Mackenzie Valley Environmental Impact Review Board

Box 938 , 5102-50th Avenue, Yellowknife, NT X1A 2N7
www.mveirb.nt.ca

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Date:	August 31, 2007	Pages:	16, including this page
To:	Tamerlane EA Distribution List	Fax:	
		CC:	
Subject:	EA0607-002 Tamerlane Pine Point Project		

Subject: EA0607-002 - Tamerlane Ventures' Pine Point Pilot Project – Notice of Date for Pre-Hearing Conference, and Due Dates for Technical Reports and Hearing Presentations

The Mackenzie Valley Environmental Impact Review Board is holding a Public Hearing on the proposed Tamerlane Ventures Inc. Pine Point Pilot Project on **October 16, 2007, in Fort Resolution at the Deninoo Community Hall.** This Public Hearing will take place between 9am and 5pm.

The following dates have been set by the Review Board for additional steps in the environmental assessment prior to the Public Hearing:

☐ Deadline for submission of Technical Reports by Parties to the Review Board – **4pm, Friday, September 21, 2007**

☐ Pre-Hearing Teleconference – **2pm, Thursday, September 27, 2007** (location and teleconference details attached)

☐ Deadline for submission of Hearing Presentations by the developer and Parties, to the Review Board – **4pm, Friday, October 5, 2007**

Please see attached details and tip sheets on Technical Reports, the Pre-Hearing Conference, and Hearing Presentations. The following documents are attached here for your consideration:
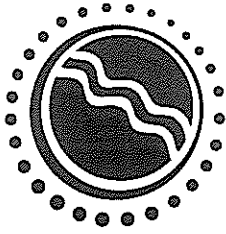
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1. Technical Reports – Suggested Format and Deadlines (includes a sample)

2. Pre-Hearing Conference – proposed agenda and location/teleconference details

3. Pre-Hearing Conference Guide – to help you prepare for the Pre-Hearing Conference

4. Developer's Presentation Guidance document – for Hearing Presentations

5. Party Presentation Guidance document – for Hearing Presentations

6. Guidelines for speakers – tips for the developer and parties on how to present at the Public Hearing

Contact me with any questions or requests for material.

Regards,

Alistair MacDonald
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
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Technical Reports – Suggested Format and Deadlines

EA0607-002: Tamerlane Ventures Inc's Pine Point Pilot Project

Mackenzie Valley Environmental Impact Review Board

Deadline for technical report submission: 4pm MST, Friday, September 21, 2007

Submit to: Alistair MacDonald, Environmental Assessment Officer, MVEIRB
- Via fax: (867) 766-7074
- Via email: (amacdonald@mveirb.nt.ca)
- Via mail: Box 938, 5102-50th Avenue, Yellowknife, NT X1A 2N7

Technical reports are a valuable input to the environmental assessment (EA) process. They are an opportunity for Parties to identify any issues they still feel are outstanding, prior to public hearings on an EA file. Parties can use technical reports to get their expert opinions or general concerns across and to provide evidence to back up their assertions. They can also be used to identify how issues they previously considered to be outstanding have been addressed to their current satisfaction.

Each Technical Report should include the following:

1. Non-Technical Summary

Each technical report must include a one-page non-technical summary, briefly describing the key points, conclusions and rationale of the report. This should be written in plain language, suitable for community members and the general public without a technical background. This should not exceed one page.

2. Introduction

- relevant aspects of organization's mandate
- list of general subjects reviewed
- indication that comments have been submitted for all issues identified
- statement of the capacity in which comments are provided (e.g. are responses in offered as expert advisor, responsible minister, federal minister or intervenor, etc..)

3. Specific comments

For each specific issue reviewed, please:

1. **Identify the issue** (using Terms of Reference line and section numbers for reference)

2. State the **developer's conclusion** relating to the issue (referencing source [e.g., page or section in the Developer's Assessment Report or Information Request number] where possible)

3. State **your organization's conclusion** relating to the issue, (including an indication of agreement or disagreement with the developer's conclusions). It is particularly important to identify whether the predicted impact outcome will be likely to occur, adverse in nature, and significant.

4. Provide a clear **rationale** (including any relevant evidence from your organization or others) in enough detail to support your conclusion. Where you reference material on the Public Record, include the date, title and authorship identified on the MVEIRB website Public Registry (www.mveirb.nt.ca).

