

# Mackenzie Valley Environmental Impact Review Board

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Our File EA01-004

July 4, 2001

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**RE: DRAFT Terms of Reference and Work Plan - Snap Lake Diamond Project  
Environmental Assessment**

Attached is the draft Terms of Reference (ToR) and work plan for the Snap Lake Diamond Project Environmental Assessment. The Review Board will consider all the comments received before preparing the FINAL Terms of Reference and work plan. De Beers is responsible for ensuring broad public and stakeholder knowledge of the development proposal concurrent with the Review Board soliciting comments and input on its draft Terms of Reference and work plan.

The last day for providing input on the draft documents is Friday, August 3, 2001. Please consider that day when undertaking your stakeholder communications. The Review Board's staff will chair a general overview of the ToR on Friday July 20, 2001 and a working session on July 27, 2001 to ensure an integrated and focused expert and regulatory submissions. De Beers can make a presentation at both sessions. All sessions are open to the public.

If you have any questions, require additional information, or want to discuss your communications planning please contact either Roland Semjanovs or myself.

Sincerely,



Luciano Azzolini  
Environmental Assessment Officer

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# **Terms of Reference and Work Plan**

*for the*

## **Environmental Assessment**

*of the*

***De Beers Canada Mining Inc.  
Snap Lake Diamond Project***

**June 21, 2001**

Issued By:

**Mackenzie Valley Environmental Impact Review Board**

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# 1 INTRODUCTION

On February 2, 2001, De Beers Canada Mining Inc. (De Beers) submitted applications for a Class 'A' Land Use Permit and a Class 'A' Water Licence for the proposed Snap Lake Diamond Project to the Mackenzie Valley Land and Water Board (MVLWB) for the following developments:

- Development of a 3,000 tonnes per day underground diamond mine with an operating life of 22 years;
- Construction of support facilities, including a camp complex for up to 350 people, process plant, paste plant, cement plant, processed kimberlite containment area, explosives factory, storage buildings, waste disposal systems, stockpile, power plant;
- Expansion of existing facilities, including tank farm, airstrip, explosive storage;
- Establishment of annual winter access and esker access roads along existing routes;
- Quarry of esker material as required for construction and operational purposes.

On May 23, 2001, the MVLWB referred the development applications to the Mackenzie Valley Environmental Impact Review Board (Review Board or Board) for an environmental assessment (EA), in accordance with ss.125(1) of the Mackenzie Valley Resource Management Act (MVRMA), citing the following reasons for the referral:

- Significant concern expressed by government experts reviewing the application about the potential environmental impacts of the proposed development.
- Significant concern expressed by the Lutsel K'e First Nation about possible development impacts on the watershed used traditionally used by the Dene.
- Concerns expressed by the Canadian Arctic Resources Committee (CARC) regarding De Beers's current Class 'B' Water Licence regulatory conformance record.
- Need for technical information to supplement the De Beers Snap Lake Project Scoping Document.

The Review Board is required by s.126 of the MVRMA to conduct an EA of the developments in accordance with Part 5 of the MVRMA.

On June 25, 2001 the Review Board issued, draft Terms of Reference and a draft Work Plan for the De Beers environmental assessment for consultation. The final Work Plan and Terms of Reference incorporate the results of the consultation. This document contains:

- A description of the development;
- A description of the roles and responsibilities of those parties involved in the EA;
- An outline of the general approach to completing the EA, including milestones and a schedule;
- The scope of the development;
- The scope of the assessment;
- Directions to the developer; and
- Directions to other parties involved in the EA.

Attached in Appendix 1 are legal premises and definitions relevant to completing an environmental assessment.

## 2 DEVELOPMENT DESCRIPTION

This section provides a generalized description of the proposed development based on the project description submitted by De Beers support of their land use permit application.

The development includes the underground mining of kimberlite ore using the room and pillar method. Associated and supportive developments and undertakings include:

### Snap Lake Advanced Exploration

1. Temporary explosive storage;
2. Portable crusher and a rock/esker material stockpile;
3. Airstrip;
4. Temporary underground contractor facilities;
5. Bulk sample process plant;
6. Underground bulk sample;
7. Mine portal;
8. Processed kimberlite containment area;
9. Dams to contain the kimberlite containment area;
10. Potable water intake and pump house;
11. Fuel tanks;
12. Pilot plant facilities;
13. Cold storage; and
14. Camp and office complex.

### Snap Lake Diamond Project

1. Explosive storage;
2. Landfill for non-hazardous solid waste;
3. Portable crusher and a rock/esker material stockpile;
4. Mine water clarification pond;
5. Mine water clarification pond, discharge point into Snap Lake;
6. Dams to contain mine water clarification pond;
7. Sewage treatment plant;
8. Power plant;
9. Permanent camp complex;
10. Service complex;
11. Unheated storage building;
12. Process and paste plant;
13. Crushed kimberlite ore storage;
14. Cement storage;
15. Aggregate crushing and batch plant;
16. Underground crusher;
17. Conveyor used to transport diluted kimberlite ore to surface;
18. Kimberlite ore stockpile area;
19. Ventilation points;
20. Underground mining;
21. Mine portal;
22. Fuel tanks;
23. Potable water intake and pump house;

24. Mine waste rock haul road;
25. Propane storage area;
26. Pilot plan facilities;
27. Container storage;
28. Cement storage;
29. Winter road;
30. Seepage and collection ponds;
31. Sumps;
32. Berms;
33. Quarry and esker excavation areas;
34. Acid generating rock disposal area;
35. Non-acid generating rock disposal area; and
36. Processed kimberlite disposal area.

## 3 ROLES AND RESPONSIBILITIES

The roles and responsibilities of the Review Board, Review Board's staff and other parties involved in the EA process are explained in the following sections.

### 3.1 *Review Board*

The Review Board 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;
- report to the Federal Minister in accordance with ss.128(2) of the MVRMA; and,
- identify areas and extent of effects, 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.

### 3.2 *Review Board Staff*

The Review Board's Executive Director and staff are the primary contacts for De Beers, government bodies (federal, territorial and municipal), non-government organizations (NGOs), First Nations, expert advisors (experts contracted directly by the Review Board), the public, and other interested parties. This does not limit or preclude De Beers from contacting other parties during in the EA process.

The staff member coordinating and facilitating the EA is Mr. Louie Azzolini.

