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1 MACKENZIE VALLEY ENVIRONMENTAL
2 IMPACT REVIEW BOARD
3
4 GIANT MINE REMEDIATION PLAN,
5 PROPOSED BY INAC
6 CONTAMINANTS & REMEDIATION DIRECTORATE
7
8 SCOPING HEARING
9
10 Panel Members:
11 Board Chairperson Richard Edjericon
12 Vice-Chair John Stevenson
13 Board Member Danny Bayha
14 Board Member Jerry Loomis
15 Board Member Nora Doig
16 Board Member John Ondrack
17 Board Member Fred Koe
18
19 HELD AT:
20
21 Explorer Hotel
22 Yellowknife, NT
23 July 23rd, 2008
24 Day 2 of 2
25

2

1 APPEARANCES
2 John Donihee)Board Counsel
3
4 Bill Mitchell)Giant Mine Remediation
5 Daryl Hockley)Project Developers,
6 Bruce Halbert)INAC & GNWT
7 Ray Case)
8 Mark Cronk)
9
10 Todd Slack)Yellowknives Dene
11 Louie Azzolini)First Nation
12 Rachel Ann Crapeau)
13 Chief Fred Sanglis)
14
15 Kerry Penney)City of Yellowknife
16 Gordon Van Tighem)
17
18 Kevin O'Reilly)Private citizen
19
20 Sheryl Grieve)North Slave Metis
21)Alliance
22
23 Derek Mogay)Department of

19		
20	Presentation by Private Citizen Mr. Gary Vaillancourt	194
21		
22	Closing Remarks by the Developer	200
23	Closing Remarks by the Chairperson	205
24	Reporter's Certificate	207
25		

5

1	LIST OF UNDERTAKINGS		
2	No.	Description	Page
3	6	For the City of Yellowknife to	
4		provide the amount of outstanding	
5		property taxes owed since the	
6		Federal Government took over	
7		management of the Giant Mine site.	22
8	7	City of Yellowknife to file a copy	
9		of the surface lease or lease	
10		agreement it has for the area that	
11		it currently leases from the	
12		Government of the Northwest	
13		Territories, if it is allowed	25
14	8	City of Yellowknife to provide water	
15		quality study results	35
16	9	Advise the Board by August 15th as to	
17		whether or not Environment Canada's	
18		expertise would be available to assist	
19		the Board as it proceeds through the	
20		environmental assessment process.	80
21	10	Yellowknives Dene First Nation to	
22		provide updated PowerPoint	
23		presentation by August 15th for	
24		public registry	138
25			

6

1 --- Upon commencing at 10:08 a.m.
2
3 THE CHAIRPERSON: Good morning, ladies
4 and gentlemen. I'd like to call this Hearing to order,
5 day 2 of the Giant Mine Remediation Project Public
6 Hearing.
7 Before I do anything, I'd like to
8 recognize the Board here this morning. I want to go to
9 my far left, work to my far right, just in case the
10 people that wasn't here yesterday didn't have an
11 opportunity to meet the Board.
12 So I'm going to start off. At my far left
13 is Board member Danny Bayha. To his right would be Nora

14 Doig, Board member, and to her right is Vice Chair John
15 Stevensen. And to my immediate right is Board member John
16 Ondrack. And to his right is Board member Jerry Loomis.
17 And to his right is Board member Fred Koe, sorry.

18 Before I move on here, I just wanted to
19 let people know that just out of respect and for people
20 who will be presenting here today, I want to ask you to
21 try and shut off your cell phone and this way we have no
22 disturbance for the presenters.

23 Before we begin, I would like to revisit
24 what we're doing here today and provide some direction on
25 how this Hearing will proceed for the benefits of those

7

1 that didn't attend yesterday's session.

2 As you're aware, the Review Board is
3 conducting an Environmental Hearing Assessment on the
4 Giant Mine Remediation Plan, which has been proposed by
5 the Contaminant and Remediation Directorate of Indian and
6 Northern Affairs of Canada.

7 A little background on the steps taken by
8 the Review Board to date in this environmental assessment
9 process. This development was referred to, EA,
10 environmental assessment on March 31st, 2008, by the City
11 of Yellowknife.

12 The Board is currently in a scoping phase
13 of the assessment, which provides an opportunity for
14 parties and the public to assist in the Board review by
15 identifying potential impacts or other matters of
16 concerns in the environmental assessment process and
17 bring them to the Review Board's attention.

18 Today the Review Board is conducting a
19 scoping hearing. The purpose of this Hearing is for the
20 Board members to hear what the people in attendance have
21 to say firsthand. We need to understand what major
22 issues or concerns are in relation to Giant Mine
23 Remediation Project in order to make a decision on the
24 environmental assessment should proceed.

25 After we have completed this scoping

8

1 Hearing, the Board will consider all of the information
2 and any other information on the public registry. After
3 the Hearing, we will make the decision about the scope of
4 the development and how it may affect the environment,
5 including the spatial and temporal scope of these
6 potential effects.

7 I would like to give a short recap of
8 yesterday's Hearing. The hearing was convened at 1:30

9 p.m. and began with presentation from the developer on
10 the proposed remediation project.

11 The developer then field questions from
12 other parties, interested members and the public, the
13 Review Board's end staff, and finally, the Review Board
14 itself posed questions.

15 Also, the developer has committed to five
16 (5) undertakings, all concerning providing more
17 information for the environmental assessment. The Review
18 Board will send out a public notice listing of all
19 undertakings by Friday, July 25th, 2008. The five (5)
20 undertakings will be submitted by August 15, 2008.

21 The Review Board will recognize the
22 contribution of the parties to this assessment and to
23 thank them for their attendance yesterday and today at
24 the scoping Hearing.

25 We have set aside time for members of the

9

1 general public to present their views about whether
2 impacts may be caused by the proposed development.

3 I have a few housekeeping items I would
4 like to review with you in relation to the way we will
5 proceed today.

6 First of all, all parties have seen the
7 agenda. I would ask you to please limit your
8 presentation to the time set in the agenda. There is
9 limited time available to us, and it is important that
10 all parties have the opportunity to speak.

11 And I just want to elaborate on that a
12 little bit more, is that I appreciate the parties that
13 submitted their presentation to us. We have it in our
14 binders. We had an opportunity to review it already.
15 And I am going to ask the parties to go through their
16 presentation and up front, they need to review and do a
17 summary of their introduction. And I would like to go
18 directly into the questions part of your presentation so
19 we could move on and keep on with the agenda we have.

20 After each presentation, there is a set
21 order in which groups can ask questions. The parties to
22 the environmental assessment will be allowed to ask
23 question first in the order they presented. Next, if
24 there are any questions from the public, they can be
25 asked. Finally, the Review Board and the staff may ask

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1 questions of the presenter.

2 Questions should be addressed to the
3 Chairperson and not directly to the parties.

4 All speakers should identify themselves by
5 each name and who they represent.

6 Finally, I would like to mention that
7 there will be a transcript of this Hearing. We will tape
8 the session, and the information provided today will be
9 made available on our public registry.

10 Thank you for your participation, and we
11 are looking forward to an informative Hearing over the
12 course of today, remaining of this Hearing.

13 Yesterday, I didn't recognize a few of
14 additional staff that I have here. I would like to
15 recognize Jessica Simpson. She is our Community Liaison
16 Officer. Also I have Paul Mercredi and Nicole Spencer,
17 our Environment Assessment Assistants. We have Tawanis
18 Testart, our EO; Alistair MacDonlad, SEAO; Martin
19 Haeefele, manager of EIA. And yesterday we also had Vern
20 Christensen here, who is our Executive Director. So I
21 just wanted to acknowledge them.

22 And once again, I want to move on.
23 Today's day 2 of the scoping Hearing we have. And again,
24 I just want to mention that we have a set time, and I
25 want to keep to the agenda today.

11

1 So first on the agenda today, we have Your
2 Worship, Mayor Gordon Van Tighem.

3 MAYOR GORDON VAN TIGHEM: Thank you, Mr.
4 Chairman. I don't know if I missed it, but did we have
5 an opening prayer?

6 THE CHAIRPERSON: Thank you. Yes, we
7 started off the Hearing yesterday with opening prayer.
8 And at the end of the day today we will close with a
9 closing prayer.

10
11 PRESENTATION BY CITY OF YELLOWKNIFE:

12 MAYOR GORDON VAN TIGHEM: Okay. Thank
13 you. Thank you very much, and thank you for the
14 opportunity to make this presentation. I think the first
15 question is: Why are we here?

16 There's been some significant and
17 excellent work done by the Giant Mine community coalition
18 to ensure that information got out to the communities
19 impacted and the various people that are involved.

20 There's been some detailed research done
21 by the MacKenzie Valley Land and Water Board and
22 recommendations that came from that. But in the review
23 of that by council and members of our community, they
24 felt that there was probably some issues missing with
25 regard to the longer term.

12

1 Our -- our interest, of course, is the
2 safety of our community. And we were reminded by our
3 neighbours, the Yellowknives Dene, that not only is it
4 our existing current community, but it's also our
5 grandchildren, their grandchildren, and on from there.

6 As a result, we've requested this further
7 opportunity to provide information on where the city is
8 at and to correct some misconceptions that may have been
9 generated in previous discussions, including one of the
10 ones in the summary of the Water Board presentation that
11 said that the mine was not within city limits, when
12 clearly it is.

13 And another one, as recently as last
14 night's clarifications, that the city gets its water from
15 an area that's well upstream and in a different water
16 course than the mine. However, for eight (8) years we
17 have been looking at means that we could access the water
18 directly from the lake, as we had previously.

19 So there's -- there's a few little things
20 that -- that seem to disappear in the presentations.

21 So to the task at hand, primarily -- all
22 of the issues that were raised at the coping -- scoping
23 sessions in June are important. But to ensure that we
24 deal with this in the level of detail and efficiency
25 appropriate and required, we'd like to focus on certain

13

1 aspects that would require a higher level of scrutiny.
2 And I'll attempt to highlight those as we move forward.

3 The topics that we wish to emphasize
4 include public health and safety, the long-term financial
5 impacts and cost of maintaining the project, alternatives
6 to the current plan, the land quantum that this is
7 impacting, standard of remediation, the need for an
8 independent monitoring on the project, and the
9 consideration of the effects of global warming.

10 As I said in the preamble, the Giant Mine
11 is located within the city boundaries and is therefore in
12 close proximity to the people and wildlife that inhabit
13 that area. The city submits the following issues need to
14 be clearly addressed: an emergency measures plan, and
15 critical to that, that it's developed in consultation and
16 cooperation with the city.

17 So frequently, there are other orders of
18 government that feel that the can look after our best
19 interests, and sometimes that doesn't prove out. And
20 some of that is being addressed now, and hopefully that
21 will happen out of this process.

22 The potential risks related to demolition
23 and transportation of contaminated structures and a
24 discharge of treated and untreated water, such as

25 groundwater.

14

1 In the long term considerations, this
2 proposed remediation plan will continue indefinitely.
3 And out of that there needs to be addressed: who will be
4 responsible for the ongoing maintenance costs, who will
5 be responsible in the case of an emergency situation, and
6 something that documents that.

7 The current plan simply maintains
8 contamination in a safer way, adding to the way that it's
9 currently looked after. And while we're not arguing that
10 that might be the best science of today, it would also be
11 excellent to include in the process a requirement to the
12 proponent that they continue to access any viable
13 alternatives that may become available due to changing
14 technology. Out of sight, out of mind doesn't
15 necessarily apply in this situation.

16 In addition, as is so frequently required
17 of private corporations, some form of security should be
18 required to be set aside to specifically for research and
19 assessment of future alternatives and to make us more
20 comfortable that it's not just a freeze it and leave it.

21 The Giant Mine land quantum encompasses
22 6.2 percent of our total municipal boundary, or 8.3
23 percent of our municipal land area. If it's not
24 productive -- possible to remediate to a productive
25 state, we lose this segment. And as you will be aware at

15

1 the municipal level of government, our main revenue
2 source is property taxes, which means that the property
3 has to be developable. Removal of that land quantum
4 would indicate a significant reduction of our available
5 future income.

6 The city needs to be compensated by
7 changing municipal boundaries, additional economic
8 resources, or remediation to a residential of all areas
9 that could potentially be done to maintain a comparable
10 land quantum and comparable tax base. And from our
11 discussions with the -- our neighbours the Yellowknives
12 Dene, I'm quite certain that this is something that will
13 be talked about in the almost immediate future.

14 As you may be aware, there's a land --
15 land within the water access area of the City of
16 Yellowknife that's been set aside in perpetuity for the
17 maintenance of our water intakes. And this is in
18 agreement between the -- all of the neighbouring groups.

19 Standard of remediation: As is not

20 uncommon the proposed plan contemplates remediation to an
21 industrial level. We submit, however, that portions of
22 the land should and could be remediated to a higher
23 standard -- i.e., residential -- and it would be nice if
24 that was -- in some way that was motivational.
25 Independent monitoring: As we've noted

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1 previously, the project proponent is also a part of the
2 government that is responsible for approving the plan on
3 the water licence. And it would certainly be interesting
4 to see an -- be appropriate for a board to be established
5 to ensure that the implementation of the plan and
6 maintenance of the site is monitored independently and
7 with the involvement of the city.
8 Finally, global warming is a topic that is
9 on the lips of most people almost daily. This project
10 was put together a few years ago. Some things have
11 changed. The frozen block technique relies upon the
12 ground at Giant Mine remaining frozen. If we are to
13 experience an increase in ground temperature, will that
14 stabilize -- jeopardize the stability of the system? And
15 is there a way the Board can ensure that this eventuality
16 has been addressed by the proponent?
17 In conclusion, first and foremost,
18 remediation of the Giant Mine site must be commenced as
19 quickly as possible. While that's happening, of course,
20 the city must ensure the residents and their interests
21 and the interests of the city are protected. And it's
22 anticipated the Board must ensure that all aspects of the
23 proposed plan are adequate for the protection of all
24 interested parties.
25 And we look forward to your eventual

17

1 recommendations. Thank you very much.
2 THE CHAIRPERSON: Thank you very much for
3 presentation, Mayor Van Tighem. Next part of the
4 question for Mayor Van Tighem will be in this order.
5 I'm going to ask if there's any questions
6 from Kevin O'Reilly to Your Worship, Mayor Van Tighem.
7
8 QUESTION PERIOD:
9 MR. KEVIN O'REILLY: Thanks, Mr. Chair.
10 Kevin O'Reilly here. I -- I have four (4) areas of
11 questions I'd like to pose to the city, if I may.
12 The first is -- I know the answer to this,
13 but I just want to confirm -- are there any agreements or
14 understandings with the developer regarding use of

15 municipal infrastructure for this particular project?
16 And I'm thinking in particular here of the municipal
17 landfill, but there may be other municipal infrastructure
18 that the project would rely on.
19 So any agreements or understandings on the
20 use of municipal infrastructure? Thank you.
21 MAYOR GORDON VAN TIGHEM: Not that I'm
22 aware of.
23 THE CHAIRPERSON: Mayor Van Tighem,
24 please proceed.
25 MAYOR GORDON VAN TIGHEM: Gordon Van

18

1 Tighem, City of Yellowknife. And not that I'm aware of.
2 THE CHAIRPERSON: Okay, thank you.
3 Kevin O'Reilly...?
4 MR. KEVIN O'REILLY: Thank you. I know
5 that the -- Kevin O'Reilly here. I know that the Mayor
6 had mentioned that the city has been studying drawing
7 water from Great Slave Lake, I think he mentioned, for
8 eight (8) years.
9 I'm just wondering how far along that work
10 is. Has the city actually expended money to look at
11 this? And is it at an engineering stage? Are there
12 plans?
13 How far along are those -- is that
14 initiative? Thank you.
15 THE CHAIRPERSON: Mayor Van Tighem...?
16 MAYOR GORDON VAN TIGHEM: Thank you, Mr.
17 Chairman. The city has accessed municipal green funds
18 early in the second millennia. We have been looking at a
19 water filtration system. We have been testing that,
20 aside from the regular access of water, as part of a
21 project since, I think, 2001. And the city is currently
22 in the process of expanding the water reservoir, which is
23 on the northeast end of Tin Can Hill.
24 And the plan is that the city's water
25 treatment plant will be situated on top of that as the

19

1 next phase of that project. And we are anticipating a
2 determination as to whether the water can be accessed
3 from the lake prior to the construction of that water
4 pumping station, because of the new national standard
5 requiring filtration beyond what we currently do.
6 Prior to that construction -- and the
7 construction, I believe, is scheduled to start on that
8 phase in 2010. So, yes, we have funding; yes, we're
9 doing studies; and yes, we're currently hoping that we'll

10 be able to access the water directly from the lake.
11 The alternative is that we have a 6
12 kilometre long submarine water pipe that comes in from
13 the Yellowknife River, Pump House Number 2, up above the
14 Yellowknife River Bridge. And that is aging and would
15 also be a future expenditure for the city that we are
16 working to avoid.

17 THE CHAIRPERSON: Thank you, Mayor Van
18 Tighem.

19 Kevin O'Reilly...?

20 MR. KEVIN O'REILLY: Thanks, Mr. Chair.
21 And I want to thank the Mayor for that very detailed
22 answer.

23 I want to move on to the area of municipal
24 taxation. It's my understanding that there is an
25 outstanding tax bill for the property. And I think it

20

1 may relate to when Miramar Giant went bankrupt and
2 folded, and then it became a Crown property.

3 And I'm wondering if the Mayor can tell me
4 roughly what the situation is with the back taxes for the
5 property and how much they amount to at this point.
6 Thank you.

7 THE CHAIRPERSON: Thank you, Mr.
8 O'Reilly.

9 Mayor Van Tighem...?

10 MAYOR GORDON VAN TIGHEM: Thank you, Mr.
11 Chair. It's my understanding that there is an agreement
12 approaching that would look after any concern on back
13 taxes, and that there's also in negotiation or
14 discussion, a servicing agreement into the future with
15 regard to the project and the existence of the mine.

16 At the point in time that Miramar Giant
17 ceased operations, there was about six (6) months left in
18 that year. So the amount to the city, I believe, was in
19 the range of three hundred thousand dollars (\$300,000).

20 THE CHAIRPERSON: Thank you, Mayor Van
21 Tighem.

22 Your fourth question, Kevin O'Reilly...?

23 MR. KEVIN O'REILLY: Thanks, Mr. Chair.

24 Just so I -- I'm clear on this, then Miramar Giant owed
25 the city about three hundred thousand dollars (\$300,000)

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1 when it folded. And I think Miramar -- Miramar Giant
2 went out of operation about 2005, if my memory serves me
3 correct, so that there's been no taxes paid on the
4 property since then.

5 And what's the amount then that the
6 developer owes the city in back taxes? Thank you.

7 THE CHAIRPERSON: Thank you, Mr.
8 O'Reilly.

9 Mayor Van Tighem...?

10 MAYOR GORDON VAN TIGHEM: Well, one of
11 the considerations in that question -- or in the answer
12 to that question is that that relates to a party that's
13 not part of this assessment, so probably not something
14 specific to here.

15 I guess the only response is that the
16 proponent has been very favourable in discussions related
17 to some prior commitments, and we trust that it will all
18 be answered in the next year or two (2).

19 THE CHAIRPERSON: Thank you, Mayor Van
20 Tighem.

21 Is there any more questions, Mr. O'Reilly?

22 MR. KEVIN O'REILLY: Yes, thank you, Mr.
23 Chair. I'm not sure I really got an answer to the last
24 question.

25 I -- I'm wondering what the outstanding

22

1 taxes on the property are since the Federal Government --
2 essentially DIAND -- took over management of it.

3 There -- there's got to be some
4 outstanding taxes there, and I'm just wondering what the
5 amount is. Thank you.

6 THE CHAIRPERSON: Thank you, Mr.
7 O'Reilly.

8 Mayor Van Tighem...?

9 MAYOR GORDON VAN TIGHEM: Well, thank you
10 very much for the question. Coming here, looking at the
11 future, I didn't bring some of the history with me. And
12 we would undertake to provide the exact amounts to Mr.
13 O'Reilly at the appropriate time, in the next little bit.

14 THE CHAIRPERSON: Thank you, Mayor Van
15 Tighem. That would be Undertaking Number 6, for the
16 record.

17
18 --- UNDERTAKING NO. 6: The City of Yellowknife to
19 provide the amount of
20 outstanding property taxes
21 since the Federal Government
22 took over management of the
23 Giant Mine site.

24
25 THE CHAIRPERSON: And would August 15th

23

1 be sufficient time to have that information to our Board
2 for public registry?

3 MAYOR GORDON VAN TIGHEM: Yes.

4 THE CHAIRPERSON: Thank you.

5 Next, Kevin, is there anymore questions?

6 Okay.

7 MR. KEVIN O'REILLY: Thanks, Mr. Chair.

8 I -- I do want to thank the Mayor for the -- the
9 undertaking. And I'm -- as an individual homeowner and a
10 tax payer in the community, I'm pleased to hear that
11 there's been some progress made on this issue, since I
12 left council back in 2006. So I look forward to my tax
13 bill being reduced in the future.

14 I -- I won't -- my last area of
15 questioning is about the standard of remediation. And as
16 I recall, the city took over part of the surface lease of
17 the property in lieu of some back taxes that were owed to
18 the city by Royal Oak Mines at the time, in 1999.

19 And when the city took over part of the
20 surface lease, what was the understanding of the city in
21 terms of how the area would be remediated and who would
22 pick up that cost? Thank you.

23 THE CHAIRPERSON: Thank you, Kevin

24 O'Reilly.

25 Mayor Van Tighem...?

24

1 MAYOR GORDON VAN TIGHEM: Thank you. In
2 the lease agreement that the city has it says that the
3 Giant town site area would be used for municipal
4 purposes. Largely translated, that could be anything
5 from residential, industrial.

6 As far as the remediation, it's my
7 understanding that the Indian and Northern Affairs group
8 remains with that responsibility. And that's an area
9 that's still under ongoing discussion as to what extent
10 it will go to.

11 And I would state that nobody has backed
12 away from their commitment to undertake the remediation
13 of that area. However, the degree to which it will be
14 remediated has remained at industrial, and it's still a
15 matter that's under discussion.

16 THE CHAIRPERSON: Thank you, Mayor Van

17 Tighem.

18 Kevin O'Reilly, this is your seventh
19 question.

20 MR. KEVIN O'REILLY: Thanks, Mr. Chair.

21 This will be my last question, actually.

22 I'm wondering if the -- the city could
23 undertake then to file a copy of the -- the surface lease
24 or lease agreement it has for the area that it currently
25 leases from the Government of the Northwest Territories,

25

1 if they could file that with the Board.

2 THE CHAIRPERSON: Thank you, Mr. O'Reilly
3 for your final question.

4 Mayor Van Tighem...?

5 MAYOR GORDON VAN TICHEM: Thank you, Mr.
6 Chair. At the request, we will undertake to review the
7 lease to see that there's nothing in there that would
8 exclude us from doing that. If we are able to provide
9 it, we would then provide it.

10

11 --- UNDERTAKING NO. 7: City of Yellowknife to file a
12 copy of the surface lease or
13 lease agreement it has for
14 the area that it currently
15 leases from the Government of
16 the Northwest Territories, if
17 it is allowed.

18

19 THE CHAIRPERSON: Thank you, Mayor Van
20 Tighem.

21 And moving on down the list for questions,
22 the next I have is the Yellowknives Dene First Nation.
23 Questions for the Mayor, Ms. Rachel
24 Crapeau...?

25 MR. KEVIN O'REILLY: Sorry, Mr. Chair,

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1 it's Kevin O'Reilly here. Can we get that last item as
2 an undertaking from the city, please? Thank you. Sorry
3 to interrupt.

4

5 (BRIEF PAUSE)

6

7 MS. RACHEL CRAPEAU: Rachel Crapeau for
8 the Yellowknives --

9 THE CHAIRPERSON: Oh, sorry, --

10 MS. RACHEL CRAPEAU: -- Dene First
11 Nation.

12 THE CHAIRPERSON: -- Rachel. Sorry, Ms.
13 Crapeau, hang on one second please.

14 Just going back to the Mayor in regards to
15 your answer. We need to get an answer to the question,
16 and we need to have an undertaking to that as well. So
17 we need to get a response from you.

18 MAYOR GORDON VAN TICHEM: Yes, the
19 undertaking was to review the lease to determine if it
20 was allowed to make it available. If it's allowed to

21 make it available and there's no legal problems
22 therewith, we will provide it.
23 MR. JOHN STEVENSEN: John Stevensen,
24 Review Board. Mr. Mayor, if you could -- all we need
25 from you by August 15th is the -- the answer to your

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1 under -- to the undertaking. So if you -- once you've
2 reviewed the lease, let us know what your findings are
3 one way or the other, please.
4 MAYOR GORDON VAN TIGHEM: Definitely.
5 THE CHAIRPERSON: Thank you, Mayor Van
6 Tighem. Thank you Vice Chair, John Stevensen.
7 Moving on to the Yellowknives Dene First
8 Nation, Ms. Rachel Crapeau...?
9 MS. RACHEL CRAPEAU: Thank you, Mr.
10 Chair. Rachel Crapeau with the Yellowknives Dene First
11 Nation.
12 My question to the city was to do with the
13 land quantum, the boundary in which the radiation land
14 sits.
15 They -- the city claims that since the
16 land being on -- within the city boundary, if -- if they
17 are not able to use that land in the future, what happens
18 if they need to be compensated for the land where the
19 project is?
20 Also, my concern was before the mine was
21 there, before the city came to be, the Yellowknives Dene
22 lost use of the prime -- prime hunting areas, berry-
23 picking areas. And so when it comes to compensation, we
24 want to be at the table to know exactly what's happening,
25 and we would like to see the outcome of the review of

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1 their lease agreement.
2 I think it's only fair that the ultimate
3 people who lost use of land should have a look-see at
4 papers, lease agreements, any future talks of
5 compensation land -- for land. That's all I want to say.
6 Thank you.
7 THE CHAIRPERSON: Thank you, Ms. Rachel
8 Crapeau.
9 Mayor Van Tighem...?
10 MAYOR GORDON VAN TIGHEM: Thank you, Mr.
11 Chair. Yes, the part that I mentioned in my presentation
12 came out of discussions between the Yellowknife city
13 council and the Yellowknives band council and discussions
14 between Mayor and chiefs. And as such, we are jointly
15 involved in the discussion. So information, as it

16 becomes available, is shared and will continue to be.
17 THE CHAIRPERSON: Thank you, Mayor Van
18 Tighem.
19 Any further questions, Ms. Rachel Crapeau?
20 MS. RACHEL CRAPEAU: No.
21 THE CHAIRPERSON: No more questions?
22 Sorry, we have another question from Yellowknives Dene
23 First Nation. Please let us know your name.
24 MR. TODD SLACK: Todd Slack, Yellowknives
25 Dene First Nation.