5. Provide **recommendations** relating to the issue. For example you may suggest a particular mitigation to avoid or minimize an impact. The Review Board strongly encourages Parties to identify specific mitigation strategies, but these must be accompanied by a clearly identified impact that needs to be mitigated, evidence to support this assertion, and a discussion of specific mitigation actions required including an explanation of how these actions will eliminate, reduce or manage the identified impact. Parties should differentiate between recommendations that they feel *need* to be implemented and suggestions that merely merit serious consideration. Note: Parties do not have to identify that an impact will be significant, likely and adverse in order to suggest proactive mitigation or best practices to minimize an impact. However, it is useful to identify and prioritize which impacts your organization considers most likely to be significantly adverse, in writing.

6. Recommendations may also include additional work required to answer outstanding questions. Identify any **outstanding questions** that your organization feels need to be considered during or (in some cases) subsequent to the environmental assessment process. Include any specific details of how and when these questions should be addressed and how they will provide relevant information that can reduce uncertainty related to impacts and/or public concerns from the proposed development.

4. *Summary of Recommendations*

Reviewers are requested to provide an itemized summary of recommendations.

Sample Technical Report

The following is a sample Technical Report (excluding non-technical summary). It was deliberately based on a <u>fictional</u> development and developer, to emphasize the format, as opposed to the comments.

Introduction
The Department of Paleo-Ecology (DPE) is pleased to offer the following technical comments on the Environmental Assessment Report of the proposed Flintstone Mammoth Ranch (EA93-012). The mandate of the DPE, as described in the Extinct Species Reintroduction Act (Sec. 4(b)) charges this department with responsibility for managing the release of re-created species and related programs and policies.

We have conducted a technical review of the following general subjects in the Flintstone EA document and related information requests:

- Effects on terrestrial wildlife
- Effects on vegetation
- Effects on other re-introduced species
- Tourism related social impacts

Specific comments follow. Where no comments have been offered, no concerns were identified.

The DEP serves in this assessment as both an expert advisor and a regulator. The comments included here are offered in our departmental capacity as an expert advisor, except where it is specifically indicated otherwise.

Specific Comments
1. Changes to plant species composition as a result of mammoth browsing
Reference: ToR line # 42, EA Report Section 6.3 (p. 60)

Developer's Conclusion:
Flintstone Inc. concluded that mammoth browsing would have no effect on local plant composition. Flintstone suggests that no change is predicted because the area was historically browsed by mammoth and has been continually browsed by a variety of large mammal species since that time, and that this is a natural pressure on the vegetation.

Our Conclusion:
DPE does not agree with Flintstone's assessment of this impact. Mammoth browsing is likely to have a considerable lasting effect on local plant composition.

Our Rationale / Evidence:

Although mammoths were endemic to this area in the past, significant climate and habitat changes have occurred since (e.g. ice age glaciation and thaw). It is well established by the paleological record that current vegetation patterns are not representative of historical ones during the period when mammoth last browsed this area.

There is also evidence that mammoth are highly selective browsers. Although mammoths were not selective browsers in their historical habitat, there are only eight species of plants expected to be palatable for mammoth in sub-arctic taiga forest that is now typical of the area.

Considering the dietary requirements of one mammoth (>300 kilos/day), the size of the proposed herd (170), and the area of the proposed project (75 km2), we conclude that browsing pressure will be heavy within the proposed project area.

Considering the dietary needs of mammoth, we predict that heavy browsing pressure focussed on so few species in a small area is extremely likely to change plant composition within that area. The developer has indicated (EA report, sec. 2.5.4.5) that supplementary feeding is not an option.

Our calculations according to the TUSKR model indicate that browsing pressure would be reduced to Moderate-Light (FR rating 7) by either reducing herd size to 12 mammoth in the current area and doing rotational grazing or by expanding the area to 1500 km.

Recommendation:
The Review Board should limit the allowable herd size to 12 or increase the development area (range size) to 1500 km^2 in order to prevent this impact. It should also require the developer to use rotational grazing.
...(repeat above format for each specific comment as necessary).

Preliminary Screening References
Please note that these comments are submitted in addition to the measures suggested to the Sahtu Land and Water Board during preliminary screening, in our correspondence dated May 16th, 2012. Measures 4 and 9 (relating to ToR line 45) are still relevant and applicable. DPE would like the Review Board to consider them during this EA.