### 3.3 *Other Parties*

Government bodies may be involved in the EA process as:

- a Regulatory Authority (RA) to provide advice on regulatory matters;
- a pool of experts to assist the Review Board and provide advice related to environmental and socio-economic impacts; or
- both roles simultaneously.

Regulatory Authorities are those government bodies, such the Department of Natural Resources Canada, Indian and Northern Affairs Canada (INAC) or Fisheries and Oceans Canada (DFO) that provide licenses or permits that are required by a development. INAC and DFO would likely provide both regulatory advice in their roles as RAs and they would also provide technical expertise on specific aspects of a development. Other government bodies such as Environment Canada (EC) or Resources, Wildlife and Economic Development (RWED) would limit themselves to providing technical expertise because the proposed development would not require any licence, permit, or other authorization from them in their regulatory capacity.

In addition to the pool of experts available within government, the Review Board may choose to hire expert advisors to provide high quality 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.

De Beers may present additional information to the Review Board during any portion of the EA before the closure of the public registry. The Review Board encourages De Beers to continue its discussions with potentially affected communities and organizations. The Review Board will request De Beers to provide a written record verifying consultations, including how the consultations may have influenced the design of any part of the development. De Beers is expected to respond in a suitable and timely course to the EA Terms of Reference that will be issued by the Review Board.

All submissions to the Review Board are considered during the Review Board's decision-making process on the environmental assessment. These submissions will be public documents and will be posted on the Review Board's Public Registry. Submissions should be in a format that is easily available to all stakeholders.

## 4 EA PROCESS

This section summarizes the process for the completion of an EA, in general, and this EA specifically.

### 4.1 Milestones and Responsibilities

Once a proposed development is referred to the Review Board for environmental assessment the following milestones are established:

1. Referral Confirmation and Starting the Environmental Assessment
  - Start-up of the EA; and,
  - Advance consultation.
2. Preparing Work Plan and Environmental Assessment Terms of Reference
  - Work Plan; and,
  - EA Terms of Reference.
3. Undertake the Environmental Assessment
  - Developer's EA Report;
  - Conformity Check;
  - Deficiency Statement;
  - Technical Analysis;
  - Information Requests; and,
  - Technical and public hearings.
4. Review Board Decision and Report of Environmental Assessment
  - EA Decision and Report prepared by the Review Board.

The time allocations and the information requirements for each milestone will vary with each EA, and will depend upon the complexity, location and duration of the development. These will also vary depending upon the reasons for decision provided by the preliminary screener(s), and upon the information provided by the developer.

The EA process is outlined in Table 1, showing appropriate milestones and responsibility assignments.

**Table 1 - Milestones**

<b>MILESTONE DATES</b>	<b>ENVIRONMENTAL ASSESSMENT ACTIVITIES AND MILESTONES</b>
	<b>Referral Confirmation and Starting the Environmental Assessment</b>
May 14, 2001	Referring body notifies the RB in writing of the EA with reasons for the referral
	The RB formally notifies RA's and experts of the referral and request them to indicate if they are regulatory contributors, expert contributors, in a position to report to the Minister of DIAND at the end of the EA, or non-contributors
	Developer's First Meeting with Staff on the EA (developer's debrief)
May 28, 2001	Development Description broadly distributed
	<b>Preparing Environmental Assessment Terms of Reference</b>

<b>MILESTONE DATES</b>	<b>ENVIRONMENTAL ASSESSMENT ACTIVITIES AND MILESTONES</b>
May 29, 2001	Public Information and Communications
	Staff contact First Nations and Local Government to inform them of the referral to EA
	Review Board may choose to conduct a Public Hearing on the Proposed Development to solicit peoples' Views on what Should be included in Draft Scope of Development and Draft Scope of Assessment
	Staff may conduct public information sessions to inform the public and First Nations about the RB and the EA
	Staff prepares Draft Work Plan for Consultation Purposes
	Initial Meeting with RA's and experts (one can be both and RA and an expert) to review draft work plan
	Preliminary Technical Analysis by RA's and Experts Conducted of Submitted Documents
	Preliminary Gap Analysis Prepared by RA's, Experts, other Interested Parties
	Preliminary Technical Analysis by the Review Board's independent Consultants
	Complete and Distribute the draft ToR and Work Plan
	Site Visit by the Review Board (optional)
	Review Board considers list of EA issues
	Regulatory, developer, expert, stakeholder, and public input on the draft Terms of Reference and Work Plan.
	Review Board considers those potentially affected parties and transboundary effects/issues, if any
	Review Board determines if a public hearing is warranted on Terms of Reference.
	Review Board Considers draft Terms of Reference Submissions
	RB's submission of final Terms of Reference and Work Plan to the Developer and Government
July 31, 2001	RB's wide distribution and advertising of the Approved EA Terms of Reference and Work Plan
	<b>Undertaking the Environmental Assessment</b>
October 23, 2001	Final Environmental Assessment Report (EAR) prepared and submitted to the Review Board
	Public notification of Final EAR submission
	Conformity Analysis and comment by RA's, Experts, other Interested Parties
	Final Day for Conformity Submission to the Review Board
	RB determination on EA conformity
	Independent Consultants Conduct Technical Analysis
	Technical Analysis Conducted by experts and RA's
	Round One of IR's sent out and Answered
	Round Two of IR's sent out and Answered
	Experts Submit Technical Reports
	Summary of public and technical input prepared for the Review Board
	Key EA issues requiring additional input identified
	Public notified of Public Hearings, if needed, on the key EA issues
	Technical Meeting and Public Hearing

<b>MILESTONE DATES</b>	<b>ENVIRONMENTAL ASSESSMENT ACTIVITIES AND MILESTONES</b>
April 30, 2002	Review Board Site Visit
	<b>Review Board Prepares Its Report of Environmental Assessment</b>
May 1, 2002	Review Board's consideration of the Public Registry Evidence
	Prepare Report on Environmental Assessment
August 1, 2002	Notify the Federal Minister of the Department of Indian Affairs and Northern Development of the MVEIRB's completed Report of Environmental Assessment.

**Table 1 - Milestones and Responsibility Assignments for Steps in the EA**

Milestone	Developer	Government Bodies	Other Parties	Staff	Board
Start-up of the EA				●	
Advance consultation	●			●	
Prepare draft Work Plan				●	
Review draft Work Plan	●	●	●	●	
Approve final Work Plan					●
Prepare Draft Terms of Reference		●		●	
Review draft ToR	●	●	●	●	
ToR approved and issued					●
Preparation and submission of EA Report	●				
Conformity Statement		●	●	●	
Deficiency statement					●
EA analysis		●	●	●	
EA decision					●
Consultation - throughout / as required	●	●	●	●	●

Note: The Work Plan and Terms of Reference have been combined into a single document for this EA.