29

1 I'm just wondering if the city has any
2 comments with regards to the future site use and the
3 planned open pits.
4
5 (BRIEF PAUSE)
6
7 THE CHAIRPERSON: Yes, sorry, Mayor Van
8 Tighem...?
9 MAYOR GORDON VAN TIGHEM: If -- if I
10 could have the question repeated? I didn't quite
11 understand what was being asked.
12 THE CHAIRPERSON: Mr. Slack, can you
13 repeat your question, please?
14 MR. TODD SLACK: Todd Slack, Yellowknives
15 Dene. I know that the city has done some planning and --
16 with regards to the future land use after the remediation
17 project's moved along and is moving towards completion.
18 And part of that plan is to leave open pits at the site.
19 And I'm just wondering if that impacts the
20 usability of the site, in the city's opinion.
21 THE CHAIRPERSON: Thank you, Mr. Slack.
22 Mayor Van Tighem...?
23 MAYOR GORDON VAN TIGHEM: Thank you. The
24 only studies that the city had undertaken have been
25 related to the Giant sign town site and the built

30

1 heritage considerations in that area.
2 With regard to open pits being left, that
3 would be strictly conjecture on my part. But open pits,
4 unless they become lakes or something useful, would --
5 would probably impact the future use of -- of the land.
6 THE CHAIRPERSON: Thank you, Mayor Van
7 Tighem.
8 Mr. Slack, is there any further questions?
9
10 MR. TODD SLACK: No.

11 THE CHAIRPERSON: No more further
12 questions.
13 Mr. Louie Azzolini, YKDFN...?
14 MR. LOUIE AZZOLINI: Thank you, Mr.
15 Chair. I just have one (1) question.
16 I'm hop -- I'm wondering if the Mayor can
17 explain to us the -- the relationship or discussions, if
18 any, with respect to the road realignment that the
19 Department of Transportation is proposing and the -- this
20 particular project that's being brought forward by the
21 proponent.
22 And what land use considerations specific
23 to this project of -- played into the road realignment
24 for the city?
25 THE CHAIRPERSON: Thank you very much,

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1 Mr. Azzolini.
2 Mayor Van Tighem...?
3 MAYOR GORDON VAN TIGHEM: Thank you, Mr.
4 Chairman. Well, like everyone else in the region the
5 city was approached with three (3) -- three (3) options
6 of a road alignment. There was a response that was sent
7 back. There was also a recommendation of a forth
8 alignment, which was suggested to us to have been
9 something that was already considered. And we suggested
10 that if it was a consultation, maybe it would be
11 something that could be considered again. That
12 apparently hasn't occurred.
13 It's our understanding from discussion
14 with the Premier that this project is not high in the
15 ascendancy of things to be done in the next little while.
16 So we're probably as uncertain as the rest as to where
17 that -- this particular project is -- is going to, if
18 indeed it is.
19 My understanding was that the initial
20 request was to move the road about 30 metres so that it
21 no longer went over the pits. So we await with as much
22 interest as everyone else where the consultation will go
23 to next, if there is indeed a continuation of the
24 consultation.
25 THE CHAIRPERSON: Thank you, Mayor Van

32

1 Tighem.
2 Mr. Azzolini...?
3 MR. LOUIE AZZOLINI: Thank you, Mr.
4 Chair. In terms of the future use of the site and
5 limiting risk and so on, would a suitable mitigation

6 measure be the relocation of the road from above these --
7 from above the arsenic that's frozen in the ground?
8 Is -- is that a mitigation that the city
9 would consider a reasonable mitigation to avoid use of
10 that area and any potential risks associated with that
11 use?

12 THE CHAIRPERSON: Thank you, Mr.
13 Azzolini.

14 Mayor Van Tighem...?

15 MAYOR GORDON VAN TICHEM: Thank you, Mr.
16 Chair. Well, the -- the relocation of the road was --
17 was never really a -- a city initiative or city driven.
18 It was requested, I believe, by the proponent as a safety
19 measure. And it would only make sense that if you're
20 going to be installing permanent thermosiphons, that you
21 wouldn't want a road going through them.

22 So as a general response, it would seem to
23 look after some safety considerations. But specific
24 response, we're involved in the consultation and -- of --
25 of alternative road alignments and, as such, are -- are

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1 just participating as -- as people that are involved in
2 that.

3 THE CHAIRPERSON: Thank you, Mayor Van
4 Tighem.

5 Is there any further questions? Thank you
6 very much for your comments and questions from the
7 Yellowknives Dene First Nation.

8 Next on the list, I have in order is the
9 North Slave Metis Alliance, public at large, and then I
10 am going to go back to INAC and staff and Board.

11 Is there any comments or questions from
12 the North Slave Metis?

13

14 (BRIEF PAUSE)

15

16 THE CHAIRPERSON: There is nobody here
17 from the North Slave Metis. I am going to move on. Oh,
18 sorry, there is one in the back.

19 Questions for the Mayor?

20 MS. SHERYL GRIEVE: My apologies. I'm so
21 busy working on the presentation that I'm going to give
22 later, that I don't have any questions, although I
23 should. And I apologize.

24 THE CHAIRPERSON: Thank you for that.

25 Moving on in the list I have, is there any

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1 question questions from the public at large for the
2 Mayor?

3

4 (BRIEF PAUSE)

5

6 THE CHAIRPERSON: None? Okay. I am
7 going to move on to INAC.

8 The developer, Mr. Bill Mitchell...?

9 MR. BILL MITCHELL: I -- I guess I just
10 have one (1) small question for -- for the Mayor, Mr.
11 Chair.

12 I understand -- we were aware, in fact,
13 that the city was planning to draw water from the bay in
14 the future. And I've just asked for clarification on
15 whether or not the city has done water -- water quality
16 studies in the bay and just would like to point out that,
17 in fact, the remediation plan as described will, in fact,
18 decrease the amount of arsenic currently going in to the
19 Yellowknife Bay.

20 And so the connotation would be that if
21 the water quality is fine now, it's even going to be
22 better in the future.

23 So I just wonder if -- if they've done
24 water qual -- quality studies to date and what the
25 results show. Thank you.

35

1 THE CHAIRPERSON: Thank you, Mr. Bill
2 Mitchell.

3 Mayor Van Tighem...?

4 MAYOR GORDON VAN TIGHEM: Thank you, Mr.
5 Chair. Yes, we do water quality studies daily. We also
6 send them to a higher, more intensive laboratory weekly -
7 - twice weekly, I believe. There have been water quality
8 studies done as part of the project that's been ongoing
9 for some time. I am not aware of the results, but I
10 could undertake to provide those to the proponent.

11 THE CHAIRPERSON: Thank you, Mayor Van
12 Tighem. Then I think this is Undertaking Number 7, and
13 we can have this information to the Board August 15th.

14

15 --- UNDERTAKING NO. 8: City of Yellowknife to
16 provide water quality study
17 results

18

19 THE CHAIRPERSON: Yes, just for the
20 record, all the undertakings will be forwarded to our
21 office, the MacKenzie Valley Environment Impact Review
22 Board, for public record and be registered. Thank you.

23 Is there further comments from Mr. Bill
24 Mitchell?

25

MR. BILL MITCHELL: Just another minor

1 comment -- clarification. There has been a lot of
2 discussion on the -- the realignment of the highway.

3 In fact, I just want to get back to what
4 is proposed in -- in the remediation plan. All we need
5 to do is move one very, very small part -- approximately
6 1 kilometre of the highway -- within the site so that we
7 can move it off the two (2) arsenic chambers that it
8 crosses over.

9 The corridors that are still in the
10 proposal stage -- there is no project at this point that
11 the DOT are considering -- are substantially longer
12 realignments, totally, in our mind, not associated with
13 the remediation.

14 Instead of just the 1 kilometre move of
15 the highway that we would require to implement the plan,
16 the corridors involve 10-plus kilometres -- 10 to 15
17 kilometres depending on which corridor is -- is selected.

18 So again, this gives you an idea of the,
19 you know, how different the proposed -- the conceptual
20 realignments that the DOT is looking at from what we are
21 proposing. I just wanted to add that as a clarification.
22 Thank you.

23 THE CHAIRPERSON: Thank you for your
24 comment, Bill Mitchell, and clarification.
25 Moving on if there's no more questions

1 from the developer, I want to go ahead with our staff
2 from MVEIRB, Mr. John Donihee.

3 MR. JOHN DONIHEE: Thank you, Mr.
4 Chairman. John Donihee. There's no questions from this
5 table.

6 THE CHAIRPERSON: Thank you, Mr. Donihee.
7 Moving on to Board members. Mr. Danny
8 Bayha...?

9 MR. DANNY BAYHA: Thank you, Mr. Chair.
10 I'm Danny Bayha from the Review Board. I just have a
11 question or two (2) here for -- for the Mayor.

12 The first question I had is: One of your
13 final comments, you wanted to have this plan, remediation
14 plan, to move ahead as quickly as possible.

15 But you still had some outstanding issues,
16 I believe it was about seven (7) issues, that you made in
17 your presentation that either are under discussion or --
18 what would you prefer to happen? All these issues to be
19 settled before this remediation plan goes ahead, or
20 rather it'll be concurrent process?

21 I would like to know if you had some

22 thoughts on that. Thank you.
23 THE CHAIRPERSON: Thank you, Board member
24 Danny Bayha.
25 Mayor Van Tighem...?

38

1 MAYOR GORDON VAN TIGHEM: Well, thank
2 you. Of course, it would be lovely to have everything
3 settled and signed and sealed and delivered before things
4 happen.
5 But with the -- I won't urgency, because
6 we've been working on this for a number of years. But
7 with the motivation to move the project forward, we would
8 be on a case-by-case basis, possibly agreeable to some
9 being ongoing versus some being settled as we get into
10 it.
11 What we're looking for primarily is some
12 responsible direction from the Board as we move forward.
13 Thank you.
14 THE CHAIRPERSON: Thank you very much,
15 Mayor Van Tighem.
16 Any further question, Mr. Danny Bayha?
17 MR. DANNY BAYHA: Yes, thank you, Mr.
18 Chair.
19 Of the seven (7) items that you mentioned
20 in your presentation, which would be the most critical
21 that you would suggest to be settled before this plan
22 actually is undertaken? Thank you.
23 THE CHAIRPERSON: Thank you, Board member
24 Danny Bayha.
25 Mayor Van Tighem...?

39

1 MAYOR GORDON TIGHEM: Thank you, Mr.
2 Chair. Well, overriding everything is the considerations
3 of public safety. And we would like to ensure that there
4 are protocols and that the city is involved as we move
5 forward with issues related to public safety, as we have
6 identified.
7 THE CHAIRPERSON: Thank you, Mayor Van
8 Tighem.
9 Any further questions, Mr. Danny Bayha?
10 MR. DANNY BAYHA: Yes, thank you. I just
11 have a followup question. Public health and safety seem
12 to be one (1) of the most extensively explained in your
13 letter -- presentation.
14 Would it be fair to suggest that besides
15 the proponent, INAC in this case, you would rather -- you
16 also would like to see other Federal departments being

17 involved in this process? Thank you.
18 THE CHAIRPERSON: Thank you, Mr. Bayha.
19 Mayor Van Tighem...?
20 MAYOR GORDON TIGHEM: Thank you, Mr.
21 Chair. I believe in the manner in which the things are
22 regulated in this country, that would have involved other
23 Federal departments. But it would also involve the
24 Government of the Northwest Territories that has certain
25 responsibilities that they would need to undertake as

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1 well.
2 I guess the short answer is, yes.
3 THE CHAIRPERSON: Thank you, Mayor Van
4 Tighem.
5 Board member Danny Bayha...?
6 MR. DANNY BAYHA: Thank you. Just --
7 just a followup question to the last -- your answer.
8 What would you envision happening in an ideal world?
9 How would you see them involved in this --
10 in this process to try to help address some of your
11 answers?
12 THE CHAIRPERSON: Thank you, Board member
13 Danny Bayha.
14 Mayor Van Tighem...?
15 MAYOR GORDON TIGHEM: I guess the key
16 word would be "cooperation." We do have history with
17 regard to the boat launch as one example where there is a
18 tripartite agreement between INAC, the Government of the
19 Northwest Territories, and the City of Yellowknife.
20 There are other departments that do some
21 checking. As an example, when we were looking at the
22 offshore lease for the Cruising Club (phonetic), there
23 was some sampling done, and by Environment Canada. I
24 believe they have some authority in the area.
25 Whenever we deal with anything related to

41

1 waterfront or water use, Fisheries and Oceans appears as
2 somebody that's interested.
3 And NR can frequent city hall in their
4 casual gear, but when they show up in their green shirts,
5 I know that there's something official happening and --
6 and we work -- we get -- they -- they get our attention
7 much more quickly in the -- in the green suits.
8 So there are ways that these people could
9 work together with us, because the key thing that you
10 hear in any review of activities that goes on in the
11 North is involvement of parties.

7 that may never happen, but just in case they do, let's
8 look at them, let's have a plan to react to it.
9 As recently as Sunday, we were on
10 readiness to receive the inhabitants of Edzo, based on a
11 forest fire. That hasn't come to that point yet, but we
12 were ready for it. We have a plan for it. And in the
13 past we have had, as the capital city, accepted
14 communities as large as Norman Wells into Yellowknife
15 during a period of challenge in their own community.
16 If now we're looking at having to evacuate
17 the capital, wouldn't it be neat if the people that we
18 were sending them to knew about it in advance and were
19 ready to receive us? Because twenty-thousand (20,000)
20 people for dinner, surprise.
21 But again, it's looking at a potential
22 worst-case scenario. We're far more likely to be
23 impacted by power failure and cold weather or forest fire
24 in the summer than this. But let's put it in the line of
25 things to consider and make sure that we're ready for it,

44

1 should, in the worst-case scenario, it show up. Thank
2 you.
3 THE CHAIRPERSON: Thank you, Mayor Van
4 Tighem.
5 Moving down the list or -- or I have Ms. -
6 - oh, I'm sorry, Danny, you have more questions? You're
7 good. Thank you.
8 Moving on down the list, Board members,
9 Ms. Nora Doig...?
10 MS. NORA DOIG: Good morning, Nora Doig,
11 Board member -- Board member. I have one (1) question.
12 I guess it's more for clarity than anything.
13 On page -- the first page of the
14 presentation, under the prioritization of issues, you
15 mentioned that this project is going to require a higher
16 level scrutiny than others.
17 Can you explain the level of scrutiny that
18 -- that you're talking about?
19 THE CHAIRPERSON: Thank you, Board member
20 Nora Doig.
21 Mayor Van Tighem...?
22 MAYOR GORDON VAN TIGHM: Thank you, Mr.
23 Chair. In this process certain things are routine, and
24 we anticipate they will be given the routine scrutiny
25 that happen -- that -- as in the -- in the process as

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1 it's designed.

2 But with this project being close to the
3 major population centre in the Northwest Territories, we
4 would trust that a higher level of scrutiny would be
5 given to some of the specific areas that we've
6 highlighted in that. And that's basically why that term
7 was put in there.
8 THE CHAIRPERSON: Thank you, Mayor Van
9 Tighem.
10 Board member Nora Doig...?
11 MS. NORA DOIG: Thank you. I have no
12 more questions.
13 THE CHAIRPERSON: Thank you, Board
14 member, Nora Doig.
15 Board member, Vice Chair John
16 Stevenson...?
17 MR. JOHN STEVENSON: Thank you, Mr. Chair.
18 Mr. Mayor, could you just confirm that the city actually
19 presently has an emergency plan and an evacuation plan?
20 THE CHAIRPERSON: Thank you, John
21 Stevenson, Board member.
22 Mayor Van Tighem...?
23 MAYOR GORDON VAN TIGHEM: Thank you, Mr.
24 Chair. Yes, I cannot only confirm it, but I have
25 participated in it. And even though it -- it's -- like

46

1 so many things, it doesn't seem to be well published, I
2 have seen it in operation. It is unbelievably effective.
3 And so simple answer, yes.
4 THE CHAIRPERSON: Thank you, Mayor Van
5 Tighem.
6 Vice Chair John Stevenson, any further
7 questions?
8 MR. JOHN STEVENSON: No more further
9 questions. Thank you.
10 THE CHAIRPERSON: Thank you.
11 To my right, Board member John Ondrack...?
12 MR. JOHN ONDRACK: Thank you, Mr. Chair.
13 John Ondrack here. Your Worship, I wonder if you could
14 help me understand the nature of the city's participation
15 in communications or consultations related to the -- this
16 ongoing process of determining how the site's going to be
17 remediated.
18 There's -- there's -- just as background,
19 in everything that I've read here, there seems to be an
20 uneasiness about where you guys are at and -- and a hint
21 that you're not at the table.
22 Could you maybe update me on how the city
23 feels about this?
24 THE CHAIRPERSON: Thank you, Board
25 member, John Ondrack.

1 Mayor Van Tighem...?
2 MAYOR GORDON VAN TIGHEM: Thank you, Mr.
3 Chair. Well, let me give you a -- a parallel
4 consideration. Right now, there's another mine going
5 through abandonment and restoration within the city. The
6 city sits on their steering committee that -- or on a --
7 on a committee that has the opportunity to provide
8 alternative recommendations. And it's -- it's formally
9 established.

10 And under the Water Board ruling, there
11 was one that was going to be established here, which we
12 see as an excellent solution to ongoing -- the ongoing
13 process.

14 Up to this point, if you look at it
15 legislatively, the underground requirement out there sits
16 with the Federal Government. The on -- on-surface
17 requirement, argumentatively, sits with the Government of
18 the Northwest Territories. The city only sits over there
19 as a lease holder in one area, but it is an area within
20 city limits.

21 And I guess the uneasiness arises out of a
22 similar situation, wherein -- and this doesn't involve
23 many of the proponents or people in this room -- but
24 outside of municipal boundaries, emergency response
25 within the Northwest Territories has a committee that

1 monitors it.

2 The committee is made up of the Department
3 of Transportation, the Department of Health and Social
4 Services, the Department of Municipal and Community
5 Affairs, and one (1) other department, probably NR.

6 They don't own any ambulances or fire
7 trucks. But their decisions impact all of the communities
8 that have ambulances and fire trucks. So we have been
9 consistently recommending, and -- and the current
10 legislative assembly has recognized that they need to --
11 to deal with it. There is a cooperation agreement, which
12 we have been excluded from, or all the communities have.
13 We're moving in that direction.

14 But that, in our history, leads to an
15 uneasiness about non-involvement. Therefore, when a
16 situation impacts us, we -- you know, Horton Hears a Who.
17 We are hear, we are hear. Please keep us in the loop.
18 And that's -- that was why it came in as one of the items
19 in -- in the presentation.

20 THE CHAIRPERSON: Thank you, Mayor Van
21 Tighem.

22 Board member John Ondrack...?

23 MR. JOHN ONDRACK: Thank you, Your
24 Worship. I take it in a long way you've just told me
25 that you don't really have a seat and that this is a

49

1 virtual working group at the moment? Is that true?
2 The one that was recommended in the Water
3 Board's decision is a virtual working group at the
4 moment?
5 MAYOR GORDON VAN TIGHEM: It has been
6 recommended to my knowledge, and -- and advice that I'm
7 receiving, it has yet to be established.
8 THE CHAIRPERSON: Thank you, Mayor Van
9 Tighem and Board member John Ondrack.
10 Any further questions, Board member John
11 Ondrack?
12 MR. JOHN ONDRACK: Not at this time,
13 thank you.
14 THE CHAIRPERSON: Okay, thank you.
15 Moving down to my immediate right is Board
16 member Jerry Loomis.
17 MR. JERRY LOOMIS: Thank you, Mr. Chair.
18 Board member Jerry Loomis. I have no further questions
19 at this time.
20 THE CHAIRPERSON: Thank you.
21 Moving down to his right is Board member
22 Fred Koe.
23 MR. FRED KOE: Mahsi, Mr. Chair. Fred Koe.
24 In your presentation, Mr. Mayor, you talk about the
25 standard of remediation to a industrial standard, and you

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1 wish that this land be remediated to a higher standard.
2 Can you elaborate on what a higher
3 standard is? What are you wishing for?
4 THE CHAIRPERSON: Thank you, Board member
5 Fred Koe.
6 Mayor Van Tighem...?
7 MAYOR GORDON VAN TIGHEM: Thank you.
8 Within the Northwest Territories -- and I believe this is
9 practice rather than fully adopted policy -- where a site
10 was previously used for industrial purposes, the
11 requirement of the lease that's issued requires that it
12 be brought to an industrial standard of remediation.
13 And industrial standard of remediation
14 allows for part-time human presence on the site. The
15 higher level that we look to -- and again, only in areas
16 where this can be accomplished, and there are some -- is
17 a residential area.

18 A residential level of remediation would
19 allow for twenty-four (24) hour human occupation on the
20 site and -- and refers specifically to a place where
21 people might eventually potentially be living.

22 The industrial standard allows for
23 recreational activities. It allows for industrial,
24 commercial-type activities or activities where people
25 will only be there for a shorter period of time.

51

1 The higher standard, which then means that
2 there's a lower level of contaminants found on the site,
3 would allow for a longer-term access and a higher level
4 of -- of use of the land in the future.

5 But again, there have been studies done.
6 There -- there are process that exist that can allow this
7 to happen. And it's recognized that there are areas
8 where this will never happen.

9 So it's only an encouragement that this
10 higher level of remediation be brought forward in areas
11 where it is possible, rather than to fall back to the --
12 all it says is that we have to be industrially
13 remediated. Thank you.

14 THE CHAIRPERSON: Thank you, Mayor Van
15 Tighem.

16 Board member Fred Koe...?

17 MR. FRED KOE: Mahsi. Fred Koe. In your
18 presentation, again, you talk about health and safety and
19 the use of water in the lake, Back Bay, and -- or
20 Yellowknife Bay, including Back Bay. And you mention the
21 use for recreation and potential use of the water as a
22 water -- source of water for the city.

23 But yet in your presentation you don't
24 talk about -- or don't mention the remediation or cleanup
25 of the water, the silts and the residue in Back Bay.

52

1 Can you elaborate whether this was an
2 oversight or whether it's a concern?

3 THE CHAIRPERSON: Thank you, Board member
4 Fred Koe.

5 Mayor Van Tighem...?

6 MAYOR GORDON VAN TIGHEM: Thank you very
7 much. No, I -- I don't see it as an oversight or a
8 concern. I know that in the abandonment and restoration
9 studies that were undertaken, that area was also looked
10 at and there are several options that have been presented
11 with that, so, it's anticipated that that is part of the
12 ongoing abandonment and restoration program that has been

13 undertaken.
14 We've met with a couple of the different
15 universities that have been through here studying that
16 and I know that some alternatives have been discussed and
17 some best practices have been discussed and so I -- I do
18 believe it to be part of the program as we're going
19 through. I do stand to be corrected though. Thank you.
20 THE CHAIRPERSON: Thank you, Mayor Van
21 Tighem.
22 Board member Fred Koe...?
23 MR. FRED KOE: Mahsi, I have no further
24 questions.
25 THE CHAIRPERSON: Thank you very much,

53

1 ladies and gentlemen. And now I would like to thank your
2 Worship Mayor Van Tighem for your presentation and all
3 the people that posed questions to the mayor. Thank you
4 for your time.
5 We will break now for twenty (20) minutes.
6 We will reconvene at 25 after 11:00. Thank you.
7 Or sorry, we will reconvene at 11:30.
8
9 --- Upon recessing at 11:11 a.m.
10 --- Upon resuming at 11:32 a.m.
11
12 THE CHAIRPERSON: Can I get everybody to
13 come to the table? We are going to start. Thank you.
14 Before I move -- go on to the next
15 presentation with Kevin O'Reilly, I would like to -- I
16 notice there were people coming in to the meeting here.
17 I encourage you to sign in. We have a registry at the
18 front here. Anybody that is here that has not signed in,
19 I encourage you to sign in so we know who is here.
20 Also, I would like to just recognize some
21 people here that -- I -- just out of respect. I have to
22 my far right, I have former Chief Jonas Sangrias from the
23 Yellowknives Dene First Nation. Also we have Steve Ellis
24 from the Akaitcho Dene office. Also, I seen David
25 Livingstone in the back. I like to just recognize David

54

1 Livingstone. And also the former alderman, Ben
2 MacDonald.
3 Okay, so I am going to go ahead and go
4 into the presentation of Kevin O'Reilly. We have an
5 agenda so he is up next and we are going to put our
6 questions and answers after lunch. We will meet -- we
7 will stop at twelve o'clock and we will reconvene at 1:15

8 in case we do run behind the Q and As. Thank you.
9 Kevin O'Reilly...?

10
11

12 PRESENTATION BY PRIVATE CITIZEN KEVIN O'REILLY:

13 MR. KEVIN O'REILLY: Thanks, Mr. Chair.

14 My name is Kevin O'Reilly and I have -- I did file a
15 written submission with the Board last week and as well
16 made a copy of the presentation that I'm going give you.

17 And I think the presentation pretty
18 faithfully reflects the written submission. I may ad-lib
19 and a little bit here because I think some of the issues
20 and concerns that I have raised have probably been
21 addressed at this Hearing or maybe addressed through
22 undertakings and so on so.

23 I do want to thank the Board for the
24 opportunity to make the presentation today and I'm glad
25 this project has gone to an environmental assessment. I

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1 just want to give you a little bit of personal background
2 very quickly.

3 I've lived in the City of Yellowknife here
4 for twenty-two (22) years, worked for a variety of
5 Federal, Territorial and Aboriginal governments. I
6 served on City Council from 1997 to 2006. And I've
7 participated in a lot of the public consultation
8 activities that the developers have gone through over the
9 years to result in the plan that you have before you.

