Assessment Report and you  
6 referred to a model of independent monitoring.

7 I've read, you know, reports that look at  
8 many different models. So can you explain to me what  
9 "independence" means to -- and this is to all parties --  
10 what does "independence" and -- mean to you, and what  
11 does "oversight" mean to you?

12 MR. TODD SLACK: Todd Slack, YKDFN. I'll  
13 take the first crack at that, and I don't have -- I  
14 haven't thoroughly thought of this answer so, you know, I  
15 reserve the right to add something at a later date.

16 But for me the starting point for the  
17 independence can be found within the -- if we're looking  
18 for a -- a reference can be found in -- in the -- the  
19 workshop proposal submitted just the other day and when  
20 it talks about the principles of perpetual care.

21 Independence from this -- from that point  
22 of view implies that whatever body is set up has the  
23 discretion to comment or provide direction on what they  
24 see fit within -- you know, within their terms of  
25 reference and what -- what we're allowed to comment on

1 here, and has sufficient discretion in terms of funding  
2 that they're guaranteed year-on-year operation and that  
3 they can't get squeezed in terms of their ability to  
4 operate.

5 THE FACILITATOR EHRLICH: Can I just a --  
6 a small clarification --

7 MR. TODD SLACK: Sorry.

8 THE FACILITATOR EHRLICH: -- Todd? So  
9 from what you're describing, is that similar to, like,  
10 political impunity or -- or -- I -- I don't understand.

11 MR. TODD SLACK: Can I ask a -- I'm not  
12 sure I follow what you're saying, but I'll com -- sorry,  
13 Todd Slack, YKDFN.

14 In terms of political impunity, I would  
15 think that would be implied because -- well, 1, this  
16 isn't a political body to begin with but, 2, this -- this  
17 body has to have the discretion to make whatever  
18 recommendations they see fit.

19 So in terms of that -- and maybe -- and  
20 maybe I'm not following where you were going, but that's  
21 just my -- my comment on that.

22 THE FACILITATOR EHRLICH: No, from what  
23 you were describing before, I -- I thought -- it sounded  
24 to me like you're getting at a -- a body that is -- where  
25 you talk about independence, I guess I was thinking are

1 you referring to political independence, or -- or what in  
2 -- in the previous material you were saying.

3 But I -- I don't want to distract you from  
4 your -- your main message here. I -- I think you've --  
5 you've described it okay.

6 MR. TODD SLACK: Todd Slack, YKDFN. The  
7 independence has to be from the project, so they have to  
8 be arm's length. And while the -- there are models here  
9 in the Territory in which the proponent has a -- has a  
10 spot on the Board, and I -- I think that's valuable, or I  
11 think that can be valuable, I don't want to pre-judge the  
12 -- the potential options, but what they're able to  
13 comment on is not driven by the -- the politics of the  
14 day, it is driven by the environmental necessity and the  
15 objectives of the program.

16 So I -- I think that answers -- sorry, I  
17 hope that answers that question or at least provides a  
18 little more information.

19 And in terms of the oversight role, that -  
20 - that's a more difficult question, because here in the  
21 Territory the -- the bodies that I'm familiar with have -  
22 - they don't have direct oversight in terms of  
23 management. But that being said, when these bodies issue  
24 their recommendations, they're generally, in my  
25 experience, fairly well heeded.

1                   That being said, I -- I think that if  
2 we're looking to provide as much comfort as we can, if  
3 you have an independent body that makes a -- recommends a  
4 measure and that has some sort of -- not enforceability  
5 because that -- that's difficult, but has some sort of  
6 real traction attached to its implementation, that  
7 provides all the parties with comfort because that body  
8 then can make recommendations that need to be heeded.

9                   And as long as they're doing it in a way  
10 that is responsible and -- and within a -- a framework,  
11 then you're assured that the -- the measures are going to  
12 be -- are going to be, again, not political, are going to  
13 be related to the project and are being made for the  
14 right reasons for environmental stewardship.

15                   MR. OCTAVIO MELO:    Octavio Melo.  Todd,  
16 may -- maybe you could clarify a bit further.  You've  
17 indicated independence from the project team and a  
18 requirement that the recommendations have some traction.

19                   Maybe you could elaborate a little more,  
20 what you mean by "independent" from the project team and  
21 what "traction" would mean in this -- in your scenario.

22                   MR. TODD SLACK:    Todd Slack, YKDFN.  
23 Thanks.  And the -- these are difficult questions and I'm  
24 doing my -- the best here.  And one of the -- one (1) of  
25 the examples I can give you -- well, I can give you two

1 (2) potential examples.

2 Like the overarching heavy handed one  
3 would be looking towards some sort of direction from the  
4 Minister's office in this case. And while that -- that's  
5 one (1) option to go, I'm not sure that would be  
6 necessary for the -- this particular case.

7 But another option is creating a -- an  
8 agreement, for instance, in -- in which the commitments  
9 and the roles and responsibilities are outlined based on  
10 negotiation between the parties and the signatories and  
11 that would have some sort of enforcement -- enforcement  
12 being -- or in terms of the -- the agreement and the --  
13 what comes out of it, not in terms of officers in this  
14 case.

15 That would have enforcement mechanisms  
16 within it and -- and I can provide an analogy, for  
17 instance. One (1) -- one (1) of the things that we do at  
18 Yellowknives Dene with exploration companies is we have  
19 an agreement with dispute resolution measures. So -- and  
20 this is a signed agreement and so there are recourses  
21 within that that if there are issues that occur, like,  
22 between the company and First Nations, the dispute  
23 mechanisms are clearly laid out. There is no  
24 interpretation and, you know, the end case is that it  
25 goes to arbitration or mediation but, ideally, and we've



1 never experienced at this -- or never experienced it,  
2 where these would ever have failed. The -- the best  
3 solution is always just figure it out between the  
4 parties.

5 DR. RAY CASE: Ray Case, project team.  
6 Todd, early -- early in the -- this afternoon you  
7 referenced the Aboriginal Government body and -- and some  
8 of the limitations, you know, that you've -- you saw in  
9 that, particularly in relation to the seven (7)  
10 principles that were -- were set out in the response to  
11 the IR.

12 And I -- I guess we just wanted to make it  
13 clear that the -- the Aboriginal Government body in and  
14 of itself was -- was meant to address all seven (7) of  
15 those fully, because there's aspects of those, I think,  
16 that need -- would fall to some of the other mechanisms  
17 and bodies that -- that we've pro -- proposed here in our  
18 presentation.

19 So it's taking a look at it as  
20 collectively to -- to ensure that those seven (7) pieces  
21 are -- are appropriately addressed.

22 MR. TODD SLACK: Thanks, Ray Case. And -  
23 - and I certainly understand that --

24 THE FACILITATOR EHRLICH: Oh, Todd,  
25 please state your own name at the beginning of your

1 talking, please.

2 MR. TODD SLACK: Thank you. Todd Slack,  
3 YKDFN. And I can appreciate how from -- in -- in the  
4 best-case scenario, maybe you're absolutely right. But  
5 the way that this is set up now, there is -- and after  
6 having a day of risk assessment, the terminology, I  
7 hesitate to -- to use this term, but there is risk and  
8 you're introducing the potential for fail -- for failure,  
9 as well as sort of setting it up in such a way that there  
10 -- there isn't going -- if it doesn't work there's not  
11 going to be appropriate recourse is what -- what I would  
12 say.

13 If it's -- if you're set up in an  
14 independent manner, the -- there -- there's much less  
15 risk of failure in terms of implementing these seven (7)  
16 criteria. And there isn't going to be a need for  
17 recourse, because you're -- you're meeting that objective  
18 clearly from the beginning.

19 And sorry, to -- and to -- to jump back to  
20 the independence, like, Ray, you're a member of the WRRB,  
21 right. So that sort of -- sorry, the WRRB -- and that is  
22 an independent arm's length body, again.

23 And so we have lots of examples of these  
24 co-management structures here in the Territory that are  
25 independent. So again, we're not looking to reinvent the

1 wheel here, and nor are we looking to set up an in --  
2 another regulatory body, but rather a structure specific  
3 to this project that can oversee the complexities and  
4 will have flexibility and discretion to -- to respond to  
5 them.

6 THE FACILITATOR EHRLICH: Thanks, Kevin  
7 (sic). Does the Giant Team want to respond to that or  
8 simply take it as a comment?

9

10 (BRIEF PAUSE)

11

12 THE FACILITATOR EHRLICH: Okay. I want  
13 to try to keep on going. Let's not forget that this  
14 afternoon also includes other subjects like, you know,  
15 communication in the short term and in the distance  
16 future, funding of the project, both for the twenty-five  
17 (25) year term and for the steady stay period.

18 You know, we've got a lot of ground to  
19 cover. So the Giant Team has indicated to me that it  
20 would like to respond to the comment from the  
21 Yellowknives. Please, go ahead.

22 MS. JOANNA ANKERSMIT: Joanna Ankersmit.  
23 It's -- it's not a response in that it's an answer to  
24 everything that Todd raised. I think what we're seeing  
25 is the -- the kind of discussion and conversation we want

1 to have.

2 I think we just made some progress in  
3 terms of us having a better understand of what your  
4 interpretation and what it is that you want from  
5 independence. And I hear a concern over -- over the  
6 ability to -- to have -- I see two (2) things happening,  
7 one (1), wanting to participate and be constructive. I -  
8 - I feel that that is coming out, but balancing, being  
9 part of the project and being constructive with the need  
10 to have the ability to comment and be free of some sort  
11 of restriction that -- that might be placed on the  
12 parties to be able to speak freely about the project.

13 So, we want to get to an open and  
14 transparent process and so I think we just continue on  
15 with this -- this discussion, because what we're hearing  
16 from you is tremendously important and things that we  
17 certainly didn't have such an understanding before we've  
18 begun the dialogue here today.

19 THE FACILITATOR EHRLICH: Thank you,  
20 Joanna Ankersmit. I am going to take the questions in  
21 the order that I've seen the hands come up. Kevin  
22 O'Reilly and then Todd Slack.

23 MR. KEVIN O'REILLY: Thanks, Alan. And -  
24 - Kevin O'Reilly for Alternatives North. Thanks, Joanna.  
25 That's what I was sort of hoping to hear, because I'm

1 just a bit worried that we might start to back ourselves  
2 into positions that are not really helpful for everybody.

3           And I -- I think there's a number of sort  
4 of matrices, I might call them if -- maybe I'm starting  
5 to think like an engineer -- of things that -- that need  
6 to be talked about.

7           And that -- I think those were listed in  
8 the proposal that we sent you guys a long time ago,  
9 things like the source of the authority, legislation  
10 contract agreement, memorandum of understanding, the  
11 purpose, organization, mandate powers, including the  
12 ability to intervene, the membership, the funding,  
13 staffing if necessary, ability to ask for extra funds,  
14 review and amendment provisions, outside evaluations,  
15 timing of the establishment, duration of a body,  
16 frequency of meetings, rules of procedure, review of  
17 monitoring management plans and results, accountability  
18 and reporting, access to information and information  
19 sharing, duties of the parties that might get involved,  
20 default remedies, dispute resolution.

21           Those are the sort of things that make up  
22 the nuts and bolts of a -- of something, of a body, an  
23 organization. Now, I think what's also -- the language  
24 stuff gets in the way sometimes and, look, I understand  
25 that you folks have a legislative mandate, a requirement

1 to protect public health and good -- good order -- or  
2 good government and order and all that good stuff, and  
3 I'm not looking to change the legislation, quite frankly.

4 I don't know if that starts to provide  
5 some level of comfort. I'm not interested in changing  
6 legislation to provide some kind of independent  
7 oversight, because I'm sure you folks know how difficult  
8 it is to get money re -- let -- let alone trying to  
9 change legislation.

10 So I don't want to go there, but that's  
11 not to say that there might be other ways, like a -- an  
12 agreement, an MOU that provides recognition of roles and  
13 responsibilities. I think those need to be laid out  
14 pretty clearly and we need to -- to have a good  
15 understanding and agreement on what those are.

16 And I think at the end of the day you  
17 folks are in charge of the project, you have  
18 responsibility for it, you have to have the final say. I  
19 recognize that, and I think -- I'm not sure if the  
20 Yellowknives recognize that, but -- and they -- they have  
21 a special relationship with you that I don't want to get  
22 in the middle of but, at the end of the day, you folks  
23 have the -- the final authority and I recognize that.

24 And I'm not trying to veto it. I'm not  
25 trying to take away from that in any way. But at the

1 same time I think we're, again, talking about how to  
2 build public confidence, the redundancy in the -- the  
3 social side of things that I keep talking about, just as  
4 you've done it on the engineering side.

5           And I think that one (1) way we can do  
6 that is to have a more detailed conversation about  
7 independent oversight in a more structured way and where  
8 we start to consider and look at some of these -- these  
9 ideas. And I'm willing to participate if that's helpful  
10 or not, or I don't know how you want to approach this,  
11 whether it's a government, government, government thing,  
12 because I think the City clearly has a role to play in  
13 this. The Yellowknives obviously have a play -- a role  
14 to play in this as a government, so does GNWT and the  
15 Feds, whether you want to let lowly NGOs in the room is  
16 another thing.

17           But I -- I -- that's where I'm coming from  
18 on this. I'm not looking to overturn legislation or  
19 mandates or anything like that, but it's about building  
20 confidence -- public confidence in what's happening.

21           Thanks. So I -- okay, finally, what am I  
22 suggesting? I think we need to have a workshop on this  
23 where people can sit down and go through these sorts of  
24 things in a -- in a systematic way and start to find out  
25 where people can agree, and where you can't disagree find

1 out if you can get closer to agreeing.

2                   Because -- and I -- I don't think we can  
3 do it here today, but I think if there was an opportunity  
4 in a structured setting to sit down and talk about these  
5 things, we might be actually closer than -- than we think  
6 we are. Thanks.

7                   THE FACILITATOR EHRLICH: Thanks for  
8 that, Kevin. So I've heard the idea floated, a workshop  
9 to discuss some of this stuff. I'd like to know what the  
10 Giant team thinks about this, and also -- yeah, we'll  
11 start with that. Thanks.

12                   MS. JOANNA ANKERSMIT: Yeah, we can -- we  
13 can shoot for a workshop. I think what is more important  
14 is workshop tends to suggest that everybody go off in  
15 their corners and prepare to come together and we're  
16 going to have a workshop and then everybody leaves the  
17 meeting and there's a report and we all move on.

18                   I don't think that's really what Kevin's  
19 getting at or what I've heard. I think we need to figure  
20 out a -- a way that -- that allows us to have an ongoing  
21 dialogue that isn't about, you know, three (3) days where  
22 we all get together and we talk about it and then we  
23 don't have the chance -- these are -- we're going to have  
24 to make small steps.

25                   What I'm hearing is we've -- we've got to



1 get to -- we've gotten bogged down in the how. There's  
2 certain things that we need to get on with, because we  
3 have to implement this project.

4                   And -- and that still does drive us. It's  
5 -- it's not -- I'm not saying we're doing this to protect  
6 human health and safety and the environment, because it -  
7 - it -- to create some sense of panic. I'm -- I'm saying  
8 it because we really believe that and that is why we're -  
9 - we're trying to move as aggressively as we can while  
10 respecting the importance of sessions like this.

11                   We want to do that. I think I -- I hear  
12 we're getting closer to understanding what each party's  
13 objectives would be, and then once we know what we're  
14 trying to achieve, then let's worry about how exactly all  
15 these pieces come together, because what Dr. Case said  
16 earlier I think is very important.

17                   It's going to be the interactions of a  
18 number of management components that achieve those  
19 objectives. We've laid them out in the IR, they're in  
20 the various reports. We need to materia -- get those  
21 objectives into a way that we can work towards  
22 collectively, an iterative approach to getting there, at  
23 the same time not losing sight that we do have a project  
24 we need to get on with.

25                   And I think everybody in this room shares

1 that common objective. So, finding a way forward is  
2 important to everybody, because the last thing we would  
3 want to do is -- is delay that in any way and create  
4 undue risks to the people who live here, the environment  
5 that Giant sits in.

6 So I -- a workshop, perhaps, if there's a  
7 different mechanism committed to the dialogue and if a --  
8 if a workshop turns out to be the way that that dialogue  
9 is best suited as -- as a first step. I have a feeling  
10 that we're going to be talking long before a workshop  
11 gets organized, but we're definitely in agreement that  
12 the collaborative approach is the only way we're going to  
13 resolve this.

14 THE FACILITATOR EHRLICH: Anything else  
15 from Alternatives North or the Yellowknives?

16 Dennis Kefalas from the City of  
17 Yellowknife...? And just to remind everyone again,  
18 please state your name when you start talking. Our  
19 transcriptionist is not here anymore, so we're doing this  
20 by remote, which means she can't give us the dirty looks  
21 that we've been benefiting from for the last four (4) and  
22 a half days.

23 MR. DENNIS KEFALAS: Dennis Kefalas, City  
24 of Yellowknife. I'm just wondering if I can make the  
25 suggestion that we do have commitment from the Giant Mine

1 team to meet on a regular basis. And -- and to be fair  
2 we have been on a semi-scheduled basis in the past and we  
3 do appreciate that and we do appreciate the fact that  
4 Joanna's taking time and committed a full week to this  
5 endeavour.

6 We understand how busy she is and we'd  
7 like to thank both the Board and the Giant Mine to --  
8 Giant Mine team itself for organizing this venue and  
9 these technical workshops. It's much appreciated.

10 I'm just wondering, with that being said,  
11 if we can make the suggestion that maybe this is a topic  
12 that we include as part of our discussions. I mean, we  
13 will be meeting on a regular basis and -- and like Joanna  
14 said, it won't be solved in a -- a short period of time.  
15 It will take some time and ongoing discussion, and we  
16 could include this as part of our agenda as we -- we meet  
17 on a regular schedule and hopefully work things out and -  
18 - and maybe in -- invite certain parties that are here  
19 today to -- to form por -- portions of those meetings.

20 THE FACILITATOR EHRLICH: Thank you,  
21 Dennis. It's Alan Ehrlich again. I mean, it sounds like  
22 a fine -- if the other parties are okay with it, it  
23 sounds like a fine thing to include on your regularly-  
24 scheduled agenda.

25 However, one (1) of the things that the

1 Review Board's mandate requires it to consider are -- is  
2 the potential for public concern. And, you know, we've -  
3 - we've heard some very strong statements from some  
4 parties in -- in this matter, without prejudging or  
5 weighing that, the point is that -- that this is  
6 something that during the environmental assessment we're  
7 going to need some kind of an understanding on. And if  
8 you're going to make progress on this point, it would be  
9 very helpful if we could get it on the public record of  
10 the environmental assessment so that the Board can  
11 consider that.

