

Draft Terms of Reference

and

Work Plan

for the

Environmental Assessment

of the

North American Tungsten Corporation Ltd.

CanTung Mining and Milling Development

Issued: Jan. 10, 2003

Mackenzie Valley Environmental Impact Review Board

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1 INTRODUCTION

This document describes required content for the Developer's Assessment Report to be prepared by North American Tungsten Corporation Ltd. (NAT) for the environmental assessment (EA) of the proposed CanTung Mining and Milling Development.

The Mackenzie Valley Land and Water Board received an application from NAT in Feb. 2002. NAT or its predecessors have operated a tungsten mine at this location since 1962, although the mining operations ceased and the development was in care and maintenance from 1986 to 2002. The MVLWB found that the new water licence required for the development because of the expiry of the previous licence was not exempt from Preliminary Screening pursuant to subsection 157.1 and 124 of the *Mackenzie Valley Resource Management Act (MVRMA)*. In July, 2002, it referred the development to the Mackenzie Valley Environmental Impact Review Board (MVEIRB or Review Board) for EA. On Sept. 5th, Review Board adjourned the environmental assessment, as NAT sought judicial review of the decision of the MVLWB by the Supreme Court of the Northwest Territories. The Supreme Court ruled to uphold the decision of the MVLWB on Nov. 28th, 2002.

On Dec. 6th, 2002, the Review Board received notice from Fasken Martineau, counsel for NAT, advising that NAT will be appealing the decision made by the Supreme Court of the NWT. Fasken Martineau requested that the MVEIRB further stay its EA proceedings pending the upcoming appeal. On December 27th, 2002 the MVEIRB denied this request and reinitiated the EA on December 23rd, 2002. Reasons for that decision have been placed on the Public Registry.

These terms of reference outline the work required for NAT to conduct an EA under part 5 of the MVRMA.

2 SCOPE OF THE DEVELOPMENT

This section outlines the scope of the development. Additional information on development components may be requested by the Review Board to complete the EA.

2.1 *Principal Development*

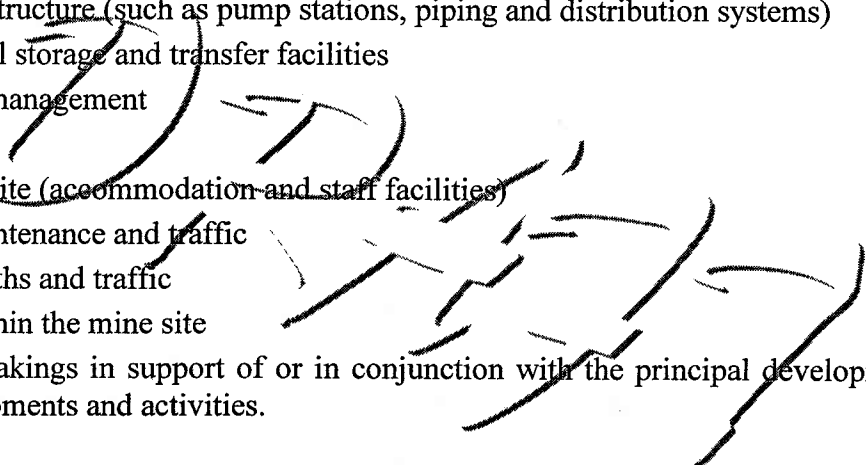
The Development is an open pit tungsten mine on the NWT side of the NWT / Yukon boundary. It is located on the Flat River which forms part of the South Nahanni Watershed. It is upstream of Nahanni Butte and Nahanni National Park Reserve. The mine is currently in operation. The principal development includes the construction, operation, and/or decommissioning of:

- The mine, including open pit and underground workings
- Milling and processing plants
- Tailings ponds
- Water treatment facilities
- Concentrate, ore and waste rock storage
- Piping and distribution systems

This includes the use and upgrading of existing development in addition to the construction and operation of new facilities and eventual abandonment and decommissioning of the site.