10 But the reason I'm here today and want to
11 participate in this process is I think that the plan
12 needs to be improved. And that's why I'm here as I want
13 to help improve this plan and I've come up with a better
14 one that I think meets the needs of our community and
15 myself and my family and kids that -- that all live here.

16 Sorry, my daughter setup this
17 presentation. She's fifteen (15) years old so she does
18 all the scrolling stuff which drives me crazy but I hope
19 it doesn't do the same to you.

20 This is some of the issues that I want to
21 talk about today. I have a brief introduction. I want
22 to talk about the scope of the development, the scope of
23 the assessment and there's a number of issues there that
24 I'll try to work my way through. And then there's a few
25 other outstanding issues that I want to raise with you.

56

1 So as I understand the purpose of the
2 Hearing today, it's to really start to look at the scope

3 of the issues that need to be addressed in this
4 environmental assessment; make sure that the right areas
5 get covered, the right big questions get asked and that
6 you're also willing to hear from the parties and the
7 public about the concerns that they have with the
8 remediation plan and its impacts.

9 And I think others have said too that this
10 is not a typical environmental assessment. We're not
11 dealing with a new undertaking but we're dealing with a
12 plan to try to lessen existing affects and avoid future
13 impacts. So this is not your typical environmental
14 assessment.

15 I want to talk a little about the scope of
16 the development, in particular now, the geographic
17 extent. And I think we need to have a good understanding
18 of what the effects of the Giant Mine have been. This is
19 a mine that started in 1948. It was never the subject of
20 an environmental assessment and it certainly operated in
21 an era where there were few, if any, environmental
22 controls at the beginning and some more towards the end.

23 And I think it's clear to everybody that
24 the effects of the mine extend well beyond the surface
25 lease and they include the -- the impacts from the gold

57

1 roasting operation, the dispersion of the stack
2 emissions. There's also tailings on site that have been
3 carried around by the wind and, of course, aquatic
4 impacts on Baker Creek, Back Bay and Yellowknife Bay.

5 I think that the accumulative effects
6 assessment that needs to be carried out by the developer
7 should include the impacts from the other gold mining
8 operations that have happened in the Yellowknife area.
9 And these include Burwash Con, Rycon and Negus Mines
10 because I think they've all contributed to the
11 environmental and social economic effects here in -- and
12 conditions that we have now in the community.

13 And we, of course, need to look at the
14 aerial and aquatic dispersion and deposition of
15 contaminants. In terms of the Ingraham Trail re-routing,
16 I think that we've heard that it -- that this is
17 necessary to accommodate the frozen block option for the
18 underground arsenic.

19 We heard that, clearly, I think yesterday
20 from our proponents or from the developer. I think it's
21 also clear that GNWT is one of the developers here for
22 the remediation plan and also for the re-routing.

23 And I think that the re-routing meets the
24 accessory development criteria that are set out in your
25 environmental assessment guidelines; namely, one of

1 dependence, linkage, and proximity.

2 I think that the temporal scope of the
3 environmental assessment needs to at least start in 1948
4 with the beginning of the Giant Mine, and really there's
5 no end point because the developer has proposed a
6 perpetual care situation that will go on forever. So,
7 there should not be an end to the scope, the temporal
8 scope of this environmental assessment.

9 And you'll note in my presentation where I
10 -- I've started to make some recommendations and then the
11 same in my written submission. In the presentation the
12 orange points are the recommendations that I have for
13 you.

14 So I believe that the scope of this
15 environmental assessment -- or sorry, the -- the
16 development must include all effects from the Giant Mine;
17 the temporal scope needs to begin in 1948 and shouldn't
18 have an end point; and the accumulative effects
19 assessment should include all mining development in the
20 Yellowknife area.

21 And in then in terms of Ingraham Trail
22 rerouting, this is an accessory development, and I think
23 the real issue is how much of it is to be included and I
24 would submit, from what I've heard so far, that at least
25 the portion of the rerouting that's on the surface lease

1 needs to be included, and perhaps the whole thing, but I
2 really want to see the information that the developer
3 will submit on that.

4 I want to move on now to some issues
5 around the scope of assessment, and I think others have -
6 - have described a bunch of things as legacy issues.
7 This is a very difficult area that I think you're going
8 to have to grapple with and I've mulled this over for all
9 the time I've lived in Yellowknife, actually, in how to
10 try to deal with this.

11 I know that there's a large body of
12 research on Giant Mine and its impacts, but I think that
13 needs to be compiled and that we need to understand the
14 limitations of it. I know that the developer recently
15 submitted a partial annotated bibliography, I think that
16 was helpful, but I think that some further work needs to
17 be done to supplement that.

18 It's become really apparent to me that
19 remediation is viewed very differently for this
20 particular site. I think that it's often viewed as a --
21 or some -- by some people, particularly the regulators
22 and their consultants, it's viewed as a technical and an
23 engineering challenge.

24 For people that actually live here,
25 there's I think a fair bit of frustration and anger

60

1 because we are -- and at the end of the day we actually
2 have to live with the results of the plan and I don't
3 think some of the regulators and the consultants will
4 ever have to do that.

5 Part of the issue here for -- for me is
6 that no government has ever taken responsibility for the
7 mess that -- that's resulted there and I've never heard a
8 public apology for what's happened there. And I don't
9 think that there's a lot of evidence that there have been
10 lessons learned from the Giant Mine, and I -- I'm not
11 aware of any specific improvements to the regulatory
12 regime for mine closure that have been brought in as a
13 result of the Giant Mine.

14 And, you know, it really bothers me that
15 we allowed this to happen but, more importantly, if we
16 haven't found ways to prevent this from happening again,
17 we're doomed.

18 I'm also aware that DIAND has taken a very
19 different approach to cleanup of the Giant Mine, and when
20 I compare that to what's happened with Port Radium and
21 Colomac, and I've filed the Port Radium action plan with
22 you, and I -- I think both with Port Radium and Colomac
23 there was a very rocky times perhaps at the beginning,
24 but a cooperated -- cooperative, collaborative approach
25 was taken to deal with those two sites, but here with the

61

1 Giant Mine I don't think that took place, and I think you
2 saw evidence of it last night and I'm -- I'm a living
3 witness again to it, that I don't think that there was a
4 really collaborative approach taken on that -- on this
5 particular plan.

6 So what can we take away from those --
7 those points? I think that we do need this detailed
8 annotated bibliography of the Giant Mine, its effects,
9 the relevant regulatory standards and conditions, the
10 background information that prepared for the remediation
11 plan, and if people want to access that information, it
12 has to be made in readily available form.

13 My last point here is that I think that
14 the developer really needs to prepare a cost benefit
15 analysis of the Giant Mine and, more importantly, what
16 were the -- what are the lessons that we can learn from
17 it and what are the remaining changes that we need to put
18 in place to prevent this sort of thing from happening

19 again.

20 I think one (1) of the -- the really key
21 points, parts of the environmental assessment that needs
22 to be dealt with is the evaluation criteria,
23 alternatives, and trade-offs. I participated in -- in
24 the process that lead to the development of this plan,
25 and I think that it was largely driven by the lowest

62

1 cost.

2 I don't think that there was adequate
3 consideration of other options for the underground
4 arsenic. And I think that there's needs to be a very
5 explicit evaluation criteria set out that reflect
6 different values and interests. Because I think the ones
7 that are -- have been currently used certainly don't
8 reflect my values and interests.

9 And I think that we also need to consider
10 the distribution of those costs and benefits amongst
11 different groups and, most particularly. across
12 generations because I don't want to see this fobbed off
13 onto a future generation for my kids, my grandkids, and
14 their grandkids. That's just not a responsible way for
15 us to be dealing with this.

16 And I think that a lot of extra effort has
17 to go into documenting the trade-offs amongst different
18 alternatives. And I've suggested in my written
19 submission some trade-off rules that were developed as
20 part of the joint review panel process by Dr. Bob Gibson
21 in a paper, and I've also filed that paper. Because I
22 think that we need to take a sustainability approach in
23 this environmental assessment.

24 I want to talk a little bit now about
25 monitoring and contingencies and this is particularly

63

1 with regard to underground arsenic.

2 The executive summary of the plan claims
3 that there's a -- a detailed monitoring program, but I
4 can see no evidence of that in the actual remediation
5 plan or in the supporting documents that have been
6 submitted. There's no monitoring location specified in a
7 diagram or a map.

8 The frequency of the -- the monitoring is
9 not detailed in any way; the duration, thresholds, or
10 triggers, or contingencies, that's just not in the plan.

11 And I think that that -- that needs to be
12 a main area of focus. If this is what the -- the pro --
13 the developers propose, they need to come up with those

14 details so that there's some confidence that something's
15 not going to go wrong in the future, and that there are
16 people around that will know what to do and when to do
17 it.

18 I think the developer also needs to
19 document the worst-case scenario. I think they've --
20 they've started that work. But they also have to look at
21 the probability of it happening during implementation and
22 afterwards. I think one (1) of the other key
23 considerations is funding commitments and ongoing
24 research and development.

25 And I really couldn't find anything in the

64

1 plan to deal with these issues other than to say that I
2 think the developer has to go to the Treasury Board at
3 some point to get approval. But from what I know with
4 the department these days, you can get cabinet approval
5 for a project, but when you go to the Treasury Board you
6 may not actually get the money for it.

7 So I think there's some issues around what
8 the -- the funding process is and the certainty of the
9 funding to actually even carry out this project. And of
10 course, there's no details on ongoing research and
11 development. And I think we need an actual research
12 plan, not just a vague commitment that Enercan is doing
13 some work on some of these things.

14 We need a detailed plan of what pieces of
15 research need to be done to try to find a better
16 solution. And without that sort of research plan in
17 place, I guarantee the work will not get done. Other
18 folks have also mentioned the need for periodic
19 reassessment if the -- the frozen block option goes
20 ahead.

21 So I think we need to have more details on
22 the funding process for implementation and -- and some
23 more details on what kind of commitments there are for
24 ongoing research and development. And I think the -- the
25 developer also needs to provide some details on how often

65

1 this project should be reassessed, if it does go ahead,
2 particularly the frozen block.

3 I think one (1) of the other key
4 considerations - and we've heard this mentioned by
5 virtually everybody that's made presentations - is this
6 need for independent oversight. Right now the -- the
7 proponents that the developer has setup something called
8 the Giant Mine Community Alliance.

9 It's really a communications liaison body.
10 Please don't be fooled. It is not a oversight body. It
11 provides advice and a communication's role. So I don't
12 believe it's either independent or perhaps even
13 inclusive.

14 I think that DIAND has too many roles to
15 play with regard to this particular project as they'll be
16 the inspector in -- in many situations, they'll carry out
17 enforcement. The Minister of DIAND will receive your
18 recommendations from this Environmental Assessment, and
19 will also sign off on the water license that may be
20 issued at the end of the day.

21 That's just too many roles for one (1)
22 agency, I believe, and I think it leads to potential
23 conflict and it's too much power for one (1) agency to
24 have over this particular project.

25 And that's why I think the -- the

66

1 developer, and they've even committed yesterday to look
2 at various oversight models or they've suggested some
3 oversight models. I think they need to do some more work
4 on suggesting what those might be and how they could be
5 applied to this project.

6 I want to talk a little bit about the
7 policy context and remediation standards that are
8 proposed. The -- I don't believe that the closure
9 criteria that have been specified in the plan are
10 specific enough for a third party to pick them up and
11 say, yep, this has actually been done the way they said
12 it would be and that we know that -- that everything is
13 okay.

14 You need to have very detailed checklists
15 like that so that a third party can come in and say, yes,
16 it's been done, and they've done this, they've done this,
17 and everything is in an acceptable condition - that is
18 not in the plan right now.

19 And interestingly enough that's something
20 that DIAND actually has suggested should be done in its
21 own mine site closure policy. And I've filed that
22 document with the Board, and it wasn't me just saying
23 that it -- they haven't met their own policy, it was
24 Environment Canada that suggested they haven't met their
25 own policy.

67

1 We've heard that the plan calls for the
2 site to be remediated to an industrial standard. I don't
3 think that's good enough, and I don't think it's the

4 commitment that was made to the City of Yellowknife. And
5 there already are plans for the area to be -- the town
6 site area, in particular, where the city has developed a
7 plan. I've filed that with the Board that shows that
8 parts of the site have a lot of potential for residential
9 and recreational uses, heritage, and so on and that's the
10 standard to which those areas should be remediated.

11 I know that there are some areas of that
12 that should never be used for anything again probably,
13 particularly around the roaster, but where it's possible
14 to use those areas to a higher standard, that's what the
15 plan should do, and it doesn't demonstrate that kind of
16 cooperation or collaboration with the City, or perhaps
17 with the Yellowknives.

18 So I think the -- the developer needs to
19 make sure that their plan complies with the existing
20 closure regime, and that it demonstrates overall best
21 practices, and that the developer really needs to justify
22 the remediation standards that they proposed and how they
23 reflect local interests and values cause I don't think
24 that they do right now.

25 I want to move on to the issue of local

68

1 impacts and benefits. I've raised here and the issue of
2 nonpayment of municipal taxes, use of municipal
3 infrastructure, and we heard last night as well from
4 another citizen concern about potential for higher
5 electricity costs for consumers because of the high
6 energy demand that this project's going to have, and I
7 think we need to get some more information about any
8 agreement or discussions that are being held with the NWT
9 Power Corp. on that.

10 It's not clear to me how the developer is
11 going to maximize economic benefits from this project in
12 terms of hiring and contracting for Northwest Territories
13 residents or aboriginal peoples.

14 And it's not clear to me whether, indeed,
15 they took advantage of the knowledge of the former mine
16 employees in developing this plan. In fact, we heard a -
17 - I heard a former mine employee worked in the bag house
18 for years come to a city council meeting and that
19 presentation is now filed on your registry where he
20 specifically went out of his way to offer his assistance
21 and knowledge and the developer did not take him up on
22 that.

23 So I think we -- the developer needs to
24 identify and document the effects of the project on
25 municipal taxes, local infrastructure, electricity rates.

69

1 I also think that the developer needs to
2 tell us what sort of policies and practices that they
3 will use to maximize local benefits and how the knowledge
4 of former employees will be used to improve the plan and
5 its implementation. So those were the points that I
6 wanted to raise about the scope of the development.

7 I want to move on to some other
8 outstanding issues. First is the participant funding.
9 And I will say that I was pleased to hear yesterday that
10 the Department of Indian Affairs and Northern Development
11 is prepared to receive submissions around participant
12 funding. I would hope that they would include all
13 parties or that all parties would be eligible, not just
14 groups and organizations but an individual like myself,
15 if I have some needs, that I could submit that proposal
16 to the Department.

17 And I'd like to get some sort of
18 commitment that they would actually review those
19 proposals or submissions by a certain date so that would
20 allow us to effectively participate in this process. I'm
21 here as an individual, private citizen. I'm taking time
22 off work so I can come here and talk to you and -- 'cause
23 I feel so strongly about this. So I'm taking two (2)
24 days off work so I can do this but I got to make it up.

25 But I'm -- I was pleased to hear the

70

1 commitment but I want to get a deadline and I want to get
2 this nailed down. I've raised the issue of participant
3 funding with the Board in April and in June. I've got no
4 response to date.

5 I know that DIAND has provided funding for
6 environmental assessments in Nunavut but they haven't
7 done it here in the Northwest Territories yet. And I
8 think this is really critically important because we've
9 heard how both DIAND and GNWT are likely to restrict
10 their participation and their availability of technical
11 expertise for this environmental assessment. So I'm
12 hoping that we can get some further clarification from
13 DIAND on how this is going to work.

14 Another outstanding issue, the role of
15 government. I think there was -- we started to get at
16 some of this yesterday. It's not clear to me who the
17 responsible ministers are going to be that you'll be
18 addressing your recommendations to. I think we're likely
19 to get a little bit more clarity with some of the
20 undertakings. I certainly want to know what role
21 Environment Canada and Department of Fisheries and Oceans
22 are going to play and whether their technical expertise
23 can be made available.

24 But I think that, at the end of the day,

25 the Board is going to need its own technical expert --

71

1 experts, particularly with regard to engineering issues,
2 perhaps risk assessment. A number of areas, you're going
3 to need your own expertise to help you work your way
4 through this and I would certainly like to benefit from
5 that as well.

6 And I think we've started to deal with
7 this last recommendation on the slide about clarifying
8 the roles that the government departments intend to play
9 and who the responsible ministers may be.

10 The last point I want to raise and discuss
11 with you is the issue of whether this review of this
12 particular development should be conducted as an
13 environmental assessment or an environmental impact
14 review.

15 And as you know, there's these two (2)
16 separate processes, to some extent, under the Mackenzie
17 Valley Resource Management Act. I think that the
18 environmental impact review process has some advantages.
19 There is some additional requirements, considerations
20 that need to be looked at in an environmental impact
21 review such as the purpose of the development. You need
22 to more carefully review the alternatives. Monitoring
23 and follow up are key considerations for an environmental
24 impact review and I think that an environmental impact
25 review may actually provide the Board perhaps with more

72

1 resources and maybe participants with greater access to
2 participant funding.

3 So I think that those are some advantages
4 to doing this as an environmental impact review but, at
5 the end of the day, you need to make a determination and
6 I hope that you'll make that determination as a result of
7 the scoping. But that determination really needs to be
8 based on a finding of significant adverse impacts and/or
9 significant public concern.

10 I believe that there's already sufficient
11 evidence of significant impacts and public concern. And
12 I'm going to list a few of them here for you. You know,
13 we have this development adjacent to the largest
14 community in the Northwest Territories, twenty thousand
15 (20,000) people. It's -- has potential to affect the
16 potable water supply of the City. I think that there's
17 some pretty big risks associated with catastrophic
18 failure. I think the proponent -- or the developer has
19 started to document those but there's some pretty big

20 risks associated with that.
21 The scale and duration of the management
22 of the underground arsenic, there -- there is -- it goes
23 on forever. The use of the frozen block methodology,
24 it's going to be used in a new setting and I don't think
25 it's every been used in this manner before that I'm aware

73

1 of.
2 There's already been a lot of public
3 concern about this particular project and that was
4 expressed to the City of Yellowknife and we had the very
5 first referral ever by a municipal government for this
6 particular development.
7 And I know that the Yellowknives Dene
8 First Nation have also requested an environmental impact
9 review in their comments that they submitted on the work
10 plan.
11 So I believe that's there's sufficient
12 evidence to move now to an environmental impact review.
13 I think we don't need to wait. I think it will result in
14 -- in a more thorough review and a better plan at the end
15 of the day if we -- if you make that step following the
16 scoping phase.
17 So I -- I hope that you do conclude that
18 the plan should be referred to an environmental impact
19 review based on potential for significant adverse
20 environmental impacts and significant public concern.
21 And I think I've finished my presentation
22 right on the thirty (30) minute mark, so, thank you very
23 much for your patience and I'd be happy to take any
24 questions.
25 THE CHAIRPERSON: Thank you for your

74

1 presentation, Kevin O'Reilly. We're going to stop for
2 lunch. I think what we'll do is we'll come back exactly
3 at 1:30 and start with questions and answers and we'll
4 break now.
5 But before we break, I'd like to just
6 acknowledge also Alderman David Wind in the back. I
7 forgot to mention a little bit earlier.
8 So we'll come back at 1:30 and with
9 questions and answers. Thank you.
10
11 --- Upon recessing at 12:00 p.m.
12 --- Upon resuming at 1:31 p.m.
13
14 THE CHAIRPERSON: Thank you, ladies and

15 gentleman, it's 1:30. I would like to call this Hearing
16 back to order.
17 Before we go to the questions and answers
18 for Kevin O'Reilly from the lists of Interveners and --
19 yesterday evening we said that we were going to
20 accommodate a couple questions that we could not get into
21 our schedule yesterday.
22 We have with us now Derek Mogay with DFO,
23 and Jane Fitzgerald with Environment Canada. If I could
24 ask them to come to the side table here, and we have
25 legal counsel from MVEIRB that would like to ask some

75

1 questions, Mr. John Donihee.
2 So this will take few minutes, so I would
3 like to do this right now.
4
5 (BRIEF PAUSE)
6
7 THE CHAIRPERSON: Also, can I ask people
8 to turn off their cell phones please. I do not want to
9 disturb the Hearing here, or proceedings, so I would like
10 to ask everybody to shut off their cell phone.
11 Now that we have Mr. Mogay here and Ms.
12 Fitzgerald here, I would like to turn the mic over to
13 legal counsel, this is John Donihee.
14
15 QUESTIONS FOR MR. MOGAY AND MS. FITZGERALD:
16 MR. JOHN DONIHEE: Thank you, Mr.
17 Chairman. John Donihee for the Review Board. I wonder,
18 Mr. Mogay, if you would just identify yourself and your
19 position at DFO for the record?
20 MR. DEREK MOGAY: It's Derek Mogay with
21 the Department of Fisheries and Oceans. I'm the habitat
22 management team leader for the Western Arctic Area, which
23 is covering all of NWT.
24 MR. JOHN DONIHEE: John Donihee again,
25 thank you, sir. I just have two (2) questions.

76

1 First one, I wonder if you could describe
2 the role played in the development and review of the
3 Giant Mine Remediation Plan by the Department of
4 Fisheries and Oceans?
5 MR. DEREK MOGAY: Derek Mogay with
6 Fisheries and Oceans Canada.
7 Yeah, I can certainly describe that, John.
8 As Bill had mentioned yesterday, the project was trying
9 to be funded by the Federal Contaminated Sites Action

10 Program, which is a federal program to clean up
11 contaminated sites across -- across the country.
12 In -- in accessing that funding there's
13 various science-based departments that are involved in
14 that: Environment Canada, Health Canada, DFO, and Public
15 Works and Government Service to some extent.
16 And during the -- because there is a very
17 -- a variety of contaminated sites out there, some of
18 those sites do need to be prioritized. So DFO provides
19 some assistance to -- to that program to help prioritize
20 those sites based on our expert advice.
21 Once those sites are prioritized, we then
22 provide technical comments to the custodial departments
23 on ways to mitigate impacts, deficient fish habitat. And
24 just to back up a second, the custodial departments are
25 federal departments that have responsibility for

77

1 contaminated sites.
2 So as Bill had mentioned, in developing
3 their remediation plan, he had come to Environment
4 Canada, DFO and Health Canada and presented kind of their
5 preliminary plans for remediation.
6 And the departments, EC, Health Canada,
7 and DFO had provided some comments on areas that they
8 probably should explore, and potential options for
9 remediation in those sites based on our mandates.
10 Bill had also mentioned yesterday that
11 those comments were taken into consideration with the
12 remediation plan and he'd provided a revised version of
13 that remediation plan back to the departments.
14 So that's been our involvement to date
15 with the remediation plan, and it's primarily been
16 through the Federal Contaminated Sites Action Program.
17 THE CHAIRPERSON: Thank you, Mr. Mogay.
18 Mr. John Donihee...?
19 MR. JOHN DONIHEE: Thank you, Mr.
20 Chairman. And thank you for that very clear
21 explanation, Mr. Mogay.
22 My last question for you then is: Given
23 that your department, Fisheries and Oceans, is not one
24 (1) of the government co-developers, could you advise the
25 Board as to whether DFO expertise would be available as

78

1 we go forward with the EA process in order to provide
2 advice to the -- to the Board?
3 THE CHAIRPERSON: Thank you, Mr. Donihee.
4 Mr. Mogay, DFO...?

5 MR. DEREK MOGAY: Derek Mogay with DFO.
6 Yeah, by -- by all means we're more than
7 willing to help support the Board there during the
8 environmental assessment. Again, our comments to date on
9 the remediation plan, we provided those directly to the
10 developer and we don't see those probably being much
11 different, but if it helps the Board in -- in completing
12 the environmental assessment, we're more than willing to
13 -- to provide that assistance.
14 THE CHAIRPERSON: Thank you, Mr. Mogay.
15 Is that it, Mr. Donihee?
16 MR. JOHN DONIHEE: Yes.
17 THE CHAIRPERSON: Okay, thank you. I
18 would like to move on to the next question from Mr.
19 Donihee to Jane Fitzgerald of Environment Canada. Mr.
20 Donihee...?
21 MR. JOHN DONIHEE: Thank you, Mr.
22 Chairman. Thank you, Mr. Mogay, those are my questions
23 for you.
24 Ms. Fitzgerald, I actually have the same
25 questions for Environment Canada, exactly the same as I

79

1 just asked to Fisheries and Oceans. So, are you in a
2 position to describe the -- you know, from your knowledge
3 to describe the role that Environment Canada played in
4 the development of a remediation plan?
5 THE CHAIRPERSON: Thank you, Mr. Donihee.
6 Jane Fitzgerald, Environment Canada...?
7 MS. JANE FITZGERALD: Jane Fitzgerald,
8 Environment Canada.
9 I'm actually not in a position. The
10 individual familiar with this project was not able to
11 attend today.
12 THE CHAIRPERSON: Thank you. Mr.
13 Donihee...?
14 MR. JOHN DONIHEE: Thank you, Mr. Chair.
15 Then likewise, Ms. Fitzgerald, are you in
16 a position to advise the Board as to whether or not
17 Environment Canada's expertise would be available to
18 assist the Board as it proceeds through the environmental
19 assessment process?
20 THE CHAIRPERSON: Ms. Fitzgerald...?
21 MS. JANE FITZGERALD: No, I'm not in a
22 position to provide that information for Environment
23 Canada. I can, however, relay that to the appropriate
24 individuals within our department.
25 THE CHAIRPERSON: Thank you, Ms.

80

1 Fitzgerald. Then I would like to suggest that this will
2 be undertaking number 8 to get this information to the
3 Board by August 15th.

4
5 --- UNDERTAKING NO. 9: Advise the Board by August
6 15th as to whether or not
7 Environment Canada's
8 expertise would be available
9 to assist the Board as it
10 proceeds through the
11 environmental assessment
12 process.

13
14 THE CHAIRPERSON: Mr. Donihee...?
15 MR. JOHN DONIHEE: Thank you, Mr.
16 Chairman. Given that we've that undertaking, those are
17 my questions for Ms. Fitzgerald. Thank you, sir.

18 THE CHAIRPERSON: Okay, thank you. We
19 have an agenda here already, so I would like to thank
20 Derek Mogay with DFO and Jane Fitzgerald for EC for
21 coming in. Yes, there is one (1) more question, then I
22 am going to move on.