12                   This is not to say it shouldn't be  
13 included in your ongoing meetings, but my point is about  
14 our process, we need something on the record while it can  
15 be meaningfully considered by the Review Board. So the  
16 timing is -- is a consideration there.

17                   Now I -- I heard discussion of a workshop,  
18 discussion of some other things. Is this something you  
19 want to try and meet about at the break? The problem is  
20 it's getting kind of late in our technical session to  
21 leave things hanging in the air.

22                   Does the Giant team have a comment? It  
23 appears that Todd Slack of the Yellowknives Dene First  
24 Nation has a comment.

25                   MR. TODD SLACK:    Todd Slack, Yellowknives

1 Dene. I think that the -- the parties on this side have  
2 shown -- well -- well, for this issue, I -- I'm going to  
3 speak on behalf of the other parties.

4                   This is an important enough issue that  
5 we'll meet, you know, pretty much anytime, anywhere. You  
6 know, we've come to -- and met with Martin (phonetic) and  
7 Lisa before on this. If that's the road that the Giant  
8 team wants to go and then we can file -- like relative to  
9 the way that Alan was just saying, we can file whatever,  
10 or produ -- if we produce meaningful results between now  
11 and then, which I would hope we would, in terms of an  
12 agreement or an accord, you know, that will work.

13                   In -- in the long term this is the  
14 critical issue from the Yellowknives' perspective. The  
15 details and the -- the monitoring things, which I think  
16 we're going to get to in a few minutes here, that can be  
17 worked out within the EMEF, but in terms of the -- the  
18 co-management and the oversight and independence, that is  
19 the -- that's the issue. And whatever you -- whichever  
20 direction you want to go, we'll be there.

21                   THE FACILITATOR EHRLICH: And I saw  
22 Alternatives North agreeing with the Yellowknives at the  
23 beginning of that.

24                   Would Alternatives North care to weigh in,  
25 you know, into the microphone?

1                   MR. KEVIN O'REILLY:   Thanks, Alan.  Kevin  
2  O'Reilly, Alternatives North.  Look, this is something  
3  near and dear to my heart, something I've been suggesting  
4  needs to be done.  I've -- we've actually produced, I  
5  think, some constructive input on models, looking at  
6  principles, and so on.

7                   So I think we've put on the table some  
8  tools that -- that could -- can be used that -- that --  
9  but I -- I think the idea of a focussed meeting with some  
10 results coming out of it in the -- in the -- within the  
11 time frame of the EA is -- would be very helpful.  And if  
12 we can get there and do it, it would make me a very happy  
13 person.

14                  THE FACILITATOR EHRLICH:   And if -- if  
15 you're able to do this within the next couple of months,  
16 it would fit well into the schedule of the environmental  
17 assessment so that parties would understand where  
18 everyone's at when they start to draft their technical  
19 reports.

20                  MS. LISA DYER:   Lisa Dyer.  Some  
21 observations from what I've heard over the last five (5)  
22 days is this issue of how we work together, and that's  
23 what I'm going to call it right now, is -- been thought  
24 of by all the parties and the Giant Mine team.  This is  
25 something that's been on all of our minds and we all have

1 ideas and proposals that have been put forward. We  
2 haven't had an opportunity to talk, so I do feel we need  
3 to talk.

4                   What I'm -- what I'm hearing is -- and  
5 especially Kevin made it very clear to me today, words  
6 have baggage. Community alliance, that term has baggage.  
7 Independence has baggage. Oversight has baggage. And  
8 those things are getting in our way is that baggage  
9 associated with words.

10                   And I really feel that an opportunity to  
11 sit down and talk about the cru -- true concepts and  
12 ideas that people are putting forward would help us move  
13 forward in a long way.

14                   THE FACILITATOR EHRLICH: Is there a  
15 specific undertaking that comes out of this? I mean,  
16 where do you -- where do you want to go with this? I --  
17 I don't want to leave this hanging over everyone's heads  
18 for the rest of the day.

19                   I -- I get the sense that everyone's, you  
20 know, not -- not going along totally different paths  
21 here. Joanna Ankersmit...?

22                   MS. JOANNA ANKERSMIT: Joanna Ankersmit.  
23 Sorry, this -- this may reveal a lack of understanding in  
24 the EA process but where I -- what I want to see is  
25 engagement. It's not about the EA, quite frankly.

1                   What we're talking about is a project  
2 going forward. It may fit into some requirement that the  
3 EA process has. What we're talking about is how do you  
4 set up a project for success, which everybody has been  
5 talking about this week. And this is about engaging for  
6 the long-term.

7                   This isn't about engaging for -- to  
8 achieve something in the next couple of months. And so  
9 what we can do is work towards getting to where -- I  
10 think -- and I need to understand where it is that folks  
11 need to get to at certain timelines.

12                   I -- I don't want to put an artificial  
13 timeline on what we're talking about here. I -- I hear  
14 Kevin, and I -- and I hear Todd, and I -- and I mentioned  
15 in my opening remarks that I respect that the Giant Mine  
16 has a very complex legacy here in this city. Those  
17 weren't just me throwing in some words for opening  
18 remarks. I -- I believe that, I understand that, and it  
19 comes through in the emotion that you hear in people's  
20 voices when they speak about this site.

21                   Recognizing that, it took a long time to  
22 get to this place, to -- to a -- a number of things that  
23 Kevin outlined that have -- have created this situation  
24 of a lack of trust and -- and concern. That's going to  
25 take some time to -- to move forward on and we can't



1 expect that in a couple of months we're going to come up  
2 with an organization or a body or anything that is going  
3 to completely settle that issue and all of a sudden  
4 magically people are going to trust, that's going to take  
5 some time.

6                   And I -- and I think it's important to  
7 recognize that because it's going to take us a while to --  
8 - to work on things together in order to be able to move  
9 forward. So we are committed. I can't tell you exactly  
10 -- Lisa will probably make a commitment on behalf of the  
11 project team that she feels will -- will move us along,  
12 but I -- I do think that that's really important. This  
13 isn't just about engaging for the purposes of an EA, this  
14 is about engaging for the purposes of a successful  
15 project.

16                   THE FACILITATOR EHRLICH: I think that's  
17 -- it's a very helpful clarification from the Review  
18 Board's perspective. As you pointed out, there --  
19 there's, you know, an issue that you're dealing with is --  
20 - is winning the people who will need to trust in you for  
21 the -- the very long time.

22                   The Board doesn't necessarily need to see  
23 that all parties are in a position of trust, you know,  
24 over the next few months before the end of the  
25 assessment. But it's very helpful if you can at least

1 outline, at a meaningful time in the assessment, what  
2 kind of mechanisms you think you might be able to follow  
3 towards that so that the Board can, at least, consider  
4 the ways that -- that you're dealing with what you've  
5 heard.

6                   It doesn't have to be spelled out now, but  
7 we've heard from the parties that this is a very  
8 important issue to them, so it's -- it's something that I  
9 think the Board would -- would have to think about  
10 somehow.

11                   MS. JOANNA ANKERSMIT: Sorry. It's  
12 Joanna Ankersmit. Agreed. And -- and I do want to bring  
13 people back to the presentations that were made this  
14 morning. A lot of effort and thinking has gone into  
15 genuinely trying to address what we believe are some of  
16 the concerns about transparency, inclusiveness. That --  
17 that's a genuine effort and I think that we have tabled  
18 some good ideas, just like the other parties have  
19 contributed good ideas.

20                   So, I do encourage people to really think  
21 about the value of an environmental management system,  
22 the value of the -- the environmental management plans  
23 that we expect to work on with folks. There are some  
24 real concrete things on the table right now and if we can  
25 talk about those more this afternoon, I think that --

1 that will be useful.

2 THE FACILITATOR EHRLICH: Before we go  
3 further talking about those more I noticed that -- I  
4 think it's all of the Giant team's lunches have arrived.  
5 Got a pile of hungry people. They've warned us that  
6 you're hung -- crankier when you get hungrier. So we're  
7 going to take a two (2) minute break for you to grab your  
8 lunches and bring it back to your places.

9

10 --- Upon recessing

11 --- Upon resuming

12

13 THE FACILITATOR EHRLICH: Okay. We're  
14 going to get started again. Do the -- do the parties  
15 have any last comments they want to make regarding  
16 independence or any other questions on that?

17 Todd Slack -- Todd Slack, please go ahead.

18 MR. TODD SLACK: Thanks, Alan. And,  
19 yeah, I don't mind everybody moving around. But -- no,  
20 Kevin O'Reilly is trying to make funny jokes and not  
21 doing so good.

22 I just want to clear up a few things  
23 because I think -- I don't know if this is an issue of  
24 language or -- or what but, to be clear, this proposal is  
25 not just for the environmental assessment but the -- the

1 agreement or accord does have to be established within  
2 the EA timeframe, in my opinion.

3           This -- what we're talking about is -- is  
4 unrelated to the EMS or environmental management plans,  
5 at least in a direct sense. They would review the  
6 results of that, but they are not -- it -- this is not a  
7 substitute for that. This is not a -- it's not dir --  
8 it's not directly related to that. This body -- this  
9 independent body that we're talking about is the -- the  
10 management level oversight.

11           What happens in the EMS and the EM -- like  
12 -- and we're here -- I -- you know, the more we talk, the  
13 less it seems likely, that monitoring and those  
14 management issues are set and they're enforced based on  
15 regulatory and EA measures. Whereas this body that we're  
16 talking about today is overseeing the whole thing, the  
17 whole project, and establishing if it is achieving the  
18 overall success, not just with EMS, not just with the  
19 EMP, not just with whatever other management plan exists.

20           Like, they're separate and below -- this  
21 provides the -- the review of that on an independence  
22 sense. I'm not sure if I'm adding that, but in terms of  
23 time frames and responsibilities, I'm just trying to add  
24 our vision of what that is.

25           THE FACILITATOR EHRLICH: Thanks for

1 that, Todd. Kevin, do you have a follow-up to that?

2 MR. KEVIN O'REILLY: Thanks. Kevin  
3 O'Reilly. I just think we need to sit down and talk  
4 about this in a focussed way. And I understand Joanna's  
5 point about this being for the long-term, that's --  
6 that's good. It is, unfortunately we -- we've been  
7 driven into this by the EA process. So, as I said  
8 earlier, I think there's some collateral benefits.

9 And I -- there's a bunch of different  
10 functions out there: one (1) is communications, another  
11 is oversight, and so on. And think we just need to think  
12 clearly about how to configure all of that. And -- but I  
13 think you probably have a clearer sense now that  
14 independent oversight -- however, we're got some ideas  
15 about that. That's -- that's like a very critical  
16 building block in terms of public confidence in -- in  
17 what happens at Giant, and I think you get -- you  
18 understand that.

19 I would feel more comfortable if there was  
20 a clear -- clear understanding of -- that we're actually  
21 going to do a workshop or have a specific meeting about  
22 this, rather than just some vague sense that we're going  
23 to work together. So I guess I just want to get us one  
24 (1) step closer maybe.

25 MS. JOANNA ANKERSMIT: Joanna Ankersmit.

1 Yeah, Kevin, and I understand and we can commit to having  
2 -- a more -- I'll use the word "workshop" and I'll let  
3 others decide what that form takes.

4                   If I can just make a -- a quick -- an  
5 observation again and then I promise I'll be quiet for a  
6 while because I have to eat.

7                   What I'm -- what I'm hearing what you're  
8 saying is -- and my interpretation of it is -- what I  
9 would like to see is a more -- is an approach that is a  
10 more collective oversight. Independent, when -- when you  
11 talk about it being a charged word, to me, that -- that  
12 means that we -- we're setting up something to be  
13 adversarial.

14                   I -- I don't hear from you that that's the  
15 intent of it. And I think that a number of people have  
16 to contribute to making good decisions on this project at  
17 -- at what level and at what distance from the day-to-day  
18 project decisions is that happening. So that -- that's  
19 where I see that I think that we actually are getting  
20 lost in language and can come to a more -- we can come --  
21 we can get there on this. I'm confident of that.

22                   THE FACILITATOR EHRLICH: Again, another  
23 helpful addition. In terms of collaborative, I mean,  
24 when I hear "collaborative," I don't know if this  
25 provides the parties any comfort, but I think that, you

1 know, "collaborative" assumes that you're not just  
2 involved in it but that parties -- parties' values are  
3 also part of what's considered in the ongoing thing.

4 Can I -- can I assume that that's --  
5 that's part of what you're talking about? Someone else  
6 from the Giant team?

7 MS. LISA DYER: Lisa Dyer, for the  
8 record. Yes, for Joanna Ankersmit.

9 THE FACILITATOR EHRLICH: Okay. I'd like  
10 to move on to other subjects because we're running out of  
11 time. Is there another -- sorry, Kevin, are you raising  
12 your hand? Just by knowing that we've got more ground to  
13 cover, I'm assuming that that's because there's a  
14 specific addition that -- different area. Please go  
15 ahead.

16 MR. KEVIN O'REILLY: That's because  
17 Todd's -- sorry, Kevin O'Reilly, Alternatives North.  
18 That's because Todd is still chatting there. So while  
19 he's talking I'll start asking questions. And I'm sorry  
20 that Joanna has a full mouth when I raise this, but we've  
21 got to talk about funding.

22 And I -- a lot of the question -- a lot of  
23 the IRs from I think even the City, the Yellowknives,  
24 Alternatives North were about funding. And I think if  
25 anybody understands the difficulties and nuances of

1 getting funding for this project, Joanna, it's you.

2                   And I know that you've worked extremely  
3 hard to get an appropriate level of funding just for the  
4 care and maintenance and the ongoing development and --  
5 and design work and so on, but -- how do I say this? Put  
6 yourself in our shoes. We live a long, long, long way  
7 from Ottawa. We know that we've got one (1) member of  
8 parliament amongst three hundred (300) or so in Ottawa  
9 that off -- and isn't even -- well, I won't go there.

10                   So the -- the -- I understand that as the  
11 manager, the responsible authority for the site, that  
12 parliament has to have oversight. I understand that.  
13 And I understand that FCSAP has given you folks the  
14 opportunity for multiple year funding, and that's a good  
15 thing.

16                   But I -- I don't -- I'm not sure where  
17 this is going to go once we get into perpetual care,  
18 ongoing maintenance, and so on, whether it sort of move  
19 of FCSAP into some sort of annual appropriation by the --  
20 the House. And I'm not sure that I want my kids or  
21 grandkids to be in the position of relying on people in  
22 Ottawa deciding to allocate money for this project  
23 forever.

24                   And one (1) of the questions I know that -  
25 - that we asked, and I'm probably not going to be able to



1 find it quickly, was about opportunities for longer-term  
2 funding. Here it is, Alternatives North 22. And I know  
3 that we -- we filed a submission on the public registry  
4 where some American people had started to think about  
5 long-term funding for contaminated site management. I  
6 think it was probably even in the context of nuclear  
7 waste again and how -- how to design -- thinking about  
8 how to design trusts and long-term funding for these  
9 sorts of things because, inevitably, what it comes down  
10 to is that there's this reliance that GDP's going to  
11 continue to grow and that investments are going to be  
12 there and everything's going to happen really nicely and  
13 that there's going to be money to spend on things.

14           So -- so we -- we asked whether there  
15 would be any con -- appetite for looking at other models  
16 or ideas on this and the response sort of said that's the  
17 way it is and if something else changes, then we'll think  
18 about it. I hope we can sort of move beyond that.

19           I also know that in the US they have this  
20 office of -- office of legacy management and, as I  
21 understand it, there's longer term funding of some sort  
22 available for those folks to do things. And maybe I'm  
23 not asking the federal system to change overnight, but,  
24 boy, the way things are going there's going to be a lot  
25 of federal contaminated sites that need longer term care.

1                   And to think that we're going to -- at  
2 some point, going rel -- may need to rely on annual  
3 appropriations of parliament, that doesn't make me feel  
4 very comfortable. So, you know, is it -- is it possible  
5 to look at setting up some sort of a trust with a large  
6 endowment that -- with very conservative investment  
7 objectives or whatever, rules on -- on how the money  
8 might be used and invested or whatever?

9                   And I -- I know that governments don't  
10 like to actually put money aside for spec -- specified  
11 purposes; that drives people at the ministries of finance  
12 absolutely berserk. So I -- but I guess I'm trying to --  
13 is -- is there a way in which we can get more creative  
14 with long-term funding that's going to make me and my  
15 grandkids feel more comfortable with what's happening out  
16 there than -- than relying on some future parliament to  
17 approve money and can we start to think about that?  
18 Thanks.

19                   THE FACILITATOR EHRLICH: Giant Team, any  
20 options there?

21                   MS. JOANNA ANKERSMIT: Joanna Ankersmit.  
22 I'm guessing that no one else at this table wants to talk  
23 about this, so I'm going to go ahead.

24                   THE FACILITATOR EHRLICH: You notice they  
25 all filled their mouths very quickly.

1 MS. JOANNA ANKERSMIT: Yeah, everybody's  
2 eating. Kevin, I'll -- absolutely we can think about it.  
3 I -- I think about it every day. I think about where we  
4 were a decade ago. I think about the change that I have  
5 witnessed in my career working on contaminated sites in  
6 the North from 1999 to today with the federal government  
7 making an unprecedented commitment to cleaning up  
8 contaminated sites.

9 The Federal Contaminated Sites Action Plan  
10 was accelerated. Now it's the action plan. It -- it's  
11 the culmination of a number of -- of realizations and  
12 appreciations of -- of what these sites -- the risks that  
13 they pose and the importance that the government has now  
14 placed.

15 These are huge investments that are being  
16 made. I appreciate that they're investments today.  
17 Again, it's part of my wanting to get on with it because  
18 I do know that it -- it took us a long time to get to the  
19 point where we had this opportunity and we had this level  
20 of commitment from the governments.

21 So going forward, I -- I think a number of  
22 people around the country are -- are thinking about how  
23 are we going live with, not just Giant, but we've talked  
24 -- Amy mentioned yesterday there's lots of sites out  
25 there that are going to have some level of care in

1 perpetuity. So we need to balance getting -- getting on  
2 with it today as best we can, and capitalizing - probably  
3 the wrong word - on the commitment that's been made by  
4 the government in providing us some funds to really --  
5 really get this site stabilized.

