



Mackenzie Valley Environmental Impact Review Board

*Workplan for the
Environmental Assessment
of the
Department of Indian Affairs & Northern Development's
Giant Mine Remediation Plan
EA0809-001*

May12th, 2009

Mackenzie Valley Environmental Impact Review Board

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1 INTRODUCTION

On April 2, 2008, the City of Yellowknife referred the Giant Mine Remediation Plan to environmental assessment. The proposed plan involves the reclamation of an abandoned gold mine and the containment and immobilization of 237,000 tonnes of arsenic trioxide, a byproduct of the gold production process. Giant Mine was in production for close to 60 years under two different owners; the property is now Commissioner's Land and is administered by the Department of Municipal & Community Affairs (GNWT). Care and maintenance of the site is provided by Indian and Northern Affairs Canada's Contaminants and Remediation Directorate.

This environmental assessment is subject to the requirements of Part 5 of the *Mackenzie Valley Resource Management Act* (*MVRMA*). It is also subject to the Mackenzie Valley Environmental Impact Review Board's *Environmental Impact Assessment Guidelines* and the *Rules of Procedure*. The documents are available online at www.mveirb.nt.ca.

The definitions of *MVRMA* s. 111 apply in this document and throughout the environmental assessment. 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 environmental assessment is divided into five broad phases:

1. The **start-up phase** includes the creation of the basic administrative structure of the environmental assessment, such as setting up the public registry, sending out notifications to interested parties and public advertisement of the environmental assessment.
2. The **scoping phase** is an opportunity for the Review Board to identify and prioritize key issues in the environmental assessment. This phase will consist of scoping sessions, a scoping hearing and the production of an environmental assessment Terms of Reference.
3. The **analytical phase** includes gathering information about potential impacts to the environment as considered in the Developer's Assessment Report and information requests. Further impact prediction and analysis will occur through technical meetings and the drafting of technical reports.
4. The **hearing phase** will include a pre-hearing conference and public hearing(s), which will allow the Review Board to directly hear evidence first-hand.

5. The **decision phase** will include the Review Board's decision under *MVRMA* section 118 (or section 134 for an EIR). This phase concludes when the Review Board submits its *Report of Environmental Assessment* to the Minister.

For upcoming phases of the environmental assessment, this work plan will provide a broad overview of timelines will be provided for the later phases. This environmental assessment included a scoping hearing, which is a higher level of scrutiny at an initial stage of the environmental assessment than is commonly used by the Review Board. The nature of this development, meaning the potential severity and scale of the adverse impacts and its close proximity to a large community, necessitated a more thorough and careful examination by the Review Board. The intended aim of scoping is to:

- (a) identify and prioritize the key issues for this assessment
- (b) gather evidence of potential adverse environmental impacts related to the proposed development
- (c) gauge the amount of public concern in the community that is related to the proposed development
- (d) subject to (b) and (c) above, determine whether issues should be assessed in an environmental assessment or an environmental impact review

The Review Board conducted an informal scoping session to give interested groups and individuals an opportunity to discuss the project and to help identify and clarify the issues that they intend to present to the Review Board at the scoping hearing. This session was open to all members of the community, including representatives from government and NGOs.

At any time in the process, the Review Board may refer the development to environmental impact review under *MVRMA* section 128(1)(b)(i) or section 128(1)(c). Should this occur the process from that referral onwards would be similar to that of an environmental assessment, although it would be conducted by a panel established by the Review Board.

3 ASSESSMENT PROCESS & WORKPLAN

Section Three of the Review Board's *Environmental Impact Assessment Guidelines* describes the environmental assessment process in detail. This section will outline roles, milestones, deliverables and timing for this assessment.

3.1 Responsibilities

The roles and responsibilities of the Review Board and its staff, government bodies, CARD-INAC and other parties in the environmental assessment are explained in this section. Further information regarding the structure of the environmental assessment process is available in the Review Board's *Environmental Impact Assessment Guidelines* and the *Rules of Procedures*.

All submissions received from all sources will be considered during the Review Board's decision-making. Usually such submissions will be public documents and will be posted on the Public Registry. However, the Review Board may accept documents on a confidential basis if requested to and given acceptable reasons. Submissions should be in a format that is easily available to all stakeholders and should follow any templates provided by the Review Board.

Review Board

The Review Board, assisted by its staff, is required to undertake the following in relation to this environmental assessment:

- Conduct the environmental assessment in accordance with Section 126(3) of the *MVRMA*;
- Determine the Scope of Development, in accordance with Section 117(1) of the *MVRMA*;
- Consider in relation to the development a variety of required factors, in accordance with Section 117(2) of the *MVRMA*;
- Make a determination regarding under Section 128(1) of the *MVRMA* of whether or not the proposed development will likely cause significant adverse environmental impacts or significant public concern, and based on this determination:
 - If the development is likely to have a significant adverse environmental impact, recommend:
 - the approval of the proposal subject to the imposition of the measures that the Review Board considers necessary to prevent the significant adverse impact, or
 - order that an environmental impact review of the proposal be conducted;
 - If the development is likely, in the Review Board's opinion, to be a cause of significant public concern, order that an environmental impact review of the proposal be conducted
 - If the development is likely, in the Review Board's opinion, to cause an adverse impact on the environment so significant that it cannot be justified, recommend that the proposal be rejected without an environmental impact review,.

