



Mackenzie Valley
Environmental Impact
Review Board

DRAFT

DeBeers Gahcho Kué Diamond Project
Environmental Impact Review
EIR0607-001

Work Plan

Mackenzie Valley Environmental Impact Review Board

Gahcho Kué Impact Review Panel

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1 INTRODUCTION

This is the work plan for the environmental impact review (EIR) of the proposed Gahcho Kué diamond project, an open-pit diamond mine located at Kennady Lake, approximately 180 km northeast of Yellowknife, NT. The EIR was ordered by the Mackenzie Valley Environmental Impact Review Board (MVEIRB) on June 12, 2006. The developer applied for a judicial review on July 28, 2006, and April 2, 2007 the NWT Supreme Court upheld the order.

The MVEIRB appointed the members of the Gahcho Kué Environmental Impact Review Panel (Panel) and provided the Panel with a terms of reference.

This EIR is subject to the requirements of Part 5 of the MVRMA. The Panel adopts the MVEIRB's *Rules of Procedure*, guidelines, reference bulletins, and relevant policies as its own. Both of these documents are available online at www.mveirb.nt.ca. The definitions of MVRMA s. 111 apply in this document and throughout the EIR. Terms not defined in the MVRMA, or a document issued by the Panel, are used in their general sense and do not imply specific activities or standards that may be associated with the term in other jurisdictions.

2 SCOPE

The scope of the development under review is prescribed in the Terms of Reference for an Environmental Impact Review Panel for the Proposed Gahcho Kue Diamond Mine Projcet (panel terms of reference), issued by the MVEIRB.

3 ROLES AND RESPONSIBILITIES

This section explains the roles and responsibilities of the Panel, its staff, the MVEIRB and its staff, as well as other parties involved in the environmental impact review process.

3.1 Panel

The Panel assumes a role in the EIR similar to that of the MVEIRB in an environmental assessment. The Panel is conducting the EIR according to part 5 of the MVRMA and within the scope of its terms of reference. This includes:

- considering factors prescribed in sections 115 and 117 of the MVRMA;
- making rulings as required;
- conducting such analysis of the proposed development as the Panel deems appropriate;
- recommending whether the development should be approved, with or without mitigation or a follow up program, or rejected; and
- issuing a report containing a summary of comments from the public, an account of the Panel's analysis, and its recommendation regarding the approval or rejection of the proposal.

3.2 MVEIRB

The MVEIRB provides the panel with administrative, logistical, and technical support through its staff. The MVEIRB is responsible for approving any changes to the scope of development or the scope of the review outside the Panel's mandate. The MVEIRB will also be responsible for

appointing replacement Panel members should the need arise.

3.3 Staff

MVEIRB's staff will serve as Panel staff and the MVEIRB's office will function as the Panel office. The 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 Panel), the public and other interested parties. This does not limit or preclude the Developer from contacting other parties during EIR process. The Panel may choose to hire expert advisors to provide technical expertise on specific aspects of the EIR.

3.4 Developer

The developer is expected to respond in a suitable and timely manner to directions and requests issued by the Panel. Such requests include but are not necessarily 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 Panel beyond what was requested during the EIR process. The Panel encourages the developer to continue consulting all potentially affected communities and organizations during the EIR process. The Panel may request that the developer provide a written record verifying consultations, including how the consultations have influenced the design of any part of the development or any steps the developer plans to take to address a concern or issue.

3.5 Other Parties

Parties to the environmental assessment of the proposed Gahcho Kué diamond mine development (EA0506-008) maintain their party status for the EIR.

Aboriginal groups, communities, or land owners that may potentially be affected by the development, as well as public interest groups, non-governmental organizations and other interested organizations or persons, can obtain standing as "parties". The standing of an individual or organization as a party is subject to approval by the Panel. Being granted status gives the party the right to fully participate in the EIR.

Parties may present information at any time during the EIR and may be given an opportunity to submit information requests for Panel approval during the analysis phase. Party status may be granted at any time during the proceedings.

