

March 9, 2016
Note to File

EA1516-01

Howard's Pass Access Road Upgrade Project, Selwyn Chihong Mining Ltd.

To: Distribution List

**Re: Compiled Documents from the Online Review of the Review Board's Draft
Terms of Reference**

The Review Board issued its Draft Terms of Reference on Feb. 8 for review. Comments were received from reviewers on Feb 22 and from the developer on Feb 28. The information associated with the online review of the Draft ToR is bundled into this PDF and includes:

- a table with reviewer comments, developer responses, and Board Staff comments;
- reviewer letters; and
- the distribution list for the online review.

Simon Toogood
Environmental Assessment Officer

Review Comment Table

Board:	MVEIRB
Review Item:	EA1516-01, Selwyn Chihong, Howard's Pass Access Road Upgrade Project. The Review Board's draft Terms of Reference
File(s):	
Proponent:	Selwyn Chihong Mining Ltd.
Document(s):	The Review Board's Draft Terms of Reference (3 MB)
Item For Review Distributed On:	Feb 8 at 16:54 Distribution List
Reviewer Comments Due By:	Feb 22, 2016
Proponent Responses Due By:	Feb 29, 2016
Item Description:	The Review Board's Draft Terms of Reference.
General Reviewer Information:	<p>The Review Board is seeking comment from reviewers and the developer on the draft Terms of Reference. The developer will also have the opportunity to respond to any reviewer comments.</p> <p>The Review Board's ToR is based the Developer's Proposed ToR, and information gathered during scoping meetings held in Yellowknife, Norman Wells, Tulita, Nahanni Butte, Ross River, and Watson Lake. The Review Board is also informed by its experience conducting EA.</p> <p>When reviewing this document please keep in mind that the Terms of Reference is a list of all the topics that must be completely and clearly described by the Developer in the Developer's Assessment Report (DAR). The DAR should provide enough information to understand what the project is and what effects it may have. If there are topics that you feel are missing, or shouldn't be included, let the Review Board know.</p> <p>The Review Board will issue the final ToR upon completion of this review.</p>
Contact Information:	Ruari Carthew Simon Toogood 867 766-7053

Comment Summary

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Letter from DFN on draft Terms of Reference for Selwyn Chihong's HPAR Project	Comment (doc) N/A Recommendation N/A	Mar 1: (doc) No response.	Mar 9: (doc) Thank you for your letter

GNWT - Lands: Paul Mercredi

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	Comment (doc) GNWT SCML HPAR upgrade MVRB Draft ToR cover letter [SIGNED] Recommendation		
2	General	Comment The Review Board's draft Terms of Reference appropriately capture several items that the GNWT believes are important for the developer and MVEIRB to consider. The GNWT supports the Draft Terms of Reference in their current form, with the additions suggested here. Recommendation Please retain the draft TOR, with the following changes.	Mar 1: No response.	Mar 9: No response required
3	Page 4 - glossary of terms.	Comment In the glossary the terms "background conditions" and "baseline conditions" have separate definitions. Later in the Draft ToR, however, MVEIRB uses the terms "cumulative baseline" and "project specific baseline." Recommendation In the glossary, please clarify if these terms are in reference to common concepts, or if MVEIRB intends there to be four different terms for baseline considerations.	Mar 4: No response.	Mar 9: The ToR will use the following two terms: "project specific baseline" and "cumulative baseline". The glossary has been amended to include these terms and the existing terms for baseline and background have been deleted.
4	Section 2.3 - Public engagement - page 12	Comment GNWT has no objections to the wording in this section. Recommendation GNWT recommends that MVEIRB encourage the developer to file	Mar 4: No response.	Mar 9: This is not a ToR comment. The Review Board does encourage the

