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Yellowknife, NT X1A 2R3

Your file - Votre référence

January 14, 2011

Our file - Notre référence

Mr. Richard Edjericon
Chair
Mackenzie Valley Environmental Impact Review Board
5102-50th Avenue
Box 938
Yellowknife, NT X1A 2N7

Dear Mr. Edjericon:

**RE: Request for Amendment to Revised EA0809-001 Work Plan –
Information Request Process to Remain under the Control and Oversight of
the Review Board.**

On behalf of the proponent, Indian and Northern Affairs Canada (INAC) Giant Mine Project Team, I am writing to express concerns about the Revised Work Plan issued on December 23rd, 2010 and request that the Mackenzie Valley Environmental Impact Review Board (Review Board) retain its vetting role in the Information Request (IR) process.

In the Revised Work Plan, the Review Board amends its approach regarding oversight and control of the Information Request (IR) process. This change, in our view, leads to significant implications for the proponent, the parties and the environmental assessment process as a whole in terms of fairness, timeliness and efficiencies. The timing and notice of this change also compounds the issue. As such we respectfully submit that the Review Board reconsider and amend the Work Plan so that for this project, the Review Board retains its oversight and vetting role for the IR process, rather than pass such duties on to the proponent.

Implications of IR Process Change

In the original Work Plan, dated May 12th, 2009, all IRs were to be directed to the Review Board for approval. If approved, the Review Board would then issue the IR under its authority to the intended IR recipient. In comparison, the Revised Work Plan instructs the parties to send their IRs directly to the proponent, with copies to the Review Board for the public registry.

We all recognize that the goal is to ensure that the environmental assessment for this project proceeds in a fair, timely and efficient manner. It remains unclear to us how this procedural change serves to achieve this goal. Ultimately, the Board retains the decision-making authority over the IR process in any event. The proponent believes this change has significant implications for EA0809-001 and the parties involved.

Based on the original Work Plan, it was our expectation that the Review Board would oversee and control the IR process. In reliance on this, the proponent has created internal processes including allocation of resources, third party contracts, etc. in order to submit IR responses within the timelines set by the Review Board. By changing its role to exclude this oversight function, the Review Board effectively shifts this oversight function to the proponent.

Having already established an internal process this procedural change creates an extra burden which may cause the proponent to use part of its limited response time to address this new administrative oversight role.

This is a public project, with a public proponent with complex intersecting issues. As such the Government of Canada has taken steps to anticipate the potentially broad and far-reaching IRs that may result.

Given the nature and complexity of this project, this change in procedure will have significant implications to the environmental assessment process including the following.

Problematic IRs:

If there are problematic IRs, such as out of scope or unclear IRs, it will now be up to the proponent to bring this to the attention of the Board, rather than the Board officiating its own process to ensure that the environmental assessment stays on track.

Overall we are concerned that this change in procedure will create uncertainties with process, and lead to delays and inefficiencies. In essence, the role of the proponent for this project should be focused on providing clear and comprehensive responses to valid and relevant IR requests.

Point of Entry Problems:

The proponent will now have to manage IRs as they are received and deal with issues arising if any submissions are late. The proponent may also have to manage IRs that come to different government contacts. This will create an extra-added administrative burden at the front end to ensure that the proponent can account for all IRs received. The proponent believes that all IRs should be vetted and bundled by the Review Board so that they are received by the proponent at the same time, and the proponent is not left to police deadlines.

Request for Amendment

Based on the foregoing, we respectfully submit that the Review Board amend its Revised Work Plan. We urge the Board to ensure that fairness, timeliness and efficiencies for this environmental assessment are maintained by retaining its oversight and vetting role for the IR process for this project.

Sincerely,



Mark Palmer
Director
Giant Mine Remediation Project

cc. Environmental Assessment EA0809-001 Parties