



# The Jay Diamond Project Environmental Assessment: Organized Reasoning in Practice

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# The Mackenzie Valley Environmental Impact Review Board

- Court-like tribunal in northern Canada
  - Co-management tribunal (50% Indigenous)
  - Examines potential impacts on the environment and people
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# The Ekati Jay Assessment

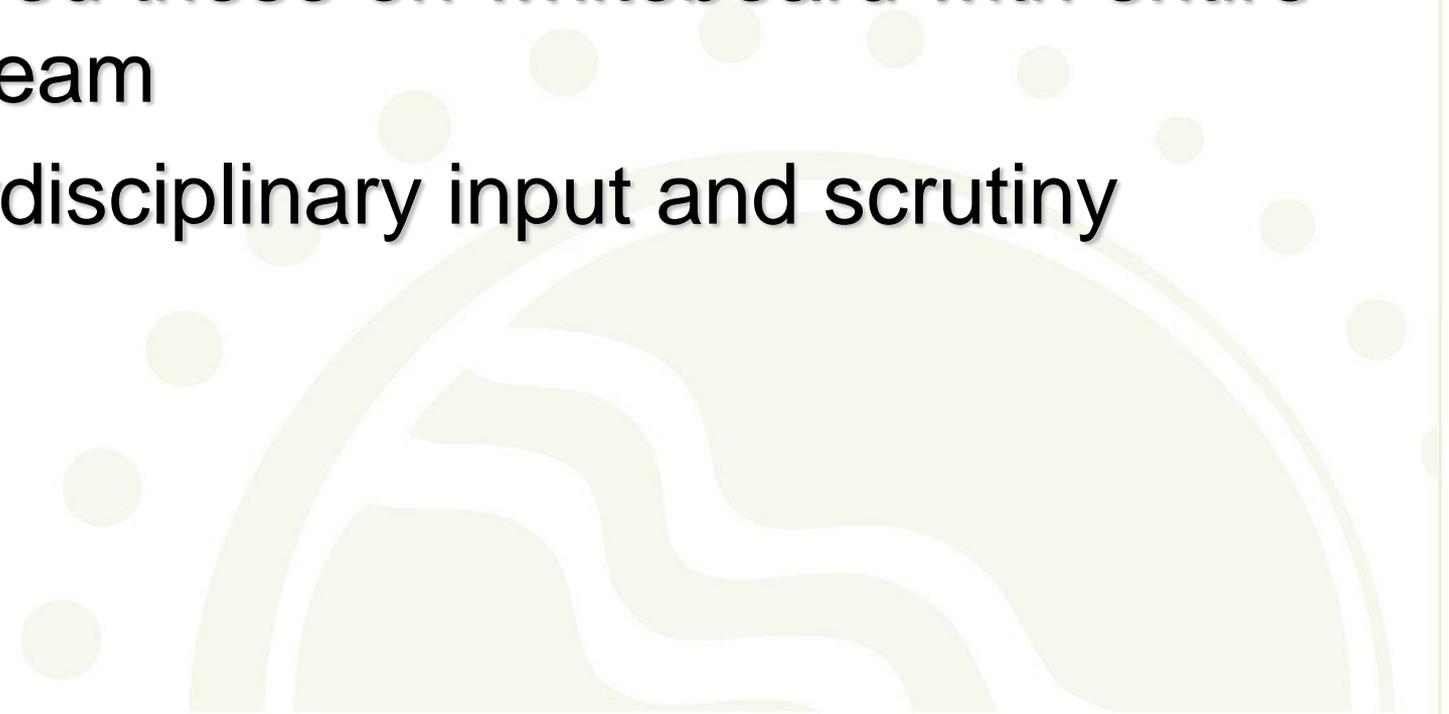
- Major expansion to diamond mine
- 2.5 year assessment
  - start up and scoping
  - developer's report (like EIS)
  - information requests and technical sessions
  - technical reports from parties
  - hearings
  - Decision
  - Minister's approval
- Thousands of pages of evidence on record
- Hearings in 4 communities

