



Mackenzie Valley
Environmental Impact Review Board

Work Plan
for the
Environmental Assessment

of the

De Beers Gahcho Kué Diamond Project

(EA0506-008)

Mackenzie Valley Environmental Impact Review Board

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1 INTRODUCTION

On December Dec. 22, 2006, Environment Canada referred a Land Use Permit and a Water Licence application for the Gahcho Kue Diamond Project to the Mackenzie Valley Environmental Impact Review Board for environmental assessment. The proposed development is a large open-pit diamond mine located approximately 180 km northeast of Yellowknife, NT.

This Environmental Assessment (EA) is subject to the requirements of Part 5 of the MVRMA. It is also subject to the MVEIRB's *Environmental Impact Assessment Guidelines* and the *Rules of Procedure*. Both of these documents are available online at www.mveirb.nt.ca.

The definitions of MVRMA s. 111 apply in this document and throughout the EA. Terms not defined in the MVRMA are used in their general sense and do not imply specific activities or standards that may be associated with the term in other jurisdictions.

2 APPROACH

This EA is divided into five broad phases.

1. The **Start-up phase** allows the Review Board to create the basic administrative structure of the EA (including distribution lists, physical and electronic public registries, etc...), choose an overall assessment strategy and create the Workplan for the assessment. This phase is now complete
2. The **Scoping phase** will provide an opportunity for the Review Board to identify and prioritize key issues for the environmental assessment. This phase will include community and technical hearings for scoping, and will conclude with the production of the Terms of Reference.
3. The **Analytical phase** will include the production of the Developer's Assessment Report and impact prediction, and impact analysis in technical meetings, information requests and technical reports.
4. The **Hearing phase** will include a pre-hearing conference and public hearings, allowing the Board further opportunity to hear evidence first-hand.
5. The **Decision phase** will include the Board's decision under MVRMA s118 (or s134 for an EIR). This phase will be completed with the release of the Report of Environmental Assessment by the Review Board.

This work plan will focus primarily on the first two of these phases (Start-up and scoping). The schedule for the remaining phases will be determined based in part on the results of scoping. (For this reason, this document provides a less detailed estimated schedule for phases three to five.

Rigorous scoping in stage two will be an important characteristic of this assessment. Although this requires more effort by the Review Board at the beginning of the assessment, it will ensure that the resources of the Review Board and all parties are focused on the issues that are most important to decision making. Maintaining this focus will reduce the paper flow and improve the quality of analysis, by allowing the Board and parties to devote more attention to key issues.

This assessment will involve thorough and rigorous scoping early on, to achieve the following:

- (a) Identify and prioritize issues for the assessment, with a view to establishing key lines of inquiry;
- (b) Gauge the level of public concern about the proposed development and determine if the level of public concern warrants a referral to environmental impact review according to MVRMA s. 128(1)(c);
- (c) Subject to (b) above, determine whether issues should be assessed in an environmental assessment or an environmental impact review.

The Review Board has determined that a combination of community hearings and a technical scoping session will be the most effective and efficient way to achieve these purposes. Interested parties will also have opportunity to make their views regarding scoping known to the Board via written submissions. The Board will determine where it will hold community scoping sessions based on the views of the parties to the assessment.

The Review Board reserves the option to evaluate, following scoping in phase two, whether there is evidence of significant adverse environmental impacts or of public concern sufficient to order an Environmental Impact Review according to MVRMA s. 128(1)(b)(i) or s. 128(1)(c). If the Review Board determines that sufficient evidence exists, it may refer the development to an Environmental Impact Review. Should this occur, the process from that referral onwards would be similar to that of an environmental assessment, but would be conducted by a panel established by the Review Board.

3 SCOPE OF DEVELOPMENT

The MVEIRB has defined the scope of development to consist of, but not be limited to, the following physical works or activities that will occur during the construction, operation and closure phases of the development:

Mining Process

- Construction of water retaining dykes and water diversion structures;
- Discharge and treatment of water from Kennady Lake;
- Excavation, storage and management of waste rock;
- Development of the 5034, Hearne and Tuzo open pits;
- Heavy equipment operation, including transportation of ore from the pits to the process plant;
- Management of mine water inflows; and
- Storage and use of explosives.

Milling Process

- Construction and operation of the process plant;
- Development and use of a water management pond;

- Construction and operation of the Southwest and On-land Processed Kimberlite Containment (PKC) facilities;
- Consumption of fresh water from Kennady Lake and recycling of process water; and
- Storage, use and disposal of process chemicals.

