



FAXED
May 24/02
[Signature]

Mackenzie Valley Environmental Impact Review Board

Box 938, 5102-50th Avenue, Yellowknife, NT X1A 2N7

From: Louie Azzolini Fax: 867-766-7074
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Date: May 24, 2002 Pages: 8 including this page
To: NSMA Bob Turner Fax: 604-414-0267 / 669-7442
Michael Thomas CC:
Re: IR's

NOTES: The Review board directed staff to prepare information requests and if possible to have them discussed with NSMA before sending them.

I expect to receive other IR's from other Directly Affected parties on Monday. I will then check for duplication and format, consolidate and issue them unless a board ruling on specific IR's is needed. I expect to get the package of IR's to be reviewed by next Wednesday the 29th of May.

This transmission may contain information that is confidential and privileged. It is intended solely for the use of the addressee and is protected by legislation. If you have received this fax transmission in error, please call (867) 766-7050 (collect) and destroy any pages received. Thank you.

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1.1.1 Source: Mackenzie Valley Environmental Impact Review Board

- Reference: *EAR, Section Terms of Reference 2.2.1 Public Consultation*
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
- ToR Line: 33-44
- To: De Beers Canada Mining Inc.
- Preamble: The NSMA contend that the document *Can't live Without Work* was not considered by De Beers in its EA Report and that consequently the differences in views between the NSMA and other parties were not identified and project changes resulting from consultation unavailable.
- Request: Please provide further details on the following items:
- a) What NSMA concerns identified from the document "*Can't Live Without Work*" were considered in the Environmental Assessment?
 - b) A summary of the differences in views held by the NSMA as per the other Aboriginal communities.

1.1.2 Source: Mackenzie Valley Environmental Impact Review Board

- Reference: *Terms of Reference 2.2.2 Traditional Knowledge*
Relevant part of the Terms of Reference
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 provided to De Beers in a timely manner despite appropriate diligence, De Beers shall describe efforts taken to obtain it. Traditional Knowledge is given full and equal consideration to that of western science.

DeBeers shall present both the scientific and traditional perspectives on predicted impacts wherever both types of information are available, and should refrain from weighing the relative merits of predictions.

ToR Line: 45-55

To: De Beers Canada Mining Inc.

Preamble: The NSMA have expressed concern that their traditional knowledge is has not contributed to the EA Report. They have indicated that the organization is committed to providing De Beers with the required traditional knowledge.

Request: Please provide further details on the following items:

- a) Why could De Beers not obtain the traditional knowledge the NSMA is now offering sooner? Were financial considerations a factor?
- b) What efforts made to collect and/or facilitate the collection and integration of NSMA traditional knowledge into the EA?
- c) Where traditional knowledge was not available, or not provided to De Beers during the course of the project planning and/or during the preparation of the EAR, what efforts will/is De Beers make(ing) to obtain it?

1.1.3 Source: Mackenzie Valley Environmental Impact Review Board

Reference: *2.5.1 Alternatives to Carrying out the Development*
Relevant part of the Terms of Reference
Include a description of the main development/production/technical alternatives, in particular, those associated with the following:
VI. mine production rates;

ToR Line: 187-189 and 195

To: De Beers Canada Mining Inc.

Preamble: There is uncertainty about why De Beers only considered a 3,000 tonne a day operation. The NSMA as a Directly Affected Party would like to know why that production rate was considered optimal and no other rates considered or modeled for mine planning purposes. The information would be valuable as it has an impact on the mine life and sustainable economic development.

Request: Please explain, in detail:

- a) Why De Beers only considered a 3,000 tonne per day operation?
- b) What the major determining factors for the 3,000 tonne per day operation decision were? If they were economic please provide supporting evidence under confidential cover if necessary.

- c) Does a 3,000 tonne per day operation maximize the Net Present Value (NPV) of the development taking into account fixed, operational and reclamation costs and liabilities?

