

City of Yellowknife



**Giant Mine Remediation Project
Environmental Assessment Hearings Submission
EA 0809-001
September 10th-14th, 2012**

Position Summary

Monday, September 10th, 2012

Position Summary

- The City's position is that the Developer's Remediation Plan is fundamentally incomplete in that it has not fully considered the future land use and legacy of the site nor what was earlier defined as the essential community interests.
- The Giant Mine lands encompass 8.3% of the City of Yellowknife's total developable municipal land area (10,297 ha) and presents an enormous challenge if not dealt with responsibly.
- The City's primary areas of concern are:
 1. Surface Remediation (with issues pertaining to land use planning)
 2. Water Treatment & Management
 3. Payments in Lieu of Taxes



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Water Treatment & Management

Tuesday, September 11th, 2012

Water Treatment & Management - Diffuser

- During the Technical sessions, significant concerns were raised with regards to the proposed diffuser in Yellowknife Bay.
- Yellowknife Bay is used throughout the summer and winter and proper measures need to be in place to ensure the safety of residents in the region.
- The impacts on ice-melt from the diffuser in the winter are not clear and could present a safety risk to snowmobilers, skiers, and pedestrians. It is not clear what protective measures if any are proposed.

Diffuser Concern

1. What measures will be taken to mitigate safety concerns for citizens, should the diffuser result in ice-thinning during the winter?



Water Treatment & Management - Water Quality

- The Federal Government was involved in the construction of the municipal pipeline which extends from Yellowknife River to the City's water treatment plant.
- The City is in the process of upgrading its water treatment plant and pipeline. The City's initial plans were to reconstruct the pipeline as a result of public concern pertaining to water quality in Yellowknife Bay.

Water Quality Concerns

1. Will the Developer agree to cover the expenses of reconstructing this pipeline to address public concern regarding the water quality in Yellowknife Bay as a result of the Remediation Plan?
2. Will the Developer conduct a detailed water quality study and monitoring program in the Yellowknife Bay to assure residents in Yellowknife that the water in Yellowknife Bay is suitable for drinking?

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Surface Remediation

Wednesday, September 12th, 2012



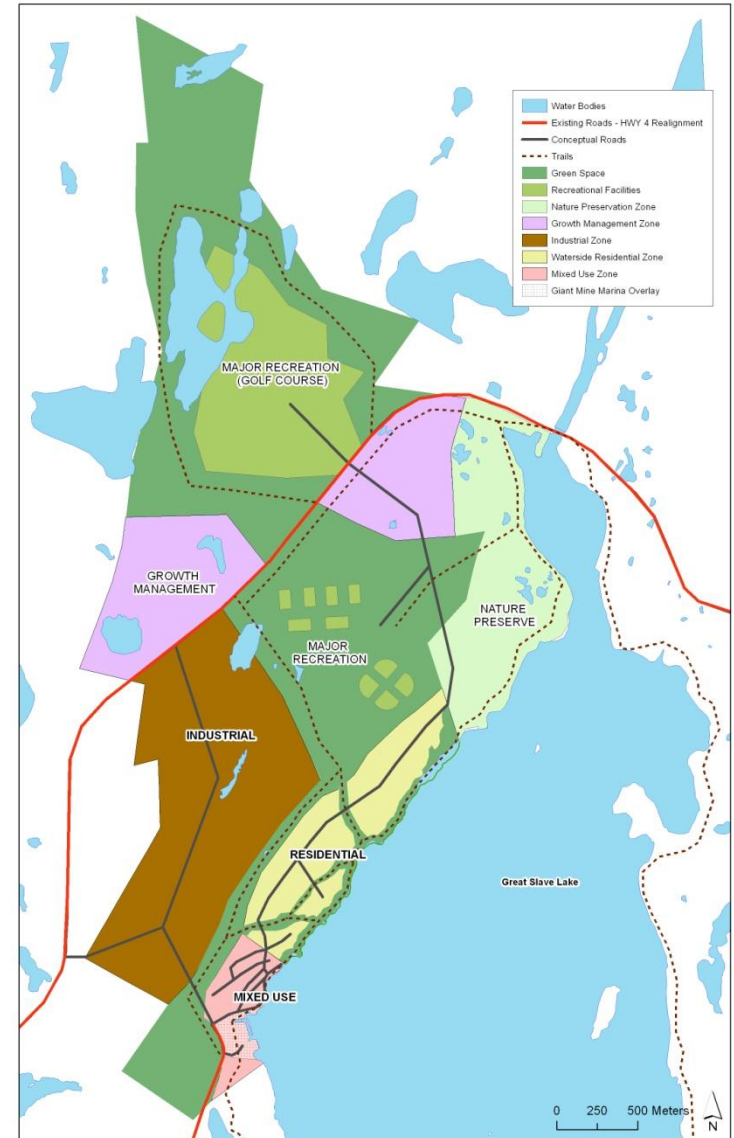
Land Use Planning

- The Developer has failed to address what it has earlier defined as the essential Community Interests: Land Use, Visual and Cultural Settings, Socioeconomic Conditions, Transportation, and Local Resources.

