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Guidelines  
Comprehensive Study  
Victor Diamond Project  
De Beers Canada Mining Inc.

**Please note: Comments and areas for discussion have been bolded and highlighted in yellow. I have incorporated all comments received by November 14. Some areas still require input from other RAs.**

November 17, 2003

Table of Contents

1. Introduction
2. Guidelines Victor Diamond Project
  - 2.1 Purpose of the Guidelines
  - 2.2. Consultations
    - 2.2.1 Public Consultations
    - 2.2.2 First Nations consultations & Traditional Knowledge
  - 2.3 Project Description/Scope of Project
    - 2.3.1 Geology/Mineralogy of Kimberlite
    - 2.3.2 Diamond extraction and recovery
    - 2.3.3 Processing
    - 2.3.4 Overburden removal and site preparation
    - 2.3.5 Pit dewatering
    - 2.3.6 Fuel storage
    - 2.3.7 Fuel Pipeline
    - 2.3.8 Explosives Factory and Storage
    - 2.3.9 Winter Road
    - 2.3.10 Energy Generation
    - 2.3.11 Borrow Pits and Quarry sites
    - 2.3.12 Waste rock
    - 2.3.13 Water Management
    - 2.3.14 Transportation and surface structures\
      - Mine site
      - Attawapiskat
      - Akimiski Island
    - 2.3.15 Shipping and Barging
    - 2.3.16 Existing infrastructure and facilities
    - 2.3.17 Waste management (incinerator)
    - 2.3.18 Dredging
    - 2.3.19 Accidents and Malfunctions
  - 2.4 Related Considerations
    - 2.4.1 Project Design
    - 2.4.2 scale pace and timing of project
    - 2.4.3 future projects
    - 2.4.4 Hazardous Materials and Waste
    - 2.4.5 Closure and reclamation

## DRAFT ONLY

- 2.5 Environmental Assessment Methodology
    - 2.5.1 Alternative Means of Carrying out the Project
    - 2.5.2 Description of Existing Environment
    - 2.5.3 Spatial and Temporal Boundaries
    - 2.5.4 Description of Potential Effects
  - 2.6 Environmental Effects
    - 2.6.1 Air
    - 2.6.2 Terrain
    - 2.6.3 Vegetation
    - 2.6.4 Water Quality and Quantity
    - 2.6.5 Aquatic Life and Aquatic Habitat
    - 2.6.6 Wildlife and Wildlife Habitat
    - 2.6.7 Birds
    - 2.6.8 Noise
    - 2.6.9 Heritage resources
    - 2.6.10 Current use of Land and Resources for Traditional Purposes
    - 2.6.11 Human Health
    - 2.6.12 Socio-economic Condition
    - 2.6.13 Visual and Aesthetic Resources
  - 2.7 Effects of the Environment on the Project
    - 2.8.1 Weather
    - 2.8.2 Climate Change
    - 2.8.3 Natural Hazards
  - 2.8 Environmental Effects of Malfunctions or Accidents
  - 2.9 Environmental Effects on the Sustainability of Renewable Resources
  - 2.10 Mitigation Measures and Residual Effects
  - 2.11 Cumulative Environmental Effects
  - 2.12 Closure and Reclamation
  - 2.13 Follow-up Programs
  - 2.14 Regulatory Regimes
  - 2.15 Conformity to Guidelines
  - 2.16 Terms and Definitions
3. CS Process for Review
- 3.1 Mile Stones
    - 3.1.1 Start of Comprehensive Study
    - 3.1.2 Consultations
    - 3.1.3 Time Frames/ Work Plan
    - 3.1.4 submission of Comprehensive Study
    - 3.1.5 conformity Analysis
    - 3.1.6 technical analysis
    - 3.1.7 RA Submission of Final Comprehensive Study Report
    - 3.1.8 Canadian Environmental Assessment Agency Public Review Period
    - 3.1.9 EA decision

## DRAFT ONLY

- 3.2 Format of CS
  - 3.2.1 Guidelines
  - 3.2.2 Preparation of Comprehensive Study Report

### 1. Introduction

In May 2002, De Beers Canada Mining Inc. (De Beers) submitted a prospectus to the Department of Fisheries and Oceans (DFO) regarding the Victor Diamond Project. At this time the project was to include:

- open pit mine
- dewatering of pit
- site preparation
- processing facilities
- housing and office facilities
- all season airstrip
- fuel pipeline
- infrastructure in Attawapiskat
- barging and docking and laydown sites and office
- shipping in James Bay
- winter roads

DFO declared that it would be a responsible authority (RA) under section 5 of the Canadian Environmental Assessment Act (CEAA) pursuant to its responsibilities under the *Fisheries Act* and the *Navigable Waters Protection Act*. In June 2001, DFO circulated the project information to federal authorities that may also have an interest in the project. As a result, Natural Resources Canada (NRCan) announced that it would also be a RA as a result of its responsibilities under the *Explosives Act*. Indian and Northern Affairs Canada (INAC) indicated it would be a RA if a Band Council Resolution was required for facilities in Attawapiskat located on Reserve lands.

Information provided by the Proponent on October 8, 2003 led Environment Canada to declare that it would also be a RA for the project through its responsibilities under the *Canadian Environmental Protection Act*. Additional information received has indicated another potential need for a Band Council Resolution for upgrade of the winter road through Kashechewan First Nation lands.

A comprehensive Study is required. The CEAA Comprehensive Study List Regulations apply to three components of the project.

