

## **Approach**

The approach outlined in Section 1.3 (p 2) states “the Review Panel requires the environmental impact statement to report ... in two separate ways”. This approach is detailed in Section 8. After reviewing the various descriptions contained in the draft TOR, our analysis indicates this approach will be a duplication of the EIS. Creating two EIS increases the preparation required by the proponent and the review by parties to the environmental impact review. It could also lead to confusion on what EIS is being reviewed.

It is recommended the proponent prepare a single EIS. Individual issues not covered within the Key Lines of Inquiry or Subjects of Note, could be organized to follow the most appropriate topic (i.e. similar to the tables in Section 8).

## **Definitions**

Definitions of key terms to be used throughout the EIS are important. However, not all defined terms mentioned in the draft TOR are located in Section 1.4. In addition, some “definitions” include guidance statements that go beyond the normal understanding of the term “definition”. We recommend that definitions of each key term follow the format of the MVRMA to avoid misunderstanding by the proponent developing the EIS and the parties reviewing it.

Specifically:

i) Community – As this word has different meanings for different people in common usage, it is important to define the term so it is consistent in its application throughout the EIS. We recommend the term community be defined as “Community means a municipal corporation or First Nation but may also mean an identifiable group in the impact area defined in Section 4 of the Review Panel Terms of Reference”. We also recommend the EIS specify the group or groups where reference is made to an identifiable group.

ii) The source of the definition of the term “Cumulative Impacts” is given as MVEIRB 2004. However, the draft TOR definition then provides a statement of the “Review Panel’s opinion” to provide greater interpretation of the MVRMA. As the application of cumulative effects assessment can be controversial, it is important to be clear on the Review Panel’s expectations. If the Review Panel is modifying the MVEIRB 2004 definition, we recommend this ‘opinion’ be incorporated into the definition of this term.

iii) The definition of the term “Sustainability/Sustainable Development” includes the Review Panel’s guidance on the evaluation of a proponent’s contribution to sustainability. This guidance is more appropriate to Section 3.2 Assessment Methods and Presentation.

iv) Several terms and brief definitions are provided in Section 3.2.7 (p 15). We recommend these terms be moved to Section 1.4 and the meaning be clearly defined. This would allow the terms to be used as necessary in the TOR and EIS.

### **Evidence of Discussions**

We recommend the TOR include a sentence in Section 3.1.3 requiring the proponent to provide evidence of the discussions and how the information needs were met.

### **Significance Determination**

The assessment methodology of significance determination is generally well understood by practitioners and the Canadian Environmental Assessment Agency (CEAA) provides guidance for most of the criteria provided in the draft TOR. The draft TOR Section 3.2.2 is an awkward mix of this standard methodology and Review Panel interpretative comments and suggestions. In particular, it is difficult to understand how the proponent or parties to the EIR will interpret the Review Panel’s direction for both “reversibility” for the human environment and the “nature of effect” criteria. Clear descriptions for all of the significance determination criteria are necessary if the Review Panel is requiring a methodology that differs from standard practice.

### **Panel and Public Interest**

Under the *Mackenzie Valley Resource Management Act (MVRMA)*, the Review Panel has a duty to protect the well being of Mackenzie Valley residents. Sections 4.6 (p. 22), 4.7 (p. 23), 5.9 (p. 30) emphasizes the concerns of Aboriginal communities and Section 8.5 (p. 43) focuses on First Nation and Métis well-being. Since diamond mines develop a territorial resource, we recommend the EIR examine Project effects on residents throughout the NWT.

### **Impact Benefit Agreements**

We recommend all references to Impact Benefit Agreements (Section 4.7, p 23) be removed as these are private agreements and are not subject to regulatory or government follow-up programs.

### **Socio-economic Data and Analysis**

To understand how the Project may affect the well-being of NWT residents and communities, it is necessary to look at the opportunities and costs of the Project and to place them in context through key predictions. The draft TOR, for example, does not require information about opportunities to supply goods,

services, or labour nor predictions of the amount of goods, services or labour that NWT residents might supply. Sufficient information to determine whether the Project is beneficial and protects the social, cultural and economic well-being of NWT residents and communities while protecting the environment is key to this analysis. We recommend the direction on socio-economic data and analysis provided in TOR be refined.