1.1.4 Source: Mackenzie Valley Environmental Impact Review Board

Reference: *2.6.5 Aquatic Habitat*

Relevant part of the Terms of Reference

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

- I. productive capacity of aquatic systems during construction, operations, closure and post-closure;
- II. impact on all lakes that may experience changes to fisheries resources including, but not limited to Snap Lake and streams associated with these lakes;
- III. habitat loss or alteration;
- IV. rare and/or sensitive fish species and habitat;
- V. mortality (includes fishing);
- VI. impacts of underground blasting on fish and fish habitat on local aquatic systems; and
- VII. impacts on all lakes and associated food webs and water use potential that may be impacted by changes in water chemistry (nutrients, bacteria, major ions, metals) due to runoff or discharges from the development.

ToR Line: 395-408

To: De Beers Canada Mining Inc.

Preamble: The NSMA believe that the fish species in Inland Lake 3, and Inland Lake 5 (the bodies of water on either side of the airstrip) may contain fish that have been potentially land locked for a long time, and consequently have become genetically distinct from those in Snap Lake.

Request: Are the fish species in Inland Lake 3, and Inland Lake 5 are genetically unique? If not why? If yes how? Please provide supporting evidence.

1.1.5 Source: Mackenzie Valley Environmental Impact Review Board

Reference: *2.6.5 Aquatic Habitat*

Relevant part of the Terms of Reference

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

- VIII. productive capacity of aquatic systems during construction, operations, closure and post-closure;

- IX. impact on all lakes that may experience changes to fisheries resources including, but not limited to Snap Lake and streams associated with these lakes;
- X. habitat loss or alteration;
- XI. rare and/or sensitive fish species and habitat;
- XII. mortality (includes fishing);
- XIII. impacts of underground blasting on fish and fish habitat on local aquatic systems; and
- XIV. impacts on all lakes and associated food webs and water use potential that may be impacted by changes in water chemistry (nutrients, bacteria, major ions, metals) due to runoff or discharges from the development.

ToR Line: 395-408

To: De Beers Canada Mining Inc.

Preamble: The NSMA have suggested that additional information is needed from De Beers regarding how it will address compensation issues pertaining to fish, fish habitat, specifically the its No Net Loss Fish Habitat Compensation Plan (NNL). The NSMA consider consultations with them an important component of the planning for the restoration, remediation, or compensation of impact fish habitat. The NSMA have suggested De Beers to publicly state how it will prepare its NNL plan.

Request: Please explain how the NSMA and other Directly Affected Parties will and/or have had opportunities to contribute to the formulation of the De Beers's NNL plan.

1.1.6 Source: Mackenzie Valley Environmental Impact Review Board

Reference: *2.7.1 Culture and Heritage Resources*
Relevant part of the Terms of Reference
 Describe potential impacts of the proposed development on cultural and heritage resources. Potential impacts on the cultural well being of the impacted communities should include, for example, anticipated or possible changes on social cohesiveness or language use.

ToR Line: 438-441

To: De Beers Canada Mining Inc.

Preamble: The NSMA are concerned that there is insufficient baseline information on the cultural, social and economic well-being of the NSMA and that consequently the resultant impact assessment is unsound.. The NSMA indicate they have suitable data that they are willing to provide to De Beers to facilitate the impact assessment.

Request: Please respond to the following questions:

- a) Please provide a concise summary of consultations, meeting, telephone discussion and/or other communication with the NSMA respecting their contribution and participation in the cultural and heritage resource impact assessment.
- b) Were the NSMA provided an opportunity to participate in the assessment of heritage resources conducted by De Beers? If yes please support with evidence.
- c) Was De Beers previously aware of the information being offered by the NSMA on the cultural, social and economic well being of the NSMA?

1.1.7 Source: Mackenzie Valley Environmental Impact Review Board

Reference: *2.7.3 Economy*

Relevant part of the Terms of Reference

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

- VII. availability and use of skilled workers in the NWT to meet job requirements;
- XI. barriers to employment, advancement, and retention of northern workers, including the training or retraining necessary for sections of the northern workforce to meet De Beers employment standards (i.e. former Con or Giant employees);

ToR Line: 456-458, 461, and 465-467.

