



Mackenzie Valley
Environmental Impact
Review Board

Workplan

for

EA0809-003

Tyhee NWT Corp.

Yellowknife Gold Project

1 Introduction

Environmental Assessment History

In March 2005, Tyhee NWT Corp. (“Tyhee” or the “developer”) applied to the Mackenzie Valley Land and Water Board (MVLWB) for approval to develop an underground gold mine and milling operation adjacent to the historic Discovery Mine site. The MVLWB subsequently referred the Yellowknife Gold Project (“YGP”, “project” or the “development”) to environmental assessment by the Mackenzie Valley Environmental Impact Review Board, based on the possibility that the project might have had significant adverse impacts on the environment. The Review Board scoped and produced a *Terms of Reference* for the 2005 Yellowknife Gold Project.

Following the release of the *2005 Terms of Reference*, Tyhee opted to change the project design from a primarily underground operation to a transitional open pit/underground mine plan. As a result of this change, Tyhee withdrew its original application in July 2008, which concluded the accompanying environmental assessment (EA0506-004). Tyhee then submitted a new application to the MVLWB that encompassed the project design changes. As part of the new application, Tyhee submitted a 2008 *YGP Project Description Report* (PDR) that outlined some of Tyhee’s plans for the development, and also presented the company’s initial interpretation of how the project will impact the environment.

On August 27, 2008, Environment Canada referred the 2008 Yellowknife Gold Project to environmental assessment as per Section 126(2)(a) of the *MVRMA*, on the basis that the development might adversely impact the environment. Environment Canada also stated that in its opinion the information from the *2008 Project Description Report* was insufficient for the purposes of assessing the project’s impacts to the environment.

This Environmental Assessment (EA) is subject to the requirements of Part 5 of the *MVRMA*. It is also subject to the MVEIRB’s *Environmental Impact Assessment Guidelines* and the *Rules of Procedure*. Both of these documents are available online at www.mveirb.nt.ca. The definitions of *MVRMA* Section 111 apply in this document and throughout the environmental assessment.

2 Approach

This environmental assessment will have five stages. At writing of this document, some stages are already complete.

1. The **Start-up phase**, during which the Review Board establishes the basic administrative structure of the environmental assessment (including

distribution lists and mechanisms, public registry, filing systems, etc.). This phase is complete.

2. The **Scoping phase**, during which the Review Board identifies and prioritizes key issues for the environmental assessment. The Review Board does this through meetings with impacted communities and the developer. Scoping assists the Review Board to develop Terms of Reference and a Workplan for the remainder of the environmental assessment. This phase is in progress.
3. The **Analytical Phase**, which will include the development of the Developer's Assessment Report, impact predictions and impact analysis.
4. The **Hearing Phase**, which include a pre-hearing conference and public hearing(s), allowing the Review Board members to hear evidence first hand from parties.
5. The **Decision Phase**, which includes the Review Board's decision under MVRMA Section 118. This phase will coincide with the release of the Report of Environmental Assessment.

This document will set out timeframes for each of these phases. These timeframes are estimates and may vary as the environmental assessment proceeds. The Review Board endeavours to conduct environmental assessments in an efficient and timely manner and will be made in consultation with the parties to the environmental assessment.

3 Scope of Development

Tyhee has applied to develop a gold mining and milling operation approximately 88 kilometers north of the City of Yellowknife on property adjacent to the historic Discovery Mine. Pursuant to Section 117(1) of the *MVRMA*, the Review Board determines that the Scope of Development includes all project features that Tyhee identified in the 2008 *Project Description Report* for the Yellowknife Gold Project (unless this document specifies otherwise). The Review Board considers any alternative project components or configurations that Tyhee has suggested in the *Project Description Report*, or any alternatives that Tyhee adopts as a result of this environmental assessment process, to also be within the scope of development for this environmental assessment. In summary, Tyhee must indicate how all feasible configurations for development may impact the environment, and present the impacts of those alternatives as though Tyhee has fully committed to developing those project features.

4 Scope of Assessment

The *Scope of Assessment* is the determination of those issues and items that the Review Board will examine during this environmental assessment. After having reviewed Tyhee's *Project Description Report* and supporting appendices, the Review Board

requires more information on the biophysical, social, economic, and cultural effects of the Development on the existing environment.

Geographic Scope

The Review Board determined that the geographical scope of this environmental assessment will include, but not be limited to, Tyhee's mineral leases, mining claims and a local study area surrounding the development as outlined in Map 1 (Appendix 1). For individual valued components of the environment the geographic scope may go beyond this minimum area. The inclusion of lakes outside of the Giauque Lake and Round/Winter/Narrow Lake watersheds that have not been contaminated from the Discovery Mine development will accommodate a full characterization of the natural background water quality.

