



Mackenzie Valley Environmental Impact Review Board

GAHCHO KUÉ Panel

April 15, 2011

To: Parties to the Gahcho Kue Environmental Impact Review

Re: Comment period for Draft Workplan

The Gahcho Kue Environmental Impact Review Panel (Panel) has revised the 2007 Draft Workplan in light of the De Beers' Environmental Impact Statement and the timing of steps to date. The Panel plans to issue a Final Workplan once the Environmental Impact Statement is found in conformity.

Please look carefully at the draft workplan and schedule (attached) and consider whether they meet your needs. Comments or feedback will be accepted by the Panel until by May 6th, 2011. If you have any questions, please call me at (867) 766-7056.

Sincerely,

Alan Ehrlich, Panel Manager

Gahcho Kue Environmental Impact Review Panel



Mackenzie Valley Environmental Impact Review Board

GAHCHO KUÉ Panel

DRAFT

**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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April 15, 2011

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. 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 requests include but are not necessarily limited to 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 per its *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 hardcopy 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 hardcopy 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 will be developed by the Panel and parties. Parties will send their Information Requests directly to the developer or any other party, with copies to the Panel for the public registry. The responses to the information requests will be submitted to the Panel. If the developer cannot respond to a specific information request, or believes it is outside of the scope of the EIR, it should provide its rationale. The Information Requests and the responses will be included in

the public registry and be used as evidence for the Panel's consideration. The first round of information requests (IR) will be issued by the Panel based on the gaps identified in the EIS analysis.

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 issues as possible prior to public hearings.
5. **Information Request Round 2:** The second round of Information Requests 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. During the decision phase the Panel may issue 'requests for clarification'. Unlike information requests a clarification request does not seek new information or evidence but simply a clarification on evidence already on the public record. A clarification request may be issued (e.g. to clarify a commitment).

5 SCHEDULE

The Appendix to this workplan describes the currently envisioned schedule. It divides tasks in to completed, near term, medium term and long term categories.

- Actual completion dates are shown for completed tasks.
- Projected dates are presented for near term tasks.
- Estimated calendar months are indicated for medium term tasks.
- Estimated quarter years are indicated for long term tasks

The schedule is subject to change and will be updated by the Panel as needed. All dates reported are approximate target dates only. This schedule assumes that:

- no requests for rulings or other requests for extension require more time
- participant funding is received by parties prior to the completion of the conformity review (current stage), and
- 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 April 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

Near Term

address deficiencies (developer)	May 2, 2011
final conformity check	May 3, 2011
issue EIS conformity	May 13, 2011
EIS analysis prep (panel, parties)	May 16, 2011
EIS analysis sessions	May 31, 2011
information requests round 1 preparation	June 14, 2011

Medium Term

issue information requests round 1	August 2011
information request responses (developer, parties)	October 2011
technical session preparation (parties)	October 2011
technical sessions	November 2011
Information requests round 2 preparation	December 2011
issue information requests round 2	January 2012
information request responses (developer, parties)	April 2012
technical reports (parties)	May 2012

Long Term

pre-hearing conference	2 nd quarter 2012
public hearing preparation (panel, parties)	2 nd quarter 2012
hearings	3 rd quarter 2012
submission of additional information (parties)	3 rd quarter 2012
closure of public record	3 rd quarter 2012
evidence analysis (panel)	3 rd quarter 2012
clarification requests (panel)	3 rd quarter 2012
Decision and reporting process	3 rd quarter 2012
Decision and report of EIR issued	1st quarter 2013