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File: S110-01-10

Chuck Hubert  
Senior Environmental Assessment Officer  
Mackenzie Valley Environmental Impact Review Board  
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Dear Mr. Hubert:

**Tlicho Government – Round 2 Information Request  
Responses - Gahcho Kué Project Environmental Impact Review**

De Beers is pleased to provide the Mackenzie Valley Environmental Impact Review Board with responses to Round 2 Information Requests submitted by the Tlicho Government.

Sincerely,

Veronica Chisholm  
Permitting Manager

Attachment

c: L. Duncan, Tlicho Executive Officer, Tlicho Government



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ROUND 2 INFORMATION REQUEST RESPONSES

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Round 2 Information Request Number: TG-1

Source: Tłıchǫ Government

Subject: Incorporation of Traditional Knowledge in WEMP through life of mine

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**Preamble**

In May 2012, DeBeers Canada submitted the Environmental Monitoring and Management Framework (EMMF) to the public registry; which outlined in limited detail, the functional integration of monitoring programs within an adaptive management approach (p.3). The document has one short paragraph in which it discusses Traditional Knowledge by saying "Where provided, TK will be used to improve monitoring programs and management practices" (p. 6).

Under the Snap Lake Agreement, De Beers has the responsibility to ensure the "integration of traditional knowledge of the nearby Aboriginal peoples in the mine's environmental plans" (Snap Lake Environmental Agreement).

Tłıchǫ knowledge and science both have an important role to play in the monitoring programs that are developed for this mine. Understandably, the holders of these different knowledge systems are specialists in their own right and each deserves equal respect and recognition; and their voices and depth of knowledge must be taken into equal and meaningful consideration in the development of these monitoring programs.

In a letter dated June 15, 2012 the proponent responded to a commitment made at the Technical Sessions held May 22 to 25, 2012, whereby:

DeBeers to commit to forming a working group - with the communities and regulators – to develop a management framework for the WEMP, and hosting a workshop - mid to late September.

In this letter, the proponent invited participants who attended a follow up meeting on the afternoon of May 25 to be the working group representatives and in September a workshop will be held, which will be open a "broader audience, including additional Aboriginal Representation". In a follow up letter dated July 9,

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the proponent has confirmed representatives from all groups, but makes a point that "the WMP Working Group discussions are expected to be technical and as such it is recommended that participants have an appropriate level of technical expertise".

**Request**

1. Please explain in detail how the developer will ensure meaningful incorporation of Traditional Knowledge in a structured and formal way, into the WEMP.
2. Please how other environmental programs, such as closure plans, developed at the outset and through life of mine will meaningfully engage Traditional Knowledge.

**Response**

It is the understanding of De Beers that meaningful incorporation of Traditional Knowledge (TK) into the Wildlife Effects Monitoring Plan (WEMP or WMP) requires a collaborative working relationship or partnerships between the TK holders and De Beers and it must be viewed as on-going dialogue that continues over the course of the Gahcho Kué Project (Project). As part of this partnership, De Beers views its role and responsibilities, as referenced in the *Draft Terms of Reference for the Adaptive Management Advisory Committee* submitted to MVEIRB Public Registry on June 29, 2012, to include the following:

- responding to community and TK related concerns as carried out in the assessment;
- sharing information on how community and TK related concerns can be addressed through proposed monitoring studies;
- providing opportunities for TK holders to provide input into proposed plans and programs;
- implementing the monitoring programs with opportunities for aboriginal community involvement;
- reporting on and communicating the results in an appropriate and timely manner that is in a format that is community-friendly or meaningful;

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- coordinating community site visits and encouraging participation in those visits by Elders, hunters and trappers to share information on site operations and to provide opportunities for direct feedback;
- providing opportunity for TK holders to propose TK studies;
- supporting TK studies and preservation projects;
- ensuring that community leaders are consulted in the development of ongoing engagement plans to facilitate meaningful engagement; and
- implementing adaptive management and mitigation measures as required based on monitoring results

De Beers considers it to be the responsibility of TK holders or their designates, including the Tłıchǵ Government, to take advantage of those opportunities by providing input through participation in working groups, workshops, meetings (e.g., community site visits), document reviews, and other forums that may arise from, for example, the Adaptive Management Advisory Committee.

It should be clarified that an objective of the WEMP Working Group was to help guide the development of the WEMP and preparation for the September 18, 2012, Workshop. As also stated in the same letter dated July 9, 2012,

“...As a reminder, the purpose of the Working Group is to collaborate and provide input to De Beers on the development of a draft WMP for presentation at the September Workshop. To clarify, the September Workshop will be open to a broader audience to provide recommendations and gather additional input before finalizing the draft WMP for submission to the MVEIRB Public Registry for the Panel’s consideration.”

