



## CITY OF YELLOWKNIFE

November 7, 2019

VIA ELECTRONIC MAIL to [smontgomery@mvlwb.com](mailto:smontgomery@mvlwb.com)

Mackenzie Valley Land and Water Board  
7th Floor, 4922 48th St, PO Box 2130  
Yellowknife, NT  
X1A 2P6

Attention: Shelagh Montgomery, Executive Director

Dear Ms. Montgomery:

**RE: City of Yellowknife – Giant Mine Water Licence and Land Use Permit Review (Files MV2007L8-0031 and MV2019X0019)**

The City of Yellowknife is pleased to provide our written intervention for the Department of Indian and Northern Affairs Giant Mine reclamation project (MV2019X0007 and MV2007L8-0041). The City believes that the reclamation plan generally meets its initial goal – management of the environmental risk associated with the arsenic stored on site.

Other aspects, such as those relating to how this remediated land will affect the future development of Yellowknife, are not adequately addressed. The City does not believe that these issues will result in significant environmental impacts to the residents of Yellowknife, provided appropriate tools are in place. At the same time, the City believes that the fundamental purpose of remediation is not simply to avoid more harm, but to restore this land so that it once again has value to the people.

The City's largest concern with this project is that the final closure plan lacks the precise vision that is expected with a final closure plan. Following completion of the reclamation, with the exception of the area around the townsite and boat launch, there is a great deal of uncertainty on potential access or what land uses will be allowed. Consequently, the value of land to the well-being of our City, from either a development or recreational sense, is uncertain. In short, one of the City's central questions remains – what is this reclamation returning to the citizens of Yellowknife? How will our people use the area and under what limitations? These types of questions relate to the goals and purposes of the reclamation and were clearly laid out in the DAR. Subsequent revisions to [the plan] have not taken end uses into account.

These matters are critical to the well-being of the citizens of Yellowknife and the future of our City. Giant is not a far-off development in a remote location. It is part of our City, representing 6.5% of the area within the municipal boundary. When we consider it in conjunction with Con Mine, 9% of the

City's land base is tied up in remediation projects. To further consider the constraints facing Yellowknife, when the actual land available to the City (as not all land in the municipal boundary is available to the City), then these two projects represent 18% of the land-base. To have them providing little or no value – either economically or recreationally - is a significant constraint on the City's future development and the well-being of our citizens.

Our secondary concern, in the same theme, is to ensure that the MLVWB processes result in unambiguous plans where the methods, the actions, and the results are beyond disputable interpretation without being exhaustively prescriptive. At present, there is still a lack of precision associated with Closure Criteria, Research Reclamation Plans, and environmental management plans. We believe that the MVLWB has the tools to resolve these matters in the near future and are confident that these aspects will be addressed in an updated CRP and through licence-required submissions. The City is taking a forward-looking approach – ensuring that this licence and subsequent remediation provides for the health and security of its citizens. We do not view this in only a direct sense – that the arsenic is contained and hazards are minimized – but also an indirect sense that this remediation will provide opportunities for the future. We are depending on Canada and the GNWT to preserve opportunity. Today, these areas are a contaminated site – in the future they may represent a valuable opportunity for the capital region, so long as the reclamation is delivered in a way that prioritizes potential land uses.

## **Part A – Recommendations and Suggestions**

### **General:**

In general, the City is pleased with the progress that has been made with regard to revising and resolving outstanding issues associated with this licence and permit application. The City acknowledges that significant progress has been made in addressing and resolving the City's concerns, and the City's intervention is written to seek certainty on those matters that have not yet been resolved. The City is content to support the issuance of a water licence and land use permit with appropriate further actions to be completed in the future.

### **Part B - Short term completion:**

#### **1. Emergency Management Agreement**

The City and the Project have not yet completed an agreement that provides for emergency services to this large and diverse site with unique emergency response conditions. This is in progress and the City expects completion in the near term. However, for the sake of certainty, we ask the Board to require this as part of the Water Licence and/or Land Use Permit.

In addition to the Agreement itself, City Emergency Services are requesting that the license require:

- Annual site tour and meeting between CIRNAC managers, Main Construction Manager (MCM/Currently Parson's) staff, and City Public Safety officials to ensure that service expectations are updated relative to current conditions
- Over the course of the year, specific tours for each of the Yellowknife Fire Department Platoons (4) with Parsons staff to build familiarity

- A tabletop exercise as part of the annual engagement to review specific scenarios to guide emergency responses and improve common understanding and refining SOP/SOGs (included provisions equipment and materials)

The project has agreed to engage on this matter and we believe that this issue can be successfully resolved in the near future.