2.2 *Accessory Developments and Activities*

The completion of the principal development would require the following additional developments and activities to be constructed, operated and/or used:

- Supporting infrastructure (such as pump stations, piping and distribution systems)
 - Fuel and chemical storage and transfer facilities
 - Domestic waste management
 - Power generation
 - CanTung Town Site (accommodation and staff facilities)
 - Road access, maintenance and traffic
 - Airstrip, flight paths and traffic
 - Service roads within the mine site
 - Any other undertakings in support of or in conjunction with the principal developments or accessory developments and activities.
- 

3 **DIRECTION TO NORTH AMERICAN TUNGSTEN**

The scope of the assessment is the determination of which issues and items will be examined in the environmental assessment. In determining the scope of the assessment, the Review Board is required to consider the factors listed in ss. 117(2) of the *MVRMA*. The scope of this assessment is reflected in the issues described below in sections 3.1 to 3.20 of these Terms of Reference.

Provide the Review Board with a Developer's Assessment Report that provides the information requested in sections 3.1 to 3.20. When discussing development impacts:

- Identify the development activity;
- Identify the changes this activity produces in the environment;
- Identify the potential impacts of these changes (with best supporting rationale and evidence);
- Propose mitigative measures (with best supporting rationale and evidence) ; and
- Predict the residual impacts that cannot be mitigated.

When describing impacts, NAT will be expected to define and explain the following items that characterize the impacts:

- Direction (beneficial / adverse);
- Magnitude;
- Geographical extent (spatial boundary)
- Duration;
- Frequency;

-
- Likelihood of occurrence;
 - Reversibility;
 - Environmental Consequence¹.

For each impact prediction or proposed mitigation, all uncertainties (e.g. due to poor baseline data or low predictive validity) should be stated explicitly.

3.1 Executive and Non-technical Summaries

Produce an Executive Summary, , containing the most relevant points for decision makers. Produce a Non-technical Summary, summarizing in plain language the key findings of its Developer's Assessment Report. If requested by the Review Board, NAT will need to have the summaries translated into the appropriate aboriginal language(s).

3.2 Development Description

Provide a thorough description of the development that includes, but is not limited to, the following:

- all existing development at the site
- any proposed developments or activities described above (see 2.1 and 2.1)
- any proposed decommissioning, abandonment and restoration of the above

Describe what existing development on the site will be used, if and how it must be changed (e.g. upgraded, improved or maintained), in addition to describing new constructions and operations. Describe decommissioning for the entire development, including any previously existing facilities that were modified or used for the proposed development.

3.3 Developer Identification and Performance Record

Provide the following information:

- Company incorporation and corporate structure and related information;
- The company's corporate history in Canada and the Northwest Territories, and that of its partners, if any;
- The proposed development ownership;
- An organizational chart identifying corporate and individual responsibilities for the development and operations; and
- An environmental performance record of the company and its contractors in operating the CanTung mine to date, and conducting this type of development in this region, in a similar setting and in other settings. (Include brief descriptions of past incidents [e.g. fuel spills, deposit of acid-generating material in rivers, etc...] and management responses).

3.4 Regulatory Regime

Provide a table and map summarizing relevant licenses, permits and other authorizations that are required to allow the proposed development to occur.

¹ Although the Board will determine significance, the developer's views of the importance of a predicted impact are described here as "environmental consequence".

3.5 Public Consultations

Summarize consultations undertaken with federal and territorial government departments, municipal governments, aboriginal groups and non-governmental organizations, listing and describing in detail any concerns that were raised and detailing how these concerns were addressed. Highlight any unresolved concerns and describe the intended course of action to resolve the concerns.

3.6 Effects of the Environment on the Development

Describe potential impacts of the environment on the development and any changes to the development that may be caused and/or required by the environment (e.g. by permafrost changes affecting tailings ponds or other infrastructure).

