

March 26<sup>th</sup>, 2012

Giant Mine Remediation Team  
c/o Aboriginal Affairs and Northern Development Canada  
PO Box 1500  
Yellowknife NT X1A 2R3  
Attn: Adrian Paradis, A/Manager

Dear Mr. Paradis,

**Re: legal basis for dismantling mill conveyor**

Your letter of March 13<sup>th</sup>, 2012 stated that the Giant Team is preparing to dismantle a section of the mill conveyor to address health and safety risks. In that letter, you say “it is the understanding of the Project Team that there are no requirements for a land use permit or water license to undertake this work”. Parties have expressed interest in your Department’s legal authority for proceeding with this work, in light of the legislative requirements of the *Mackenzie Valley Resource Management Act* (the *Act*).

Under subsection 117 (1) of the *Act*, and as described in the environmental assessment *Terms of Reference*, the Review Board determined that the scope of this development includes “removal of site infrastructure and materials, such as buildings, waste and contaminated materials”.

According to section 118, unless the requirements of Part Five of the *Act* (which includes environmental assessment) have been satisfied, no authorizations may be issued if an authorization is required, and no government agency can take “any irrevocable action in relation to the development”. Subsection 124 (2) of the *act* says that if no authorization is required under an act or regulation, for work to be carried out by a government body, that body must conduct a preliminary screening, unless it concludes that the impact is manifestly insignificant or it is exempted from screening.



Your letter of March 13<sup>th</sup>, 2012 does not indicate the reasons why you believe that you have complied with these parts of the *Act*.

Considering this, and in the interest of transparency, the Review Board would like the Giant Team to describe the legal basis for proceeding with the above work. The Review Board encourages the Giant Team to similarly describe the legal basis for any other parts of the Site Stabilization Plan which will be undertaken before the completion of the current environmental assessment.

Please feel free to contact me with any questions or for further information.

(Original signed by)

---

Alan Ehrlich  
Manager of Environmental Impact Assessment

Tel: 867.766.7056  
aehrich@reviewboard.ca