*Recommendation: The City recommends that the Board require conditions in the land use permit that require the project to complete an agreement that provides for City Emergency Response and appropriate engagement and training with City Public Safety officials and the Yellowknife Fire Department to ensure an effective and efficient emergency response.*

## 2. Borrow and Explosives Management Plan/Pit Filling

There was a large amount of public concern associated with the aggregate needs and pit filling designs during the Water Licence process. The City recognizes that the project has commenced engagement and we are confident that a plan will be created in the near future. However, given the level of concern, we feel that this should be recognized as a priority for regulatory submission.

*Recommendation: The MVLWB require development of the Burrow and Explosives Management plan, to be submitted for approval within 12 months of the licence issuance.*

## Part C - In Progress

### 3. Land Use Planning/Opportunities

The Developers Assessment Report remediation standard was to return a site featuring lands that would have been suitable for industrial uses. This plan was found to be unworkable and the new, current approach was instituted that would see the majority of the site left as is. Except at the townsite, there has been no concurrent approach on what land uses the reclamation aims to achieve. This information will not be available until much later in the process and has been unilaterally arrived at by the proponent.

Parties, and the City in particular, have raised this issue with the proponent, with our understanding being that the information will be made available near the end of active reclamation. At this point, there will be no opportunities to adjust the outcome – the site will be what it is and the community will have to accept the outcome.

*Recommendation: Within 3 years, the project should commence collaborative planning efforts to establish the land use opportunities and constraints for the site*

### 4. Updated Closure and Reclamation Plan

As stated in our cover, the City's understanding of the long-term vision for the site is unclear. Beyond that, there has been a great deal of change from the initial submission to the Land and Water Board. The technical sessions have resulted in a fair number of changes, with the hearing and the licence to produce more. Without a new, clear submission that coherently sets the path forward, the vision and the exact commitments lack the precision that reduce the risk of conflicting interpretations later in the closure process. To address uncertainty as much as possible, an updated CRP is needed.

A CRP revision process provides an opportunity to further reduce conflict and especially the existing uncertainty. *This particularly applies to the outstanding criteria that form the rubric by which the closure will be judged as successful.* While the broad intent of the project is understood and the City generally supports the goals and objectives, absent clear and precise measures of success, it may lead to interpretation and potential disputes on how the project can declare the closure successfully completed.

In addition to the uncertainties and imprecision in commitments, the project's roadmap forward is also unclear. During the technical sessions, the CRP was to be amended with an errata or subsequent submission – the nature of which is unclear. The City's understanding to date is that this will fall short of providing the clarity that would be expected with a final closure plan. The water licencing process represents the point at which the commitment must be the clearest so it may guide the proponent's actions.

The City understands that the project has asked for the CRP to be approved at issuance. We do not support this desire and are more comfortable with one based on past precedent, where approval follows.

The project has stated that this is the Final Closure Plan, despite the acknowledged gaps in the document. No other proponent would seek to have their 'final' closure plan approved with so many unknowns. The City wants to acknowledge the project's position that a CRP update represents a burden with little value, and as a licence holder, we can appreciate this perspective. However, in this case, the City does not agree with that position – with respect to both the value and the burden:

- We see a great deal of long term value from building understanding and ensuring transparency;
- We believe that the clarity being sought will be directly applicable to the 'Design Plans';
- For those chapters that Parties and the Board agree that little change is required (infrastructure) or that the uncertainties can be quickly resolved (landfill), the City is entirely open to approving chapters which feature little or no modifications.

This last item could also be completed to reflect the project's priorities – those items that are critical to progress can be a matter of focus, with submissions for review in advance of other areas that are not time-sensitive. We are open to working with the Board and the Project to find a way that addresses all of our interests.

In addition to the need for an updated CRP, we have stated our preference for a comprehensive site-wide updating approach – which has not yet been resolved. The City initially suggested that the CRP feature revisions on a 3-year schedule. However, the City is wholly flexible in the manner by which this core interest is met. However, it is the City's understanding that the project's regulatory compliance does not include this type of reporting.