		updates to its engagement log on the public registry at regular intervals after filing the DAR.		developers to submit records of its engagement efforts throughout EAs.
5	Page 13 - summary materials	<p>Comment Page numbers in concordance tables facilitate quick and timely review of the DAR by parties and participants, and contribute to efficient and effective EIAs.</p> <p>Recommendation To the second bullet in section 2.4, change to read "a concordance table, with page numbers, that specifically..."</p>	Mar 4: No response.	Mar 9: The recommendation is included in section 2.4 (page 13)
6	Page 17 - project components - subjects to consider	<p>Comment The quantitative resilience of previously-permitted bridges in a seismically active zone is an important consideration in the MVEIRB's analysis of the proposed Key Line of Inquiry "Accidents and Malfunctions."</p> <p>Recommendation Please include the maximum ground acceleration that the previously-permitted bridges are constructed to withstand while still maintaining safe and effective usability.</p>	Mar 4: SCML understands that assessment of the approved and existing HPAR infrastructure, including the bridges, is outside the scope of the current assessment.	<p>Mar 9: Section 157.1 does not apply to the proposed HPAR Upgrade Project because the Project is a significant alteration of the existing HPAR, both physically (two lanes as opposed to single) and in use (industrial haul road versus exploration road). To be clear, the current assessment will not reassess the effects from construction of already constructed/existing infrastructure, such as bridges. However, the current EA will consider any effects from existing infrastructure that combine with effects from the</p>

				<p>proposed Project in the cumulative effects assessment. Further, this EA will include an assessment of the suitability of this infrastructure for the proposed Project. In order to assess the CE and the suitability of this infrastructure information about the infrastructure is required (such as bridges), any potential effects must be identified, and a description of the surrounding environment is required. Information on this topic is described and requested in: Section 3.1.3 - existing infrastructure, Table 1,2 and 3, Section 3.1.4 - Road Design Considerations, and Section 6.1.2 - Accidents and Malfunctions.</p>
7	Page 18 - project components	<p>Comment A robust cumulative effects assessment that appropriately considers the Key Line of Inquiry of "Accidents and Malfunctions" should include reasonably foreseeable reagents that would be in use at the prospective Selwyn Mine.</p> <p>Recommendation GNWT recommends that the final ToR require the developer to provide Material Safety Data Sheets for all reasonably foreseeable reagents that would</p>	Mar 4: No response.	<p>Mar 9: The recommendation is included in Table 2, Use of the upgraded HPAR for hauling zinc and lead concentrates and other mine consumables, bullet 5. (page 19)</p>

		be used for either the upgrade and/or the prospective Selwyn Mine.		
8	Page 24 - Section 3.2.4 Aboriginal Lands	<p>Comment There may be an error in wording in Section 3.2.4, which states, "If Project impacts adversely impact valued components to Aboriginal well-being and way of life, mitigation efforts should focus on reducing the impact in the NWT such that there are no residual effects occurring in Yukon communities."</p> <p>Recommendation Consider changing "If Project" to "If the Project," so that this sentence would read, "If the Project adversely impacts valued components to Aboriginal well-being and way of life, mitigation efforts should focus on reducing the impact in the NWT such that there are no residual effects occurring in Yukon communities. "</p>	Mar 4: No response.	Mar 9: The recommendation is addressed (page 24)
9	Page 24/25 - scope of assessment - section 3.2.5	<p>Comment</p> <p>The 3rd and 4th paragraphs in this section seek to delineate the boundaries of the HPARU-EA cumulative effects assessment. This section also seeks to delineate the boundaries for this HPARU EA, and future environmental impact assessment processes for the Selwyn Mine.</p> <p>GNWT supports clear delineations of the scope of assessment for the HPAR upgrade EA. Based on the wording in the 3rd and 4th paragraph in section 3.2.5, GNWT is unclear if MVEIRB intends to scope out all Selwyn Mine haul traffic on the upgraded HPAR for the HPARU-EA project specific effects assessment and to scope in the prospective Selwyn Mine haul traffic on the upgraded HPAR for the HPARU-EA cumulative effects assessment.</p>	Mar 4: No response.	Mar 9: To clarify, this assessment will consider the effects of the haul traffic, which is an activity of the Selwyn mine, in the CE assessment.