3.7 Accidents and Malfunctions

Report on the environmental impacts of possible accidents and malfunctions, describing likelihood and severity for each scenario. Include accidents and malfunctions related to fuel and chemical storage, handling and transfers, tailings containment failures, spills and any other accidents with potential environmental impacts. Include a discussion of the spill contingency and emergency response plans that will be employed to deal with accidents and malfunctions.

3.8 Alternatives

Provide an explanation of alternatives to the principal and accessory parts of the development where economically viable alternatives are possible. Outline the rationale for identification of alternatives. This discussion shall include consideration of the development's timing and a description of potential environmental impacts that were considered when evaluating and selecting alternatives.

3.9 Air Quality and Climate

Predict impacts on air quality, including a description of the quantity and type of greenhouse gas emissions the development would produce.

3.10 Aquatic Resources and Habitat

Provide information on aquatic resources and habitat (including riparian habitat), mitigation measures and predicted residual impacts. This shall include, but not be limited to, a discussion of the following:

- habitat characteristics of the rivers where the work is proposed;
- species of fish present, their life stages, relative abundance, movement, migration patterns and habitat use;
- predicted impacts from intentional or accidental releases of treated minewater, fuel or other chemicals or substances into surface waters.
- Impacts on any threatened, endangered fish or otherwise at risk species onsite or downstream (including migratory populations that might be present)
- Impacts from changes to surface drainage and water crossings at the mine site or along road access to the mine

This discussion is also to include a description of all uncertainties related to the above.

3.11 Vegetation and Plant Communities

Describe impacts on local plant communities, highlighting any threatened, endangered, rare or otherwise at-risk species.

3.12 Wildlife and Wildlife Habitat

Describe potential impacts on wildlife and wildlife habitat, and discuss mitigation methods and predicted residual impacts.

This section should include, but not be limited to, a discussion of physical and behavioral effects the following:

- Displacement from habitat around the mine (including actual and effective habitat loss)
- Barriers to wildlife movements
- Disturbance by ground and air traffic along routes to the mine and at the mine site
- Habituation and wildlife-human conflict, both in the mine area and in other areas in the range of potentially affected wildlife
- Indirect effects of road maintenance and increased access.
- Exposure to contaminants
- Impacts on any threatened, endangered or otherwise at-risk wildlife species including migratory populations that might be present
- Impacts on wildlife arising from noise
- Waste handling procedures to minimize and/or avoid wildlife attraction or damage to wildlife habitat.

3.13 Water Quality and Quantity

Describe potential impacts on water quality and quantity. The discussion should include, but not necessarily be limited to, changes due to exposure to tailings, concentrate, ore, waste rock, or any other substances or chemicals that may affect water quality. Include an evaluation of acid generation potential and any metals this may release. Include an evaluation of amount of water used, and the effects of withdrawal on surface flows. Include details of proposed mitigation measures, predicted residual impacts and any uncertainties.

3.14 Terrain and soils

Describe impacts arising from disturbance to surface geology, bedrock or soils.

3.15 Social and Economic Matters

Describe how the development will sustainably contribute to the long-term social and economic well-being of the residents of the NWT. Include such information as identifying the local businesses that will be involved in the development, the likely increase in local employment, and implications for community quality of life, as well as the documentation and details related to any other predicted social and economic impacts and mitigation measures. Identify and describe all taxes and royalties paid to federal, territorial and municipal governments. Describe the makeup of the labour force at the development, including the location and residence of the

existing and proposed labour forces. Identify the percentage of NWT residents in the labour force. Predict social and economic impacts of the development.

Provide a copy of the Benefits Plan that has been submitted to and/or approved by Indian and Northern Affairs Canada (INAC). If the Benefits Plan has not yet been submitted and/or approved, describe the anticipated schedule until the Plan's approval. Describe any consultations that occurred specific to the Benefits Plan with INAC, the Government of the Northwest Territories (GNWT) and/or the local communities. Describe any unresolved concerns with the contents of the Benefits Plan and the intended course of action to resolve these concerns.