Ultimately, we believe that many of the updates required are associated with matters that have been repeatedly raised to the project and as they have not been addressed, the City requests an updated closure plan that incorporates the changes that have been made in recent months.  
*Recommendation: That the project provide an updated CRP complete for approval*

5. Closure Criteria, Components & Reclamation Plans

i) Closure Criteria:

The City has sought to have clear and unambiguous Closure Criteria. While we appreciate that the project wishes to retain maximum flexibility, Closure Criteria are critical to the establishment of a set of conditions that will allow all parties to agree that the closure has been successful. At present, there are two central issues associated with the Criteria: the lack of completeness and the overreliance on design rather than achievement.

During the 2<sup>nd</sup> technical session the project did move forward on a number of criteria which were effectively complete but a number of incomplete criteria remain. As stated, this is unacceptable for a final closure plan – both from a logical sense but also based on precedents from other projects of this size (see WLWB’s registry for Diavik’s application for a final closure plan for the North County Rock Pile).

This concern is not new. It has been raised consistently since February 2018, when the project presented its first draft. Despite comments provided by the Parties, it is the City’s position that another incomplete plan has been submitted.

Submission of a final closure plan must be required.

*Recommendation: The MVLWB direct the project to provide a complete set of Closure Criteria for approval with the updated Closure and Reclamation Plan.*

ii) Reclamation Research Plans (RRP):

The City has been open to working with the project to find ways within the guidance documents to move forward where there is uncertainty about specific closure options or closure activities. We considered the possibility of permitting criteria to be developed after the licence and permit, so long as there was an RRP attached which detailed how the project was going to resolve the unknowns.

Board guidance for uncertainties that prevent the creation and approval of closure criteria is to provide an RRP to address the particulars detailing how the uncertainty will be resolved. The City believes that the approval of the closure plan should be based on clear and complete criteria. With the two exceptions (wetlands and Dam 3), the project has rejected the idea of using RRP’s to respond to the Parties’ concerns around the lack of final criteria.

During past workshops and MVLWB proceedings, the City expressed its openness to other approaches or nomenclature that would have provided clarity that reviewers were looking for. The City tried to provide opportunities to resolve this matter before it became a board decision. However, the project has not accepted any of these alternatives and have rejected the creation of RRP’s. As such, the City has no option but to request a fully complete set of Closure Criteria with the updated Closure and Reclamation Plan.

iii) Closure Components

The project has proposed 11 Mine Components. However, during the technical sessions, the Project noted that there may be two more, depending on the outcome of two proposed Research Reclamation Plans (that the project does support). The process for moving from a Research Reclamation Plan linked to a specific criteria (the current format) to the creation of a new Mine Component is not clear.

The addition of new objectives, criteria approach and reporting information is not a minor undertaking to be left unaddressed, particularly on this file – given the past difficulty conflict associated with developing these for the existing components.

*Recommendation: The MVLWB direct the project to provide a description of how, depending on the results of the existing Reclamation Research Plans (Dam 3 and Wetland Treatment), the project would create a new Mine Component and the process to populate the Objectives and Criteria.*

iv) Nature of Closure Criteria – Design vs. Achievement

The set of proposed closure criteria are becoming increasingly workable and the City would encourage that this effort continues with an updated Closure Plan. With the recent progress improving the criteria, the City looks forward to reviewing the CRP for approval.

The City's initial review is that there too much reliance on design standards versus the performance of the component once the closure is completed and we hope to see a shift from what the project 'hopes to do' towards what the project will achieve.

*Recommendation: The MVLWB encourage the project to continue developing Closure Criteria, transitioning from those that are based on intended actions to those based on performance standards.*

6. Standard for Baker Creek

The project should be directed to adjust their criteria to meet the Goals of the project when it was assessed by the Mackenzie Valley Environmental Impact Review Board – 'Specific Remediation Goal #5' was to "Restore Baker Creek to a condition that is as productive as possible"

To be clear, this is not some minor objective hidden within the DAR. It's "front and centre" of the document (Page 2, as part of the 5 closure goals for the entire project). It was the good news centrepiece of the DAR - Baker Creek is a unique watercourse in the area and represents the best upside aspect of the reclamation. To delete this goal from the remediation plan and utilize the current set of criteria will result in a lower standard of remediation. The ability of the project to achieve their goal is not in question. The DAR was supported by a large body of documents – with A6 detailing methods to ensure "full recovery of the habitat" (page 1, objectives). What's more, the reclamation of specific reaches of Baker Creek in the recent past has been tremendously successful, with a range of species returning and successful spawning.

