

## MVLWB Permits

---

**From:** Tyree Mullaney <tyree@mvlwb.com>  
**Sent:** Monday, December 23, 2013 8:30 AM  
**To:** 'MVLWB Permits'  
**Subject:** FW: RE: Giant working group - agenda and materials November 14th meeting

MV2007L8-0031

Reports and studies – Other

MV2007L8-0031 –AANDC GIANT – Working Group – Agenda and Materials nov 14\_13 – Dec20\_13

---

**From:** Todd Slack [mailto:tslack@ykdene.com]  
**Sent:** December 20, 2013 5:11 PM  
**To:** Adrian Paradis; Jane Amphlett; morag.mcpherson@DFO-MPO.GC.CA; Stuart.Niven@DFO-MPO.GC.CA; amy.sparks@ec.gc.ca; gordon.hamre@gmail.com; Erika\_Nyyssonen@gov.nt.ca; reganalyst@nsma.net; kor@theedge.ca; kkronstal@yellowknife.ca; Johanne Black  
**Cc:** David Alexander; Marie Adams; krista.amey@dpra.com; jpotten@mvlwb.com; tyree@mvlwb.com; Mark.Palmer@pwgsc.gc.ca; cgreencorn@yellowknife.ca; dkefalas@yellowknife.ca; jhumble@yellowknife.ca; walexander@yellowknife.ca  
**Subject:** RE: RE: Giant working group - agenda and materials November 14th meeting

I thought I'd add to this (I hit send on the phone and then thought it would be fine, but for clarity, there should be a little more).

To review:

- In a working group meeting you'd indicated that you provided a fair amount of feedback, including suggestions and recommendations on how to address the issues that the project had with the agreement, particularly the dispute resolution scheme/language.
- I asked if you would provide those to us. During that meeting you indicated you would and it was captured as a follow up item.
- On the 28th, I called Jane (in Ottawa I believe) and asked when this would be provided. She didn't know and indicated that you would respond to me by the end of the day. I did not receive any notice. We filed our response with NPMO.
- Again you indicated that you would provide this (email of the 29th) once you were back in town and had some time.
- You obviously had some time to issue this response, which has a lot of content and 13 attachments. *None of which answers the initial question beyond a passing concern in v4.* You provided the project response to the draft agreement v4 with comments, and it's clear that you're reading and are accepting that you're working towards an agreement - it's not the format that's the problem.

Here's what we know:

- You did not attempt to address the concerns within the room. You mentioned the concerns, but provided no rationale or undertook any attempts at resolving them.
- Nothing came out of O'Reilly's ATIP.

This is about trust - and right now I do not believe that the project treated the parties in good faith during this process. If project staff acted in good faith and explained what the issues were - providing guidance, suggestions, rationale or improvements to the facilitator - then that's pretty plain and I need to apologize. Consequently I'll endeavor to reconcile our differences and move on to more productive things.

*So once again, I ask you to please provide what comments and suggestions you made to improve these sections (and from the discussion at the last working group, this would have occurred in your review of drafts 5,6, and 7).*

Regards

---

**From:** Todd Slack  
**Sent:** December 20, 2013 3:23 PM  
**To:** Adrian Paradis; Jane Amphlett; [morag.mcpherson@DFO-MPO.GC.CA](mailto:morag.mcpherson@DFO-MPO.GC.CA); [Stuart.Niven@DFO-MPO.GC.CA](mailto:Stuart.Niven@DFO-MPO.GC.CA); [amy.sparks@ec.gc.ca](mailto:amy.sparks@ec.gc.ca); [gordon.hamre@gmail.com](mailto:gordon.hamre@gmail.com); [Erika\\_Nyssonen@gov.nt.ca](mailto:Erika_Nyssonen@gov.nt.ca); [reganalyst@nsma.net](mailto:reganalyst@nsma.net); [kor@theedge.ca](mailto:kor@theedge.ca); [kkronstal@yellowknife.ca](mailto:kkronstal@yellowknife.ca); Johanne Black  
**Cc:** David Alexander; Marie Adams; [krista.amey@dpra.com](mailto:krista.amey@dpra.com); [jpotten@mvlwb.com](mailto:jpotten@mvlwb.com); [tyree@mvlwb.com](mailto:tyree@mvlwb.com); [Mark.Palmer@pwgsc.gc.ca](mailto:Mark.Palmer@pwgsc.gc.ca); [cgreencorn@yellowknife.ca](mailto:cgreencorn@yellowknife.ca); [dkefalas@yellowknife.ca](mailto:dkefalas@yellowknife.ca); [jhumble@yellowknife.ca](mailto:jhumble@yellowknife.ca); [walexander@yellowknife.ca](mailto:walexander@yellowknife.ca)  
**Subject:** RE: RE: Giant working group - agenda and materials November 14th meeting

