



Yellowknives Dene First Nation

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March 26, 2012

Richard Edjericon
Chairperson
Mackenzie Valley Environmental Impact Review Board
Box 938
Yellowknife NT X1A 2N7

Dear Mr. Edjericon:

Re: Giant Mine Mill Conveyor - EA0809-001 (2008)

The Yellowknives Dene First Nation (YKDFN) has reviewed the letter on the Giant Mine Mill Conveyor submitted by Aboriginal Affairs and Northern Development Canada (AANDC) on March 13, 2012. The YKDFN understands that AANDC intend to dismantle the northern-most section of the mill conveyor on the Giant Mine site citing health and safety concerns. AANDC indicated that work was to begin on March 12, 2012 and completed by April 30, 2012.

It is unclear from AANDC's letter as to whether the work has commenced or not, whether the demolition was exempted from a land use permit and water license requirement, or whether the mill conveyor has been scoped out of the Environmental Assessment (EA) by the Mackenzie Valley Environmental Impact Review Board (the Board).

To be clear, the intention of the YKDFN is not to obstruct nor prevent any actual emergency remedial actions. However, the YKDFN have several concerns with this demolition proposal and the implications of this work, and these are outlined below.

1) Permit Exemptions

The mill conveyor is a part of the Giant Mine Remediation EA, which is currently in review. According to the Mackenzie Valley Land Use Regulations, Section 23.1:

If the Board conducts a hearing or requires that further studies or investigations be made under paragraph 22(2)(b) or if the Mackenzie Valley Environmental Impact Review Board is to conduct an environmental assessment in relation to the land use for which a permit application has been received, the period provided for in subsection 22(2) or paragraph 23(b) for the Board to issue a permit does not begin:

- (a) In respect of a hearing or further studies or investigations, until the completion of the hearing or the further studies investigations; or
- (b) **In respect of an environmental assessment, until the completion of the environmental assessment and impact review process under Part 5 of the Act. [emphasis added]**

In other words, for all projects undergoing environmental assessments no permit authorizations can legally be issued until after the environmental assessment process is completed. This legal mechanism ensures that recommendations, mitigation measures and consultation concerns are properly incorporated into permits, and this can only effectively occur once an EA is complete. **Therefore, the YKDFN object to the issuance of any permits and licenses for activities under the scope of the Giant Mine remediation for the reasons outlined above.**

If AANDC has received a permit exemption this raises another concern related to project splitting that is outlined below. If AANDC has received an exemption for this proposed work based on an emergency health and safety clause, then the YKDFN request that signed engineering inspection reports based on actual recent site visits be submitted as evidence. The mill conveyor and roaster complex have been standing on site for over 60 years and it is unclear why there is such immediate danger of collapse, and that the demolition cannot take place after completion of the EA.

For these reasons, the YKDFN also request that signed and stamped engineering reports be submitted to the Board as evidence. These reports should include a structural analysis of the mill conveyor; identification of the critical components at risk of failure; demonstration that all other alternative mitigative measures such as fencing and other temporary measures have been assessed; and reasons provided why these measures are unable to be implemented.

2) Demolition Mitigation Measures

The YKDFN is also concerned that the mitigations for the demolition do not include dust suppression, which typically involve the use of large amounts of water. According to page 5-67 of the Giant Mine Remediation DAR:

All surfaces within the mill buildings and the TRP are coated with dust containing arsenic and cyanide. The 2002 survey identified approximately 700 tonnes of process residues containing greater than 10,000 mg/kg of arsenic, and likely to contain high levels of soluble arsenic.

It is unclear from AANDC's letter how contaminated dust will be managed and mitigated during this demolition, and is a major concern as dust may be released to surrounding regions possibly affecting human health and the environment. Therefore, the YKDFN also request that AANDC clarify methods of dust suppression and clarify why a water license is not required for this work.

3) Project Splitting

The YKDFN has major concerns that AANDC is progressively exempting portions of the remediation project from the scope of the EA. In addition to the work on JoJo Lake tailings, and the mill conveyor, the YKDFN is also aware that AANDC may intend to submit additional proposals to conduct further “emergency remedial” measures related to crown pillar stabilization and geotechnical work later this year prior to the completion of the environmental assessment (EA).

This is a common tactic used by proponents called “project splitting” and occurs when complex projects are split into smaller components so that the overall impact of the project is not assessed as a whole giving the impression that impacts are not as extensive. Project splitting creates confusion, allows portions of the development to proceed without a comprehensive environmental review, and causes aspects of the project that are continually scoped out of the EA to not be subject to mitigation measures and input obtained from the EA process.

As such, the YKDFN request that the Board exercise its jurisdiction over the EA, and to not allow further adjustment to the scope of development already under review, and to not allow additional portions of the remediation project to be exempted from the EA.

If you have any further questions please contact Terri Bugg, Community Liaison and Technical Advisor at (867) 766-3496 or tbugg@ykdene.com

Sincerely,



Chief Edward Sangris
Yellowknives Dene First Nation (Dettah)



Chief Ted Tsetta
Yellowknives Dene First Nation (N'Dilo)