Criteria used in the previously mentioned supporting documents, are far more acceptable in their approach, being results-oriented. We see language like “improving” “enhancing” and “maximizing overall benefits”. The current set of criteria uses language like “encourage natural rehabilitation”, “invertebrates present”, and “design geometry”. Even when there are results-oriented criteria, they lack a focus on improving the situation in the same way that the DAR did, as discussed at EA.

Baker Creek should be a good news story associated with the reclamation. The City has raised this issue with the project many times, but to date the Project has not modified their approach. *Recommendation: The MVLWB direct the project to revise the Baker Creek Component to fulfill the promises of the DAR and allowing Baker to fulfill its natural potential. This will be done through submission of new, more rigorous criteria that achieves this.*

7. QRA

The QRA is a critical document for informing the future of this closure. The project has made excellent progress on the QRA in a collaborative manner. Our understanding is that the Project does not intend to submit it to the MVLWB. The City believes that it would be quite beneficial to incorporate the key lessons from the QRA in the final plan.

**Part D - Requiring commitment and action**

8. Environmental Management Plans:

The City has numerous issues with the level of detail provided as part of the environmental management plans. There were a number of issues brought forward in the technical sessions, which did not result in any modifications to address these concerns. The City wishes to work collaboratively. As with the Criteria, it is clear that building consensus will require time – and leaving only 3 months for a review cycle introduces unnecessary risk.

At licence issuance, the City would support the approval of Phase I of these plans, with Phase II submissions provided to the Board for review and Approval on a mutually agreed upon schedule. Part of this schedule will dispense with the proposed 90 day review window. Given the available time, and the flexibility currently available, this is a needless risk to the project schedule.

*Recommendation: The MVLWB require the ‘site-wide’ environmental management plans to be submitted for approval a minimum of 6 months prior to construction. Ideally these will be submitted as soon as possible in a phased approach to allow for thorough reviews.*

9. Annual Water Licence Report:

Given the importance of the Annual Water Licence Report in the project’s suggested approach for demonstrating that they are meeting the closure criteria, the City believes that the report should be provided for approval. Otherwise, it is the City’s understanding that there is no Board approved process for Parties to raise concerns until the Performance Assessment Report, which would occur well after the active remediation phases are completed.

The second concern regarding this report is that it appears to include a large diversity of information that may result in a document that is cumbersome and unwieldy, potentially debasing its utility and ability to meet the needs of the Boards and Parties. As such, the City

requests an opportunity for all parties, including the proponent, to have a formal milestone to consider revisions.

*Recommendation: The MVLWB require the Annual Water Licence Report to be provided for approval. The composition of the report should be reviewed 1 year after construction starts, with a follow on review 5 years after.*

#### 10. Notifications:

In our initial comments on the Project's submission to the Board the City requested that the project provide notice of upset conditions. Whether it would be the potential notification of spills or release of toxic water – information important to the citizens of Yellowknife - the project has refused all requests to provide any notice. Instead of being proactive, through an action as simple as adding an email to a distribution list, the project is forcing the City into a reactive position.

The project has rejected the City's suggestion.

*Recommendation: The MVLWB licence should require the project to provide notifications for matters involving upset or unexpected conditions.*

#### 11. Review Timelines

Within the draft licence, the project repeatedly relies on a 90 day review and approval window. Our experience and observation of the regulatory process between the Report of Environmental Assessment and present day is that resolving concerns and working together is a particularly time consuming process – with many of the structural issues previously identified only in the lead-up to the water licence hearing.

The City is supportive of the project but will not compromise its duty to conduct a full review. Insisting on a 90 day review introduces unnecessary and avoidable risk. This is a choice of the project.

The City has raised this issue repeatedly during the technical sessions, with the project insisting on the current language.

*Recommendation: The MVLWB and the project work to establish which plans (for approval) are likely to have a critical links to the project schedule and ensure that there is appropriate time for full review and collaborative efforts to resolve concerns or disputes.*

#### 12. Specific Licence and Permit Condition Wording:

Given the significant changes that have occurred since the submission of the licence package, the City intends wait to review an updated licence document for specific recommendations. Our understanding is that this is tentatively for scheduled March 23<sup>rd</sup>, 2020. Until that point, our comments on the draft documents provided in May 2019 stand. We acknowledge that some of these will be invalidated by progress.

Once a new draft is circulated, the City will review the comments already provided in part 1 and part 2 of the initial response to see which comments and concerns were addressed and determine if any suggestions to the language would improve the license and permit.