#### 4.1.1 Start-up of the EA

At the start of the EA, De Beers, government bodies, NGOs, First Nations, expert advisors, the public and other interested parties are informed of the referral. The notification lets people know that while the development is in the EA process, no licence, permit or other authorization can be issued by government. As part of the referral, staff starts a public registry on the development and start tracking development issues.

Notification of the referral is done by:

- Written notification;
- News release; and
- Newspaper advertising.

Tasks involved in starting the environmental assessment are:

- Open case file;
- Open public registry and registry log;
- Public notification of referral;
- Notify regulatory authorities of the referral; and
- Review Board notifies the developer of the referral.

**Deliverable:** Public registry, public notification, government notification, developer notification, issue tracking, expert advisor identification, responsible authority self-identification.

#### 4.1.2 Advance Consultation

Advance consultation helps to identify and inform stakeholders about the EA process and to identify potential environmental, socio-economic, and cultural impacts that may need examination. Staff may conduct public information sessions. De Beers would participate in these sessions to provide information about its development proposal. A stakeholder notification list is prepared and can include any of the following:

- Communities;
- NGOs;
- First Nations;
- Government;
- Developer; and
- Other interested parties such as businesses or members of the public.

Meetings and discussions with government may be held to review the *Snap Lake Project Scoping report* and the *Snap Lake Diamond Project Technical Support Report*.

The Review Board may choose to participate in a site visit. The Snap Lake site visit would be arranged with De Beers and notification of the site visit will broadly advertised.

**Deliverable:** Raise awareness of the EA process and the development proposal. Any relevant issues identified by the public and government stakeholders during advance consultation are brought to the attention of the Review Board for possible inclusion in the EA Terms of Reference.

#### 4.1.3 Work Planning and Time Frames

The Review Board, in consultation with stakeholders, prepares a work plan for completing the EA. Each work plan is unique as is every development proposal referred to EA. For example, as De Beers has submitted a *Snap Lake Project Scoping Document* and the *Snap Lake Diamond Project Technical Support Document*, with its application(s) that triggered the EA, that information could affect the length of time and level of effort spent on a particular step in the EA process. The draft Work Plan is developed during the advance consultation phase.

Once the Review Board issues its draft Work Plan any comments received about it from interested stakeholders are considered before preparing the final Work Plan.

**Deliverable:** An approved Work Plan, including an estimate of resource requirements, for completing the EA.

#### 4.1.4 EA Terms of Reference and Scope of Development Determination

The EA Terms of Reference are the Review Board's instructions to De Beers and are designed to ensure that the appropriate information is provided to understand the environmental consequences and the benefits of the proposed development. The ToR is prepared based on the development description provided by De Beers and any other relevant information. The ToR also provide the scope of the development<sup>1</sup> and scope of assessment<sup>1</sup> determination of the Review Board.

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<sup>1</sup>Defined in Appendix 1.

Staff will coordinate the preparation and consultation of the draft ToR with other parties. After the Review Board's consideration and approval of the final ToR, they to De Beers and others as required.

**Deliverable:** Draft and final Terms of Reference, direction to the developer including confirmed scope of development and associated scope of assessment, identification of key issues, effects, baseline data requirements, and desired results of research, and suggested environmental assessment report table of contents.

#### 4.1.5 Preparation and Submission of the EA Report

De Beers will use the EA Terms of Reference to complete its EA report. That is, De Beers will provide additional information besides the information it has already provided in its *Snap Lake Project Scoping Report* and the *Snap Lake Diamond Project Technical Support Report*. All together, the information provided will tell the story of how people and the natural world could be changed by the proposed development and what is to be done about these changes.

To properly execute its duties under the MVRMA, the Review Board should have the following information on the proposed development:

- Title (of the development proposal);
- Executive summary (translated into appropriate aboriginal languages, if requested);
- Corporate and development information including an environmental record;
- Description of the development (e.g., phases, timetables, location, maps, photos, technology used, alternatives to the development, development design details taking into account the environment);
- Description of the existing environment, including environmental interactions (e.g., natural and human setting);
- Impact of the development on the environment, including those caused by accidents or malfunctions, and any cumulative impact(s);
- List of potential impacts and the proposed mitigation or remedial measures;
- Identification and description of the residual impacts after mitigation or remedial measures;
- Results and summary of issues from public and community consultation, including any concerns and mitigation;
- Plans for any environmental management plan, follow-up and monitoring;
- List of supporting evidence and information sources, including previous environmental assessments; and
- List of the required licences, permits and other authorizations, if relevant.

**Deliverable:** An EA report from De Beers that addresses the requirements of the EA Terms of Reference, and additional information from other sources as directed by the Review Board.

#### 4.1.6 Conformity Analysis

After receiving the completed EA report from De Beers, the Review Board will ensure that De Beers has provided all the information requested in the Terms of Reference.<sup>2</sup>

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<sup>2</sup> **Note:** This conformity check determines whether or not De Beers has responded to what was asked for in the EA Terms of Reference; it does not reflect the technical adequacy of the information provided De Beers. Any additional technical information, or further explanation, required would be requested through information requests (IR's). IR's would facilitate the technical analysis of the development.

The Review Board will decide conformity and, where required, issue a deficiency statement if needed.

**Deliverable:** Review Board issues deficiency statement on the developer's EA report.

#### **4.1.7 Technical Analysis**

The Review Board's staff will coordinate the analysis of the EA. The aim is to provide opportunities for RA's, federal and territorial governments, First Nations, the public and other interested parties to participate in the EA and express their ideas, and present their information (e.g., traditional knowledge holders and scientific experts) to the Review Board. The more complete the analysis, the better the EA. This is a critical stage in the EA because key issues and impacts are identified, and it is important that people have opportunities for input before any final decisions are made.

The analysis identifies unresolved issues and environmental impacts, and provides possible suggestions for addressing the issues and impacts. Where unresolved or unclear issues or impacts are identified, De Beers, and other appropriate parties (e.g., RAs, experts) will have the opportunity of responding. De Beers can formally provide and present its views on any information brought to the Review Board's attention after submission of its environmental assessment report including any proposed amendments, additions or refinements to the development or the environmental assessment.

The Review Board will coordinate the technical analysis and may conduct technical hearings and public hearings.