		<p>This lack of clarity also introduces procedural uncertainty, since it is not clear what participants can fairly comment on with respect to the HPARU-EA project specific effects assessment and the HPARU-EA cumulative effects assessment.</p> <p>Recommendation</p> <p>GNWT recommends that MVEIRB use the terms 'project specific effects assessment of Project X,' as well as 'cumulative effects assessment of Project X' to more clearly delineate the boundaries between the various EIA contexts in the 3rd and 4th paragraphs.</p> <p>GNWT requests that MVEIRB be more explicit as to whether a component or aspect of the HPAR upgrade or Selwyn Mine is in or out of the scope of the HPAR upgrade EA project specific effects assessment and the HPAR upgrade EA cumulative effects assessment. A table may assist in providing greater clarity.</p>		
10	Section 4, p.28 Assessment Methodology	<p>Comment The draft TOR state on page 28, in the fourth bullet point, that "The developer will use quantitative or qualitative parameters to measure potential environmental and cumulative effects on the valued component." Â It is important that the parameters being used are clearly identified for each valued component and a rationale for their selection provided.</p> <p>Recommendation The developer should identify or make clear what parameters it will use to assess each valued component, including providing a rationale for their selection.</p>	Mar 4: The draft ToR is sufficiently detailed to provide guidance and expectations on parameters for the assessment.	Mar 9: The assessment methodology, item 4, has been clarified to include the concerns expressed by the GNWT.
11	Section 4, p.28 Assessment Methodology	<p>Comment Item 5 in section 4 requires among other details, "economic feasibility," "constraints" and "implementation challenges."</p>	Mar 4: SCML requests that this not be	Mar 9: The Review Board staff finds that the existing

		<p>Recommendation Please include "approximate/ballpark costs" in this list.</p>	<p>added. Costing of mitigation measures should not be required by the proponent for an EA. Cost estimates will be developed as the project evolves as part of project development.</p>	<p>requirement for "economic feasibility" is sufficient. The addition of "ball park cost" does not add information that is useful in the Board's determination of significant adverse environmental impacts.</p>
12	<p>Section 4, p. 29 - Assessment Methodology</p>	<p>Comment</p> <p>Items 6 and 9 in section 4 require the developer to present, analyze and discuss only the "residual impact, after mitigation," including for matters with regard to impact significance. Section 6.2.8.2 on page 47 (traditional land use and harvesting) appears to not follow this direction.</p> <p>To allow robust analyses of underlying assumptions, methodologies, linkages, and other statements of fact/prediction, the final Terms of Reference should require overall separate and distinct presentation of pre-mitigation impacts to the environment. Predicting and assessing the effectiveness of mitigation requires a separate and distinct robust analysis of underlying assumptions, linkages and predictions.</p> <p>Recommendation</p> <p>Please remove wording in Items 6 and 9 in Section 4 that appear to only require presentation of residual impacts, and replace with two line items:</p>	<p>Mar 4: Items 6 and 9 as written reflect generally accepted EA practice.</p>	<p>Mar 9: The existing methodology addresses the GNWT's recommendation. No additional wording is required. The GNWT recommendation 1) is addressed Section 4, item 4. The GNWT recommendation 2) is addressed by item 6 and 7.</p>

		<p>1) a line item requiring the developer to describe all impacts before mitigation is applied and</p> <p>2) a line item on effectiveness of mitigation, where residual impacts can also be discussed.</p>		
13	Section 5.2.2.2, pg. 37 - Heritage and Cultural Resources	<p>Comment For the list of items under "By proximity to HPAR," it may be unclear to list historic sites and heritage resource potential together under item 6), as "heritage resource potential" refers to the potential of areas in the project footprint to contain unrecorded heritage resources (i.e. unrecorded archaeological sites, historic sites, or burial sites).</p> <p>Recommendation</p> <p>Recommend the following wording:</p> <p>Item 5) heritage resource potential;</p> <p>Item 6) archaeological sites, historic sites, and burial sites;</p> <p>Item 7) culturally important sites, such as trails, special landscape features, or spiritual places, and their affiliation.</p>	Mar 4: No response.	Mar 9: The GNWT's recommendations are addressed through reorganizing section 5.2.2.2 based on the definition of "heritage resource" found in the MVRMA.
14	Section 6.1.1 (page 37) - Caribou	<p>Comment It is possible that the Redstone caribou herd boundaries may overlap with portions of the HPAR. It is the GNWT's position that this environmental assessment is the most appropriate forum to investigate the extent to which any overlap exists, and if so, to assess appropriate mitigative action(s), before the MVEIRB's final considerations in this proceeding.</p> <p>Recommendation</p> <p>GNWT recommends that:</p> <p>1) MVEIRB retain the current wording in section 3.2.7.1 of the Draft TOR, which speaks to the Nahanni and Redstone herds having 'equal</p>	Mar 4: SCML will assess impacts on all caribou that are potentially affected by the project. The KLOI is caribou and is not specific to a herd.	Mar 9: The GNWT's recommendation is included in the ToR.