Information Request Issues
The DPE would like to note that the Flintstone Inc. has not yet responded to Information Request #9 (safety issues relating to mammoth hair collection). This is the second time this request has been issued. We are unable to provide technical review for this issue without the requested information. (Note: This relates to ToR lines 81 to 87).

Summary of Recommendations
1.   The Review Board s should limit the allowable herd size to 12 or increase the development area (range size) to 1500 km^2. It should also require the developer to use rotational grazing.
2.   ...and so on.

6

EA0607-002 Tamerlane Ventures Incorporated
Pine Point Pilot Project Environmental Assessment

Pre-Hearing Conference
Thursday, September 27, 2007 – 2:00 pm MST
MVEIRB Boardroom/Teleconference

Location: Suite 200 Boardroom, Scotiabank Centre (5102 – 50th Avenue), Yellowknife

Teleconference: dial 1-866-512-0904, participant code is 4402784, followed by the # key (if you have difficulties, contact the Review Board reception desk at 867-766-7050).

Proposed Agenda

2:00	Introductions
2:05	Overview of Pre-Hearing Conference
2:10	Review of EA Process and Hearing Purpose
2:15	Identification of Issues - to be managed between parties prior to Hearing - to be addressed at Hearing
3:00	Break
3:15	Identification of Issues continued
3:45	Discussion and Confirmation of Hearing Presentations Order
4:00	Discussion and Confirmation of Parties' Hearing Presentation time requirements
4:00	Discussion of Draft Hearing Agenda
4:15	Review of upcoming deadlines and Review Board Tips for Hearing Presentations
4:30	Adjournment

7

Introduction

This guide will help Parties prepare for the pre-hearing conference being held at 2pm MST, Thursday, September 27, 2007, at the MVEIRB offices in Yellowknife or via teleconference.

What is a Pre-Hearing Conference?

The pre-hearing conference offers you an important opportunity to get involved in the planning for the public hearing. By participating, you can help to focus discussions on the most important issues and to shape the decision processes for considering the most beneficial outcomes for all parties.

A pre-hearing conference is a meeting of all the parties in an environmental assessment with the Review Board staff and counsel. This pre-hearing conference will prepare for the public hearings of Tamerlane Ventures Inc's proposed test mine at their R-190 site in the South Slave region. The one day hearing is scheduled for October 16, 2007, in Fort Resolution. The pre-hearing conference on Thursday, September 27, 2007 will:

- Help define the purpose for the public hearing;
- Help set the agenda for the public hearing by verifying unresolved issues raised during participant comment periods, and allowing parties to identify previously outstanding issues they want to speak to during the public hearing to indicate they have been handled to their satisfaction;
- Encourage discussion and seek agreement on the process to prepare for a public hearing (i.e., preparation and exchange of documents), and,
- Clarify the process, procedures and technical requirements for the hearing.

The pre-hearing conference will be more efficient if parties are familiar with the Review Board's procedures, and are aware of any outstanding issues not resolved during the participant comment period. This process further ensures that no new documents are introduced for the first time at the hearing. This approach ensures that the process is fair and that each party can properly prepare a thoughtful response to the issues and questions highlighted for the public hearing.

Each participant should ensure that at least one of its representatives attending has full knowledge of the environmental assessment. This will ensure that those present are aware of the issues and questions outstanding and are fully capable of making an informed decision about the most important issues to be discussed at the pre-hearing conference.

What to Expect at a Pre-Hearing Conference

The pre-hearing conference will be informal. For the pre-hearing conference to be successful, the participants must speak freely.

At the pre-hearing conference,
- The process and procedures related to the public hearing will be discussed;
- Parties to the environmental assessment will briefly state or clarify the issues they want to address, separating unresolved from resolved issues;
- Facilitated discussion will ensue about what order the presentations should go in to make an efficient and effective public hearing; and
- Parties will be asked for an estimate of the time required for their presentation of these issues.

The Review Board will then develop a final agenda for the public hearing that takes the ordering and estimated time of each presentation into consideration.