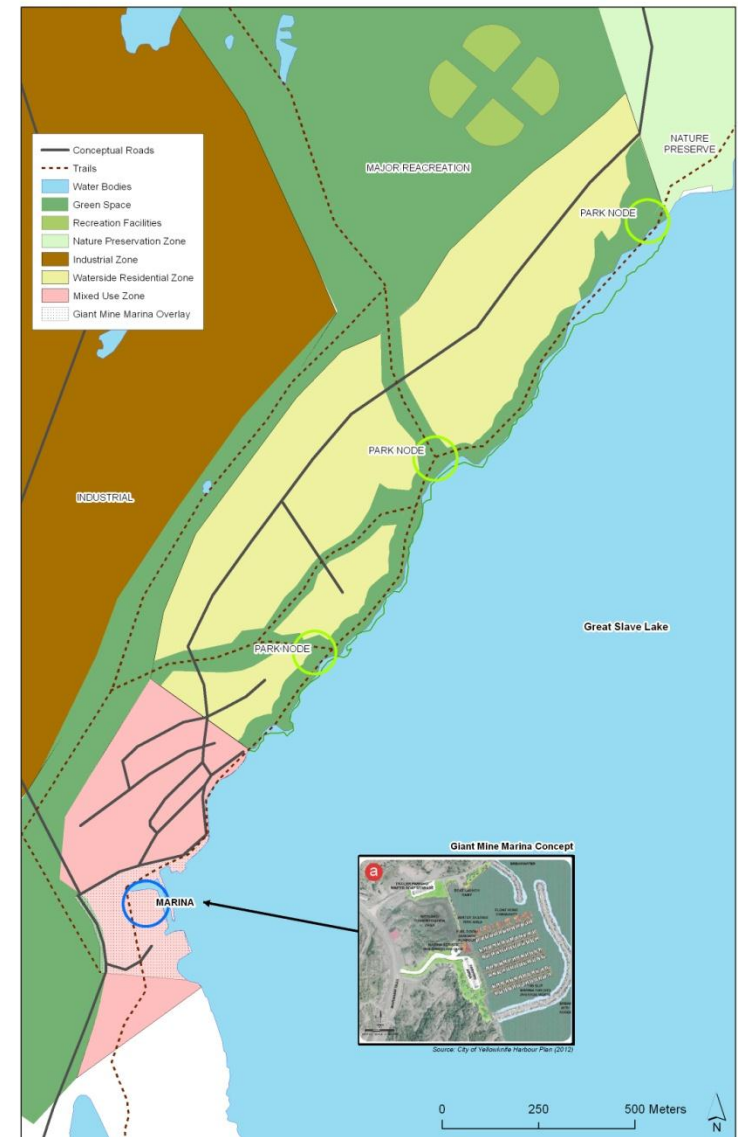
However:

- The Developer has agreed to work with the City to create a land use plan and undertake a public consultation process to further define community interests.
- The proposed concepts were completed to arrive at what the City believes is a practical land use strategy that balances future land use with the remediation plan.

Land Use - Overall Giant Mine Area



Land Use - Town Site and Adjacent Shoreline



Land Use Planning Issues

1. Municipal Planning Strategy
2. Implementation
3. Transportation
4. Remediation to Residential Standard
5. Harbour Plan - Giant Mine Marina
6. Development and Building Permits
7. Public Consultation



Municipal Planning Strategy - Smart Growth

- The City of Yellowknife Smart Growth Development Plan was initiated in 2007 and adopted by Council in 2010. Long Range (50 year) Plan.
- Smart growth is a process for citizens and decision-makers to more holistically consider the impacts of future growth and development on a community.
- **Land Use planning on the Giant Mine lands should be consistent with the City of Yellowknife's Smart Growth Principles**