6                   And recognizing that the Government of  
7 Canada is making these unprecedented investments, they  
8 have a tendency to like to protect their investments, and  
9 so the more progress we can make today, the better it's  
10 going to bode for the federal government wanting to  
11 invest the money that they have put in this site and put  
12 us in a good place to think about this over the next  
13 number of years. But right now we have the fund. We  
14 need to -- we need to use it.

15                   THE FACILITATOR EHRLICH: Kevin  
16 O'Reilly...?

17                   MR. KEVIN O'REILLY: Thanks. Kevin  
18 O'Reilly, Alternatives North. Yeah, thanks for that. I  
19 think it -- it helps me understand some of the pressures.  
20 I wouldn't want your job right now. Thanks.

21                   But I guess my -- my faith in government  
22 is not maybe as strong as yours. I -- I don't know.  
23 Having lived in Yellowknife a while, I -- I just -- I  
24 guess I -- I would have a greater level of comfort if I -  
25 - if there was -- I knew that folks in Ottawa were

1 working on -- on this issue in a -- some sort of an  
2 ongoing or focussed fashion. Maybe they are, I don't  
3 know.

4 I -- I think that someone like you is  
5 great in the trenches doing the stuff that needs to be  
6 done, but is there any sort of -- is there anybody in  
7 Ottawa who is responsible for developing papers, policy,  
8 thinking about this in a bigger context in -- in terms of  
9 how we're going to manage all the contaminated sites  
10 across the country over the long term in term --  
11 financially?

12 I -- I understand it's -- it's always  
13 there for you, but is there somebody designated in Ottawa  
14 who's actually investigating trusts or other options or  
15 is there -- is there policy work being done? Are there  
16 papers available? What can this process generate that is  
17 going to make your life any easier, or so that -- that  
18 there's some push out the other end to get people  
19 thinking about this, if the work is not being done?

20 So I -- I guess I throw that on the table,  
21 as well. Maybe there's some opportunities to reinforce  
22 the -- the need for this through this process.

23 So I don't know, I just -- I'm mumbling  
24 all over the place but I'm -- I'm trying to find ways in  
25 which to move this a bit further forward and create some

1 more comfort. Thanks.

2 THE FACILITATOR EHRLICH: Thanks. Amy  
3 Sparks from Environment Canada has a comment.

4 MS. AMY SPARKS: Amy Sparks with  
5 Environment Canada. I can comment on that because I work  
6 in the FCSAP program.

7 And the -- the FCSAP secretary right now  
8 is -- does have a strong focus on long-term monitoring  
9 and how we're getting to the end of these projects,  
10 especially the big ones, and what's going to go on from  
11 that point.

12 I'm not sure how much of that focus is on  
13 the funding aspect and how much is on the environmental  
14 aspect but it's definitely being looked at and those  
15 conversations are starting to happen.

16 So, I'm confident that will come out more  
17 and more as part of the program as we get to a close as  
18 some of these bigger projects are actually starting to  
19 get remediated.

20 The project -- the program is still ten  
21 (10) years to go from this point on, so it's just  
22 starting to come about now but it definitely is a focus  
23 that's starting to have those conversations and those  
24 policy decisions.

25 THE FACILITATOR EHRLICH: Amy, for the

1 benefit of our transcriptionists, they're going to write  
2 the word "FCSAP" as "fix up."

3 And can you please clarify that it is, in  
4 fact, an acronym and what it stands for? Thank you.

5 MS. AMY SPARKS: Amy Sparks. FCSAP is  
6 the Federal Contaminated Sites Action Plan, so it's F-C-  
7 S-A-P.

8 THE FACILITATOR EHRLICH: That'll make  
9 this stuff much more understandable when we look at it a  
10 few weeks from now, and I -- I thank you for that.

11 Todd Slack...?

12 MR. TODD SLACK: Todd Slack, YKDFN.  
13 Perhaps unsurprisingly we're in agreement with much of  
14 what Kevin's saying, but as an interim measure I'm just  
15 make -- going to make the recommendation that as part of  
16 the annual reporting, the year-to-year budget for the  
17 program be reported, and if there are changes so the --  
18 the parties know this gets re -- or this forms part of  
19 the reporting requirements for every year.

20 So, for instance, post-implementation or  
21 post- -- or sorry, "long-term", I guess was the word that  
22 we heard yesterday -- long-term, year-to-year operations,  
23 if there's a reduction in funding it's made known to all  
24 the parties. And until there's additional funding  
25 solutions which we would ver much support, thi -- this is

1 gonna be kind of a require -- or a recommended measure,  
2 or item.

3 THE FACILITATOR EHRLICH: Does the Giant  
4 team understand the question?

5 MS. JOANNA ANKERSMIT: Joanna Ankersmit.  
6 I -- I think so. And correct me if my answer suggests  
7 that I have completely misunderstood the question. I  
8 think what you're asking for is a full transparency, in  
9 terms of the dollars we get, and where we spend them.

10 Is that what you're asking?

11 MR. TODD SLACK: Todd Slack, YKDFN. And  
12 when you say "full transparency," if it was so required,  
13 but I would suggest an abridged transparency with a  
14 percentage attached to it for folks like me that don't  
15 want to go through it all.

16 MS. JOANNA ANKERSMIT: Joanna Ankersmit.  
17 I can certainly appreciate that.

18 Yeah, we'll be talking with folks; it's  
19 part of the engagement. It's to -- you know, we don't  
20 want to write reports for the sake of writing reports.  
21 So we want to make those reports meaningful, and so as  
22 part of thinking about exactly what would be in those  
23 reports, we're happy to discuss that and -- and engage  
24 with parties to make sure that we're producing stuff you  
25 want to read.



1                   THE FACILITATOR EHRLICH:    Todd, does that  
2 get you roughly to where you're going, or are you fishing  
3 for a commitment?

4                   MR. TODD SLACK:     Well, a commitment is  
5 always better, but it's a -- I'm good for -- with that.

6                   THE FACILITATOR EHRLICH:    Then I think  
7 that fishing season's closed on that one.  No, I think I  
8 -- I don't mean to make light of your comment.  I  
9 understand why it's important, and I recognize the  
10 openness of the Giant team to -- to try and -- and head  
11 towards the same thing, and I just -- I want to make sure  
12 that we're okay not going any further here, and I think  
13 we are.

14                   However, Kevin O'Reilly has a comment.

15                   MR. KEVIN O'REILLY:    Thanks, Alan.  I  
16 guess I'm still fishin'.  You know, I look at the -- the  
17 response to the IR that we -- we got from IR Number 22  
18 and I noticed a lot of the same paragraphs in some of the  
19 other IRs; maybe there's a message in that itself.  But,  
20 I guess I asked earlier, I want to understand if there's  
21 some higher level work being done on this now within the  
22 Federal system.

23                   Is there some -- is there some policy work  
24 being done on this?  Are there discussion papers?  Is  
25 there assigned staff thinking about this?  Or is this so

1 just so -- brand new? So that's one (1) thing.

2                   And then secondly, what is it that could  
3 come out of this process that would help spur this on?  
4 And Joanna, I don't want to put you on the spot, but are  
5 you -- I'm gonna do it anyways -- is there -- because I'm  
6 -- I'm known for doing this, so what is it that can come  
7 out of this process that -- move that -- to move that  
8 stuff along if it's not happening. Thanks.

9                   MS. JOANNA ANKERSMIT: Kevin -- sorry,  
10 Joanna Ankersmit.

11                   My reluctance to answer the question  
12 definitively is that I can't point to specific papers, or  
13 people doing the research. I -- I can tell you that  
14 within my office, within the Federal Contaminated Sites  
15 Action Plan secretariat, and within other departments,  
16 we've been very, very clear in presenting this project as  
17 a long-term commitment by the Federal Government, to  
18 them, to -- to decision-makers within the treasury,  
19 within government offices.

20                   So I can't answer definitively and -- and  
21 plop a paper down for you. It's hard to answer that,  
22 yes, I'm thinking about it and prove to you that I am. I  
23 think that in our discussions, by the very nature of this  
24 project and others, we have every reason to think about  
25 this, and we are. We can't start a project and leave it

1 in the middle; nobody is suggesting that that's an  
2 option.

3                   What we can do collectively to help that  
4 thinking is a very good suggestion in terms of -- or a  
5 very good idea. And I don't have an answer for you,  
6 quite honestly, right now, but I'm more than happy to --  
7 I think the -- you know, the work that's been going on,  
8 not just in Canada but, as you mentioned, in the US --  
9 and this is a global problem and there's a lot of smart  
10 people thinking about it, and where we can pull from that  
11 and contribute the thinking from the Giant Mine project.  
12 I'm -- I'm guessing that there'll be an openness to doing  
13 that.

14                   MR. KEVIN O'REILLY: Thanks. Kevin  
15 O'Reilly. And I want to thank Joanna for her openness on  
16 that.

17                   And I need to mull that over, but I -- I  
18 think I know where I want to go with it, and I'll  
19 probably want to have a chat with you at some point about  
20 it, because I would have a greater comfort level knowing  
21 that there's actually something happening about, not just  
22 thinking. I want some policy paper, whatever. So,  
23 that's where I'm going to think of going.

24                   So, that's enough for now. Thanks, Alan.

25                   THE FACILITATOR EHRLICH: Thanks. I'm

1 going to jump in at that point. Look, in terms of this  
2 environmental assessment on this environmental assessment  
3 on this proposed project, the -- the -- I mean, I  
4 understand there -- there's some -- it sounds like  
5 there's some useful discussion that's happened here on a  
6 bigger subject which has to do with the way that  
7 perpetual sites are looking -- or sorry, very long-term  
8 sites are -- are financed for across Canada, this Board's  
9 interest is particular in the Giant Mine project.

10 But there was a lot of interest in the IRs  
11 dealing with this question of funding, and I -- I'm still  
12 trying to understand some of it. I'm genuinely puzzled,  
13 and partly, that's because I'm used to dealing with  
14 typically privately proposed projects that are not  
15 perpetuity projects. You know, I -- what -- what we  
16 heard yesterday is this project needs to be actively  
17 managed for, you know, longer than the recorded span of  
18 human history, to quote one (1) thing that we heard  
19 earlier yesterday, right.

20 But I always have a hard time sort of  
21 thinking about that because it's not the kind of time  
22 span I'm really used to dealing with in my day-to-day  
23 life, obviously. But because of that, there's some parts  
24 of the funding that are hard for me to figure out.

25 Now, I read the IR responses, and I

1 understand one (1) of the things that came up. There are  
2 a few different IRs about this. The city asked IRs about  
3 this. Alternatives North asked IRs about this. I can't  
4 remember if the Yellowknives did; they might have. And -  
5 - and the Review Board asked IRs about this. And when  
6 all -- a lot of IRs point in the same general direction,  
7 I try to make sure that the record's as clear as -- as  
8 can be. And I don't think that it's -- that the Giant  
9 team's been trying to be unclear, I just think it's a  
10 really tricky thing.

11           Okay, so we're dealing with a site where  
12 the Giant team's made clear will need active management  
13 people on the ground forever and, to do that, will  
14 require funding forever. And the cost estimates that I  
15 read said something like roughly 1.9 million per year for  
16 each year the project is operating. The Giant team's  
17 made clear how long the project's operating; it's 1.9  
18 million times -- just times.

19           And -- but, you know, I mean, the totals  
20 there are -- again, they're kind of hard to -- hard to  
21 think about in terms of what we deal with in our day-to-  
22 day lives. But there's some specific questions that I'm  
23 trying to figure out.

24           Now, one (1) of the things that we talked  
25 about with regard to the perpetuity stuff before is, you



1 not at risk of disappearing."

2 But when you think of over the millennia,  
3 you know, like time spans that we're talking about, you  
4 know, I -- societies -- all societies have changed, and  
5 all governments have changed. But this has been  
6 discussed a bit by the Giant Team yesterday. They're  
7 saying, Well, someone's going to be here, and if they  
8 share the same values, they'll be taking care of the same  
9 things. And that's -- I paraphrase. Joanna's actual  
10 words were better than that yesterday. But it will be  
11 necessary to have people on the ground.

12 So, part of what I'm thinking is, if this  
13 project requires people to be on the ground forever, and  
14 the current mechanism for funding it doesn't allow you to  
15 promise to be able to get the funds you need to do that,  
16 is that the right funding mechanism for this kind of  
17 project, considering we've just heard that there doesn't  
18 sound like there's a better one available? I -- I -- can  
19 see where I'm getting confused in this?

20 MS. JOANNA ANKERSMIT: Joanna Ankersmit.  
21 I think so.

22 I want to give you a clear answer, but,  
23 again, we're into such a hypothetical situation trying to  
24 think about what's going to happen hundreds of years. I  
25 mean, yesterday I also mentioned that let's assume that -

1 - well, most of us probably won't make it in a hundred  
2 years, but at least close.

3                   That's the reality. The reality is that  
4 we can only do certain things. If you think about why  
5 programs continue, or don't continue, programs that  
6 generally tend to continue and maintain commitments are  
7 programs that were well set up. They did things for the  
8 right reason. They continued to add value. And,  
9 therefore, regardless of what party you have in place or  
10 the general philosophical bent of whatever government you  
11 have of the day, you'll see a fairly -- at least in  
12 contaminated sites in the last decade we've -- we've  
13 enjoyed a fairly consistent understanding that we have a  
14 good program, we're doing good things, and we should keep  
15 putting money towards it.

16                   So, I guess my answer is, knowing that our  
17 parliamentary democracy and -- and things work the way  
18 they do, what we do today to set up a project that, where  
19 it can, minimizes those future decisions that could  
20 change the course of the project, or setting up a project  
21 that is well-managed, it -- it does the things that it  
22 said it was going to do, and it will logically make sense  
23 for generations to come.

24                   But I think that's the best we can do in a  
25 hypothetical. We don't know what's going to happen in a



1 couple hundred or thousand years from now.

2 THE FACILITATOR EHRLICH: Thanks, Joanna,  
3 for that. And with respect to a couple hundred years, I  
4 mean, I -- you know, obviously our ability to foresee is  
5 greater for the closer things, and, you know, you've  
6 mentioned some things will happen within a hundred years  
7 that, you know, just -- I think four (4) generations from  
8 now, and we can foresee that. It's -- it's the stuff way  
9 down the road, thousands and thousands years down the  
10 road that -- that it requires such a distant prediction  
11 that -- that often we try not to go there, but because of  
12 it, the requirement for active management, that's the  
13 reason why some question marks are coming up there.

14 But, I mean, you've given a -- you know,  
15 obviously the best answer that you can give, and -- and  
16 your -- your candour is appreciated.

17 I was trying to think about the idea that,  
18 you know, the Canadian -- the way -- the way Canadian  
19 government works, you can't bind the action of future  
20 parliaments, but one (1) thing that I don't understand  
21 is, you know, we work in an area where treaties are an  
22 important part of things. And so, clearly, somehow  
23 promises made at one (1) point can carry forward to  
24 future governments, because -- unless I'm mistaken - and  
25 I trust the Yellowknives will correct me if I'm wrong - I

1 mean the treaties are meaningful because they -- they  
2 carry forward over time.

3                   Is there some mechanism or something there  
4 I -- I'm -- I'm not getting?

5                   MS. JOANNA ANKERSMIT:    Joanna Ankersmit.  
6 I wish I could answer the question, but I don't have  
7 enough expertise in the area that you're offering to give  
8 you a definitive answer on that question. I would  
9 suggest that given what you've stated, that naturally  
10 makes sense.

11                   So, I can't offer any more than that. But  
12 if it is a real burning issue, I can try to find a  
13 parliamentary or a democratic-type scholar that could  
14 answer the question. I'm sorry.

15                   THE FACILITATOR EHRLICH:   No, I -- I  
16 don't want you to go hunting for a democratic scholar. I  
17 -- I'm -- I'm not looking for this as a purely academic  
18 exercise; it's -- it's with respect to, you know, some of  
19 the commitments that come out. I mean, your ability to  
20 commit to things is constrained by -- well, the  
21 constraints you've -- you've identified explicitly,  
22 right, and -- and one (1) of them was legislative, that  
23 has to do with your ability to bind future governments.

24                   But some of the -- the commitments that  
25 the Giant team has made in -- in very good faith, they're

1 very helpful commitments, and they're -- they're valuable  
2 to the parties, I think parties have to remember that  
3 this is all made within the context of, you know, what --  
4 what's legally available to the Giant team. And just --  
5 just to be -- to be fair to them and that they're --  
6 they're working hard at dealing with the realities that  
7 the site demands in the -- the legal limits that -- that  
8 they've got.

9                   And so -- okay, well, thank you for trying  
10 to get me through so -- some of that. It -- it leads me  
11 to think that I understand the information right, it's  
12 just a very challenging subject to -- to sort out. Thank  
13 you for that part.

14                   Any parties have any comments?

15                   MR. KEVIN O'REILLY:    Yeah.

16                   THE FACILITATOR EHRLICH:   Kevin  
17 O'Reilly...?

18                   MR. KEVIN O'REILLY:    Thanks, Alan. Kevin  
19 O'Reilly. I guess -- I think, Joanna, that -- that  
20 you're getting a little bit of reaction to the way the  
21 IRs were responded to. When I look at our IR number 22,  
22 the question was:

23                   "Is INAC prepared to research and  
24 investigate options other than annual  
25 or occasional parliamentary budget

1                   approvals to fund perpetual-care  
2                   requirements associated with the Giant  
3                   Mine project?"

4                   Maybe I didn't say it as nicely as I could  
5 have, but the answer was:

6                   "INAC is not prepared to research and  
7                   investigate funding options outside of  
8                   ongoing and well-established -- the  
9                   ongoing and well-established approach."

10                  I -- I don't know, how -- how much is --  
11 how much is -- would it cost to hire somebody who has  
12 some legal expertise in financial management to  
13 understand what sort of inst -- mechanisms might be  
14 available for longer term allocation of funds?

15                  So, I -- I guess -- I don't know how much  
16 it costs, but it -- is it gonna be ten (10), twenty  
17 thousand dollars (\$20,000) to have somebody look at it?  
18 And I don't know what your budget's like. But I guess  
19 when the answer is just a flat "no", I tend to get more  
20 excited than maybe I should.

21

22   (BRIEF PAUSE)

23

24                   MR. KEVIN O'REILLY:   But I'll just leave  
25 it at that, and maybe I need to go and find somebody

1 who's willing to do the work. Thanks.