Hi Adrian. Can you please provide the suggestions and improvements that you provided to the facilitator.

Sent from my Windows Phone

---

**From:** [Adrian Paradis](#)  
**Sent:** 2013-12-20 3:14 PM  
**To:** [Jane Amphlett](#); [morag.mcpherson@DFO-MPO.GC.CA](mailto:morag.mcpherson@DFO-MPO.GC.CA); [Stuart.Niven@DFO-MPO.GC.CA](mailto:Stuart.Niven@DFO-MPO.GC.CA); [amy.sparks@ec.gc.ca](mailto:amy.sparks@ec.gc.ca); [gordon.hamre@gmail.com](mailto:gordon.hamre@gmail.com); [Erika\\_Nyssonen@gov.nt.ca](mailto:Erika_Nyssonen@gov.nt.ca); [reganalyst@nsma.net](mailto:reganalyst@nsma.net); [kor@theedge.ca](mailto:kor@theedge.ca); [kkronstal@yellowknife.ca](mailto:kkronstal@yellowknife.ca); [Johanne Black](#); [Todd Slack](#)  
**Cc:** [David Alexander](#); [Marie Adams](#); [krista.amey@dpra.com](mailto:krista.amey@dpra.com); [jpotten@mvlwb.com](mailto:jpotten@mvlwb.com); [tyree@mvlwb.com](mailto:tyree@mvlwb.com); [Mark.Palmer@pwgsc.gc.ca](mailto:Mark.Palmer@pwgsc.gc.ca); [cgreencorn@yellowknife.ca](mailto:cgreencorn@yellowknife.ca); [dkefalas@yellowknife.ca](mailto:dkefalas@yellowknife.ca); [jhumble@yellowknife.ca](mailto:jhumble@yellowknife.ca); [walexander@yellowknife.ca](mailto:walexander@yellowknife.ca)  
**Subject:** RE: RE: Giant working group - agenda and materials November 14th meeting

Todd,

My recollection of the Oversight Committee Working Group is as follows:

1. AANDC agreed to participate in a workshop on oversight of Giant Mine because not participating was viewed as being beneficial. SENES, Tony Brown made a presentation on behalf of the project on examples of oversight at other public sector projects. There were intense moments during the workshop but in the end there was support for continuing discussions through a working group (AN, City, YKDFN, GNWT, AANDC).
2. Prior to participating in the working group the Project Team briefed Senior Management and got the approval to proceed. Please see the attached Boundaries Not. AANDC Senior Management agreed to have

the project team participate in a working group to explore oversight of Giant Mine further, subject to receiving "a short note outlining the strategy that will be used during these discussions. This note will be brought to Management Board for review" (attached see April 17, 2012 BN). I think it would be fair to say that the project team representatives had a mandate to explore options, seek common ground, and identify contentious issues, all without prejudice, and subject to approval by more senior levels. The facilitator, David Livingston, made this point to the WG several times, that approval within government at higher levels would be necessary. Also, the facilitator indicated that the WG was attempting to seek consensus, negotiation of an agreement, if it came to that, would then involve legal counsel.