23 Board member, Mr. Danny Bayha...?
24 MR. DANNY BAYHA: Thank you, Mr. Chair.
25 I just have one quick question.

81

1 I think it's sort of for both Environment
2 Canada and Department of Fisheries. I think over the
3 last day or so we've heard numerous times from a lot of
4 residents and speakers and people at large from the
5 public that there's some level of -- there's a need for
6 an independent monitoring arrangement that needs to be
7 happening, there is a real -- an issue there.

8 Now, I just wanted to clarify for my own
9 sake that -- and is DFO and -- and -- or Environment
10 Canada, do they have a role in -- do they see themselves
11 as -- as in follow-up and monitoring of this program down
12 the line?

13 I know that you guys had some input into
14 the -- into the peer review, but as to Mr. Mitchell
15 mentioned that you guys didn't have much of a role in the
16 development of that plan, so would either of you maybe
17 make some comments on the foreseeable future in the
18 monitoring to follow-up with this program? Thank you.

19 THE CHAIRPERSON: Thank you, Board
20 member, Danny Bayha. I want to go to Derek Mogay.
21 Derek...?

22 MR. DEREK MOGAY: Thanks for the
23 question. Derek Mogay with DFO.

24 Yeah, I think DFO would envision
25 themselves as having a role in follow-up and monitoring.

1 The two (2) reasons, I guess, that we would have that
2 role would be through the Federal Contaminated Sites
3 Action Plan.

4 We do envision a role as -- as the
5 remediation occurs. So the implem -- the implementation
6 of the plan, that we would periodically conduct site
7 visits or review some of the monitoring programs that are
8 coming out of that.

9 And just to ensure the success of the
10 remediation plan is achieving reducing impacts to fish
11 and fish habitat. So that's -- that's one (1) area that
12 we would have some involvement.

13 The other area that we would probably have
14 some involvement as well is the remediation plan may
15 require a Fisheries Act authorization at some point, and
16 for various parts of the project.

17 And so we would have to issue an
18 authorization, and as part of that, there would be
19 requirements for monitoring on the success -- or at least
20 the compliance with the mitigation measures, and the
21 success of the mitigation measures as well as the habitat
22 restoration.

23 So in that sense there, there would be
24 monitoring reports that would come through and we would -
25 - we would be reviewing those, ensuring that they were

1 successful in fact. I hope that answers your question.

2 THE CHAIRPERSON: Thank you, Mr. Mogay.

3 I want to move on to Jane Fitzgerald to the question.

4 MS. JANE FITZGERALD: Jane Fitzgerald,

5 EC.

6 I'm also not in a position to answer that
7 question. An individual who -- the appropriate
8 individual was not able to attend today, so I would have
9 to re-direct the information to them.

10 So I, unfortunately, can't answer it at
11 this point.

12 THE CHAIRPERSON: Thank you. For the
13 record, there was an undertaking Number 8 a bit earlier
14 and then I want to request that this be undertaking
15 Number 9 from EC -- sorry, Environment Canada to have
16 this information into our office by August 15th. Thank
17 you.

18 Mr. Bayha, is there any further questions?

19 Okay. Thank you for coming in and taking
20 the time to sit with us. I am going to move on with the

21 next part of the agenda, is questions and answers for Mr.
22 Kevin O'Reilly from your presentation this morning.
23 So before I do that, I want to go to the
24 top of my list. I want to go to INAC in regards to the
25 presentation this morning -- sorry, the developer, Mr.

84

1 Bill Mitchell.
2
3 QUESTION PERIOD RE MR. KEVIN O'REILLY:
4 MR. BILL MITCHELL: Bill Mitchell with
5 INAC.
6 Mr. Chair, really, these are more comments
7 than questions. I think Mr. O'Reilly referred to the
8 fact that the frozen block option, as we call it, was
9 chosen on the basis of lowest cost.
10 In fact, the frozen block was chosen on
11 the basis of the lowest overall risk according to that
12 table that I showed you yesterday, and in fact the frozen
13 block is not the lowest cost alternative.
14 What we're doing right now, with the pump
15 and treat, which is a commonly accepted method of dealing
16 with contaminated sites is -- was in fact the -- the
17 lowest cost. And all that information is documented in
18 the 2003 report on the Arsenic Trial Management
19 Alternatives.
20 The other comment I'd like to make is in
21 terms of the -- this -- what appears to be a
22 misconception that there are industrial standards. They
23 are in fact guidelines, and we use those guidelines
24 primarily to identify the areas of highest contamination
25 -- highest arsenic contamination on the site, so that we

85

1 could assess where the worst contamination was and remove
2 the -- the soil within these contaminated areas and place
3 it in an appropriate place, as I mentioned in my
4 presentation.
5 And in fact, when that soil is removed,
6 when that contaminated soil is removed, it is very likely
7 that large areas of the site will be at a significantly
8 better standard than this -- or significantly better in
9 terms of arsenic numbers than this so called industrial
10 guideline. In fact, I talked about the -- the tailings
11 and the extensive covers that we're planning on the
12 tailings.
13 The tailings covers will be clean
14 material, and so right there you have ninety-five (95)
15 hectares on the site that are going to be well below the

16 so-called industrial guideline.
17 And in addition, the -- there are various
18 other parts of the site that do -- we now have arsenic
19 numbers that are already below that industrial guideline.
20 So I just wanted to emphasize that fact.
21 And also in terms of our developing this
22 remediation plan, we have relied extensively on
23 information from previous workers at the site. In fact,
24 on our joint GNWT/INAC remediation team, we have two (2)
25 former employees of the site; one (1) of them

86

1 approximately a thirty (30) year employee with experience
2 underground and surface.
3 And in addition, we also have numerous
4 ex-employees going back to Royal Oak and previous times
5 that are working for the contractor. And we certainly
6 draw on their information.
7 And we have, in fact, contracted people
8 who have even left Yellowknife who have had expertise in
9 the various aspects of the mine. Specifically we hired
10 Kent Morton who was previously a mill supervisor to come
11 and do a detailed assessment of the condition of the
12 roaster complex and how much arsenic trioxide there was
13 in that complex and also in the bag house.
14 So we have certainly made an attempt to
15 contact as many people that we thought had expertise as
16 possible and, in fact, our doors are always open and I
17 think many people in this room would attest if anyone
18 came to us with information, we would certainly be
19 willing to listen to them.
20 And these are all my comments for the
21 moment. Thank you, Mr. Chair.
22 THE CHAIRPERSON: Thank you, Mr. Bill
23 Mitchell. Next on the list I have for -- Mr. O'Reilly.
24 MR. KEVIN O'REILLY: Thank you, Mr.
25 Chair. I hoped that I would might have a chance to

87

1 respond to some of the comments that Mr. Mitchell's
2 raised, if I may.
3 THE CHAIRPERSON: Sure.
4 MR. KEVIN O'REILLY: Thank you.
5 THE CHAIRPERSON: Please proceed.
6 MR. KEVIN O'REILLY: Thank you, Mr.
7 Chair.
8 Just to be really clear I said that it was
9 my view that the -- what drove the selection of the
10 alternative for the underground arsenic management was --

11 I said that was my view that it was cost that drove that
12 process.

13 And I know that DIAND's evaluation and
14 their criteria and so on showed that that was the lowest
15 risk. I don't actually agree with that because I don't
16 think that they took into account the potential cost on
17 future generations.

18 But just to be clear, I said that that was
19 my view and I don't believe that the pump and treat
20 option is a viable one and should really perhaps even be
21 considered. Pump and treat is -- that -- that's another
22 perpetual care situation and it doesn't really reduce or
23 eliminate any of the -- the problems and more work needs
24 to be done.

25 So I don't believe that pump and treat is

88

1 an option at all, quite frankly, so even though it may be
2 lower cost. But amongst all the other alternatives,
3 certainly frozen block was the cheapest.

4 With regard to the guidelines and
5 standards and so on, I actually filed the environmental
6 guideline that the Government of the Northwest
7 Territories has put together for remediation of
8 contaminated sites.

9 It's now on your public registry because I
10 filed it and in that guideline it sets out a number of
11 reasons and methodology for clean -- or assessing and
12 cleaning up contaminated sites.

13 The only contaminants, though, that are
14 considered in there for specific cleanup standards are
15 petroleum products and arsenic. And in the guideline
16 itself you will see that there are three (3) levels for
17 arsenic cleanup. One (1) if -- and it all, really,
18 depends on what the future land use is to be of an area.
19 The first is industrial and that's the so-called
20 industrial standard and I-- I may not get all my numbers
21 exactly right here but I believe it's three hundred and
22 sixty (360) parts per million.

23 There's another standard for recreational
24 land use and I think it's about two forty (240) and then
25 there's another standard for residential use, which is a

89

1 hundred and sixty (160) parts per million.

2 There's also some guidance in the document
3 in terms of the levels of petroleum contamination and how
4 this should be cleaned up with relation to the end use
5 again. So what drives the remediation is really supposed

6 to be the end use that you're going to make of an area.
7 And I submit that the end use of this area
8 is not going to be just industrial. The city already has
9 plans, identifying the potential for recreation,
10 residential, heritage uses of the town site area in
11 particular. And that's what should be driving the
12 remediation standard, not a blanket thing that it's just
13 going to be remediated to an industrial standard.
14 Lastly, about former employees and their
15 knowledge, I'm pleased to hear that the -- that there was
16 some attempt to do that. All I've asked is that that
17 actually be documented in the plan. I don't believe it's
18 documented currently. I'd like to see it documented so
19 we can have some confidence and be assured that they have
20 used the expertise of former employees. Thank you.
21 THE CHAIRPERSON: Thank you, Mr.
22 O'Reilly. Those are just comments from you. So is that
23 your final comments or questions for Mr. O'Reilly?
24 MR. BILL MITCHELL: I have no further
25 comments than that.

90

1 THE CHAIRPERSON: Thank you, Mr. Bill
2 Mitchell.
3 I'd like to move on to the City of
4 Yellowknife. Comments or questions to Mr. O'Reilly?
5 MS. KERRY PENNEY: No questions at this
6 time.
7 THE CHAIRPERSON: Thank you very much.
8 Moving on to Yellowknives Dene First
9 Nation. Ms. Rachel Crapeau...?
10 MS. RACHEL CRAPEAU: No questions.
11 THE CHAIRPERSON: Thank you.
12 Moving on to the North Slave Metis
13 Alliance, questions for Kevin, Mr. Kevin O'Reilly?
14 MS. SHERYL GRIEVE: No questions.
15 THE CHAIRPERSON: For the record, North
16 Slave Metis Alliance had said there's no questions.
17 Moving on to members of the public. Any
18 questions for Mr. Kevin O'Reilly regarding his
19 presentation? None.
20 Going to Mackenzie Valley Environment
21 Impact Review Board staff. Mr. Donihee, is there any
22 questions?
23 MR. JOHN DONIHEE: Yes, Mr. Chairman. I
24 have a couple of questions for Mr. O'Reilly.
25 Mr. O'Reilly, I just -- I'm looking at --

91

1 actually, if you want to turn it up -- your written
2 submission to the Board, filed on July the 15th.

3 And just a bit of clarification, you --
4 you identified a number of recommendations in that
5 document, nineteen (19) in total. And you've done them
6 under certain headings.

7 And when I look at recommendations Number
8 1 and Number 2, which are under the heading of "Scope of
9 Development," they actually seem to address effects, if
10 you will, the impacts.

11 And I'm just wondering, I mean, I think
12 more likely the Board would consider those
13 recommendations under the heading of "Scope of the
14 Assessment."

15 And I'm assuming that you wouldn't have
16 any difficulty if that's the way we read this document?

17 THE CHAIRPERSON: Thank you, Mr. Donihee.
18 Mr. Kevin O'Reilly...?

19 MR. KEVIN O'REILLY: Thanks, Mr. Chair.
20 It's Kevin O'Reilly here. No, I would have no difficulty
21 whatsoever if those first two (2) recommendations were
22 put in the context of the scope of the assessment.

23 I think the principle here is we need to
24 understand what the effects of the mine have been and
25 they are and make sure that the remediation plan actually

92

1 addresses the significant effects. And I don't believe
2 that that sort of measuring up has been done, because I
3 don't think there's anything really in the plan that
4 really deals with the -- the effects of the mine.

5 So whether it's the scope of the
6 development, scope of the assessment, please just accept
7 the recommendation. I may have put it in -- perhaps, in
8 the not best -- I may have not put it in the best
9 possible place, but thank you.

10 THE CHAIRPERSON: Thank you, Mr. Kevin
11 O'Reilly.

12 Mr. John Donihee...?

13 MR. JOHN DONIHEE: Thank you, Mr.
14 Chairman.

15 Well, Mr. O'Reilly, in light of your
16 answer I guess I'm -- I am -- I do have to ask you just
17 what you think the development is that's in front of the
18 Review Board right now.

19 THE CHAIRPERSON: Thank you, Mr. John
20 Donihee.

21 Mr. Kevin O'Reilly...?

22 MR. KEVIN O'REILLY: Thanks, Mr. Chair.
23 Kevin O'Reilly here.

24 Well, I said in my presentation, and I
25 think others have said it, this is not your typical

1 environmental assessment, where it's a new development
2 that's being proposed and the Board is trying to consider
3 how to remediate some of the potential effects and share
4 positive benefits and lessen negative effects and so on.

5 What this development, in my view, is --
6 is really about is trying to mitigate existing effects
7 and avoiding future impacts. And I said that in my
8 presentation. I don't think it's a simple matter of
9 trying to provide the greatest good for the greatest
10 number, so to speak.

11 It's really a question of evaluating --
12 setting up some evaluation criteria that reflect
13 different interests and perspectives and also look at the
14 distribution of those costs and benefits for various
15 alternatives, and then looking at how tradeoffs are made.

16 So I don't -- I don't think this is a
17 typical environmental assessment, again. And it's really
18 about how to make sure that the remediation plan reflects
19 the -- the interests of the -- the community and -- and
20 that the distribution of costs and benefits is fair.

21 And in my view that -- the most important
22 thing is to try to reduce, eliminate, minimize perpetual
23 care requirements so that some future generation doesn't
24 have to deal with this. That's what I'm interested in
25 doing.

1 So it's kind of a rambling answer, but I
2 hope I've done my best here.

3 THE CHAIRPERSON: Thank you, Mr.
4 O'Reilly. I am going to turn the mic over to John
5 Donihee.

6 MR. JOHN DONIHEE: Thank you, Mr.
7 Chairman. I'd like to -- you to have a look at your
8 recommendation Number 3, Mr. O'Reilly.

9 In it you're -- you're suggesting to the
10 Board that the rerouting of the Ingraham Trail -- we've
11 heard a fair bit about it over the last day or so -- the
12 rerouting of the Ingraham Trail should be considered to
13 be an accessory development and that the impacts of the
14 various alternatives should be considered by the Board as
15 part of this development.

16 Now, I note from the -- and I'm sure
17 you've reviewed their presentation from yesterday. I
18 don't know if you -- you weren't here to see it, I don't
19 think. But the -- the developer actually applied the
20 interdependence and linkages tests, as -- as you did.
21 And you, not surprisingly perhaps, came to different

22 conclusions about this particular point.
23 But you have heard the developer's
24 evidence on this for the last day or so. And I'm just
25 wondering whether it's still your position that these --

95

1 this rerouting of the Ingraham Trail at -- and by that I
2 mean the -- the changes that are not the 1 kilometre that
3 needs to be changed, specifically as identified in the
4 plan -- so the other changes.

5 Do you still think that they're part of
6 this development?

7 THE CHAIRPERSON: Thank you, Mr. John
8 Donihee.

9 Mr. Kevin O'Reilly...?

10 MR. KEVIN O'REILLY: Thanks, Mr. Chair.

11 Let's just look at the three (3) criteria.
12 First is dependence. I think we heard from the proponent
13 that part of the -- the highway has to be moved to
14 accommodate the frozen block option, in terms of the --
15 the active freezing system, the thermosiphon. So
16 dependence, that -- that option cannot move forward
17 without moving at least a portion of the road.

18 Linkage, sorry, it's the same developer --
19 GNWT is one of the co-developers -- the same developer
20 that's going to have to move the highway. And they're --
21 they're contributing to the financial cost of this as
22 well, not -- not just perhaps the movement of the
23 highway, but also the remediation plan.

24 Proximity, well, this is -- this is part
25 of the -- the project. It's right next to it.

96

1 The issue now is -- is how much of that
2 rerouting should be part of the scope of this
3 environmental assessment, and I think I said that I
4 hadn't really made up my mind on that, because I -- I
5 don't really know enough about what GNWT is proposing.
6 And that's why I asked for an undertaking.

7 And I guess I'm trying to avoid answering
8 the question. But I don't really know enough about it to
9 make a really informed judgment about how much of that
10 rerouting should be part of the project.

11 I did suggest that at least the portion of
12 the rerouting that's on the surface lease has to be
13 considered. And whether it's 1 kilometre or more, I
14 honestly don't know.

15 So I -- I just -- I need more information
16 before I can probably give a final answer on that, but

17 I'm sorry.
18 THE CHAIRPERSON: Thank you, Mr.
19 O'Reilly.
20 Mr. John Donihee...?
21 MR. JOHN DONIHEE: Thank you, Mr.
22 Chairman. I -- I have one (1) more question for Mr.
23 O'Reilly.
24 Mr. O'Reilly, if you have a quick look at
25 page 5, your recommendation Number 5, it -- it -- I'll

97

1 just the first sentence to you.
2 "The developer should be required to
3 conduct a cost benefit of analysis of
4 the Giant Mine that also considers the
5 distribution of costs and benefits."
6 And I'm just wondering, you know, again, I
7 asked you earlier what you thought the development was
8 that was in front of the Review Board.
9 I mean, it -- it just -- do you think that
10 that's what the Review Board is -- is doing here? That
11 they're reviewing -- the -- the development is Giant
12 Mine?
13 Or is the development the remediation
14 project?
15 THE CHAIRPERSON: Thank you, Mr. Donihee.
16 Mr. Kevin O'Reilly...?
17 MR. KEVIN O'REILLY: Thanks, Mr. Chair.
18 Clearly, the Board has to consider the
19 remediation plan as the development. That's what's been
20 referred to the Board.
21 As I said earlier, this is not your
22 typical environmental assessment, where you're looking at
23 a new building, a new structure, a new facility, and then
24 you're trying to remediate the effects of that. You're
25 dealing with something that's already been operating for

98

1 -- or operated for over fifty (50) years, sixty (60)
2 years. Now you're trying to figure out what to do with
3 it.
4 The recommendation that I made here was
5 trying to find a way to deal with what I call the legacy
6 issues, which are a lot of resentment, anger, frustration
7 about what happened at the mine and the effects of it and
8 the fact that -- that people here have to live with those
9 results of the mine and the remediation plan.
10 And I think one (1) way to start to deal
11 with some of that is to really try to document what

12 happened there, what the true and costs and benefits of
13 that were, and who -- and who got some of the costs, who
14 got some of the benefits. But more importantly, what are
15 the lessons learned from that so that we don't do this
16 again and we won't ever let it happen again?
17 So it's just -- I think it's one (1) way
18 to deal with the legacy issues, and it's just a part of
19 the peculiar nature of this development that I think we
20 have to find ways to -- to deal with these legacy issues.
21 And that's the best I could come up with.
22 THE CHAIRPERSON: Thank you, Mr.
23 O'Reilly.
24 Any further questions from Mr. John
25 Donihee?

99

1 MR. JOHN DONIHEE: No, thank you very
2 much, Mr. Chairman. And thank you, Mr. O'Reilly.
3 THE CHAIRPERSON: Thank you.
4 Moving on to the my far left, Board member
5 Mr. Danny Bayha...?
6 MR. DANNY BAYHA: Thank you, Mr. Chair.
7 And thank you, Mr. O'Reilly, for your
8 presentation. One (1) question I had -- I know you have
9 about nineteen (19) recommendations in your submission.
10 If -- I'm trying to understand if you were
11 to -- to prioritize those issues, what would your top
12 three (3) be in this case? Thank you.
13 THE CHAIRPERSON: Thank you, Board member
14 Danny Bayha.
15 Mr. Kevin O'Reilly...?
16 MR. KEVIN O'REILLY: Thanks, Mr. Chair.
17 I'm just going to take a moment, if I can,
18 to sort of refresh my memory of the wording of the
19 nineteen (19) recommendations I made, and then I'll be
20 right back to you though. I just need a few seconds to
21 think this over. Thanks.
22 THE CHAIRPERSON: Can you make it quick?
23
24 (BRIEF PAUSE)
25

100

1 THE CHAIRPERSON: Okay, Mr. Kevin
2 O'Reilly, please proceed.
3 MR. KEVIN O'REILLY: Thanks, Mr. Chair.
4 It's Kevin O'Reilly here again. It's an interesting
5 question. I hadn't really, sort of, thought about it
6 before.

7 But for me, I've always said -- and I've
8 told this to the developer in -- in many of the meetings
9 I was at -- the most important thing for me is to try to
10 minimize the perpetual care requirements for this
11 project. Not just -- well, that's -- that's important
12 for me, but it's probably more important that I try to do
13 something that going to help my kids, my grandkids, so
14 they choose to live here, so that they don't have to --
15 they're not in the same situation that I'm in right now
16 in trying to figure out what to do.

17 So the -- the most important thing, I
18 think, is to make sure that the -- that there's a good
19 and thorough look at -- it's my Recommendation 6, which
20 is the sustainability framework focussing on evaluation,
21 criteria, options and alternatives, and documentation of
22 tradeoffs. So that's my number-one issue. And I think
23 I've always been consistent in putting that sort of thing
24 forward.

25 Now, for -- what's the next sort of couple

101

1 of important things, it probably took me a couple of
2 years to come to the realization that there is no magic
3 bullet, there is no walkaway solution for this. Even I
4 recognize that.

5 And at the end of the day, I probably
6 wouldn't be totally surprised if the frozen block method
7 is the one that -- that you may recommend. And if that
8 does go ahead, then I think we really need to take a very
9 serious look at the monitoring that's in place. And
10 that's one of my recommendations here, is to make sure
11 that there's a -- a really through monitoring plan in
12 place.

13 And then there has to be, I think, a clear
14 commitment to fund this project and ongoing research and
15 development and a specific research plan so that -- that
16 there's some assurance that further work is being done on
17 this.

18 And independent oversight. So sorry,
19 though -- I've got four (4) now.

20 But those things are the most important
21 things for me, to make sure if that's what is going to
22 move forward, we've got to empower our community to make
23 sure that there's going to be proper followup and proper
24 oversight and proper monitoring.

25 So those are the most important things for

102

1 -- for me. The rest of this is important too, but if I

2 had to prioritize them, that's the way I would do it.

3 Thanks.

4 THE CHAIRPERSON: Thank you, Mr.

5 O'Reilly.

6 Board member, Danny Bayha...?

7 MR. DANNY BAYHA: Thank you, Mr.

8 O'Reilly.

9 Somewhat of a -- sort of a followup
10 question, in that light of thinking, of -- so in a sense,
11 if -- if some of those issues that you brought up about
12 the followup and monitoring commitment and all that stuff
13 wasn't really part of this mediation plan, per se,
14 because we've -- I think it's -- it's kind of very
15 unclear, the commitment of the other Federal departments
16 and -- about how they're going to be participating in
17 this remediation plan in the end.

18 So I'm -- I'm just curious of what do you
19 think the role of -- of these other departments and --
20 and if -- if it would help -- excuse me -- if it would
21 help to -- for yourself to feel comfortable, what would
22 be a minimum requirement for you to -- to think that this
23 plan would work in the long run?

24 I hope that's clear, I don't know. Thank
25 you.

103

1 THE CHAIRPERSON: Thank you, Board
2 member, Danny Bayha.

3 Mr. Kevin O'Reilly...?

4 MR. KEVIN O'REILLY: Thanks, Mr. Chair.

5 Kevin O'Reilly here.

6 I've been involved in a number of
7 environmental assessments over my lifetime here in
8 Yellowknife: BHP, Diavik, Snap Lake, Mackenzie Gas
9 Project and so on. And in many of those environmental
10 assessments, I -- I have seen government departments play
11 a strong and independent role. I might mention a couple
12 of examples, if I can.

13 I believe that Natural Resources Canada
14 did a -- a good job at the joint Review Panel in terms of
15 bringing their expertise to bear on engineering
16 permafrost issues and so on.

17 I think Environment Canada did a pretty
18 good job on species at risk and Kendall Island bird
19 sanctuary, that sort of thing.

20 So I have no doubt that government
21 departments, when the staff have the -- the ability and
22 the freedom to express their views and -- and bring to
23 bear their expert opinion, that they can help a lot. And
24 I -- I hope that's the kind of role that Environment
25 Canada and Department of Fisheries and Oceans can bring

1 to this project.

2 I am not very comfortable knowing that the
3 Government of the Northwest Territories and the
4 Department of Indian Affairs and Northern Development
5 aren't very clear on what kind of expertise they can
6 bring to this project, because they're co-developers.

7 And that puts you folks in a real bind.
8 It puts me in a bind because -- it puts us all in a bind.
9 If they can't bring their expertise to bear on this, I
10 don't know where you go to get it, quite frankly, unless
11 you're going to hire your own team of consultants, which
12 I actually recommended as well.

13 And you'll -- you don't have unlimited
14 resources, though, to be able to do all of that. So I
15 think you're going to have to be selective, in terms of
16 what areas of expertise you think you need to understand
17 the alternatives that are available and what some of
18 those tradeoffs may be.

19 So for me, I really want DFO and
20 Environment Canada to be at the table as full
21 participants and bring their expert knowledge to bear.
22 And I think Natural Resources Canada should be here as
23 well, with their understanding of permafrost, engineering
24 issues, and so on. They're not a party, as far as I know.

25 And I think that you will need to get your

1 own expertise, as well, and -- because I think we really
2 need to have a thorough, informed debate about the
3 alternatives, because I don't think that really happened
4 in the development of the -- the remediation plan.
5 That's my view.

