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# **DRAFT ENVIRONMENTAL ASSESSMENT**

## **TERMS OF REFERENCE**

*for the*

*Patterson Sawmill Ltd.*

*Pine Point Area*

*Timber Harvest Development*

*January 26, 2001*

Issued by:

**Mackenzie Valley Environmental Impact Review Board**

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## 1 INTRODUCTION

1  
2 These environmental assessment (EA) Terms of Reference (ToR) provide direction to Patterson Sawmill Ltd.  
3 (Patterson) on the information required about the proposed development and its potential impacts on the  
4 environment for purposes of the Environmental Assessment Report (EAR), which must be filed in this  
5 proceeding. The ToR also provides guidance to Patterson for the submission of this information in the form of  
6 an EA Report. The EA Report will assist the Review Board in reaching an EA decision, in accordance with  
7 ss.128(1) of the MVRMA. The Review Board will conduct the EA and make its decision in the context of Part  
8 5 of the MVRMA.  
9

## 10 2 CHRONOLOGY OF EVENTS

11  
12 Patterson Sawmill Ltd. applied to the Government of the Northwest Territories (GNWT), and the Mackenzie  
13 Valley Land and Water Board (MVLWB) on July 4 and July 11, 2000 respectively, for a Timber Cutting  
14 Licence and a Type 'A' Land Use Permit. The GNWT in its preliminary screening dated December 14, 2000  
15 notified the Review Board that the GNWT would be issuing two five thousand cubic metre (5,000m<sup>3</sup>) Timber  
16 Cutting Permits to Patterson on December 20, 2000. The MVLWB, after completing its preliminary screening  
17 of the development, issued Land Use Permit MV2000W0018 on December 15, 2000. The Deninoo  
18 Community Council (Fort Resolution Council) in its December 19, 2000 letter to the Review Board requested  
19 an environmental assessment (EA) of the Patterson development.  
20

## 21 3 LEGAL CONTEXT

22  
23 The Deninoo Community Council is a local government and has the ability to refer a development to  
24 environmental assessment irrespective of any preliminary screening decision pursuant to paragraph 126(2) (c)  
25 of the MVRMA. A local government may make such a referral when, in its opinion, a development inside or  
26 outside its local government boundaries might cause an adverse impact on the environment within its local  
27 government boundaries. An impact on the environment is any effect on land, water, air, or any other part of  
28 the environment, as well as wildlife harvesting and includes any effects on the social and cultural environment  
29 or on heritage resources.  
30

31 The Deninoo Community Council requested that the EA focus on wildlife and vegetation in the timber cutting  
32 area because community members were concerned that the animals they harvested might not come back to the  
33 cutting area for many years. The Review Board accepted the Deninoo Community Council request.  
34

## 35 4 SCOPE OF THE DEVELOPMENT

36  
37 The Review Board must make a determination regarding the scope of development according to ss.117(1) of  
38 the MVRMA. This section of the Terms of Reference describe the Review Board's determination of the scope  
39 of the Patterson Sawmill Ltd. timber harvest development.

### 40 4.1 *Principal Development*

41 The development proposes:

- 42 ~~///~~ Harvesting 10,000m<sup>3</sup> of 20 cm DBH white spruce timber from about a 60 hectare area.

### 43 4.2 *Accessory Developments and Activities*

- 44 ~~///~~ 4 Km of winter road construction from Territorial Highway No. 6 to the landings in the timber cutting  
45 area;  
46 ~~///~~ two cabooses for camp purposes;

- 
- 47 ~~///~~ clearing of landings 30 m x 85 m (maximum length);
  - 48 ~~///~~ cutting down trees using chainsaws and skidding them to landings;
  - 49 ~~///~~ use of a two wheel skidder, one cat tractor, one front end loader, one grader, 2 logging trucks for the
  - 50 timber operation;
  - 51 ~~///~~ removal of garbage and sewage from the timber cutting site;
  - 52 ~~///~~ winter road maintenance;
  - 53 ~~///~~ access to Territorial Highway No. 6;
  - 54 ~~///~~ removal of brush, trees and overburden as per GNWT logging regulations;
  - 55 ~~///~~ use of three mobile fuel containers, one 560 L diesel tank and two 40 L gas tanks; and
  - 56 ~~///~~ site restoration in accordance with GNWT timber regulations and Federal regulations.

57

## 58 **5 SCOPE OF THE ENVIRONMENTAL ASSESSMENT**

59

60 In preparing the scope of the environmental assessment the Review Board considered preliminary  
61 screenings of the proposed development completed by the GNWT and MVLWB, the letter of referral  
62 submitted by the Deninoo Community Council and public comments on the draft Terms of Reference.

63

## 64 **6 REQUIRED ENVIRONMENTAL ASSESSMENT INFORMATION**

65

66 The Review Board requests the following information from Patterson Sawmill Ltd. regarding the proposed  
67 development. Patterson Sawmill Ltd. should provide a clear rationale for statements made; conclusions  
68 reached and intended courses of actions to be followed in carrying out the development.

### 69 **6.1 Environmental Assessment Methods**

#### 70 **6.1.1 Spatial Boundaries**

71 Spatial boundaries shall be scoped based on the zone of influence of the proposed development on wildlife  
72 and resulting impacts to wildlife harvesters living in Fort Resolution. A comprehensive baseline  
73 description of the environment is not necessary, but sufficient detail to address the relevant impacts on the  
74 environment and identified issues is necessary.

