

# Note to File

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August 11, 2011

**Re: technical sessions planning**

On August 9<sup>th</sup>, 2011, Adrian Paradis (a/Manager of CARD) informed me that the developer is interested in an approach to scheduling technical sessions that would ensure that parties' outstanding questions are fully explored. Adrian said that the developer would be talking with parties and hopes to propose an agenda to the Review Board that reflects those discussions.

I told Adrian that developers are free to have direct meetings with parties during the EA. I reminded him that although the Board conducts the technical session and sets the agenda, it would carefully consider any suggestions that result from the developer's discussions with parties.

(Parties' e-mail correspondence on the subject, including some discussion of information needs, is attached below. Some redundancies have been removed for readability).

Alan Ehrlich  
Senior Environmental Assessment Officer  
Mackenzie Valley Environmental Impact Review Board

**From:** Environment Manager [mailto:enviromgr@nsma.net]

**Sent:** Thursday, August 11, 2011 12:38 PM

**To:** 'Adrian Paradis'

**Cc:** president@nsma.net; Alan Ehrlich; Lisa.Dyer@pwgsc-tpsgc.gc.ca; David.Abernethy@pwgsc-tpsgc.gc.ca; Mark.Palmer@pwgsc-tpsgc.gc.ca

**Subject:** RE: Giant Mine Technical Session

Hi Adrian,

I am out of town this week, booked all next week, and out of town again the following week.

If we do meet this month, it will have to be by phone or Skype.

(I don't think we budgeted for meetings on the format of technical sessions.... And our funding is very tight for the major amount of research we need to do.... )

The key areas where NSMA needs more information are:

- The chemical composition of the tailings (submerged and otherwise). We are interested in evaluating the alternative of remediating the tailings by biological treatment to remove both the arsenic and recover precious metals. The detailed chemistry is key to feasibility. If the chemistry is suitable (which it does appear to be with current information) then we plan to argue for treatment rather than perpetual care and maintenance in situ.
- We need LOTS more information on the chemical stability and risks associated with the storage of arsenic trioxide underground, including details on the groundwater regime, probability of failure due to extreme weather events including seismic activity, climate change, war, and human error. We also want to know if transportation of the arsenic trioxide in a frozen state (mined, packaged and transported in deeply frozen condition) poses same risk as assumed in present version of risk assessment. Our theory is that once the arsenic trioxide is solidly frozen, it might be possible to safely mine, package and transport it out of here or treat it. This theory is based on the assumption that the dust is most dangerous when dry and dusty (to blow around and be inhaled or deposited on water land etc). If frozen, and cut up like blocks of ice or granite, packaged while still frozen, and transported during January-February, we are hoping it could be removed from our lands.
- We are also very interested in the socioeconomic , human rights, and human health impacts of continued use of our lands and waters to store contaminants in perpetuity... the lands that are leased, as well as large areas surrounding it will be unavailable for NSMA members' traditional use in perpetuity.... We feel that there is no information on the public record yet that quantifies or even describes the extent, magnitude, duration, severity etc of these obvious impacts.
- We want firm commitments from AAND on the manner in which they will Consult with NSMA and accommodate our Constitutionally protected Section 35 Aboriginal and Treaty Rights and Titles with regards to these lands, waters, and other resources that will continue to be impacted.
- We have identified a potential business partner with technology and experience in bioremediation of arsenic contaminated tailings. As well, NSMA owns businesses involved in trucking, cement, and shotcrete. We wish to discuss related business opportunities, and negotiate an IBA in order to facilitate the progress of this long overdue and much needed clean up.

With regards to the format of the technical sessions, I would recommend that there be at least as much time devoted to discussion of human rights (ie: Aboriginal, Treaty, Constitutional and Equality rights) impacts as to water, land, fish, wildlife and vegetation impacts, and as much time devoted to Crown Consultation and Accommodation as to monitoring and mitigation of biophysical impacts.

There should be some very serious research going on right now on how to mitigate the social, economic and cultural impacts, based on a high quality collection of baseline information. For us, baseline is pre-project = 1925.

The unjustified inequality of treatment by Canada towards Métis as compared to the other two Aboriginal Peoples of Canada is a significant issue for us.

