

## MVLWB Registry

---

**From:** Tyree Mullaney <tyree@mvlwb.com>  
**Sent:** Monday, December 22, 2014 5:00 PM  
**To:** 'MVLWB Registry'  
**Subject:** FW: Giant working group - DRAFT memo on engagement process for surface design  
**Attachments:** 14-12-22 GM Options Evaluation Comments.pdf

---

**From:** Tyree Mullaney [mailto:tyree@mvlwb.com]  
**Sent:** December 22, 2014 4:50 PM  
**To:** 'MVLWB Registry'  
**Subject:** FW: Giant working group - DRAFT memo on engagement process for surface design

---

**From:** Tyree Mullaney [mailto:tyree@mvlwb.com]  
**Sent:** December 22, 2014 4:49 PM  
**To:** 'MVLWB Registry'  
**Subject:** FW: Giant working group - DRAFT memo on engagement process for surface design

[Please post to the 2007 giant files](#)

---

**From:** Bill Slater [mailto:bslater@bslater.ca]  
**Sent:** December 22, 2014 3:02 PM  
**To:** Jane Amphlett; Natalie Plato; Morag McPherson; Stuart Niven; Amy Sparks; Gordon Hamre; [Erika\\_Nyssonen@gov.nt.ca](mailto:Erika_Nyssonen@gov.nt.ca); [asish.mohapatra@hc-sc.gc.ca](mailto:asish.mohapatra@hc-sc.gc.ca); [shin.shiga@nsma.net](mailto:shin.shiga@nsma.net); Linda Pickett; kevin o'reilly; Wenyan Yu; [jblack@ykdene.com](mailto:jblack@ykdene.com); [tslack@ykdene.com](mailto:tslack@ykdene.com)  
**Cc:** Katherine Ross; Lisa Colas; Krista Amey; Jen Potten; Tyree  
**Subject:** Re: Giant working group - DRAFT memo on engagement process for surface design

Hi Everyone,

Attached, for your consideration, are some comments and thoughts about the engagement process proposed by SRK. Please let me know if you have any questions or comments. Enjoy the holiday season and I look forward to talking with you in the New Year.

Bill Slater  
p. 867-633-8452  
c. 867-334-2807

On 2014-11-26 9:14 AM, Jane Amphlett wrote:

Hi working group members,

Attached is a draft memo for discussion. As requested, Daryl Hockley has prepared a summary of a proposed engagement process on surface design which he presented at the October 9th working group meeting. This memo is for discussion only with the intent of getting input and

comments from the parties. Please distribute to your members and anyone you think would be interested in providing input.

At the end of the memo there are several questions and areas that we are looking for feedback on, however if you have additional questions, comments or suggestions please don't hesitate to pass them along or get in touch with the project team.

I'd like to request written feedback from the parties and request **comments be submitted no later than December 19th, 2014**. Our next meeting is scheduled for December 11th. The main agenda item will be the HHRA but we can include a short agenda item to discuss the memo and what the next steps are for moving forward with an engagement process.

Thanks  
Jane

Jane Amphlett

Operations Manager, Giant Mine Remediation Project, NWT Region  
AANDC/ Government of Canada  
[jane.amphlett@aadnc-aandc.gc.ca](mailto:jane.amphlett@aadnc-aandc.gc.ca) / Tel: 867-669-2773 / Cel: 867-445-7272

Directeur des opérations, Projet d'assainissement de la mine Giant, Régions T.N.-O.  
AADNC/ Gouvernement du Canada  
[jane.amphlett@aadnc-aandc.gc.ca](mailto:jane.amphlett@aadnc-aandc.gc.ca) / Tél. : 867-669-2773 / Tél. cell. : 867-445-7272

# Memorandum

---

To: Giant Mine Working Group

From: Bill Slater

Date: December 22, 2014

Re: **Proposed Engagement Process for Giant Mine Surface Remediation**

---

I have reviewed SRK's November 26, 2014 memo entitled "Engagement Process for Giant Mine Surface Remediation." As discussed at the Giant Mine Working Group (WG) meeting in October, I generally support the concept of a multi-party options evaluation process. I have been involved in several of these processes for evaluating closure options for mine sites, including sites operated by government and private sector proponents. Multi-party processes help build the knowledge base about the project among a wider range of interested parties, so that people have a better understanding of the project as well as issues and concerns. The input from a broader range of participants usually results in refinement of projects so that they more effectively achieve the objectives established by a range of interests.