2 THE FACILITATOR EHRLICH: Well, Kevin, I  
3 -- I get the sense from the discussion and the response  
4 from the Giant team before, that they've -- they've given  
5 the information that they're able to -- to give at this,  
6 and I just -- I don't see how we're gonna get further in  
7 a technical session going up against the -- the real  
8 limits that -- that we're all facing. That they're -- I  
9 -- I think that some -- some questions have been raised  
10 and -- and I see that the Giant team has heard that, and,  
11 you know, we'll -- we'll see where it goes in -- in the  
12 remainder of the -- the EA, if -- if it does come up  
13 more.

14 I'd like to move on to another subject  
15 because we're running out of time. The subject is,  
16 "Communication With Future Generations."

17 You've indicated that the -- the setup of  
18 the site, and what you know underground. Something that  
19 I've -- I've read in the DAR is that it's -- it's very  
20 difficult to understand exactly where all of the  
21 underground workings are, and, you know, you -- you had  
22 to look in a lot of different ways to understand exactly  
23 where everything is -- there's some record of some  
24 arsenic -- the location of some arsenic historically, not  
25 being entirely clear on the surface, a small amount

1 compared to what's underground -- that -- that it's hard  
2 to carry information forward for a -- a very long time.  
3 And when I look at the -- some of the materials that the  
4 Giant team has provided for the record in response to the  
5 IRs, the letters, to and from the Giant -- you know, the  
6 -- the mine company, even from fifty (50) years ago, you  
7 -- you really get a sense that they're -- you know,  
8 they're -- they're thinking in a different way than we're  
9 thinking now about this stuff. You know, I -- I -- the  
10 letters themselves kind of look like historical documents  
11 in some ways.

12 I -- you know, I think about just in -- in  
13 the time of my life, I guess, when I did my masters it  
14 was on a bit floppy disc. And if I had that big floppy  
15 disc now, I think I'd be hard-pressed to find anyone in  
16 town who'd be able to get any of the information off of  
17 it. And that wasn't super-long ago; it was like '97, I  
18 think. And -- and so it's a short time, in the -- in the  
19 grand scheme of things.

20 At the perpetual care workshop, this was  
21 one (1) of the subjects that -- that came up. The -- the  
22 Giant Mine perpetual care workshop. And some of the  
23 things that came up are the ways that -- that the US  
24 government is looking at communicating with generations  
25 in the distant future, so people understand what's

1 underground. Some of the things that came up were  
2 governments in -- in Europe, how -- how they're looking  
3 at things.

4 Over the kind of time scales that I've  
5 just described are -- are very difficult to -- to  
6 meaningfully conceptualize, but that will matter for this  
7 project.

8 And so I guess we'll start off with the  
9 parties. This is something that some of the parties have  
10 been vocal on, and I -- I just think that this -- this  
11 may matter. Please go ahead, any parties, if you have  
12 any questions or comments. I just -- I don't want to  
13 leave it for too late in the afternoon, because we don't  
14 have that much time left.

15 MR. KEVIN O'REILLY: Kevin O'Reilly,  
16 Alternatives North. Let's turn to Information Request  
17 number 4 for a moment.

18

19 (BRIEF PAUSE)

20

21 MR. KEVIN O'REILLY: The first question  
22 that was raised was basically about whether there's an  
23 inventory file list of some sort for the records that  
24 currently exist around the Giant Mine.

25 And I think what I was trying to convey in

1 the -- the IR was that there's a variety of places where  
2 records are currently located, including the Prince of  
3 Wales Northern Heritage Centre, the Northwest Territories  
4 Geoscience Office, Library and Archives Canada in Ottawa,  
5 and I guess app -- apparently some records that the Giant  
6 remediation team has some level of control over. And  
7 what I got back was that there's a general inventory of  
8 the records currently available at the web -- or at the -  
9 - the mine site, and it's a one (1) page attachment that  
10 really doesn't have a lot of detail.

11 And I guess -- why am I asking this  
12 question? Because, and I think I said this probably  
13 yesterday, we need to find a way to properly manage the  
14 information about this site, not just for now but  
15 forever. And maybe you guys have a better understanding  
16 of what the records are at the site, but if all you've  
17 got is this one (1) page list, I'm really worried.

18 So, is there -- is there actually more  
19 than -- than what you -- what -- gave to me? Why don't  
20 we start with that. Thanks.

21

22 (BRIEF PAUSE)

23

24 MR. ADRIAN PARADIS: Adrian Paradis, for  
25 the project team. But I -- I would like to clarify your



1 specific question for this IR so that -- provide that,  
2 and then I think I can go from there.

3 MR. KEVIN O'REILLY: Thanks. Kevin  
4 O'Reilly, Alternatives North. Well, the question was:  
5 Please provide a file list or inventory of records that  
6 currently exist at the Giant Mine site as discussed in  
7 Chapter 4 of the DAR. Chapter 4 of the DAR is about the  
8 site history, as I recall. I don't have it open in front  
9 of me, but...

10 So I guess I -- what -- what are -- is  
11 this the -- the current inventory of -- of records about  
12 the site history?

13 MR. ADRIAN PARADIS: Okay, it's Adrian  
14 Paradis, for the record. My recollection from what was  
15 provided and what was available in Chapter 4, Chapter 4  
16 referenced spe -- specifically seven (7) or eight (8)  
17 specific documents that had, but there was also a larger  
18 collection of other documents, but in that one (1)  
19 specific section it was seven (7) or eight (8), which  
20 were provided earlier before the IR was received.

21 The mine site has a fairly large inventory  
22 of overall records, some of which are on, as Mark talks  
23 about, linen paper that are -- they're currently trying  
24 to digitize to get a complete understanding of  
25 underground.

1                   So there is an overall list. I guess the  
2 que -- I guess my question to you is: What specific ones  
3 were you looking for?

4                   MR. KEVIN O'REILLY: Thanks, Adrian.  
5 Kevin O'Reilly. Just -- just so we're clear, I guess I'm  
6 -- where I'm going with this is, I want to have some  
7 level of assurance that you folks have started to think  
8 about information management, not just about what you're  
9 doing at the site now but forever for perpetual care.

10                   And I guess when -- when I got back a one  
11 (1) page list of what you've got there I didn't feel very  
12 comfortable about it. So -- and I -- I just heard you  
13 say though digitizing. That makes me feel a little bit  
14 more comfortable that you've actually started to think  
15 about what the long-term plan is for the documents, which  
16 was my next question -- or sorry, my third question,  
17 which is about what:

18                   "Are there plans for conciliating known  
19 information sources, collaboration with  
20 other recordholders, digital imaging,  
21 other methods of creating a permanent  
22 set of records regarding the site  
23 history, site development, and  
24 regulatory history."

25                   So the answer to number 3 though was:

1                   "The information system may be expanded  
2                   as required."

3                   That didn't really answer the question.  
4                   So is there a plan to manage the -- the records in a  
5                   perpetual care sense? Is -- is there -- you're going to  
6                   digitize them it sounds like, but what's the overall plan  
7                   for keeping the records forever?

8                   MR. ADRIAN PARADIS:    Adrian Paradis.  
9                   Norm, I understand?

10                  MR. NORMAN QUAIL:    Norm Quail, Giant Mine  
11                  team. It's a -- it's a valid question and it's a very  
12                  good question. I think the -- the answer is it -- it's a  
13                  multi-pronged approach. You've heard Adrian talk about  
14                  the fact that there is the issue of just dealing with  
15                  large volumes of historic records, some of them that,  
16                  Mark, if I understand correctly, can be stretched out  
17                  across this -- this room. So we have some physical  
18                  aspects to deal with in terms of those records.

19                  Additionally, and -- and I think it was a  
20                  good point you raised in terms of technology, each  
21                  department has an electronic records management system  
22                  now. And this is the movement across government, is to  
23                  move as many of our records into -- to electronic form as  
24                  -- as possible, and these are large massive databases  
25                  that are backed up and -- and retained and -- and sort of

1 have a -- at least as -- as current technology can assure  
2 us, has -- has some permanence to it.

3 But I think the third part of it is, as --  
4 as we discussed in terms of the environmental system and  
5 something that wasn't up on the slides, is that it's a --  
6 it's a clear requirement of an environmental management  
7 system under the ISO system to have a records management  
8 program in place to inform the long-term management of  
9 the project.

10 And I think that this is one (1) of the  
11 critical things that we need to be looking at when we  
12 constitute a working team to start developing the  
13 environmental management system is to clearly articulate  
14 what are those type of records that are -- that are most  
15 critical because we have hundreds of thousands, I would  
16 presume, of records if we start looking at digitizing  
17 thousands, tens of thousands potentially, individual  
18 items to digitize over time.

19 What are those -- what are those most  
20 critical pieces that -- that speak to the long-term care  
21 and maintenance of the site? And I think this is  
22 something that we need more work around defining but at  
23 the same time we have an ongoing program of -- of  
24 catalogue and retaining.

25 I've heard you use the reference to

1 Archives Canada, and certainly before they will accept  
2 records they need to be properly classified and -- and  
3 catalogued, and -- and it's -- it's a long -- long and  
4 ongoing process, but it's certainly something we're not  
5 ignoring at this stage, so...

6 MR. KEVIN O'REILLY: Thanks. Kevin  
7 O'Reilly. That's very helpful because it's a lot clearer  
8 than the responses I got to the Information Request,  
9 which -- I'll try to chose my words careful here -- were  
10 not very helpful.

11 And I guess I'm -- I'm really interested  
12 in knowing a lot more about that, what that information  
13 management system is. And that's something that I -- I  
14 in particular want to talk about when we -- when you come  
15 to your EMS, or EMPs and so on, and there's -- there's  
16 some discussion around that.

17 I want to know what that's all about, and  
18 if there's drafts available I would like to have a chance  
19 to look at it and comment on it, if I can.

20 And -- and I think it -- it's not just the  
21 records that -- that you have in -- under your control.  
22 As I said, there's several other institutions that --  
23 that may have records that somebody in the future may  
24 need to access about the Giant Mine that are not under  
25 your control, but you need to find a way to keep that

1 stuff together, or at least if somebody wants to look it  
2 up, knows where to go. So I -- I'm just sort of curious  
3 to know when this plan is going to be done, or read --  
4 ready for information management. Thanks.

5

6 (BRIEF PAUSE)

7

8 MR. NORMAN QUAIL: I'm being reminded of  
9 a number of critical things about our records, and some  
10 of the technical -- technological problems we have with  
11 some of the -- with the file formats.

12 But nonetheless, I think as we committed  
13 in -- in the presentation that the -- we intend to have  
14 the environmental management system complete by the time  
15 that we head to water licensing. And so, therefore, I  
16 would anticipate that we would have our records  
17 management system in place, and clearly defined as to --  
18 as to what are the critical records, and also what are  
19 the steps that are required to -- to ensure that we bring  
20 those records that we currently don't have into our --  
21 into our system.

22 But again, I -- I do have to emphasize  
23 that it's -- it's not that we're doing with our records.  
24 I think it's a -- it's a reoccurring discussion that we  
25 have in the group about how do we re -- retain these

1 records, and how do we make them available for our  
2 current needs, as -- as well as long term.

3 And -- and there are, as Alan pointed out,  
4 there are technological migration issues where things  
5 have been created in other formats, so we do have -- you  
6 know, we're putting thought to it so that we -- we can  
7 retain these things for both immediate and long-term use.

8 THE FACILITATOR MERCREDI: And that was  
9 Norm Quail for the -- for the record.

10 MR. NORMAN QUAIL: Norm Quail, yes, Giant  
11 team.

12 MR. KEVIN O'REILLY: Thanks. Kevin  
13 O'Reilly, Alternatives North. I just have two (2) more  
14 things I want to follow up on this, Alan. Sorry.

15 THE FACILITATOR EHRLICH: It's okay.  
16 Just --

17 MR. KEVIN O'REILLY: Part of the reason  
18 why this stuff is so important, and I'm holding up my  
19 props, are to be able to tell the story about the mine so  
20 that people in the future know what happened at the mine  
21 site, the stories are protected and preserved in some  
22 way.

23 And here's a couple of examples in ways in  
24 which that has started to be done. There's a -- an oral  
25 history that was done by people in Deline. If only we

1 had known the history of Port Radium as told by the Sahtu  
2 Dene.

3                   There's also information in here though  
4 about the mining operation itself. This one's called,  
5 The Highway of the Atom, by Peter van Wyck, who was a  
6 researcher that was hired under the Deline Canada action  
7 plan, or -- I think that's the -- the name of it, who put  
8 together some personal reflections and history of the  
9 site, as well.

10                   He had access to some archival materials,  
11 not everything. But this is the sort of work that --  
12 that requires good information management, good acc --  
13 public access to the information that you folks may have  
14 to be able to generate these sorts of living documents  
15 about the history of the site that we need to continue to  
16 tell the -- the stories of the site to communicate with  
17 future generations.

18                   So that's why I'm asking these questions  
19 and maybe I should have started off that way but -- so I  
20 -- I'm hoping that when you design these systems you also  
21 have in mind a way in which the public may be able to  
22 access these systems, not just you folks as managers, so  
23 that these sort of stories can -- can be told.

24                   With that, Alan, I just -- I have one (1)  
25 other thing that I need to follow up on and that was Part



1 4 of the -- the quest -- the IR, where I had asked for a  
2 number of documents that were -- appeared in -- in  
3 Chapter 4 of the -- the DAR, that were referenced in  
4 there, and I got none of them out of the -- the  
5 developer.

6 I know I met with -- and I tried to do  
7 this before the IR process, tried to do it through an  
8 exchange of emails, and I -- I know they're very busy  
9 individuals. I had three (3) documents given to me that  
10 were -- I think they were used in -- in that Chapter 4  
11 but none of the ones that are listed here are the ones  
12 that I actually asked for.

13 So I was a bit perturbed when I'm told  
14 that they were already given to me when they were not.  
15 And I would have preferred to have deal -- dealt with it  
16 informally but I guess I'm looking for a commitment now  
17 that they will actually provide those documents that were  
18 referred to in -- in Chapter 4.

19 And I -- quite frankly, I don't see this  
20 any different than asking for a scientific paper that  
21 you've referenced in some way. And that -- you made use  
22 of these in the DAR; I'd like to see the originals. Can  
23 you find a way to allow me to look at them or get them?  
24 And I'm happy to meet offline if that's going to help  
25 move this along.

1                   But when I read here that:

2                   "The Giant Mine remediation project  
3                   does not intend to research the  
4                   historical records relating to the  
5                   decision to place the arsenic trioxide  
6                   into the underground stopes and  
7                   chambers,"

8                   that's not what I was asking and I wasn't very happy when  
9                   I saw that. So can you agree to provide me the -- the  
10                  documents I asked for? And I'm happy to do it offline if  
11                  we need to.

12                  MR. ADRIAN PARADIS: Adrian Paradis for  
13                  the Project Team. Kevin, I'm somewhat confused. My --  
14                  my understanding is -- or my thought was that we had  
15                  actually provided them prior to receiving the IR and we  
16                  had subsequently pro -- provided them again. And I --  
17                  there might be just some confusion that's probably dealt  
18                  with outside of this form of back and forth that we can  
19                  discuss, because I thought we actually had done it.

20                  THE FACILITATOR EHRLICH: It's Alan, I'm  
21                  going to jump in here. I would like you guys to address  
22                  this in a sidebar meeting at a separate time. If we had  
23                  much longer for the technical session, then there might  
24                  be some value doing it here, but we've got more ground to  
25                  -- to cover. Please meet in your own time and then

1 submit what you have to submit to the registry.

2 MR. KEVIN O'REILLY: Thanks, Alan. Kevin  
3 O'Reilly here. I'm happy to talk with Adrian offline  
4 about this and I -- I'm trusting and hoping that we can  
5 work it out, but if we're not able to I'm going to seek  
6 an undertaking to get the documents, please. So that's  
7 where I'm -- I wasn't very happy with the response.  
8 Thanks.

9 THE FACILITATOR EHRLICH: Okay. I'm  
10 calling a fifteen (15) minute -- actually, could we make  
11 it a ten (10) -- is ten (10) minute break long enough or  
12 is that -- fifteen (15) minute, okay. I'm going to call  
13 a fifteen (15) minute break right now. We'll meet at two  
14 (2) minutes past 3:00 and start up again then. Thanks.

15  
16 --- Upon recessing at 2:47 p.m.  
17 --- Upon resuming at 3:02 p.m.

18  
19 THE FACILITATOR EHRLICH: Okay. Back at  
20 'er, please. It's time to carry on. Can I ask everyone  
21 over at the food table area there to come back, sit down,  
22 and get ready for more. We're approaching the home  
23 stretch. We need to make sure we cover the ground that's  
24 in front of us before time runs out.

25 It sounds like we're ready to move on to a

1 new topic unless parties have any other comments  
2 regarding communication of the -- the future generations  
3 and, you know, long-term stuff.

4 MR. KEVIN O'REILLY: Thanks, Alan. Kevin  
5 O'Reilly, Alternatives North. Is Adrian in the room?

6 THE FACILITATOR EHRLICH: He's in the  
7 little room down the hall I think, but he'll be in this  
8 room soon.

9 MR. KEVIN O'REILLY: Well, I wanted to  
10 report that Adrian and I had a conversation about this  
11 response to Alternatives North IR Number 4, the fourth  
12 part of it, where I'd asked for a -- a number of  
13 documents, and I think it's fair to say that Adrian was  
14 under the impression that I'd actually received those,  
15 but they were not the ones that I'd actually asked for.  
16 So he's under -- I will not use the word "undertaken."  
17 He's agreed to go back and talk to his folks about where  
18 the documents might be that I'd asked for and get back to  
19 me.

20 So I don't want to put the words  
21 "undertaking" in his mouth, but it was pretty darn close  
22 to that, in my humble opinion, so -- but maybe we need to  
23 -- I thought he was in the room when I started this,  
24 so...

25 MS. LISA DYER: Mike, could -- could you

1 take a mic into the bathroom and see if he can respond  
2 there.

3 THE FACILITATOR EHRLICH: That was Lisa  
4 Dyer. I don't want to take the blame in the transcript  
5 for that comment. There are so many good reasons not to  
6 take the microphone into the bathroom. I think we're  
7 going to take this comment and just shelve it for a  
8 couple of minutes because Adrian will be back soon.

9 Do you have any -- or does Alternatives  
10 North have any comments they'd like to make on the record  
11 regarding this subject? And, I mean, part of the reason  
12 why I'm trying to make sure this gets hit on today is  
13 because it's something that -- that was tackled by so  
14 many different parties at the Giant Mine Perpetual Care  
15 Workshop recently that, whatever you want to get in here  
16 from that, in addition to the report from that workshop,  
17 which you've provided for the record, if you have  
18 questions about that material for the Giant team, they're  
19 -- they're here and ready to go for a short time more.