		<p>standing' as elements of the caribou Key Line of Inquiry, and</p> <p>2) MVEIRB change the wording in the preamble to section 6.1.1 to reflect the wording of section 3.2.7.1 with respect to the Nahanni and Redstone herds.</p>		
15	<p>Section 6.1.2 - Page 38/39 Accidents and Malfunctions</p>	<p>Comment</p> <p>Response times and response capacity have direct linkages to the magnitude of impacts.</p> <p>Due to the lack of NWT road access to the HPAR, emergency response sources may be in the Yukon, for both medical emergencies and environmental incidents involving hazardous materials.</p> <p>If, for jurisdictional or other reasons, emergency response of any kind from the Yukon is not feasible, an aerial response from within the NWT may have to be mounted. It would be prudent for the developer to investigate response contingencies in this context.</p> <p>The GNWT is interested in understanding questions such as:</p> <p>Has the developer clarified the feasibility of medical transport and hazardous materials incident response on NWT land, in light of no NWT road access? Has the developer confirmed if Yukon-sourced emergency response, private or governmental, can operate in the NWT? Is it clear that governments will permit emergency responses in other territories? Does the capacity for response to accidents of varying magnitude exist in either territory?</p>	<p>Mar 4: SCML agrees with this in relation to response to environmental incidents. Medical emergencies, however, are not currently included in the accidents and malfunctions section and are not normally included in an EA at this level of detail. SCML will include medical emergencies as part of the management planning process.</p>	<p>Mar 9: An assessment of human health related to medical emergencies which result from Project is part of a robust risk assessment. When considering the likelihood and consequence of accidents and malfunctions human health must be considered. This will include project related personnel who may be directly involved in an accident or malfunction (such as a vehicle accident), response personnel (such as personnel involved in spill response), and public who may use the road. The GNWT's concerns, questions, and recommendations are addressed through additional wording in section 6.1.2, items: 7, 8, and 9.</p>

		<p>Recommendation</p> <p>GNWT recommends adding the following to Section 6.1.2:</p> <p>1) explicit line item on expected response times for medical emergencies;</p> <p>2) explicit line item on various magnitude accidents involving hazardous materials and the biophysical environment;</p> <p>3) requirement for the developer to factor response times into its impact assessments for medical emergencies and accidents involving hazardous materials and the biophysical environment;</p> <p>4) with respect to management plans in relation to potential impacts, a line item regarding confirmed and feasible options for response; and</p> <p>5) with respect to management plans in relation to potential impacts, a line item requiring the developer to demonstrate that it has contacted appropriate agencies and that it has fully addressed all factors affecting emergency response to incidents along the HPAR.</p>		
16	Section 9 - Follow-up and Monitoring; p. 51 - Appendix A	<p>Comment</p> <p>Section 9, page 50, states that “the developer will...(3) describe how project-specific monitoring will be compatible with the NWT Cumulative Impact Monitoring Program [NWT CIMP] or other regional Monitoring and research programs.” NWT CIMP is able to provide advice and information regarding monitoring and research programs in the</p>	Mar 4: No response.	Mar 9: Not relevant to the ToR, no response required.

		<p>region. GNWT encourages the proponent to contact NWT CIMP to enhance the compatibility between monitoring programs. CIMP's contacts:</p> <p>Telephone: (867) 873-7239</p> <p>Email: nwtcimp@gov.nt.ca</p> <p>Website: www.nwtcimp.ca</p> <p>NWT Discovery Portal: http://nwtDiscoveryportal.enr.gov.nt.ca</p> <p>Recommendation For developer information, and potential inclusion in the ToR.</p>		
Gov of Canada: Sarah Robertson				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	GoC - NPMO - Cover Letter and Contact Sheet	<p>Comment (doc) Letter and federal contact sheet are attached.</p> <p>Recommendation</p>	<p>Mar 4: (doc) No response.</p>	
2	GoC - ECCC - #1: Baseline Sediment Quality	<p>Comment EC12 had indicated that baseline sediment quality should also be included in the description of the baseline environment. SCML agreed to this comment and recommended that historic and current baseline data for sediment quality should be included in the description of the environment, however, this recommendation was not carried forward into the terms of reference. In order to evaluate potential project related impacts to sediment, the baseline sediment quality must be adequately assessed to detect any future project related change.</p> <p>Recommendation ECCC recommends that baseline sediment quality be included in the Description of the Environment (Section 5.0).</p>	<p>Mar 4: No response.</p>	<p>Mar 9: This was an oversight. A new subsection in section 5 has been added titled - Sediment Quantity and Quality.</p>
3	GoC - ECCC	Comment EC13 suggested additional	Mar 4: No	Mar 9: The