For example, Section 4.5 could be rewritten as:

- Consistent with 3.1.2, provide alternatives to 2-week rotation schedules for all types of work (i.e. Professional, Skilled, Unskilled, Contractor, etc.) for the entire temporal scope of the Project. State the preferred schedule approach and why. State each community's preference and why. Discuss how schedules can affect key lines of inquiry under this topic. Discuss other triggers or social pathways that could affect the outcome (positive or negative) of this identified priority.
- Identify innovative ways or models the proponent could use to educate Mine Site employees in money management and healthy lifestyle choices.

### **Socio-economic Criteria and Indicators**

We recommend the criteria and relevant indicators for analyzing increasing social disparity (Section 4.6) and long-term social, cultural and economic effects (Section 4.7) be clearly stated to provide the proponent with direction on the information requirements for the EIS. For example, although long-term cultural effects are identified in the title for Section 4.7, the body of text does not detail related specific information requirements such as indicators of cultural resilience for affected communities (i.e. language, story telling, spirituality, country foods, cultural activities, etc).

### **Subjects of Note**

The statement in Section 5 that “subjects of note require a meaningful and comprehensive analysis, albeit to a lesser degree than key lines of inquiry”, is difficult to interpret. Generally, an assessment TOR clearly identifies valued socio-economic components, the criteria for these components and all the related indicators to ensure no required information is missed.

There is also a relationship between key lines of inquiry and subjects of note. For example, rigorous analysis of *training, education and promotion* (subjects of note) will impact the rigorous analysis and understanding of *long-term social, cultural, economic effects* or *lost opportunity* in the keys lines of inquiry.

We recommend clear direction on expectations of the proponent in terms of information and analysis requirements.

Specific Comments on Section 5 include:

#### Phrasing of Issues

The phrasing for some issues in Sections 4 and 5 could be misconstrued. For example, draft TOR Section 4.5 (p 22) states“...[an] influx of outside workers putting strain on social fabric and facilities without a corresponding benefit” while Section 5.9 (p 30) states, “...increasing mine development and mineral exploration threatens that character.”

The EIR is the process that will ensure issues are examined in detail. The use of neutral language throughout the TOR will avoid any perception of bias. For example, the issue cited above from Section 4.5 (p. 22) could be rephrased as “analyse the potential impacts of non-resident employees on social fabric and infrastructure”.

Similarly, in Section 5.10 the requirements could read:

- Predict and analyze impacts of inter-community migration on small communities, regional centres, and Yellowknife.
- Predict and analyze labour and migration impacts on key community services (including demand, job skills, wage rates, land and housing availability and costs, etc.).
- Estimate demands for community infrastructure and services from direct, indirect and induced population growth.
- Analyze the impacts of existing mines on key community services and volunteers.

#### Air Quality

We recommend Section 5.2 include: a discussion of Best Available Technology (BAT) and Best Management Practices (BMP’s) to be employed by the project to demonstrate the proponents commitment to minimizing emissions (i.e. application of the concepts of “keeping clean areas clean” and “continual improvement”); modeling of a construction phase scenario and an operational phase scenario using maximum potential emissions (i.e. ‘worst case’); and, quantification of emissions by pollutant and source for both scenarios

#### Training, Education, and Promotion

Although Section 5.8 identifies concerns, the criteria for analyzing training, education, and promotion in are unclear in the draft TOR. An understanding of how these concerns are linked to key lines of inquiry is needed. We recommend the inclusion of a preferred method of analysis would produce the most comprehensive results.

## **Engagement Record**

It is common practice for a proponent to provide a record of the engagement undertaken, to list the concerns/issues raised and to document how concerns/issues would be accommodated through Project design or other mechanisms. We recommend Section 5.13 be revised to follow this common public engagement submission approaches.

## **Development of Specific Information and Analysis Needs with Parties**

The draft TOR does not state what specific information or analysis is needed. Section 3.1.3 (p. 10) states, “the developer [is] encouraged to contact individual parties to the EIR directly to inquire about specific information needs”.

The GNWT encourages the proponent and/or its consultants to contact Departments prior to finalizing the valued components, information requirements, analysis methods and models and to inform the Review Panel of the results of this engagement.