**Deliverable:** Technical reports from participants that clearly state the reviewer's conclusions, recommendations, and supporting rationales, technical hearings to discuss technical and issues and public hearings.

#### **4.1.8 Information Requests**

Throughout the review the EA, the Review Board and stakeholders may have additional information needs for technical analysis of the developer's environmental assessment report. This information can be requested by submitting IR's to the Review Board. These IRs and responses form part of the public registry.

The IRs represent very specific and focused requests for clarification or additional information, required in order for the party or parties requesting the information to complete its analysis and reach a conclusion about the developers EA report and proposed development.

The Review identifies milestone dates for the submission of IR's and responses to the IR's. Depending on the technical adequacy of the information submitted there could be two rounds of IRs during an EA. If a third round is required, then the Work Plan would be revised after De Beers and other interested participants were informed and provided an opportunity to comment on the proposed work plan amendment.

**Deliverable:** Responses to Information Requests are placed on the public registry and circulated to all stakeholders to assist in their analysis of the environmental assessment report.

#### **4.1.9 Public and Technical Hearings**

- The Review Board intends to conduct technical and public hearings on the De Beers' environmental assessment report, expert responses to the report and any outstanding issues.



**Deliverable:** Technical hearings and Public hearing(s) for the Review Board to obtain additional information about the issues regarding the proposed development and the conclusions reached by stakeholders in filed documents.

#### 4.1.10 EA Decision and Written Reasons

The Review Board will prepare its Report of Environmental Assessment, its decision and reasons for decision after considering everything in the public registry. The Review Board will then prepare its written reasons. The Review Board will give the Minister of DIAND. The Minister of DIAND will distribute them to every responsible minister. The Mackenzie Valley Land and Water Board and to De Beers.

Staff would work with the Review Board in the preparation of its Report of EA and written reasons.

**Deliverable:** Report of the Review Board on the EA, with decision and written reasons.

#### 4.2 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.

MILESTONE DATES	ENVIRONMENTAL ASSESSMENT ACTIVITIES AND MILESTONES
	<b>Referral of Development Proposal to the Review Board and Project Initiation</b>
May 14, 2001	Referring body notifies the RB in writing of the EA with reasons for the referral
	The RB formally notifies RA's and experts of the referral and request them to indicate if they are regulatory contributors, expert contributors, in a position to report to the Minister of DIAND at the end of the EA, or non-contributors
	Developer's First Meeting with Staff on the EA (developer's debrief)
May 28, 2001	Development Description broadly distributed
	<b>Preparing Environmental Assessment Terms of Reference</b>
May 29, 2001	Public Information and Communications
	Staff contact First Nations and Local Government to inform them of the referral to EA
	Review Board may choose to conduct a Public Hearing on the Proposed Development to solicit peoples' Views on what Should be included in Draft Scope of Development and Draft Scope of Assessment
	Staff may conduct public information sessions to inform the public and First Nations about the RB and the EA
	Staff prepares Draft Work Plan for Consultation Purposes
	Initial Meeting with RA's and experts (one can be both and RA and an expert) to review draft work plan
	Preliminary Technical Analysis by RA's and Experts Submitted
	Preliminary Gap Analysis Prepared by RA's, Experts, other Interested Parties
	Option of Preliminary Technical Analysis by the Review Board's independent Consultants
	Complete and Distribute the draft ToR and Work Plan
	Site Visit by the Review Board (optional)

<b>MILESTONE DATES</b>	<b>ENVIRONMENTAL ASSESSMENT ACTIVITIES AND MILESTONES</b>
	Review Board considers list of EA issues
	Regulatory, developer, expert, stakeholder, and public input on the draft Terms of Reference and Work Plan.
	Review Board considers those potentially affected parties and transboundary effects/issues, if any
	Review Board determines if a public hearing is warranted on Terms of Reference.
	Review Board Considers draft Terms of Reference Submissions
	RB's submission of final Terms of Reference and Work Plan to the Developer and Government
July 13, 2001	Distribution and advertising of the Approved EA Terms of Reference and Work Plan
	<b>The Environmental Assessment</b>
October 23, 2001	Final Environmental Assessment Report (EAR) prepared and submitted to the Review Board
	Public notification of Final EAR submission
	Conformity Analysis and comment by RA's, Experts, other Interested Parties
	Final Day for Conformity Submissions to the Review Board
	Review Board determination on EA conformity
	Independent Consultants Conduct Technical Analysis
	Technical Analysis Conducted by experts and RA's
	Round One of IR's sent out and Answered
	Round Two of IR's sent out and Answered
	Experts Submit Technical Reports
	Summary of public and technical input prepared for the Review Board
	Key EA issues requiring additional input identified
	Public and Technical Hearing notification if Review Board has Hearings
	Technical Meeting and Public Hearing if Necessary
April 30, 2002	Review Board Site Visit
	<b>Review Board Prepares Its Report of Environmental Assessment</b>
May 1, 2002	Review Board's consideration of the Public Registry Evidence
	Prepare Report or Environmental Assessment
August 1, 2002	Notify the Federal Minister of the Department of Indian Affairs and Northern Development of the MVEIRB's completed Report of Environmental Assessment.



# 5 Draft Terms of Reference - De Beers Canada Mining Inc. Snap Lake Diamond Project

## 5.1 Purpose of the Proposed Terms of Reference

The Environmental Assessment Report will address the following Terms of Reference. The EAR will assist the Review Board in understanding the environmental consequences of the proposed development.

The ToR describes the Review Board's expectations of De Beers for the use and integration of public consultation and traditional knowledge in the EAR and throughout the EA process. The Review Board has determined what it considers to be the development, and to what extent the interactions between components of the proposed development and the environment will be looked at in the EA. The Review Board also requests De Beers to demonstrate its capacity, ability, and commitment to undertake the proposed development in an environmentally safe and sustainable manner.

All public documentation related to this proposed development is available on a public registry file that is maintained by the Review Board. The EAR and all other submissions to the public registry will be used by the Review Board in its determination, reasons for decision and report of environmental assessment.

This EA will be conducted according to Part V of the Mackenzie Valley Resource Management Act (Act). De Beers shall refrain from making any conclusions regarding the significance of impacts on the environment. The Review Board shall make the final determination of significance.