De Beers has encouraged those members of the Working Group who are also representatives from aboriginal communities to fully participate in the September 2012 Workshop and provide input on the draft WMP.

TK is being included in the WEMP from the beginning in examining why we monitor and what we monitor. This approach is demonstrated by explaining how

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the Environmental Impact Review (EIR) scoping sessions, which brought forward the concerns from TK holders, are used to shape the assessment and monitoring programs. While the wildlife monitoring study designs are often science based, they are rooted in addressing TK holder key concerns. The protocols themselves are shared with TK holders and input is provided during the programs themselves, through direct participation as is the case for the selection of sites for bear and wolverine monitoring. The WEMP working group members discussed the challenges in incorporating TK to a greater extent in the scientific study methods and discussed the importance of having an appropriate science based WEMP. This is not however at the exclusion of TK but rather an understanding of TK covers a broad range of possibilities from participating in the ecological based monitoring to implementing practices that demonstrate respect for the land.

The working group and workshop are two avenues for sharing ideas and perspectives on incorporating TK in the WEMP. De Beers has carried out a structured engagement plan to collect TK, which includes but is not limited to funding for TK studies, community visits and site workshops. These engagement activities and opportunities to share TK are providing learnings on the incorporation of TK in programs and these will be highlighted in the draft WEMP submitted to the Panel toward the end of September 2012.

Also specific to the WEMP, De Beers has chosen to be proactive in the development of the WEMP during the EIR phase of the project, which is typically undertaken as part of the licensing and permitting phase. The EIR process itself is another important opportunity for Traditional Knowledge holders to share information,

32. The Review Board will encourage the submission of any first nation's traditional knowledge including oral history, during its proceedings. MVEIRB EIA guidelines Pg 57.

If the Project is approved, De Beers will continue to provide meaningful opportunities for TK holders to fulfill this partnership on plans and programs through the following key engagement approaches:

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- Adaptive Management Advisory Committee;
- Technical and TK Meetings;
- Workshops ;
- Community Meetings; and
- Site Visits and Workshops.

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Round 2 Information Request Number: TG-2

Source: Tłıchǫ Government

Subject: Relationship between Snap Lake Environmental Monitoring Agency and  
Gahcho Kue body

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**Preamble**

Under the Snap Lake Environmental Agreement, the Snap Lake Environmental Agency was formed to ensure the environmental integrity of the Snap Lake area. This agency has responsibilities for:

- a) Reviewing and commenting on the design of monitoring and management plans and the results of these activities;
- b) Monitoring and encouraging the integration of traditional knowledge of the nearby Aboriginal peoples in the mine's environmental plans;
- c) Acting as an intervener in regulatory processes directly related to environmental matters involving the Snap Lake Project and its cumulative effects;
- d) Bringing concerns of the Aboriginal peoples and general public to De Beers Canada Mining Inc and government;
- e) Keeping Aboriginal peoples and the public informed about Agency activities and findings, and
- f) Writing an Annual Report with recommendations that require the response of De Beers Canada Mining Inc. and/or government.

The Snap Lake mine and the proposed mine, operated both by De Beers, are very close together.

**Request**

1. Will the proponent please describe the proposed relationship between the existing SLEMA and any new authority? Has the proponent considered having one authority or agency to ensure environmental integrity? Can the proponent provide insight into how the mechanisms of environmental monitoring can be implemented without duplication or replication?

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2. What is De Beers' current position towards a multi-project environmental monitoring agency?

**Response**

**Response to Request 1a:** Will the proponent please describe the proposed relationship between the existing SLEMA and any new authority?

The mandate of the SLEMA is limited specifically to the Snap Lake Mine. Similarly, the individual monitoring agencies for Ekati and Diavik are project-specific, having no relationship to the other. The SLEMA will not have any direct relationship with the Gahcho Kué Project (Project) other than providing a history and experience that the new approach can learn from and build upon.

De Beers does not participate in the SLEMA. The relationship between the Snap Lake Mine and the Project will continue to be that they are both operated by De Beers and subject to the same legislated regulatory oversight instruments and enforcement mechanisms, including the Mackenzie Valley Land and Water Board (MVLWB), Aboriginal Affairs and Northern Development Canada (AANDC), and the numerous federal and territorial permits and authorizations required to operate a mine in the Northwest Territories (NWT).