- Report to the Federal Minister in accordance with Section 128(2),(3) and (4) of the *MVRMA*.

The Review Board's designated Environmental Assessment Officer is the primary point of contact between the Review Board and the Developer, government bodies (federal, territorial and municipal), non-government organizations (NGOs), aboriginal groups, expert advisors (expert consultants contracted directly by the Review Board), the public and other interested parties. This does not limit or preclude the Developer's contact with other parties during the environmental assessment process. The Review Board actively encourages dialogue between parties in parallel forums.

This environmental assessment is being led by Alan Ehrlich, Senior Environmental Assessment Officer. The Review Board may choose to hire expert advisors to provide technical expertise on specific aspects of the EA.

In accordance with the guiding principles of the *MVRMA*, the process for the environmental assessment shall be carried out in a timely and expeditious manner.

Government Bodies

Government bodies may be involved in the environmental assessment process as:

- A Developer (see below);
- A Regulatory Authority as defined in the *MVRMA*;
- A Responsible Minister as defined in the *MVRMA*;
- A Federal Minister as defined in the *MVRMA*; or
- Advisor to the Review Board.

Developer

CARD-INAC is expected to respond in a suitable and timely manner to directions and requests issued by the Review Board. CARD-INAC may present additional information at any time to the Review Board beyond what was requested during the environmental assessment process. The Review Board encourages CARD-INAC to continue consulting all potentially-impacted communities and organizations throughout the environmental assessment process.

Other Parties

First Nations, aboriginal groups, NGOs, the public and other interested parties may request party status

by the Review Board, as per the *Rules of Procedure*. Parties may provide the Review Board with information relevant to the environmental assessment of their own volition, or they may be asked by the Review Board to provide any relevant information they may have. Parties are expected to participate and respond to directions and requests issued by the Review Board in a suitable and timely manner.

In addition to the expertise available from parties, the Review Board may also choose to hire expert advisors to provide technical expertise on specific aspects of the environmental assessment.

3.2 Milestones

Table 1 summarizes the milestones and responsibilities in the environmental assessment process.

Table 1 - Milestones + Responsibilities in the environmental assessment Process

Milestone	Developer	Govern- ment Bodies	Other Parties	Review Board and Staff
Environmental assessment start-up				✓
Scoping sessions	✓	✓	✓	✓
Draft Terms of Reference (ToR) and Work Plan				✓
Comment on draft ToR and Workplan	✓	✓	✓	
Final ToR and Workplan				✓
Developer's Assessment Report	✓			
Conformity Check and Deficiency Statement (if required)				✓
Deficiency Statement Response	✓			
Information Requests (IRs)		✓	✓	✓
IR Responses or Roundtable technical meeting (if required)	✓	✓	✓	✓
Technical Analysis		✓	✓	✓
Public/Community Hearings (at Board's discretion)	✓	✓	✓	✓
Review Board <i>Report of Environmental Assessment and Reasons for Decision</i>				✓
Minister's Response (if required)		✓		
Consultation - throughout / as required	✓	✓	✓	✓

3.3 Deliverables

The following section lists and explains the various deliverables to be produced during the environmental assessment process. They are listed in the order they will be produced.

Public Registry, public notification, government notification, Developer notification, expert advisor identification, identification of environmental assessment roles

The Review Board has initiated the notification measures required by the *MVRMA*. The Review Board has opened the Public Registry on the environmental assessment – all documents related to this environmental assessment are available at the Review Board offices or on the web at www.mveirb.nt.ca. The Public Registry will be updated regularly. The Review Board has identified expert advisors. Please refer to Section 3.7 of the *Environmental Impact Assessment Guidelines* for further detail.

Approved Terms of Reference and Work Plan

A final Terms of Reference and Work Plan has been developed, incorporating written comments on the draft document received from parties, as well as comments and conclusions drawn from scoping sessions and previous documents on the Public Record. This document contains the scope of the development, the scope of the assessment, directions to the Developer, a description of the environmental assessment process and an environmental assessment work plan. Please refer to Section 3.10 of the *Environmental Impact Assessment Guidelines* for further information.

Developer's Assessment Report

CARD-INAC will be responsible for submitting to the Review Board a DAR that will provide the information listed in Section 4 of these Terms of Reference. The environmental assessment will not proceed further until CARD-INAC has issued this DAR and it is determined to conform to the *Terms of Reference*. CARD-INAC should use diagrams, charts and maps for clarifying information presented in the text where appropriate and should consider the use of a glossary for technical or uncommon terms.

Conformity Check, Review Board Deficiency Statement and Developer's Response

The Review Board will review the DAR to ensure that CARD-INAC has provided the information required. If needed, the Review Board will issue a deficiency statement identifying those areas in which CARD-INAC has not provided sufficient information to address an item listed in the Terms of Reference. CARD-INAC will be asked to submit information to the Review Board to fill the information gaps identified by the deficiency statement. If the Review Board is not satisfied with the

information received, it will halt the environmental assessment until it has received an adequate response. Please refer to Section 3.12 of the *Environmental Impact Assessment Guidelines* for details.