## 5.2 Public Consultation and Traditional Knowledge

### 5.2.1 Public Consultation

The purpose of public consultation is to provide those who could be affected by the proposed development the opportunity to participate in the environmental assessment. As a minimum, the residents, First Nations and Metis, in Lutsel K'e, Dettah, N'dilo, Fort Resolution, Wekweti, Rae-Edzo, and Yellowknife, shall be included. This does not prevent De Beers or the Review Board from including industrial, recreational, environmental, and other individuals, groups and organizations who have an interest in the proposed development. De Beers shall provide regular public notification that it is preparing an EAR and advise the public of opportunities to provide input so that they may be involved in the environmental assessment process.

De Beers shall describe its public consultation policies, objectives, programs and activities undertaken and committed to regarding:

- I. methods used to identify, inform and solicit input from potentially interested parties;
- II. those who provided comments and input;
- III. outcomes of consultation including any additional information provided by those consulted;
- IV. concerns identified;
- V. differences in views between those consulted;
- VI. agreements or commitment to agreements with interested participants and/or communities;
- VII. issues tracking; and
- VIII. verifiable, documentation of how consultation affected impact prediction and mitigation, and affected the design of the proposed development.

### 5.2.2 Traditional Knowledge

De Beers shall make all reasonable effort to collect and facilitate the collection of traditional knowledge relative to the proposed development, for integration into the environmental assessment report in collaboration with Aboriginal communities and organizations. De Beers shall describe where and how traditional knowledge was used and the effect that it had on predicting impacts and determining mitigation. Where traditional knowledge is not available, or not made provided to De Beers in a timely manner despite appropriate diligence, De Beers shall describe efforts taken to obtain it.

De Beers shall describe where and how traditional knowledge was used, and the effect that it had on predicting impacts and determining mitigation.

## 5.3 SCOPE OF THE DEVELOPMENT

The Review Board is required to provide a scope of development determination according to ss.117(1) of the MVRMA. This section describes what the Review Board considers the scope of the drilling development.

### 5.3.1 Principle Development

The Principle development is the underground mining of kimberlite ore using the room and pillar method.

### 5.3.2 Accessory Development

The accessory undertakings and developments associated with the principle development include:

#### The decommission and, or, modification of the Snap Lake advanced exploration camp including:

1. Temporary explosive storage building(s) and access roads
2. Portable crusher and a rock/esker material stockpile
3. Airstrip
4. Temporary underground contractor facilities
5. Bulk sample process plant
6. Underground bulk sample
7. Mine portal
8. Processed kimberlite containment area
9. Dams to contain the kimberlite containment area
10. Potable water intake and pump house
11. Fuel tanks
12. Pilot plant facilities
13. Cold storage
14. Camp and office complex

#### The development of the Snap Lake Diamond Project

1. Explosive storage with associated roads
2. Landfill for non-hazardous solid waste
3. Portable crusher and a rock/esker material stockpile
4. Mine water clarification pond
5. Mine water clarification pond discharge point into Snap Lake
6. Dams to contain mine water clarification pond
7. Sewage treatment plant
8. Power plant
9. Permanent camp complex
10. Service complex

- 89 11. Unheated storage building
- 90 12. Process and paste plant
- 91 13. Crushed kimberlite ore storage
- 92 14. Cement storage
- 93 15. Aggregate crushing and batch plant
- 94 16. Underground crusher
- 95 17. Conveyor used to transport diluted kimberlite ore to surface
- 96 18. Kimberlite ore stockpile area
- 97 19. Ventilation points
- 98 20. Underground mining
- 99 21. Mine portal
- 100 22. Fuel tanks
- 101 23. Potable water intake and pump house
- 102 24. Mine waste rock haul road
- 103 25. Propane storage area
- 104 26. Pilot plan facilities
- 105 27. Container storage
- 106 28. Cement storage
- 107 29. Lupin and mine access winter road
- 108 30. Seepage and collection ponds
- 109 31. Sumps
- 110 32. Berms
- 111 33. Quarry and esker excavation areas
- 112 34. Acid generating rock disposal area
- 113 35. Non-acid generating rock disposal area
- 114 36. Processed kimberlite disposal area

#### 115 **5.4 Related Considerations**

##### 116 **5.4.1 Hazardous Materials**

117 The risk and potential impacts associated with handling, storing, using, and disposing of hazardous  
118 materials forming part of the proposed development.

##### 119 **5.4.2 Accidents and Malfunctions**

120 The probability and potential magnitude of an accident and/or malfunction occurring and the resulting  
121 impacts on:

- 122 I. the proposed development, including underground workings, and the resulting impacts to
- 123 the environment.

##### 124 **5.4.3 Closure and Reclamation**

125 Based on proposed closure and reclamation intentions report the present day Canadian dollar value of  
126 reclamation costs associated with the closure and reclamation of the following development components:

###### 127 Snap Lake Advanced Exploration

- 128 1. Temporary explosive storage
- 129 2. Portable crusher and a rock/esker material stockpile
- 130 3. Airstrip
- 131 4. Temporary underground contractor facilities
- 132 5. Bulk sample process plant
- 133 6. Underground bulk sample

- 134 7. Mine portal  
135 8. Processed kimberlite containment area  
136 9. Dams to contain the kimberlite containment area  
137 10. Potable water intake and pump house  
138 11. Fuel tanks  
139 12. Pilot plant facilities  
140 13. Cold storage  
141 14. Camp and office complex  
142  
143 Snap Lake Diamond Project  
144 1. Explosive storage  
145 2. Underground workings  
146 3. Landfill for non-hazardous solid waste  
147 4. Portable crusher and a rock/esker material stockpile  
148 5. Mine water clarification pond  
149 6. Mine water clarification pond, discharge point into Snap Lake  
150 7. Dams to contain mine water clarification pond  
151 8. Sewage treatment plant  
152 9. Power plant  
153 10. Permanent camp complex  
154 11. Service complex  
155 12. Unheated storage building  
156 13. Process and paste plant  
157 14. Crushed kimberlite ore storage  
158 15. Cement storage  
159 16. Aggregate crushing and batch plant  
160 17. Underground crusher  
161 18. Conveyor used to transport diluted kimberlite ore to surface  
162 19. Kimberlite ore stockpile area  
163 20. Ventilation points  
164 21. Underground mining  
165 22. Mine portal  
166 23. Fuel tanks  
167 24. Potable water intake and pump house  
168 25. Mine waste rock haul road  
169 26. Propane storage area  
170 27. Pilot plant facilities  
171 28. Container storage  
172 29. Cement storage  
173 30. Winter road  
174 31. Seepage and collection ponds  
175 32. Sumps  
176 33. Berms  
177 34. Quarry and esker excavation areas  
178 35. Acid generating rock disposal area  
179 36. Non-acid generating rock disposal area  
180 37. Processed kimberlite disposal area  
181 38. Airstrip

## 5.5 *Environmental Assessment Methodology*

De Beers shall provide information on the environment and how it could be affected by the proposed development. De Beers should also provide a sufficient base for the prediction of positive and negative impacts, and the extent to which negative impacts may be mitigated by planning, development design, construction techniques, operational practices, and reclamation techniques. **De Beers will refrain from providing significance conclusions in the EAR report.** De Beers shall provide quantitative information to the extent possible regarding the nature of predicted environmental impacts. Where professional or traditional knowledge expertise is applied, an explanation of the soundness of those views shall be provided. The Review Board has the final say on significance.