### 13. Dams

The City supports the principle that dam construction will adhere to Canadian Dam Association guidance. The state and repair of these structures is of great concern to the City, being a primary driver of the risk to the City's water supply. However, as the CDA is not a regulator, we ask the Board to incorporate the requirements of the CDA into the licence.

Secondly, we ask the Board to make associated inspections, reporting and maintenance actions a distinct part of the licence, for annual approval by the Board, until the point where the northwest pond is dewatered and a new approval cycle could be considered as the risk will be lessened. We are not asking for additional work, just ensuring that there is a regulatory framework associated with the implementation of those standards.

*Recommendation: The MVLWB incorporate CDA requirements into the Water Licence, preserving commonality in reporting and requirements.*

## Future Needs

### 14. Project Funding:

Funding for this project has been recognized as an issue with the potential for significant impacts. As a result, the Mackenzie Valley Environmental Impact Review Board issued Measure 6 and Suggestion 5 as part of its Report of Environmental Assessment. These were intended to avoid likely significant negative impacts.

Measure 6 was based on a Review Board finding of fact that: a) there were significant concerns with the funding approach being employed and; b) "Without a suitably reliable long-term funding mechanism, there is a likelihood of significant adverse impacts over the 100-year duration of the Project". There has been no change to the funding processes that were in place at that time.

The proponent has acknowledged that the project is not funded for the life of the water licence. The City's initial comments to the water license submission stated:

*"Under the NWT Water Act, the Board must be satisfied that the project has sufficient resources to complete the undertaking being proposed. Funding was a matter of concern during the Environmental Assessment, with MVEIRB reviewing the evidence and finding that there was significant concern, issuing a Measure and Suggestion aimed at developing mitigations to avoid significant impacts. These matters have not yet been completed"*

With the project responding:

*The Northern Abandoned Mine Reclamation Program, announced in Budget 2019, will cover the full implementation cost for the Giant Mine remediation project [...] Advancing this project is a priority for the Government of Canada, and the GMRP is pleased that we will have access to a secure source of funds for the implementation phase of the project.*

During the technical session, the project further acknowledged that this budget item covers the next 15 years. However, the application is for 20 years. The first 20 years of a hundred-year project.

Measure 6 Reports:

The City is aware of the reports prepared and has sought to ensure that they address the intent of the Review Board's required actions. Despite our involvement, the submission of comments and full participation in the reports, the Project has failed to meaningfully respond to the Review Board's requirements.

The Report fails to appropriately research or analyze other available funding options. Comments submitted by the City, other parties, GMOB, and the Working Group's technical advisor expressed concerns with the quality of the reports. There was a large degree of common ground in our responses - providing many suggestions and comments aimed at developing a comprehensive response to the Review Board's measures.

Some selected examples where the reports were lacking are:

- Definitions were haphazardly applied – economic volatility applied in some cases, but not others.
- Parliamentary budget processes were judged as sufficiently transparent to provide accountability and stakeholder involvement.
- One model was initially excluded as a non-comparable level of funding at \$550 million, while another was included at \$575 million (without explanation as to what was the acceptable range of comparable funding)
- Annual funding allotments were judged to meet the evaluation criteria for 'duration'/'full life cycle' as they could simply be repeated the next year. However, this did not apply to other models.

The Report fails to provide a meaningful explanation of the evaluation criteria or the application of the evaluation criteria. In the 'Final' document, the determination of whether the evaluation criteria were met was again re-worked, with no accompanying explanation, with the appropriation model once again scoring worse than other options. To review:

- Draft 1: Annual Appropriation model scores lowest, selected as best option
- Draft 2: Annual Appropriation evaluation changed, selection remains same
- Final: Annual Appropriate model score lowest, nothing selected as preferred option

No explanation was provided on the details of the process – despite repeated requests.

As stated, the inconsistency in filter and criteria application led towards only a single result – the status quo. As a collective, the parties are still without costs, management structures, decision making or redemption strategies. There are no evaluations of risk tolerances or lessons learned from other cases.

The Measure 6 reports from the Project presents few, if any, lessons learned in terms of potential design or operations of any other funding models. While it does present a hypothetical costing for a trust fund model, it doesn't present or source any real-world examples that would actually inform the research. In the report's hypothetical example, the

management fees were set at 1%. The final document provides no references for this other than the authors experience. Costs are not provided for any of the cases they looked at, despite the clearly stated desire from the Parties.