3. There were a number of Oversight WG meetings between the Workshop (March 6-7, 2013) and April 25, 2013, attended by project staff (Octavio Melo originally until retirement, then Mark Palmer, Adrian Paradis, and Ray Case) where various drafts of an oversight agreement, drafted by the facilitator, were reviewed. I don't have all the details but my recollection is that there was support for some kind of oversight body that would monitor the environmental aspects of the project, report publicly and provide refusable advice. The contentious issues that were never fully resolved had to do with things like duration of the oversight body (certainly during construction but unclear what would happen during the perpetual care phase); legally binding agreement vs. some other form of agreement; and research into alternative arsenic remediation options.

4. The Oversight WG briefed Joanna on May 8, 2013 in Yellowknife. Some of the contentious issues were discussed along with the path forward.

Looking back on my participation, I went in fully aware of the large gap between what the parties wanted and what the Project were prepared to accept. But, I believe the Project cannot proceed and be successful without public (Aboriginal and other) involvement in the Project. I believe the Project staff tried hard to find middle ground that was agreeable to all parties and fully explained the limitations to their mandates throughout, this was reiterated by the facilitator.

Adrian

>>> Todd Slack <[tslack@ykdene.com](mailto:tslack@ykdene.com)> 12/16/2013 10:34 AM >>>

Hi Adrian.

Can you provide an ETA as to when this will be done – its a month after your commitment.

Thanks.

---

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

**Sent:** November-29-13 8:33 AM

**To:** Jane Amphlett; [morag.mcpherson@DFO-MPO.GC.CA](mailto:morag.mcpherson@DFO-MPO.GC.CA); [Stuart.Niven@DFO-MPO.GC.CA](mailto:Stuart.Niven@DFO-MPO.GC.CA); [amy.sparks@ec.gc.ca](mailto:amy.sparks@ec.gc.ca); [gordon.hamre@gmail.com](mailto:gordon.hamre@gmail.com); [Erika\\_Nyyssonen@gov.nt.ca](mailto:Erika_Nyyssonen@gov.nt.ca); [reganalyst@nsma.net](mailto:reganalyst@nsma.net); [kor@theedge.ca](mailto:kor@theedge.ca); [kkronstal@yellowknife.ca](mailto:kkronstal@yellowknife.ca); Johanne Black; Todd Slack

**Cc:** David Alexander; Marie Adams; [krista.amey@dpra.com](mailto:krista.amey@dpra.com); [jpotten@mvlwb.com](mailto:jpotten@mvlwb.com); [tyree@mvlwb.com](mailto:tyree@mvlwb.com); [Mark.Palmer@pwgsc.gc.ca](mailto:Mark.Palmer@pwgsc.gc.ca); [cgreencorn@yellowknife.ca](mailto:cgreencorn@yellowknife.ca); [dkefalas@yellowknife.ca](mailto:dkefalas@yellowknife.ca); [jhumble@yellowknife.ca](mailto:jhumble@yellowknife.ca); [walexander@yellowknife.ca](mailto:walexander@yellowknife.ca)

**Subject:** Re: RE: Giant working group - agenda and materials November 14th meeting

Hi all,

I apologise I have been on travel duty the last number of days and have not had the time to sit down and provide the comments on dispute resolution.

I will look at this when I get back to YK next week and have access to AANDC records.

Adrian

>>> Todd Slack <[tslack@ykdene.com](mailto:tslack@ykdene.com)> 11/25/2013 5:57:47 PM >>>

Hi Jane. Was there supposed to be two documents or are you saying that there is something yet to come?