6 THE CHAIRPERSON: Thank you, Mr.
7 O'Reilly.

8 Any further comments, Mr. Danny Bayha?

9 MR. DANNY BAYHA: Okay. No, just thank
10 you for your comments. That's all I had. Thank you.

11 THE CHAIRPERSON: Thank you, Board member
12 Danny Bayha.

13 Moving on to Board member Nora Doig...?

14 For the record, Nora Doig says, "No
15 questions."

16 Moving on to Vice Chair John Stevenson...?

17 MR. JOHN STEVENSON: No questions, and
18 thank you, Kevin, for the excellent presentation.

19 THE CHAIRPERSON: Moving on to my right,
20 Board member John Ondrack...?

21 MR. JOHN ONDRACK: Thank you, Mr. Chair.
22 I have no comment, no questions at this time.

23 THE CHAIRPERSON: Thank you.
24 Moving on to his right, Board member Jerry
25 Loomis...?

106

1 MR. JERRY LOOMIS: Thank you, Mr. Chair.
2 No questions at this time.
3 THE CHAIRPERSON: Thank you.
4 Moving to his right, Board member Fred
5 Koe...?
6 MR. FRED KOE: Thank you, Mr. Chair.
7 Likewise, no questions.
8 THE CHAIRPERSON: Thank you. I'd like to
9 thank Mr. Kevin O'Reilly for your presentation and I want
10 to move on to a presentation by the Yellowknives Dene
11 First Nation, Ms. Rachel Crapeau.
12
13 (BRIEF PAUSE)
14
15 THE CHAIRPERSON: Please proceed.
16
17 PRESENTATION BY YELLOWKNIVES DENE FIRST NATION:
18 MS. RACHEL CRAPEAU: Rachel Crapeau, with
19 the Yellowknives Dene First Nation. I'll be doing the
20 beginning part of our presentation, followed by Todd
21 Slack. He'll be doing the next section of our
22 presentation. And then when he's done, he'll be followed
23 by Louie Azzolini, who will be presenting a portion of
24 our presentation.
25 Thank you for allowing the Yellowknives

107

1 Dene First Nation to make our story be told here at this
2 Hearing. We had hoped that we had powers to send this
3 project to environmental assessment review. But as it
4 turned out, we needed the help of the City of Yellowknife
5 to get here today. So therefore, I want to say mahsi cho
6 to the city.
7 Our presentation you've got copies of, and
8 we're going to just go over the main points. And this is
9 the part of the map that shows the map of Chief Drygeese
10 territory.
11 And also in the outline we've got
12 information on -- on the before Giant Mine and the
13 environmental history and what impacts of Giant Mine and
14 the environmental assessment approach.
15 Key issues for us, the scope of
16 development issues, and also the scope of assessment
17 issues. And we've also included some recommendations as

18 well.
19 Well, before Giant Mine, you can see from
20 the picture how we kind of knew how the land had looked,
21 and especially the Elders, who aren't here with us today.
22 And I'm hoping they're praying for us out at Lac Saint
23 Ann, where they are this week.
24 But our Elders I remember using the land
25 around the Giant Mine area for hunting and harvesting

108

1 activities. Also in the map showing before Giant Mine
2 our land use.
3 The map that we've got is -- was part of
4 our mapping project where we put our information. And
5 we've documented all this information, land use info.
6 And it's at the Prince of Wales Northern Heritage Centre
7 through an agreement that if you need to access this map,
8 you'll have to write a letter to us requesting permission
9 to use the map. But the map shows all the hunting trails,
10 fishing and gathering and hunting trails.
11 Going on again with before Giant Mine, we
12 were not always people who lived in Dettah, Ndilo, or at
13 Enodah (phonetic). Our people travelled from Great Slave
14 Lake to the barren land for hunting. And our leaders in
15 the past travelled all over, including Akaitcho, who made
16 peace with Edzo, the Tlicho leader, and that was 1823.
17 That was at Mesa Lake. And in old, old, old maps it will
18 show that spot being called Fort Enterprise. Our Elders
19 remember that place where Akaitcho brought Franklin and
20 his men, before Akaitcho went to the Arctic Ocean with
21 Franklin and his people.
22 Also our people travelled to Fort Res for
23 the first treaty. Chief Drygeese made the treaty on
24 behalf of our people. And as a result, this coming
25 Friday is our official Treaty Day holiday, and we won't

109

1 be in.
2 Going forward, 1920s, around that time
3 there was lots of people who were sick. Some people were
4 dying, and some people were starving.
5 I remember a story that my father told me
6 when I was like sixteen (16). He said that him and Joe
7 Charloe were travelling along the shore of Great Slave
8 Lake, and they came across this very old lady who was
9 blind. And she had no real food, but she only had
10 homemade soup. And she couldn't see that the soup that
11 she had made was not edible, because she -- she didn't
12 have young members of her family left to go hunting for

13 her and provide her with proper food. That my father
14 thought that it was a very, very bad time because of a
15 sad situation where there was not many caribou, moose, or
16 anything to hunt for feeding families in the '20s.

17 And then later on, the families burying
18 family members day after day after day because of the
19 epidemic. We just recovered from that -- that epidemic,
20 and then outsiders showed up to look for rocks. Qi
21 (phonetic) means rock in our language. And our people
22 wondered why they were looking for this rock so much and
23 -- and why do they want it because it's not edible. You
24 cannot eat it.

25 Only later they found out that that rock

110

1 was gold that they were looking for, and there was a mine
2 that was built in 1935. And this gold extraction started
3 with our Traditional Chief, Willie Crapeau, around that
4 time.

5 At the same time, at the Yellowknife
6 River, the Crookedhand family were camping. And that was
7 when the -- Noelle (phonetic) Crookedhand, grandmother or
8 great-grandmother, was camping. And she had this rock
9 sitting by her stove in her tent. And these people, the
10 seekers of rocks, showed up and wanted to know how --
11 just being curious, I guess, he was probably visiting,
12 but he noticed this rock by her stove.

13 And she noticed that he was eyeing it all
14 the time. And he went and eventually asked her if he
15 could take a look at the rock. And she said, Sure, take
16 a look.

17 And he asked if he could have it. And she
18 said, You can have it, but I need something in return.

19 And he said that usually if you give
20 something, we give something in return. And he asked
21 her, What is your request?

22 And she said that she needed new stove
23 pipes and some other items. And she was given that in
24 exchange for that rock. We later found out that she had
25 exchanged gold for stove pipes and other items.

111

1 Also before Giant Mine, this is an
2 important part for us. The place was a really good berry
3 picking area, because right now, if it was in those days,
4 we'd be harvesting huge containers of berries, where we
5 can put them in the ground where the permafrost would
6 keep it cold and frozen until we could use it for many
7 months.

3 presentation. But having attended most meetings to do
4 with this project, I am very apprehensive what the
5 outcome will be, because initially, our -- our people had
6 asked for the item to be taken out from the underground,
7 rendered inert -- in other words, harmless -- and be
8 dealt with. But just to have it be of the same harmful
9 property that it is and leave it there and have it frozen
10 is -- is something that we'll find very hard to live
11 with.

12 And also, our people have suffered because
13 of this mine, and we're going to continue with our story
14 about what we know. And Todd will continue with his
15 portion of the presentation. Thank you.

16 MR. TODD SLACK: Thank you. In this
17 section we're going to briefly discuss one aspect of the
18 environmental legacy that the remediation plan does not
19 address -- namely, the regional contamination. We
20 don't want to delve too deeply into the details, but is
21 relevant here to understand our perspective towards the
22 scope of assessment, which will be described later.

23 As we'll see, the Geant -- the Giant
24 released a lot of arsenic into atmosphere during its
25 operations. And in the YKDFN opinion it is not very

114

1 clear where it all ended up. The levels of regional
2 arsenic contamination are not well understood.

3 THE CHAIRPERSON: Excuse me, Todd. Can
4 you just slow down so our translators could keep up?
5 Thank you.

6 MR. TODD SLACK: Sorry. And apologies
7 for the projector.

8 When Ventures Limited (phonetic), the
9 first company to industrialize the Giant site, began
10 their operations in the 1940s, it was still a very
11 productive portion of the land base for the YKDFN.

12 After being alienated from the land and
13 then the larger regions some seventy (70) years down the
14 road, the YKDFN are left with enormous environmental
15 hazard in place of a natural environment that used to
16 support many families.

17 Just what happened at the site to affect
18 such a large area and render it unuseable? The DIAND
19 presentation showed some of the issues, but there's more
20 than just the mine site itself. The issues extend beyond
21 the reclamation plan.

22 And in -- in the interest of time, I'm
23 just going to skip this slide.

24 It's important to note that emissions from
25 the site sort of break down into three (3) periods. To

1 understand what these three (3) periods represented, we
2 need to see just how much arsenic was being released.

3 The first phase is subdivided because the
4 reductions in emissions occurred quite rapidly. However,
5 what we can see here is that the reductions were
6 significant. The scale of emissions remained very large.
7 Operations during this first phase would see tonnes of
8 arsenic released into the atmosphere everyday.

9 During the second phase, we can see that
10 the releases are reduced by an order magnitude, but the
11 emissions can still be described in terms of tonnes per
12 week.

13 During the third period, we see the final
14 order of magnitude reduction, with the release
15 generalized as a tonne per month.

16 Here we see just how much arsenic was
17 released to the environment.

18 Period 1 saw a release of 20,000 tonnes.
19 Everyone here knows what a kilo is. This is 20 million
20 kilograms in only ten (10) years. We've all heard and
21 understand the magnitude of the potential problem
22 lingering underground. But here we see the release is
23 roughly 10 percent of the arsenic trioxide that remains
24 on site.

25 This was a very concentrated release and

1 the impacts on the plants, the animals, and most
2 importantly, the people, are not very well understood.
3 This is compounded by a general feeling that these issues
4 have never been properly addressed over the years. Just
5 where this arsenic went and how it affected people in the
6 region is one of the outstanding issues for the YKDFN.

7 With a very high concentration of arsenic
8 releases, impacts on the community were soon felt. The
9 impacts on children and Elders were the first to be seen.
10 These initially included, but were not limited to, skin
11 ailments and respiratory diseases. Over and beyond
12 these direct physical impacts, there were emotional,
13 social and psychological impacts as family members were
14 sick and were helpless to help their family members.

15 Two (2) common methods of arsenic exposure
16 are readily apparent. The first was through atmosphere
17 deposition. This was especially severe during the spring
18 melt, when the runoff contained extremely high
19 concentrations of arsenic that had accumulated in the
20 snow over the winter.

21 The second avenue was exposure through the
22 drinking water. Ndilo and Dettah residents drew their
23 water and -- excuse me -- water and ice from the lake for

24 many years. There was no indication that anything was
25 wrong with this water, nor did anyone suspect it as one

117

1 of the issues facing the community. Why should they?
2 People had drawn water like this for generations.
3 The first signs warning of the danger in
4 the water weren't posted until 1974. It's important to
5 note that this is at the end of the period of very high
6 arsenic releases, after thirty (30) years of high levels
7 of exposures. These signs were initially posted in
8 English, with signs in the Aboriginal language is coming
9 nine (9) months later.

10 It's also interesting to note that this
11 was a full five (5) years after a \$1 million Federal
12 grant to the City of Yellowknife to move their water
13 intake. At that time, Mayor Fred Henne said the town
14 council was never told why they received that money.

15 Everything became clear in 1975, when the
16 CBC broke the story that a 1969 Federal survey showed
17 significant danger. This study had been kept
18 confidential and not released to the city or the First
19 Nations.

20 Beyond the human impacts, animals and the
21 environment were affected by the emissions, with numerous
22 deaths. The subsequent diseases and working dog deaths
23 were especially troubling. During those early years,
24 dogs were still a primary means of transportation.

25 The regional contamination and mining

118

1 operations required people to travel further to obtain
2 resources that were previously local in nature, as well
3 as interrupting some of the primary and travel routes.
4 So the working animals that were already being subjected
5 to environmental stresses from arsenic exposure were also
6 under physical stress from the extra work required to
7 access that same level of resources.

8 To help illustrate the -- some of the
9 impacts on the community, personal anecdotes are going to
10 be included as examples. To be clear, this does not
11 represent the whole of the impacts within the community,
12 but rather a subset indicative of the general experience
13 and view of the mine.

14 Again, in the interests of time, I am
15 going to only read one. But I encourage you to check out
16 the presentation.

17 This account is from a YKDFN Elders
18 committee that presented to the House of Commons Standing

19 Committee on Environment and Sustainable Development:
20 "The people were never warned about
21 impacts and risks from living near the
22 mines. In late December of 1949 a
23 massive emission from the Giant Mine
24 disbursed huge amounts of arsenic into
25 the air, settling into the ice and

119

1 snow. Melting snow in the spring of
2 the following two years was so toxic
3 that notices were printed in the
4 Yellowknife newspapers warning people
5 not to drink or use the meltwater. Few
6 Yellowknives Dene could read these
7 notices.
8 Anyone who washed their hair with the
9 arsenic-laden meltwater in the next two
10 springs went bald. A dairy herd,
11 horses, chickens and dogs were among
12 the domesticated animals that died from
13 drinking meltwater in spring 1950.
14 But the greatest tragedy occurred in
15 spring 1951, when four children in the
16 family camps in Ndilo died. The mine
17 owners gave the parents some money, as
18 if it could compensate for the loss.
19 Women stopped picking medicine plants
20 and berries, which used to grow thickly
21 in the area of a Giant Mine. The
22 people moved away, avoiding the mine
23 area for some years, although it had
24 once been so important to them. To
25 this day, they refuse to use water from

120

1 the Welehdeh for soaking caribou hides
2 or making dried fish."
3 Whoops. Pardon me.
4 While these accounts show significant
5 impacts beyond the extent of the mine lease, what is the
6 status of the environment as it stands now? This is a
7 very difficult question to answer. There seems to be
8 indicators of long-term contamination. For instance,
9 soil sampling in Ndilo has resulted signi -- has results
10 significantly above the industrial standards for arsenic
11 levels. However, searching for additional information to
12 help clarify the situation has not been easy.
13 While the developer seems to regard

14 impacts outside the lease as minimal, there does not seem
15 to be a comprehensive source that agrees. Given the
16 indications of contamination correspond with the general
17 view of the citizens, it seems clear to me that there is
18 a legacy of arsenic contaminated areas outside of the
19 Giant lease and that these are a result of mining
20 activities.

21 Louie will discuss the scope of assessment
22 and development.

23 MR. LOUIE AZZOLINI: Thank you, Todd.

24 I will be discussing first the
25 environmental assessment approach. And as everyone has

121

1 spoken to, it is an unusual environmental assessment in
2 that we are collectively looking at a remediation and
3 reclamation project as opposed to a pro -- a developing
4 project.

5 This is a unique environmental assessment.
6 And the Board, I think, is going to be challenged to
7 examine it in a way that fits within the scope of the
8 Mackenzie Valley Resource Management Act.

9 And the Yellowknives Dene would suggest
10 that the Board should look -- rather than should look for
11 significant positive changes in the environment, and that
12 anything short of a significant positive change be
13 determined to be significantly negative, and provide
14 recommendations to reduce the adverse conditions.

15 In short, the Yellowknives Dene consider
16 the existing environment affected by the mine site to be
17 a significant and adverse impact. That is the present
18 condition. And that the recommendations that the Review
19 Board should provide recommendations to improve the
20 quality of the environment so that there are no longer
21 significant and adverse impacts.

22 I will now speak to the key outstanding
23 issues with the Giant Mine remediation plan. As others
24 have spoken to, there's a standard or guideline which is
25 being used by the proponent, which is industrial.

122

1 The Yellowknives Dene do not believe that
2 an industrial standard is adequate or appropriate. When
3 the mine was first developed, it was used by the
4 Yellowknives Dene. And they would like it returned to a
5 state where they can use it again, in a -- in a fashion
6 that's similar to that that they were using. And an
7 industrial standard will not achieve that.

8 Second, there are legacy issues. As

9 Rachel spoke to, between the early 1920s and the 1940s,
10 the Yellowknives were subject to an epidemic -- influenza
11 epidemic. They were subject to treaties. And then they
12 were subject to people coming into the area that had
13 traditionally been theirs and used, and occupying it and
14 doing things to the land which affected them physically,
15 socially, culturally.

16 There has never been a recognition of
17 this. There has never been an apology for this. And
18 there has never been respect for the cultural history of
19 the site and the area around it.

20 It's considered an extension of
21 Yellowknife. But in fact, before Yellowknife was here, it
22 was and is the home to the Yellowknives Dene. And should
23 Yellowknife disappear, it will continue to be the home of
24 Yellowknives Dene.

25 What I'm specifically speaking to is that

123

1 long after many of us leave -- because we're here for
2 employment or other reasons -- the Yellowknives Dene will
3 be here and they will bear the brunt of the risk in the
4 long term. They were here before, and they will be here
5 after. Many of us are here for economic reasons. This
6 is the Yellowknives Dene home.

7 I will now speak to the scope of
8 development issues. The justification for choosing a
9 frozen block method for entombing the arsenic is
10 inadequate. We've heard that the proponent would like
11 individuals to make up their own minds based on the
12 information that they provide.

13 Well, the Yellowknives have made up their
14 minds. And as Rachel has stated, they do not want the
15 arsenic there. It wasn't there when they lived there
16 previously. Someone else put it there. It's -- they
17 don't want it there. And to suggest that the
18 justification that's been provided is adequate is simply
19 unacceptable.

20 The inclusion of the Ingraham Trail as it
21 applies to the proposed development -- and John, you can
22 add another one to the list there, another...

23 The area of the Giant Mine holds an
24 enormous amount of very poisonous substance -- as you
25 heard yesterday, enough to kill the entire population of

124

1 the world a number of times over.

2 And to me, rerouting traffic away from the
3 area is a sound mitigation, at the very least. I

4 certainly would like to see the road that the Department
5 of Transportation is suggesting. And I would recommend
6 to the Review Board that one of the mitigation measures
7 that it include is the relocation of the highway in its
8 entirety.

9 This is not going to become a tourist
10 attraction in the future. This is an incredibly
11 hazardous area. And I think we have to treat it that
12 way. I think, you know, we want to maybe minimize it and
13 freeze it, but it is an incredibly hazardous area. And
14 this material is hazardous. And I think we need to avoid
15 any form of access that we can in any kind of fashion.

16 Including in the scope of the development
17 should be all the environmental effects included by -- by
18 the mine. Any typical closure and reclamation plan that
19 BHP, Diavik, or any other mine will have to generate has
20 to look at the scope of the effects of the mine and draw
21 end points about how it wants to reclaim those.

22 To suggest that, you know, we can only
23 control a small chunk of this, so that's all we're going
24 to work on, that would be like -- by equivalent of BHP
25 saying, No, we're not going to look at the vegetation off

125

1 our lease block, how dust affects it, or we're not going
2 to look at how caribou off the least block are affected
3 by dust dispersion on the lease block; we're only going
4 to worry about what's on the lease block.

5 It just -- it does not make sense. And
6 this is what the proponent is suggesting. They only want
7 to look at what's on the lease block, not the effects off
8 the lease block.

9 And as Todd has pointed out, there were
10 affects off the least block. And we suggested there is
11 insufficient evidence to show clearly to the Yellowknives
12 Dene that there are no risks. 24 million kilograms of
13 arsenic went up the stack, and it had to go somewhere.

14 With regards to the scope of development,
15 this is not so much a development as a management plan,
16 as others have alluded to. This management initiative
17 will exist in perpetuity; that means, long after
18 Yellowknife may have ceased to exist those -- that area,
19 the frozen whatever -- will continue to operate.

20 And it is vitally important that the
21 proponent be required to clearly demonstrate what
22 followup programs it is proposing and the specifics of
23 those programs. It is the very least assurance that
24 could be provided to the Yellowknives Dene that the area
25 is being taken care of and that it will be taken care of

126

1 if the Board decides that this is the acceptable
2 development.

3 With respect to the scope of development -
4 - and finally, I'm just going to close on this before
5 moving to scope of assessment -- the scope of this
6 development will require Fisheries' authorizations. It's
7 going to require a number of other licences and
8 authorizations. And some of these may be for areas off
9 the lease block.

10 So, I mean, the inconsistency between what
11 the proponent is suggesting about the limits of their
12 jurisdiction or where they want to act in the public
13 interest and what regulators may require of them is
14 contradictory, as DFO will be dealing with the water in
15 Great Slave Lake, potentially. I'm not sure if the lease
16 block extends into the lake.

17 I will briefly now speak to the scope of
18 assessment issues. And to some extent it overlaps the
19 discussions on the scope of the development, because
20 we're suggesting the scope of development is inadequate.
21 Therefore, obviously, the scope of assessment will be
22 inadequate as presented.

23 The full extent of the effects of the mine
24 need to be considered. We're not saying that everything
25 has to be remediated and you'd go into the back of

127

1 people's gardens and take away their soil. We're saying
2 is that it at least has to be considered where there
3 might be risks, what the nature of those risks are.

4 And I think the Board has the right to at
5 least know that or to inform yourself of that. To limit
6 yourself to only looking at that lease block is to close
7 your mind to potential effects of this mine, that this is
8 the only chance we'll have to remediate it. Otherwise,
9 it's going to stay out there.

10 So I urge the Review Board to -- to go
11 beyond the lease block and look at the full scope of
12 effects, decide for yourself what's significant, and
13 decide what needs to be done about it.

14 The type of reclamation also will
15 determine the availability of renewable resources for
16 future generations. We're all familiar with compound
17 accounting. Well, compound accounting goes both ways.
18 If you don't do something today and you don't do it
19 forever, you've lost all of that forever. But if we do
20 something today where we improve the environment a little
21 bit more than maybe what the proponent wants, that gain
22 gets repeated every year, forever.

23 So we can't look at the impacts of the
24 reclamation just to, okay, industrial standards, and this

25 is what will grow on the site and this is what will

128

1 inhabit the site for a little while.

2 If that site is reclaimed to the standard
3 that the Yellowknives Dene request, the value of that
4 site, in terms of its ecological productivity, will be
5 multiplied forever, going forward. And those gains will
6 be lost forever if that initiative isn't undertaken.

7 I'd like to turn it over now to Rachel to
8 address the recommendations of the Yellowknives Dene.

9 MR. TODD SLACK: I'm going to address the
10 first few recommendations. Sorry, Todd Slack. I'm going
11 to address the first few recommendations that are more
12 environmental in nature.

13 We've shown that a vast quantity of
14 arsenic has been released during the operation of Giant
15 Mine. And as Mr. Mitchell said yesterday, it's not easy,
16 or it's rather difficult, to tell whether this arsenic
17 was deposited, which is pricey -- precisely why we
18 believe that an airborne dispersion or a fallout model
19 would be of great value.

20 From our preliminary analysis, it seems
21 like the general trend of deposition seems to extend
22 across Back Bay directly towards Ndilo and Dettah. The
23 YKDFN believes there is a significant data gap in between
24 the emissions that went up the stack and where they
25 eventually resided. Complicating this is the seasonal

129

1 loadings that would have occurred because of the winter
2 accumulation.

3 Finally, this modelling would be very
4 useful in terms of helping the various groups that would
5 be conducting research into the future to try and target
6 that to achieve the best results.

7 Our second recommendation involves the
8 creation of a clearinghouse where the data is
9 centralized, organized, and synthesis is undertaken. The
10 idea behind this is similar to the registry that is --
11 that exists now, but it takes it one step further.

12 The collating of the data is only step.
13 It's -- it's no overstatement to say that this is a huge
14 mountain of data to have to try and understand. And this
15 could create a single point source for anyone looking to
16 access that local contaminate data. And it reduces the
17 barrier of entry for local communities, citizens,
18 whomever wants to be informed and involved without making
19 it a full-time job.

15 occurred to us include impacts on species diversity and
16 distribution over time, the bio-accumulation of toxic
17 compounds and the vegetation, and what the expected rate
18 of environmental recovery might be, given that the
19 industrial activity and the arsenic emissions have been
20 much reduced for twenty (20) years and have now ceased
21 completely.

22 MR. LOUIE AZZOLINI: My name is Louie
23 Azzolini. Excuse me. I'll go through the
24 recommendations with respect to the EA approach and the
25 scope of development and assessment, and I'll do it

132

1 fairly quickly here.
2 The Yellowknives Dene are recommending
3 that essentially you look at the site as not a likely
4 significant adverse, but as a -- an existing significant
5 and adverse impact, in that if you find that the
6 undertaking or the development proposed by the developer
7 does not reduce these impacts to below significance
8 thresholds, that you provide recommendations to reduce
9 them below significance thresholds. That is the EA
10 approach we are recommending.

11 This project is a significant
12 environmental impact. And until that significance is
13 reduced to acceptable levels as you determine it, nothing
14 should occur on that site. And until you're confident
15 that what the proponent is going to do at that site will
16 reduce all impacts on the environment, as defined by the
17 MVRMA, below significant thresholds, that the development
18 not be allowed to proceed.

19 With regards to the scope of development,
20 the Yellowknives Dene still contend that there is
21 inadequate justification for the proposed development.

22 The Yellowknives Dene also contend that
23 the Section 35 component -- and this of the Canadian
24 Constitution, I think it's Constitution -- has not been
25 fully implemented, in that they do not transparently see

133

1 how their views have factored into the ultimate decision.

2 The proponent speaks of many multi-
3 stakeholder groups. The interests of the Yellowknives
4 Dene is not to be diluted in multi-stakeholder groups.
5 The interest and rights of the Yellowknives Dene, as they
6 hold them, have to be clearly demonstrated in a
7 transparent way to have been incorporated or at least, if
8 not incorporated, an explanation of why they have not
9 been incorporated. That information does not exist.

10 We sub -- we'd also recommend including
11 the Ingraham Trail within the redevelopment. At the very
12 least, it is an appropriate mitigation measures --
13 measure to keep people away from 274,000 kilograms of an
14 extremely toxic substance.

15 With respect to the scope of development,
16 we urge the Review Board to look at the full scope of
17 effects and to have the proponent do that, if they
18 haven't done so already, and to inform you of those
19 effects. And where they are significant that mitigation
20 measures be provided, either by the proponent or
21 recommended by the Review Board, so that those impacts
22 are in fact mitigated. And that goes on the lease block
23 and off.

