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1 December 1999

Louie Azzolini
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
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Re: Draft Terms of Reference for BHP's Three Pipe Expansion Project

I have reviewed, on behalf of DFO-FHM, the Draft Terms of Reference (ToR) for the BHP Expansion EA sent by you a couple of weeks ago.

My comments are brief at this time. I conclude that the ToR as drafted are too broad or vague. I fear the company may respond with either a huge document full of detail about everything that doesn't focus on the important concerns, or equally undesirable, the bare bones of an assessment with the argument that it is all we asked for. I feel some requirements need to be specified at a greater level of detail for some of the components that are identified in the Draft. An example would be the impacts on the newly-affected watershed. What are the particular areas of concern that would require BHP to include an assessment of the impacts on this watershed? This expansion of the level of detail required in the assessment would, however, take more time to develop. The relatively short deadline coinciding with the Diavik Water Licence process precludes a thorough analysis of the ToR at this point.

Based on my past and recent experience, I find that this sort of "fleshing out" work can be done productively with a "round table" working group. It is helpful to compare concerns and questions with others working on the same goal. Also, it is of some benefit that the future reviewers of the expected EA understand and agree about what they will be reviewing later. Can I suggest that such a workshop be arranged before the final ToR is written up?

An additional point of concern that bears specific mention: *Cumulative Impacts* – This section is weak, because of its overly broad prescription. More direction is needed. ALL residual impacts should be assessed for their cumulative effect.

Additionally, WHICH specific "other existing developments" are to be included in BHP's assessment? Do we ignore ones that are in the development process, but not "officially" acknowledged? Will BHP include their own reasonably foreseeable further expansions? BHP's limited discussion of cumulative effects in their project description indicates that they are not clear on what is required of them. (Although note that during the Diavik review, it was made clear that the responsibility of assessing BHP's 'new' project in conjunction with Diavik's project will be BHP's. BHP is to assess their original project + Diavik + their expansion project + projects at the bulk sampling stage + at least show that others have been considered and give reasons for not including them further.

We look forward to an opportunity to comment further, in cooperation with the board and other reviewers.

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DFO-FHM