---

**From:** Jane Amphlett [<mailto:Jane.Amphlett@aandc-aadnc.gc.ca>]

**Sent:** November-24-13 5:30 PM

**To:** Morag McPherson; [Stuart.Niven@DFO-MPO.GC.CA](mailto:Stuart.Niven@DFO-MPO.GC.CA); Amy Sparks; [gordon.hamre@gmail.com](mailto:gordon.hamre@gmail.com); [Erika.Nyyssonen@gov.nt.ca](mailto:Erika.Nyyssonen@gov.nt.ca); [reganalyst@nsma.net](mailto:reganalyst@nsma.net); [kor@theedge.ca](mailto:kor@theedge.ca); [kkronstal@yellowknife.ca](mailto:kkronstal@yellowknife.ca); Johanne Black; Todd Slack

**Cc:** Adrian Paradis; David Alexander; Marie Adams; [krista.amey@dpra.com](mailto:krista.amey@dpra.com); [jpotten@mvlwb.com](mailto:jpotten@mvlwb.com); [tyree@mvlwb.com](mailto:tyree@mvlwb.com); Mark Palmer; [cgreencorn@yellowknife.ca](mailto:cgreencorn@yellowknife.ca); [dkefaldas@yellowknife.ca](mailto:dkefaldas@yellowknife.ca); [jhumble@yellowknife.ca](mailto:jhumble@yellowknife.ca); [walexander@yellowknife.ca](mailto:walexander@yellowknife.ca)

**Subject:** RE: RE: Giant working group - agenda and materials November 14th meeting

Attached is the additional information requested in the November 14th meeting. There are two outstanding items that Adrian will follow up with early this week, they are:

- update on the project analysis of suggestions
- language / suggestions provided by project on dispute resolution and oversight.

I want to thank everyone for their input and taking the time to go through the information. If there are any issues that parties feel were not covered please let me know and I will add to the next agenda.

Regards

Jane

>>> Todd Slack <[tslack@ykdene.com](mailto:tslack@ykdene.com)> 11/15/2013 10:34 AM >>>

Sorry, I missed one thing:

1b(b) Adrian was going to provide the language/suggestions that the project provided on the dispute resolution during the 8 drafts.

Thanks!

---

**From:** Todd Slack

**Sent:** November-15-13 10:20 AM

To: 'Jane Amphlett'; [kor@theedge.ca](mailto:kor@theedge.ca)

Cc: [Morag.McPherson@DFO-MPO.GC.CA](mailto:Morag.McPherson@DFO-MPO.GC.CA); [Stuart.Niven@DFO-MPO.GC.CA](mailto:Stuart.Niven@DFO-MPO.GC.CA); [krista.amey@dpra.com](mailto:krista.amey@dpra.com);

[Amy.Sparks@EC.gc.ca](mailto:Amy.Sparks@EC.gc.ca); [gordon.hamre@gmail.com](mailto:gordon.hamre@gmail.com); [Erika.Nyyssonen@gov.nt.ca](mailto:Erika.Nyyssonen@gov.nt.ca); [jpotten@mvlwb.com](mailto:jpotten@mvlwb.com);

[tyree@mvlwb.com](mailto:tyree@mvlwb.com); [reganalyst@nsma.net](mailto:reganalyst@nsma.net); [cgreencorn@yellowknife.ca](mailto:cgreencorn@yellowknife.ca); [dkefalas@yellowknife.ca](mailto:dkefalas@yellowknife.ca);

[jhumble@yellowknife.ca](mailto:jhumble@yellowknife.ca); [kkronstal@yellowknife.ca](mailto:kkronstal@yellowknife.ca); [walexander@yellowknife.ca](mailto:walexander@yellowknife.ca); Johanne Black; 'David Alexander'

**Subject:** RE: RE: Giant working group - agenda and materials November 14th meeting

Hi All. Just wanted to put in the items I heard were forthcoming before Nov. 29<sup>th</sup>.