20 MS. FRANCE BENOIT: I did ask the  
21 question. I forget when. France Benoit, Alternatives  
22 North.

23 I just would like to go back to the issue  
24 of communications with future generations, and many of us  
25 attended that workshop in Dettah. I just would like to

1 get a bit more comfort. I like that word when Kevin uses  
2 it, and I just would like to feel a little bit more  
3 comfortable around this issue, to know that there were  
4 lessons learned, and that we're on a similar track that  
5 you are looking at this or planning to look at this.

6                   There's very specific cases, you know,  
7 what's happening in New Mexico with the waste isolation  
8 project. The nuclear waste industry is -- is far ahead  
9 in this. As a citizen, a chain fence link (sic) that  
10 says "Do not trespass" do -- does not give me any comfort  
11 for my great-grandchildren.

12                   Languages change. I mean, people have  
13 spent a lot of time studying this issue, and -- and I  
14 truly feel that we are making history here, and one (1)  
15 of the things that I've taken from the -- the perpetual  
16 care workshop is that we can take Giant Mine from a place  
17 of destruction to a place of wisdom, where we can  
18 contribute ourselves, to -- to use Giant's term, our  
19 collective wisdom and -- and inform ourselves and future  
20 generations. So just some -- a general question.

21                   MS. LISA DYER: Lisa Dyer. Thanks,  
22 France. We both attended the workshop, and it was a very  
23 positive experience for me to be there, and there was a  
24 lot of ideas around communication to future generations,  
25 and -- and it is -- it is a new concept in many ways,

1 although it's been around for -- you know, we have --  
2 throughout history, there's been kind of changes in how  
3 do we communicate to the future generations, so there was  
4 a lot of good ideas, there were examples.

5           And I was just conferring with Joanna and  
6 Octavio, and, yes, that's something definitely we are  
7 open to considering, and I think that's something where  
8 we need to look at what others are doing in other  
9 locations, and you gave some good examples about New  
10 Mexico, and I think, because we're talking about way off  
11 in the future, we do have the opportunity to give some  
12 thought and work on these ideas over the next few years  
13 as we're implementing the project.

14           So, yes, the project team is open to  
15 looking at examples and having further discussions on how  
16 we can do this. And there's some neat ideas out there  
17 and I think there's a lot of opportunity for more  
18 conversation on this topic.

19           THE FACILITATOR EHRLICH: Alternatives  
20 North has indicated in a break earlier that they have  
21 some materials that may be submitted on the public  
22 record, a book called -- I think it's "Deep Time", and a  
23 movie, the name of -- a -- a film that relates  
24 specifically to how this has been handled in parts of  
25 Europe, that they're -- they're contemplating putting on

1 the record as well. And I assume if they're on the  
2 record, then the -- the senior folks at the Giant team  
3 will make a point of -- of viewing and -- and  
4 understanding them, because I think that would -- it's a  
5 hard concept to articulate in a short technical session.

6                   This isn't phrased as a commitment, but  
7 can you just give some reassurance to them that you're --  
8 you're going to go through the -- the material they place  
9 on the record regarding that with -- with an attentive  
10 eye? There's -- I don't think there's any expectation  
11 for a commitment during the time of this EA to be having  
12 made firm decisions about how you're going to communicate  
13 with generations in the extremely distant future.

14                   MS. LISA DYER: Lisa Dyer. We -- we --  
15 Adrian and I had the benefit of seeing the -- the video  
16 that France brought. It was -- it was very thought  
17 provoking. And, as well, we've already reviewed the  
18 report that Kevin provided to us on the outcomes of the  
19 workshop, and we have shared that with our senior  
20 management. So, we have already undertaken to do that.

21                   THE FACILITATOR EHRLICH: Sounds good.  
22 Do we have enough on communication with the future  
23 generations here? I -- I -- one (1) of the things that's  
24 quite reassuring is we've just heard that you'll be  
25 looking at how this has been dealt with at other



1 perpetual care sites. You know, the things that jump to  
2 mind are parts of the US, where they're -- they're trying  
3 to make signage on -- on mountainsides to be sure that  
4 people in the very distant future will be able to  
5 understand there's something there that they shouldn't be  
6 using. I know in the -- Europe there's all kinds of  
7 different landscape architecture that's intended to  
8 convey the same message, because they realize over a long  
9 enough period you -- you can't rely on language.

10                   But I've also heard what you said earlier,  
11 in terms of the detailed information, a commitment to  
12 maintain the -- the quality of your digitized  
13 information, and carry it forward in -- you know, into  
14 the -- say the -- I don't want to say relatively near  
15 future. I'm not talking about next years, but, you know,  
16 next hundred years or centuries, not millennia.

17                   So, I think there's been some -- some use  
18 in where we've -- we've gone with this. And if it's okay  
19 with the parties, I'd like to get onto a different --  
20 different subject. We've got some questions from the  
21 Review Board's experts that I'd like to turn the  
22 microphone over to. Just one (1) second, please.

23                   Doug Ramsey is the first consultant to the  
24 Review Board who'll be speaking.

25                   MR. DOUG RAMSEY: Doug Ramsey. This

1 morning we heard about your planned environmental  
2 management system and how it will incorporate your  
3 monitoring program, management of the results from your  
4 monitoring program, the analysis and interpretation of  
5 those results, the adaptive management responses to those  
6 results, and we've just finished a lot of conversation  
7 about communication.

8           Now, when it comes to environmental  
9 management systems, they are, of course, a case of  
10 garbage in and gar -- if -- if it's garbage in its  
11 garbage out, and simply being something like an ISO --  
12 audited ISO compliant environmental management system, in  
13 and of itself doesn't give it that much credibility with  
14 respect to whether the work being done within that  
15 management system is good and valid or not.

16           There needs to be some more input other  
17 than simply being an environmental management system,  
18 whereby there is a process to identify the right things  
19 to measure, how to measure those right thi -- those  
20 things correctly, where to measure them, how frequently  
21 to measure them, and going beyond that to the kinds of  
22 analysis and interpretation that needed to be done. It's  
23 quite possible to be completely compliant with your EMS  
24 and have really lousy data.

25           And so I'll start my questioning with:

1 How are you proposing within your EMS to make sure that  
2 not only do you have this structure, which is a good  
3 thing, but also to make sure that the information that's  
4 generated from it is good and valid and what is needed.

5 MR. NORMAN QUAIL: There we go. Norm  
6 Quail, the Giant Mine team. What you're asking is -- is  
7 not a trivial question, and -- and it's -- and it's  
8 fundamental, and -- and certainly this is something  
9 that's addressed in -- in literature frequently. I -- I  
10 heard it best described once, is that you can manage a  
11 single tree, and we call it a forest, with an EMS system.

12 But I think the -- the critical thing here  
13 is that we're looking to an EMS to give us that  
14 structure, that common language of understanding, of how  
15 to go about managing something on a very long term basis.  
16 But the -- we're looking towards the development of these  
17 EMPs as the -- as the -- sort of a -- the critical piece  
18 in the environmental management system. And if you look  
19 at chapter 8 of the DAR we went as far as we could in the  
20 context of the environmental assessment to -- to look at  
21 effects of the project on the environment, and to  
22 establish mitigation measures to -- to address those  
23 things.

24 And then if you look to chapter 14.2 of  
25 the DAR -- if you look to chapter 14.2 of the DAR, and

1 particularly around the long-term monitoring program,  
2 we've already established, or taken a first -- I think a  
3 very first cut at -- at looking at parameters that are  
4 critical for -- for the long-term management.

5                   So, again, if we go back to the slide on  
6 environmental management planning, our goal is definitely  
7 to look at -- to set -- both to conduct additional  
8 baseline studies. I give the example of vegetation is a  
9 good one, where we don't have external standards by which  
10 to -- to judge success. So, certainly the commitment of  
11 the DAR around both wildlife and vegetation is to do more  
12 extensive baseline measurement, so that as we go forward  
13 we have something against to measure success or failure,  
14 with thresholds for action.

15                   Maybe I'm not -- basing on your -- your  
16 language I'm not getting maybe to the -- to the detail  
17 that you want, but -- go ahead.

18                   MR. DOUG RAMSEY: Thank you. Doug  
19 Ramsey. No, you're not quite getting to what I was  
20 looking for, because what you're suggesting is -- is  
21 we're gonna measure lots and we're gonna measure lots of  
22 different things and hopefully that'll give us the  
23 information that we need. And I realize that there are a  
24 lot of very experienced and learned folks on the -- the  
25 Giant Mine team, but I think I might suggest the answer I

1 was looking for would be a combination of both  
2 determination from within the team, plus a combination of  
3 external, you might call it "cold eyes review", as well  
4 as review from stakeholders, so that you're not getting  
5 only technical input but social -- the -- the social  
6 input as well.

7                   So, that when you're coming down to  
8 looking at thresholds for response and various other  
9 things, it might fall in the category of thresholds that  
10 are based on socio-technical considerations rather than  
11 purely on technical.

12                   Is that something that has been  
13 contemplated for that part of the EMS?

14                   MR. OCTAVIO MELO: Octavio Melo, for --  
15 for the team. I guess what I could add to this is the  
16 experience at Colomac, which I mentioned at the beginning  
17 of today. There, the process we went through was --  
18 obviously we had the engineering team designing the  
19 project and all that, or the remediation. We then  
20 engaged -- obviously, impacts on wildlife, caribou and --  
21 et cetera. Dow -- fish downstream, were a prime  
22 consideration.

23                   So, we brought in experts in the field to  
24 advise us exactly on what you're getting at: What to  
25 measure? What are the important parameters? How

1 frequently should they be measured? What species should  
2 be looked at? How frequently? Et cetera.

3 So experts broug -- in -- in the field  
4 brou -- were brought in to help us design the -- the  
5 program, and they did this -- this in the context of  
6 engagmin -- engagement with Elders who were familiar with  
7 the -- the landscape. So, if it's wildlife protection,  
8 that input was critical to -- to designing the -- the  
9 monitoring program.

10 So, that's the experience, and we see  
11 ourselves applying similar approaches on this project.

12 MR. DOUG RAMSEY: Doug Ramsey. Thanks.  
13 You -- so could I take your answer then as -- as being  
14 that's the approach that's going to be taken in this case  
15 when it comes to developing the monitoring part of your  
16 environmental management system?

17 MR. OCTAVIO MELO: Correct. One (1) --  
18 one (1) other item I should have mentioned, the -- so  
19 that -- that deals with the strategic design of the  
20 sampling program, monitoring program.

21 The assurance on the -- the quality  
22 assurance of the data, et cetera, that -- that will be  
23 standard operating procedures, and -- and so on. That's  
24 also part of that process.

25 MR. DOUG RAMSEY: Thank you. Doug

1 Ramsey. Now, if we've learned anything over the past,  
2 well, probably fortyish years of what we might call  
3 contemporary environmental impact assessment, we've  
4 learned that we can do a very good job of predicting  
5 many, many things. But repeatedly it comes back to us  
6 where the impacts that are found to be most significant,  
7 or matter most, or however you want to phrase it, are  
8 those things that weren't anticipated in the original  
9 impact assessment.

10 I think the measure of the improvement of  
11 the -- the state of the science is that we are seeing  
12 that less -- less often, but it hasn't disappeared  
13 either. And what that points to is in addition to  
14 looking for verifying the things that we know about,  
15 verifying the project as we've described it -- I suppose  
16 you could sort of -- to put it into a single sentence --  
17 there's a need to also look for -- or have a mechanism  
18 for looking for the unexpected. And that's something  
19 that, in this particular case, would have to be built  
20 into the environmental management system.

21 And has there been any thought given in  
22 the overall design of the EMS in this case to incorporate  
23 into your data analysis the looking for the unexpected,  
24 since it seems that there's no shortage of -- of  
25 measurements of as many things as possible? But in this

1 case, it's going to be the -- the data analysis to focus  
2 on the things that weren't considered to be important, as  
3 part of the original design.

4 And, just to restate, Is that something  
5 that's been contemplated, or not?

6 MR. OCTAVIO MELO: Okay, we had --  
7 Octavio Melo. We had a bit of a caucus here. We  
8 acknowledge this is an important aspect, and to date, as  
9 you -- as you heard, the EMS, and its components, and so  
10 on, are in their infancy. So, given that, it's important  
11 we commit to -- "commit", the wrong word -- we will  
12 consider it, take it into account, and then possibly --  
13 again, a suggestion here -- use the status of the  
14 environment reporting, so the three (3) year cycle, to --  
15 or five (5) years further into the future, to doing that  
16 type of analysis.

17 So, it's an important item. We need to --  
18 to think about it some more, and build it into the status  
19 of the environmental report.

20 MR. DOUG RAMSEY: Thank you. Doug  
21 Ramsey. I appreciate that your EMS is -- is not exactly  
22 built yet, and it -- and it's possibly one (1) or two (2)  
23 steps past being a thought problem, or a concept at this  
24 stage. But -- and so it's -- it's good to know that  
25 these various things are -- have or are going to be



1 contemplated, and -- and looked at as part of that.

2           Now, also your adaptive management  
3 program, or your adaptive management response system, if  
4 you will, is also going to be built into the system,  
5 based -- based on the presentation this morning. Now,  
6 we've heard the term, "adaptive management," quite a bit  
7 over the past week, and like so many words, and we talked  
8 about a lot of words and how they mean different things  
9 to different people, the term "adaptive" can mean quite  
10 different things to different people. And within an EMS,  
11 the range of adaptation that's possible can be  
12 particularly broad, or it can be quite limited, depending  
13 on how the EMS is structured.

14           And certainly for myself, working the past  
15 several years in an ISO system developed by a bunch of  
16 engineers, it -- it can be difficult to change things  
17 within an EMS unless there's an explicit provision, or  
18 mechanism, within the EMS to facilitate that kind of  
19 change.

20           And my first question along the line of  
21 adaptive management is: What does the Giant team see as  
22 being sort of the range of adaptive responses, and I'm  
23 talking in general terms, not specifics here, that would  
24 be contemplated within this system?

25           MR. NORMAN QUAIL: Norm Quail, the Giant

1 Mine team. We took a bit of time here to caucus because  
2 the -- the -- I think the question is multilayered in  
3 terms of a project like this, and that the -- the  
4 flexibility for adaptive management will depend very much  
5 on the components that -- of the project that we're  
6 dealing with, certainly in terms of -- and as I talked  
7 about in the presentation, we're looking at adaptive  
8 management on -- on primarily three (3) levels.

9           We have the big -- the -- well, the -- the  
10 assessment of what we're -- or effectiveness of what  
11 we're doing is -- is occurring both on a compliance, are  
12 we in compliant -- compliance with the -- with the  
13 measures that we thought we were taking, and also are we  
14 being effective in what we're delivering. And these  
15 relate a lot to the -- what may be residual effects from  
16 the project, what type of residual effects are we seeing  
17 in terms of environmental impact, et cetera.

18           But there is the other layer, and we  
19 addressed it in terms of the -- the frozen block, is that  
20 our adaptive management there is focussed on the success  
21 of the overall project, and we have discussed some of  
22 those things in the DAR, some of the tools that are  
23 available to us. So again, it's -- your question is --  
24 is very broad, and I think for different components, as  
25 I've said, it's -- it's very layered.

1                   And I don't think we can be overly  
2 definitive at this stage to say the range is this. For -  
3 - for some areas we may have a great deal of flexibility  
4 around vegetation. If we're finding something isn't  
5 working, it'll be potentially obvious and we'll have  
6 broader ranges around the frozen block.

7                   We've talked about a very -- there may be  
8 others, but we ha -- we -- we adapt. We find a fairly  
9 extensive list that we think gives us quite a bit of  
10 flexibility to adapt to -- to issues related to the  
11 frozen blocks.

12                   MR. OCTAVIO MELO:    Octavio Melo. Maybe  
13 just an addition to what Norm has said. I think we need  
14 to strike a balance here. And the balance is if -- if  
15 you give a certain amount of flexibility to a technical  
16 team and a problem comes up they'll find a solution. So  
17 that's -- that's the flexibility.

18                   On the other hand, we heard earlier this  
19 week that in some instances it's good to have a target  
20 and/or a well defined range or -- and -- and so on. So  
21 we need a balance. It will depend on the element that  
22 you're dealing with and so on. So there's no simple  
23 answer or... And, furthermore, we need to engage the  
24 community, the stakeholders, in -- in considering the  
25 various elements and -- and working our way through this

1 process.

2 MR. NORMAN QUAIL: No, I think sort of  
3 within the -- the framework of adaptive management that -  
4 - that substantially answers my question. What I was  
5 trying to get to is whether, at this time, there were cer  
6 -- any built in limits to the level of adaptation that  
7 was possible as part of the adaptive management program.

8 I guess, in the most obvious yet extreme  
9 instance one (1) of the -- the key objectives of the  
10 program is to determine if the frozen block concept is  
11 actually working and whether or not there would be sort  
12 of boundaries and thresholds attached to something like  
13 that to draw -- come to the -- hopefully the -- the  
14 conclusion that hopefully wouldn't be necessary in this  
15 case, but whether or not there would be a trigger to say,  
16 Well, this isn't working the way we'd anticipated to. We  
17 can't make it work the way we anticipated to. Therefore,  
18 we have to consider something else entirely. And I'm  
19 just wondering if that sort of range of potential is  
20 going to be built in to the adaptive management system or  
21 not.

22 MR. OCTAVIO MELO: Octavio Melo. It --  
23 it is my recollection that earlier in the week there --  
24 there were -- we were -- we talked about at the -- at the  
25 -- well, the -- the process was started by YKDFN about

1 measures of success and -- and so on.

2                   So there was agreement that it's -- it's a  
3 complicated topic and we couldn't come up with a specific  
4 measure say for the frozen block. But we did agree that  
5 we would work through that again.

6                   It's been said and -- and the -- the  
7 intent of the remediation project is to stabilize the  
8 arsenic and prevent leaching into the minewater and so  
9 on. And so we will certainly -- that -- that's very  
10 important to the project, to establish how we're going to  
11 measure, determine that, and -- and part of that process  
12 is to determine the responses, depending on what we find.  
13 And we expect that the -- the freezing to work.

14                   So it's -- it's part of what we discussed  
15 early in the week and -- and the plan is to -- to carry  
16 that out, the -- the assessment.