	- #2 Impacts to Water Quality from Borrow Sources	<p>wording (measures for mitigation of water quality impacts associated with the use and management of explosives) to be included in Table 1: Project Description Outline for the Construction Phase under borrow sources. SCML agreed to this comment and recommended that the proposed wording be incorporated into the Terms of Reference, however, this recommendation was not carried forward. Using explosives to blast for road construction material has the potential to introduce ammonia and nitrates into nearby water bodies. These potential impacts can be easily mitigated through source control and collection of runoff, however, if left unaddressed may have potential for toxicity, nutrient increases and eutrophication in a water body.</p> <p>Recommendation ECCC recommends that the following wording be added to Table 1 under "borrow sources": measures for mitigation of water quality impacts associated with the use and management of explosives.</p>	response.	recommendation is included in Table 1 and 2.
4	GoC - ECCC - #3 Impacts to Water Quality from Road Maintenance	<p>Comment EC 14 suggested additional wording (measures for protection of water quality during operations, including in relation to the use and management of substances or materials (e.g. road salts)) to be included in Table 2: Project Description for Operations Phase under road maintenance. SCML agreed to this comment and recommended that the proposed wording be included, however, this recommendation was not carried forward into the Terms of Reference. The use of dust suppressants, road salts and other associated products for general road maintenance have the potential to impact water quality through runoff into nearby water bodies. Management of these substances is important in order to reduce potential impacts to water quality.</p> <p>Recommendation ECCC recommends that the following wording be added to Table 2 under "road maintenance": measures for</p>	Mar 4: No response.	Mar 9: The recommendation is included in Table 2.

		protection of water quality during operations, including in relation to the use and management of substances or materials (e.g. road salts).		
5	GoC - ECCC - #4 Sediment Quality Changes During Construction	<p>Comment Section 6.2.3.2 (Water and Sediment Quality), Point 3, accounts for any changes to sediment quality that occurs during operation of the road, however the existing statement does not account for any potential sediment quality changes that are associated with road construction. The construction of a road, and the associated water crossings, have the potential to increase sediments in a water body and cause changes to sediment quality and therefore should be included.</p> <p>Recommendation ECCC recommends that Section 6.2.3.2, Point 3, be broadened to include any changes to sediment quality that occurs during road construction.</p>	Mar 4: No response.	Mar 9: The recommendation is included in section 6.2.3.2. item 3.
6	GoC - PCA #1 Watercourse crossings (Table 1), Water drainage patterns and flows 6.2.3.1	<p>Comment The proponent correctly identifies design details of existing and proposed crossings, which is of particular importance if traffic volumes will grow from <1vpd to 200vpd. However, there is no mention of the crossing hydraulics. Environmental and safety risks at crossings are determined in large part by the the hydraulic adequacy of the structure (existing or proposed).</p> <p>Recommendation Provide the hydrological peak flow calculations along with structure design hydraulics (flow, freeboard, and fish passage) for all proposed structures as well as those from the 2014 upgrade to confirm the suitability of these crossing structures</p>	Mar 4: This information was provided during the permitting process for the structures built in 2014. These structures were approved at that time as being suitable. The information will be provided for any new structures or structures being modified such as culvert extensions.	Mar 9: Section 157.1 does not apply to the proposed HPAR Upgrade Project because the Project is a significant alteration of the existing HPAR both physically (two lanes as opposed to single lane) and in use (industrial haul road versus exploration road). The issue is how existing infrastructure is considered in this assessment. This will be done through assessing the suitability of this infrastructure