3.16 Land and Resource Use

NAT shall discuss the potential impacts of the proposed development on land and resource use along with potential mitigation methods and residual impacts. This discussion shall include, but not be limited to, the following:

- Traditional land use and occupation;
- Existing land use and occupation;
- Wilderness outfitting including commercial and sport fishing;
- Availability, abundance and quality of wildlife and fish for subsistence, recreational and/or commercial harvesting;
- Other recreational activities; and
- Protected and/or potential protected areas.

3.17 Cultural and Heritage Resources

NAT shall discuss the potential impacts of the proposed development on cultural and heritage resources along with potential mitigation methods and residual impacts. This discussion is to include, but not be limited to, a discussion of the South Nahanni River's status as a Canadian Heritage River, and Nahanni National Park Reserve's status as a World Heritage Site. Include discussion of the mitigation required to maintain the values (natural, historical and recreational) that resulted in these designations. Describe effects on wilderness values in Nahanni National Park Reserve.

3.18 Cumulative Impacts

Analyze and report on the cumulative impacts that might result from the development impacts in combination with those of other past, present or reasonably foreseeable developments or activities. NAT should:

- a) Identify the valued components that may be affected by the proposed development in combination with other human activities.
- b) Identify the other past, present and reasonably foreseeable human activities and developments that may affect the same valued components (including past mining activity on the site).
- c) Predict the combined impact of the proposed development in combination with the past, present and reasonably foreseeable future activities and developments (b) on the valued components identified (a).
- d) Describe ways to avoid, mitigate or manage those impacts.

3.19 Reclamation, restoration and abandonment

Describe the proposed reclamation, restoration and abandonment of the site in appropriate detail. In addition to describing the physical activities required, provide approximate costs for these activities, provide rationales for the evaluation of their likely effectiveness, and evaluate any additional impacts that may arise as a result of these activities. Include descriptions of any post-project monitoring plans.

3.20 Environmental Protection Plan

Describe the Environmental Protection Plan (EPP) that is intended for use with this development. The EPP should include the environmental management system that will be in place during operations as well as what, how and when follow-up programs will be used to assess the accuracy of predicted impacts and determine if additional mitigation is necessary.

4 ROLES AND RESPONSIBILITIES

The roles and responsibilities of the Review Board and its staff, government bodies, the developer and other parties in the EA are explained in this section. Further information regarding the structure of the EA process is available in the Review Board's Environmental Impact Assessment Guidelines and the Rules of Procedure. Both documents are available from the Review Board.

All submissions received from all sources will be considered during the Review Board's decision-making processes on the environmental assessment. Usually these submissions will be public documents and will be posted on the Public Registry. However, the Review Board can and will accept documents on a confidential basis if required. Submissions should be in a format that is easily available to all stakeholders and should follow any templates provided by the Review Board.

Attached in the Appendix are legal premises and definitions relevant to completing the environmental assessment.

4.1 Review Board

The Review Board assisted by its staff is required to undertake the following in relation to this EA:

- conduct the EA in accordance with ss.126(1) of the *MVRMA*;
- take into account any previous screening or assessment report made in relation to the development, in accordance with s.127 of the *MVRMA*;
- determine the scope of the development, in accordance with ss.117(1) of the *MVRMA*;
- consider environmental assessment factors, in accordance with ss.117(2) of the *MVRMA*;
- make a determination regarding the environmental impacts and public concern of the development, in accordance with ss.128(1) of the *MVRMA*;
- identify areas and extent of impacts within or outside the Mackenzie Valley in which the development is likely to have a significant adverse impact or be a cause of significant public concern, in accordance with ss.128(4) of the *MVRMA*;
- report to the designated regulatory agency (the NEB) in accordance with ss.128(2) of the *MVRMA*; and
- report to the Federal Minister in accordance with ss.128(2) of the *MVRMA*.

The Review Board's Environmental Assessment Officer (EAO) is the primary point of contact between the Review Board and the developer, government bodies (federal, territorial and municipal), non-government organizations (NGOs), First Nations, expert advisors (expert consultants contracted directly by the Review Board), the public and other interested parties. This does not limit or preclude the developer's contact with other parties during the EA process.