#### 75 **6.1.2 Temporal Boundaries**

76 In assessing the impact of the proposed development, consider, describe and evaluate the environmental  
77 impacts of the proposed development on wildlife harvesting for all phases of the proposed development,  
78 including site preparation, harvesting, closure and site rehabilitation.

#### 79 **6.1.3 Impact Description and Predicted Outcomes After Mitigation**

80 Describe the impact of the proposed development on wildlife harvesting, after mitigation, and in sufficient  
81 detail, including the method used in the analysis and prediction of impacts. Ensure reviewers can easily  
82 understand how the impacts were analyzed, and how residual impacts were determined. Identify  
83 information gaps.

84

85 The impacts left over after mitigation (residual impacts) should be described at least in terms of the  
86 following parameters.

- 87 ~~///~~ magnitude
- 88 ~~///~~ geographic extent
- 89 ~~///~~ timing
- 90 ~~///~~ duration
- 91 ~~///~~ frequency

---

92        ~~///~~ irreversibility of impacts  
93        ~~///~~ probability of occurrence.

94    **6.2    *Environmental Impacts***

95    The environmental assessment report shall report impacts resulting from the proposed development on  
96    wildlife harvesting. Report Specifically on the following:

97    **6.2.1    *Alternatives***

98    Report the impacts of economically and technically feasible alternatives to components of the proposed  
99    development. For example, an alternative to clear cutting could be selective harvesting.

100   **6.2.2    *Vegetation and Plant Communities***

101   Report the impacts of the proposed development on local plant communities, rare or highly valued species  
102   and long-term, direct and indirect, habitat loss or alteration.

103   **6.2.3    *Wildlife and Wildlife Habitat***

104   Report the direct and indirect environmental impact of the proposed development on wildlife and wildlife  
105   habitats, including migratory birds. Special consideration shall be given to species listed as vulnerable or  
106   endangered on the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) list.

107   **6.2.4    *Land and Resource Use***

108   Report the impacts of the proposed development on the use of land for wildlife harvesting purposes taking  
109   into consideration hunting and trapping.

110   **6.2.5    *Accidents and Malfunctions***

111   Explain the chance of and size of an accident or malfunction that could happen with the proposed timber  
112   cutting development and what contingencies there would be in the event of an accident and/or malfunction  
113   related to proposed development.

114   **6.2.6    *Cumulative Impacts***

115   Patterson Sawmill Ltd. shall report on the cumulative impact where impacts to vegetation and wildlife are  
116   identified as a result of the proposed timber cutting development. This assessment should:

- 117        ~~///~~ Identify the development activity;
- 118        ~~///~~ Identify the potential impact of this activity (with supporting evidence);
- 119        ~~///~~ Propose mitigative measures with evidence that the mitigation will work; and
- 120        ~~///~~ Predict the significance of residual impacts that cannot be mitigated.

121  
122   When addressing cumulative impacts, Patterson Sawmill Ltd. should consult the document *Addressing*  
123   *Cumulative Environmental Effects in Environmental Assessment under the Mackenzie Valley Resource*  
124   *Management Act* (Interim Guide, September 2000) which was prepared by the Review Board.

125   **6.2.7    *Consultation***

126   Summarize consultations undertaken with local, First Nation, Territorial and Federal governments. Indicate  
127   how concerns raised have been addressed.

128   **6.3    *Direction to Others***

129   The Review Board may also request information from expert advisors, RA's, or others, through the  
130   issuance of information requests (IR's). Information requested and received through the IR process would

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131 assist the Review Board in completing the EA and reaching an EA decision. Parties receiving an IR  
132 should provide clear rationale for statements made, conclusions reached and any recommendations  
133 provided to the Review Board. Responses to IR's and any other information parties wish to provide to the  
134 Review Board should be submitted as soon as possible, and certainly before the closure of the public  
135 registry.

#### 136 **6.4 Organization the Environmental Assessment Report**

137  
138 As a minimum, the EA report prepared Patterson Sawmill Ltd. should include the following:  
139

- 140     ~~///~~ Title (of the development proposal),
- 141     ~~///~~ Description of the development (e.g., phases, timetables, location, technology used, alternatives to  
142 carrying out components of the development and development design details taking into account  
143 the environment),
- 144     ~~///~~ Description of economically and technically feasible alternatives to components of the proposed  
145 development.
- 146     ~~///~~ Description of the existing environment potentially impact by the proposed development, (e.g.,  
147 Wildlife harvesters using the area and the environment of the proposed timber cutting area),
- 148     ~~///~~ Report the impact of the proposed development on vegetation, land use, wildlife harvesting and  
149 harvesters living within the Deninoo (Fort Resolution) local government boundaries. Include  
150 impacts caused by malfunctions or accidents, and cumulative impact(s).
- 151     ~~///~~ Description of potential impacts on the environment and proposed mitigation or remedial  
152 measures.
- 153     ~~///~~ Identification and description of the residual impacts on the environment following mitigation or  
154 remedial measures.
- 155     ~~///~~ A summary of outstanding issues and concerns related to the proposed development.
- 156     ~~///~~ List of supporting evidence and information sources.

#### 157 158 159 **7 EA DECISION PROCESS**

160  
161 When the public registry has closed for this EA the Review Board will consider all of the evidence received  
162 and reach an EA decision in accordance with ss.128(1) of the MVRMA. Once the Review Board has made a  
163 decision and provided its written reasons, the Review Board's Report of EA, made in accordance with  
164 ss.128(2), will be forwarded to the federal Minister of DIAND for his decision in accordance with s.130.