3.6 Written Submissions

All parties as well as the public are invited to submit evidence. Written submission will be placed on the public record. Under special circumstances, the Panel may consider confidential submissions. Parties who do not wish to have their submission put on the public record must contact Panel staff prior to making a submission. The Panel will decide on a case by case basis on the merits of a request for confidentiality per its *Rules of Procedure*.

Submissions should be in a format that is easily accessible to all EIR participants. The Panel prefers documents to be submitted digitally in either Word or PDF format. Individual files should not exceed 3 MB in size; larger files should be broken into smaller parts. Hardcopy, hand delivered or via courier, as well as fax transmissions are acceptable as long as they can be

reproduced via photocopier. For hardcopy the date the submission is received at the Panel's office is considered to be the submission date. The Panel will not consider any submission after the closing of the public record.

Oversized items or items that are difficult to reproduce, such as colour maps, should be submitted digitally, and as hardcopy in sufficient quantities to be distributed to those parties with limited access to computer technology. Please contact the Panel's staff for the quantities required. The Panel may request hardcopies of any document.

4 WORK PLAN

This EIR is divided into start up, analytical, hearing, and decision phases. There is no specific scoping phase as the completed environmental assessment of the proposed development provides the scope for the EIR. However, scope changes are possible throughout the proceeding.

4.1 Start Up Phase

The main purpose of the start up phase is the creation of the administrative structure for the EIR, including:

- the appointment of the Panel members by the MVEIRB;
- terms of reference for the Panel;
- terms of reference for the developer's environmental impact statement (EIS); and
- a work plan.

The Panel appointment and the Panel terms of reference are the responsibility of the MVEIRB. The EIS terms of reference and the work plan will be finalized by the Panel. The MVEIRB issued a draft Panel terms of reference for consultation on April 23, 2007. The start up phase commenced with the MVEIRB's order that an EIR be conducted.

4.2 Analytical Phase

The main purpose of the analytical phase is to collect the information required for the Panel to make its determinations. The analytical phase contains six major milestones:

1. **Developer's EIS:** The developer will produce an impact statement in accordance with the EIS terms of reference. In the EIR the EIS serves a similar purpose as a Developer's Assessment Report serves in an environmental assessment.
2. **Gap Analysis:** The gap analysis is essentially a workshop where all parties to the EIR will gather to discuss the EIS and to identify any information gaps. The gap analysis session will also serve as a forum for parties to receive clarification on issues and possibly resolve some issues.
3. **Information Request Round 1:** The first round of information requests (IR) will be issued by the Panel based on the gaps identified in the gap analysis.
4. **Technical Sessions:** Technical sessions will be held in various communities on specific topics. The purpose of the technical sessions is to resolve as many issues as possible prior to public hearings.
5. **Information Request Round 2:** The second round of IR will allow the parties to gather any outstanding information required for their final analysis of the issues.

6. **Technical Reports:** At the end of the analytical phase parties will submit their analysis of the issues, their views of the significance of any impacts, and their recommendations to the Panel in writing.

4.3 Hearing Phase

The hearing phase will provide the parties with an opportunity to present their views and findings directly to the Panel members. Ideally during the hearing phase parties will be able to focus their efforts on a few remaining issues, summarize their findings, and present their recommendations and arguments for these recommendations to the Panel.