Compare this hypothetical example with a real-life case study:

The City became aware of similar reporting from the Nuclear Waste Management Organization which utilizes a trust fund model. The authors of the Measure 6 report stated that this was “not relevant” because the funding origin was private.

- However, the NWMO trust fund model is *virtually a direct analog* for the MVEIRB Suggestion – it’s a trust fund managed against future obligations for nuclear fuel management.
- While the City is not an “expert” at these types of evaluations it is critical to consider the real world examples. Instead of the 1% Management fee that the authors applied (amounting to approximately \$1.7M per year), costs associated with the Nuclear Waste Fund were substantially lower. In 2018, fund balances were \$4.3 billion, with expenses ranging from 0.04% (Hydro Quebec) to 0.1% (Ontario Power Generation).
- The parties pushed the project to address these types of systematic and factual shortcomings, but there was a consistent refusal.
- Finally, at no point was there any effort to provide any kind of costing associated with the current annual/multi-year appropriations model.

The project’s efforts have failed to address the spirit and intent of Measure 6 and failed to meaningfully respond to the suggestion. The City is concerned that the real and significant progress made towards reducing the environmental risk in the early part of this licence will be negatively affected in the future through inaction, thereby allowing the risk management actions of today to fail in the future.

The provision of adequate funding has been identified as a critical issue for addressing risks identified by the (forthcoming) Quantitative Risk Assessment, forming the core of a number of the issues that have passed from the initial screening to the Quantitative stage that is currently in progress. Concurrent to this, the background research for the Perpetual Care Plan (in progress) repeatedly cites funding as a central issue for long term planning (Giant Mine Remediation Project, 2019. Draft Perpetual Care Plan Desktop Study).

This issue is critical to the long-term success of the Project and as such the Board must make this a requirement of the Water Licence.

*Recommendation: The MVLWB direct the project to undertake a special study to complete a thorough examination of the different funding models for the lifespan of this licence and this project. The study will be undertaken with a steering committee composed of suitably competent members at arms length from the proponents and will be submitted for Board approval.*

15. Management Gaps:

The project has made changes to the remediation proposal which will see much of the site outside the fenced and restricted Core Industrial Area – 44% of the area draining to Baker Creek plus those areas that drain directly to Back Bay not part of the townsite - left untouched and unrestricted, with an average arsenic level of 747mg/pm – though some areas may be much higher than this, reaching several thousand parts per million. The original reclamation proposal submitted as part of the DAR would have seen the whole remediated to 340 mg/kg of arsenic.

This change will be for the life of the project and likely into perpetuity. The City does not believe that this represents an unmanageable risk. However, there are currently no additional management actions planned or underway to address the inherent increased risk associated.

The City has raised this issue with the project, who have responded with an opinion that the change in remediation standard does not necessitate any further consideration beyond what currently exists.

*Recommendation: The MVLWB direct the project to complete a land use plan for the Giant Mine area, to be commenced within 3 years of licence issuance and completed within 8 years. This will be completed by all parties who have interests in the development and management of the Giant Mine area.*

16. Waste Stream Auditing:

Waste stream monitoring and auditing is an important indicator for the City – it not only acts as a leading indicator of effective site management, but also that the material being sent to the City waste facility is appropriately segregated. This is particularly true in a situation where the majority of staff on site are contractors, potentially only for a few days. In this regard, the Giant site is analogous to the construction phases at the mines where an Engineering, Procurement, Construction Management contractor is managing the site prior to handoff to the proponent.

The City raised this concern in its initial review of the closure plan submissions. The project response was to direct us to the water licence report (Part 2) or a rejection for any need to audit the segregation effort (Part 1).

*Recommendation: The MVLWB require an auditing effort of waste stream segregation to be implemented in Phase I of the project, to be formalized in when the waste management plan is re-submitted for Phase II.*

17. AEMP

The City is familiar with GMOB's positions regarding water quality and AEMP recommendations. Given GMOB's expertise and mandate, the City generally supports their position, encouraging the Board to recognize the key messages and address them as part of the license and/or plan requirements.

**Conclusion**

Of the 17 areas of improvement identified, the City acknowledges that meaningful progress has already occurred on a majority of the issues.

The City is pleased with recent progress of the Project. With an updated CRP and a collaborative approach to addressing the issues raised, the City is confident that amicable resolution can be achieved.

We look forward to the hearing and the next steps in the regulatory process.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerry L. Penney". The signature is fluid and cursive, with a large initial "K" and "P".

Kerry L. Penney  
Director, Policy, Communications & Economic Development

Docs #586924