This Environmental Assessment will be coordinated and facilitated by Alan Ehrlich. (add phone, fax and e-mail)

4.2 ~~Government Bodies~~

Government bodies may be involved in the EA process as:

- a Regulatory Authority as defined in the ~~MVRMA~~;
- a Responsible Minister as defined in the ~~MVRMA~~;
- a Federal Minister as defined in the ~~MVRMA~~; or,
- advisors to the Review Board.

4.3 Developer

The developer is expected to respond in a suitable and timely manner to directions and requests issued by the Review Board. The developer may present additional information at any time to the Review Board beyond what was requested during the EA process. The Review Board encourages the developer to continue consulting all potentially affected communities and organizations during the EA process.

4.4 Other Parties

In addition to the expertise available from within government, the Review Board may choose to hire expert advisors to provide technical expertise on specific aspects of the EA.

First Nations, NGOs, the public and other interested parties may provide the Review Board with information relevant to the EA of their own volition, or they may be asked by the Review Board to provide any relevant information they may have.

5 EA PROCESS

This section summarizes the phases in the EA process to be used for this particular EA. The actual process may deviate from this intended process as there may need to be some allowance for changes based upon unforeseen events that occur during the EA.

5.1 Milestones and Responsibilities

Having considered the information available regarding this development, the Review Board has established milestones and responsibilities for this EA process. These milestones and responsibility assignments are outlined in Table 1.

Table 1 - Milestones and Responsibility Assignments for Phases in the EA Process

| Milestone | Developer | Government Bodies | Other Parties | Review Board and Staff |
|---|-----------|-------------------|---------------|------------------------|
| EA start-up | | | | ✓ |
| Prepare draft Terms of Reference and Work Plan | | | | ✓ |
| Review and comment on draft ToR and WP | ✓ | ✓ | ✓ | |
| Revise and approve final ToR and WP | | | | ✓ |
| Submit EA Report | ✓ | | | |
| Conformity Check and Deficiency Statement (if required) | | | | ✓ |
| Deficiency Statement Response | ✓ | | | |
| Information Requests | | ✓ | ✓ | ✓ |
| Information Request Responses | ✓ | ✓ | ✓ | |
| Technical Analysis | | ✓ | ✓ | ✓ |
| Review Board Report of EA and Reasons for Decision | | | | ✓ |
| Response from the Minister of Indian Affairs and Northern Development (if required) | | ✓ | | |
| Consultation - throughout / as required | ✓ | ✓ | ✓ | ✓ |

5.1.1 EA Start-up

The Review Board has initiated the notification measures required by the *MVRMA*. The Review Board has opened the Public Registry on the EA. The Public Registry will be updated regularly.

Deliverable: Public Registry, public notification, government notification, developer notification, expert advisor identification, identification of EA roles.

5.1.2 Terms of Reference and Work Plan

This Terms of Reference and Work Plan for completing the EA was developed and approved by the Review Board while incorporating comments that were received on the draft document. This document contains the scope of the development, the scope of the assessment, directions to the developer, a description of the EA process and an EA schedule.

Deliverable: An approved Terms of Reference and Work Plan.

5.1.3 Preparation and Submission of the Developer's Assessment Report

NAT will use this document to guide the preparation of the Developer's Assessment Report (DAR). Although the format of the DAR is largely left to the discretion of the developer, the developer should consider the use of appendices for providing some information, the use of a glossary for technical or uncommon terms and the clarity and accuracy of the information presented in the DAR. Diagram, charts and maps are useful for clarifying information presented in text.

Deliverable: Developer's Assessment Report.

5.1.4 Conformity Check and Deficiency Statement

The Review Board will review the Developer's Assessment Report to ensure that the developer has provided the information that it was instructed to provide.² If required, the Review Board will issue a deficiency statement identifying those areas in which the developer has not provided information to address an item listed in the scope of the assessment. The developer will be asked to submit information to the Review Board to fill the information gaps identified by the deficiency statement.