To: De Beers Canada Mining Inc.

Preamble: The NSMA is concerned that De Beers may not be able to identify, develop, and acquire the necessary human resource capacity, and specifically, NSMA member capacity, within the NWT to satisfy the requirements of the proposed development. It generally seems that there is a demand for skilled and professional employees and that without effective capacity development Directly Affected Parties may be at an employment disadvantage.

Request: Please respond to the following:

- a) What evidence is there to support De Beers's impact assessment assumption that the primary and employee catchment communities are the likely bounds of employment related effects? That is, how does De Beers know that it will get most of its employees from the primary and employee catchment communities?
- b) Is there the possibility that De Beers may end up employing people from other NWT communities? From which communities are they likely to come?
- c) What is the impact of De Beers hiring trained workers from Southern Canada or outside the primary and employee catchment

area on resident unskilled or semi-skilled people looking for work?

1.1.8 Source: Mackenzie Valley Environmental Impact Review Board

Reference: *2.1.1 Follow-up Programs*

Relevant part of the Terms of Reference

Describe reporting (feedback) procedures including any proposed monitoring programs. The intent is to ensure that remedial actions are taken if the results of a monitoring program deviate from any established operational standards on environmental performance, or predictions on environmental impacts. De Beers shall describe the approach, objectives and proposed methodologies that will be used in any proposed monitoring program(s).

ToR Line: 573-577

To: De Beers Canada Mining Inc.

Preamble: After the BHPB and DDMI environmental impact assessment and regulatory approvals processes were completed, the Minister of DIAND required the negotiation of environmental agreements which provided for the establishment of a monitoring framework addressing both regional cumulative effects and project effects. These monitoring frameworks are now overseen by the IEMA and EMAB respectively. The Review Board wishes to secure the views of the participants in these other project specific monitoring processes on the need (if any) and appropriate form for the post approvals monitoring framework for the De Beers development.

The NSMA also note their desire for an integrated monitoring authority.

Request: Please respond to the following:

- a) Please provide De Beers's comments on the effectiveness and contribution made by the post-approvals monitoring systems set up by the BHPB and Diavik Environmental Agreements to the mitigation of the development's impacts on the environment, including both project specific impacts and regional cumulative impacts.
- b) Please indicate whether De Beers foresees the need for a similar arrangement, including specifically the need for an environmental agreement to contribute to the De Beers' development's post-approvals monitoring process.

1.1.9 Source: Mackenzie Valley Environmental Impact Review Board

Reference: *2.5.4 Impact Description and Predicted Outcomes after Mitigation*
Relevant part of the Terms of Reference

Describe the direct and indirect impacts resulting from the proposed development, after mitigation. Describe the impacts so that people reading the report can easily understand how De Beers figured out what the impacts would be, how sure De Beers is of its conclusions, and what those impacts mean for future generations in the Mackenzie Valley. Do not provide any conclusions regarding the significance of the impacts.

ToR Line: 250-254

To: De Beers Canada Mining Inc.

Preamble: The use of impact and benefits agreements (IBAs) or cooperation agreements has become a component of development approval in the NWT in the absence of a legislated requirement for such agreements. The NSMA note that such mitigation measures are an important part of the development process that must be completed/worked out before the project receives approval. The NSMA adds that until it has a specific impact agreement with De Beers that there is insufficient information to make informed decisions about whether the negative impacts of the mine in fact will be mitigated and made positive.

Request: Please respond to the following:

- a) Is De Beers entering into IBA with Directly Affected Aboriginal Parties?
- b) Is De Beers prepared to provide the contents of those agreements to the Review Board under confidential cover if necessary?
- c) Has the government of Canada or the Northwest Territories facilitated De Beers's consideration and possible use of IBA or cooperation agreements as mitigation instruments?