



**Mackenzie Valley
Environmental Impact
Review Board**

Call for Comments on Conduct of Environmental Assessments in the Upper Thelon River Basin

October 3, 2007

RE: the environmental assessments of

Uravan – South Boomerang Lake (EA 0708-02)

Uravan – North Boomerang Lake (EA 0708-03)

Bayswater- E1 Lake (EA 0708-04)

Bayswater- Crab Lake (EA 0708-05)

Introduction

In August 2007, the above four uranium exploration projects were each separately referred to environmental assessment (EA). The Mackenzie Valley Environmental Impact Review Board (Review Board) is currently considering options for the conduct of these EA proceedings. The purpose of this document is to provide background into the common elements of these developments, outline some options for these EA processes and solicit views on how to proceed from the parties likely to be involved in the EAs, including the developers. The Review Board will then take all comments into consideration when developing Work Plans for these four EAs.

Background and Common Elements

The Review Board is required by law to conduct an environmental assessment on each referred development proposal. For example, there are no provisions in the enabling legislation, the *Mackenzie Valley Resource Management Act (MVRMA)*, for “class” environmental assessments. Each development must be assessed on its own merits.

Notwithstanding these requirements, the Review Board is sensitive to the fact that these four developments are similar to each other. These developments are all uranium exploration projects located in the Upper Thelon River basin. Each will be taking place in areas with similar environmental attributes. The types of activities they propose to undertake are also similar: fly in, set up a base camp, move in drilling equipment and fuel, and drill at various sites.

Analysis of reviewers' comments in preliminary screenings for these four proposed developments also indicates that similar concerns exist about potential impacts from each of these projects. The Upper Thelon River Basin has been identified as an important cultural landscape for aboriginal people. In addition, the developments in question are proposed to take place in a general area that is seasonally important to caribou.

Considering all of the above factors, it is reasonable to expect that the issues the Board will face when assessing these projects will be similar.

While the Review Board is required to conduct individual EAs on each proposed development, there are ways in which the conduct of certain steps of these EAs that have such obvious similarities can be grouped or managed to avoid unnecessary duplication and onerous workloads on the parties. It is unlikely to be efficient or effective to require the parties to repeat the same evidence during each EA, for example. In addition, scoping the EAs down to issues that have been previously highlighted as having the potential to cause significant adverse impacts may allow for process efficiencies and focused dialogue.

To prevent repetition while still being flexible enough to focus on any new considerations, the Review Board wishes to consider several options for the conduct of these EAs. We encourage interested groups to analyze the different options identified below and to provide us with your opinions on how best to conduct these EAs. If you favour an option not considered below, feel free to identify it; this is not an exclusive list.

Please note that the Review Board is not making a case for any specific option for conducting the EAs in this document; we are merely presenting a range of choices for your consideration and seeking your input. The Review Board will then make the final decision on how to structure each EA.

The Review Board is considering options in the following areas:

1. **Evidence transfer from the UR Energy file:** How much of the public record from the UR Energy EA is relevant and could be included in the public record for these new EAs? Should any evidence be transferred?
2. **Scoping:** Are there ways to identify common issues that need to be assessed for each development and to ensure that this information is placed on the record in each EA without requiring a lot of repetition?
3. **Gathering new evidence:** Should any or all of these EAs have their own formal Terms of Reference and require a formal Developer's Assessment Report? Or, should these EAs be conducted with evidence generated by Information Requests alone without the need for a Developer's Assessment Report?
4. **Public hearings:** If hearings are required (a Review Board decision further into

each EA), should they be a joint hearing covering all the developments, a joint hearing to cover non-development specific issues like culture and caribou followed by separate hearings for each development to cover development specific issues, two sets of hearings (one for each *developer* rather than *development*) or completely separate hearings for each EA?

If, for some reason, you feel that different strategies should be used for different EA's, please clearly indicate that in your responses, identify the specific EA's you are referring to, and provide reasons.

1. Evidence Transfer from the Public Record for UR Energy

Given the similarities between these proposed developments and the proposed UR Energy Screech Lake exploration program, and the consistency of issues expressed by aboriginal groups and other interested parties, it may make sense to identify relevant evidence from that previous EA (EA0607-003) and to consider its inclusion on the record in these four EAs. One advantage of this approach is that it avoids parties having to resubmit evidence they have already presented in the past. Among the options for "rolling in" evidence from UR Energy are:

1. Include relevant evidence from the UR Energy public registry that was not specific to the UR Energy project components and the Screech Lake location;
2. Invite parties to identify any of their submissions (written or verbal) from the UR Energy EA that they feel apply to one or more of the current EAs (the Review Board would retain the discretion to identify other relevant documents); or
3. Develop the record for these EAs entirely without reference to information available on the UR Energy file.

The Review Board will not automatically assume without input from parties that the evidence provided in the UR Energy case is relevant for these new EAs.

Please identify which of the above options or others your organization would prefer to see for development of the public record for the four EAs currently before the Review Board. Please explain your recommendations with reasons.

2. Scoping

An important step in any EA is to determine the scope of the issues to be assessed. In this case, two major linked considerations need to be addressed as the four EAs are scoped.