This memo provides my comments and suggestions about the specific process that SRK has outlined for the Giant Mine Remediation Project (GMRP). This memo includes three main sections: Section 1 provides some general comments, Section 2 provides comments about the specific steps that SRK proposes, and Section 3 provides responses to some questions posed by SRK in its memo.

## **1.0 General Comments**

### *Context for the Engagement Process*

Section 4 of SRK's memo identifies overlaps with other processes, but does not specifically address how decisions will be made about the selection of which options to pursue for surface remediation. It is my understanding that the engagement process is not a decision-making process. Instead, it is intended to provide information that will support decision-making about surface remediation activities. The outcome of the process is one of many factors that will influence final decisions about remediation options.

In order to provide context for the options evaluation, it would be useful to clarify the decision-making framework that the options evaluation fits into. Who will be making decisions and how will the participants in the options evaluation be involved in that? How will the larger obligations of governments to engage with First Nations when making these decisions be addressed, and to what extent will this process be used for addressing those obligations?

Scope Statement

In its questions, SRK asks about the scope that will be considered in the evaluation process. This is an important component and should be clearly stated in the final outline of the process.

Principles for the Engagement Process

In my view, it would be beneficial to clearly outline some of the principles of the engagement process so that people understand what it can achieve, how they should approach it, and what its limitations are. For example,

- All participants should recognize that the outcomes of the engagement process are not a reflection of any one party's position.
- Participants in the engagement process should endeavor to compile a comprehensive basis for decision-making that is not influenced by expectations of future outcomes.
- To the extent possible, decisions about the conduct of the engagement process should be made by consensus of the WG.
- The facilitator(s) for all stages of the engagement process must be impartial – they cannot represent a party that is involved in the engagement process.
- Documentation that the facilitator prepares in relation to the engagement process should be shared among all parties to the engagement process without being vetted by any single party. Most importantly, reporting of results, including draft reports, from the engagement process must be provided to all parties at the same time. There are exceptions to this requirement, where the facilitator is preparing documentation that articulates the perspectives of a single party – for example, statements of objectives for a particular party. In these cases, drafts may be reviewed by the specific party.
- To the extent possible, all parties should try to maintain consistency of participation throughout the engagement process by having the same people participate in all steps, especially the risk rating and options evaluation steps (Steps 4 and 5). Parties may want to engage additional people for specific steps, in addition to those who are consistent participants.

Overlaps with Other Processes

Section 4 of SRK's memo describes some overlaps with other processes. As discussed above, the most important overlap is the relationship between the proposed process and the overall decision-making process for surface remediation. This relationship should be explicitly defined before the process proceeds.

SRK discusses overlaps with risk assessment processes that are required in accordance with Environmental Assessment Measures 5 and 10. If it follows AANDC's risk assessment

approach, the risk assessment process described in SRK's Step 4 will be a qualitative assessment of technical risks. Because this assessment will be considering multiple options, it is not likely to provide the rigor necessary to fulfil the requirements of Measure 5. Similarly, the risk evaluations that may be required to develop options (Step 3) would not likely be completed at the level of detail that will fulfil the requirements of Measure 10. However, in both cases the risk evaluation work that is needed to support evaluation of options will provide guidance for completion of the assessments required by the Measures.

The relationship between the evaluation process and EA Measure 26 that requires consultation with the Yellowknives Dene First Nation and the City of Yellowknife about suitable end uses of the site is complicated. As stated below in the comments about Step 1, participants are being asked to identify future land use expectations, but there are potential constraints on those activities. As such, it will likely be an iterative process for defining expectations and constraints. SRK's memo suggests that the results of the evaluation process will provide a "constraints map" but the interaction between the processes is unlikely to be one directional.

## **2.0 Comments about Proposed Steps**

### *Step 1 – Preparation*

The preparation step entails working with the participants to refine the proposed process and to understand their objectives for the Giant Mine Remediation Project. Participants will likely need to do internal work prior to meeting with the facilitator to prepare for the discussion of objectives.