1) Rationale/Explanations from the project on:

- a. What the difficulty in understanding the meaning behind 'independent'
- b. Any objection to making Draft 8 of the previous effort at 'independent' oversight public
- c. Costing information on:
  - i. the oversight boards, where Adrian indicated that one of the three existing oversight groups had a budget of 800k
  - ii. costing on why a research agency would have fixed costs of .8 to \$1M a year
  - iii. how the project defined 'agency' in this case
- d. Clear explanation as to how measure 10 was linked sequentially
- e. An update on a similar effort for the Suggestions (though I can probably guess/write that one for the project)
- f. A discussion on contaminants of concern other than arsenic – there was a clear implication that other contaminants will exceed the Canada Drinking Water Guidelines, which was never explained prior. Understanding what the concentrations of these contaminants (particularly with reference to guidelines) is essential.
- g. Notification that the project was/wasn't following up with Health Can to potentially fulfill the measures (they needed a specific request was the issue I took away).

- 2) Additionally, I would still like NPMO to file their notes or a summary. As they're new to the process and there is a great deal of history that they're likely not aware of, I'm concerned that they may not accurately understand the events and/or evidence that is on the record – essentially that they don't care about putting the discussions in the appropriate light. Projects that don't want talk about the past don't want to *because there's a reason...*they have something to hide. Projects that do want to talk about the past do so because they have upheld commitments or dealt fairly with the affected parties – they accept the history and build on it.

Working groups such as this are supposed to be increasing transparency and if NPMO is going to be involved they, as the holder of the consultation record, need to be adopt that as well. If they're adding to that record, they need to be doing it accurately, and as they indicated was their goal, with appropriate context... particularly in this case where the project has such a checkered history, in which the minister is the proponent, and where we already have evidence of one of the RM's providing notice that he will be rejecting the measures despite the 'firewall'.

Lastly, I want to say that I appreciate the effort that the project undertook to provide this...I wish that the senior people behind the decision, that signed off on it, would have been there to explain their thinking.

Cheers

---

**From:** Jane Amphlett [<mailto:Jane.Amphlett@aandc-aadnc.gc.ca>]  
**Sent:** November-13-13 4:47 PM  
**To:** [kor@theedge.ca](mailto:kor@theedge.ca)  
**Cc:** [Morag.McPherson@DFO-MPO.GC.CA](mailto:Morag.McPherson@DFO-MPO.GC.CA); [Stuart.Niven@DFO-MPO.GC.CA](mailto:Stuart.Niven@DFO-MPO.GC.CA); [krista.amey@dpra.com](mailto:krista.amey@dpra.com);  
[Amy.Sparks@EC.gc.ca](mailto:Amy.Sparks@EC.gc.ca); [gordon.hamre@gmail.com](mailto:gordon.hamre@gmail.com); [Erika.Nyyssonen@gov.nt.ca](mailto:Erika.Nyyssonen@gov.nt.ca); [jpotten@mvlwb.com](mailto:jpotten@mvlwb.com);  
[tyree@mvlwb.com](mailto:tyree@mvlwb.com); [reganalyst@nsma.net](mailto:reganalyst@nsma.net); [cgreencorn@yellowknife.ca](mailto:cgreencorn@yellowknife.ca); [dkefalas@yellowknife.ca](mailto:dkefalas@yellowknife.ca);  
[jhumble@yellowknife.ca](mailto:jhumble@yellowknife.ca); [kkronstal@yellowknife.ca](mailto:kkronstal@yellowknife.ca); [walexander@yellowknife.ca](mailto:walexander@yellowknife.ca); Johanne Black; Todd Slack  
**Subject:** Re: RE: Giant working group - agenda and materials November 14th meeting

Sorry for the late notice but we have had requests from MPMO (Crown consultation coordinator) to attend the meeting as observers. The project team has no objections but please let me know if there are any concerns.

See you tomorrow  
Jane

>>> kevin o'reilly <[kor@theedge.ca](mailto:kor@theedge.ca)> 11/13/2013 6:34:53 PM >>>  
Very disappointing that no one from AANDC in Ottawa and that Ray Case are not participating.