4.4 Decision Phase

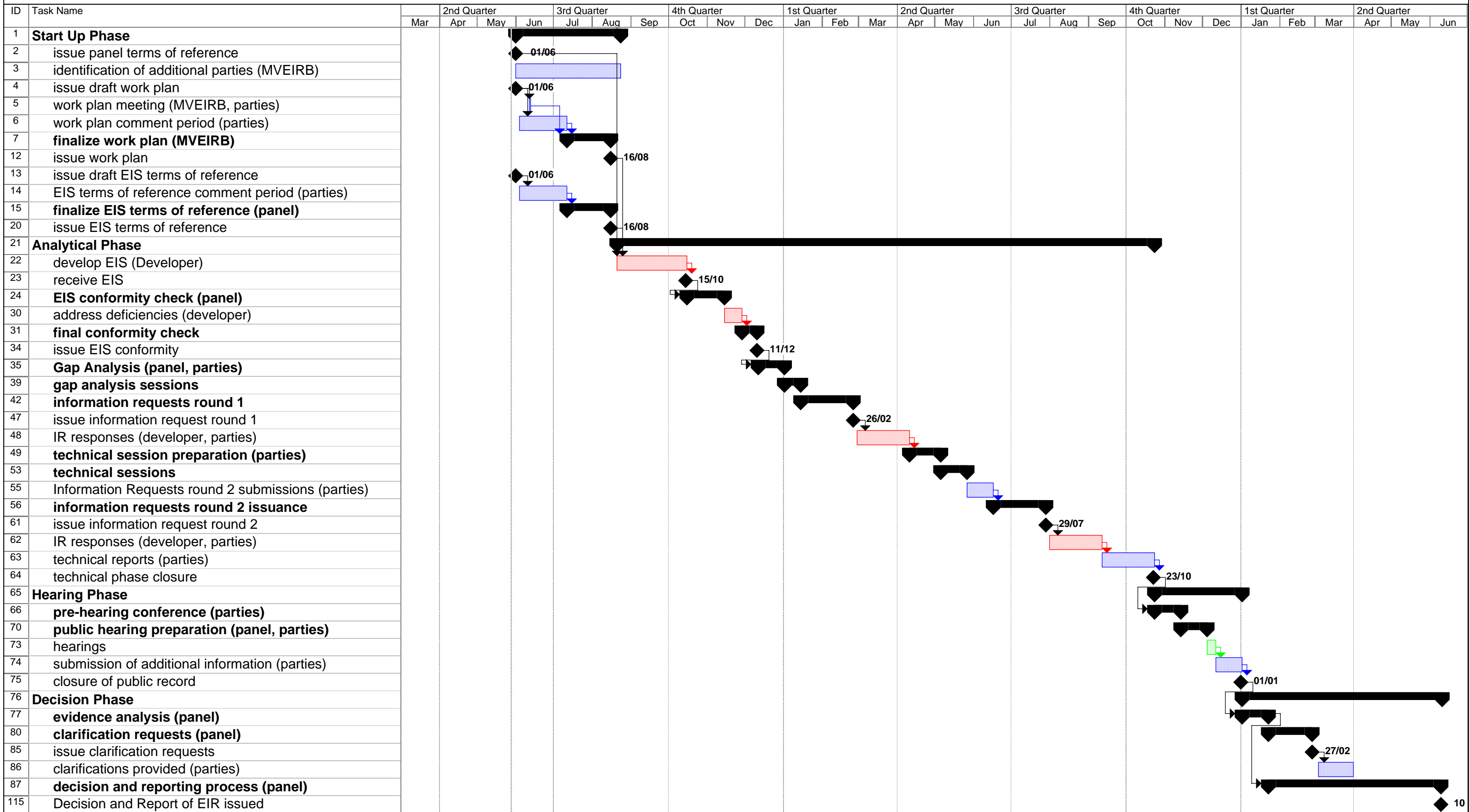
Following the closure of the public hearing, the Panel will deliberate, make any determinations required by law and report its findings, decisions, and recommendations. During the decision phase the Panel may issue 'requests for clarification'. Unlike information requests a clarification request does not seek new information or evidence but simply a clarification on evidence already on the public record. It does not require a re-opening of the record. A clarification request may be issued, e.g. to ascertain the exact nature of a commitment made by the developer.

5 SCHEDULE

The attached Gantt chart contains the currently envisioned schedule. The schedule is subject to change and will be updated by the Panel as needed. All dates reported are approximate target dates only.

Draft

APPENDIX – Gantt Chart



Project: MVRECORDS-#8615-v1-EIR-
Date: Mon 28/05/07

Task		Progress		Summary		External Tasks		Deadline	
Split		Milestone		Project Summary		External Milestone			