**Response to Request 1b:** Has the proponent considered having one authority or agency to ensure environmental integrity?

Yes. At the time of forming the SLEMA, De Beers considered participating in a multi project environmental monitoring agency with Ekati and Diavik. This initiative was to be led by AANDC and the Government of the Northwest Territories (GNWT) but was not realized.

At this time, following several years of development experience in the NWT, De Beers firmly believes that the NWT regulatory regime is holistic in its requirements to address ecosystem integrity. Beginning with the environmental impact review (EIR) process, the most thorough level of impact assessment in the NWT, the Mackenzie Valley Environmental Impact Review Board (MVEIRB) is the one authority that recommends approval of major development project proposals in the Mackenzie Valley to AANDC based on comprehensive environmental assessment analysis and public planning process. Subsequently,



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the MVLWB is the one authority that issues land use permits and water licences for major developments in the Mackenzie Valley based on a comprehensive review of detailed environmental management and monitoring plans. If accepted by AADNC, the MVEIRB report's recommendations concerning mitigative or remedial measures or a follow-up program are enforced by AANDC and any responsible ministers. Authorizations issued by the MVLWB are also enforced by the MVLWB and AANDC. An important and tangible example of the effectiveness of the NWT regulatory regime are the six federal government inspections of Kennady Lake exploration operations occurring between August 2011 and August 2012 to ensure compliance with existing authorizations and legislation to ensure environmental integrity.

In addition, the items identified in the question's preamble above are already being carried out in a pro-active manner by De Beers, or occur through the existing regulatory processes and commitments made by De Beers. Signing-on to a new or existing agency is redundant in this circumstance.

**Response to Request 1c:** Can the proponent provide insight into how the mechanisms of environmental monitoring can be implemented without duplication or replication?

Permit conditions and monitoring plans are generally project-specific and designed to address key environmental issues associated with each industrial development, and therefore there is not always monitoring duplication between projects. However, De Beers supports regulators working together to clarify the appropriate instruments for regulating development activities and to coordinate requirements and reduce duplication.

For De Beers' purposes as a mine operator, the most effective mechanism to eliminate duplication with respect to monitoring environmental components that are either 1) subject to more than one regulatory instrument or 2) components subject to cumulative effects, is for De Beers to work over the long-term directly with regulators, government, industry and communities on the design of programs and review of results. Tangible examples of De Beers' effort in this regard are the collaborative development of the regional grizzly bear monitoring program with government and industry partners, the coordination of a wildlife monitoring plan working group and workshop, and discussions on the Aquatic

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Effects Monitoring Plan (AEMP) with AANDC, Environment Canada, Fisheries and Oceans Canada (DFO) and communities. All of these initiatives have reduced duplication and improved coordination in monitoring and wildlife management initiatives.

**Response to Request 2:**

What is De Beers' current position towards a multi-project environmental monitoring agency?

The idea of a multi-project environmental monitoring agency (MPEMA) was contemplated as a preferred model for a monitoring agency for De Beers, BHP Billiton, and Diavik at a time of monitoring program uncertainty and in response to questions as to how reasonable it was for the North to be able to sustain individual agencies for every development and the efficiency of such a system. The MPEMA development process was to be led by AANDC in partnership with the GNWT, but it was never realized.

At this time, and considering the comprehensive existing regulatory instruments (including the EIR decision, water licence and land use permit and other authorizations), there is little added value to be gained with an MPEMA. If there was a benefit to an MPEMA it would presumably be with respect to cumulative effects. It is not De Beers' role to lead the development of such a body. The Mackenzie Valley *Resource Management Act* states:

146. The responsible authority shall, subject to the regulations, analyze data collected by it, scientific data, traditional knowledge and other pertinent information for the purpose of monitoring the cumulative impact on the environment of concurrent and sequential uses of land and water and deposits of waste in the Mackenzie Valley.

And

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145. "responsible authority" means the person or body designated by the regulations as the responsible authority or, in the absence of a designation, the federal Minister.

In De Beers' view, unless an MPEMA was created and run by AANDC, with the involvement of the GNWT, with the goal of meeting the intent of MVRMA section 146, it would only duplicate the function of existing regulators. In the absence of a government-led MPEMA for cumulative effects, the items listed in the question's preamble are addressed through existing regulatory instruments and processes, the plans and programs tabled by De Beers (including the EMMF, management and monitoring plans, engagement plan and adaptive management committee), and the commitments made by De Beers on the public record.