Yellowknife Smart Growth Development Principles

1. Community collaboration
2. Fair and equitable
3. Placemaking
4. Housing
5. Open space and natural areas
6. Redevelopment and reinvestment
7. Development form
8. Transportation
9. Promote clean energy
10. Regional awareness



Municipal Planning Strategy - General Plan

- General Plan By-law No. 4656 was adopted by Council in March of 2012 and sets out a vision for the future growth and development of Yellowknife over the next 10 years.
- Existing industrial land supply (Engle Business District, Kam Lake, Con Mine) will service industrial needs well beyond 50 planning horizon.
- **Residential and Mixed Use lands close to waterside amenities are limited in Yellowknife and the Giant Mine townsite and adjacent shoreline present an opportunity to improve quality of life for residents.**
- 22% of the City of Yellowknife's total developable municipal land area (10,297 ha) is limited by various factors
 1. Giant Mine 851 ha (8.3%)
 2. Con Mine 383 ha (3.7%)
 3. Akaitcho Dene First Nation Land Withdrawal 1033 ha (10%)

Implementation

- The Developer has recently agreed to complete a land use plan with the City, however the City is seeking continued commitment from the Developer to ensure the plan is implemented.

Implementation Concerns

- Does the Developer agree with the general framework of the Conceptual Land Use Plan?
- What challenges or limitations does the Developer foresee in implementing the proposed Long Range Conceptual Land Use Plan?
- What alternatives does the Developer propose if components of the Land Use Plan are unviable?
- Will the Developer work with the City to incorporate the Land Use Plan into the overall remediation plans?

Transportation

- A practical land use strategy cannot be implemented without a planned transportation network.
- The proposed closure and realignment of Highway 4 is only one component of a long-range network for the site.
- As a means of evaluating the Community Interests identified AANDC, an internal transportation system for the site is essential.

Transportation Concerns

1. Does the Developer support the proposed transportation network proposed by the City?
2. What challenges or limitations does the Developer foresee?
3. What alternatives does the Developer propose?
4. Will the Developer work with the City to construct a transportation network to support a proposed land use plan?

Remediation to a Residential Standard

- The City has reiterated through the consultation process that remediation to the residential standard is essential in creating balanced future development on the site.
- The townsite has been used historically for this purpose and there is significant cultural and heritage value in maintaining this land use.
- There have not been any firm commitments on the remediation standard in the context of a viable land use plan.

Remediation Concern

1. Will the Developer commit to the residential remediation standard of the areas identified in the Long Range Conceptual Land Use Plan as “Residential” and “Mixed Use”?

Harbour Plan - Giant Mine Marina

- The City has completed the Yellowknife Harbour Plan (2012).
- Both the Harbour Plan Committee and Council have endorsed Giant Mine as a potential permanent Marina site.
- It was agreed that the Developer would work with the City to explore the viability of this site as a Marina in the context of the environmental contamination.
- While the Developer has deemed this area to be out of scope, the bay area continues to be impacted with Remediation Plan components including the diffuser.

Harbour Plan - Giant Mine Marina



Giant Mine Marina Concept



Source: City of Yellowknife Harbour Plan (2012)

Harbour Plan Concerns

1. Does the Developer have any concerns or issues with the establishment of a Harbour Marina at the Giant Mine Townsite given the lakebed sediment contamination and the potential need for dredging and establishment of a breakwater?
2. Will the Developer assist the City in design and construction of the Harbour Marina to mitigate any environmental concerns?

Development & Building Permits

- It was agreed the Developer would acquire all necessary Development and Building Permits for the site works undertaken. To date the Developer has acquired some permits for building demolitions. The City has worked in a cooperative manner with the Developer to provide significant flexibility in approving development applications for small components of project (i.e. removal of structures).
- A complete Development Permit with grading, roadways, buildings, and so on is typically based on a Development Scheme approved by Bylaw which incorporates proposed Zoning Districts. These requirements have applied to Federal and Territorial developments in the past (i.e. the Greenstone Building) and there is no legal basis for the Giant Mine Remediation to be an exception to this.
- A piece-meal approach to submitting Development and Building Permits is contrary to good planning and the City's legislated approval process.



Development & Building Permits

- Under the City's Zoning Bylaw it is legislated that all proposed developments will submit completed plans which incorporate a performance bond to ensure that work proposed on the plan is completed.
- Based on the City's experience it is estimated that such a bond could range from \$15 to \$30 million based on infrastructure required to support a land use plan.

