

May 17, 2012

Note to file

EA 0809-004
NICO Project, Fortune Minerals Limited

To parties:

Re: Technical Report deadline is June 15, 2012

The next phase in the environmental assessment of the NICO Project is the submission of technical reports by parties. As described in the Review Board's letter of March 14, the deadline for technical reports is June 15, 2012.

Technical reports should clearly provide your views regarding which parts of the project will affect which valued components, and how. Please provide supporting references where possible. Parties must include a one-page plain language summary of their report.

Please read the attached instructions regarding the format of technical reports. Further instructions can be viewed on our website at:
http://reviewboard.ca/upload/project_document/EA0809-002_Technical_Report_Preparation_1304628633.PDF

Please feel free to contact me with any questions or for further information.

Sincerely,

(original signed by)
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Appendix E: Format Instructions for Technical Reviewers

The following format for technical reviewers was designed during a multi-stakeholder workshop in Nov. 2001. Government, industry and co-management board representatives participated. The following suggested format for technical reports resulted from this workshop.

Format for Technical Reports

Non-Technical Summary

Each technical report must include a non-technical summary, briefly describing the key points, conclusions and rationale of the report. This should be written in plain language, suitable for community members and the general public without a technical background. This must not exceed one page.

Introduction

- relevant aspects of organization's mandate
- list of general subjects reviewed
- indication that comments have been submitted for all issues identified
- statement of the capacity in which comments are provided (e.g. are responses in offered as expert advisor, responsible minister, federal minister or intervenor, etc.)

Specific comments

For each specific issue reviewed, please:

1. Identify the issue (using Terms of Reference line and section numbers for reference)
2. State the developer's conclusion relating to the issue (referencing source [page or section in EA report or Information Request number] where possible)

3. State your conclusion relating to the issue, (including an indication of agreement or disagreement).
4. Provide a clear rationale (including any relevant evidence) in enough detail to support your conclusion.
5. Provide recommendations relating to the issue.

Preliminary Screening References

If reviewers wish to reference comments made during preliminary screening, these should be linked to specific items in the Terms of Reference.

Outstanding Information Request Issues

IR issues constraining the technical review should be identified.

Summary of Recommendations

Reviewers are requested to provide an itemized summary of recommendations.

Sample Technical Report

The following is a sample Technical Report (excluding non-technical summary). It was deliberately based on a fictional development and developer, to emphasize the format, as opposed to the comments.

Introduction

The Department of Resources, Wildlife and Economic Development (RWED) is pleased to offer the following technical comments on the Developer's Assessment Report (DAR) of the proposed expansion of the Mackenzie Minerals Inc. Mine (EA03-012). The Wildlife Act charges this department with responsibility for the sustainable management of wildlife in the NWT.

We have conducted a technical review of the following general subjects in the Mackenzie Minerals DAR and related information requests:

- Effects on terrestrial wildlife
- Effects on wildlife habitat
- Tourism related social impacts

Specific comments follow. Where no comments have been offered, no concerns were identified.

RWED serves in this assessment as both an expert advisor and a regulator. The comments included here are offered in our departmental capacity as an expert advisor, except where it is specifically indicated otherwise.

Specific Comments

1. Changes to lynx distribution as a result of noise disturbance

Reference: ToR line # 42, DAR Section 6.3 (p. 60)

Developer's Conclusion:

Mackenzie Minerals Inc. concluded that disturbance from mining would have no effect on local lynx distribution. Mackenzie Minerals Inc. suggests that no change is predicted because the area was historically used for other development activities, and that there is no recorded change to baseline levels as a result of noise from past activities. The developer therefore concludes (DAR, sec. 2.5.4.5) that further development activity is unlikely to cause any additional change to lynx distribution.

Our Conclusion:

RWED does not agree with the developer's assessment of this impact. Noise from mining and processing is likely to have a considerable lasting effect on lynx distribution.

Our Rationale / Evidence:

Although there have been development activities in the area in the past, these have not been comparable to the development activity proposed. Past activity has been limited primarily to seismic exploration and tourism. Although seismic exploration does involve comparable noise levels to those proposed (approx. 95dB), the noises from seismic were infrequent and seasonal, while the noise from the processing plant will be ongoing.

We further note that the past activity occurred over thirty years ago. The area shows little remaining impact from that activity, and the forecasted noise levels from the proposed development will be a major change from the currently existing conditions.

Further, lynx populations fluctuate drastically over a multi-year cycle. Past records relating to the area do not consider the overall population level at that time when noting that lynx were still present. The impacts of noise on lynx density may be higher in a low-population year. Without this information, the conclusions of the developer cannot be reliably extrapolated from the record of past activity in the area, as suggested.

There is evidence in the scientific literature that lynx will change distribution in response to noise levels similar to those proposed. McNeill et al. (2001) concluded that lynx may respond to ongoing loud low frequency noises by avoiding an area, and possibly abandoning local denning sites,

Recommendation:

The developer should use the additional mitigation of the noise-reducing muffler considered as an alternative (DAR s.4.2.11). This is a proven method of reducing the sound levels to 75dB. If levels can be reduced to 75dB, the impact would be prevented.

(repeat above format for each specific comment as necessary).

Preliminary Screening References

Please note that these comments are submitted in addition to the measures suggested to the Sahtu Land and Water Board during preliminary screening, in our correspondence dated May 16th, 2012. Measures 4 and 9 (relating to ToR line 45) are still relevant and applicable. RWED would like the Review Board to consider them during this EA.

Information Request Issues

RWED would like to note that Mackenzie Minerals Inc. has not yet responded to Information Request #9 (safety issues relating to bear management). This is the second time this request has been issued. We are unable to provide technical review for this issue without the requested information. (Note: This relates to ToR lines 81 to 87).

Summary of Recommendations

1. The developer should implement noise reduction technology (as described in . DAR s.4.2.11).

...and so on.