17                   MR. NORMAN QUAIL: Okay, thank you. My -  
18 - my reason for taking the -- the question possibly to  
19 that extreme was to try to get a sense of perhaps how  
20 open-minded or broad -- broad-minded is probably a better  
21 term the adaptive management system was -- was considered  
22 to be at this stage. And certainly I'm not asking for  
23 definitions of any specific thresholds of anything at  
24 this point because I do know that you're -- you're not  
25 anywhere near that stage for a number of things.

1                   But I did hear earlier that in addition to  
2 taking into consideration the technical aspects of  
3 various thresholds that -- there's also the explicit  
4 statement of taking into consideration the -- the social  
5 aspects as well to move to this sociotechnical threshold  
6 consideration. And -- well, I think that looks after my  
7 questions. Thank you.

8                   THE FACILITATOR EHRLICH: And I think  
9 that leads into a -- a related question by Cesar.

10                   MR. CESAR OBONI: Yeah. Cesar. So if I  
11 understand correctly one (1) of the main concern  
12 displayed amongst the present parties is the  
13 transparency. I'm going to read an answer and I think  
14 that answer displays pretty well the -- the problem in  
15 communication between lots of people around here, and  
16 that's taken from the Informat -- IR, City of Yellowknife  
17 number 3. Its respon -- response questions. And the  
18 respon -- response is:

19                                 "Given the large area covered -- of  
20 covered tailings and the likelihood  
21 that the tailings exposure would be  
22 localized, the public health and safety  
23 risks are not expected to be broadly  
24 significant."

25                   So as a risk manager my concern is always

1 the mitigative measure, and that's what we can see on the  
2 slide that you are talking about, that is right down  
3 behind us about the introducing concepts. And is the  
4 mitigation measure enough? So as a risk manager my  
5 question would be "broadly significant" means what  
6 exactly.

7                   And this is, I think, one (1) question  
8 that is related to what -- Todd's, today and yesterday  
9 and, well, pretty much all this week, is -- is it enough,  
10 and is it acceptable at the end of the day? Because as  
11 Alan said today, We all have different values, and  
12 sometimes a land that could appear to have no value to  
13 someone could have tremendous value to some other people.  
14 And I think that's the -- I think by -- how can I say  
15 that?

16                   Well, in other times -- terms, I think  
17 that if -- by defining proper values and all that for  
18 lots of older risks, and what is -- if there was some  
19 clear definition of what's the residual risks are, it  
20 would help everyone to arrive to a clear and transparent  
21 answer, and...

22                   MS. LISA DYER: Lisa Dyer. Cesar, thank  
23 you very much for that example. And I think we've heard  
24 very clearly that the communication of risks is very  
25 important on the project.

1                   And so although we were trying to show  
2 that the risks of the tailings, once there was a cover,  
3 was -- should not be a concern to the public, they should  
4 still not be worried, there are probably more effective  
5 ways of us to communicate those. And I think one of the  
6 things we've made a commitment to is kind of having a  
7 workshop on kind of risks and communications of risks,  
8 and -- and going through those scenarios with the Elders.

9                   And so I think that's another good example  
10 of where we're honestly trying to communicate in a means  
11 that makes the public feel more confident, but obviously  
12 sometimes we need to -- we need to approach that in a  
13 different way. So I think that's a good example, and the  
14 point is -- point is taken.

15                   MR. CESAR OBONI: Cesar. So if I  
16 understand correctly, you are -- you have a commitment to  
17 -- with -- with the Elders, and with the people involved,  
18 to define acceptability criteria -- excuse me,  
19 acceptability criteria for the residual hazards and the  
20 risks? Thank you.

21                   What I have read is the IR -- City of  
22 Yellowknife question 3. It's Response Question 3.

23                   THE FACILITATOR EHRLICH: The -- just to  
24 be clear -- it's Alan -- Alan Ehrlich here. I mean,  
25 although the example that was cited came from the City of



1 Yellowknife IR number 2, the question that I've heard is  
2 not specific to City of Yellowknife IR number 2.

3                   It was a question about how you plan to  
4 establish what is an acceptable level of residual risk,  
5 including in your discussions with stakeholders. So I  
6 was just taking the opportunity to coordinate the few  
7 remaining questions that we've got in the room so they  
8 come out in a way that's not entirely disjointed.

9                   Does the Giant team have a response to the  
10 previous question?

11                   MS. LISA DYER: Lisa Dyer, Giant Mine  
12 team. I'm going to ask Daryl to kind of provide some  
13 context for our answer, and then I'm going to ask Ray  
14 Case to follow up.

15                   MR. DARYL HOCKLEY: Daryl Hockley. I'm -  
16 - I'm just worried that we're mixing vocabularies about  
17 risk, and if we don't clarify then we may give the wrong  
18 impression going forward.

19                   The -- the IR you referenced refers to --  
20 in -- in broad terms is referring to human health and  
21 ecological risk assessment, which is the sort of thing  
22 that -- that Bruce Halbert normally talks about, and it -  
23 - it's exposures of individuals to contaminants and  
24 uptake to contaminants.

25                   The -- your broader question about

1 defining risk-based criteria and getting community input  
2 into risk-based criteria can also apply to things like  
3 engineering structures. Like, what is the appropriate  
4 design criteria for a -- for a tailings dam, and -- and  
5 that would res -- the -- so I just wanted to clarify that  
6 there are really two (2) types of risk that we do.

7 I -- I think we're open to input on both  
8 of those. Wha -- where -- where there is a widely held  
9 convention for a physical structure like a tailings dam,  
10 in my experience it's -- it's always good to get input  
11 but, in my experience, it's dangerous to challenge a  
12 widely held number.

13 Like if -- if every geotechnical engineer  
14 in the world says design it to a factor of safety of one  
15 point three (1.3), then you've got to have an awfully  
16 good reason for designing it for something less than  
17 that. So just generally speaking, we -- we -- if the --  
18 the facility of risk 1 is -- is -- that's another reason  
19 why it's slightly different than it be a human health  
20 one.

21 So now that I've thoroughly confused the  
22 discussion by trying to clarify it, I'll pass it over to  
23 Ray to fix it.

24 DR. RAY CASE: Thank you, Daryl. I hope  
25 I can do that. I just -- just wanted to -- to reiterate

1 and maybe expand a little bit on -- on what we had  
2 committed.

3 THE FACILITATOR EHRLICH: Sorry, could I  
4 get you to say your name for the record, please.

5 DR. RAY CASE: Oh, sorry I missed that.  
6 Ray Case. Just on the discussion that we had this  
7 morning, we -- the project team recognizes that at the  
8 end of remediation we are predicting to have some reside  
9 -- residual risks posed by the site.

10 And we want to -- to take our current  
11 understanding of those, some quantified, some -- some  
12 not, and have discussions with the parties and -- and the  
13 community as to what those are, how they -- how those are  
14 viewed in the medium term and how those are viewed in --  
15 in the much longer term.

16 And with that -- that type of feedback and  
17 -- and assessment from the public we would then take and  
18 say, Okay, is there something we can do in the next  
19 twenty-five (25) years that might modify some of those --  
20 those perceptions of -- of risk that might be, you know,  
21 five thousand (5,000) years from now, but, you know, are  
22 there things that way?

23 And that's -- that's the nature of -- of  
24 the discussion that we -- we had proposed this morning.

25 MR. CESAR OBONI: Cesar. So just to

1 again avoid any misconception or anything, when we talk  
2 about risk, whether it's any different risk, the results  
3 are always either casualties or money, right. There's  
4 not -- that's many dif -- we always have the same  
5 potential list of consequences.

6                   And this is why I don't think by have --  
7 there are different values, and those values do matter  
8 dif -- differently to different people, and by defining  
9 them with the right people would help to address those  
10 issues.

11                   Now, I'm coming now again from the risk  
12 perspective of what we discussed yesterday. And I did a  
13 little homework and I realized that what you called  
14 intermittent risk level yesterday, which are the one (1)  
15 that we're not going to deal with until -- or, well, it's  
16 not written. You're -- you're saying that we're not  
17 going to deal with and those are above what is marginally  
18 accepted in publically available acceptability criteria.  
19 And I was wondering if it's really what we want for  
20 projects that has that time perspective.

21                   Just to clarify one (1) -- one (1) thing,  
22 those publically available acceptability criteria are the  
23 one (1) that we talked yesterday and on Tuesday, which  
24 are the CDA, Canadian Dam Association, or the ANCOLD,  
25 which is the Australian National Committee on Large Dams,

1 but also what is reference in a lot of other industries  
2 as "as low as reasonably possibly," ALARP, A-L-A-R-P.

3 And another one (1) that is used usually  
4 for when people don't really know how to define  
5 acceptability criteria, which is Whitman (phonetic). And  
6 that was some curves that were defined for nuclear  
7 industry but are also used in chemical industries and in  
8 a lot of private sectors. So Whitman (phonetic) 1984, to  
9 be precise. Thank you.

10 MR. OCTAVIO MELO: Octavio Melo. I -- I  
11 don't necessarily have an answer but we need -- I need  
12 some additional clarification. You talked about some of  
13 the outcomes being either monetary or fatalities.

14 MR. CESAR OBONI: M-hm.

15 MR. OCTAVIO MELO: And yet Daryl, in his  
16 comments at the beginning of this series of back and  
17 forth discussion, pointed out that we need to be clear on  
18 what kind of risk assessment and -- and processes we're  
19 looking at. And -- and he pointed out two (2),  
20 ecological and human health risk assessment where the  
21 outcome -- the outcomes that get considered are not  
22 necessarily fatalities. They could be some other end  
23 points which are short of fatalities or -- anyway.

24 So again, the references you -- you've  
25 quoted there refer to dam safety analysis and -- and

1 other such -- such standards, but in the context of the  
2 tailings. And the tailings I think the -- the more  
3 appropriate argument here is probably human health,  
4 ecological risks, and so on where -- rather than  
5 fatalities necessarily.

6 MR. CESAR OBONI: Cesar. Human risks and  
7 fatalities, they are not the same? Or could you please -  
8 - yeah, please.

9 MR. DARYL HOCKLEY: Yeah. Daryl Hockley.  
10 Maybe I can help again. In -- in nuclear facility risk  
11 assessment it's very common to convert all these  
12 variables into fatalities. In -- in economic risk  
13 assessment it's very common to convert everything into  
14 dollars.

15 The -- the system that INAC is using tries  
16 to avoid some of those conversions by -- by explicitly  
17 having boxes that apply to environmental impact, for  
18 example, so that we don't -- we don't force people who --  
19 who don't -- who aren't good with numbers to convert an  
20 environmental impact into a net present value or a -- or  
21 a risk of a human fatality.

22 So -- so I think it's just mis-  
23 communication here. Octavio's point is that INAC's  
24 interest, GNWT's interests extend to far more than just  
25 fatalities and -- and dollars.

1                   To return to the question about public --  
2 about the Whitman reference and the other references,  
3 measures of -- of socially acceptable risk, we said  
4 yesterday that we -- we want to look through the --  
5 you've done the homework already. We still need to do it  
6 and look through it. I'm familiar with all those  
7 references.

8                   Whitman is -- I was hoping there would be  
9 something since Whitman because Whitman's not entirely  
10 helpful at times. But is there a specific -- you  
11 mentioned that you'd found at least one (1) thing on the  
12 registry that you thought was incompatible with those.

13                   Could you point out that specific case and  
14 maybe we can discuss that?

15                   MR. CESAR OBONI:    So -- Cesar, sorry. So  
16 first of all, you said -- so you -- you were going to  
17 compare them to socially acceptable criteria?

18                   MR. DARYL HOCKLEY:    (No audible response)

19                   MR. CESAR OBONI:    Excellent. Thank you.

20 Then --

21                   THE FACILITATOR EHRLICH:   Hold on a  
22 second. Sorry, the microphone didn't pick up the -- the  
23 agreement from the Giant team on that. Can you please  
24 say verbally what you indicated physically.

25                   MR. DARYL HOCKLEY:    Yeah, Alan. We -- we

1 said it yesterday in our response to the question what --  
2 what did we learn, and it was one (1) of the things that  
3 we certainly wanted to look at ourselves was -- or as  
4 anything we've said incompatible with other methods of  
5 calculating socially acceptable risk. Yeah.

6 THE FACILITATOR EHRLICH: And what I  
7 thought you just agreed to was, yes, you will consider  
8 socially -- a criteria regarding social acceptability?

9 MR. DARYL HOCKLEY: Yes, Alan. To  
10 reaffirm but we said it yesterday. But yeah, we -- yes,  
11 again, we -- we are going to do that.

12 THE FACILITATOR EHRLICH: Thanks.

13 MR. CESAR OBONI: So fir -- first of all  
14 I'm going -- Cesar. So first of all, I'm not going --  
15 I'm going to answer to your second questions which was  
16 which one (1). And I don't have a particular -- I don't  
17 have a specific answer, but the ISO that's many risk  
18 that's even when they consider it green are acceptable  
19 when, in fact, they are above ALARP or CDA, unacceptable  
20 zone, and that's where -- so any -- any one (1) of the  
21 risks, really.

22 MR. DARYL HOCKLEY: Okay, thanks. So  
23 we'll focus on those boxes that are yellow and -- and  
24 orange and green in -- in that intermediate range.  
25 That's -- that's what we thought. We thought the -- the



1 ones that are flagged as reds are going to come out red  
2 on anybody's system. It's in that intermediate range.  
3 We -- yeah, thank you. That's helpful.

4 MR. CESAR OBONI: Thank you. Now  
5 concerning the -- those social -- sociability criteria  
6 you say that you were going to involve the different  
7 parties and -- social acceptability. Sorry.

8 You will involve different parties to  
9 define them, and from my understanding is that social  
10 acceptability do change through times. And so are you  
11 considering reevaluating them on a -- I -- I don't want  
12 to say a regular basis because we're dealing with a very  
13 long project, but the -- very -- time in constructive  
14 project.

15 So are you going -- are you going to  
16 revisit something like every generation, or every twenty-  
17 five (25) years, or something like that? Thank you.

18 THE FACILITATOR EHRLICH: So the  
19 question, as I understand it is -- is, just to -- to  
20 reiterate, the -- the level of socially acceptable risk  
21 is something that you're going to -- to find out in  
22 discussions with -- with interested parties here.

23 And the question that I've heard was that  
24 what's socially acceptable in future generations may be  
25 different from what's socially acceptable now.

1                   You've got all kinds of ongoing monitoring  
2 systems to look at physical changes, but your response  
3 thresholds in some cases are going to be driven by what  
4 you've decided is okay and -- and now you're doing that  
5 talking to other people.

6                   How in the future are you going to talk to  
7 other people to make sure that you're still reflecting  
8 values that -- that show social acceptability?

9                   So to -- to summarize without further  
10 confounding it: How are you going to look at social  
11 acceptability criteria in future generations as social  
12 values may change?

13                   MS. LISA DYER: Lisa Dyer. As Daryl  
14 mentioned, we will look -- take our risk assessment and  
15 look at the risk assessments you've mentioned, and  
16 compare.

17                   We update our -- our risk assessment on a  
18 regular basis. We have made a commitment to talk about -  
19 - as we mentioned earlier, to talk with the parties about  
20 residual risks and -- and sequences of risks and -- and  
21 that's what we've -- that -- that's what we're committing  
22 to at this point.

23                   And I'd also -- we're kind of down to half  
24 an hour, so I know this risk is kind of a complicated  
25 topic, and so I just -- if -- if there are other

1 questions that we can help with we'd be more than will  
2 to, you know, to talk further about it.

3 But I'm just seeing -- and I'm not going  
4 to name any names, but there's a couple of people resting  
5 their eyes at the back, and this is just a very difficult  
6 topic to try and tackle with thirty (30) minutes left.  
7 So, Ce -- Cesar, we -- we're willing to -- to address any  
8 of your concerns. I -- I'm just wondering if we're going  
9 to have time to do it in this forum.

10 MR. CESAR OBONI: Cesar. I -- I  
11 understand. And I don't want to take some precious time,  
12 so I really appreciate the fact that you take the time to  
13 answer to those questions. I just thought it was  
14 important to address them as soon as possible because,  
15 again, the -- the -- as trans -- as much -- as  
16 transparent as we can get now it will remove some further  
17 room for interpretation. And that's why I thought it was  
18 important to bring that subject right now. And so thank  
19 you, so -- very much.

20 THE FACILITATOR EHRLICH: In terms of  
21 overall risk, we're not going to pursue that any further.  
22 There are other channels that if we need more information  
23 we can get it. The -- I have a short question. I found  
24 it encouraging that in response to one (1) of the Review  
25 Board IRs the Giant team committed to doing every ten

1 (10) years a review of emerging technologies.

2 A couple of minor detail things on that.  
3 From the response that discussed that, part of my  
4 question was, is that only for the two (2) ten (10) year  
5 periods that will occur during the first phase of the  
6 project or -- or over the long term?

7 MS. LISA DYER: Lisa Dyer. Over the  
8 long-term.

9 THE FACILITATOR EHRLICH: Thanks. That's  
10 what I thought I heard off the record before. It's  
11 better to get it on the record. The other thing is that  
12 -- that the idea was that you had submitted to your  
13 independent peer review panel -- I'm assuming it's not  
14 always going to be the same independent peer review panel  
15 that you've employed in your selection of best  
16 alternatives.

17 Is there going to be some -- how do you  
18 want to do that? You're not going to keep that peer  
19 review panel going forever, I assume. So will it be done  
20 in some transparent way where other stakeholders can kind  
21 of understand what you're looking at and have input?

22 MS. LISA DYER: Lisa Dyer. Yes, our plan  
23 is to put the independent reviewers in the chambers,  
24 freeze them, and then periodically unfreeze them so we  
25 can have consistency in our responses.

1 THE FACILITATOR EHRLICH: They -- that'll  
2 teach them to read the small print on their contracts.

3 MS. LISA DYER: Right. No, seriously,  
4 this is important. One (1) of the things is, that we've  
5 taken very seriously on this project is having kind of  
6 independent experts look at the work we're doing. It's a  
7 check. It's in our best interests. And we will continue  
8 to do that.

9 Do we -- I don't -- we can talk further  
10 about mechanisms, but we don't -- you know, we make a  
11 commitment to do that.

12 THE FACILITATOR EHRLICH: Okay. And,  
13 yeah, I don't need a tonne of detail on the mechanism,  
14 Lisa, but the principles that -- I mean, you said it's --  
15 once a decade a reviews will be -- I've heard the word  
16 "independent" in a different context from the way we were  
17 talking about it this morning. And I also asked about  
18 transparent. I'm guessing that's also going to be part  
19 of the package.