24 It's also imperative that the proponent
25 submit followup programs in detail. The risks of not

134

1 doing so and the commitments have not -- and the risk of
2 not having those commitments included within the Review
3 Board's jurisdiction is significant. The recommendations
4 brought forward by the Review Board must be adhered to by
5 the departments to which they are issued. You have legal
6 jurisdiction to exercise an outcome. And we are
7 concerned that if you don't exercise that legal
8 jurisdiction and it's left to regulators, it may not
9 occur.

10 With respect to the proponent, again the
11 scope of development, it's imperative that some form of
12 adaptive management and monitoring occur. The world and
13 our knowledge is not a static place, it's a dynamic
14 place.

15 At some point in time, if the Board
16 chooses to accept the proponent's recommendation for this
17 development, it will be counter to the wishes of the
18 Yellowknives Dene. But the Yellowknives Dene contend
19 that this material must be removed. It was not there
20 before the Yellowknives, before non-indigenous Dene lived
21 here. It is here now. They do not want it here now.

22 I think the propo -- I urge the Review
23 Board to have the proponent discuss the merits of
24 implementing an expert panel similar to the Independent
25 Environmental Monitoring Agency and how that element

135

1 could be factored into its proposed mitigation strat --
2 mitigation and management strategies.

3 We also urge the Review Board to require
4 the proponent to present engineering methods that can be

5 employed now to facilitate disposal in the future.

6 With respect to the scope of assessment,
7 please have the proponent assess what's actually impacted
8 over the life of the mine.

9 And I think it's also important -- and as
10 the City of Yellowknife has indicated this morning in
11 their preparations for any potential incident -- for the
12 proponent to demonstrate what a catastrophic failure of
13 the arsenic entombment means. You at least deserve to
14 know what's the worst that can happen. Hopefully, that
15 won't happen, but you deserve to know that.

16 And if there is ancillary undertakings or
17 infrastructure with this project, the Review Board needs
18 to know that as well. And one of the activities or
19 undertakings that the Yellowknives have recommended is
20 the filling of the pits.

21 The proponent suggests that essentially
22 it's digging one hole to fill another. The Yellowknives
23 contend that, I think, the work could be done so that
24 there are positive outcomes for the City of Yellowknife
25 and Yellowknives Dene.

136

1 Finally, future generations will hold the
2 burden and the risk for the decisions that the Review
3 Board makes at the conclusion of the environmental
4 assessment. And the proponent should make clear over the
5 long term what burden we are placing on future
6 generations, both in terms of risk and lost productivity
7 and lost opportunities because of the alienation of that
8 area, essentially forever, according to proponent's
9 wishes.

10 Thank you for your time, and thank you for
11 listening. I'll turn it over to Rachel for concluding
12 remarks.

13 MS. RACHEL CRAPEAU: Rachel Crapeau for
14 the Yellowknives Dene. Our presentation, written, is
15 available for you to read. And any questions, we'll be
16 here to answer you.

17 Also some of the Elders had talked to me
18 about this Hearing that was coming up, and they want me
19 to say that we hope that -- that the arsenic was going to
20 be removed and taken out and do something with it so that
21 it is rendered harmless. But if that's not to be, could
22 we still try to seek a way to -- to make it possible that
23 we will feel safe and not worry?

24 Because it's not just the Yellowknives who
25 are living here. From talking with some people in

137

1 Yellowknife, they plan to retire in Yellowknife and not
2 go south like a lot of people who usually leave
3 Yellowknife, end up going to BC and/or the States, as far
4 as away from here. But more and more people are -- are
5 staying north. So we need some reassurance that we'll
6 feel safe.

7 Anyway, that's -- this is our
8 presentation, and that's it for this afternoon for us.
9 Thanks.

10 THE CHAIRPERSON: Okay. Mahsi, Rachel,
11 for your presentation.

12 We have been meeting since 1:30, so we are
13 going to ask for a fifteen (15) minute break. After
14 we're done, then Chief Fred Sangris from Ndilo will do
15 some comments in regards to the presentation. Mahsi.

16
17 --- Upon recessing at 3:09 p.m.

18 --- Upon resuming at 3:27 p.m.

19
20 THE CHAIRPERSON: Thank you. I would
21 like to call this Hearing back to order. Before I go to
22 Chief Sangris, I want to make a couple notes. If I could
23 have staff come to see me here, I have an envelope that
24 was hand-delivered from Gary Vaillancourt for public
25 record regarding the CA process, so, like to have this

138

1 put on the public record.

2 The second comment I would like to make is
3 that -- to the Yellowknives Dene First Nation, I'd like
4 to ask for an undertaking of -- in regards to your
5 presentation. There were a couple of changes that were
6 made. So if you could send us your updated PowerPoint
7 presentation and by August 15th for public registry, that
8 would be good. Next -- that would be Undertaking Number
9 10.

10
11 --- UNDERTAKING NO. 10: Yellowknives Dene First
12 Nation to provide updated
13 PowerPoint presentation by
14 August 15th for public
15 registry

16
17 THE CHAIRPERSON: The next person that I
18 have on a list here, Chief Sangris from Ndilo would like
19 to do a brief presentation. Chief Fred Sangris...?

20 CHIEF FRED SANGRIS: Mahsi. Good
21 morning. Good afternoon. My name is Chief Fred Sangris.
22 I'm a -- one (1) of the two (2) chiefs of the
23 Yellowknives Dene and the First Nation that we present
24 have lived in this area for thousands of years. Our
25 stories, oral stories, histories goes way back to the

1 time of the giant animals that walked the earth, swim the
2 waters. We have history here. This is our homeland and
3 we are the only people that have lived as indigenous
4 people in this area for countless -- thousand of years
5 and we still reside here. We're still here today.

6 The Giant Mine -- discussion on Giant Mine
7 is not new. 1970s was probably the worst scenario for us
8 but our histories on Giant Mines goes back as Rachel
9 Crapeau from Yellowknives Dene Land Environment
10 mentioned. We have stories here. We have histories.
11 We're the most impact indigenous people in this area.
12 The only group.

13 That area, Giant Mine, has a traditional
14 name. That river has a name. Some people in the --
15 after 1930s called it Johnny Baker Creek. But to
16 indigenous people ourselves, the Yellowknives Dene, we
17 know that river as in that day Jackfish River. To us in
18 that day still remains. Even it's been -- even though
19 it's been altered in many ways, the river remains, our
20 history remains.

21 This mine above all mines in the Territory
22 is one of the worst mines in the history in this area.
23 Those people that were put in management to see that the
24 proper procedure of mine operations didn't really monitor
25 it. It operated almost without regulation. I say that

1 because members of my community have died. Children,
2 elderly and many years after that, cancer in my
3 community. One of the highest. I don't need an excuse
4 to tell me that cancer can come from anything in my
5 community. The real problem is the Giant Mine and it has
6 been. And today it's still there.

7 To some people, it's a legacy of what it
8 provided and build this community but to us, Yellowknives
9 Dene, it's a tower of shame and ignorance. It has impact
10 our lives, cause death, cause destruction. And us
11 indigenous people, we still live here. We don't cry. We
12 don't complain. But those times are changing.

13 The mine has impact our lives in so many
14 ways. From the beginning of time, that area was a
15 special place where our people will gather, pick berries
16 for the winter and harvest for the winter, and children
17 playing in waters during that time. All that is gone.

18 Our economic base as hunters, fishermen
19 and trappers and harvesters, the economic value that we
20 value has been replaced by the mine operation, the value

21 of money.

22 Our culture, our ways, how we survive our
23 own economic base by trading, travelling and so on, all
24 that was taken away from us. This area can never be used
25 again in the future. It's dead. I don't know how man

141

1 can reclaim that area to bring it back to original state.
2 It's impossible.

3 Who will pay us our compensation for our
4 economic base and our traditional values that is lost and
5 has been replaced? Who will compensate us for now, for
6 everything we've lost?

7 We were not given any alternative or
8 anything in exchange. Our people were not hired at the
9 mine to be employees. The man operation, the mine
10 operation, was so bad there was word out from the mine
11 workers that no Indian in this area will be hired because
12 they talk too much and they talk about everything that's
13 happening there.

14 And that's the truth. Many of the former
15 employees or -- many of them are gone, some are still
16 alive -- will tell you that. So for me, and my members,
17 it's a shame that this place has gone this far and
18 exchanged hands, many, many operators, and yet it's just
19 left this devastation. We all look at it, it's there
20 today. It's a shame.

21 Now I call on the Board and I call on
22 Government of Canada, Minister of DIAND Minister Chuck
23 Strahl to engage with the Yellowknives Dene to seek out
24 proper compensation for all that is wrong, have been done
25 wrong in the last 70 years of that operation,

142

1 compensation for the loss of economic base, cultural
2 values, traditional values, the land base, now the loss
3 of land.

4 We're not seeking hundreds of dollars.
5 We're may be seeking millions because our value,
6 everything we've lost has cost more than that. It's gone
7 forever. We will never regain that back. Our people
8 have suffered greatly.

9 During the time the mines were young and
10 in operation, our people were forced to go away from that
11 area. In 1940s, same thing. And it released so many
12 ammonia into atmosphere, arsenic level, sulphur dioxide,
13 it's done its toll. And if any one of you want to pick
14 berries by Giant Mine and eat it, you're welcome to it.
15 Yellowknives Dene won't touch it. It's poison.

16 We were never properly compensated for
17 everything we've lost there. To this day, nothing. For
18 thousands of years our people have travelled and lived in
19 that area. Yellowknife River, Giant Mine, these were
20 the most important areas. Blueberries cannot be found
21 just anywhere in Yellowknife Bay. Only one place you can
22 find them and that was on the Giant Mine, that river.
23 Both sides of the bank were purple and blue in the fall,
24 blooming
25 This fall when you go there, you're not

143

1 going to see that bloom. That is gone as well. That was
2 one of our economic base was to gather, pick berries for
3 the coming winter and to trade. We were never allowed to
4 do that.
5 So like many indigenous people in the
6 North, the Yellowknives Dene for thousand of years are
7 the only people have resided in this area as Chief
8 Akaitcho would not allow newcomers in the area and he
9 made sure of that.
10 On the mouth of the Yellowknife River we
11 have a sacred site, a very special and sacred site. It's
12 still there today. Our people still go there,
13 pilgrimage, still pay honours, still pay respect. Even
14 with our young generation, our cultural continues. It's
15 passed on from -- from generation to generation. We
16 still value the old ways, the cultural ways, the
17 traditional ways, we still value what we believe is a way
18 of life. It's still there in the community.
19 The mines have changed hands and many --
20 many owners - but they're all the same. They continue to
21 operate as if there is very little regulation until it
22 was too late. When it was too late and people started to
23 react, Yellowknives Dene since 1950s have been voicing
24 their voices. The Chiefs of 1950s have gone to Ottawa,
25 have met with Indian Affairs there. Stuart Hudson

144

1 (phonetic) was one of them and many other Commissioner of
2 NWT and Dene Affairs Agent telling them that this mine
3 has devastated, it has cost lives and it's not good, the
4 water's no good.
5 For over fifty (50) years we voiced our
6 concern. Nobody takes us seriously. But within our
7 young leadership today, we don't back down. We move
8 forward and we do what we have to do to protect ourself.
9 We will look after our communities, try to make the water
10 safe so that our people can continue to drink water and

11 eat the fish and the wildlife that, in this area, we
12 depend on.

13 The mine -- in my community, when people
14 talk about the mine in my community, they're not saying
15 anything good about it. Their families, their
16 grandfathers, they all impact, affected by it. At one
17 time the Crookedhand family had a burial site near Giant
18 Mine. They were constructing a road. They asked the
19 family to move the graveyard. Nobody in their right mind
20 would ask somebody to move their loved ones from where
21 they placed them.

22 But the mine forced the family to move the
23 graveyard to Dettah and that happened. There may be
24 other burial sites in the area we're not aware of because
25 we have lived here for so long.

145

1 We have names for every lake in this area.
2 We have name for every hills. We have traditional names.
3 When Sir John Franklin came in the area, he met Chief
4 Akaitcho and the Chief told him, nobody comes here
5 without my permission, nobody. And if he want to come
6 through my country, you have to ask for permission. And
7 so Mr. Franklin did ask for permission and he paid his
8 fees so that he can travel safely to the Arctic
9 barelands.

10 So this mine here has done a lot and the
11 Yellowknives Dene made the presentation here but, above
12 all that, I think we would like to see environmental
13 impact review. We have to. It's done so much to so many
14 people, not only aboriginal people here, but non-
15 aboriginal people as well. But it hurt a lot of people.

16 But the highest review should be
17 considered here to see the destruction, the impact it has
18 caused for us, the Yellowknives Dene, if this review, the
19 impact review, the highest does not happen, then are --
20 then we are -- our voice is silence again. And I would
21 have to go Ottawa and deal with them there. I have no
22 choice.

23 The highest environmental impact review is
24 -- should be considered in this as support. I would like
25 to see that. It has to. There are many, many mines in

146

1 the Northwest Territory, hundreds, if not thousand. The
2 one in Great Bear Lake probably costs a lot of lives and
3 impact but this one here did its toll. Did what it did.
4 The land can never be recovered. It's gone. Many of you
5 drive by Giant Mine. You see the dust clouds. Well,

6 those are arsenic that's blowing. It's not natural dust
7 in the air that's blowing. That -- those are arsenic
8 dust that's blowing and you're breathing it every day you
9 drive by.

10 My community in Dettah drives back and
11 forth every day. And on hot, windy day, they're also
12 breathing in that in. So you took care of one problem.
13 Trying to find a method to freeze. What's the best
14 solution? The best solution here is the cheapest
15 solution. It's a Band-Aid solution. But it's not a
16 solution. The options have to be open. You chose the
17 solution. We did not choose it because we believe there
18 is other options. They may be costly but it could be
19 done to save our health and to save the environment in
20 and around the area, including the wildlife waters.

21 So the compensation has to be given to
22 their rightful people who have lived here for thousands
23 of years, who have made their homes here. We didn't come
24 in in 1930s. We didn't come here in 1940s or '50s.
25 We've been here from the beginning of time. Read the

147

1 Yellowknives Dene histories. They're all over. All the
2 explorers that came here wrote journals of the
3 Yellowknives Dene and nobody else. We're the only people
4 here and we're still here as indigenous people.

5 And during the winter, a lot of the
6 harvesters go out but nobody goes near the Giant Mine
7 anymore. There's fear. There's fear because people
8 died. There's fear because sled-dogs died. There's fear
9 because the name "poison" scares everyone. But the
10 compensation has to be given to Yellowknives Dene. We're
11 the one who was impact the most - from the beginning of
12 the mine to the end. The mine went through a lot. It
13 went through a lot. Not only aboriginal people were
14 affected and lost their lives but non-aboriginal people
15 as well.

16 For me, I will not put this mine up as a
17 monument to all. A monument will be shameful for us. We
18 want to forget this part of our history. We want to put
19 this away so that it will never come up and affect us in
20 any way. But the solution sought today is not the only
21 solution; options have to be open. There's ways of
22 doing it.

23 But my community continues to live in
24 fear; they don't know what's going to happen. There can
25 be large projects and reclamation been done in Giant

148

1 Mine. One way of compensating may not be all of it is to
2 award contracts like this to Yellowknives Dene to do the
3 mine reclamation.

4 Because if we do it, we'll make sure it's
5 done right. If somebody from the south comes in, they're
6 going to throw the dirt on and walk away. We'll make
7 sure it's contained because we have to live here for the
8 rest of our life, born here and we'll probably die here.
9 All our children Yellowknives Dene, generation after
10 generation will continue to live here.

11 We're not going to pack up and move to
12 sunny Kelowna; that's never going to happen. This is our
13 home, it has always been our home. It continues to be
14 our home after thousand of years, we still live here.
15 But the impact around here was too great. Those children
16 that lost their lives there, their parents, I heard the
17 parents cried. My parents knew them. They said they
18 cried and cried and cried. They'll never get their
19 children back.

20 But the mine came and paid them. I never
21 thought this kind of thing would happen in Canada. But
22 it happens in other countries. But our children, death
23 of our children is still there. It will always be there
24 forever. Whenever Yellowknives Dene talk about mines in
25 the future, generation after generation, the four (4)

149

1 children that died will always be in the forefront.
2 That's a reminder that mining is not always a good
3 business. Some have devastated and affected us; some
4 were short mines, didn't do any impact.

5 But the compensation surely has to come
6 and I ask the Board to work with Ottawa to make that
7 clear to Chuck Strahl, Minister of Indian Affairs, that
8 Yellowknives Dene have to be dealt with in an honourable
9 and reasonable way and a fair compensation for everything
10 that we've lost.

11 All that is lost we'll never get it back.
12 So after fifty (50) years -- over fifty (50) years of the
13 mine operation many of our grandfathers, our grandmothers
14 and our fathers or mothers who in today, my generation,
15 who still continue to hunt and harvest, this is one of
16 the most beautiful land, the Elders talk many stories
17 about the -- the fall colours, the rivers, the hills, the
18 blooming. You'll never see that again. That's all gone.

19 But the monies that were made got to the
20 Federal Government. The Federal Government sure really
21 did get rich on this including Territorial government who
22 received dollars for school in Yellowknife. The City of
23 Yellowknife also received funding from the mines for
24 school education.

25 The community at Dettah and Ndilo were

150

1 never noticed. Nobody came to us. So I think a fair
2 compensation is something that's forthcoming. It should
3 be -- it should happen. And I call on the Board to make
4 that call to Minister Chuck Strahl and that the highest
5 environmental impact review be considered. And that
6 options be open. This is not the only solution, a Band-
7 Aid solution.

8 I have to live here, our children have to
9 live here, you have to live here. So let's do it right
10 and a review impact should be something, and I think my
11 community will be happy with that.

12 And this is something that -- our legacy
13 in the North it's something I'm not proud of, my members
14 are not proud of. It's done a lot already, too much.
15 It's time to repair. Thank you very much.

16 THE CHAIRPERSON: Thank you, Chief Fred
17 Sangris for your presentation. I want to go on to
18 questions to the Yellowknife Dene First Nation, in the
19 order that I have before me.

20 I want to go ahead and start off with the
21 developer, Mr. Bill Mitchell.

22
23 QUESTION PERIOD:

24 MR. BILL MITCHELL: Yeah, I mean, I can
25 just comment that, you know, certainly we -- we're aware

151

1 of the concerns, we share the -- you know, the -- the
2 past history. I mean, we've -- we've been living at that
3 site, we know what has gone on there, and certainly we
4 can appreciate the views of the Chief.

5 I would like to ask Mr. Hockley to add a
6 few other comments about some of the other issues that
7 were raised by several of the other Yellowknife Dene
8 representatives. Thank you.

9 THE CHAIRPERSON: Thank you, please
10 proceed, Mr. Hockley.

11 MR. DARYL HOCKLEY: Daryl Hockley
12 speaking. Just a couple of points for clarification on
13 some of the -- the earlier presentations. First is on
14 the -- how the -- how the project so far has dealt with
15 contamination, the assessment of contamination off the
16 property.

17 And I probably speak as much as -- less as
18 a technical advisor, and more as a project historian
19 again on this one. In -- in the early days of the
20 project, we actually did do risk assessments that only
21 considered -- Bruce, you'll remember this, only did risk

22 assessments that considered just the arsenic that would
23 come off the site in future, that's how we started.
24 And it was quickly -- very quickly clear
25 to us that that was quite inadequate. And -- and -- for

152

1 a couple of reasons: 1) their predictions of water
2 quality were -- were always wrong but we did it that way.
3 The reason is that -- that in addition to the air
4 discharges that you mentioned, there was enormous water
5 discharges through the early life of the mine, before the
6 water treatment system was improved.

7 So the sediments in Yellowknife Bay and
8 Back Bay have a heavy load of arsenic, and it's actually
9 those sediments that drive current water quality and
10 future water quality. And it was only when we started
11 running the -- running the calculations, we realized it
12 just was important physically to have those historical
13 factors in -- in the -- taken into consideration.

14 And Bruce's group developed a very nice
15 picture, and it's in the 2003 report, I guess, showing
16 the historical emissions to the water and how that's
17 impacted the sediments and how it will continue to impact
18 the sediments for -- for the foreseeable future.

19 The second thing that came to our
20 attention was when we -- we -- you know, at the end of
21 these calculations you take the amount of arsenic that is
22 going to make its way into a -- a person, and you have to
23 compare that to some sort of threshold.

24 Health Canada tells you what the
25 thresholds are that you compare it to, and we couldn't do

153

1 that here, because we realized that there were these
2 other sources of arsenic in the community. And the
3 threshold is intended to account for all sources of
4 arsenic.

5 So it was Bruce's recommendation that --
6 that we greatly expand that effort and we try to take
7 into account all of the arsenic in the region. And --
8 and Bruce's group went through a synthesis of all the
9 data, there are mountains of data. And Bruce's group has
10 gone through it and -- and boiled it down. Mountains of
11 soil data, sediment data, vegetable's data, the sun
12 animal data, fish data -- yeah, fish data, benthic
13 organisms, all these sorts of things.

14 Bruce's group went through that and tried
15 to create a picture of what the overall level of arsenic
16 was throughout the region. And all of that arsenic -- or

17 a whole lot of that arsenic comes from the mines. Nobody
18 has every tried to hid it.
19 It comes from Con, Negus, Rycon and Giant,
20 okay. And I -- I do this kind of work all over the
21 world, so does Bruce. This -- this is the most
22 comprehensive ecological and human health risk assessment
23 that I've ever seen for this region. So we -- we will
24 never know enough to answer all the questions that people
25 have about this, but, I think we know all that we can

154

1 know, given the state of the current science, about what
2 those historical emissions are doing to the environment
3 today.
4 So that's -- so that's the one point of
5 clarification. It's absolutely important for people to
6 realize that in the assessment of -- of -- of the project
7 we have -- we have gone on an assessment of today,
8 current and future effects, we have taken a -- a regional
9 approach.
10 The second point of clarification, again
11 with the industrial guidelines, we've -- we must have
12 missed or miscommunicated this in our report because it
13 seems to be cropping up as a -- as a consistent theme
14 that this site is going to be left at an industrial level
15 and that's not -- not what we intend at all.
16 The industrial -- when you -- when you
17 clean up soil ,you have to pick some sort of a guideline
18 that tells you what soil you're going to clean up. And
19 we picked the industrial guideline as a guide for where
20 the soil was most contaminated on the Giant Mine site.
21 And, in fact, I've got the numbers here.
22 Only about 14 percent of the site right now is
23 contaminated above the industrial level. Only about 14
24 percent is above industrial soil level now.
25 We intend to clean up all of that and we

155

1 intend to clean it up by removing that soil and replacing
2 it with clean soil. Outside of that area that's --
3 that's currently contaminated there is a lot of other
4 land, some of it -- I don't have percentages because it
5 hasn't been analysed, some of it is below even
6 residential standards. A lot of it is below even
7 residential standards.
8 Roughly -- on the basis of just pure
9 counts of the number of samples which is not -- not very
10 -- very adequate, just on the base of the number of
11 samples, going outside the industrial contamination area

12 about three-quarters (3/4s) of it falls below residential
13 criteria, well below.

14 So it's really a very narrow range of --
15 of samples that -- that fall between the industrial and
16 the -- and the -- the point is that once we remove the
17 highly contaminated areas above industrial, the great
18 bulk of the site will be much cleaner than industrial
19 standards.

20 Bill mentioned earlier that there's going
21 to be ninety-five (95) hectares of tailings that -- which
22 are -- which are going to be completely covered with --
23 with clean soils. Now there's another twenty-seven (27)
24 hectares of -- of this contaminated stuff and, you know,
25 it says a hundred and twenty-two (122) hectares of new

156

1 clean soils brought into the place. That's another 10
2 percent or so of -- of the property.

3 So -- so the picture we -- we have I think
4 is -- has gotten -- we've evidently not communicated this
5 well. I will point out that there are areas of the
6 report that do talk about what we think will be the uses
7 of this site.

8 There will be a central core of the site
9 that will remain industrial; that's where the freeze
10 plant would be. That's where the water treatment plant
11 would be and there will be fences around it.

12 The current roadway will probably be zoned
13 for industrial use just because highways are -- are good
14 for industrial use. The rest of the area we anticipate
15 being open to other uses.

16 Now here's the point I think where our --
17 where our -- where our plan has -- has failed to -- to
18 make the correct impression but it's partly modesty on
19 our part. We don't want to claim that the land will
20 return to its original use because it -- it won't.

21 You know, even if we could clean up all
22 the contamination, people aren't going to feel right
23 going there, at least not for generations. Maybe five
24 hundred (500) years from now, you know, they'll have
25 forgotten the past and -- and some of it and they will

157

1 feel comfortable going back there but we -- we can't --
2 we don't want to claim it'll be back to the way it will
3 be. We don't even want to claim it'll be suitable for
4 residential development or anything else; but that's
5 modesty on our part, okay.

6 We believe that one of the big problems is

7 over promising and what we're committing to do is clean
8 up all of the industrial level soils or have 120 hectares
9 of new soils in the area which we believe will be
10 suitable for all these purposes.

11 And we think it's up to the community to
12 decide what the -- what -- the communities to decide what
13 the appropriate uses for that are.

14 The key point, it's -- it's certainly not
15 our intent that this only be an industrial site forever.
16 That's -- that's absolutely not the intent. Thanks.

17 THE CHAIRPERSON: Thank you for your
18 comments.

19 YKDFN, do you want to add anything to
20 those comments? If not, I would like to move on to the
21 next -- oh sorry, Louie Azzolini.

22 MR. LOUIE AZZOLINI: My name is Louie
23 Azzolini. Thank you for clarifying that. I think it's
24 helpful to -- to get a sense of -- a better sense of the
25 proposed development.

158

1 But if I understand you correctly, you
2 have undertaken work off the lease -- analysis off the
3 lease block but you've chosen only to undertake a
4 development within the lease block.

5 Has a rationale been provided for that in
6 your development description based on the data in your
7 analysis?

8 THE CHAIRPERSON: Developer, Bill
9 Mitchell...?

10 MR. BILL MITCHELL: I understand the
11 question. You're looking for a rationale for why we
12 haven't extended the risk assessment off the lease block
13 or the actual remediation?

