



Mackenzie Valley Environmental Impact Review Board

**GAHCHO KUÉ Panel**

# DeBeers Gahcho Kué Diamond Project Environmental Impact Review EIR0607-001

## **Work Plan**

**Mackenzie Valley Environmental Impact Review Board**

**Gahcho Kué Impact Review Panel**

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## **1 INTRODUCTION**

This is the work plan for the environmental impact review (EIR) of the proposed Gahcho Kué diamond project, an open-pit diamond mine located at Kennady Lake, approximately 180 km northeast of Yellowknife, NT. The EIR was ordered by the Mackenzie Valley Environmental Impact Review Board (Review Board) on June 12, 2006. The developer applied for a judicial review on July 28, 2006, and April 2, 2007 the NWT Supreme Court upheld the order.

The Review Board appointed the members of the Gahcho Kué Environmental Impact Review Panel (Panel) and provided the Panel with its terms of reference.

This review is subject to the requirements of Part 5 of the MVRMA. The Panel adopts the Review Board's *Rules of Procedure*, guidelines, reference bulletins, and relevant policies as its own. Both of these documents are available online at [www.reviewboard.ca](http://www.reviewboard.ca). The definitions of MVRMA s. 111 apply in this document and throughout the EIR. Terms not defined in the MVRMA, or a document issued by the Panel, 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 SCOPE**

The scope of the development under review is described in the *Terms of Reference for an Environmental Impact Review Panel for the Proposed Gahcho Kue Diamond Mine Project* (panel terms of reference) issued by the Review Board.

## **3 ROLES AND RESPONSIBILITIES**

This section explains the roles and responsibilities of the Panel, its staff, the Review Board and its staff, as well as other parties involved in the environmental impact review process.

### **3.1 Panel**

The Panel assumes a role in the EIR similar to that of the Review Board in an environmental assessment. The Panel is conducting the EIR according to part 5 of the MVRMA and within the scope of its terms of reference. This includes:

- considering factors prescribed in sections 115 and 117 of the MVRMA;
- making rulings as required;
- conducting such analysis of the proposed development as the Panel deems appropriate;
- recommending whether the development should be approved, with or without mitigation or a follow up program, or rejected; and
- issuing a report containing a summary of comments from the public, an account of the Panel's analysis, and its recommendation regarding the approval or rejection of the proposal.

### **3.2 Review Board**

The Review Board provides the panel with administrative, logistical, and technical support through its staff. The Review Board is responsible for approving any changes to the scope of development or the scope of the review outside the Panel's mandate. The Review Board will also be

responsible for appointing replacement Panel members should the need arise.

### **3.3 Staff**

The Review Board's staff will serve as Panel staff and the Review Board's office will function as the Panel office. The 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 Panel), the public and other interested parties. This does not limit or preclude the Developer from contacting other parties during EIR process. The Panel has additional expert advisors to provide technical expertise on specific aspects of the EIR.

### **3.4 Developer**

The developer is expected to respond in a suitable and timely manner to directions and requests issued by the Panel, such 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 Panel beyond what was requested during the EIR process. The Panel encourages the developer to continue consulting all potentially affected communities and organizations during the EIR process. The Panel may request that the developer provide a written record verifying consultation details, 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.

### **3.5 Other Parties**

Parties to the environmental assessment of the proposed Gahcho Kué diamond mine development (EA0506-008) maintain their party status for the EIR.

Aboriginal groups, communities, or land owners that may potentially be affected by the development, as well as public interest groups, non-governmental organizations and other interested organizations or persons, can obtain standing as "parties". The standing of an individual or organization as a party is subject to approval by the Panel. Being granted status gives the party the right to fully participate in the EIR.

Parties may present information at any time during the EIR and can send information requests to other parties. Party status may be granted at any time during the proceedings.

### **3.6 Written Submissions**

All parties as well as the public are invited to submit evidence. Written submission will be placed on the public record. Under special circumstances, the Panel may consider confidential submissions. Parties who do not wish to have their submission put on the public record must contact Panel staff prior to making a submission. The Panel will decide on a case by case basis on the merits of a request for confidentiality according to the *Rules of Procedure*.

Submissions should be in a format that is easily accessible to all EIR participants. The Panel prefers documents to be submitted digitally in either Word or PDF format. Individual files should not exceed 3 MB in size. Larger files should be broken into smaller parts. Hardcopies, hand delivered or via courier, as well as fax transmissions are acceptable as long as they can be reproduced via photocopier. For hardcopies, the date the submission is received at the Panel's

office is considered to be the submission date. The Panel 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 as hardcopies in sufficient quantities to be distributed to those parties with limited access to computer technology. Please contact the Panel's staff for the quantities required. The Panel may request hardcopies of any document.

## **4 WORK PLAN**

This EIR is divided into start up, analytical, hearing, and decision phases. The issue scoping phase occurred during the completed environmental assessment of the proposed development, and is reflected in the Panel's Terms of Reference. However, scope changes are possible throughout the proceeding.

### **4.1 Start Up Phase**

The main purpose of the start up phase is the creation of the administrative structure for the EIR, including:

- the appointment of the Panel members by the Review Board;
- terms of reference for the Panel;
- terms of reference for the developer's environmental impact statement (EIS); and
- a work plan.