Explicit documentation of the assumptions, models, information sources used, as well as information limitations and associated levels of uncertainty should support all steps of the environmental assessment report. The analysis should be quantitative where data are available, but where data or models are lacking, best professional and, or, traditional knowledge judgment may be used. The approach and methodologies used to identify and assess cumulative effects should be explained.

### 5.5.1 **Alternatives to Carrying out the Development**

Include a description of the main development/production/technical alternatives, in particular, those associated with the following:

- I. mining methods;
- II. waste rock and tailings management;
- III. mine water management;
- IV. energy production (i.e., diesel generation);
- V. decommissioning and reclamation;
- VI. mine production rates;
- VII. employee work schedules; and
- VIII. mine development scheduling.

Where alternatives that would mitigate impacts on the environment and, or, enhance the socio-economic performance of the proposed mine are deemed not economically feasible, the Review Board may request that De Beers provide, in confidence, evidence in support of its conclusions.

### 5.5.2 **Description of the Existing Environment**

De Beers shall provide sufficient information on the existing environment, as it pertains to the potential impacts of the proposed development, to give a brief but clear picture of the existing environment and its use. Baseline data in existing reports and documents should be appropriately referenced. De Beers will be expected to clearly and succinctly describe the following environmental components, as they relate to the proposed development:

- I. air and climate;
- II. surface and ground water quality and quantity;
- III. aquatic organisms and habitat;
- IV. wildlife and wildlife habitat, including migratory birds;
- V. vegetation and plant communities;
- VI. terrain, surficial geology, bedrock geology, seismicity, geological hazards, permafrost, soils, and lake sediments;
- VII. human health;
- VIII. economy;
- IX. employment, education and training;
- X. infrastructure;



- 229 XI. government revenues, cost; and  
230 XII. social and cultural resources.

### 231 5.5.3 Spatial Boundaries

232 Spatial boundaries should be scoped based on the maximum zone of influence of the proposed development for  
233 each valued ecosystem component that De Beers is monitoring. The developer is not required to provide a  
234 comprehensive baseline description of the environment, but should provide sufficient detail to address the  
235 relevant impact issues.

### 236 5.5.4 Temporal Boundaries

237 In assessing the impact of the proposed development, De Beers should consider, describe and evaluate the  
238 environmental impacts of the proposed development for all phases of the proposed development including  
239 construction, operation, closure and post-closure.

### 240 5.5.5 Impact Description and Predicted Outcomes after Mitigation

241 Describe the impacts resulting from the proposed development, after mitigation. Present those in sufficient  
242 detail, including the method used in the analysis and prediction of impacts to ensure reviewers can easily  
243 understand how the direct and indirect impacts were analyzed, and how residual impacts were determined. **Do**  
244 **not provide any conclusions regarding the significance of the impacts.**

245  
246 Information gaps should be identified along with reasonable and suggestions to remedy them. De Beers will be  
247 expected to describe each impact identified and the proposed mitigation measure(s) for all phases of the  
248 proposed development (i.e., construction, operation, closure and post-closure). De Beers will be expected to  
249 describe planned mitigation measures and consequences (environmental impacts) of potential failure. The  
250 residual impacts should be described at least in terms of the following parameters.

- 251 I. magnitude;  
252 II. geographic extent;  
253 III. timing;  
254 IV. duration;  
255 V. frequency;  
256 VI. irreversibility of impacts;  
257 VII. ecological resilience; and  
258 VIII. probability of occurrence and confidence level.

259  
260 Distinguish between ecological parameters and social / cultural parameters.

### 261 5.5.6 Environmental Optimization

262 The EAR should report the comparative present day Canadian dollar costs of proposed development  
263 alternatives and the corresponding environmental benefits. Any assumptions or uncertainty surrounding  
264 implementation of mitigation measures, such as untested technology, will be reported. The reporting of  
265 development impacts should provide readers with an easy to understand summary of present day Canadian  
266 value costs of alternatives and their corresponding future environmental benefits.

## 267 5.6 Environmental Impacts

268 The environmental assessment report should report impacts resulting from the proposed development on the  
269 physical, biological and social, economic and cultural components of the environment.

### 5.6.1 Air Quality and Climate

Report the impacts of the proposed development on air quality. The analysis should include a discussion of measures considered to minimize the release of air contaminants (dust, particulate exhaust fumes and other air contaminants). The analysis should also include:

- I. atmospheric dispersion of emissions on a local and regional scale;
- II. greenhouse gas emissions including, but not limited to, NO<sub>x</sub> and SO<sub>x</sub>;
- III. impact on biological receptors such as vegetation and wildlife;

### 5.6.2 Terrain

Report the impacts on the environment when surficial geology, bedrock or soils are disturbed, or used for construction purposes. The environmental assessment should report impacts resulting from, or on, the terrain and geological components. impacts on the North Pile processed kimberlite containment area related to tailings disposal management (including impacts on existing dams, or changes to capacity);

- I. the proposed development's impact on the thermal milieu, including:
  - a. impact on permafrost physical conditions (including physical strength characteristics) and thermal regime;
  - b. potential for thermal erosion in relation to altered drainage;
  - c. permafrost temperatures and ground ice conditions underground in the mine and above ground on roadway, waste rock piles, etc.;
- II. sensitivity of boggy / wetland terrain to drainage and thermal alterations (notably in relation to sewage treatment plant);
- III. with respect to aggregate use, limitations on volumes of resource material and minimization of terrain disturbance associated with ground ice thaw;
- IV. rock types, including the chemistry and stability of kimberlite by-products;
- V. seismicity and potential for rock heave;
- VI. amount of rock to be removed;
- VII. acid rock drainage potential and associated mitigation; and
- VIII. impact of remedial actions at the mine site (waste dumps, tailings).