SRK identifies the need to gather input about people's "expectations for future uses of the site." This is important because future uses are integrally linked to people's objectives. However, it also presents a challenge because assumptions and decisions have already been made about standards for remediation and these will influence the range of uses that are possible for the site. If there are constraints on future uses, these need to be communicated clearly early in the process so that they do not disappoint participants if they influence outcomes.

SRK states a need to distinguish between objectives, land uses and actions. While it is important to define the desired end conditions instead of specific remedial actions, it is also important to recognize that the distinction between them is defined partly by people's perspectives. As a result, some participants may define objectives or land uses that others would consider to be actions.

### *Step 2 – Option Definition Workshop*

SRK has proposed the development of options that are complete packages for the entire site, but specifically requests input about how to bundle the options (Question 3). I agree with SRK's preference for addressing complete options. However, this approach may have

to be changed if it is not possible to define coherent complete options that incorporate a range of alternatives for each site component.

Also, the group will need to be careful that important evaluations of specific site components are not overshadowed by other components that dominate the overall performance of combined options. For example, a component that contributes a smaller contaminant load may be overshadowed in evaluation processes by a component that contributes a much larger load – even though the smaller load warrants careful consideration in its own right. As the group defines options and conducts the evaluation, it must be vigilant to ensure that the process considers and incorporates important issues for all components.

### Step 3 – Option Development

SRK describes the minimum requirements for information about each option in order to support the evaluation process. In broad terms, the information available to support the options evaluation should address each of the objective themes – most likely human health, environment, land use, cost, long-term requirements and socio-economic. The information available in each of these areas needs to be at a level that is suitable for comparison – for example, cost estimates do not need to be sufficient to support construction, but they must be comparable for all options. The minimum requirements stated by SRK do not appear to address all of the relevant objective themes and the understanding of information requirements should be clarified.

I agree with SRK that it is beneficial to make use of the existing information about the site as much as possible in preparing information to support the options evaluation. Some effort will be required to compile and interpret the existing information so that it is in a format that is accessible for the participants. New information may also be needed in some cases.

### Step 4 – Risk Rating Meeting

SRK has proposed a risk rating process as a predecessor to the options evaluation. I believe this is a valuable contribution to the process, providing an opportunity for participants to gain a more common understanding of issues and concerns, and the expected performance of the proposed options.

As SRK proposes, it is likely that the AANDC risk rating process may require some refinement for it to be effective for the proposed multi-party process. The rating of risks is highly dependent on perspectives and the importance of various consequences may need refinement before the AANDC process can be used effectively.

### Step 5 – Options Evaluation Workshop

As discussed at the WG meetings, I have participated in workshops similar to what SRK is proposing, including some facilitated by SRK. I am supportive of the proposed approach.

### **3.0 SRK Questions**

#### *Who participates?*

Decisions about who participates in the options evaluation process, and how participants are grouped in the workshop, is tied to the overall decision-making framework and how the outcomes of the process will be used. For example, governments have obligations to engage with First Nations and consider/address concerns. The extent to which this process will be used to fulfil these obligations will influence how First Nations' participation should be reflected in the process.

#### *What options are on the table?*

I agree that the outline for the options evaluation process should define the scope of the project that is under consideration. SRK has proposed that scope be limited to the property limits as defined in the Environmental Assessment, and to surface remediation activities. I agree that options for underground remediation do not need to be considered, though this is because the decisions have already been made – not that there is necessarily agreement about them. The scope constraints proposed by SRK seem reasonable, but the information to support evaluation of options will need to consider the effects of the overall remediation project, including underground remediation. It will also need to include effects beyond the geographic scope of the project – e.g., in Ndilo and Yellowknife. This will allow an understanding of the overall performance of options with respect to the objectives and land use expectations.

#### *How do we bundle options?*

This question is addressed in comments about Step 2 above.

#### *When?*

I agree with SRK that the whole process can be time consuming. I would expect it to take up to a year from start to finish because compiling information about the options will take time. In my view, it is important to keep the risk rating and options evaluation workshops close together in time. This will allow the team to make the best use of the knowledge gained during the risk rating to support the options evaluation. However, there should be sufficient time between the two so that the options can be refined to address the outcomes of the risk rating, and analysis about the performance of the refined options prepared. It is likely reasonable to space the workshops about 4-6 weeks apart.

#### *Other support?*

I have no comments on this question.