



September 17, 2021

Chuck Hubert  
Senior Environmental Assessment Officer  
Mackenzie Valley Environmental Impact Review Board  
PO BOX 938  
YELLOWKNIFE NT X1A 2N7

by ONLINE REVIEW SYSTEM

Dear Chuck Hubert:

**The Government of the Northwest Territories  
comments on the draft Terms of Reference for the Pine Point Mine (EA 2012-01)**

I am writing on behalf of all Government of the Northwest Territories (GNWT) departments. I confirm that all GNWT departments with interests in the Pine Point Mine Project (EA 2012-01) have reviewed the draft Terms of Reference (ToR) issued by the Mackenzie Valley Environmental Impact Review Board (Review Board). Comments and recommendations were provided by the Departments of Environment and Natural Resources; Lands; Education, Culture and Employment; Industry, Tourism, and Investment; and Municipal and Community Affairs.

**Legacy effects**

GNWT recognizes its land management responsibilities in relation to the impacts of past activity at the site. GNWT has initiated discussions with Pine Point Mining Limited (PPML) to discuss current site conditions and possible data collection requirements. The GNWT will file meeting reports during the environmental assessment (EA), as required.

For the information of the Review Board and all parties, the GNWT is submitting a series of documents regarding the history of the site with respect to site conditions and previous remediation efforts. The GNWT will post additional documents as they become available. Parties should note that documents provided that are dated earlier than 2014 do not necessarily reflect current land management responsibilities. At devolution, the GNWT became the primary manager of all land in the Pine Point area, except for the portion of the railbed that is outside of Commissioner's land. The railbed outside of Commissioner's land remains the responsibility of the federal government.

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### **Language use in the recommendations section of the ToR**

During a recent meeting with the GNWT, the developer, Pine Point Mining Ltd (PPML) indicated that it will be recommending that the Review Board reconsider the use of “will include” and “must include” in the ToR for some components where the developer believes the information is not required for the EA of the proposed mine.

Specifically, the GNWT understands that PPML will be proposing the replacement of “the proponent will” to wording such as “the proponent should consider” for all the data requirements that PPML believes are not necessary for the EA. GNWT understands PPML’s overall concern and the value of the DAR being focused on necessary data. As PPML has not yet completed its analysis, GNWT is not in a position to provide any additional comments on PPML’s recommendations at this time. Going forward, the GNWT will work with PPML and other parties during the development and technical review of the DAR.

### **Roles and Responsibilities of GNWT Departments in the EA**

The GNWT will participate fully in the EA process, including initiating and responding to any information requests, participating in technical sessions and public hearings, and providing an intervention and closing argument, as invited to do so by the Review Board. Any requests for information intended for a GNWT department regarding the EA, emanating from the Review Board or from a party, should be made to the Project Assessment Branch in the Department of Lands, who will coordinate the GNWT’s responses.

Along with providing expert advice and responding to questions, various GNWT ministers will be responsible ministers under the *Mackenzie Valley Resource Management Act* for this EA. The GNWT will make a final determination regarding which ministers are responsible ministers after the Review Board issues its Report of Environmental Assessment and Reasons for Decision. The GNWT is working with Government of Canada to determine whether the delegation of EA decision-making authorities from the Minister of Northern Affairs to the Minister of Lands will apply for this EA.

The following table provides a summary of the primary roles that relevant departments within the GNWT anticipate performing in this EA. Please note that departments may adjust the nature and level of their participation as information on topics relevant to GNWT mandates and interests becomes available during the proceeding. In areas of shared interests and responsibility, GNWT departments will collaborate with their federal counterparts as applicable.