Support Infrastructure and Activities

- Use of on-site quarries and local eskers for construction materials;
- Construction and operation of diesel-powered power plants;
- Construction and operation of hydrocarbon storage and handling facilities;
- Construction and operation of airstrip, workshop/warehouse complex, administrative complex, construction camp and accommodations complex;
- Use of the Tibbitt-to-Contwoyto Winter road and construction of a 120-km spur winter road from Tibbitt-to-Contwoyto road to the Gahcho Kué site;
- Construction and use of on-site all-weather roads;
- Installation and operation of sewage treatment plant; and
- Construction and operation of solid and hazardous waste management facilities.

Closure and Reclamation Activities

- Backfilling and re-watering of the 5034 and Hearne pits;
- Reclamation of the PKC facilities;
- Removal of water diversion structures and restoration of natural drainage;
- Restoration of Kennady Lake to original water level; and
- Removal of structures and equipment.

4 SCOPE OF ASSESSMENT

The scope of this assessment includes all components of the proposed development as defined above.

According to the MVRMA's definition of 'impact on the environment' this EA will examine impacts on the bio-physical environment such as water, air and wildlife, as well as direct and indirect impacts on wildlife harvesting and cultural, social and heritage resources. To properly assess social impacts, the Review Board must also consider socio-economic impacts of the proposed development. The geographic scope that will be considered will be appropriate to the characteristics of the specific impact being assessed. Cumulative impacts will also be considered, as per MVRMA s. 117 (2)(a). (Appendix H of the Review Board's *Environmental Impact Assessment Guidelines* provides additional guidance on cumulative effects assessment).

5 ROLES AND RESPONSIBILITIES

This section explains the roles and responsibilities of the Review Board, the Review Board's staff and other parties involved in the Environmental Assessment process.

For a more detailed treatment of roles and responsibilities in the Review Board's environmental impact assessments, please see sections three and four of the Review Board's *Environmental Impact Assessment Guidelines*.

5.1 Review Board

The Review Board's role includes the following in relation to this EA:

- Conduct the EA in accordance with ss.126(1) of the MVRMA;
- Determine the scope of the development, in accordance with ss.117 (1) of the MVRMA;
- Consider environmental assessment factors in accordance with ss.117 (2) of the MVRMA;
- Make a determination regarding the environmental impacts or public concern about the development, in accordance with ss.128 (1) of the MVRMA;
- Report to the Federal Minister in accordance with ss.128 (2) of the MVRMA; and,
- Identify areas and extent of effects, within or outside the Mackenzie Valley in which the development is likely to have a significant adverse impact or be a cause of significant public concern, in accordance with ss.128 (4) of the MVRMA.

5.2 Review Board Staff

The Review Board's Executive Director and staff are the primary contacts for the developer, aboriginal groups, government bodies (federal, territorial and municipal), non-government organizations (NGOs), expert advisors (experts contracted directly by the Review Board), the public and other interested parties. This does not limit or preclude the Developer from contacting other parties during in the EA process. The Review Board may choose to hire expert advisors to provide technical expertise on specific aspects of the EA.

5.3 Developer

The developer is expected to respond in a suitable and timely manner to directions and requests issued by the Review Board. Such requests include but are not necessarily limited to Information Requests, requests for translation of documents, the request for the developer's presence at Public Hearings, and requests to produce public information material.

The developer may present additional information at any time to the Review Board beyond what was requested during the EA process. The Review Board encourages the developer to continue consulting all potentially affected communities and organizations during the EA process. The Review Board may request that the Developer provide a written record verifying consultations, including how the consultations have influenced the design of any part of the development or any steps the developer plans

to take to address a concern or issue.

5.4 Other Parties

Aboriginal groups, communities, or land owners that may potentially be affected by the development can obtain standing as “parties” (formerly known as “Directly Affected Parties and Intervenors”). The standing of an individual or organization as a party is subject to approval by the Review Board. Being granted status gives the party the right to fully participate in the EA. Public interest groups, non-governmental organizations and other interested parties may participate in the EA as parties.

Parties may present information at any time during the EA and may be given an opportunity to submit information requests for Board approval during the analysis and hearing phases. Party status may be granted at any time during the proceedings.

6 SCOPING PHASE

6.1 Overview

The Review Board will hold workshops and hearings to provide for careful and rigorous scoping of the issues to be addressed in the environmental assessment. The objectives of this scoping exercise are to identify all potential issues, to prioritize or rank the issues, and to provide the Board with sufficient information to decide which issues need to be addressed in the environmental assessment.

Early scoping is helpful in that it reduces the number of issues to be dealt with, focuses resources on the most important things, and reduces the overall amount of paper flow. However, experience shows that often important issues are identified only in later stages of an environmental assessment. While the Review Board is committed to rigorous scoping at the outset of the proceeding, this does not preclude parties from raising important issues later on, if they have sufficient supporting rationale. It also does not preclude the Board from addressing issues not identified through the scoping exercise. Similarly, an issue identified as important during scoping may be taken off the table later on as new information becomes available.

