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Your file - Votre référence

May 18, 2007

Our file - Notre référence

Ms. Mary Tapsell  
Manager of the Environmental Impact Assessment  
Mackenzie Valley Environmental Impact Review Board  
P.O. BOX 938, 5105-50th Avenue  
YELLOWKNIFE, NT X1A 2N7

Dear Ms. Tapsell:

**Re: Consultation on Draft Terms of Reference for the Gahcho Kue  
Environmental Impact Review Panel**

In accordance with section 134(1)(a) of the *Mackenzie Valley Resource Management Act*, the Review Board is required to prepare terms of reference ("ToR") for the review panel after consultation with the responsible ministers ("RMs") among others. In this regard, the RMs for the Gahcho Kue proposed development, being the Ministers for Indian and Northern Affairs Canada, Fisheries and Oceans Canada, Environment Canada and Parks Canada, Environment and Natural Resources (Government of the Northwest Territories), Transport Canada, and Natural Resources Canada have received and reviewed the draft ToR and have coordinated comments and input collectively within this correspondence.

General Comments

Page one, first paragraph, the date of the order should be June 12, 2006, not June 6, 2007.

Section 3.0 (e) Length of Term for Panel Member - "until such time as the federal Minister and responsible ministers have accepted the report of the review panel" is ambiguous and we recommend it be replaced with "...until such time as the federal Minister and responsible ministers have made a final decision under section 135 (1) of the MVRMA".

Section 7.0 - Steps in the Review Process - The first sentence of the last paragraph needs to be grammatically restructured. "The Gahcho Kue Review Panel will Details and tentative dates for completion of milestones will be outlined in the Gahcho Kue Work Plan."

Canada

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Section 8.0 - Reporting and Decision Making - For clarity, sections (a) and (b) should link to each other. For example, the first sentence in b) could reflect the language in the first sentence of section 135(1), "After considering the report of a review panel, the federal Minister and the responsible ministers to whom the report was distributed may agree to..."

Section 9.0 (a) - Rules of Procedure - This section needs to be grammatically restructured. "The Panel shall apply the Review Board's *Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings*, May 01, 2005 shall apply to the Gahcho Kue environmental impact review proceeding."

Annex 2, Page 10 - The first paragraph after Table 3 discusses temporal scope and sets the time frame as extending to "post closure and full reclamation". It is unclear what is meant by "full" reclamation. The extent and nature of reclamation for this proposed development will be determined via the environmental and regulatory processes under the MVRMA. We recommend the word "full" be removed.

Annex 2, Page 10 - The second paragraph after Table 3 discusses geographical scope for some but not all environmental components. It would be appropriate to add the phrase "but is not limited to" at the end of the first sentence, "The geographical scope of the environmental impact review includes, but is not limited to:".

Annex 2 - Scope Changes - Rather than using the word "factors", "other matters" may be better since "factors" may be read to relate to "Factors Required by the MVRMA" in Annex 2 which are set statutory factors.

#### Specific comments from RMs

##### Parks Canada:

Annex 2 Table 3 - Subjects of Note - Reference is made to the "Proposed Thaydene National Park". This park is yet to be established and because a name has not been determined we would prefer that the reference be to the "Preliminary Area of Interest for a proposed national park in the East Arm of Great Slave Lake".

##### Environment and Natural Resources - Government of the Northwest Territories:

Annex 2 Table 2 - Regional/Territorial Socio-Economic Issues - Government Capacity lists "increasing costs and pressures on existing physical infrastructure". The GNWT recognizes there is an increase in development pressures on the highway system in the NWT. The scope of development currently excludes this activity. To ensure this issue is addressed, please add

"Highway activities on NWT highways" to Annex 1 - Scope of Development -  
Table 1 - Transport and Surface Structures.

Transport Canada:

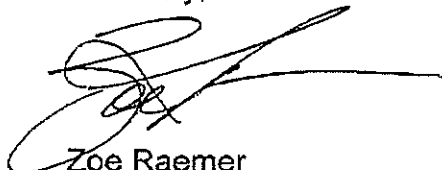
Annex 2: Table 2 – Misc. Issues - The proponent will be responsible for making application to the Transport Canada - Navigable Waters Protection Program (NWPP) for construction, operation, maintenance and decommissioning of any works built or placed in, on, over, under, through or across any navigable waters associated with this project, such as the proposed crossings along the site access roads, dykes, dams, diversions, facilities and infrastructure at the Gaucho Kue' project mine site, and various structures associated with the assorted camp(s).

The Canadian Aviation Regulations (CARS) are a component of the Aeronautics Act, which compile regulatory requirements to enhance safety within the Canadian aviation industry. Construction, operation and decommissioning of airstrips may require certification to Transport Canada requirements and standards based upon their classification. The proponent should review the requirements listed under CARS 301 as they apply to private airstrips.

Finally, we look forward to reviewing a Work Plan and schedule for this environmental impact review.

On behalf of the Minister of INAC and the other RMs, we trust that the above comments are useful and should you have any questions or require further consultation please contact the RMs via the departmental contact information previously provided to the Review Board.

Sincerely,



Zoe Raemer  
Acting Regional Director General  
Northwest Territories

- c.c. John Cowan / Candace Ross, Transport Canada
- Beth Pechter, Department of Fisheries and Oceans
- Katherine Cumming, Parks Canada
- Savanna Levenson, Environment Canada
- Gavin More, Government of the Northwest Territories
- Brian Calvert, Natural Resources Canada



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18/05/07

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