Department of:	Roles anticipated to be played during the environmental assessment
Lands	<ul style="list-style-type: none"> <li>• Will coordinate the GNWT's participation in the environmental assessment.</li> <li>• Will provide specialist advice regarding the management and administration of the sustainable use of public land, including land use and sustainability standards, guidelines, and policies.</li> <li>• Will manage land tenure requirements as applicable.</li> <li>• Will lead the GNWT's participation in the joint Canada-GNWT formal Aboriginal consultation process on the EA decision.</li> </ul>
Environment and Natural Resources	<ul style="list-style-type: none"> <li>• Will provide specialist advice on topics based on the Department of Environmental and Natural Resources' mandated authority and responsibilities as per relevant acts and regulations.</li> </ul>
Education, Culture, and Employment	<ul style="list-style-type: none"> <li>• Will provide specialist advice with respect to education, training, and employment opportunities.</li> <li>• Will provide specialist advice and be involved in EA processes regarding protection and management of archaeological sites.</li> </ul>
Finance	<ul style="list-style-type: none"> <li>• Will provide specialist advice regarding direct and indirect impacts on the GNWT budget. Advice may include assessment under the macroeconomic policy framework.</li> </ul>
NWT Housing Corporation	<ul style="list-style-type: none"> <li>• Will provide specialist advice with respect to potential socio-economic implication pertaining to housing needs.</li> </ul>
Municipal and Community Affairs	<ul style="list-style-type: none"> <li>• Will provide specialist advice with respect to community governments and potential impacts of the development on community governments.</li> </ul>
Industry, Tourism, and Investment	<ul style="list-style-type: none"> <li>• Will provide specialist advice relating to economic development and socioeconomic benefits/impacts emanating from the extraction of natural resources, parks, business, trade, and investment.</li> </ul>
Health and Social Services	<ul style="list-style-type: none"> <li>• Will provide specialist advice and be involved in the environmental assessment processes with respect to the evaluation of environmentally and socially mediated impacts of industrial projects on the health and social well-being of peoples of the NWT.</li> <li>• Will provide expertise on the compliance with the <i>Public Health Act</i> and its regulations and what potentially constitutes a public health hazard.</li> </ul>
Justice	<ul style="list-style-type: none"> <li>• Will provide legal advice to the GNWT.</li> <li>• Will provide specialist advice related to potential socio-economic impacts on policing, courts, correction services, community justice, and the overall justice system.</li> </ul>
Executive and Indigenous Affairs	<ul style="list-style-type: none"> <li>• Will provide specialist advice to the GNWT on the duty to consult, and, where required, accommodate Indigenous governments and organizations.</li> <li>• Will provide specialist advice to GNWT departments respecting the negotiation and implementation of Aboriginal rights agreements.</li> </ul>

If the Review Board has any questions or concerns or requires additional information, please contact Horatio Sam-Aggrey, Project Assessment Analyst, at Horatio\_Sam-Aggrey@gov.nt.ca or (867) 767-9180 ext. 24023 or me at Lorraine\_Seale@gov.nt.ca or (867) 767-9180 ext. 24020.

Sincerely,



Lorraine Seale  
Director, Securities and Project Assessment  
Lands

#### Attachments

- a. GNWT Amalgamated Comments File
- b. Correspondence from Cominco to the NWT Water Board, providing the latter with the developer's revised Abandonment and Restoration plan for 1987
- c. Correspondence from Cominco to the NWT Water Board regarding a detailed "Revised Restoration and Abandonment Plan" dated 1991 with numerous references to the restoration work which had been completed to date.
- d. The 2007 INAC Response to the First Round of Information Requests concerning the Environmental Assessment of the Tamerlane Ventures Inc's Pine Point Pilot Project (MVEIRB File Record Number EA0607 -003).
- e. Excerpts from the GNWT HANSARD, 16<sup>th</sup> Assembly, 6<sup>th</sup> Session, Day 11, Thursday, May 19, 2011, Pages 6725 – 6744.
- f. The NWT Framework for Boreal Caribou Range Planning (2019)
- g. Influence of land cover, fire, and human disturbance on habitat selection by boreal caribou in the NWT. Department of Environment and Natural Resources, Government of the Northwest Territories. Yellowknife, NT. 234 pp