				<p>and through the cumulative effects assessment. To be clear, the current assessment will not reassess the effects from already constructed/existing infrastructure, such as bridges.</p> <p>However, the current EA will consider any effects from existing infrastructure that combine with effects from the proposed project in the cumulative effects assessment. Further, this EA will include an assessment of the suitability of this infrastructure for the proposed project. In order to assess the cumulative effects and the suitability of this infrastructure information about it is required. This includes identifying any potential effects, describing the bridges, and describing the surrounding environment is required. This information is described and requested in: Section 3.1.3 -</p>
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				existing infrastructure, Table 1,2 and 3, Section 3.1.4 - Road Design Considerations, and Section 6.1.2 - Accidents and Malfunctions. The requested information is included in section 5.1.6 item 3). The developer indicates that the requested information was submitted (to the MVLWB. This information is relevant to this EA and the onus is on the developer to prove that all components required for the proposed project to proceed are suitable.
7	GoC - PCA #2 Borrow sources: Table 1	<p>Comment A number of Subjects to Consider are listed relative to Borrow Source design criteria and development methods. Topics missing that should be addressed relate to surface and groundwater setbacks, buffers and management strategies.</p> <p>Recommendation The borrow source design considerations should include criterion related to surface and ground water avoidance, care, and management.</p>	Mar 4: No response.	Mar 9: The requested information is included in table 1 and 2.
8	GoC - PCA #3 Traffic and Traffic Control: Table 2	<p>Comment A listed Subject to Consider is "traffic control systems and protocols". It is unclear whether these systems will address the monitoring and management of transport truck speeds and weights</p> <p>Recommendation Clarify what control systems are proposed for truck speed</p>	Mar 4: No response.	Mar 9: Additional wording has been added to table 2.

		management and the monitoring and control of truck loadings.		
9	GoC - PCA #4 Closure and Reclamation: Table 1 & Sec.10	<p>Comment Contrary to roadway design and operation, there are few metrics provided for closure and reclamation.</p> <p>Recommendation Some elaboration on reclamation objectives, management, and monitoring should be provided (e.g. design range of slopes and grades, re-vegetation targets and control of invasive species, monitoring/inspection frequency, and proposed acceptance criteria)</p>	Mar 4: No response.	Mar 9: Table 3 lists subjects to consider during closure while section 10 provides additional guidance. The information provided in both sections provides a basis for the types of information that must be addressed in the DAR. Should Parks Canada find that the DAR lacks detail regarding closure there will be multiple opportunities to ask additional questions through information requests, or in person during technical session(s) or public hearing(s).
10	GoC - PCA #5 Scope of Assessment: Section 3.2.7.1	<p>Comment The Draft TOR states that the Key Line of Inquiry for Caribou will assess direct and indirect effects of the project on individual caribou and on potentially affected caribou herds, including the Nahanni and Redstone herds.</p> <p>Recommendation Parks Canada recommends that the wording in this section is revised to state: Caribou: direct and indirect effects of the Project on individual caribou and on potentially affected caribou herds, including, but not limited to the Nahanni and Redstone herds</p>	Mar 4: SCML will assess impacts on all caribou that are potentially affected by the project. The KLOI is caribou and is not specific to a herd.	Mar 9: The definition of the word "including" includes "but not limited to". It is not necessary to add this clause after each use of the word "including".
11	GoC - PCA #6 Key Line	Comment Parks Canada has noted a discrepancy in the wording	Mar 4: SCML will	Mar 9: The recommendation is

	of Inquiry- Caribou: Section 6.1.1	between the section 3.2.7.1. and section 6.1.1 which may cause confusion. The wording in section 3.2.7.1 includes the direct and indirect effects of the project on individual caribou and potentially affected caribou herds, including the Nahanni and Redstone herds;. Section 6.1.1 requires Selwyn to describe and evaluate potential effects of all project phases on all caribou herds that may be affected by the Project , but will focus on the Nahanni Caribou herd. Recommendation Parks Canada recommends that the wording for these two sections be aligned to provide clarity. Parks Canada suggests rewording section 6.11 to align with the wording in section 3.2.7.1: Selwyn will describe and evaluate the potential effects of all project phases on individual caribou and potentially affected caribou herds including but not limited to the Nahanni and Redstone Caribou herds.	assess impacts on all caribou that are potentially affected by the project. The KLOI is caribou and is not specific to a herd.	addressed in the ToR.
12	GoC - PCA #7 Wildlife and Wildlife Habitat: Section 6.2.6	Comment The Board has stated that Dall's sheep and Mountain Goat are included in the TOR as a component of Subject of Note: Wildlife and Wildlife Habitat. Mountain Goat are specifically listed in section 6.2.6 as species to consider during the assessment, however Dall's sheep are not listed. Parks Canada recognizes that the ToR asks for an assessment to be done for all wildlife potentially impacted by the project, however, the Developer response to comments on the DpTOR indicate that the Developer has already determined that Dall's sheep do not merit inclusion in the assessment of the project. Recommendation Parks Canada recommends adding Dall's sheep to the list of other species to consider in section 6.2.6	Mar 4: No response.	Mar 9: Dall's sheep has been added to the ToR.