How to Prepare for the Pre-Hearing Conference

Reading the *Rules of Procedure* (www.mveirb.nt.ca/reference_lib/index.php?section=19) issued by the Review Board is important. It will be useful for participants to ask themselves the following questions as they prepare for the pre-hearing:

- Exactly what are the issues of the environmental assessment?
- Why are these issues being raised?
- Is there any chance of resolving or addressing a particular issue or series of issues?
- Are there in fact issues that have been resolved that parties want a chance to speak to publicly?
- What are the relevant facts in the environmental assessment?
- Do we agree with the facts?
- Will we be calling expert witnesses?
- On what documents will we be relying?
- What documents should we provide to the other participants?
- Can we provide these documents before or at the pre-hearing?
- What documents do we need from other parties and why do we need them?

After the pre-hearing conference, the parties will have time to shape and prepare their presentations/interventions, which are to be submitted to the Review Board and circulated to all parties prior to the hearing.

What to Bring to the Pre-Hearing Conference

Please come to the pre-hearing conference with the following material:

- A list of issues to be addressed in the hearing;
- A list of documents you require from other parties and the reasons why you require the documents;
- A list of expert witnesses you intend to use, if any and why; and
- Description of issues that have come up during the EA; description of efforts made to reach agreement, description of why agreement was or was not reached and, resolution (e.g., recommended mitigation measures) requested of the MVEIRB. *NOTE: the pre-hearing conference is not geared toward this level of detail, but preparing a list of issues (this will most often come directly from the Party's Technical Report) will help the party to prioritize the issues it needs to get across during the public hearing.*

Overview of the Pre-Hearing Conference Process

The Review Board's pre-hearing conference provides a structured format for the presentation of information and discussion. Typically, the pre-hearing conference begins with opening remarks of the Chair (for this informal setting, this will be a Review Board staff member, not a member of the Review Board itself). These may include a statement of purpose of the pre-hearing conference, and introduction of the parties with standing participating in the pre-hearing conference. Preliminary matters such as procedural or legal issues are usually considered next. This includes information needs of participants, timing, location, and issues to be considered at the public hearing. Each participant is asked to present his or her concerns and suggestions for the upcoming hearing session, starting with the developer. The developer also has an opportunity to respond after all participants have presented their views.

Name of Developer

Title of Presentation
(i.e., Submission to the Environmental Assessment of... Name(s) of EA)

Date

Please provide a complete copy of the slides you intend to use in your presentation as well as your speaking notes for your presentation, to the Review Board, for the Public Record. For EA0607-002, the due date for this material is Friday, October 5, 2007.

Developers are encouraged to bring both one page (can be front and back) project summary handouts as well as display materials (maps, schematic diagrams, etc.) to put up in the Hearing location.

Developers are encouraged to use the following general outline for the presentation. The Developer is asked to review, consider and respond to feedback from the parties on the Developer's Assessment Report. In particular, be mindful that Parties' Technical Reports will be the most recent expression of any outstanding issues, and should be considered when developing the Developer's presentation for the Public Hearing.

Please note: Parties may choose to ask questions regarding issues that are not addressed by your presentation at the Public Hearing during the question period following your presentation.

Opening Statement

- Introduce your company
- Describe the interests of your company in the proposed project area

Operations

- Provide a map of the development and describe the major components
- Describe the life cycle for the development
- Describe the materials cycle for the development during its operating phase (e.g., in a mine the flow of materials may start with blasting and proceed through on-site storage and transfer, beneficiation, water and waste management, through to ore transfer, etc.)
- Describe how the development has altered since it was first proposed (i.e., what components have changed and why
- Provide a summary of the developer's impact assessment that identifies:
  - o Valued components considered and potential impact to each
  - o Cumulative effects of your project on valued components in combination with past, current and reasonably foreseeable projects and overall significance

- o   Summary of mitigations and commitments
- Discuss future development scenarios

Concluding Remarks

- State what you would like the Review Board to consider when rendering their decision

Name of Party

TITLE OF PRESENTATION
(i.e., Presentation to the Environmental Assessment of... Name(s) of EA)

Date

Please provide a full copy of your presentation – for EA0607-002, your slides and speaking notes need to be provided to the Review Board by Friday, October 5, 2007.