Western science and aboriginal communities approach issues differently. For example, scientists tend to compartmentalize while communities take a more holistic view. To be respectful towards both approaches, and to make the best use of both, there will be separate *technical scoping session/hearing* and *community scoping hearings*. The Board will then consider the results of both approaches.

6.2 Technical Scoping

Technical scoping will be done in three stages:

- (a) **Technical Workshop:** participants identify potential issues and classify them into a list of issues where all issues are of more or less equal detail.
- (b) **Rankings:** The results of the workshop will be made available to all parties. Each organization will be asked to internally rank or prioritize the issues on the general list.

- (c) **Scoping Hearing:** Parties will present their findings to the Board in a technical scoping hearing. This will allow the Board to hear the evidence directly from the parties. It will allow the parties to explain to the Board the rationale for the way they ranked issues and will also give them a chance to provide any additional information.

6.3 Community Scoping

The Board will hold community hearings to hear directly from the people in an informal way. Community Hearing will be held in Lutsel K'è, Behchokò, and in either N'Dilo or Dettah. The Board considers three hearings in communities within the T'licho and the Akaitcho regions to be sufficient to identify the issues that need to be addressed in the environmental assessment. Later hearings may be held in other communities as well. These scoping hearings will be conducted as "community hearings" as defined in the Review Board's *Rules of Procedure*. (More information on public hearings is available in s3.15 of the Review Board's *Environmental Impact Assessment Guidelines*).

6.4 Written Submissions

All parties as well as the public are invited to submit evidence that, in their opinion, will assist the Board in achieving the purposes of phase one and two as outlined in this work plan. Written submission will be placed on the public record. Upon special request the Board may consider confidential submissions. Parties who do not wish to have their submission put on the public record must contact board staff prior to making a submission. The Board will decide on a case by case basis on the merits of a request for confidentiality and if it will receive and consider such a submission as per its *Rules of Procedure*.

Submissions should be in a format that is easily accessible to all EA participants. The Review Board prefers documents to be submitted digitally in either Word or PDF format. However, hardcopy, hand delivered or via courier, as well as fax transmissions are acceptable as long as they are printed and can be reproduced via photocopier in a clearly legible manner. For regular mail the date the submission is received at the Review Board's office is considered to be the submission date. The Board will not consider any submission after the closing of the public record.

Oversized items or items that are difficult to reproduce, such as colour maps, should be submitted digitally, and/or hardcopy in sufficient quantities to be distributed to those parties with limited access to computer technology. Please contact the Review Board's staff for the quantities required.

6.5 Scoping Phase Decisions

Following the scoping hearings and the receipt of written submissions, the Board will consider the evidence brought before it and will decide to either order an Environmental Impact Review or to continue at the Environmental Assessment level. In the former case, the Board will issue a report, refer the development to an EIR, strike a panel, and continue on with the assessment process.

7 SCHEDULE

The table below outlines the milestones of phases one (start-up) and two (scoping) of the EA. All dates are target periods and are subject to change.

<i>Milestone</i>	<i>Proposed Dates / Estimated Working Days</i>
Start-Up Phase	
Referral to Environmental Assessment	Dec. 22, 2005
Public notification of referral	10 days
EA Strategy development	7 days
Draft Workplan issued for comments	13 days
Workplan comment deadline and finalization	5 days
Scoping Phase	
Technical scoping sessions in Yellowknife	March 22-24, 2006
Parties ranking of issues internally	10 days
Technical scoping hearing in Yellowknife	April 12, 2006
Community Scoping Hearing in Lutsel K'e	April 4, 2006
Community Scoping Hearing in Dettah/N'Dilo	April 6, 2006
Community Scoping Hearing in Behchokò	April 11, 2006
Analysis of scoping sessions/ hearings	6 days
Potential Referral to EIR	5 days
Draft Terms of Reference	9 days
Terms of Reference comment period	15 days
Preparation and release of Final Terms of Reference	15 days

The following is a summary of the remaining phases of the Workplan. This part of the Workplan will be revised into a more detailed timeline following the scoping phase, and released as a second installment of the work plan. In this version, only a rough estimated timeline has been included.

<i>Milestone</i>	<i>Rough Timeline</i>
Analytical Phase	
Developer's Assessment Report / EIS	3 rd Quarter 2006
Conformity Check	3 rd Quarter 2006
Information Requests- Round One	4 th Quarter 2006
Focused small technical meetings	4 th Quarter 2006
Information Requests- Round Two	1 st Quarter 2007
General technical sessions	1 st Quarter 2007
Technical reports	2 nd Quarter 2007
Hearings Phase	
Pre-Hearing Conference	2 nd Quarter 2007
Public Hearings	3 rd Quarter 2007
Decision Phase	
Report of EA / Panel Report	4 th Quarter 2007