Kevin O'Reilly

Alternatives North

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

**From:** Jane Amphlett <[Jane.Amphlett@aandc-aadnc.gc.ca](mailto:Jane.Amphlett@aandc-aadnc.gc.ca)>  
**Date:** Wednesday, November 13, 2013 8:43  
**Subject:** RE: Giant working group - agenda and materials November 14th meeting  
**To:** Morag McPherson <[Morag.McPherson@DFO-MPO.GC.CA](mailto:Morag.McPherson@DFO-MPO.GC.CA)>, Amy Sparks <[Amy.Sparks@EC.gc.ca](mailto:Amy.Sparks@EC.gc.ca)>, "Erika Nyyssonen@gov.nt.ca" <[Erika.Nyyssonen@gov.nt.ca](mailto:Erika.Nyyssonen@gov.nt.ca)>, NSMA <[reganalyst@nsma.net](mailto:reganalyst@nsma.net)>, kevin o'reilly <[kor@theedge.ca](mailto:kor@theedge.ca)>, "kkronstal@yellowknife.ca" <[kkronstal@yellowknife.ca](mailto:kkronstal@yellowknife.ca)>, Johanne Black <[jblack@ykdene.com](mailto:jblack@ykdene.com)>, Todd Slack <[tslack@ykdene.com](mailto:tslack@ykdene.com)>  
**Cc:** Stuart Niven <[Stuart.Niven@DFO-MPO.GC.CA](mailto:Stuart.Niven@DFO-MPO.GC.CA)>, Krista Amey <[krista.amey@dpra.com](mailto:krista.amey@dpra.com)>, Gordon Hamre <[gordon.hamre@gmail.com](mailto:gordon.hamre@gmail.com)>, Jen Potten <[jpotten@mvlwb.com](mailto:jpotten@mvlwb.com)>, Tyree <[tyree@mvlwb.com](mailto:tyree@mvlwb.com)>, Chris Greencorn <[cgreencorn@yellowknife.ca](mailto:cgreencorn@yellowknife.ca)>, Dennis Kefalas <[dkefalas@yellowknife.ca](mailto:dkefalas@yellowknife.ca)>, JeffHumble <[jhumble@yellowknife.ca](mailto:jhumble@yellowknife.ca)>, Wendy Alexander <[walexander@yellowknife.ca](mailto:walexander@yellowknife.ca)>

I'm good with that, we will start with the REA analysis and time permitting will go through the other agenda items after.

>>> Todd Slack <[tslack@ykdene.com](mailto:tslack@ykdene.com)> 11/12/2013 8:11 PM >>>

I realize this is late in the day and likely won't reach everyone - but I strongly suggest that we oughta deal with the big issue first - issues 1-4 can follow as time allows. I don't want to be constrained by lunch and our afternoon responsibilities (ie in the same way that oversight was jammed up against the end of the technical sessions and the hearing).

---

**From:** Jane Amphlett [Jane.Amphlett@aandc-aadnc.gc.ca]  
**Sent:** November 12, 2013 4:31 PM  
**To:** Morag McPherson; Amy Sparks; [Erika.Nyyssonen@gov.nt.ca](mailto:Erika.Nyyssonen@gov.nt.ca); NSMA; kevin o'reilly; [kkronstal@yellowknife.ca](mailto:kkronstal@yellowknife.ca); Johanne Black; Todd Slack  
**Cc:** Stuart Niven; Krista Amey; Gordon Hamre; Jen Potten; Tyree; Chris Greencorn; Dennis Kefalas; Jeff Humble; Wendy Alexander  
**Subject:** Giant working group - agenda and materials November 14th meeting

Hi all, please find attached the agenda with a list of attendees for our meeting Thursday. Another reminder we are starting at **9 am**.

As requested by Alternatives North I have also attached the Stratos review of the emergency response plans.

Thanks  
Jane

Jane Amphlett, MAsc, P.Eng.  
Operations Manager  
Giant Mine Remediation Project  
Aboriginal Affairs and Northern Development Canada (AANDC)  
Waldron Building, 2nd Floor  
5103-48th St.  
Yellowknife, NT, X1A 1N5  
T: (867) 669-2773  
C: (867) 445-7272  
F: (867) 669-2721