For cumulative effects to water resources, the geographic scope will include all areas the project may potentially affect, including the Yellowknife River Basin downstream of the YGP. For cumulative effects to wildlife habitat, the Review Board considers ranges that overlap in the project area, as well as mine-related transportation activities on existing/proposed winter or all-season roads.

The geographical scope for assessing effects to the human environment will include, but not necessarily be limited to, the communities of Yellowknife, Dettah, N'Dilo, Rae-Edzo, Gameti, Wekweti and Wha Ti. Since the North Slave Metis Alliance (NSMA) is an organization representing the interests of Metis people in the North Slave region, the developer will include the NSMA and its constituents in any consideration that affects Aboriginal persons, communities or organizations.

Temporal Scope

The temporal scope covers all phases of the YGP, including construction, closure, and continues until such time that responsible agencies can no longer detect significant adverse impacts attributable to the Yellowknife Gold Project.

Other

Tyhee must also consider the effects of the physical environment on the Development. For example, climate change may affect underlying permafrost which in turn possibly affects project features to the extent that an adverse impact may occur.

Also, the Review Board shares and supports the view that remediations to any historic Discovery Mine components that Indian and Northern Affairs Canada (INAC) has conducted are features of the environment that require mitigation if the project adversely affects their them.

5 Roles and Responsibilities

This section explains the roles and responsibilities of the Review Board, the Review Board's staff and other parties involved in the environmental assessment process.

For a more detailed treatment of roles and responsibilities in the Review Board's environmental impact assessments, please see sections three and four of the Review Board's *Environmental Impact Assessment Guidelines*.

Review Board

The Review Board's role includes the following in relation to this environmental assessment:

- Conduct the environmental assessment in accordance with sub-Section 126(1) of the *MVRMA*;
- Determine the scope of the development, in accordance with sub-Section 117 (1) of the *MVRMA*;
- Consider environmental assessment factors in accordance with sub-Section 117 (2) of the *MVRMA*;
- Make a determination regarding the environmental impacts or public concern about the development, in accordance with sub-Section 128 (1) of the *MVRMA*;
- Report to the Federal Minister in accordance with sub-Section 128 (2) of the *MVRMA*; and,
- Identify areas and extent of effects, within or outside the Mackenzie Valley in which the development is likely to have a significant adverse impact or be a cause of significant public concern, in accordance with sub-Section 128 (4) of the *MVRMA*.

Review Board Staff

The Review Board's Executive Director and staff are the primary contacts for the developer, aboriginal groups, government bodies (federal, territorial and municipal), non-government organizations (NGOs), expert advisors (experts contracted directly by the Review Board), the public and other interested parties. This does not limit or preclude the Developer from contacting other parties during in the environmental assessment process. The Review Board may choose to hire expert advisors to provide technical expertise on specific aspects of the environmental assessment.

Developer

The developer must respond in a suitable and timely manner to Review Board requests and directives. Such requests include but are not limited to Information Requests, requests for translation of documents, the request for the developer's presence at Public Hearings, and requests to produce public information material.

The developer may present additional information at any time to the Review Board. The Review Board encourages the developer to continue consulting all affected communities and organizations during the environmental assessment process. The Review Board may request that the Developer provide a written record verifying consultation, including how the consultations have influenced the design of any part of the development.

Parties

Aboriginal groups, communities, or land owners that the development may affect can obtain standing as “parties”. The standing of an individual or organization as a party is subject to approval by the Review Board. Party status gives the party the right to fully participate in the environmental assessment. Public interest groups, non-governmental organizations and other interested parties may participate in the environmental assessment as parties.

Parties may present information at any time during the environmental assessment and may be given an opportunity to submit information requests for Review Board approval during the analysis and hearing phases. Party status may be granted at any time during the proceedings. Please note, the developer is automatically granted party status in the environmental assessment process.

Government Bodies

Government bodies may also participate in the environmental assessment process as a regulatory authority as defined in the *MVRMA*, a Responsible Minister as defined in the *MVRMA*, a Federal Minister as defined in the *MVRMA*, or an advisor to the Review Board.

6 Deliverables

The following section lists and explains the various deliverables for the environmental assessment process.

Public Registry, public notification, government notification, developer notification, expert advisor identification, identification of environmental assessment roles

The Review Board has notified various parties to this environmental assessment and also opened the Public Registry. The Review Board will identify expert advisors if and as required. Please refer to Section 3.7 of the *Environmental Impact Assessment Guidelines* for further detail.