Requests for Party Status, Information Requests and Responses to Information Requests

After the DAR has been distributed, the Review Board will issue a call for groups to self-identify their interest in being an official Party to the environmental assessment. Party status confers certain rights to groups, such as the ability to submit Information Requests, engage in Technical Meetings, issue Technical Reports and make presentations and ask questions of other Parties at Hearings. Information Requests (IRs) are very specific and focused requests for clarification or additional information. They may be required for the Review Board to complete its analysis and reach a conclusion about the information provided by CARD-INAC. The first round of IRs issued will be developed by the Review Board. The second round will be open to all environmental assessment participants, although the Review Board retains the right to not issue questions that have already been answered to its satisfaction or are beyond the scope of assessment.

IRs can be issued by any party in the environmental assessment and can be directed to any other party. However, all IRs must be submitted to the Review Board for approval and they must also be submitted in the form required by the Review Board. If approved, the Review Board will then issue the IR under its authority to the intended IR recipient. The IRs and the responses will be included in the Public Registry and be used as evidence for the consideration of the Review Board. See Section 3.14 of the *Environmental Impact Assessment Guidelines* for details.

Roundtable Technical Meeting(s)

In addition to, or in lieu of, the above-mentioned IR process, the Review Board may choose to hold a roundtable technical meeting (or meetings) to permit a face-to-face question and answer sessions between interested parties, CARD-INAC and Review Board staff. In advance of a roundtable technical meeting, parties will submit their questions/comments to CARD-INAC, or to other parties, by way of the Review Board, to allow CARD-INAC or parties sufficient time to develop a response. To ensure a fair process, the Review Board exercises discretionary control over what issues may be brought forward in the meeting. Review Board staff will ensure that a record of the meeting is made. Following the meeting, the Review Board will issue a report that details the nature of the proceedings and any technical issues that were identified, discussed, resolved or left outstanding.

Technical Reports from environmental assessment parties

The Review Board staff will undertake the analysis of the environmental assessment with the assistance of federal and territorial governments, aboriginal groups, the public, and other interested parties. A thorough analysis of the Remediation Plan is essential to assist the Review Board to make the best environmental assessment decision. This is a critical stage in the environmental assessment process where the key issues and impacts are identified and evaluated. CARD-INAC can formally provide and present its views on the information brought to the Review Board's attention including any proposed amendments, additions or refinements to the development description or the environmental assessment documents. The technical reports from environmental assessment parties are to clearly state the reviewer's conclusions, recommendations and supporting rationales. See Section 3.13 of the *Environmental Impact Assessment Guidelines* for details.

Review Board's Report of Environmental Assessment (environmental assessment Decision)

The Review Board will provide the Minister of INAC with its *Report of Environmental Assessment* as per Section 128(2) of the MVRMA. The Minister of INAC will distribute the report to every responsible minister as per Section 128(2)(a) of the MVRMA. The Developer and the other environmental assessment parties will also receive copies of the Review Board's Report of environmental assessment. See Section 3.16 of the *Environmental Impact Assessment Guidelines* for details.

3.5 Estimate Work Plan Components and Timing

Table 2 (below) provides **estimated** time lines for the completion of each milestone in the environmental assessment. The Review Board issued an initial workplan at the start of this environmental assessment that may be referred to for further information on timelines. Days refer to working days, not calendar days. The Review Board may amend the schedule at its discretion.

Table 2: Estimated time lines for the environmental assessment

<i>Milestone</i>	<i>Duration/Timing</i>
Referral to Environmental Assessment	April 2, 2008
Public notification of referral	April 7, 2008
Draft Initial Work plan issued for comments	Late May, 2008
Initial Work plan comment deadline	Mid June, 2008

Initial Work plan finalization	Late June, 2008
Issues scoping session (Yellowknife)	June 17, 2008
Public issues scoping hearing (Yellowknife)	July 22-23, 2008
Issuance of Reasons for Decision on Scope of Assessment	Dec 19, 2008
Issuance of Draft Terms of Reference & Final Workplan	End of March, 2009
Terms of Reference & Final Workplan comment period	April 9, 2009
Preparation and release of Final Terms of Reference & Workplan	May 12, 2009
Developer's Assessment Report (estimated)	End of October, 2009
Conformity Check	Mid November, 2009
Deficiency Statement & Developer Response (if required)	End of November, 2009
First Round IRs	Mid December, 2009
Response to first round IRs	End of December, 2009
Preparation of technical meetings	Mid of January, 2010
Technical meetings	End of January, 2010
Second round of IRs	Mid February, 2010
Responses to second round of IRs	End of February, 2010
Pre-hearing conference	Early March, 2010
Parties' technical reports	End of March, 2010
Preparation for public hearings	Early May, 2010
Conduct of public hearing	Mid May, 2010
Closure of public registry	June, 2010
Review Board requests for clarification	June, 2010
Preparation of the Report of Environmental Assessment	August, 2010