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Your file - Votre référence

Our file - Notre référence

May 22, 2001

Elizabeth Copland, A/Chairperson
Nunavut Impact Review Board
PO Box 2379
Cambridge Bay, NU
X0E 0C0

Thomas Kudloo, Chairperson
Nunavut Water Board
PO Box 119
Gjoa Haven, NU
X0E 1J0

VIA FACSIMILE: (867) 983-2594

VIA FACSIMILE: (867) 360-6369

Dear Ms. Copland and Mr. Kudloo,

Re: Federal Submission for Jericho Pre-Hearing Conference

Thank you for your letter of May 8 asking for submissions in advance of the Jericho pre-hearing conference and mentioning our concerns regarding scope and guidelines for the Jericho Diamond Project.

On behalf of the federal authorizing agencies - the Department of Indian Affairs and Northern Development (DIAND), Natural Resources Canada (NRCan), and Department of Fisheries and Oceans (DFO) - we are pleased to provide you with responses to the questions posed in your letters of March 30 and May 8. This joint federal submission is also the result of collaboration with Health Canada, Transport Canada, and Environment Canada. The Government of Nunavut, Department of Sustainable Development has also been consulted on this submission. Federal representatives attending the pre-hearing are willing to expand on these responses from the perspective of their department, to the extent possible, but will not be providing technical review comments at this early stage in the review process.

The federal authorizing agencies do not believe our concerns regarding scope and guidelines for the Jericho review, expressed in our letter to you of April 6, have been sufficiently addressed in your May 8 letter. In our view, NIRB and NWB's determination of the scope of the Jericho review is an essential step to the efficient conduct of the review, and it is not adequate to expect the proponent to do this in the context of the

project description. Setting the scope allows for greater certainty and transparency for all parties involved in the assessment and provides the foundation to determine information needs. We continue to look forward to the opportunity to discuss these issues at the pre-hearing conference.

In anticipation of this, we are including as part of our joint submission for the pre-hearing, the federal perspective on the scope of Jericho for your consideration. In preparing this, DIAND, NRCan and DFO again consulted with Health Canada, Transport Canada, and Environment Canada. The Government of Nunavut, Department of Sustainable Development (DSD) has been informed of this component of our submission.

If you have any questions or concerns regarding these submissions, please do not hesitate to contact myself at (867) 975-4546 or Glen Stephens at (867) 975-4549.

Sincerely,



Stephen Traynor
Director of Operations
DIAND, Nunavut Region

cc. NRCan, John Ramsey
DFO, Jordan de Groot
Health Canada, Maria Ooi
Transport Canada, Doug Soloway
Environment Canada, Paula Pacholek
CEAA, John Mathers
GN- DSD, Chris Nichols
DIAND - HQ, Sarah Kalff

2 attachments

Federal Response to NIRB's Questions for Jericho Pre-Hearing Conference

Q1: Should NIRB require Tahera to be subjected to guidelines or additional EIS material?

A: Yes. Guidelines are required. Additional material may be required, depending on the scope of the EA.

Q2: What issues should be dealt with at the hearing?

A: Any of the items in the scope of the assessment *may* be included. What *should* be included will be those issues which have not satisfactorily been dealt with when all the information supplied by the proponent has been assessed. Regulatory issues should not be included.

Q3: Are there parties that should be added or dropped, given Minister Nault's comments re: the Mackenzie Valley, plus in particular, the need to encourage local participation?

A: In the distribution list sent with the letter the following parties are not represented and probably should be: ENGOs, NWT-Nunavut Chamber of Mines, Gjoa Haven (if, as indicated by NIRB, there has been public concern about the project). If, after the scope of the project is determined, there are transboundary issues, discussions between NIRB and the Mackenzie Valley Environmental Impact Review Board may be needed to work out the involvement of the appropriate stakeholders and/or experts from the NWT.

Q4: Should the actual hearing be conducted by both NIRB and NWB?

A: No. We support the feeling of the Boards that the environmental assessment process be separate from, and a building block for, the regulatory process.

Q5: Should there be a site visit? By whom and when?

A: Yes. Any of the parties who feel a site visit would contribute to their interventions should have the opportunity to participate. This summer.

Q6: Should the actual hearing be split into two formats, i.e., a "technical" hearing, and a very informal "community" meeting?

A: Yes, as long as the public is also welcome to attend and participate in the "technical" hearing. The informal "community" meeting should allow for meaningful consultation and input.

Q7: What should be the date, time, and place of the main hearing?

A: Date, time and place should be worked out between the communities and NIRB so it allows for the fullest possible participation. The table below suggests timing for some of the key steps in the review.

Q8: When should documents be filed before the Public Hearing? This includes significantly the Final EIS required of Tahera

A: A suggested minimum time line and work plan follows:

Scope set, guidelines finalized:	Week 1
Conformity Analysis (on draft EIS)	Week 6
Additional Material provided by Tahera (incl. Final EIS)	Week 10
Technical Interventions submitted	Week 16
Public Hearing	Week 19-20

Q9: What should be the order of presentation at the Public Hearing?