1. Are the developments similar enough to each other that the scope of assessment should be generic among them all, or are there differences in their potential impacts or public concerns that need to be considered?
2. Given that there were consistent expressions of concern across the four proposed

developments from reviewers during preliminary screening, should the scope of assessment for these four EAs be limited down to examination only of those issues identified during the preliminary screening, without further scoping exercises?

The Review Board will not assume without public input that all of these new developments are similar enough to be the subject of a common scoping framework. General and location-specific issues may also need to be separated.

Interested parties are invited to comment on the ways in which the scoping exercises for these EAs should be conducted, options for which are noted below.

1. The Review Board could define a generic scope of assessment covering all of the four EAs upon receipt of response to this call for comments; or
2. The Review Board could issue a series of “scoping questions” to all interested parties for feedback, and then take the responses into consideration when focusing each EA on certain key issues, or in developing a generic scope of assessment.

A standard set of scoping questions may be drafted for use in answering these questions, for use in each EA. The Board would make separate decisions on how to scope each EA based on the results. Scoping questions may assist in focusing down to key issues, so that each EA can spend less time on ground that has already been covered, and more time focusing on any new considerations, as well as trying to find appropriate mitigation.

Please identify which of the above options your organization would prefer to see for scoping the EAs, with reasons. If these options do not appeal to you, feel free to identify clearly what other option you would prefer to see used.

3. Gathering New Evidence

When gathering new evidence, the Review Board may consider the following two broad options:

1. Issuing a formal Terms of Reference for each EA, which would require each developer to do a formal environmental impact assessment and provide their findings in a Developer’s Assessment Report; or
2. Using one or more rounds of Information Requests to gather the required information, with all parties providing answers to important questions (the “scoping questions” listed above might act as a First Round of Information Requests).

Terms of Reference (ToR): If formal Terms of Reference are used, it is unlikely that widely different ToR’s will be developed for each of these small and very similar developments. Options that may be considered to minimize duplication and workload on

these similar files include:

- a) Development of a single generic Terms of Reference for each of the four EAs;
- b) Development of generic Terms of Reference to cover most issues, while leaving room for some development-specific requirements for each EA (for example, questions about the cultural import of the Upper Thelon might be included in each ToR, but perhaps only one of the developments is situated in an area where a rare plant species is located that requires consideration).

Information Requests (IRs): The following options might be considered if a formal ToR is not deemed to be required at the outset of these EAs:

- a) Using one or more rounds of IRs based on the scoping of these developments to generate information about impacts and mitigation options. This approach would eliminate the need for a Developer's Assessment Report; or
- b) Using the scoping questions to determine whether a set ToR is required, and then either
 - i. Proceeding with Option A (IRs only); or
 - ii. Issuing Information Requests only after the receipt of the Developer's Assessment Reports based on a formal ToR for each development.

Please identify which of the above options your organization would prefer to see for gathering new evidence during these EAs, with reasons. If these options do not appeal to you, feel free to identify clearly what other option you would prefer to see used.

4. Public Hearings

Public hearings can be a very important opportunity for the Review Board to gather evidence, especially for the expression of views by communities. The Review Board is sensitive both to the fact that communities rely on these face-to-face venues to engage in the EIA process. It is nonetheless true that "hearing fatigue" can set in if a message has to be repeated through a series of hearings. This is particularly problematic for elders. The Review Board would like to find a way to balance the value of having public hearings with the demands they can bring.

The following options may be considered for the conduct of hearings:

1. **No public hearing (paper only):** The Review Board may find that the issues arising from these developments are likely to be so similar across the four EAs,

and that the new evidence provided along with any evidence “rolled in” from the previous EA precludes the need for any formal hearings;

2. **Developer-specific hearings:** Rather than have four separate hearings, the Review Board may choose to have two separate hearings – one for the Uravan EAs, and one for the Bayswater Uranium EAs;
3. **Joint hearings:** The Review Board may decide to include all of the proposed developments in one larger hearing, which would require that all parties identify when they are talking about a specific development, and when they are talking about all the developments, in their submissions.

Obviously, there may be other options and we would like to hear your views on the best approach to addressing the effects of these developments. The choice of whether to hold hearing at all is a Review Board decision for later in each EA. However, this is an opportunity to provide input to the Review Board prior to the development of a Work Plan.

Please identify what options your organization would prefer to see for the conduct of any necessary hearings for these EAs, with reasons. If these options do not appeal to you, feel free to identify clearly what other option you would prefer to see used.

Conclusion

The Review Board requests your views and comments on how best to deal with this unique set of circumstances during the different phases of the four individual EAs that will be conducted. Having four similar EAs coming on the heels of another similar completed EA presents both opportunities for efficiencies and focused scoping of issues, as well as challenges in mixing old evidence with new, generic requirements with development-specific ones. The Review Board is committed to conducting these four EAs efficiently while being sensitive to community interests as required by the *MVRMA*.

Please provide your comments, along with the reasons for your preference, to the Review Board by November 2, 2007, care of Alistair MacDonald, at the contact details listed below. Responses will be considered by the Board when developing Work Plans for these EAs.

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