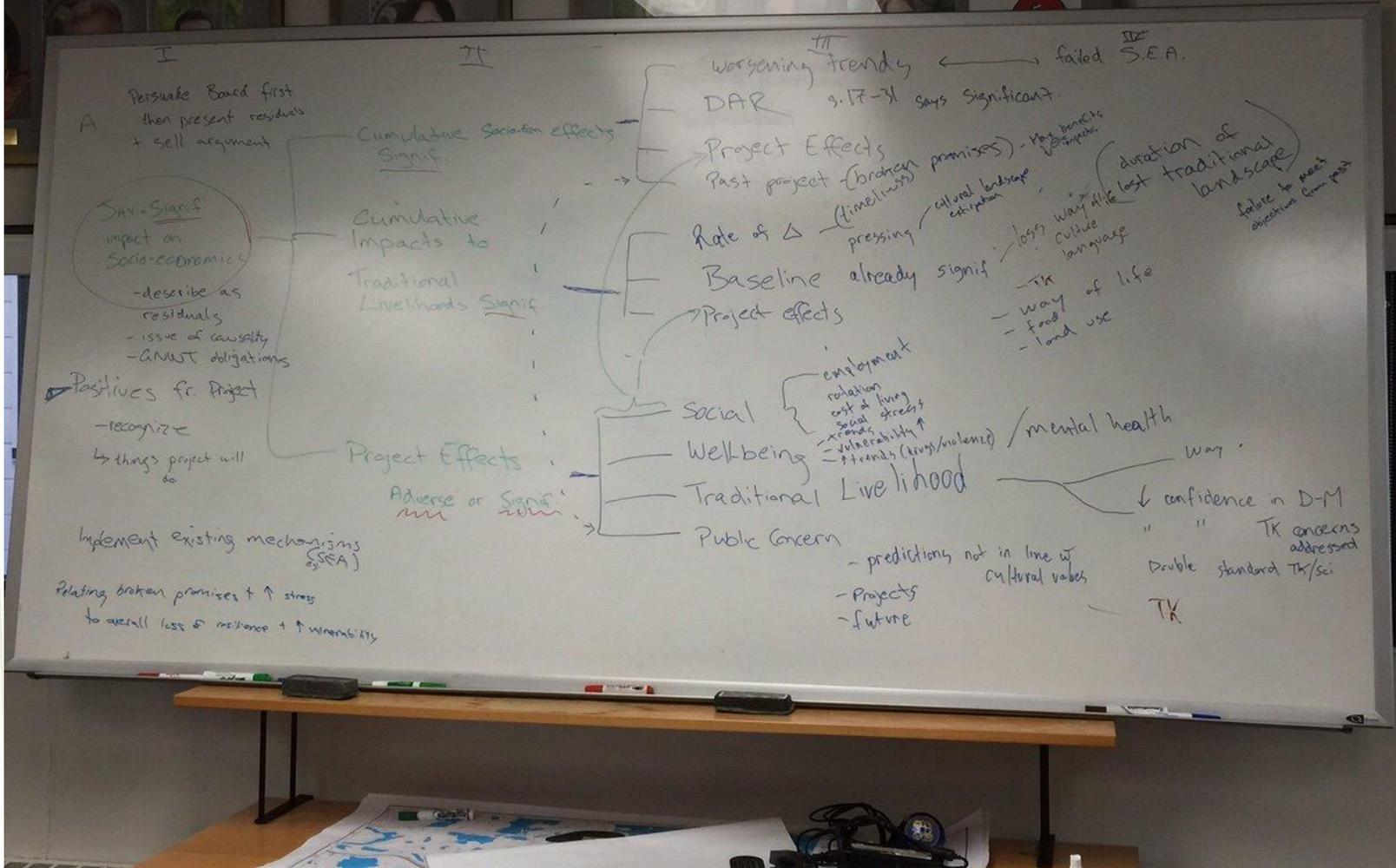
# Organized reasoning in the assessment process

Applied organized reasoning in the final third of the EA process

1. Impact analysis
2. Pre-hearing Board briefing
3. Hearings
4. Decision, and
5. Drafting Report of EA

# Impact analysis: Whiteboards

- Individual subject leads prepared draft arguments
  - Shared these on whiteboard with entire EA team
  - Interdisciplinary input and scrutiny
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- A decorative background graphic at the bottom of the slide. It features a large, light green semi-circle on the right side, with a white wavy line running through it. To the left of this semi-circle are several smaller, light green circles of varying sizes, scattered across the bottom half of the slide.



Good mechanism for team thinking

# Draft argument outlines

- translated easily into concise pre-hearing briefing presentations
- helped identify gaps and plan questioning, to test and strengthen arguments



# Board decision and report drafting

- After hearing, Board gave instructions: “follow the evidence”
- Structured argument format helped deliberations
- Knowing argument outlines before writing resulted in:
  - easier editing of individual sections
  - easier management for drafting large report

# Organized reasoning in the Report

- Report included argument summaries at beginning of each chapter
- Plain language versions of arguments in executive summary

# Example: Impacts to water quality- Summary of the Review Board's findings

1. Construction, operations, and closure of the Jay Project will:
  - affect water quality in the environment, and
  - likely affect traditional uses in the vicinity of the Jay Project after closure.
2. The potential impacts of this development depend on:
  - the quantity and quality of water Dominion Diamond Ekati Corp. (Dominion or the developer) will have to manage during the operation of the Jay Project and
  - the success of the meromictic pit lake closure strategy.
3. The Review Board concludes that measures are necessary to prevent impacts to water quality that are otherwise likely to significantly affect traditional uses in the vicinity of the Jay Project after closure activities have been completed.

# Meaningful section headings

- 6.4 Review Board analysis
  - 6.4.1 Jay Project is in a known important caribou movement corridor
  - 6.4.2 Bathurst herd is vulnerable
  - 6.4.3 Significant cumulative impacts from the Jay Project to caribou are likely
  - 6.4.4 Project-specific impacts from Jay Project to caribou are likely significant
  - 6.4.5 Commitments by the developer to complete and implement management plans
  - 6.4.6 There is no caribou herd management plan
- 6.5 Review Board conclusions

# Results of O.R. in Report

- Parties could follow complex arguments
- Clear how evidence from participants led to decision
- Easier to prepare for media interviews
- Helped with Minister's review...?

# Conclusion

- Organized reasoning helped with:
  - Group collaboration
  - Board and counsel briefings
  - Cross-examination hearings
  - Report drafting and structure
  - Report clarity and accessibility
- We will likely use this approach in all EAs going forward

See the report:

1. Google “Review Board Jay Project”
2. Select “Report of Environmental Assessment”