General Guidance

- *Parties are given a chance at the Pre-Hearing Conference to publicly identify both the key issues they want to see addressed at the Hearing, and how long their presentation will take. The Review Board will organize the Hearing accordingly, and hold Parties to their committed to presentation lengths. Prepare with this in mind.*
- *Parties should consider using the analysis from their Technical Reports to guide their presentations, creating a logical chain of evidence from the Public Record to support their rationally for any impacts identified.*
- *Stick to the scope of assessment and the specific development being assessed in this EA in your presentation (the obvious exception being where cumulative effects are being considered). Issues that are outside of the scope of the EA, or that are unrelated to the development in question, are not appropriate subject matter for the Public Hearing.*
- *You are welcome to structure the presentation as you like, but keep in mind that your topics must have direct relevance to the proposed development. Also consider that time limits require you to focus on the issues you consider most important. It is important for each party to focus in its presentation on those issues you feel are outstanding and particularly significant, rather than all potential issues.*
- *When developing your presentation take into consideration the material on the public record, and determine which issues could cause significant impacts or public concerns.*
- *Remember, Parties' presentations may also be used to affirm or reaffirm which issues were resolved during or outside the EA process.*

Presentation Content

Some elements that you may wish to include in your presentation are:

13

Opening Statement

- Introduce your organization
- Describe your organization's interests in the proposed project area (e.g., history of use or occupation) *Note: this should be well established by this point in the EA, and Parties are advised to make this part of the presentation brief.*
- State your organization's position or mandate in relation to the development

Evidence

For each important issue area in turn, the Party should consider identifying

- The specific potential impact or concern;
- Their rationale as to why the issue is still outstanding, or in cases where the issue has been resolved, how the issue was resolved;
- The level of significance (importance) associated with the unresolved issue/concern; and
- Specific recommendations on how unresolved issues/concerns can be mitigated, including a rationale for *how* the proposed mitigation would solve the issue at hand or remove public concern.

Concluding Remarks

- Indicate what your organization would like the Review Board to consider when making their decision
- State your overall position on the development – e.g., whether it should go ahead; if so, under what conditions

14

Guidelines for speakers

The Mackenzie Valley Environmental Impact Review Board is providing <u>Chipewyan and South Slavey</u> language interpretation to enable <u>public hearing</u> participants to understand each other. The interpreters are your allies in conveying your message to the audience. You can help them by following these simple guidelines.

Meet the interpreters!

- Before the hearing begins, introduce yourself to the interpreters and what your presentation is going to be about.

- Decide on a signal that they can give you to let you know if you need to slow down.

Prepare and deliver your presentation in Plain Language

- It is advisable to use *plain language*. If you need to use jargon, be sure to explain the words as you go along in order to ensure the translator understands the words and the audience in all languages follow. You can receive guidance on plain language use from the NWT Literacy Council - www.nwt.literacy.ca/plainlng/plainlng.htm

- Make sure to do a "Readability test" of your speaking notes in MS Word. You should strive to be no higher than grade 9. The steps for doing a readability test is as follows:
  - On the **Tools** menu, click **Options**, and then click the **Spelling & Grammar** tab.
  - Select the **Check grammar with spelling** check box.
  - Select the **Show readability statistics** check box, and then click **OK**.
  - On the **Standard toolbar**, click **Spelling and Grammar** ☑.
  - When Microsoft Word finishes checking spelling and grammar, it displays information about the reading level of the document.

- If your *written text* or *notes for your presentation* have changed significantly from what you previously provided to the Review Board (in this case by October 5, 2007), please ensure that you bring sufficient copies for the interpreters, Review Board staff and other parties. Interpreters do not simply rely on words, they interpret the meaning and should therefore familiarize themselves with your subject and terminology. You are however free to depart from your text or add to it as you go along.

- If you wish to show a *film, slides or transparencies*, please make sure that the interpreters receive the script or a copy of the transparencies. The

interpreters are often situated far away from the screen and it would be helpful if they had copies of the projected text in front of them.

- If you have slides, keep the font large and try to use no more than six (6) points on the average slide.

Pace your delivery:

- Practice your presentation by delivering it to your co-workers beforehand. Ask them to time it for you, to give you feedback about your delivery, and whether there are any unclear parts and how to improve them.

Most presentations are more effective when the presenter is not reading. If you choose to read from a script, consider the following:

- Reading tends to speed up your deliver, which means that the audience will find it difficult to follow and, as a result, parts of your message will be lost. If you have not spoken at meetings with interpretation before, it may be advisable to *pace your delivery* beforehand. Ideally you should allow *3 minutes per standard page*.

- Remember to look up every once and awhile to see if the translator is trying to signal to you to slow down.