
DRAFT ENVIRONMENTAL ASSESSMENT

TERMS OF REFERENCE

for the

Patterson Sawmill Ltd.

Pine Point Area

Timber Harvest Development

January 16, 2001

Issued by:

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1 INTRODUCTION

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

2 CHRONOLOGY OF EVENTS

Patterson Sawmill Ltd. applied to the Government of the Northwest Territories (GNWT), and the Mackenzie Valley Land and Water Board (MVLWB) on July 4 and July 11, 2000 respectively, for a Timber Cutting Licence and a Type 'A' Land Use Permit. The GNWT in its preliminary screening dated December 14, 2000 notified the Review Board that the GNWT would be issuing two five thousand cubic metre (5,000m³) Timber Cutting Permits to Patterson on December 20, 2000. The MVLWB, after completing its preliminary screening of the development, issued Land Use Permit MV2000W0018 on December 15, 2000. The Deninoo Community Council (Fort Resolution Council) in its December 19, 2000 letter to the Review Board requested an environmental assessment (EA) of the Patterson development.

3 LEGAL CONTEXT

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

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

4 SCOPE OF THE DEVELOPMENT

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

4.1 *Principal Development*

The development proposes:

- Harvesting 10,000m³ of 20 cm DBH white spruce timber from about a 60 hectare area.

4.2 *Accessory Developments and Activities*

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

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

5 SCOPE OF THE ENVIRONMENTAL ASSESSMENT

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

6 REQUIRED ENVIRONMENTAL ASSESSMENT INFORMATION

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

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

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

Report Specifically on the following:

6.1 *Environmental Assessment Methods*

6.1.1 *Spatial Boundaries*

Spatial boundaries shall be scoped based on the zone of influence of the proposed development on wildlife and resulting impacts to wildlife harvesters living in Fort Resolution. A comprehensive baseline description

of the environment is not necessary, but sufficient detail to address the relevant impacts on the environment and identified issues is necessary.

6.1.2 Temporal Boundaries

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

6.1.3 Impact Description and Predicted Outcomes After Mitigation

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

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

- ~~///~~ magnitude
- ~~///~~ geographic extent
- ~~///~~ timing
- ~~///~~ duration
- ~~///~~ frequency
- ~~///~~ irreversibility of impacts
- ~~///~~ probability of occurrence.

6.2 Environmental Impacts

The environmental assessment report shall report impacts resulting from the proposed development on wildlife harvesting.

6.2.1 Alternatives

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

6.2.2 Vegetation and Plant Communities

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

6.2.3 Wildlife and Wildlife Habitat

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

6.2.4 Land and Resource Use

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

6.2.5 Accidents and Malfunctions

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

proposed development.

6.2.6 Cumulative Impacts

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

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

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

6.2.7 Consultation

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

6.3 Direction to Others

The Review Board may also request information from expert advisors, RA's, or others, through the issuance of information requests (IR's). Information requested and received through the IR process would assist the Review Board in completing the EA and reaching an EA decision. Parties receiving an IR should provide clear rationale for statements made, conclusions reached and any recommendations provided to the Review Board. Responses to IR's and any other information parties wish to provide to the Review Board should be submitted as soon as possible, and certainly before the closure of the public registry.

7 EA DECISION PROCESS

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