Deliverable: Review Board Deficiency Statement and the developers' response.

5.1.5 Information Requests (IRs)

IRs are very specific and focused requests for clarification or additional information. They are required in order for the Review Board to complete its analysis and reach a conclusion about the information provided by the developer. The first round of IRs that are issued will be developed by the Review Board. The second round will be open to all EA participants.

IRs can be issued by any party in the EA and can be directed to any other party. However, all IRs must be submitted to the Review Board for approval and they must also be submitted in the form required by the Review Board. If approved, the Review Board will then issue the IR under its authority to the intended IR recipient.

The IRs and the responses will be included in the Public Registry and be used as evidence for the consideration of the Review Board.

Deliverable: Information Requests and Responses to Information Requests that are placed on the Public Registry and circulated to all parties to assist in their analysis of the

² This conformity check determines whether or not the developer has provided information to address a requirement of the scope of the assessment. It does not reflect the technical adequacy of the information provided by the developer. Any additional technical information or further explanation would be requested through Information Requests (IRs). IRs facilitate the technical analysis of the development.

environmental assessment report.

5.1.6 Technical Analysis

The Review Board staff will undertake the analysis of the EA with the assistance of federal and territorial governments, First Nations, the public and other interested parties. A thorough analysis of the development is essential to assist the Review Board to make the best EA decision. This is a critical stage in the EA process where the key issues and impacts are identified and evaluated.

The developer can formally provide and present its views on the information brought to the Review Board's attention including any proposed amendments, additions or refinements to the development or the environmental assessment documents.

Deliverable: Technical reports from EA parties that clearly state the reviewer's conclusions, recommendations and supporting rationales.

5.1.7 EA Decision

The Review Board will provide the Minister of Indian and Northern Affairs Canada (INAC) with its Report of Environmental Assessment as per Section 128(2) of the MVRMA. The Minister of INAC will distribute the report to every responsible minister as per 128(2)(a) of the MVRMA. The developer and the other EA parties will also receive copies of the Review Board's Report of EA.

Deliverable: The Review Board's Report of Environmental Assessment.

5.2 EA Work Plan Schedule

Table 2 provides an estimated timeline for completing each indicated milestone in the EA process. The Review Board may amend the milestone dates at its discretion. ("Days" below refer to working days).

Table 2 - Milestone Completion Timetable

| MILESTONE | DATE |
|--|------------------------------|
| Start-up of the EA | Dec. 24 th , 2002 |
| Draft Terms of Reference and Work Plan issued | 10 days |
| Deadline for Comments on draft ToR and WP | 10 days |
| Final Terms of Reference and Work Plan issued | 10 days |
| NAT submits EA report | 20-30 days |
| Review Board Conformity Check and Deficiency Statement (if required) | 12-15 days |
| NAT response to the Deficiency Statement | 5-15 days |
| Review Board IRs to NAT | 12 days |
| Open IRs to NAT | 12 days |
| NAT response to IRs | 5-15 days |
| Submission of technical analysis reports | 12 days |
| Closure of Public Registry | 4 days |

| MILESTONE | DATE |
|--|------------|
| Review Board EA decision | 14-20 days |
| Review Board's Report of EA to the NEB and the Minister of INAC | 5 days |
| Federal Minister's response to the Review Board's Report of EA (if required) | - |
| Consultation – throughout / as required | - |

[Handwritten signature]

APPENDIX

Review Board Legal Context for Environmental Assessment

The Review Board, in exercising its authority is guided by the following legal principles and by definitions, purposes and factors found in the MVRMA. This context provides the developer, RA's, the DRA (NEB) as required, federal and territorial governments, First Nations, expert advisors, and other affected or interested parties the framework within which the EA will be conducted. (Note: The NEB will undertake its responsibilities for the environmental assessment as described in the Work Plan and in accordance with the CEAA.)