### 5.6.3 Vegetation and Plant Communities

The EAR should analyze impacts of the proposed development on:

- I. local plant communities (classified as vegetation cover types);
- II. rare or highly valued species;
- III. long-term, direct and indirect, habitat loss or alteration; and
- IV. vegetation productivity.

### 5.6.4 Water Quality and Quantity

The environmental assessment report should provide an analysis of proposed development impacts on surface and ground waters. This analysis should include the impacts on water quality and quantity, catchment areas and permafrost in relation to:

- I. impacts of underground blasting and its associated residues, in particular, nitrogen;
- II. water from underground mine workings and site runoff;
- III. impact of development on the water shed;
- IV. dewatering of underground workings and resulting impacts on the water balance, Snap Lake water level, outflow rates, etc.;
- V. impact on water quantity, including changes in timing, volume and deviation of peak and minimum flows due to project development;
- VI. impact of treated sewage flows to associated wetlands;
- VII. siltation effects (e.g., runoff along roadways and drainage channels);

- 316 VIII. effects of nutrients in fish and non-fish bearing water courses;  
317 IX. use of berms for waste water containment; and  
318 X. water chemistry impacts of surface runoff.

319 *5.6.4.1 Water Balance*

320 A water balance should be prepared that incorporates all components of the proposed development.

321 *5.6.4.2 General Water*

322 The assessment of proposed development impacts on water quality should also consider:

- 323 I. contaminant loading and dispersion (including surface runoff and airborne contaminants);  
324 II. acid rock drainage, metal leaching and geochemistry; and  
325 III. kimberlite toxicity and implications for aquatic wildlife.

326 **5.6.5 Aquatic Habitat**

327 The impacts on aquatic organisms and their habitat should be considered taking into account predicted water  
328 quality and quantity impacts and their associated effects on fish, fish habitat, and local drainage patterns. The  
329 analysis of development impacts should include:

- 330 I. productive capacity of aquatic systems during construction, operations, closure and post-  
331 closure;  
332 II. impact on all lakes that may experience changes to fisheries resources including, but not  
333 limited to Snap Lake and streams associated with these lakes;  
334 III. habitat loss or alteration;  
335 IV. rare and/or sensitive fish species and habitat; and  
336 V. mortality (includes fishing).  
337

338 The environmental assessment report should include an overview of how the DFO, 1986 principle of No Net  
339 Loss will be achieved during the construction, operation, care and maintenance and closure stages of the  
340 proposed development.

341 **5.6.6 Wildlife and Wildlife Habitat**

342 The environmental assessment report should provide an analysis of the proposed development's impacts, (both  
343 direct and indirect), on wildlife and wildlife habitats, including migratory birds, giving consideration to and  
344 demonstrating linkages between predicted physical and biological changes resulting from the proposed  
345 development. Special consideration should be given to species listed as vulnerable or endangered on the  
346 Committee on the Status of Endangered Wildlife in Canada (COSEWIC) list. The analysis of development  
347 should include:

- 348 I. impact of loss of terrestrial habitat, and the quality of lost habitat for relevant species;  
349 II. disturbance of feeding, nesting, denning or breeding habitats;  
350 III. wet-land habitat alteration, loss;  
351 IV. physical barriers to wildlife;  
352 V. disruption, blockage, impediment and sensory disturbance, of daily or seasonal wildlife  
353 movements (e.g., migration, home ranges, etc.);  
354 VI. rare, vulnerable, threatened or endangered species as outlined in the Canadian  
355 Organization of the Status of Endangered Wildlife in Canada (COSEWIC), as well as,  
356 species of international significance;  
357 VII. direct wildlife mortality;  
358 VIII. indirect wildlife mortality;  
359 IX. reduction in wildlife productivity; and  
360 X. implications of the proposed development acting as an attractant for particular species.

## **5.7 Social, Economic and Cultural Components**

### **5.7.1 Cultural and Heritage Resources**

Describe potential impacts of the proposed development on cultural and heritage resources.

### **5.7.2 Land and Resources Use**

Analyse and describe the proposed development's impact on land and resource uses potentially impacted by the proposed development. Include maps and, or, verbal descriptions of existing and past land and resources uses in relation to the proposed development. For additional clarity, include at least the following land and resource uses:

- I. rare or ecologically significant areas;
- II. traditionally significant areas;
- III. seasonal camp areas;
- IV. permanent camp areas;
- V. hunting, trapping, outfitting, recreational, tourism, commercial and sport fishing areas;

### **5.7.3 Economy**

The impact of the proposed development on the economy, having regard to direct, indirect and induced impacts on income and employment. Consideration must be given to:

- I. wage and salary employment by skills category over the life of the proposed development, including estimates of local and Aboriginal participation;
- II. availability and use of skilled workers in the NWT to meet job requirements;
- III. opportunities for local, regional and territorial businesses to supply goods and services both directly to the proposed development and to meet the demand created by the expenditure of contractors and new employees;
- IV. opportunities to diversify the northern economic base to produce and to supply new goods and services;
- V. barriers to employment;
- VI. the impacts on the subsistence economy;
- VII. federal and territorial revenues and costs;
- VIII. local government finances;
- IX. inflation and the cost of living impacts; and
- X. economic diversification.

### **5.7.4 Human Health**

The environmental assessment report shall analyze the potential development impacts on human physical and mental health, as they relate to the proposed development, its employees and their families.

### **5.7.5 Government**

Assess the impacts of the proposed development on revenues, costs and net income accruing to federal and territorial governments. Report the net non-economic incremental benefits or costs to these governments arising from the proposed development. De Beers should also report other fee structures/costs it will incur such as quarry royalties, security deposits, and abandonment and restoration costs resulting from the proposed development. For clarity, provide a balance sheet or other appropriate reporting means the total federal and total territorial financial positions resulting from the proposed development.

401 **5.7.6 Infrastructure**

402 Assess the impacts of the proposed development on existing social, institutional and community services,  
403 transportation facilities, services, infrastructure (e.g., transportation safety), and permanent changes to the  
404 infrastructure and services arising from the proposed development.

405 **5.7.7 Noise**

406 Assess the impact of the proposed development on the environment resulting from changes to ambient noise  
407 levels, and the effect of these changes on humans and wildlife.

408 **5.7.8 Visual and Aesthetic Resources**

409 Assess the visual and aesthetic impact of the proposed development. Report design components that mitigate  
410 visual and aesthetic impacts.