14 MR. LOUIE AZZOLINI: Development. The
15 scope of your development.

16 MR. BILL MITCHELL: The scope of the
17 development, okay. Well as -- as Mr. Hockley pointed
18 out, the -- he was talking about the risk assessment. So
19 we have taken a series of different types of data that
20 Mr. Hockley mentioned: terrestrial, water, sediment,
21 animals, fish. And these data have been from a various,
22 different sources. They're not specifically data that we
23 have totally gathered ourselves, although so we -- we
24 have gathered some of them. And so we -- we've used that
25 data to complete the risk assessment for the regional

159

1 area, not just the site.

2 And that essentially had indicated that,
3 you know, we -- we'd had some degree of comfort that once
4 the site is remediation -- or remediated to the -- along
5 the guide -- guidelines that we've presented in the
6 remediation plan, that we will then, essentially, be able
7 to ensure that there are no impacts from the site on
8 people living in the various communities around there.
9 Do you want to add anything? And I think
10 Mr. Hockley would just like to add another response as
11 well. Thank you.
12 THE CHAIRPERSON: Please proceed.
13 MR. DARYL HOCKLEY: Daryl Hockley again.
14 Again, some of the early work on it -- on
15 the site showed us that if we could keep arsenic releases
16 from the site below a certain level, that would be
17 protective of the -- of the communities and all the
18 communities including Dettah, Ndilo and Yellowknife.
19 Initially, it wasn't Giant Mine but the more recent
20 assessments, we've looked at the effects of someone
21 living even at the Giant Mine tailings site, I think.
22 So -- so yeah, the -- I don't think this
23 is really the rationale for -- for why we've defined the
24 scope but it is at least the reason why we have not gone
25 beyond the lease boundary. We believe that the measures

160

1 proposed for the lease boundary will be adequately
2 protective of the region.
3 THE CHAIRPERSON: Thank you, Mr. -- for
4 that information.
5 I guess I want to -- the questions are to
6 the Yellowknives Dene First Nation for the PowerPoint
7 presentation. Is there any further comments from the --
8 from the developer in regards to the presentation of the
9 Yellowknives Dene First Nation?
10 MR. BILL MITCHELL: We have no further
11 comments at this point. Thank you.
12 THE CHAIRPERSON: Okay. I want to --
13 Louie, did you want to comment on that? Okay. Louie
14 Azzolini from Yellowknives Dene First Nation.
15 MR. LOUIE AZZOLINI: Thank you, Mr.
16 Chair, for allowing me the time. I appreciate that there
17 are time constraints.
18 My colleague, Mr. Todd Slack, has handed
19 me a copy of a report that provides soil sample locations
20 in Ndilo with arsenic concentrations in parts per million
21 and it's indicated in red. There are areas with four
22 hundred ninety seven (497) parts per million, five
23 hundred and sixty (560), three hundred and sixty (360).
24 These are effects of this mine.
25 The proponent is suggesting that going

161

1 forward their actions will mitigate ongoing introductions
2 of arsenic into the environment. What the Yellowknives
3 are contending, though, is that there are existing
4 impacts on the environment within Dettah and Ndilo of
5 here specifically with the evidence in Ndilo which exceed
6 the GNWT's residential standards. And the Yellowknives
7 contend that this arsenic is a result of Giant Mine is
8 off the lease block and needs to get addressed. Now
9 there may be other areas as well but the evidence is
10 clear.

11 So then the question that arises is: What
12 does the Review Board do with this evidence and the
13 Yellowknives Dene contend that it needs to get addressed
14 in terms of the expansion of the scope of the development
15 to include areas affected by the mine.

16 And I don't mean to sound antagonistic.
17 It's just when I see the numbers and I'm being told that
18 we shouldn't worry but five hundred and sixty's (560) a
19 bit -- quite a bit above residential standards.

20 Who's going to fix that? This is the only
21 chance that they get to speak to this because after this,
22 the game's over.

23 Thank you very much for your time.

24 THE CHAIRPERSON: Thank you for that
25 comment, Mr. Azzolini. I'm going to ask that we have an

162

1 undertaking to get a copy of your presentation on -- on
2 what you just presented just now by August 15th so that
3 we have it on public registry as well.

4 And I'd like to move on. So as part of
5 the undertaking the -- if you have the report I'd like to
6 have the -- the whole report submitted to us by August
7 15th.

8 MR. LOUIE AZZOLINI: Mr. Chair, it is on
9 your registry.

10 THE CHAIRPERSON: Is it? Okay. Thank
11 you.

12 MR. LOUIE AZZOLINI: Giant Mine registry,
13 my apologies. My -- my colleague --

14 THE CHAIRPERSON: Okay. Well we want it
15 on our registry so by August 15th if you could have that
16 information to us. Okay, moving on. Thank you very
17 much.

18 INAC have no more questions -- sorry,
19 developer has no more questions. I'm going to go the
20 City of Yellowknife for the Yellowknives' presentation.

21 MS. KERRY PENNEY: No questions at this
22 time.

23 THE CHAIRPERSON: Thank you. I'm going
24 to move to Kevin O'Reilly in regards to Yellowknives
25 First Nation presentation.

163

1 MR. KEVIN O'REILLY: Thanks, Mr. Chair.
2 I just have a few brief comments I want to make. I do
3 want to thank Chief Fred Sangris, mahsi, for your
4 presentation. And Rachel and Lily and Todd as well for
5 theirs. I always learn something when I hear these
6 presentations so I -- I'm glad that they were able to
7 participate.
8 I just want to add a couple of comments.
9 I want to reinforce, again I think, the need for the
10 Board and the public to understand what the real effects
11 of this mine have been to make sure that the plan
12 addresses the significant effects. That's why you need
13 to understand what the effects of the mine have been and
14 whether they're on the surface lease or outside,
15 shouldn't make any difference whatsoever.
16 We need to understand what those effects
17 are to make sure that the plan addresses particularly the
18 significant ones.
19 I want to say too that I have been
20 persuaded by the presentation and the discussion about
21 relocation of the road as a method of mitigation. I
22 can't believe that we actually have a highway through one
23 of the most contaminated sites in Canada. It just
24 doesn't seem to make much sense.
25 So as a method of mitigation to control

164

1 access to the site to make sure people don't go near the
2 thermosiphons, they're not near the open pits, to reduce
3 the liability of the developers that people aren't in
4 there doing things that they shouldn't be doing. They
5 should be looking at moving the road, moving the highway
6 out of there; that's a -- a form of mitigation that needs
7 to be considered.
8 So I've -- I've been persuaded that the
9 scope of this -- of the development should include moving
10 the road, and not just the stuff on the claims block but
11 right outside of it as a -- as a method of mitigation to
12 control access. Thank you.
13 THE CHAIRPERSON: Thank you, Mr.
14 O'Reilly.
15 At this point because due to the time, I
16 appreciate comments that are raised but I'm going to
17 stick that from now on we want to take questions. And

18 I'd like to move on.
19 Kevin, is there any further questions to
20 the presentation?
21 MR. KEVIN O'REILLY: No, thank you.
22 THE CHAIRPERSON: Very good. Thank you.
23 Moving on to the North Slave Metis
24 Alliance, questions for the Yellowknives Dene First
25 Nation?

165

1 MS. CHERYL GRIEVE: No questions, thank
2 you.
3 THE CHAIRPERSON: Thank you. Staff of
4 Mackenzie Valley Impact Review Board, any questions?
5 MR. JOHN DONIHEE: We have no questions,
6 Mr. Chairman.
7 THE CHAIRPERSON: Thank you. Moving on
8 to my far left, questions for Yellowknives Dene First
9 Nation, Board Member Danny Bayha...? Please proceed.
10 MR. DANNY BAYHA: Thank you. Thank you,
11 Chief Sangris for the presentation. And for the
12 presenters, Rachel and Todd and Louie, appreciate that.
13 The question I have, earlier you mentioned
14 that there wasn't very much meaningful involvement for
15 yourselves in the development of the remediation plan.
16 Could you maybe give us a bit -- a reason why that was in
17 your -- in your mind that was the case? Thank you.
18 THE CHAIRPERSON: Yellowknives Dene First
19 Nation...?
20 MR. LOUIE AZZOLINI: Thank you, Mr.
21 Bayha, for the question. For the most part, actually
22 completely, it has either been a multi stakeholder
23 process or it has been the provision of information, not
24 consultation.
25 The team from DIAND has made an effort and

166

1 we certainly cannot dispute that. But principally, the
2 plan's development was through a multi-stakeholder
3 process. And once the plan was developed, information
4 was disseminated to the Yellowknives Dene.
5 And, I mean, a part of it comes down to
6 simple capacity and ability to respond to many ongoing
7 and concurrent issues. Essentially what the Yellowknives
8 would like is an opportunity where they can see how their
9 voice has been received in the reclamation plan and how
10 it is -- how it has affected the decisions made, where
11 accepted, documented, where not accepted, rationale.
12 Transparency.

13 Thank you. I hope that answers your
14 question.
15 THE CHAIRPERSON: For the record, that
16 was Louie Azzolini with the Yellowknives Dene First
17 Nation.
18 Board Member Danny Bayha, any further
19 comments, questions? None? Thank you.
20 Moving to your right, Board Member Nora
21 Doig?
22 MS. NORA DOIG: Thank you. I have no
23 questions at this time.
24 THE CHAIRPERSON: Thank you. Moving to
25 Vice Chair John Stevenson?

167

1 MR. JOHN STEVENSON: No questions. Thank
2 you very much.
3 THE CHAIRPERSON: Moving to my right,
4 Board Member John Ondrack?
5 MR. JOHN ONDRACK: No questions. Thank
6 you.
7 THE CHAIRPERSON: Moving to his right,
8 Board Member Jerry Loomis?
9 MR. JERRY LOOMIS: No questions, Mr.
10 Chair.
11 THE CHAIRPERSON: Moving to his right,
12 Fred Koe?
13 MR. FRED KOE: Mahsi, no questions.
14 THE CHAIRPERSON: Thank you. Okay, we're
15 going to take a ten (10) minute break and we're going to
16 take a -- then we're going to go into the North Slave
17 Metis Alliance presentation.
18 And I'd like to thank the Yellowknives
19 Dene First Nation for your presentation, and Chief
20 Sangris for coming up and doing a brief presentation.
21 We'll take a ten (10) minute break and
22 then we'll go back. Thank you.
23
24 --- Upon recessing at 4:16 p.m.
25 --- Upon resuming at 4:30 p.m.

168

1 THE CHAIRPERSON: Can I ask everybody to
2 come back to the table? I think we have everybody back
3 to the table. I'd like to go into the final presenters
4 of the -- of the day and I have as North Slave Metis on
5 the list.
6 And I just want to let people know that we
7 have a time limit here, so, I appreciate that we can move

8 forward in this presentation and look at what's relevant.
9 Thank you.

10 Can we go ahead and start your
11 presentation?

12
13 (BRIEF PAUSE)

14
15 THE CHAIRPERSON: Okay. The North Slave
16 Metis is going to be doing a presentation here but you
17 could start off by your name and so we can move into the
18 presentation.

19
20 PRESENTATION BY NORTH SLAVE METIS ALLIANCE:

21 MS. SHERYL GRIEVE: My name is Sheryl
22 Grieve. I'm the manager of the Environment and Resource
23 Department for the North Slave Metis Alliance and I'm
24 here to give you a very rapidly put together
25 presentation.

169

1 I just don't know how to work the
2 projector very well with this presentation.

3
4 (BRIEF PAUSE)

5
6 MS. SHERYL GRIEVE: First of all, I
7 wanted to let people know who I'm here representing. The
8 Metis people originated as a result of genetic and
9 cultural hybridisation between various European and
10 American Native populations - primarily the French and
11 Cree. And this hybridisation began during the period of
12 exploration and the birth of intercontinental trade
13 between the European and American continents in the 15th
14 and 16th centuries.

15 This map shows the routes of known
16 explorers with the dates and I won't go into a lot of the
17 detail. But suffice it to say that the Metis spread
18 across this area and we're not exactly sure when it first
19 began but it may have been as early as the 1500s and for
20 sure by the 1700s.

21 We know that in 1771 and '72 when Samuel
22 Hearne and Matonaby (phonetic) journeyed through the
23 Great Slave Lake area that they were doing it to restore
24 trade that had been previously interrupted. So that
25 helps to set the time period of when trade began.

170

1 And the interruption of the trade came
2 about when the Cree obtained firearms and the Chipewyan

3 who were previously trading with the forts around the
4 Great -- around Hudson's Bay area were afraid to approach
5 the forts because the -- the Cree were armed and they
6 were not.

7 Further evidence of Metis and habitation
8 of the Great Slave Lake and whole Mackenzie basin, in
9 fact, comes from a map that was made in 1785 from the
10 journals of Philip Turner and -- the map was produced by
11 Aaron Arrowsmith but they were made from the journals of
12 Philip Turner.

13 And it shows Canadian settlements and
14 Canadian houses on Great Slave Lake in the late 17th
15 century.

16 I think -- yeah, most -- this in --
17 there's a lot more information in my presentation than
18 what I'll read now, just for lack of time, and I've been
19 told by the Board that it is on the public registry, and
20 that people will have access to it, and can read it.

21 And I'd like to encourage you to read it
22 because one (1) of -- one (1) of the large concerns for
23 the Metis people is the way that they're left out all the
24 time of historic records, and ignored, even in spite of
25 their very important contributions.

171

1 This slide shows five (5) generations of
2 Francois Beaulieu's family in the Mackenzie District
3 before Treaty 11. If you look at the list of Metis
4 families on the right margin, you'll recognize a lot of
5 these names still fill the phone books of the north, and
6 the Red River area. Manitoba and, in fact, all across
7 Canada from Montreal to Inuvik to Vancouver.

8 This -- this slide is a record of
9 Franklin's trip, I believe, in 18 -- 1819. And if you
10 read the documentation of the Franklin expedition, both
11 of them, the -- the earliest -- the earlier one (1) and
12 the later one (1), you will recognize the importance of
13 Metis to the exploration of this region, and how many
14 Metis people died ensuring that Franklin made it home
15 safely on his first trip.

16 This is a photograph showing a gathering
17 of Metis at Fort Rae. You -- some of you may even
18 remember these people. You may be related to them.

19 In 1920, Treaty Commissioner Conroy wrote
20 a research paper to the government of Canada about the
21 possibility of making a treaty in the area north of Great
22 Slave Lake and the Mackenzie River, and a lot of their
23 interest was based on the discovery of oil in Norman
24 Wells. That would be Treaty 11.

25 And he estimated that there were seventy-

1 five (75) Metis families who might be convinced to take
2 treaty, and another fifteen (15) old, respected, and even
3 historic Metis families would probably expect script.

4 Also something that's not mentioned
5 frequently, but which is easy to find if you look, at
6 least three (3) of the seven (7) chiefs were counsellors
7 who did take treaty, along with Tlicho Chief Monfwi, or
8 Morphy (phonetic), at Fort Rae on the 22nd of August,
9 1921 were Metis.

10 Their names were Joseph -- Joseph Beaulieu
11 of Lac La Martre, Old Man Germain of the Barren Land,
12 Troy Borband (phonetic), also known as the Det -- I'm not
13 sure how to pronounce, Detchilaotte, and also called
14 Snare Lake Band, and Susie, the old profit. Susie
15 Beaulieu was from Yellowknife.

16 So in 1921 at the time of Treaty 11,
17 Yellowknife existed, and Susie, a Metis, was the chief.

18 There were a number of promises made to
19 the treaty signatories, and met -- the promises were not
20 all kept, and the fact that Giant Mine was built the way
21 it was built is a breach of treaty promises. Because of
22 a lot of -- there -- some of the treaty promises were
23 that the signatories to Treaty 11 would be protected from
24 white competition in their traditional way of life,
25 including but not exclusively, hunting, trapping, and

1 fishing.

2 And there was a lot of complaining,
3 because during the 1920s there -- the prices of fur were
4 very high, and a lot of non-native trappers came to the
5 area.

6 As a result, the Yellowknife Game Preserve
7 was established in 1923, 70,000 square miles. You may
8 recognize that's Great Slave and Great Bear lake, the two
9 (2) -- the two (2) large lakes, and that's a pretty
10 generously sized game preserve.

11 And at this time, as you probably all
12 know, there was no elected government in the Northwest
13 Territories. It was administered from Ottawa.

14 These two (2) prospectors are Frank Smith
15 and Jonas Lafferty. I'm not -- I'm not sure of the date
16 of the photograph, only because I didn't really have time
17 to look into it.

18 Contrary to popular media, which
19 unfortunately is still heavily influenced by British
20 colonialism, and as stated in the developer's description
21 of the pre-existing environment, Giant was not the first
22 commercial NWT mine, gold at Giant was not discovered by
23 independent prospectors, and Yellowknife was not

24 uninhabited when gold was discovered at Giant.
25 In fact, Francois Beaulieu was the owner

174

1 and operator of the first large-scale commercial mine in
2 the NWT for the duration of the fur trade era, including
3 the Northwest Company and the Hudson's Bay Company
4 periods. He held the monopoly on salt throughout the
5 Mackenzie district.

6 Throughout the fur trade period, which was
7 before the development of refrigeration, salt was an
8 essential commodity used to preserve food. In order to
9 trade in the region, the Hudson's Bay Company was
10 required to purchase all of its salt from Beaulieu's mine
11 at Salt River, which is between Fort Smith and Fort
12 Resolution.

13 And as mentioned on the previous slide,
14 there was a settlement called Yellowknife in 1921.

15 The political realities of governance in
16 the NWT, including the land claim situation, needs to be
17 considered in establishing baseline conditions for this
18 environmental assessment.

19 Social equity is important. And in fact,
20 it is the primary objective of the Mackenzie Valley Land
21 and Water Board, as well as the Mackenzie Valley
22 Environmental Review Board. And it's -- there's a little
23 -- there's -- in my more lengthy presentation on the
24 public record, the actual clips of the legislation are
25 included.

175

1 The NSMA is not in the same socioeconomic
2 or cultural condition as other Aboriginal groups affected
3 by this mine. The Metis do pay taxes. They do not
4 receive Indian Act benefits. They do not receive
5 resource royalties. And they do not have a settled land
6 claim or even a formal process to achieve a land claim.

7 The funding available to participate in
8 environmental assessments, as well as many other
9 important and competing processes, is severely limited,
10 not only in cash, but also in time and coordination.

11 If you're not already familiar with the
12 North Slave Metis Alliance and the -- the history of its
13 political development and its purposes, mandate, bylaws,
14 and all such, we do have a website. And you can read
15 this presentation in more detail below here and contact
16 us if you have questions.

17 Now, we all know the requirements of the
18 Mackenzie Valley Resource Management Act with regards to

19 environmental assessment.
20 Just to ensure -- it's our interest in
21 making sure that these three (3) goals are fulfilled: to
22 protect the social, cultural, and economic well-being of
23 the NSMA, as well as everyone else; ensure that the
24 concerns of Aboriginal people are taken into account,
25 including us; and to ensure that the impact of the -- on

176

1 the environment receives careful consideration, including
2 the socioeconomic and cultural environment.

3 The Mackenzie Valley Resource Management
4 Act requires an environmental assessment of social,
5 cultural, and economic impacts, as well as biophysical.
6 The remediation plan does not deal with social, economic,
7 or cultural monitoring, or remediation at all, not even
8 health monitoring.

9 The Giant Mine remediation plan does not
10 even mention Metis, and the Metis have not been consulted
11 in its preparation. The Giant Mine Community Alliance
12 does not even attempt to conduct Crown consultation, and
13 attendance of an -- of an NSMA representative is not
14 resourced and is also sporadic and ineffective.

15 We feel that the treatment received by the
16 Metis so far in this planning process is completely
17 unjust and inequitable. According to the text and the
18 intention of the Canadian Constitution and the Charter of
19 Rights and Freedoms, the rights of Metis are equal to the
20 rights of other First Nations, including the Inuit and
21 Dene. However, in practice, Metis rights do not receive
22 equitable treatment.

23 The Michif language is spoken by Metis
24 throughout North America. However, the number of Metis
25 speakers is declining fast. Recent statistics indicate

177

1 there are only about six hundred (600) people in Canada
2 who still speak Michif.

3 Because the NSMA only has about six (6)
4 members who still speak Michif fluently, because Michif
5 is not recognized as an official language in the NWT --
6 even though eleven (11) other Aboriginal languages are --
7 there are no programs of support to help keep the
8 language alive.

9 Metis rights were recognized in Canada's
10 Constitution in 1982, and the North Slave Metis were
11 promised a regional land claim process in 1990. Every
12 other Aboriginal group in the NWT has some kind of land
13 claim process and some kind of support from government to

14 deliver social, cultural, and environmental programs.
15 The North Salve Metis are still waiting for Canada to
16 begin a discussion with us to settle our outstanding
17 comprehensive claims.

18 Not only were Metis parents required to
19 send their children to residential schools, like the --
20 like the First Nation people had to, but we were required
21 to pay for that. Education above grade 8 was not
22 available at the residential schools, and this helped to
23 prevent us from taking advantage of economic
24 opportunities that otherwise would have been useful.

25 Even though the Metis founded just about

178

1 every permanent community in the NWT, every one of those
2 communities have now been either appropriated by
3 immigrant White settlers or migrant workers or
4 transferred by the Canadian government to other First
5 Nations.

6 Indian Act benefits support Dene
7 governments, housing projects, services, employment,
8 health care, education, and other benefits, while
9 excluding the Metis.

10 Discrimination against the Metis is
11 rampant, and assimilationist policies are still exerting
12 pressure culturally, socially, and economically, from
13 both the Dene and the White cultures, for Metis people to
14 disown their true identity and assimilate into a dominate
15 culture group.

16 The North Salve Metis have no
17 representation on the Mackenzie Valley Environmental
18 Review Board, the Land and Water Board, the Wek'eezhii
19 Land and Water Board, or the Wek'eezhii Renewable
20 Resource Board, and received completely inadequate
21 funding to participate in the review of regulatory
22 approvals or environmental assessments or to participate
23 in policy consultations and capacity building.

24 The NSMA is very concerned about
25 ecological impacts and mitigation, of course. We, too,

179

1 have been here for hundreds of years and have no plans to
2 go anywhere else. We have nowhere else to go. But our
3 concern for socioeconomic and cultural impacts are even
4 greater, due to our desperate situation.

5 The purposes of social impact assessment
6 are to predict how proposed actions may affect
7 individuals, groups, and communities; design mitigation
8 measures capable of protecting vulnerable groups,

9 individuals, and communities; monitor and manage social
10 impact mitigation measures; and contribute to improved
11 practice of socioeconomic effect assessment -- impact
12 assessment.

13 All of the above serve the greater purpose
14 of achievement of social development, generally accepted
15 to include protection of basic human rights such as
16 freedom, democracy, equality, justice, security, and
17 respect for property rights.

18 If a socioeconomic impact assessment of
19 this mine is done, I think it will become clear that the
20 Metis property rights, justice, and equality have not
21 been respected. And this is very significant.

22 I'm not sure if I missed a slide here.

23 We're just at the first stage of a social
24 impact assessment, scoping. The temporal -- the temporal
25 scope should include from before the project to the end

180

1 of the project. And by "the project," I mean the mine,
2 because the closure of a mine is still part of the mine
3 project. It -- it's not a new project starting now. It
4 started in 1935 or before then.

5 And we do -- we do expect every step of
6 the socioeconomic assessment to be conducted. For in the
7 scope of a socioeconomic impact assessment, it's partic -
8 - of particular interest to the Metis to see a thorough,
9 competent, and professionally done, well funded
10 assessment of whether the Metis have equality of access
11 to participate in the review. This is a process issue.

12 We would like equal respect for our
13 traditional knowledge. We want unresolved property
14 issues dealt with; maybe not solved, but at least
15 described and the impacts assessed. We want a thorough
16 description of how the economic benefits have been
17 allocated to date and how they're going to be. We'd like
18 a cumulative assessment of demographic and sociopolitical
19 change. We'd like to see an assessment of the current
20 regulatory environment and its ability to manage
21 socioeconomic, cultural effects.

22 And we want to see a discussion -- not --
23 not a paragraph, but a thorough, properly done discussion
24 -- of the impacts of resource depletion in the absence of
25 recognition of legitimate, legal property rights, which

181

1 are recognized by the Canadian Constitution but not by
2 this remediation plan.

3 The socioeconomic impact assessment should

4 be broken down by community, if not to sub-components of
5 community. We do not want to see a socioeconomic impact
6 that lumps all Aboriginal people or all Northerners into
7 one (1) group. We need a recognition of the differences
8 between the subgroups, their -- their differences in
9 vulnerabilities, resiliency, strengths, and weaknesses.

10 And we'd like to see a multiple accounts
11 analysis that does not just add everything up to one (1)
12 total in dollars or milligrams per litre or something
13 like that. But we'd like to compare social benefits to
14 cultural benefits, to economic benefits, and so on, to
15 ecological benefits.

16 We agree with Mr. O'Reilly and the
17 Yellowknives that the alternatives for managing this
18 hazardous waste site need to be ana -- assessed
19 thoroughly and not with a closed mind.

20 Perhaps out of ignorance, but also out of
21 hope, there's got to be a better way than to leave it
22 there, hanging over our heads, for the next hundred (100)
23 generations or more. I don't even know.

24 And the proposed alternatives need to
25 create an equitable final balance economically, including

182

1 housing, employment, business opportunities, resource
2 royalties, taxation, inflation, health care costs, et
3 cetera; and culturally, including language, politics,
4 education, social status, identity, community
5 cohesiveness, family and community wellness, and so on.
6 There's -- there's no discussion of that in this closure
7 plan, and it needs to be discussed and assessed.

8 As a result of the development of Giant
9 Mine, the Metis were, first of all, required to crowd
10 closer into town, because schooling was offered
11 forcefully to their children. And they moved in from
12 several outlying settlements around Yellowknife River,
13 Prosperous (phonetic), Duck Lake, Trapper Lake, Cas --
14 there's quite a few historic Metis settlements in the
15 area. I must admit, my knowledge of them is less in-
16 depth than I would like.

17 But after they got closer into town and
18 put their children in school and built their homes, then
19 they were displaced from their homes in order to make
20 room for government housing, mine employee housing,
21 schoolteacher housing.

22 They didn't have money to survey their
23 lots, and they weren't able to obtain bank loans to -- to
24 finance improvements to their property without a survey.
25 And then their houses were condemned, and they were

183

1 forced to move away from their homes.

