

Giant Mine Remediation Project: Environmental Assessment Theory and Practice

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This presentation consists largely of individual observations. Any connection to or dissonance with Department of Justice or other Government views is more or less coincidental.

Land Administration

- Giant Mine opened under federal lands administration (1940s)
- Lands (“surface”) transferred to Government of the Northwest Territories; administration and control of mines and minerals reserved to Canada (1970)
- Insolvency of Royal Oak (1999); Court orders assets to Canada
- Canada makes a deal with Miramar Mining to take on care and maintenance — lasts 4-5 years
- Canada and GNWT sign a cooperation agreement in 2005

“In theory there is no difference between theory and practice. In practice there is.”

–attribution contested

The Road to EA

- Co-proponents applied for a water licence
- Land & Water Board preliminary screening concluded there was no risk of significant adverse impacts of the project, and would have moved to licensing without EA — February 21, 2008
- City of Yellowknife had the power to refer to EA and did so.

Simplified Logic of EA:

“Look before you leap.”

Now vs. Maybe

- What is the world like without this project?
- What would the world be like with this project?

“The City really has three prime areas of concern, which we'll address in the upcoming days. One is surface remediation, with respect to issues pertaining to land use planning; the second is water treatment and management; and the third would be payment in lieu of taxes.”

– City of Yellowknife

“I appear today representing the people of my First Nations who do not agree with the plans to remediate Giant Mine. We do not agree. And we do not want arsenic to remain in the ground, but we're here today because we refuse to be left out of this decision-making yet again that we have experienced in the past.”

–Chief Edward Sangris
Yellowknives Dene First Nation

Example: Earthquake

- Earthquake is a low probability high impact event
- It is clearly a risk to the Project
- Earthquake could disperse arsenic trioxide with or without the Project
- But does the Project create or magnify earthquake probability *or* impact?
- No evidence project would cause earthquake; and post-Project impact of an earthquake is clearly reduced.

Not Carte Blanche

- This is not an argument that remediation projects should be exempt from EA or that EA of a remediation project serves no purpose.
- But the assessment (including of alternatives) must be anchored in the right comparators — the unacceptable status quo *versus* the risks caused or compounded by the project.

“Reality is the murder of a beautiful theory by a gang of brutal facts.”

–attribution contested

Reality Check

- Communicating effectively about risk is difficult
- History is painful
- People need to be heard; they determine relevance for themselves
- Remediation proponent may be blamed for background situation
- Taking control of the process is hard and can backfire
- EA is used as a tool to increase benefits, not just mitigate negatives

Project-Splitting

- Predisposition against “project-splitting” should get a hard look in a remediation EA
- Without project-splitting, broad scoping can lead to undesirable results; leaving “easy” but important issues unaddressed while the harder issues are assessed.

Example: The former townsite’s non-arsenic bearing abandoned buildings remain standing. They contain asbestos, are security risks, fire-hazards, etc.

Too Many Hats?

- Perception that Aboriginal Affairs minister wears too many hats needed management
- Mistrust of government was an explicit and frequent refrain
- Forceful demands for a binding environmental agreement and the creation of an independent oversight body

Interesting Reading

Retweets are not endorsements.

Giant Coverup: Years ago, arsenic killed a N'dilo toddler and poisoned many others, but it was business as usual at the gold mine, September 27, 2014

<http://edgeyk.com/article/giant-coverup/>

Report of Environmental Assessment, Mackenzie Valley Environmental Impact Review Board, June 20, 2013

http://www.reviewboard.ca/upload/project_document/

[EA0809-001_Giant_Report_of_Environmental_Assessment_June_20_2013.PDF](#)

Ministerial Decision, August 11, 2014

http://www.reviewboard.ca/upload/project_document/

[EA0809-001_Letter_from_AANDC_Minister_to_MVRB_Chairperson.PDF](#)