20 Is that right?

21 MS. LISA DYER: Lisa Dyer. Yes.

22 THE FACILITATOR EHRLICH: Great. I don't  
23 think we need the... We have a question from Kevin  
24 O'Reilly, Alternatives North.

25 MR. KEVIN O'REILLY: Thanks. Kevin

1 O'Reilly, Alternatives North. We raised this issue of  
2 the independent peer review panel in our IR number 1, and  
3 whether the -- whether the peer review panel has been  
4 active since 2004. And they really didn't answer it.

5           The fact that the IPRP was involved in the  
6 -- are but they didn't really -- or sorry, the  
7 remediation plan before the DAR, but they didn't really  
8 say -- okay, let me rephrase this.

9           Does the independent peer review panel  
10 exist as an entity today and were they ever used as an  
11 entity after 2004? I just -- the lack of clarity maybe  
12 in the -- in the resi -- responses just made me have a  
13 sense that these folks still do -- that they were only  
14 used once to assist with the evaluation of the  
15 alternatives and then they were never really brought  
16 together again as a group to assist in any of the design  
17 work. They may have been there as individuals but they  
18 were not there as an entity and I just want to get  
19 clarity on that.

20           THE FACILITATOR EHRLICH: Giant Team...?

21           MR. MICHAEL NAHIR: Mike Nahir. The  
22 independent peer review panels essentially been on care  
23 and maintenance until we've gotten to the point where we  
24 have a further design. So they -- they were involved in  
25 the options evaluation and -- and providing us assurance

1 that the -- our selected option, et cetera. And then now  
2 we are moving to the stage where we have preliminary  
3 design and they're going to get involved again on that  
4 after we move into a certain phase of design. And -- and  
5 then on an ongoing basis after that. I hope --

6 MR. KEVIN O'REILLY: Thanks, that helps.

7 THE FACILITATOR EHRLICH: Because we are  
8 starting to run out of time I -- can I ask everyone to  
9 try to stick to questions that really need to be answered  
10 in the next twenty (20) minutes.

11 So, Kevin --

12 MR. KEVIN O'REILLY: Thanks.

13 THE FACILITATOR EHRLICH: -- let's focus  
14 more on -- on question than commentary until we've got  
15 through everyone's stuff. Do you have any other  
16 questions for the Giant team?

17 MR. KEVIN O'REILLY: No, I -- I just want  
18 to -- thank you, Alan. Kevin O'Reilly, Alternatives  
19 North. I had a sidebar discussion with Joanna suggesting  
20 that there may be ways in which that independent peer  
21 review panel might be considered in light of the  
22 independent oversight discussion that we had earlier  
23 today. Thanks.

24 THE FACILITATOR EHRLICH: And, Kevin,  
25 while you have the microphone can you give a very brief





1 to in Alternatives North IR Number 4, question number 4.

2 THE FACILITATOR EHRLICH: And, Adrian  
3 Paradis for the Giant team, have -- have you agreed to do  
4 that?

5 MR. ADRIAN PARADIS: Adrian Paradis,  
6 Giant team. Yes, we'll do that.

7 THE FACILITATOR EHRLICH: Okay. So we're  
8 going to call that an undertaking. I think it's the  
9 first undertaking of the day; I can't remember any others  
10 that have come up here. I'll do a recap with the  
11 undertaking when we do the wrap-up soon.

12 Lisa...?

13 MS. LISA LOWMAN: That would be  
14 undertaking twel -- undertaken -- taking 12.

15 THE FACILITATOR EHRLICH: We consider it  
16 undertaken.

17

18 --- UNDERTAKING NO. 12: To provide records referred  
19 to in Alternatives North IR  
20 Number 4, question number 4

21

22 THE FACILITATOR EHRLICH: Yellowknives  
23 Dene First Nation, Todd Slack, you've been waiting  
24 patiently, please go ahead.

25 MR. TODD SLACK: Thanks, I will -- I have

1 two (2) questions. One (1) I think which we'll get into  
2 or be followed on. In regards to Norm's presentation  
3 there, he mentioned targeted and extensive monitoring.  
4 And this is just sort of a -- a high-level question, and  
5 I sort of see four (4) themes or tranches of monitoring,  
6 and I'm just wondering if you have any comment:  
7 cumulative effects, project effects, surveillance network  
8 type monitoring, and design and implementation monitoring  
9 for the engineers.

10 Now while these aren't mutually exclusive,  
11 are -- are these the four (4) sort of themes that you see  
12 in your EMS scheme?

13 MR. NORMAN QUAIL: Norm Quail, Giant mine  
14 team. Certainly those are areas that we've outlined in  
15 the -- in the DAR that are areas that we -- that need to  
16 be monitored and will form part of the broader monitoring  
17 program we have -- have intended for the site.

18 MS. LISA DYER: Todd, to answer your  
19 question, yes, we will be looking at all those issues and  
20 they will be rolled into our monitoring plans.

21 MR. TODD SLACK: Oh, well, I'll go on  
22 with number two (2) then. And I assume -- or I'm  
23 thinking that the Giant team is well prepared for this so  
24 hopefully it doesn't take long.

25 I'm just wondering if the project would

1 like to comment on the -- the mandate issues. This is  
2 not a new topic.

3                   And if you can add some discussion on how  
4 you foresee the various roles of INAC in this project --  
5 I won't go over them -- but how you see that playing out  
6 over time?

7                   THE FACILITATOR EHRLICH: Todd, because  
8 you -- this is a followup to something you mentioned on a  
9 previous day, it would be more clearer -- remember, these  
10 transcripts are -- are posted as separate documents.

11                   It would be clearer if you could for one  
12 (1) minute just describe the roles that you mentioned  
13 yesterday, and to -- to give a little bit more detail to  
14 what you're saying.

15                   MR. TODD SLACK: Todd Slack, YKDFN.  
16 Sure, Alan. Well, the -- the reality is that INAC is the  
17 proponent, INAC -- or sorry, AANDC Minister will be the  
18 one signing the permit, AANDC Minister appoints many of  
19 the members to the Board, AANDC are the ones doing the  
20 inspection.

21                   So from an optics and a real potential  
22 there, there's a significant concern in terms of  
23 implementation into the future.

24                   THE FACILITATOR EHRLICH: And -- and so -  
25 - and -- and your question related to that is -- it

1 started with, How will the Giant team, but I didn't pick  
2 up the end of that.

3 MR. TODD SLACK: The ques -- the  
4 question is: Can the Giant team comment on, or just  
5 provide some discussion on how they see these overlapping  
6 yet distinct roles playing out in the future?

7 THE FACILITATOR EHRLICH: Thanks, Todd.  
8 Yeah, they -- they do look like the Giant team has had  
9 some chance to think it over and discuss it, and since it  
10 came up in a previous day we know that it's -- it's not  
11 new.

12 I'll turn it to Lisa Dyer of the Giant  
13 Team.

14 MS. LISA DYER: Thank you. And thank  
15 you, Todd. This is an important issue and so we want to  
16 gather our thoughts for a second and give you a clear and  
17 concise answer. If you could just give us a second to  
18 gather our thoughts.

19 THE FACILITATOR EHRLICH: While the Giant  
20 team is looking at that, I noticed that some people who  
21 have flights to catch are making ready for it.

22 And I just want to thank them for their  
23 involvement, and for making this a more useful technical  
24 session.

25 We appreciate, Daryl Hockley, the effort

1 that you've put into this on behalf of the Giant -- the -  
2 - the team from Giant, and that the Review Board  
3 appreciates how long you've stayed here and answered some  
4 hard questions. Thank you.

5 MR. DARYL HOCKLEY: Alan, before I leave  
6 I -- I wanted to say I -- I actually enjoyed the week  
7 quite a bit, and I learned a lot this week from the  
8 questioners. And after ten (1) years on the project,  
9 it's -- it's not every week that I learn a lot more, but  
10 this week I did learn quite a bit, and I -- thank you to  
11 all the participants.

12 MR. ADRIAN PARADIS: Adrian Paradis for  
13 the project team. Todd, to answer your question -- and  
14 I'll keep it high level at this point -- but it basically  
15 the -- the Act -- the Act anticipates this, and allows  
16 the department to fill numerous roles.

17 The same legislation also contemplates  
18 that it -- that the inspector will also retain the  
19 rollover inspection, and the project -- the Giant Mine  
20 project team as the proponent.

21 THE FACILITATOR EHRLICH: Just I'd like  
22 to draw a connection here between, you know, we heard  
23 this morning a fair bit about the parties' interest in  
24 independence, and we're hearing now later this afternoon  
25 the concern about potential conflicts for the number of

1 various roles that the federal government plays in this.

2                   And I -- I don't think it's coincidence  
3 that we're hearing this after the independence  
4 discussion. I -- I see these two (2) things as being  
5 related, and if you can get somewhere with what we talked  
6 about earlier, I think that might help solve some of the  
7 issues that Todd is acting -- asking about now.

8                   Todd, do you have any other questions on -  
9 - on this?

10                   Alternatives North, go ahead, please.

11                   MR. KEVIN O'REILLY: Kevin O'Reilly,  
12 Alternatives North. I'm trying to think of how to  
13 carefully crop this.

14                   After the first spill that happened at the  
15 site, I think it was October of 2009, during the freeze  
16 optimization study I submitted an Access to Information  
17 Request to the department to try to find out what had  
18 happened.

19                   I'm not dragging out the dirt here, but  
20 there were things that I saw in there that did not make  
21 me feel very comfortable about the separation between the  
22 project team and the inspectors.

23                   And I want to talk to them offline about  
24 this, but I'm very concerned about keeping those roles  
25 and mandates separate. Thanks.

1 THE FACILITATOR EHRLICH: So we've heard  
2 an expression of -- it sounds like an expression of  
3 support for the point that the Yellowknives Dene have  
4 raised from Alternatives North. Again, I didn't hear a  
5 particular question in there.

6 My understanding is that Environment  
7 Canada has a short question.

8 MS. AMY SPARKS: Amy Sparks, Environment  
9 Canada. I just have a question about the long-term  
10 monitoring plan. And I know that at this point it's  
11 fairly high level and -- and that we're going to get to  
12 further detail about that.

13 I'm just wondering about the monitoring of  
14 the pipeline on -- of the effluent discharge to the  
15 diffuser, whether that's monitored and how that's kind of  
16 done to see if there's leaks along the way once it's  
17 under the waterbed just because it's water going into  
18 water.

19 So I'm just wondering how that is  
20 accomplished.

21 MR. MARK CRONK: Mark Cronk. That's a  
22 good question, Amy. I don't have the exact details. I  
23 just say the monitoring program is early in its  
24 development. That pipeline would be very similar to  
25 existing community water intakes. You can inspect them

1 through various means, direct observation on surface,  
2 divers underground -- or sorry, underwater. There is  
3 leak detection systems. There's a number of things that  
4 those pipelines have for monitoring.

5 Does that answer your question?

6 MS. AMY SPARKS: Amy Sparks, Environment  
7 Canada. It does. We had just talked about whether, you  
8 know, potentially there would be cameras or something  
9 like that to -- to kind of observe that. So it's just  
10 more of a early on thought process to kind of think  
11 about.

12 MR. MARK CRONK: Mark Cronk. Very much  
13 so. Sorry, I should have mentioned cameras. Putting  
14 interior in-gut cameras down pipelines is a routine way  
15 to check how pipelines are doing over time. It is how  
16 the City of Yellowknife monitors its current marine line  
17 from the Yellowknife River.

18 THE FACILITATOR EHRLICH: Okay. Does  
19 anyone else have any other questions for the Giant team  
20 on the long-term monitoring adaptation and management to  
21 the project?

22 MR. KEVIN O'REILLY: Thanks. Kevin  
23 O'Reilly, Alternatives North. I think I saw both on the  
24 slides and in the -- the DAR that the developer talks  
25 about the -- their EMS being consistent with ISO 14001.



1                   Are you actually going to go for ISO 14001  
2 certification? Thanks.

3                   MR. NORMAN QUAIL: It's not our intention  
4 at this time. We believe that our commitment to having  
5 an ISO like system and a commitment to -- to an auditing  
6 system is sufficient for this and that we don't see a  
7 particularly high added value to actually have it ISO  
8 certified. Oh, yeah, Norm Quail, Giant Mine team.

9                   MR. KEVIN O'REILLY: Thanks. Kevin  
10 O'Reilly, Alternatives North. Well, that leads to my  
11 very next question, which is: There is discussion of a  
12 number of audits that are going to be done.

13                   Are those audits going to be public  
14 documents? Thanks.

15                   MR. NORMAN QUAIL: As I -- as I said in my  
16 presentation, our -- our -- Norm Quail. That's right,  
17 Norm Quail, Giant Mine team. As -- as I said in the  
18 presentation, that our intent is to have audits  
19 publically available.

20                   THE FACILITATOR EHRLICH: Please repeat  
21 that into the microphone, Kevin.

22                   MR. KEVIN O'REILLY: Great. Thank you.  
23 Kevin O'Reilly, Alternatives North.

24                   THE FACILITATOR EHRLICH: Okay. Are  
25 there any other questions for the Giant project team

1 while they're here? We don't see them all in one (1)  
2 place. And because I'm heading towards wrap-up if no one  
3 has anymore questions they want to try and resolve right  
4 now.

5 Mark Cronk would like to make a statement.

6 MR. MARK CRONK: As a matter of  
7 housekeeping, Kevin O'Reilly and I were clarifying some  
8 of the aspects of the roaster report. It came to my  
9 attention there is a report referenced in the DAR that is  
10 referred to as the Northwest Consulting Report. It is a  
11 technical report that the Giant Mine team undertook to  
12 quantify the arsenic inventory in the roaster complex.

13 For reasons that I can't explain, it is  
14 referenced in the DAR but currently not on the public  
15 registry with the Review Board, and we will be getting it  
16 there and turning over a paper copy today to Kevin.

17 THE FACILITATOR EHRLICH: Thank you. I  
18 will get on with the wrap-up because I think that we've  
19 had ample opportunity to ask lots of questions.

20 In closing, one (1) of the first things I  
21 want to do is recap the undertakings that have come up.  
22 There've been a number of -- a number of undertakings  
23 that have come up, but I think I've been -- I just want  
24 to point out, as I've said each day, I'm particularly  
25 impressed how much has been resolved here in person

1 through the direct face-to-face talks.

2                   The undertaking list that I'm looking at  
3 has a dozen items on it, and that is an order of  
4 magnitude less than our previous technical sessions for a  
5 large project. And this again really speaks to, first of  
6 all, the -- the constructive approach that I -- I think  
7 that parties have asked, at many times, very hard  
8 questions, but they're committed to doing so in a  
9 constructive way, and the commitment that the developer's  
10 shown in being seriously prepared in bringing in people  
11 with enough authority to give real answers to some --  
12 some serious, big questions, and in having a robust  
13 technical team that, you know, made real efforts to get  
14 the right people here to answer the real questions.

15                   And I'd like to -- to really thank  
16 everyone for that on behalf of the Review Board in  
17 addition to -- thanks for your sheer stamina after a long  
18 week that will be captured in likely over a thousand  
19 (1,000) pages of transcripts.

20                   Now, I'm going to get through the -- I've  
21 got a list of undertakings. I'll -- I'll read it quickly  
22 here, but I've got a printed version that I'm going to  
23 give to the -- the Giant team. There's a minor change on  
24 one (1) of them where I don't think it was captured  
25 correctly, and remember the caveat I mentioned in

1 previous days, which is: Go back to the transcript to  
2 try and remember the context of the discussion  
3 surrounding the undertaking, because sometimes the exact  
4 wording of the undertaking doesn't necessarily satisfy  
5 everything that was discussed at the time. Sometimes  
6 it's just as easy to do that.

7 "Undertaking number 1: Giant team to  
8 provide the interim report on the  
9 freeze optimization study."

10 That was raised on October 17th and  
11 appears on page 259. I-- I'm going to throw the pages  
12 in, 'cause it might be handy, but you can search this  
13 stuff easily, as I said.

14 Undertaking number 2 -- and in some cases,  
15 this is verbatim from the transcript, so it may not be  
16 pretty, but I'm going to say what it said:

17 "Giant team to indicate which of the  
18 worst-case scenarios presented by the  
19 IPCC was used, and over what period,  
20 whether it was over fifty (50), a  
21 hundred (100), two hundred (200), or  
22 five hundred (500) years..."

23 And I don't think the intention was to  
24 limit to those, but, you know, what kind of a timespan,  
25 you know, or longer.

1                    "...and which climate parameters were  
2                    considered as part of the climate  
3                    change scenario? In addition, Giant  
4                    team to indicate whether or not climate  
5                    change was incorporated into the event  
6                    frequencies for various climate-related  
7                    events."

8                    That was undertaken on October 18th, it  
9                    appears on page 46 of that day.

10                    "The Giant mine team is to provide  
11                    information on the larger ongoing  
12                    project design improvements to the  
13                    project since the submission of the  
14                    DAR."

15                    That came up on October 18th, it appears  
16                    on page 179. And that's the one where I've played with  
17                    the wording a bit because some of the wording in the  
18                    transcript said they could result in a modification of  
19                    potentially significant adverse impacts, but the reason I  
20                    wanted to change that is because I think that we will  
21                    hear immediately, if we had the original wording, that  
22                    the parties may have different views on what are the  
23                    potentially significant adverse impacts.

24                    So the point with that is: What are the  
25                    bigger design changes that might matter in the context of

1 the discussions we've had here? Not that you're trying  
2 to, you know, change your plan, but this in recognition  
3 of the ongoing improvement in the engineering and design  
4 of the project, and in the -- the changes to the site  
5 that have happened in the meantime as well.

6 "Undertaking number 4: The Giant team  
7 is to update the parties involved on  
8 what has happened on climate change  
9 predictions since the 2001 assumptions  
10 and indicate how that has affected the  
11 project design."

12 This sounds a lot like Undertaking 2. If  
13 there's complete overlap, just give it to us once. If  
14 there are differences, please catch whatever's different.  
15 That one came up on October 18th, page 227, but it might  
16 have been a recap of the earlier stuff, which also  
17 happened on October 18th.

18 It's to catch these little oddities that  
19 I'm going through them now instead of just handing you  
20 the paper, because I want this to be -- to make things  
21 less confusing, not more confusing.

22 "Undertaking number 5: The Giant team  
23 is to provide clarification to parties  
24 on how the Baker Creek north diversion  
25 will be employed as a contingency.