A: Divide up the hearings by the issues that need to be dealt with; the proponent may present first, then interveners (all interveners have the same status to provide evidence in order to judge the effects of the project, *not to provide support or opposition*), and rebuttal from the proponent.

Q10: Who translates which documents and how long will this take?

A: Government will provide the executive summaries of technical interventions in Inuktitut and Inuinnaqtun.

FEDERAL DETERMINATION OF SCOPE OF JERICHO DIAMOND PROJECT AND ASSESSMENT

SCOPE OF THE PROJECT

This is a description of the physical works, and undertakings in relation to those works, that constitute the Jericho Diamond Project.

Construction, operation, care and maintenance, decommissioning and abandonment of the following:

1. airstrip(s); fuel facilities for airstrip
2. landfill and other waste disposal sites and facilities
3. fuel farm
4. roads - airstrip road, pit-camp road, Contwoyto Lake road, PKCA roads
5. winter access road to Contwoyto Lake and around the west side of the pit
6. causeway into Carat Lake and the water intake
7. explosives magazine, ammonium nitrate storage, and explosives truck wash
8. open pit
9. underground workings, including head frame
10. waste rock dumps
11. overburden stockpile
12. coarse processed kimberlite stockpile
13. low grade kimberlite stockpile
14. northern lobe stockpile and central lobe stockpile
15. processed kimberlite containment area, including dams, polishing pond and stream C3 alteration
16. sediment collection ponds and berms
17. water management ditch
18. C1 diversion and dike
19. water intake, pumphouse, and water pipeline
20. quarry areas
21. laydowns for airstrip(s), mining and processing sites
22. buildings, including mining shop, processing plant, accommodation, waste and water treatment, and power station
23. section of the Echo Bay/BHP winter road from Lupin mine to the Jericho project
24. proponent's use of the entire Echo Bay/BHP winter road

SCOPE OF FACTORS

1. Environmental effects of the project on:

- a. Air quality;
 - b. Water (surface and ground) quantity;
 - c. Water (surface and ground) quality;
 - d. Land surface disturbance;
 - e. Terrain stability, including effects on permafrost;
 - f. Wildlife, migratory birds and fish and their habitats (species identified as valued ecosystem components from the draft EIS);
 - g. Contaminants in country food;
 - h. Vegetation;
 - i. Archaeological sites; and
 - j. Objects and places of recreational, scenic, spiritual and ecological value.
2. Change to the project that may be caused by the following environmental factors:
 - a. Climate change;
 - b. Severe weather events ; and
 - c. Seismicity.
3. Environmental effects of malfunctions or accidents.
4. Cumulative environmental effects. The assessment should include:
 - a. Ekati mine;
 - b. Diavik diamond project;
 - c. Lupin mine;
 - d. Snap Lake project;
 - e. exploration activities by Tahera and others;
 - f. hunting and fishing, including outfitting and lodges; and
 - g. transportation activities along the Echo Bay/BHP winter road.
5. Significance of these effects.
6. Measures that are technically and economically feasible to mitigate any significant adverse effects.
7. Comments received from the public.
8. Other relevant matters. These should include:
 - a. Alternative means of carrying out the project that are technically and economically feasible and the environmental effects of any such alternative means (not looking for details - those will be discussed at the regulatory stage - rather those alternatives to things like the mine plan, transportation, siting of facilities, etc., that make a difference to the basic operation of the project);
 - b. The need for and requirements of a follow-up program (not looking for details; only the general monitoring concept, which impacts are to be monitored and how

- the information will be used to adapt management);
- c. Purpose of the project; and
 - d. Socio-economic effects of the project on:
 - i. Traditional land use;
 - ii. Occupational health and safety;
 - iii. Community wellness;
 - iv. Economic health; and
 - v. Labour market.

ASSESSMENT NEEDS

In order to assess these factors the proponent should provide specific information including:

- Plans for the use, storage, handling, and disposal of petroleum fuel, chemicals or toxic material (including spill contingency plans)
- Plans for abandonment and reclamation
- Mining plan, including the timing of undertakings and the type and size of equipment
- Plans for water and waste management and treatment
- Plans for the protection of wildlife and wildlife habitat
- Plans for the protection of fish and fisheries habitat
- Methods of controlling or preventing ponding, flooding, erosion, slides and subsidence
- Type, location, capacity and operation of all facilities
- Environmental effects monitoring and management plan, including how the monitoring information collected will be managed, evaluated and used to adapt environmental management at the site
- Methods and techniques for carrying out these plans
- Plans for occupational health and safety

Thomas Kudloo, Chairperson
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cc. NRCan, John Ramsey
DFO, Jordan de Groor
Health Canada, Maria Ooi
Environment Canada, Paula Pacholek
CEAA, John Mathers
GN-DSD, Chris Nichols
DIAND – HQ, Sara Kalff

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