



Alternatives North

August 23, 2013

Willard Hagen
Chairperson
Mackenzie Valley Land and Water Board
Box 2130, 7th Floor, 4922- 48th Street
Yellowknife NT
X1A 2P6

Dear Mr. Hagen

Re: MV2102L8-0010 Field Paste Testing Plan for Giant Mine Underground Stabilization

Thank you for the opportunity to review the field paste testing plan submitted by Aboriginal Affairs and Northern Development Canada (AANDC) on July 26, 2013.

AANDC secured a water licence from your Board for the underground stabilization work on March 28, 2013. AANDC claimed at the time that this work was in response to an emergency pursuant to s. 19 of the *Mackenzie Valley Resource Management Act*. The work was tendered by Public Works and Government Services Canada on April 5, 2013 and closed on May 22, 2013.

Alternatives North requested information on the status of this work several times and received no substantive response. AANDC committed in its "Communications Plan for Duration of Site Stabilization Activities" to "inform [the] public and stakeholders of any unplanned events related to the site stabilization work". The first time we were informed of the delay in this emergency underground stabilization work was through being copied on the July 26 e-mail to your Board requesting approval of the field test plan. We subsequently found additional information on the MERX website of Public Works and Government Services and in the semi-annual report under this water licence filed with your Board on July 31, 2013. It is indeed unfortunate that AANDC has failed to meet its commitments on communications with interested parties as it proceeds with work under this water licence.

Rather than meet with interested parties to discuss the contracting delays and options for completing some of the emergency work this season, and possibly expedite a regulatory review, AANDC chose to approach the Board for a quick approval of field tests that were clearly never part of the original proposal or description of the underground stabilization work. We are very concerned with the failure of AANDC to properly manage this emergency work and to engage with interested parties.

We remain very concerned that there is still no protocol or plan that is publicly available for communicating an emergency at the site to the general public, even though the work has been underway now more than 10 weeks.

We attach some additional concerns and issues related to the field test plan. We are aware of the August 16, 2013 response from AANDC to some of the preliminary concerns we filed with your Board on August 1, 2013. We believe that some the information provided by AANDC should be updated, in some cases additional evidence should be provided and in other cases the questions were simply not answered. We also acknowledge that some of the concerns we raised have been superseded by the August 7 submittal package for the underground stabilization work. We will review that material in due course and provide any comment to you by your deadline of September 6, 2013.

Sincerely,

A handwritten signature in black ink that reads "Kevin O'Reilly". The signature is written in a cursive, flowing style.

Kevin O'Reilly
Alternatives North

cc. Chiefs, Yellowknives Dene First Nation
Adrian Paradis, A/Manager, Giant Mine Team, AANDC
Ray Case, Environment and Natural Resource, GNWT
Mark Heyck, Mayor, City of Yellowknife
Bob Bromley, MLA Weledeh
Vern Christensen, Mackenzie Valley Environmental Impact Review Board

GENERAL INSTRUCTIONS FOR EXCEL TEMPLATE:

1. Do not leave blank rows above or between comments.
2. Do not modify or delete the instructions or the column headings (*i.e.* the grey areas).
3. Each comment must have an associated topic and recommendation.
4. All formatting (*i.e.* bullets) will be lost when this file is uploaded to the Online Comment Table.
5. If necessary, adjust the cell width and height in order to view all text.
6. Cutting and pasting comments from WORD documents cannot include hard returns (spaces between paragraphs).
7. If you would like to create paragraphs within a single cell, please use a proper carriage return (ALT & ENTER).

<u>TOPIC</u>	<u>COMMENT</u>	<u>RECOMMENDATION</u>
<i>Be as specific as you think is appropriate; for example a section or page of the document, a recommendation #, general comment, etc.</i>	<i>Comments should contain all the information needed for the proponent and the Board to understand the rationale for the accompanying recommendation.</i>	<i>Recommendations can be for the proponent or for the Board. Recommendations should be as specific as possible, relating the issues raised in the "comment" column to an action that you believe is necessary.</i>
On page 1 of the Plan, the following statement is found: "The field test will be structured to determine the engineering requirements for the following: Suitable multiple mix designs for placement of low slump cemented paste tailings backfill barricades and high slump lightly cemented paste tailings material for bulk filling that will resist liquefaction in the event of a seismic loading;"	The Ingraham Trail realignment is taking place close to the Giant Mine at the same time as the planned field tests. As we understand it, there will be blasting involved for the realignment and some of this is to take place relatively close to the field test area. We are concerned about the affects of this blasting on the field tests, current underground stability and any attempt to begin the underground work during the blasting. We are of the August 16 AANDC response to our preliminary concerns on the field test plan and believe that the answers provided should be updated or supplemented with additional evidence.	Please provide an updated construction schedule for the Giant Mine bypass construction and an assessment by a qualified engineer that blasting associated with the road work will not have an effect on the field testing in relation to vibrations.

<p>On page 2 of the Plan, the following statement is found: "The purpose of this testing would be to try and find a cheaper alternative to cement while achieving the same strength and deposition results."</p>	<p>Alternatives North is concerned that AANDC has simply emphasized it is looking for a cheaper alternative paste backfill mix. It is not clear how cost will be traded off against other criteria such as environmental safety and longevity. We are aware of AANDC Aug. 16 response to our preliminary concerns and believe that aspects of the original questions remain unanswered.</p>	<p>AANDC should provide additional information on how it intends to evaluate the various mixes (including design criteria such as the ability of the backfill to withstand earthquakes and blasting and the expected frequency of such events, e.g. a 1 in 500 year event), an explicit list of the criteria and weighting that will be used and a clear statement that costs will not drive the selection of the selected mix above other important criteria such as longevity of the backfill and environmental safety. AAANDC should provide a full explanation of any tradeoffs that are made. We also request that the report(s) on evaluation and selection of paste backfill mixes be filed with the Board.</p>
<p>Municipal permit and licences for the testing</p>	<p>AANDC does not have a good track record in both applying for or obtaining municipal permits and licences for work that it is undertaking at Giant Mine. The field test work would appear to require a development permit as it involves a change in the intensity and use of lands at the site.</p>	<p>AANDC should provide information on whether it applied and has secured any permits or approvals from the City of Yellowknife for the field testing.</p>