Naha Dehe Dene Band: Christine Wenman

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	NDDB Comments on Draft	Comment (doc) (Submitted after Due Date) Please see attached letter. Recommendation Please see attached letter.		Mar 9: (doc) Thank you for your letter

	Terms of Reference			
Sahtu Renewable Resource Board: Colin Macdonald				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	SRRB - Redstone Caribou herd	<p>Comment The SRRB's comments relate to the potential impacts on the Redstone caribou herd, whose range is in the Sahtu Settlement Area. Impacts to the herd could change the numbers and availability of the herd to hunters in the Tulita district.</p> <p>Recommendation Caribou are one of the Valued Ecosystem Components in the Draft TOR. This is a recommendation for the Proponent to ensure that all potential impacts to the herd from road construction and traffic are considered, alternatives proposed and, if impacts are a possibility, methods for mitigation outlined.</p>	<p>Mar 4: SCML will assess impacts on all caribou that are potentially affected by the project. The KLOI is caribou and is not specific to a herd.</p>	<p>Mar 9: The Review Board staff understands the SRRB's concerns. The Terms of Reference provides direction to the developer to assess impacts to all potentially affected caribou.</p>



**SELWYN CHIHONG
MINING LTD.**

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February 29, 2016

Mr. Mark Cliff Phillips, Executive Director
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
Box 938, 5102-50th Ave
Yellowknife, NT X1A 2N7

Dear Mark:

Re: Response to Comments by Board Staff- Draft Terms of Reference (DTOR) for the Howards Pass Access Road (HPAR)

Selwyn Chihong Mining Ltd. (SCML) has reviewed the Comments prepared by the Board Staff in regards to the DTOR for the proposed HPAR upgrade project. Please find attached, the summary of SCML's responses to these comments, including the February 22, 2016 comments from the Reviewers.

SCML appreciate the time and effort by the Reviewers and Board Staff which will be helpful for the preparation of the Developers Assessment Report. SCML also acknowledges and appreciates the February 22, 2016 letter from Naha Dehe Dene Band.

Please do not hesitate to contact the undersigned if you have questions or require additional clarification with any of SCML's responses and/or require any additional information.

Sincerely,
SELWYN CHIHONG MINING LTD.

Maurice Albert, VP External Affairs

c.c. Simon Toogood, MVEIRB
Stephen Morison, SLR Consulting



DEHCHO FIRST NATIONS

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February 22, 2016

RE: Final Terms of Reference (ToR) for Selwyn Chihong Mining Ltd (Selwyn) Howard's Pass Access Road Upgrade Project (HPAR)

Mackenzie Valley Environmental Impact Review Board (MVEIRB) has requested comments on the final Terms of Reference (ToR) for Selwyn Chihong Mining Ltd (Selwyn) Howard's Pass Access Road Upgrade Project (HPAR).

Dehcho First Nations (DFN) has reviewed the final ToR for Howard's Pass Access Road Upgrade Project issued by MVERIB and has no further comments or recommendations regarding the ToR. DFN believes that MVEIRB has adequately incorporated DFN's comments into the final ToR.

DFN also supports any comments or recommendations regarding the final ToR from any DFN members or communities.

Thank you for the opportunity to submit draft comments on Selwyn's HPAR Terms of Reference. If you have any questions regarding this letter, please contact Dahti Tsetso at 867-695-2355 or dahti_tsetso@dehcho.org.

