

Alistair MacDonald

From: Vern Christensen, Executive Director

Sent: February 15, 2007 4:54 PM

To: John Pollard

Subject: Tamerlane Ventures Pine Point Pilot Project EA 0607-002

John – Attached is the Board's response to your e-mail of February 12th. Neither the Board nor its staff can have a separate meeting with Town Council on the issues that Tamerlane has been required to address in its Developers Assessment Report. The reasons for this are discussed in the attached letter.

However at some time convenient to the Town and Board we would be pleased to make a presentation on our environmental assessment process generally if that would be seen as helpful.

Vern

February 16, 2007

Mayor John D. Pollard
Town of Hay River
73 Woodland Drive
Hay River, NT
XOE 1G1

Dear Mayor Pollard:

Re: Proposed Tamerlane Ventures Pine Point Pilot Project EA0607-002

Thank you for your correspondence dated February 12, 2007 regarding the above environmental assessment. Both your e-mail and the attachment with highlighted concerns have been placed on the Review Board website and on the Public Registry for EA 0607-002.

The Review Board welcomes comments from interested parties, and we appreciate you advising the Board of both your concerns and the results of recent meetings that Tamerlane Ventures has had with Town Council and the public of Hay River. The support for a development by interested parties is one factor that is considered by the Review Board during any EA.

The concerns that you highlighted from the January 22, 2007 Deficiency Statement issued by the Review Board focuses mainly on two issues that the Town of Hay River feels the developer should not have to address in their *Developer's Assessment Report*:

1. The assessment of certain elements of the state of the human environment in the potentially-affected communities, particularly social services capacity in the potentially-affected communities, and incorporation of socio-economic "lessons learned" from previous mining developments; and
2. The potential cumulative impacts of this development in combination with the proposed Mackenzie Gas Project, on the Town of Hay River and the Hay River Reserve.

The Review Board has discretion over which issues to address in an Environmental Assessment (EA), however it is required by section 117 of the *Mackenzie Valley Resource Management Act* (MVRMA) to consider the following:

- (a) *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;*
- (b) *the significance of any such impact;*
- (c) *any comments submitted by members of the public in accordance with the regulations or the rules of practice and procedure of the Review Board;*
- (d) *where the development is likely to have a significant adverse impact on the environment, the need for mitigative or remedial measures; and*
- (e) *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 the Review Board, determines to be relevant.*

To satisfy this requirement of the legislation, the Review Board reviews all the information available on its Public Registry and uses its own collective judgment in deciding on the appropriate *Terms of Reference* for the *Developer's Assessment Report*. The Review Board identified the issues meriting consideration in the *Terms of Reference* by examining the Development Description, all comments on the Public Registry, input received at issues scoping sessions held in Hay River and Fort Resolution in August of 2006 and input on the *Draft Terms of Reference* that had been received from interested parties during the public comment period.

The Review Board is obligated to consider any comments submitted by members of the public including those received from the Town of Hay River. Attached is a copy of the Town of Hay River's comments on the *Draft Terms of Reference*, dated September 21, 2006. These comments were considered by the Board along with those of other members of the public and government in finalizing the *Terms of Reference* released on October 5, 2006.

It is primarily the developer's responsibility to provide adequate evidence for the Review Board to make an informed decision on whether, in its opinion, the proposed development will likely cause significant adverse impacts on the environment ("environment" in this instance includes biophysical, social and cultural components) or is likely to cause significant public concern. The Review Board is also required, under Section 115 of the MVRMA, with having regard for "*the protection of the social, cultural and economic well-being of residents and communities in the Mackenzie Valley*".

That said, the Review Board has concluded that the issues highlighted in the attachment to your e-mail merit consideration in this EA if it is to fulfill its responsibilities under the legislation.

The Review Board is an Administrative Tribunal and must conduct itself in a quasi-judicial manner. In particular the Board's process must be seen to be fair and transparent to all parties participating in the environmental assessment.

As this development is the subject of an active environmental assessment at this time, it is not possible for the Review Board or staff to meet with Town Council separately on matters of substance to the proposed development. However, the Town is welcome to submit comments and advice to the Board at any time and these will be placed on the public registry. There are also key milestones where comments are actively solicited from parties to the EA and these are set out in the EA work plan which can be found on the Board's website.



If Town Council is interested in learning more about the environmental assessment process generally, we would be pleased to schedule a time to make a presentation to Council. Our presentation would take you through the Board's process in some detail and we could explain how the process can vary from one project to another depending on the scope and complexity of the proposed development. We would, of course, not be able to get into any discussion of any proposed development under active assessment or review by the Board.

Sincerely,

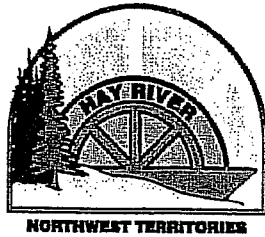


Vern Christensen
Executive Director

Attachment:



EN0607-00Z
DM



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September 21, 2006

Patrick Duxbury, M.Sc.
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
P. O. Box 938, 5102-50th Avenue
Yellowknife, NT
X1A 2N7

Dear Mr. Duxbury:

Re: Tamerlane Ventures – Pine Point Pilot Project
Comments on Environmental Assessment Terms of Reference and
Works Plan

I would like to thank the Board for the opportunity to present comments on the above referenced project.

From the outset the Town of Hay River would like to affirm its support for this project. As a municipality we have a commitment to our residents to ensure that we maximize the positive impacts for our community and ensure any project has minimal negative impact the quality of life we enjoy in Hay River.

I have reviewed the Draft terms of reference and offer the following comments:

1. In the preliminary discussions it has been outlined that a significant transfer facility associated with moving the ore to market will take place in Hay River. We request that this operation be thoroughly addressed in the EIS. Including but not limited to the following:

- Nature and scale of operation.
 - Impacts on the transportation network (structural and capacity)
 - Land use impacts.
 - Use of municipal services
 - Impacts on adjacent properties
 - Impacts on the local environment
 - Demands on local health and emergency services
2. This development will have significant impact on Hay River aside from the direct operations in Hay River. We request that the following be addressed in the EIS:
- Employment and workforce.
 - Long and short term housing.
 - Long and short term land requirements.
 - Long and short term population impacts.
 - Local business opportunities.
 - Impacts on the Polar Lake Recreation area.
 - Demands on local health and emergency services

We ask that the board during the review process thoroughly consider the above items.

If you have any questions or concerns, please feel free to contact me at (867) 874-6522.

Regards,
Town of Hay River

Original signed by T. Pittman

Todd Pittman
Senior Administrative Officer