March 4, 2022

Note to file

Follow-up with West Point First Nation on the Terms of Reference for the Pine Point Mine Project

Review Board staff met online with West Point First Nation staff on March 4, 2022 to follow-up on the Terms of Reference for the Pine Point Mine Project.

Participants:
West Point First Nation: Shannon Buckley, Devon Felker, Sonya Cayen, Lucille Lafferty
Review Board staff: Eileen Marlowe, Mark Cliffe-Phillips, Chuck Hubert

Summary of discussion:
Review Board staff presented an overview of the structure of the Terms of Reference and described how and where the views of West Point First Nation were incorporated into the document. Slides from the presentation are attached to this Note to File.

Review Board staff also discussed engagement opportunities moving forward and answered questions from West Point First Nation.

Information on the environmental assessment of the Pine Point Mine Project is here:
https://reviewboard.ca/registry/ea2021-01

A summary of the Pine Point Mine Project Terms of Reference is here:
https://reviewboard.ca/sites/default/files/news/files/7812_mve_summary_tor_web.pdf

Follow-up with West Point First Nation

Terms of Reference for the Pine Point Mine Project

March 4, 2022

Outline

Mackenzie Valley Review Board

1. Overview and structure of [Pine Point Mine Project - Terms of Reference](#)

2. How your views were incorporated

3. Engagement opportunities during the EA

4. Workplan

5. How can the Review Board assist you in advancing community involvement in next steps in the EA?

Scoping phase 2021 – how we got here

- February – EA Initiation Package, referral to EA by Review Board
- March – EA start-up (online)

- May – Technical scoping meetings (online)
- May/June – comments on EA Initiation Package (Online Review System)

- June/July - Community scoping meetings (in person and online)
- August – draft Terms of Reference for public comment (Online Review System)

- Sept/Oct – comments from parties and responses from PPML
- Nov – Review Board issues final Terms of Reference

Mackenzie Valley
Review Board

Terms of Reference - document structure

1. Introduction

2. Scope of development and scope of assessment

3. Overall approach to assessing impacts

4. Changes to air and land
   - impacts to biophysical environment
   - assessing impacts on people and communities
   - using a holistic lens and systems thinking

5. General requirements

   Appendices
   - guidance documents, assessment methodology, baseline information

Overall approach to assessing impacts

- describe baseline conditions and existing environment

- predict and assess impacts on environment and people

- assess impacts holistically using **systems approach**

- use and incorporation of **traditional knowledge**

- address cumulative effects including **legacy of past mining**

- sustainability and **lasting well-being for people** and communities

- consider impacts of project on **climate change** (and the reverse)

Assessing impacts

Changes to air and land

- air, noise and vibration, visual, terrain and soil

Impacts on biophysical environment

- groundwater, surface water, fish and aquatic life, vegetation
- caribou, moose, furbearers, other wildlife, birds, species at risk, whooping crane

Impacts on people and communities

- Indigenous land use, other land use, heritage resources, culture
- social and economic conditions, economy and employment, human health

Holistic lens and systems approach

- keeping water clean and safe, lasting well-being, sustainable caribou

Incorporating your recommendations into the Terms of Reference

Assessment methodology (engagement)

Direct the developer to **involve potentially affected Indigenous Governments** in all aspects of preparing Developer's Assessment Report:

- scope of development
- baseline data collection
- describing project interactions with environment and people
- characterization of impacts
- mitigation measures
- significance of impacts after mitigation
- monitoring

Incorporating comments from Indigenous Governments

- assessment **methods that include engagement in all steps**
- **participation of Indigenous governments** in gathering data
- use of Traditional Knowledge
- well-being – separate out the components, not just "socio-economic"

- maintaining safe and clean water, linkage between ground and surface water
- boreal caribou and other wildlife values
- cultural values, trails, traditional land use
- **legacy from past mining**

Incorporating comments from Indigenous Governments

Scope of assessment

- Geographic scope expanded to the east to **include Little Buffalo River and Birch Creek**
    - water quality, fish resources, wildlife movement and travel for people

- railbed is on **both federal and territorial** lands

- **use of public highways** and rail yard

- **communities want to be involved in monitoring** and adaptive management programs

Incorporating comments from Indigenous Governments

Traditional and Indigenous Knowledge

- show how Traditional Knowledge **was used to understand current use of site by wildlife, and for impact predictions**

- **Include Indigenous** groups when identifying:
  - all habitat studies
  - all wildlife baseline studies
  - ecological risk assessment

- explicitly mention when and where TK is used

- emphasis on **community-led Indigenous Knowledge studies**

- **support affected Indigenous groups** in the collection and analysis of Traditional Knowledge

Incorporating comments from Indigenous Governments

Communities and people

- developer to **engage communities** to determine appropriate scale for assessing impacts (community, region)

- **engage TK holders**

- assess how sub-groups in communities will be affected by the project

- how project increases Indigenous training, capacity building

- describe how community businesses can provide goods and services

- impacts to health and culture

Incorporating cumulative effects

- **clear direction** on how to consider impacts from past mining combined with current project

- assessment **of trends-over-time**

- **collaborate with Indigenous groups** on cumulative effects

- **describe all past reclamation** efforts

- discuss how **project can affect ongoing reclamation efforts** (such as railbed)

Workplan next steps – analytical phase

- **Communities work with PPML to prepare Developer's Assessment Report**
- **Communities work with PPML on TK studies**
- Developer's Assessment Report submitted
- Adequacy Review by Review Board and responses from PPML
- Reasons for Decision on why EA can proceed to public review

- Information requests on DAR from parties/responses from PPML
- **Community meetings**
- Technical sessions
- Undertakings from PPML and others
- Information requests (if necessary)

Next steps – hearing phase, decision phase

- Parties submit interventions (technical reports)
- PPML submits responses
- Pre-hearing conference facilitated by Review Board staff
- Parties submit hearing presentations, Developer submits presentation

- Technical hearings
- **Community hearings**
- Hearing undertakings
- Closing arguments from parties and developer
- Report of EA and Reasons for Decision from Review Board
- Minister's decision

Mackenzie Valley Review Board

How can the Review Board assist you in advancing community involvement in next steps in the EA?