Legal Principles

The Review Board is governed by the rules of natural justice and procedural fairness. This essentially means that fair play is required when exercising decision making functions. Three of the basic elements are:

- (i) *The right to be heard - means providing fair opportunity for parties to prepare and state their case, and to correct or contradict relevant statements prejudicial to their position;*
- (ii) *The rule against bias - is a rule against prejudging a case; addressing not only actual bias but also any reasonable apprehension of bias; and,*
- (iii) *Fettering of discretion - means the Review Board is governed by the common law principle which requires that she/he who hears must decide. This means that the Board members who hear or review the evidence in an EA must be the decision makers. Members who did not participate can play no role in the decision. The law also requires that the Board and its members must be free to exercise their full authorities under the statute. The Board must decide each case on its own merits.*

Definitions

The context within which the Review Board conducts an EA is based on following definitions and indicated sections from the MVRMA.

Development - means any undertaking, or any part of an undertaking, that is carried out on land or water and, except where the context otherwise indicates, wholly within the Mackenzie Valley, and includes measures carried out by a department or agency of government leading to the establishment of a national park subject to the National Parks Act and an acquisition of lands pursuant to the Historic Sites and Monuments Act.

Environment - means the components of the Earth and includes

- (a) Land, water and air, including all layers of the atmosphere;
- (b) All organic and inorganic matter and living organisms; and
- (c) The interacting natural systems that include components referred to in paragraphs (a) and (b).

Follow-up program - means a program for evaluating

- the soundness of an environmental assessment or environmental impact review of a proposal for a development; and
- the effectiveness of the mitigative or remedial measures imposed as conditions of approval of the proposal.

Harvesting - in relation to wildlife, means hunting, trapping or fishing activities carried on in conformity with a land claim agreement or, in respect of persons and places not subject to a land claim agreement, carried on pursuant to aboriginal or treaty rights.

Heritage resources - means archaeological or historic sites, burial sites, artifacts and other objects of historical, cultural or religious significance, and historical or cultural records.

Impact on the environment - means any effect on land, water, air or any other component of the environment, as well as on wildlife harvesting, and includes any effect on the social and cultural environment or on heritage resources.

Mitigative or remedial measure - means a measure for the control, reduction or elimination of an adverse impact of a development on the environment, including a restorative measure.

Scope of the assessment - the components of the environment that will be evaluated for impacts from the proposed development.

Scope of the development - a description of the development and associated parts as determined by the Review Board.

s.114 The purpose of this Part is to establish a process comprising a preliminary screening, an environmental assessment and an environmental impact review in relation to proposals for developments, and

- to establish the Review Board as the main instrument in the Mackenzie Valley for the environmental assessment and environmental impact review of developments;
- to ensure that the impact on the environment of proposed developments receives careful consideration before actions are taken in connection with them; and
- to ensure that the concerns of aboriginal people and the general public are taken into account in that process.

s.115 The process established by this Part shall be carried out in a timely and expeditious manner and shall have regard to

- the protection of the environment from the significant adverse impacts of proposed

-
- developments; and
- the protection of the social, cultural and economic well-being of residents and communities in the Mackenzie Valley.

ss.117(1) Every environmental assessment of a proposal for a development shall include a determination by the

Review Board of the scope of the development, subject to any guidelines made under section 120.

ss.117(2) Every environmental assessment and environmental impact review of a proposal for a development

shall include a consideration of:

- The impact of the development on the environment, including the impact of malfunctions or accidents that may occur in connection with the development and any cumulative impact that is likely to result from the development in combination with other developments;
- The significance of any such impact;
- Any comments submitted by members of the public in accordance with the regulations or the rules of practice and procedure of the Review Board;
- Where the development is likely to have a significant adverse impact on the environment, the imposition of mitigative or remedial measures; and
- Any other matter, such as the need for the development and any available alternatives to it, that the Review Board or any responsible minister, after consulting with the Review Board, determines to be relevant.