411 **5.8 The Effect(s) of the Environment on the Proposed Development**

412 De Beers should assess the effect(s) of the environment on the proposed development, and activities forming  
413 part of the proposed development. De Beers should consider such things as severe weather, climate change,  
414 (e.g., global warming) precipitation and temperature. The discussion must specifically describe and assess how  
415 the potential for climate change could affect permafrost and soils with high ice content in relation to the  
416 integrity of the proposed development infrastructure, particularly the tailings (processed kimberlite)  
417 containment impoundment, water retention dikes and waste rock piles.

418 **5.9 Cumulative Impact**

419 For the purposes of this development, the environmental assessment should include an evaluation of  
420 cumulative effects that are likely to result from the proposed development in combination with other  
421 developments; and developments within the regulatory process on the day these Terms of Reference are issued.  
422

423 De Beers should include, as a minimum, the BHP Ekati™ Diamond Mine (including the expansion), Diavik  
424 Diamond project, and the Echo Bay Mines Ltd. Winter Road, Lupin mine and the proposed Tahara diamond  
425 mine. De Beers should also report and describe developments considered but not included in the cumulative  
426 effects assessment, and rationale for the decision.  
427

428 De Beers should provide confirmation that all existing facilities, infrastructure, etc., De Beers plans to use can  
429 adequately handle the demands generated by the proposed development. Include cumulative impacts in  
430 relation to:

- 431 I. The bio-physical environment;
  - 432 II. social environment;
  - 433 III. economic environment;
  - 434 IV. cultural environment;
  - 435 V. heritage resources; and
  - 436 VI. visual and aesthetic resources.
- 437

438 Explicit documentation of the assumptions, models, information sources used as well as information limitations  
439 and associated levels of uncertainty should support all steps of the CEA in the environmental assessment  
440 report. The analysis should be quantitative where data are available but where data or models are lacking, best  
441 professional judgment may be used. The approach and methodologies used to identify and assess cumulative  
442 effects should be explained.

443 **5.10 Abandonment and Restoration**

444 De Beers should provide a description of regulations (regulatory framework), industry standards and  
445 government agreements that are needed with respect to the closure phase of the proposed development. Where  
446 regulatory requirements, industry standards or government agreements exist, their minimum standards, criteria,  
447 etc. should be reported De Beers should provide a clear (visual and textual) description of the proposed  
448 development site at closure, and after restoration.

449 **5.11 Follow-up Programs**

450 Describe reporting (feedback) procedures including any proposed monitoring programs. The intent is to  
451 ensure that remedial actions are taken if the results of a monitoring program deviate from any established  
452 operational standards on environmental performance, or predictions on environmental impacts.

453 **5.12 Compensation**

454 De Beers should provide key elements of its policy on individual compensation and on compensation  
455 agreements, contracts or other forms of compensation they have or will negotiate as it relates to mitigating  
456 adverse environmental impacts, within the confines of confidentiality.  
457

## 6 PRESENTATION

### 6.1 *Conformity*

The environmental assessment report should include a conformity table outlining to reviewers the areas in the report (including appendices and technical reports) that address the specific sections, and where appropriate line items, of the Terms of Reference.

### 6.2 *Format*

The format of the environmental assessment report is largely left to the discretion of De Beers although reviewers must be able to clearly identify where specific issues have been addressed and directions followed.

### 6.3 *Appendices*

Detailed data should be contained in appendices and technical reports submitted in support of the primary environmental assessment report.

### 6.4 *Data Presentation*

De Beers should present the environmental assessment report in the clearest language possible. Where technical language is used a glossary defining technical words and acronyms should be included. De Beers should provide charts, diagrams and maps wherever useful to clarify the text. Where possible, maps should be of common scale and orientation to allow for comparison and overlap of mapped features. De Beers should also provide the EAR report in electronic format (e.g., CD-ROM). Please submit PDF formatted digital files of all documents in sizes suitable for downloading from the Internet.

## APPENDIX 1

### 1.0 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.

#### 1.1 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 As/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.*

#### 1.2 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

- Land, water and air, including all layers of the atmosphere;
- All organic and inorganic matter and living organisms; and
- 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



- 521 development; and  
522     ▪ the effectiveness of the mitigative or remedial measures imposed as conditions of approval of the  
523 proposal.  
524

525 **Harvesting** - in relation to wildlife, means hunting, trapping or fishing activities carried on in conformity with  
526 a land claim agreement or, in respect of persons and places not subject to a land claim agreement, carried on  
527 pursuant to aboriginal or treaty rights.  
528

529 **Heritage resources** - means archaeological or historic sites, burial sites, artifacts and other objects of  
530 historical, cultural or religious significance, and historical or cultural records.  
531

532 **Impact on the environment** - means any effect on land, water, air or any other component of the environment,  
533 as well as on wildlife harvesting, and includes any effect on the social and cultural environment or on heritage  
534 resources.  
535

536 **Mitigative or remedial measure** - means a measure for the control, reduction or elimination of an adverse  
537 impact of a development on the environment, including a restorative measure.  
538

539 **Scope of assessment** - the components of the environment that will be evaluated for impacts from the  
540 proposed development.  
541

542 **Scope of development** - a description of the development and associated parts as determined by the Review  
543 Board.  
544

545 **s.114** The purpose of this Part is to establish a process comprising a preliminary screening, an environmental  
546 assessment and an environmental impact review in relation to proposals for developments, and  
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- 548     ▪ to establish the Review Board as the main instrument in the Mackenzie Valley for the environmental  
549 assessment and environmental impact review of developments;  
550     ▪ to ensure that the impact on the environment of proposed developments receives careful consideration  
551 before actions are taken in connection with them; and  
552     ▪ to ensure that the concerns of aboriginal people and the general public are taken into account in that  
553 process.  
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555 **s.115** The process established by this Part shall be carried out in a timely and expeditious manner and shall  
556 have regard to  
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- 558     ▪ the protection of the environment from the significant adverse impacts of proposed developments; and  
559     ▪ the protection of the social, cultural and economic well-being of residents and communities in the  
560 Mackenzie Valley.  
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562 **ss.117(1)** Every environmental assessment of a proposal for a development shall include a determination by  
563 the Review Board of the scope of the development, subject to any guidelines made under section 120.  
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565 **ss.117(2)** Every environmental assessment and environmental impact review of a proposal for a development  
566 shall include a consideration of:

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- 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.