1           Please provide a summary of the process  
2           that would be followed for any  
3           authorizations for contingencies.  
4           Please describe how the developer would  
5           follow a directive from the inspector  
6           for this work. Please include a  
7           discussion on the backwater flow from  
8           the diversion entry into Yellowknife  
9           Bay."

10                   I have to admit I added the "pleases"  
11           because I just think it's better that way. That came by  
12           on October 19th on page 21.

13                   "Undertaking number 6: The City of  
14           Yellowknife is to provide the Review  
15           Board with its standards that it --  
16           that it is employing for its current  
17           landfill."

18                   That's a notable undertaking because it's  
19           the only one (1) that doesn't start with, The Giant Team  
20           will. And that was discussed on October 19th, and  
21           appears on page 152 of the transcript for that day.

22                   The next undertaking, Undertaking 7, I  
23           believe has been completed. But because each of the  
24           previous days undertakings are listed numerically, I  
25           don't want to change the numbers of the other ones

1 because it's going to confuse everyone because what was  
2 Undertaking 8 tomorrow will be not be Undertaking 8 today  
3 if I do that.

4                   But it was that the Giant team was to  
5 provide a copy of the 2009 initial demolition assessment  
6 for the roaster complex. And that came up on October  
7 19th, page 231. And I saw with my very eyes as I started  
8 reading this list of undertakings, Mark Cronk walk over  
9 and -- and give a document that I think was the same  
10 document to one (1) of the parties.

11                   So the thing that remains is to provide it  
12 for the public registry with the parts removed as  
13 necessary. I believe that has been substantially done.  
14 It's not on the public registry yet, but it will be, so  
15 anyway we recognize the efforts that have been taken to  
16 try and deal with this on the spot.

17                   "Undertaking number 8: The Giant team  
18 is to provide a copy of the  
19 investigation report regarding tailings  
20 covers."

21                   That was discussed on October 19th, page  
22 235 of the transcripts. And that is provided to the  
23 public registry without the sensitive cost items that the  
24 Giant team said shouldn't be in there, and that the  
25 parties agreed were okay not to have.



1                   "Undertaking number 9: The Giant team  
2                   is to flag what they consider to be the  
3                   important changes to design since --  
4                   now [no, no, no]."

5                   Undertaking number 9 is the same as  
6 Undertaking number 3, and it was, Please flag the  
7 important changes to the -- the project. There -- there  
8 -- I'll read through what this is, and if there are any  
9 differences it'll be clear.

10                   But the Giant team is to flag what it  
11 considers to be the important changes to design since the  
12 time the developer's assessment report was written,  
13 described in Undertaking number 3, and then link it back  
14 to the transcripts, referring to the transcript from this  
15 session.

16                   So that is -- that's a new nuance, meaning  
17 you don't need to describe everything that's changed in  
18 the project if you've described it in here clearly  
19 anyway, just point people to the right part of the  
20 transcript and we'll be able to -- to figure that out.

21                   So we're looking for a short list of  
22 what's changed. In terms of the details, they've already  
23 been provided here. Where they've already been provided  
24 here verbally, point to the transcripts. That was on  
25 October 20th, page 15.

1                   And the linking it back to the transcripts  
2 is -- is -- has not already been done. Katherine...?

3                   MS. KATHERINE SILCOCK: Sorry, Katherine  
4 Silcock here. Just an addition. One (1) of the things  
5 that made that different from number 3 was:

6                   "Were meant to include a list of terms  
7 of clear definitions that may have been  
8 confusing during the technical ses --  
9 technical sessions."

10                  With an added task that the parties are  
11 meant to get back to us with any in particular that they  
12 want clarity on.

13                  THE FACILITATOR EHRLICH: That's a very  
14 helpful addition because you shouldn't have to redefine  
15 every single term you've used.

16                  Terms that the parties find confusing and  
17 want more clarity on, please do send to the developer.  
18 That didn't appear on my summary of the list, which was  
19 produced in short order this morning. So I -- I think  
20 it's great that it -- it made it on here. Thank you for  
21 that, Katherine.

22                  "Undertaking number 10: The Giant team  
23 will advise when it will have timelines  
24 and a scope for a plan for the wetting  
25 of the chambers."

1                   "Advise" should be "submit something in  
2 writing to the registry to indicate this." It's a  
3 scheduling thing, when will the time -- when will you  
4 have timelines and a scope for the plan for the wetting  
5 of the chambers. And that was discussed on October 20th  
6 and appears on page 23 of that transcript.

7                   "Undertaking number 11: The Giant team  
8 is to provide in writing the sentences  
9 to be replaced from what has currently  
10 been submitted by the Giant team in IR  
11 -- in an IR attachment, Section 2.1.2"

12                   As discussed on October 20th appearing on  
13 the transcripts on page 178.

14                   Those are the eleven (11) that I've got  
15 down. There was one (1) new undertaking today. I was  
16 facilitating away, so I'm going to look to the Giant team  
17 to see if Katherine has captured it.

18                   I'm going to pass it over to Katherine.

19                   MS. KATHERINE SILCOCK: Katherine Silcock  
20 here. What I have is that the project team will provide  
21 documents identified in Alternatives North IR number 4,  
22 question 4, to Kevin O'Reilly and I suppose to the  
23 registry.

24                   THE FACILITATOR EHRLICH: And I see Kevin  
25 O'Reilly nodding agreement, and since that's the only one

1 we can't take off a transcript, because the transcript  
2 isn't in our hands for this moment yet, although with  
3 Wendy's efficiency it probably should be. But that --  
4 that sums up all of the undertakings.

5                   Now, in terms of commitments, you know,  
6 there are many different ways to commit things, and there  
7 were some commitments made. There were other times where  
8 the Giant team said, We will do yadda yadda yadda. You  
9 might have not used the word "commitment" in particular,  
10 but what we will try to do, as our availability allows,  
11 is to try to pull out the commitments and the other  
12 things that are obviously commitments, and at least float  
13 them past the Giant team so that we can see if we got it  
14 right, and so that this can be made clear on the public  
15 record.

16                   Adrian Paradis...?

17                   MR. ADRIAN PARADIS: Adrian Paradis for  
18 the project team. We are already having a track list of  
19 that done. If it is easier for the Board, we can just  
20 simply submit it on the 14th.

21                   THE FACILITATOR EHRLICH: It would help  
22 if you could submit that on the 14th. If our review of  
23 the transcript disagrees, we'll -- we'll try to -- to  
24 point out if there's any way to clarify what's on that,  
25 but that would be entirely helpful. I feel safe to say

1 that the -- the organizations of the Giant team have  
2 human resources that far exceed that of the Review Board,  
3 so that would be extremely helpful.

4           Okay. A few other points. We are going  
5 to try to get on the record everything that comes in as a  
6 result of this as soon as we're able. Because of our  
7 current constraints in terms of human resources, it might  
8 not be in the extremely near future, but we're going to  
9 try and make it fast so you can get access to the stuff  
10 that you need.

11           Same thing with the transcripts for this  
12 session. We will post them, but remember that they're  
13 already available now on tscript.com. Go to their  
14 document repository, look up Review Board, and then  
15 select it from the calendar.

16           I just want to remind people here that you  
17 don't need to wait for us to post the transcripts, but we  
18 will post them at some point -- at some point, as soon as  
19 we're able to but, based on where we're at now, it might  
20 be a week or two (2) before we get all that stuff on.

21           I'd like to give a -- a very brief summary  
22 of some possible dates for the remainder of the  
23 environmental assessment. This is what I see as being  
24 some important dates for parties that I've extrapolated  
25 by taking the intervals that were already described in

1 the December 23rd, 2010, work plan, applying where we are  
2 now, and considering that all the parties have stated  
3 that they can't do anything in the last two (2) weeks of  
4 December, and considering the developer's specific points  
5 about its serious concerns about having a hearing in the  
6 last week of the fiscal year or the first week of the  
7 next week fiscal year.

8           That said, the Board is in control of its  
9 own timelines, and I don't want to presume that what I'm  
10 about to say is written in stone, but this is my best  
11 estimate based on what you just heard. If the Board --  
12 and this is like an informal update, but it's possible  
13 that the Board will release something different at a  
14 later time. I'm trying to give you the best information  
15 that I can right now, but I -- I don't want to make it  
16 sound like it's the Board members themselves that are --  
17 are -- that have met, discussed, and agreed on this yet.

18           So the technical meetings, I'm calling  
19 this the end of October. There's snow on the ground  
20 outside, I think that's fair to say. The Second Round of  
21 Information Requests should be received from the Review  
22 Board and parties and sent to the -- the developer by the  
23 end of November. The responses to the Second Round of  
24 Information Requests would have been expected by the end  
25 of December except for -- without having two (2) weeks

1 there, we push it two (2) weeks forward, and we get into  
2 mid-January.

3           The parties' technical reports are  
4 expected in February, 2012. That may be mid-February,  
5 but I haven't quite worked out the detail there. The  
6 pre-hearing conference will also happen in February,  
7 2012.

8           Our preparation for public hearings, in  
9 terms of specific logistics and -- and such, could happen  
10 as early as mid-March, but then we cannot conduct the  
11 public hearing in late March because the developer said  
12 it is not a fair time to expect them to engage in  
13 something like that. If I added two (2) weeks, assuming  
14 that that gets you past the end of the fiscal year, or  
15 past the beginning of the next one, that would put the  
16 public hearing sometime around mid-April.

17           Before today, I have to admit that we had  
18 not considered the potential effect of year-end in terms  
19 of the Giant team's scheduling availability, but we've  
20 heard it now. And then -- and you've pointed out that if  
21 this can all be done much earlier, great; but I'm -- I'm  
22 picking the same intervals that -- that have already been  
23 accepted.

24           So, the closure of the public registry, if  
25 -- if all that goes as planned would be at the end of

1 April, and any requests for clarification would happen in  
2 -- in the following month.

3                   So, those are the dates that are -- that  
4 have most to do with things that parties are directly  
5 involved in, and I'll -- I'll try and go through this and  
6 come up with a -- an updated version of the work plan  
7 that is more than just my best verbal estimate, but will  
8 be official and appear on the registry when we get the  
9 chance. But I -- I committed to doing that and -- with  
10 the caveats I gave before, I -- I think people understand  
11 where we're at on it.

12                   MR. KEVIN O'REILLY: Are we allowed to  
13 ask a question?

14                   THE FACILITATOR EHRLICH: If it's a  
15 simple procedural question. One (1) of the parties just  
16 said are they allowed to ask a question. If it's a  
17 simple procedural question, please go ahead. I can't  
18 guarantee you'll get an answer right now, but let's hear  
19 it.

20                   MR. KEVIN O'REILLY: Thanks. Kevin  
21 O'Reilly, Alternatives North. So just so I understand  
22 this, the developer is going to respond to the  
23 undertakings by the middle of November, and then the  
24 second round of IRs have to be filed at the end of  
25 November?



1                   THE FACILITATOR EHRLICH:    No, that's --  
2    yeah, that -- that is correct.  Right now November 14th  
3    is the date for undertakings, and we wanted to give  
4    parties at least two (2) weeks to deal with that.

5                   We assume that the -- not all of the --  
6    that many of the Information Requests are not going to  
7    hinge entirely on undertakings from a technical session;  
8    there are many other matters that have -- are a part of  
9    the assessment that haven't been exhaustively explored in  
10   this session.  But we wanted to be sure the parties had  
11   at least half a month with answers in hand to -- to draft  
12   their information requests, and that's how we got the  
13   date of November 14th.

14                  Again, this is part of the Board being  
15   committed to a timely environment assessment process,  
16   while still trying to do what we need to do without  
17   extending the timelines that we've put in the -- in the  
18   work plan of December 23rd, 2010.

19                  MR. KEVIN O'REILLY:    Okay.  Thanks.  
20   Kevin O'Reilly, Alternatives North.  Well, I think some  
21   of those IRs before our technical folks -- I don't know  
22   what their schedule is -- I think two (2) weeks is a  
23   pretty tight tar -- turnaround, so I'll express the  
24   concern about that now.  But you guys need to go and do  
25   your scheduling, and I just wonder about why we're

1 rushing that particular part so much, but...

2 THE FACILITATOR EHRLICH: Our -- our goal  
3 is -- is not to unduly rush parties. We are also  
4 committed to procedural fairness and reasonable  
5 expectations of the parties. The schedule that we have  
6 now was with an eye to overall timeliness of the  
7 environmental assessment. There are opportunities to  
8 discuss scheduling that are open to parties as -- as they  
9 always are, but your -- your comment is -- is noted.

10 Anybody here who has not signed in yet  
11 please go for the sign-in -- it looks like the sign-in  
12 sheet, either there's a pile of questions from the Giant  
13 team, or they're all raising their hand that they haven't  
14 signed in yet.

15

16 (BRIEF PAUSE)

17

18 THE FACILITATOR EHRLICH: It turns out  
19 that the sign sheet -- sign-in sheet has been taken by  
20 our transcriptionist, but we have a backup and I'm gonna  
21 ask Paul Mercredi to pass it down the table there. Can  
22 you please hand it to me when you're done.

23

24 (BRIEF PAUSE)

25

1                   THE FACILITATOR EHRLICH:    That sums up  
2 all that I've got to say. Do -- does the -- any of the  
3 parties, or the developer, have any comments that -- and  
4 I'm proud to say it's a quarter of an hour early. Not  
5 bad. We got some mileage out of that extra time we put  
6 in yesterday. I note that I am hearing clapping when I  
7 say that.

8                   Do any of the parties want to -- have any  
9 closing comments, either about the technical material or  
10 about the technical session itself?

11

12 CLOSING REMARKS BY YKDFN:

13                   MR. TODD SLACK:    Todd Slack, YKDFN. I'd  
14 just like to thank everyone for participating. And I --  
15 I really -- you waiver between hope and being crushed by  
16 the amount of work, so I'm back to being hopeful now that  
17 it's Friday at 4:30.

18                   THE FACILITATOR EHRLICH:    Okay. Does  
19 anyone else want to make any closing remarks. Like -- oh  
20 sorry. Okay, we'll go to the Giant Team.

21

22 CLOSING REMARKS BY PWGSC:

23                   MS. JOANNA ANKERSMIT:   My closing remarks  
24 will be much shorter than my opening remarks, so nobody  
25 fret. It's Joanna Ankersmit, for the Giant Mine project

1 team.

2                   Just to -- to echo the sentiments that I  
3 think have been going around the room and to especially  
4 acknowledge the people that have taken personal time to  
5 participate in this -- this assessment -- or this  
6 technical session this week, fortunately I think it was  
7 time well spent for everybody in the room. I mentioned  
8 at the beginning of the week that I hope for a  
9 constructive dialogue; I absolutely believe that we've  
10 had this week.

11                   I hope the team has been able to answer  
12 most of your questions. We genuinely came here to do  
13 that. And so I thank Alan for I think a job well done  
14 facilitating a very complex subject, and just to thank  
15 the folks that really stuck with the program and -- and  
16 contributed all the way through. And I think we have a  
17 solid foundation, leaving this room today, for continuing  
18 with that constructive dialogue.

19                   THE FACILITATOR EHRLICH: Thank you for  
20 that, Joanna. Kevin, you indicate you have a comment.

21

22 CLOSING REMARKS BY ALTERNATIVES NORTH:

23                   MR. KEVIN O'REILLY: Thanks, Alan. Kevin  
24 O'Reilly, Alternatives North. I'm tired. I think I'm  
25 going to go into a coma over the weekend.

1                   But I -- I guess a few quick observations.  
2 I -- I mentioned earlier the collateral benefits of this  
3 EA, and I -- I really stress that again. I think that I  
4 have -- or that we have a better appreciation for some of  
5 the complexities that the Giant Mine (audio cuts out) to  
6 respond quickly to issues that were being raised. So, I  
7 think that's much appreciated, and (audio cuts out). I  
8 really appreciated their presence, and the ET (audio cuts  
9 out) folks as well, so.

10

11   (BRIEF PAUSE)

12

13                   MR. KEVIN O'REILLY: Yeah, I know, I did  
14 this -- this -- and -- and I really appreciated that the  
15 -- the Board has retained its own technical experts. I  
16 think, given the limited ability of most of these paid  
17 (audio cuts out), that that was a very (audio cuts out).

18                   I guess I -- I just -- I don't want to put  
19 a damper on all this lovely, love-in Stockholm stuff, but  
20 I'm still concerned about the lack of our capacity, in  
21 particular, to engage in all the stuff that we actually  
22 committed to do, which I am not sure we're going to be  
23 able to follow through on, but we'll do the best that we  
24 can.

25                   I'm very cognizant of the pressure that's,

1 I'm sorry, Alan, largely being driven by the Review  
2 Board's process. I understand some of this is longer-  
3 term. I'm just putting on the record that I'm very  
4 concerned about the -- the pressure of the -- that's --  
5 of the process and -- and some of the timelines there.

6 I think there was some good discussion  
7 around a number of areas that will start to build  
8 elements of trust. There's still some very big and deep  
9 trust issues that need to be dealt with, but I look  
10 forward to talking about those with the other parties and  
11 the Giant Mine remediation team. Thanks. Sorry, France,  
12 anything? Okay, thanks.

13 MS. FRANCE BENOIT: I --

14 MR. KEVIN O'REILLY: Oh, sorry.

15 MS. FRANCE BENOIT: As I said at the end  
16 of the perpetual care workshop, I'm hopeful, which is --  
17 is something that I don't say very lightly.

18 I have to leave right now. Speaking of  
19 hope, one (1) of the many hats that I wear is I'm a  
20 marriage commissioner, and I'm marrying somebody in  
21 fifteen (15) minutes. People you know.

22 THE FACILITATOR EHRLICH: This is --  
23 she's marrying someone who previously did communications  
24 work for the Giant team actually, unless I'm mistaken,  
25 way -- way back.

1                   Okay. I'm not going to drag it out much.  
2 I want to very much thank people who came from out of  
3 town in various capacities to be here for this. I know  
4 you all have, you know, lives, families and whatnot that  
5 leaving for an entire week is -- is never a simple thing.

6                   And I want to thank the people who are  
7 from here who -- who also stayed involved and committed  
8 and engaged, recognizing that not everyone here is -- is  
9 paid to do so.

10                   That's it. Safe trip everybody and enjoy  
11 your weekend.

12

13 --- Upon adjourning

14

15 Certified Correct

16

17

18

19

20 \_\_\_\_\_  
Wendy Warnock, Ms.

21

22

23

24

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