The Panel appointment and the Panel terms of reference are the responsibility of the Review Board. The EIS terms of reference and the work plan will be finalized by the Panel. The Review Board issued a draft Panel terms of reference for consultation on April 23, 2007. The start up phase commenced with the Review Board's order that an EIR be conducted.

### **4.2 Analytical Phase**

The main purpose of the analytical phase is to collect the information required for the Panel to make its determinations. The analytical phase contains six major milestones:

1. **Developer's EIS:** The developer will produce an impact statement in accordance with the EIS terms of reference. In the EIR the EIS serves a similar purpose as a Developer's Assessment Report serves in an environmental assessment.
2. **EIS Analysis:** This is essentially a presentation of the EIS by De Beers, followed by a workshop where all parties to the EIR will gather to discuss the EIS and to identify any information gaps (such as important issues not captured in the Terms of Reference or new questions arising from the EIS). The EIS analysis session will serve as a forum for parties to receive clarification on, and possibly resolve, some issues.
3. **Information Request Round 1:** Information Requests (IRs) will be developed by the Panel and parties. Parties will send their IRs directly to the developer or any other party, with copies to the Panel for the public registry. The responses to the IRs will be submitted to the Panel. If the developer or any other party cannot respond to a specific IR, or believes it is outside of the scope of the EIR, it should notify the Panel within one month of receiving the IR and provide its rationale. The IRs and responses will be included in the public registry and be used as evidence for the Panel's consideration.

4. **Technical Sessions:** Technical sessions will be held in various communities on specific topics. The purpose of the technical sessions is to resolve as many technical issues as possible prior to public hearings.
5. **Information Request Round 2 (if required):** The second round of IRs, if required, will allow the parties to gather any outstanding information required for their final analysis of the issues. It will follow a similar approach to the first round.
6. **Technical Reports:** At the end of the analytical phase parties will submit their analyses of the issues, their conclusions about the significance of any impacts, and their recommendations to the Panel in writing.

#### **4.3 Hearing Phase**

The hearing phase will provide the parties with an opportunity to present their views and findings directly to the Panel members. Ideally during the hearing phase parties will be able to focus their efforts on a few remaining issues, summarize their findings, and present their recommendations and arguments for these recommendations to the Panel.

#### **4.4 Decision Phase**

Following the closure of the public hearing, the Panel will deliberate, make any determinations required by law and report its findings, decisions, and recommendations.

### **5 SCHEDULE**

The Appendix to this workplan describes the currently envisioned schedule. Readers should be aware of the following:

- Actual completion dates are shown for completed tasks.
- The completion period estimates the number of days within which the step will be completed. Steps are sequential.
- The developer's response periods are at its own discretion, although the Panel has indicated its preferences for reference.
- The calendar estimate column provides general approximations for rough planning purposes. It assumes that participant funding is awarded by mid-September 2011 and that the developer's response periods match the preferred timing indicated by the Panel.

The schedule is subject to change and will be updated by the Panel as needed. This schedule assumes that no requests for rulings or other requests for extension require more time, and that Panel members are able to meet as necessary.

## APPENDIX

This table indicates the milestones and estimated schedule for the Gahcho Kue Environmental Impact Review.

### Completed as of July 2011

Start Up Phase (ID parties, draft workplan , draft ToR)	June 1, 2007
Final ToR issued	November 5, 2007
Submit EIS (Developer)	Dec. 23, 2010
EIS conformity check (panel)	March 17, 2011
address deficiencies (developer)	July 15, 2011
final conformity check	July 22, 2011
issue EIS conformity	July 26, 2011

Process step	Completion period	Calendar estimate <sup>1</sup>
EIS analysis prep (panel, parties)	within 40 days after participant funding is awarded	Nov. 20, 2011
EIS analysis sessions	within 5 days	Nov. 28, 2011
information requests round 1 preparation, issuance	within 50 days	Jan. 11, 2012
information request responses (developer, parties)	Developer's discretion (preferably within 50 days)	March 2012
technical session preparation (parties)	within 28 days	April 2012
technical sessions	within 7 days	May 2012
information requests round 2 (if required) preparation, issuance	within 40 days	July 2012
information request round 2 (if required) responses ( <b>developer</b> , parties)	Developer's discretion (preferably within 40 days)	Sept. 2012
technical reports (parties)	within 30 days	Oct. 2012
pre-hearing conference	within 15 days	Oct 2012
public hearing preparation (panel, parties)	within 15 days	Nov. 2012
hearings	within 10 days	Dec. 2012

<sup>1</sup> These dates are tentative approximations of the completion of each step, assuming that participant funding is awarded by mid-September 2011.

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<b>Process step</b>	<b>Completion period</b>	<b>Calendar estimate</b>
hearing undertakings (parties)	within 15 days	Dec. 2012
closure of public record	1 day	Dec. 2012
evidence analysis (panel)	within 25 days <sup>2</sup>	Jan. 2013
Panel deliberation and initial report drafting	within 50 days	April 2013
Internal staff, legal and editorial reviews (total)	within 24 days	May and June 2013
Panel reviews of drafts (total)	within 22 days	May and June 2013
Decision and report of EIR issued	1 day	July 2013

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<sup>2</sup> This total assumes that Panel is not available to meet over a ten day period during the holiday season.