Let me know if I have left any of your questions unanswered.

Sheryl

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**From:** kevin o'reilly [mailto:kor@theedge.ca]

**Sent:** Wednesday, August 10, 2011 12:19 PM

**To:** Adrian Paradis

**Cc:** Todd Slack; David.Abernethy@pwgsc-tpsgc.gc.ca; LisaDyer; Mark.Palmer@pwgsc-tpsgc.gc.ca; Alan Ehrlich

**Subject:** Re: RE: Giant Mine Technical Sessions

Thanks Adrian and Todd. My preference is for a meeting of all the parties. Whether the Review Board staff are there or not, at least for an initial meeting, is not a big issue for me. However, it could be helpful in putting some ideas on the table about how past technical sessions have worked or not.

Kevin

----- Original Message -----

**From:** Adrian Paradis [mailto:Adrian.Paradis@aandc-aadnc.gc.ca]

**Sent:** Tuesday, August 09, 2011 4:51 PM

**To:** Kevin O'Reilly; Todd Slack

**Cc:** David.Abernethy@pwgsc-tpsgc.gc.ca; Lisa Dyer; Mark.Palmer@pwgsc-tpsgc.gc.ca; Alan Ehrlich

**Subject:** RE: Giant Mine Technical Sessions

Todd,

I believe the Board will hold its own meeting later. I would like to meet before hand to discuss YKDFN and Alt North concerns first. I have sent the same email to NSMA, EC and the City. We hope the technical sessions clarify what is agreed to and get an understanding what additional work is required.

Adrian

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**From:** Todd Slack [mailto:tslack@ykdene.com]  
**Sent:** Tuesday, August 09, 2011 4:30 PM  
**To:** Adrian Paradis; Kevin O'Reilly  
**Cc:** David.Abernethy@pwgsc-tpsgc.gc.ca; Lisa Dyer; Mark.Palmer@pwgsc-tpsgc.gc.ca; Alan Ehrlich  
**Subject:** RE: Giant Mine Technical Sessions

Let me ask a leading question here first - what's the intent of the technical sessions from the Crown's perspective? I think intent, scope and definitions are pretty important first steps and clarity is essential before we contemplate format to achieve that intent.

Actually, even before that comes this question: why isn't the Board shepharding this discussion? As much faith as I have in my colleagues over at INAC and their desire to ensure a complete and thorough Environmental Assessment at GIANT mine, this a Board process, so they should be driver behind this no?

Lastly, you may wish to invite the City as they've put some real work into this.

I'm all up for a discussion, but let's get the horse in front of the cart first.

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**From:** Adrian Paradis [mailto:Adrian.Paradis@aandc-aadnc.gc.ca]  
**Sent:** August 9, 2011 16:37  
**To:** Sheryl Grieve; Amy Sparks; Dennis Kefalas; [jhumble@yellowknife.ca](mailto:jhumble@yellowknife.ca); Kevin O'Reilly; Todd Slack  
**Cc:** David.Abernethy@pwgsc-tpsgc.gc.ca; Lisa Dyer; Mark.Palmer@pwgsc-tpsgc.gc.ca; aehrlich@reviewboard.ca  
**Subject:** Giant Mine Technical Session

Greetings,

The Giant Mine Remediation Project Team proposes to structure the technical sessions into five themes (Freeze, Water, Surface, Monitoring and Failure Modes). The Project Team has requested that the Review Board schedule the technical sessions the week of October 17, 2011.

For the technical sessions the Project Team proposes that to start each theme with a presentation. The presentation would include:

- a summary of where the Project/design is at;
- a summary of the what the IR's asked;
- a summary of our response; and
- what are the key areas that the YKDFN, NSMA, Alternatives North and City of Yellowknife want more information.

Can we meet sometime this week/early next to discuss the proposed format?

Should the Project Team modify the themes or approach to present the information, etc?

The Project Team proposes that a follow up meeting, chaired by the Review Board staff, between the parties and Project Team occur in late August to finalize the format for the technical sessions.

thanks,

Adrian Paradis  
A/Project Manager  
Giant Mine Remediation Project  
wk. 867.669.2425