

# **NORTH SLAVE MÉTIS ALLIANCE**

**PO Box 2301 Yellowknife, NT X1A 2P7**



February 28<sup>th</sup>, 2011

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Re: Giant Mine Remediation Project EA (EA 0808-001) – First Round Information Requests

The North Slave Métis Alliance (NSMA) has reviewed the Developers Assessment Report for the above noted project, and prepared a preliminary list of questions. These answers to these questions will help us perform a more in depth review of the potential impacts and mitigation measures of the proposed remediation project. Further information requests may be submitted once a review of all the supporting documents and appendices is completed.

**Section 1.3.2** - This section does not mention Métis land interests. Please explain why not.

**Section 1.4** – It appears that the Minister of INAC occupies too many positions of decision making power with respect to this project. A case could easily be made for the appearance of bias, if not actual bias due to his or her role as proponent and Responsible Authority for the acceptance of the Report of Environmental Assessment, as well as inspector and regulator. Please explain how conflict of interest will be prevented, and how the public will be convinced of the fairness of these proceedings and the authorization and enforcement actions to follow.

**Section 1.7.2** This section neglects to mention the Canadian Constitution as relevant legislation. Please confirm that recognition of the Aboriginal and Treaty Rights of the Métis, as protected by Section 35 is relevant to this project and environmental assessment.

**Section 2.5** Have all of the past studies been licensed in the Northwest Territories according to the Scientists Act, or peer-reviewed? Please provide a table showing date of research, research licence number, researchers name, title of research, a summary of the conclusions, and a link to final peer-reviewed publications.

**Section 3.6** The NSMA identified a couple of VEC's that are not included. The frequency and magnitude of Métis concern about the site should be measured and evaluated for significance. Also, the loss of economic opportunities for NSMA members associated with the permanent withdrawal of the site from mineral (or other) development should be evaluated.

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**Section 4** The section on site history does not mention the historic involvement of the Métis in prospecting and discovering gold at Yellowknife and up the Yellowknife River. The only traditional knowledge report mentioned was prepared by the Yellowknives Dene (YKDFN). Does INAC believe that the heritage and traditions of the Yellowknives and the Métis are indistinguishable from each other or that the YKDFN heritage and traditional knowledge are more relevant and important than the Métis? Please explain why Charles Camsell and his crucial role in the development of the mining industry in the Yellowknife area, and indeed the entire Northwest Territories, is not even mentioned. Also, please describe the efforts made to access Métis traditional knowledge and land use information.

#### **Section 6.2.1**

- The DAR says that treatment methods that were even in early stages of development were assessed, and that more attractive treatment options may present themselves in the future. Several alternative methods of dealing with the arsenic trioxide issue are discussed, but there appears not to have been any serious evaluation of biotreatment in situ. Please explain why this alternative is not mentioned. Also, please explain whether the biotreatment of Giant mine waste could be done in the same manner as is to be done at the Nor Acme Mine in Manitoba (just announced), and which has been already successfully done at the Youanmi Mine in Western Australia and the Beaconsfield Mine in Tasmania.
- If the shell of the frozen chambers is frozen first, then the contents frozen second, what is to prevent the dust from expanding as it freezes and breaking the shell?
- If the borehole method of wetting the dust before freezing is used, is there a risk that the hydraulic pressure can crack, burst, or wear holes in the frozen shell?

**Section 6.8.3** The relationship between the diffuser and the drinking water intake for the City of Yellowknife is not clear. Is there a proposal to relocate the current drinking water intake or repair it? Either way, should this not be considered a related (very likely) project to be considered in the cumulative effects assessment? Much more information is needed on this topic.

**Section 6.8.5** Water treatment and sludge disposal are not discussed in sufficient detail. Please explain how people will be kept away from tailings and sludge, and whether biotreatment is an option for the treatment method.

**Section 6.8.6** How close is the diffuser to the Yellowknife water intake pipe (the whole pipe not just the intake)? What condition is the pipe in? What are the implications of diffuser malfunction occurring together with intake pipe malfunction? What impact does climate warming, increased spring and summer precipitation, thawing permafrost in Yellowknife Bay and Yellowknife River, and changing water levels have? Please provide a detailed risk analysis.

**Figure 7.2.2** Is the label the same scale as the map? It appears that there are a number of very small circles on the map, compared to the smallest circle on the legend. What magnitude is the largest and smallest earthquake shown on the map? Also, is there an earthquake marked in the vicinity of Yellowknife that is obscured by the text and red star? What magnitude? What would this map look like if it went back farther than 1980 (only 30 years).

**Section 7.2.3** Does the flooding of Con Mine affect water levels in Giant? If so, how?

**Section 7.3.2.4** Please provide more detailed information on historic climate trends, and especially changes in temperature and precipitation. Can this data be graphed, with the x axis being zero mm, so that the variability of the data, as well as the proportional change can be understood?

**Page 7-44** GNWT (and INAC?) have adopted Ontario's air quality criterion for airborne arsenic. Ontario is perceived by many Northerners to be a very industrialized and polluted place. Please explain whether the criterion are more or less protective for sensitive northern species in comparison to other industrialized and non-industrialized regions (ie: Poland and Iceland).

**Figure 7.6.1** What process was used to determine the size and shape of the North Slave Métis Land Claim Area?

**Table 7.4.6** What was the detection limit relevant for each time period of the reported arsenic level in fish tissue data? Is there a temporal trend in the data – please illustrate.

**7.6.4.3.** The Métis role in mineral development of the North has not been mentioned. Is there a reason for this information gap?

**7.6.6.1** It appears that the Métis have been neglected (again). How will Métis heritage resources be identified, and when will that process begin?

**8.10.3.1** It seems that the existing situation is being treated as a baseline for a new project, and as if the Crown was not responsible for (permitting if not encouraging) the damage in the first place. The proposed reduction of predicted ongoing negative and potentially catastrophic effects is being treated as if they were positive effects. The reduction of the magnitude of a negative effect does not create a positive effect. There seems to be little focus on the proposed continuation of loss of use of lands and waters for traditional uses. Please explain, quantitatively, and with illustrations, which areas of the land, air and water will remain unavailable and/or unsuitable for traditional use during the life of this project.

**Page 13-7** Please provide a commitment to bring forward the valid Compensation Concerns of the Métis to the Crown, in a similar manner as is being committed to for the YKDFN. Also, please provide a commitment to gather Métis traditional knowledge and incorporate it into the design and implementation of the project.

**Additional Comments:**

- ∞ We strongly prefer to review large documents when there are hyper links in the table of contents linked to pages in the document. At a minimum, there should be bookmarks in the pdf.
- ∞ The NSMA did not have the capacity to produce evidence during the Scoping Stage, or prepare convincing arguments during the Terms of Reference Stage of this assessment. It is not procedurally fair to make major decisions regarding the scope or terms of reference for an environmental assessment before Aboriginal Peoples have a capacity to participate, and therefore before the Board has had an opportunity to consider all the relevant information.
- ∞ The restriction of the scope of assessment to exclude off-lease impacts or the consideration of alternatives seems unnecessary, and contrary to natural justice.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sheryl Grieve', with a long horizontal flourish extending to the right.

Sheryl Grieve  
Environment Manager  
Email: [enviromgr@nsma.net](mailto:enviromgr@nsma.net)