2 In one case, a dump was placed besides a
3 Metis settlement and burnt day and night with explos --
4 explosions going on. And the smell scare -- or
5 eventually causing people to leave. As soon as the Metis
6 community moved, then the dump was moved.

7 You can find more information about this
8 in the document that's been already placed on the Diavik
9 environmental assessment site. There's a document called
10 "Can't Live Without Work," published by the North Slave
11 Metis Alliance.

12 So instead of owning all the prime real
13 estate around Yellowknife, the Metis now have no
14 community anywhere, and they're all disbursed into the
15 market, paying market rent for artificially inflated real
16 estate.

17 For those who don't wish to work in the
18 mining industry, it's a very expensive situation to try
19 to remain in Yellowknife.

20 I might also mention that during the whole
21 period when Giant Mine was being developed, Metis and
22 Dene were not permitted to vote, so that when the -- when
23 the growth of Yellowknife occurred and all the non-
24 Aboriginal people arrived, they were allowed to vote, and
25 they made the decisions about how Yellowknife would be

184

1 developed. And even though they were in the majority at
2 first, the Native inhabitants had no say politically.

3 And as I've mentioned before the
4 Yellowknife Game Preserve, which was supposed to be
5 reserved for treaty Indian and Metis for their exclusive
6 use for hunting, trapping, and other harvesting, was
7 abolished in 1955 due to pressure from immigrants who
8 wanted also to have their hunting and trapping and
9 fishing rights.

10 In fact, Yellowknife -- or the Northwest
11 Territories didn't have home rule self-government until
12 1975. I don't know how many people realize that.

13 So most of the -- most, if not all, of the
14 benefits of Giant Mine went south, except perhaps for
15 some -- some small amount that was left here to build
16 some infrastructure. There was no employment or training
17 programs for Aboriginal people. And many people tell me
18 that there was active discrimination against hiring
19 Aboriginal people and that in order to get a job at Giant
20 Mine, you -- you pretty much had to be willing to shovel
21 dirt or deliver newspapers or something like that. There
22 was no good jobs provided for Aboriginals.

23 I'm not even going to try to discuss any
24 of the envir -- biophysical concerns. I hope other

25 people will, but I don't have time to address every

185

1 issue. It's a big project, and I have very few hours.

2 The North Slave Metis Alliance was not
3 consulted about its traditional knowledge in the
4 preparation of the remediation plan. We do need
5 resources in order to compile and interpret Metis
6 Traditional knowledge in order to contribute to
7 fulfilment of Section 115.1 of the Mackenzie Valley
8 Resource Management Act.

9 We believe that it's in the interest of
10 all Canadians that the Northwest Territories operates
11 under the rule of law. And we believe that the rule of
12 law requires justice and equitable treatment of all
13 citizens. We don't think this is happening. We don't
14 think it has happened in the past. And we want an
15 assessment of the impact of this inequality, and we want
16 mitigation.

17 In the remediation plan it mentions dollar
18 value of almost 6 million to Northern suppliers. It --
19 it doesn't say that the Metis will get any. And as far
20 as I know, they haven't.

21 What I would like to know is will this
22 assessment ensure that the impact on the Metis social,
23 cultural, and economic environment, as well as the
24 biophysical environment, receives careful consideration?
25 Is this assessment going to ensure that the concerns of

186

1 the indigenous Metis people are taken into account? Is
2 this assessment going to ensure the protection of the
3 social, cultural, and economic well-being of the
4 indigenous North Slave Metis? If so, how and when?

5 The reme -- the remediation plan is
6 dealing with historic damage to fish habitat, historic
7 damage to lands. It's not so much dealing with historic
8 damage to waters and sediments, although I believe it
9 should. But it's definitely not dealing with the
10 historic damage to the Metis socially, culturally, or
11 economically.

12 We think that this damage -- social,
13 economic, and cultural impacts from the past -- should be
14 mitigated and assessed with the same rigour as is -- as
15 are applied to biophysical impacts. Restoration,
16 remediation, and compensation issues need to be
17 addressed.

18 If there have been millions and millions
19 of dollars of resource royalties collected by Canada from

20 the sale of our nonrenewable resources and millions are
21 now to be spent by taxpayers, including us, on restoring
22 the lands in Baker Creek, then what is a fair and
23 comparable amount to spend on rehabilitating a severely
24 damaged and endangered population of human beings, the
25 original residents of Yellowknife and the founders of

187

1 modern civilisation in the NWT?
2 If our society was assessed with the same
3 attention and rigour as an endangered species of
4 wildlife, it is likely that we would be found to be at
5 risk, if not endangered, under the Species at Risk Act.
6 If human cultures were considered equal to sub-
7 populations of wildlife and were provided with the same
8 level of recovery effort that SARA provides, we would
9 probably be better off than the current treatment we
10 receive.
11 More money has been spent to assess and
12 remediate the impact of damaged fish habitat in Baker
13 Creek than has been spent on assessing the various
14 environmental impacts this mine has cause and continues
15 to cause to the North Slave Metis. What would it cost to
16 reestablish a Metis community, even one of them? That
17 should say renew -- Metis pride and identity? Revitalize
18 the Michif language?
19 The North Slave Metis care deeply about
20 the fish, wildlife, and vegetation affected by the mine.
21 But our concerns about the biophysical environment are
22 almost completely eclipsed by our concerns about our own
23 continued survival. Discrimination intended to eradicate
24 us continues, despite policy statements to the contrary.
25 The NSMA has not been consulted on the

188

1 purpose of this development; certainly, not adequately
2 consulted. And by that I mean, is it a remediation, a
3 restoration, or a reclamation effort, and to what
4 standards? Nobody has asked us. We have not been funded
5 to participate in this assessment. And due to the size
6 and complexity of the file, we've -- we have been unable
7 to participate effectively.
8 It appears the decision to remediate, as
9 opposed to reclaim or restore, was -- has been made
10 primarily on financial concerns, without -- without
11 incorporating a full cost benefit assessment of the whole
12 mining project and all the environmental impacts, not
13 just the biophysical ones.
14 Alternative means of carrying out the

15 project have not been fully explored, not to our
16 knowledge, anyway. And I think it is essential that we
17 agree that this exploration of alternatives has been done
18 properly, because we are the ones, along with the Dene,
19 who will suffer the consequences if it's not the best
20 choice.

21 There will be a need for followup
22 programs, because this -- this mine -- the effect -- the
23 impacts from this mine will never be removed. There's
24 always going to be a need for a followup program. We
25 need to discuss these and the mitigation measures.

189

1 The current regulatory environment is not
2 capable of dealing with socioeconomic impact mitigation
3 or even monitoring, and the proponent has not even
4 considered it, to date.

5 The NSMA considers the damage done to its
6 socioeconomic, political, cultural and social environment
7 to be the largest impact of this mine. For all these
8 reasons, the NSMA feels that an environmental impact
9 review is required and justified.

10 There are ethical guidelines for
11 conducting research and when baseline studies and
12 environmental impact statements are done, ethical
13 guidelines should be followed and doing the research.
14 This means that the affected communities are involved and
15 it also means that the rights of aboriginal peoples, as a
16 community, their communal rights are addressed not just
17 the accumulated individual rights of individuals.

18 Different communities have different
19 abilities to recover from and experience impacts
20 differently. The -- the North Slave Metis experienced
21 impacts differently than the Dene do and should be
22 assessed separately.

23 Research is needed to identify ways to
24 restore Metis society to its pre-mining status. The
25 Metis used to run this place. The fur -- the fur trade

190

1 was their way of life and they were -- they were
2 important founders of civilization in this region.

3 Canada has a duty to consult with the NSMA
4 about this closure plan for this mine but nothing has
5 happened yet. We do not have the capacity to conduct a
6 thorough review of this project with our current
7 resources. But to come -- to close this mine down
8 without addressing the past damage to culture, heritage
9 and sociopolitical rights and socioeconomic status and

10 without any attempt to repair it, would be equivalent to
11 leaving Baker Creek and the tailing ponds the way they
12 are.

13 Continued lack of reconciliation, equity
14 and justice would constitute continued impacts of
15 accumulative nature and contribute to cumulative damage
16 to Metis identity and rights.

17 So that -- that's the end of my
18 presentation and I would like to apologize for the
19 obvious lack of preparation time that I had in making it.

20 THE CHAIRPERSON: Thank you very much for
21 that presentation.

22

23 (BRIEF PAUSE)

24

25 THE CHAIRPERSON: Thank you. I am going

191

1 to go into the list of people -- list I have here for
2 people that might want to question your presentation. I
3 want to start off with the developer, Mr. Bill Mitchell.

4 MR. BILL MITCHELL: Thank you, Mr. Chair.
5 We have no questions.

6 THE CHAIRPERSON: Thank you, Mr.
7 Mitchell. Moving on to the City of Yellowknife.

8 MS. KERRY PENNEY: No questions at this
9 time.

10 THE CHAIRPERSON: Thank you. I am going
11 to go to Mr. Kevin O'Reilly.

12 MR. KEVIN O'REILLY: No questions. Thank
13 you.

14 THE CHAIRPERSON: Thank you, Mr.
15 O'Reilly. I am going to go to the Yellowknives Dene
16 First Nation, Louie Azzolini.

17 MR. LOUIE AZZOLINI: Thank you, Mr.
18 Chair. No questions.

19 THE CHAIRPERSON: Thank you very much,
20 Mr. Azzolini. I want to go to member of the public. Any
21 questions from the public? None.

22 I want to go to the MVEIRB staff, Mr. John
23 Donihee. Any questions?

24 MR. JOHN DONIHEE: I don't have any
25 questions, Mr. Chairman. Thank you.

192

1 THE CHAIRPERSON: Thank you. I am going
2 to go my far left, Board member, Mr. Danny Bayha...?

3 MR. DANNY BAYHA: No questions, thank
4 you.

5 THE CHAIRPERSON: Thank you, Mr. Bayha. I
6 want to go to Board Member, Nora Doig...?
7 MS. NORA DOIG: No questions, thank you.
8 THE CHAIRPERSON: Thank you. I want to go
9 to my Vice Chair, John Stevenson, Board Member...?
10 MR. JOHN STEVENSON: No questions and
11 thank you, Sheryl.
12 THE CHAIRPERSON: Moving to my right is
13 Board Member, John Ondrack...?
14 MR. JOHN ONDRACK: Yes, thank you,
15 Sheryl, and no, I have no questions at this time.
16 THE CHAIRPERSON: Going to John's right
17 is Board Member, Jerry Loomis...?
18 MR. JERRY LOOMIS: Thank you, Mr. Chair.
19 No questions at this time.
20 THE CHAIRPERSON: Thank you, Mr. Loomis.
21 I want to go to your right Board Member, Fred Koe...?
22 MR. FRED KOE: Mahsi, no questions also.
23 THE CHAIRPERSON: Very good. Thank you,
24 Sheryl, for your presentation and I appreciate your --
25 your patience and time.

193

1 I want to move on to the next part of the
2 agenda. I have here is the -- is there any presentation
3 by a member of the public in regards to the scoping
4 hearing with Giant Mine remediation project? Sorry.
5 MR. LOUIE AZZOLINI: A question, Mr.
6 Chair. When you say "a presentation," is the public
7 component where individuals from the public can speak?
8 THE CHAIRPERSON: Yes. And if they have
9 a presentation that they could do as well.
10 MR. LOUIE AZZOLINI: Thank you.
11 THE CHAIRPERSON: Okay. Thank you, Mr.
12 Louie. I had a gentleman behind me. Please state your
13 name for the record.
14 MR. BRUCE MACLEAN: Bruce MacLean
15 (phonetic). Mr. Chair, I worked at Con Mine back in the
16 late 80's where we -- we leached arsenic out of the mud
17 and we -- we filtered it and we dried it, packaged it and
18 sold it to the United States.
19 And most of that equipment is still at Con
20 Mine and in the 1990s we built an autoclave and we
21 converted the arsenic trioxide to ferric arsenic and all
22 that equipment is still at Con Mine too and it could be
23 used for the trioxide at Giant.
24 THE CHAIRPERSON: Is that your question?
25 MR. BRUCE MACLEAN: A statement.

194

1 THE CHAIRPERSON: Statement? Very good.
2 Thank you.

3 Is there any further comments from the
4 public? Okay, sir, I have behind me, can you state your
5 name for the record?

6 MR. GARY VAILLANCOURT: Mr. Chairman, my
7 name is Gary Vaillancourt. I put together a presentation
8 last night and a list of thirty-seven (37) questions
9 which we will not try and address. I would like to read
10 just the opening page possibly and then just -- if that's
11 all right.

12 Do you have enough time for that?

13 THE CHAIRPERSON: Please proceed.

14

15 PRESENTATION BY PRIVATE CITIZEN MR. GARY VAILLANCOURT:

16 MR. GARY VAILLANCOURT: Thank you, Mr.
17 Chairman. I'd like to thank the Board for accepting this
18 submission on short notice.

19 I would begin by stating that my comments
20 are based on a two-part premise. The first premise is
21 that a complete remediation at the Giant Mine site, in my
22 mind at least requires "a permanent solution" in
23 quotation marks to the arsenic problem underground, as
24 well as other areas in and outside of the lease area
25 proper. It's my opinion that the public at large feels

195

1 the same way.

2 Secondly, that the stated fact that a
3 permanent solution is technically or financially
4 impossible is incorrect.

5 On the first point the concept of
6 permanency would require a solution that seeks to
7 eliminate care and maintenance in perpetuity. It all
8 requires -- it also requires that the philosophy of the
9 remediation plan be changed. The focus on how to achieve
10 a permanent solution and not what is "economically and
11 technically feasible," again, in quotation marks is the
12 main criteria.

13 Often when the public instinctively and
14 very correctly feel that the right way to proceed -- what
15 is the right way to proceed, this is sidelined by panels
16 of experts expounding the status quo with armies of
17 engineers and accountants for credibility. And this
18 places a huge burden on an independent review process by
19 people like myself and other groups. Ultimately the
20 taxpayer's paying for this project and the taxpayer
21 should get what they want.

22 Based on the comments that I have heard
23 over the course of the hearing, plus my own and other's
24 opinions, I would conclude that the anxiety and concern
25 that Ms. Little spoke to, and the fact that these

1 Hearings are being held again, suggests that the general
2 public is very concerned about the developer's claim that
3 this is, in fact, the best option, and rejects -- rejects
4 this view. They suspect that better options exist, or
5 will be developed, and feel it unwise to commit to the
6 frozen block strategy.

7 I would suggest that at this point, that
8 if the public's desire for a better solution is initially
9 more costly than the present cost deferred plan managed
10 over perpetuity, yet it ultimately creates a permanent
11 ecologically stable environment for perpetuity, then it
12 appears that this would be a very wise investment.

13 Transgenerational transfer of liability to
14 the future is extremely unwise, unjust, and ultimately
15 usually costs way more than it ever would have if it was
16 done right in the first place.

17 On the second point, what has particularly
18 troubled me about this process is it appears that a very
19 small amount of initial information on risk assessment
20 has compounded into a justification for one (1)
21 particular option.

22 The transparency of how this was done,
23 what criteria were actually used to assess the risk, what
24 biases are present in the form of by-the-book techniques,
25 what was rejected as out-of-hand and why, what was missed

1 because of all this, and what effect a new evaluation
2 would have on the risk assessment process have never been
3 transparent, in my opinion.

4 I believe that the current frozen block
5 proposal should be examined for hidden biases and a
6 priori assumptions. I suggest that a good many of these
7 assumptions exist and must be examined as some are key
8 determinants for the entire plan.

9 I'm concerned that major issues such as
10 long term committed funding and guaranteed power supply
11 are not being presented as prime components to the plan.

12 I believe that the developer's claim that
13 safe removal and processing is possible is not correct,
14 and should be closely looked at for incorrect or
15 incomplete assumptions.

16 I would like a process for independent
17 peer review; that, among other things, revisits the
18 reasons for what was rejected, as well as what was
19 finally chosen as the operating plan.

20 To suggest that no known technology exists

21 to handle arsenic trioxide problems when industry
22 routinely handles large amounts of highly toxic material
23 on a daily basis all over the world lacks credibility,
24 and the arguments for this position, and others as well,
25 need to be looked at closely by the Board.

198

1 In conclusion, I believe that it would be
2 wise at this point to consider suspending all further
3 activities towards implementing the frozen block plan
4 until an alternate model is developed that addresses the
5 maintenance and perpetuity situation and all other issues
6 raised thus far.

7 There is also another layer of issues to
8 be examined at the technical level. I can only conclude
9 from what I have heard so far that some issues, biases,
10 and supposition exist in these technical areas as well,
11 and has been key determinants in the final outcome.

12 Thank you for your time and patience.

13 MR. JOHN DONIHEE: Mr. Chairman, it's
14 John Donihee. I wonder if we could get Mr. Vaillancourt
15 to provide a copy of that document to us for the record,
16 please.

17 THE CHAIRPERSON: Thank you, Mr. Donihee.
18 We have received his letter, and it is on -- given to
19 staff for public records, and will probably be made
20 available here to everybody else.

21 Thank you, Mr. Gary Vaillancourt. Thank
22 you very much for your letter, and your comments.

23 I also would like to thank Mr. MacLean for
24 your statement in regards to some equipment left over
25 from the Con Mine where you worked.

199

1 In closing, if there is no more -- sorry,
2 Mr. Azzolini.

3 MR. LOUIE AZZOLINI: Very briefly, Mr. --
4 Mr. Chair. The proponent has indicated previously that
5 they would like to undertake some work at the site, and
6 they would like to do so concurrent to the environmental
7 assessment.

8 The Yellowknives Dene would recommend that
9 the proponents submit a request for a ruling to the
10 Review Board to undertake that position, or that
11 activity, that it provide a rationale for wanting -- for
12 -- for its objectives, and that standard rules of
13 procedure be followed with respect to the request for a
14 ruling. Thank you.

15 THE CHAIRPERSON: Thank you, Mr.

16 Azzolini.

17 The Board will -- will convene after we
18 have done this meeting. We'll be looking at everything
19 on the evidence on file and all your comments and public
20 comments and all the presenters here will be -- will be
21 reviewed once we convene this Board again. So it's duly
22 noted, thank you.

23 Is there any further comments from the
24 public? If not, I want to move on. I'm going to go into
25 the closing part of this Scoping Hearing on Giant Mine

200

1 and I'm going to ask the developer for closing remarks.
2 Mr. Bill Mitchell.

3

4 CLOSING REMARKS BY THE DEVELOPER:

5 MR. BILL MITCHELL: Thank you, Mr. Chair.
6 Bill Mitchell. I appreciate the opportunity to make some
7 closing remarks.

8 As Chief Sangris pointed out in his talk
9 earlier today, it's certainly undeniable that Giant Mine
10 has had many effects on the people of Yellowknife and
11 especially on the Yellowknives Dene people who were here
12 even before there was a town called Yellowknife.

13 It is also clear that some of the arsenic
14 emissions from the mine, especially in the early years,
15 ended up distributed over quite a wide area. So we
16 understand why people are asking that a broader scope
17 geographically be applied to -- to this assessment.
18 However, we have stated previously that we think the
19 scope of the assessment should be based on the plan as
20 proposed and as we have recommended.

21 Having listened to the arguments over the
22 past few days from other parties, we remain convinced
23 that broadening of the scope of assessment in time or
24 space will not necessarily be helpful in proceeding with
25 this plan.

201

1 And I would like to just go back to some
2 of the issues I raised in my presentation. We inherited
3 a site, essentially, back in 1999 with the bankruptcy of
4 Royal Oak Mines that was severely impacted. Its site was
5 decaying infrastructure. We have arsenic chambers
6 underground containing large amounts of arsenic that
7 people have referred to. And we have had issues at that
8 site over the past several years.

9 We've had some quite serious leaks of
10 arsenic solids from some of the chambers. We continue to

11 have water leakage. Over the past few years the -- the
12 effluent from the mine seems to be increasing in arsenic
13 although that has stabilized over the last year.

14 We mentioned the fact that our existing
15 effluent treatment plant, water treatment plant, is an
16 aging facility. We currently are able to protect the
17 environment by using that facility but all this speaks to
18 a need to move ahead.

19 At the moment the site is well taken care
20 of but we have had emergencies both with arsenic leakage,
21 we've had potential emergencies of leakage through inter
22 pits that could have flooded the mine. All of these
23 could have very serious effects.

24 So I guess what I'm saying is that if we
25 broaden the scope of this proposal, both temporarily and

202

1 geographically, that will add to the period of time that
2 this is under assessment. And we continue to apply these
3 Band-Aid solutions, Band-Aid methods out at the site to
4 protect the environment and protect people's health.

5 But really what we're saying is that,
6 ultimately, our interest is to proceed with the plan as
7 presented because I think we've made very strong
8 arguments that while we've heard a lot of doubt about the
9 freezing expressed by various individuals, if we go back
10 to 2003 when we were going through the detailed
11 evaluation of these options in two (2) separate public
12 workshops, the -- the -- most people at the time came to
13 the inclusion that yes, indeed, the frozen block was the
14 best available method to protect the human health and the
15 environment.

16 And in addition, the four (4) Yellowknife
17 MLAs at the time indicated that they supported that
18 method. So it -- it kinda seems that we're -- we're
19 going back in time if we start opening up these options
20 again and I would really caution against doing something
21 like that.

22 So we -- we have put forward a plan that
23 we believe will be an important step towards a better
24 future for all of the local communities. It will deal
25 with the current environment -- environmental issues at

203

1 the site and minimize the risks of future problems. And
2 we think it can be a basis on which all of the effective
3 communities can build a better future for the area.

4 The plan we have put forward is a complex
5 undertaking. We agree that it's a very weighty piece of

6 information. This is because we have conducted so much
7 studies on the site and -- and endeavoured to make this
8 plan as complete as possible.

9 Broadly speaking, there are two (2) themes
10 to our remediation plan: The one (1) is the long-term
11 management of the arsenic trioxide dust. And we have
12 already stated that there is no alternative to some form
13 of long-term management for the arsenic trioxide. There
14 is only a choice as to the method of long-term
15 management. And as I indicated, that choice was subject
16 to a very thorough public review and discussion back in
17 the period between January and May, 2003, and there were
18 over twenty (20) public meetings during these -- during
19 that period, starting and ending with two (2) public
20 workshops.

21 So we believe that your review of that
22 work will come to the same conclusion that the community
23 came to five (5) years ago; that the so-called frozen
24 block -- block option is a proactive method to minimize
25 the risks that the arsenic trioxide poses to this and

204

1 future generations.

2 The -- the second aspect of the proposed
3 remediation plan is the remediation of the surface. The
4 plan proposes -- measures to clean up and bring back to
5 the public use over a hundred (100) hectares of the mine
6 surface including all of the most contaminated surface
7 areas around the roaster complex. It also includes
8 measures to restore Baker Creek throughout the length of
9 the passage through the mine.

10 However, there are a number of issues that
11 we are open to broaden the assessment; some of these
12 include the preferred uses of portions of the site, the
13 interpretation of the soil cleanup guidelines and,
14 certainly, a number of details about monitoring plans and
15 contingency measures. We recognize that there are some
16 aspects of the plan based on input that we received in
17 the past few days that certainly can be improved through
18 the EA process.

19 So in -- in conclusion, I again -- I just
20 -- just thought I'd go back to my concluding comments and
21 my talk. After eight (8) years of extensive detailed
22 study and consultation through various workshops,
23 specific meetings we've had in Yellowknife with the
24 community, also in Ndilo and Dettah, we believe that this
25 proposed remediation plan is a good plan. And I believe

205

1 that it will protect human health. It will certainly
2 improve the environment and we hope that, ultimately, it
3 will meet with the approval of all the appropriate
4 stakeholders.

5 And that concludes my comments, Mr.
6 Chairman. Thank you very much.

7 THE CHAIRPERSON: Thank you, Bill
8 Mitchell. The -- the final comments will be myself and
9 then I'm going to do the closing prayer.

10 This concludes the Mackenzie Valley
11 Environment Impact Review Scoping Hearing for Giant Mine
12 Remediation Project. At this point I'd like to take this
13 opportunity, once again, and thank all the presenters
14 that gave their presentation yesterday and today. And
15 also the people that are from the public that spoke last
16 night and also today as well. Thank you for coming in.
17 All your comments and written notes are going to be
18 placed on our public registry and all the undertakings
19 also are going to be placed on our public registry once
20 received by August 15th.

21 I want to thank all Board Members from my
22 left, Board Member Danny Bayha, Board Member Nora Doig,
23 Board Member John Stevenson, Board Member John Ondrack
24 and Board Member Jerry Loomis and Board Member Fred Koe.

25 I'd also like to thank the Giant Mine

206

1 remediation team, Bill Mitchell, for coming in and doing
2 your presentation. Also I'd like to acknowledge Chief
3 Sangris and the Yellowknives Dene First Nation for coming
4 in and doing your representation.

5 In conclusion, I'd also like to just make
6 a note that if anybody else have questions or written
7 notes that we couldn't get on the -- in today's Hearing
8 and yesterday, I encourage you to put it in writing and
9 submit it to our office for public registry just so that
10 everybody has an opportunity to read your notes.

11 The Review Board will now take what we
12 heard today and yesterday, written submissions into
13 consideration. The Board intends to move the process
14 along in a thorough and expedient manner. Thank you very
15 much for participating in this Hearing. At this time I'm
16 going to ask Chief Fred Sangris to come up and say a
17 prayer but before I do that, I also want to acknowledge
18 the Mackenzie Valley Environment Impact Review Board
19 staff for getting the facility, getting the tea and all
20 the stuff we need here for a meeting, the food.

21 Most importantly, I'd also like to
22 acknowledge our translators even though that some of our
23 Elders are not here, I want to say thank you to our
24 translators for your time and sitting here for the last
25 two (2) days. And Pido Production for coming in and

1 providing equipment and the hotel -- Explorer Hotel for
2 helping facilitate this Hearing.

3 In conclusion, I want to ask Chief Fred
4 Sangris to come to my mic here and say a closing prayer.

5 CHIEF FRED SANGRIS: Thank you everybody.
6 Thank you, Mr. Chairman for allowing me to do a prayer in
7 your very important meetings, gatherings.

8
9 (CLOSING PRAYER)

10
11 --- Upon adjourning at 5:38 p.m.

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13
14 Certified Correct,

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18 _____
19 Sean Coleman

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