Mahsi cho,

Carrie Breneman
Environmental Consultant for Dehcho First Nations

on behalf of

Dahti Tsetso

Resource Management Coordinator
Dehcho First Nations
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References:

- Dyer, S. J., J. P. O'Neill, S. M. Wasel, and S. Boutin. 2001. Avoidance of industrial development by woodland caribou. *Journal of Wildlife Management* 65:531–542.
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FEB 22 2016

Mr. Rauri Carthew
Mackenzie Valley Environmental Impact Review Board
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VIA ONLINE REVIEW SYSTEM

Dear Mr. Carthew:

**Selwyn Chihong Mining Limited's Howard's Pass Access Road Upgrade
Environmental Assessment – GNWT comments on MVEIRB Draft Terms of Reference
(EA-1516-01)**

The Government of the Northwest Territories (GNWT) has reviewed the Mackenzie Valley Environmental Impact Review Board's (MVEIRB) Draft Terms of Reference, both versions of the Developer's Proposed Terms of Reference, all public registry submissions to date, and has attended all technical and community scoping sessions for environmental assessment of the proposed Howard's Pass Access Road Upgrade. The GNWT has submitted its comments on the Online Review System (ORS) for MVEIRB's consideration.

The GNWT anticipates that these comments will assist in informing MVEIRB's final Terms of Reference, as well as the nature and significance of the proposed project's potential impacts on the environment. The GNWT looks forward to further opportunities to participate in the environmental assessment.

If the MVEIRB or any of the participants in the Howard's Pass Access Road Upgrade Environmental Assessment has questions regarding the GNWT's comments, please contact Lorraine Seale, Manager, Project Assessment Branch, by email at Lorraine.Seale@gov.nt.ca, by phone at 867-767-9183 (Ext. 24067), or Paul Mercredi, Project Assessment Analyst, by email at Paul.Mercredi@gov.nt.ca and by phone at 867-767-9183 (Ext. 24068).

Sincerely,

Terry Hall
Director, Land Use and Sustainability

Attachment



Nahæâ Dehé Dene Band
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Phone (867) 602-2900 Fax (867) 602-2910 Email: chief.nbdb@gmail.com

February 22, 2016

Ms. Kate Mansfield and Mr. Simon Toogood
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
Box 938, 5102-50th Ave
Yellowknife, NT X1A 2N7

Sent by e-mail

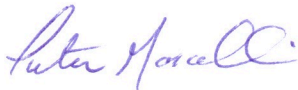
**Re: NDDB comments on the Board's draft Terms of Reference for Selwyn's proposed
Howards Pass Access Road**

Dear Ms. Mansfield and Mr. Toogood,

On behalf of NDDB, I would like to thank the Board and the Board's staff for their thoughtful consideration of NDDB's comments on the proponent's proposed terms of reference. The proponent's thorough draft reflected SCML's previous and consistent communications with NDDB's leadership, community members and advisors. The Board's additions, meanwhile, have addressed most of our outstanding concerns.

We look forward to continued communications and collaboration throughout the duration of the environmental assessment.

Regards,



Chief Peter Marcellais



Canadian Northern Economic
Development Agency

Agence canadienne de développement
économique du Nord

February 22, 2016

VIA EMAIL

Mark Cliffe-Phillips
Executive Director
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre – 5102 – 50th Ave
YELLOWKNIFE, NT X1A 2N7

Dear Mr. Cliffe-Phillips,

**RE: EA1516-01 Comments on the Mackenzie Valley Environmental Impact Review Board
Draft Terms of Reference for the Howard's Pass Access Road Upgrade Project**

The Northern Projects Management Office, on behalf of the Government of Canada, is pleased to submit the attached comments on the Mackenzie Valley Environmental Impact Review Board draft Terms of Reference (TOR) for the environmental assessment of the Howard's Pass Access Road Upgrade Project. The submission includes comments from Environment and Climate Change Canada and Parks Canada Agency. Other departments involved in this environmental assessment have reviewed the draft TOR and do not have comments. A contact list for all federal departments participating in this environmental assessment is also attached.

The Government of Canada looks forward to continued participation in the above noted environmental assessment.

Sincerely,

Matthew Spence
Director General
Northern Projects Management Office

Attachment: (2)

**Contact list from Federal Departments for Selwyn Chihong Mining Limited's
Howards Pass Access Road Upgrade Project**

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Distribution List

EA1516-01, Selwyn Chihong, Howard's Pass Access Road Upgrade Project. The Review Board's draft Terms of Reference

File(s):

Proponent: Selwyn Chihong Mining Ltd.

Reviewer Comments Due By: Feb 22, 2016

Proponent Comments Due By: Feb 29, 2016

Document(s)

The Review Board's Draft Terms of Reference

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