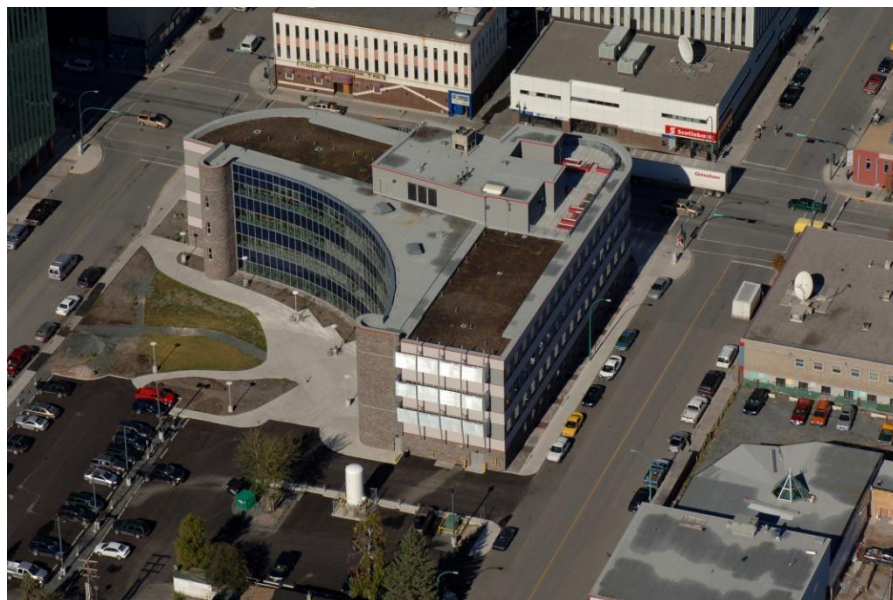
Development & Building Permit Concerns

1. What approach does the Developer intend on taking with regard to the future submission of Development and Building Permit Plans?
2. Will the Developer submit complete Development and Building Permit Plans for remediation which incorporate the long term use of the site in accordance with a prepared land use plan and transportation network?
3. Will the Developer adhere to the City of Yellowknife's Zoning Bylaw and provide a performance bond for the submission of a complete Development Permit which incorporates a land use plan?

Development & Building Permits - Performance Bond Examples



Proposed GNWT Office Tower that will be held to City legislative performance bond requirements



Federal Greenstone Building which met City legislative performance bond requirements

Public Consultation

- During the review process the developer committed to working with the City on a land use plan and a public consultation process.
- The City envisions this process to be in the form of a multi-day community design charrette involving key stakeholders, residents, and professionals.
- The purpose of the public consultation is to explore the proposed land use concept which addresses criteria for evaluating the Community Interest on the Giant Mine Remediation.

Public Consultation Concerns

1. Can the Developer reconfirm its commitment to hosting a Land Use Design Charrette in 2012?
2. Will the Developer commit to implementation of a final Land Use Plan which results from the public consultation process?

Conclusion

- To date AANDC has not demonstrated authentic public engagement or a proper planning process on the real issues regarding community interests.
- While the Developer has committed to working with the City to create a land use plan and formal public engagement process, there is no approved plan and therefore no financial commitment to implementing the plan.
- The Developer is legislated, and has previously agreed, to adhere to the Municipal Bylaws regarding development permits.
- Before the Giant Mine Remediation Plan proceeds the Developer and the City should agree on a formal Land Use Plan based on public consultation, municipal bylaws, and municipal plans.
- A performance bond should be provided as part of the Development Permit to ensure the Land Use Plan is implemented as envisioned.

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Monitoring, Oversight, and Perpetual Care: Payment in Lieu of Taxes

Thursday September 13

Payment in Lieu of Taxes (PILT)

- The City's position is that the Developer's should be making Payments in Lieu of Taxes to the City of Yellowknife.
- Since the developer has taken over responsibility for the Project, no PILT has been paid to the City.
- The contribution agreement that was established to replace the requirement for PILT is not the appropriate method for the Developer to be paying for Municipal Services that are provided by the City. The administration of this agreement is a burden on both City staff and AANDC staff.
- Due to the condition of this land mass, a large portion will never be available for any other commercial and/or residential use for which the City could normally be collecting taxes. The City should not be disadvantaged financially due to this lack of potential use.



Payment in Lieu of Taxes (PILT)

- The requirement to make Payments in Lieu of Taxes and the accepted methodology for assessing Government of Canada property for PILT purposes, has been confirmed by three recent Supreme Court of Canada decisions
- The City would ask the Developers agreement to make Payments in Lieu of Taxes for the land and improvements related to the Project starting in 2013.