Approved Terms of Reference and Work Plan

To develop a final Terms of Reference and Work Plan, Review Board staff will incorporate written comments on the draft documents from parties, as well as scoping session comments. This document will contain the scope of the development, the scope of the assessment, directions to the developer, a description of the environmental assessment process and schedule. Please refer to Section 3.10 of the *Environmental Impact Assessment Guidelines* for further information.

Developer’s Assessment Report

Tyhee is responsible for submitting to the Review Board a Developer’s Assessment Report that will provide the information that the *Terms of Reference* for the Yellowknife

Gold Project requests. Tyhee should use diagrams, charts and maps for clarifying textual information and where appropriate use a glossary for technical or uncommon terms.

Conformity Check, Review Board Deficiency Statement and Developer's Response

The Review Board will review the Developer's Assessment Report to ensure that Tyhee has provided the appropriate information. If needed, the Review Board will issue a deficiency statement identifying those areas in which Tyhee has not provided sufficient information to address an item from the Terms of Reference. Through deficiency statements, the Review Board may request that Tyhee provide further information to fill potential information gaps. If the information does not satisfy the Review Board, the Review Board may halt the environmental assessment until the Review Board has received an adequate response. Please refer to Section 3.12 of the *Environmental Impact Assessment Guidelines* for details.

Information Requests and Responses to Information Requests

Information Requests (IRs) are very specific and focused requests for clarification or additional information. The Review Board may require information requests to complete its analysis and reach a conclusion about the information Tyhee provides. The Review Board issues the first round of IRs. The second round will be open to all environmental assessment participants.

Any party can issue and be the target of information requests. However, the Review Board must approve all IRs, and any submitting party must issue the request by using the Information Request form. Upon approval, the Review Board will then issue the IR under its authority to the intended IR recipient. Review Board staff will post both the IRs and responses on the Public Registry for use as evidence in the consideration of the Review Board. See Section 3.14 of the *Environmental Impact Assessment Guidelines* for details.

Roundtable Technical Meeting(s) Report

The Review Board, in place of or in addition to the above-mentioned IR process, may choose to hold roundtable technical meetings to permit face-to-face question and answer sessions between interested parties, Tyhee and Review Board staff. In advance of a roundtable technical meeting, parties may submit questions/comments to Tyhee, or to other parties, by way of the Review Board. This allows Tyhee or other parties sufficient time to develop responses. The Review Board exercises discretionary control over what issues parties may bring forward in the meeting. Review Board staff will record the proceedings. Following the meeting, the Review Board will issue a report that details the results of the proceedings.

Technical Reports from EA parties

The Review Board staff will undertake the analysis of the environmental assessment with the assistance of federal and territorial governments, aboriginal groups, the public, and

other interested parties. A thorough analysis of the YGP is essential to assist the Review Board to make the best environmental assessment decision. This is a critical stage in the environmental assessment process which identifies and evaluates key issues and impacts. Tyhee can formally provide and present its views that parties present to the Review Board including any proposed amendments, additions or refinements to the development or the environmental assessment documents. The technical reports from environmental assessment parties are to clearly state the reviewer's conclusions, recommendations and supporting rationales. See Section 3.13 of the *Environmental Impact Assessment Guidelines* for details.

Review Board's Report of Environmental Assessment (EA Decision)

The Review Board will provide the Minister of Indian and Northern Affairs Canada (INAC) with its Report of Environmental Assessment as per Section 128(2) of the *MVRMA*. The Minister of INAC will distribute the report to every responsible minister as per Section 128(2)(a) of the *MVRMA*. The developer and the other environmental assessment parties will also receive copies of the Review Board's Report of environmental assessment. See Section 3.16 of the *Environmental Impact Assessment Guidelines* for details.

7 Schedule

Table 2 provides **estimated** time lines for the completion of each milestone in the environmental assessment. Days refer to working days, not calendar days. All dates are target periods and are subject to change. The Review Board may amend the schedule at its discretion.

<u><i>Milestone</i></u>	<u><i>Estimated Working Days</i></u>
Start up phase	Complete
Scoping Phase	
Preparation and conduct of Community Scoping Hearings	Complete
Draft Terms of Reference issuance	Early February
Draft Workplan issuance	Early February
Terms of Reference comment period ends	Late February 2009
Preparation and release of Final Terms of Reference	Early March 2009
Analytical Phase	
Developer's Assessment Report	6 months
Conformity Check	15 days ¹
<i>Information Requests</i> ²	1 month
<i>Technical Reports</i>	1 month
Hearing Phase	
Pre-hearing Conference	Approx. 15 days after technical reports have been received
Public Hearing	Approx. 30 days after technical reports have been received
Decision Phase	
Report of Environmental Assessment	Approx. 40 days after the conclusion of the public hearing

¹ unless otherwise indicated, days refers to business days

² tentative