## DRAFT ONLY

1. Construction of a facility for the extraction of 200,000m<sup>3</sup>/a of groundwater (s 10)
2. Construction of an oil pipeline more than 75 km in length on a new right-of-way (s 14)
3. Construction of an all-season runway with a length of 1500m or more (s 29)

Decisions were made to conduct consultations on the scope of the project with the First Nations (Attawapiskat First Nation, Kashechewan First Nation, Fort Albany First Nation, Moose Cree First Nation and the Mocrebec Council of Cree Nation) before a scoping decision was made. Five First Nations were identified to be directly contacted for meetings and another 6 were sent letter informing them of the project and the CS process asking if they had any concerns. The federal government met with the First Nations in October and early November 2003. Following those meetings the RAs determined that the scope of the project for the purpose of this environmental assessment is as described in this document below (section 2.3).

The Draft Guidelines will be made public and sent to the First Nations and De Beers. Public consultations will be held on the Guidelines before they are finalized. The CS will be prepared and submitted by De Beers to the Canadian Environmental Assessment Agency in Toronto which is providing coordination and administrative support to the RAs who are responsible for the review of the federal environmental assessment. This document should contain the necessary information to enable the federal government to complete its assessment of the project.

Discussions have been held with the Province of Ontario on October 7, 2003 and every effort will be made to harmonize the federal and Provincial EA reviews. These guidelines have included the provincial EA requirements as well as the federal in efforts to streamline the process. **Do we talk about Provincial triggers or EA requirements here? I need input from those who were at the meeting.**

## 2. Guidelines for the Victor Diamond Project

### 2.1 Purpose of the Guidelines

The Comprehensive Study (CS) will address the following Guidelines. The Guidelines describe the RAs' expectations of De Beers for the use and integration of public consultation and traditional knowledge in the CS and throughout the EA process. The RAs have determined what it considers to be the project, and to what extent the interactions between components of the proposed project and the environment will be looked at in the CS. The RAs also request that De Beers demonstrate its capacity, ability and commitment to undertake the proposed project in an environmentally sound, safe and sustainable manner. The RAs require that the CS be conducted in a manner consistent with the precautionary approach and undertaken using an ecosystem approach that is consistent with the federal government's sustainable development and precautionary approach policies and carried out in a manner that employs meaningful public and Aboriginal consultations.

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**All public documentation related to this proposed development is available on a public registry file that is maintained by NRCan. The EA and all other submissions to the public registry will be used by the RAs in making their decision, and documenting them in the CS report. (Comment - relocate this, where to?)**

This CS will be conducted according to the Canadian Environmental Assessment Act (CEAA). **De Beers shall refrain from making any conclusions regarding the significance of impacts on the environment. The RAs shall make the final determination of significance. (Comment - Need to discuss with RAs)**

## 2.2 Public Consultation and Traditional Knowledge

### 2.2.1 Public Consultation

The purpose of public consultation is to provide those who could be affected by the proposed project the opportunity to participate in the environmental assessment. As a minimum, the residents, in Cochrane, Timmins and Moosonee shall be included. This does not prevent De Beers or the RAs from including provincial, industrial, recreational, environmental, and other individuals, groups and organizations who have an interest in the proposed project. De Beers shall provide regular public notification that it is conducting a CS and advise the public of opportunities to provide input so that they may be involved in the environmental assessment process. **(Comment - need to discuss what consultation De Beers will do and what the RAs will do)**

De Beers shall describe its public consultation policies, objectives, programs and activities undertaken and committed to regarding:

- I. methods used to identify, inform and solicit input from potentially interested parties;
- II. those who provided comments and input;
- III. outcomes of consultation including any additional information provided by those consulted;
- IV. concerns identified;
- V. differences in views between those consulted;
- VI. agreements or commitment to agreements with interested participants and/or communities;
- VII. issues tracking; and
- VIII. verifiable, documentation of how consultation affected impact prediction and mitigation, and affected the design of the proposed project.

### 2.2.2 First Nation Consultation

The RAs have determined that First Nations must be involved in the review. A total of 11 First Nations have been contacted. Five were seen to have more potential for direct effects due to their

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location and proximity to the proposed project and meetings will be held with the Attawapiskat First Nation, Kashechewan First Nation, Fort Albany First Nation, Moose Cree First Nation and the Mocrebec Council of Cree Nation. The remaining First Nations located outside the area of potential direct effect were informed about the project and will be included in the CS as it proceeds. These First Nations include the Webequie, Weenusk, Marten Falls, Nibinamik, Constance Lake and Flying Post.

**The Nunavut Government was contacted to see if communities within their Territory had concerns regarding the shipping through the Hudson Bay and James Bay. (Not sure if it was the government or the NIRB)**

### 2.2.3 Traditional Knowledge

De Beers shall make all reasonable effort to collect and facilitate the collection of traditional knowledge relative to the proposed project, for integration into the environmental assessment report in collaboration with Aboriginal communities and organizations. De Beers shall describe where and how traditional knowledge was used and the effect that it had on predicting effects and determining mitigation. Where traditional knowledge is not available, or not provided to De Beers in a timely manner despite appropriate diligence, De Beers shall describe efforts taken to obtain it.

De Beers shall present both the scientific and traditional perspectives on predicted effects wherever both types of information are available, and should refrain from weighing the relative merits of predictions. **(Comment - Why?)**

### 2.3 Scope of Project

The RAs are responsible for defining the scope of project and scope of assessment according to CEAA sections 15 and 16.

The Act does not provide direction to the RAs in determining which physical works should be included within the scope of a project. To ensure consistency in scope of the project determinations, RAs apply the "Principle / Accessory Test".

The Principal project is always either the undertaking in relation to a physical work or the physical activity for which a power, duty or function is being exercise, therefore triggering the need for an environmental assessment under the Act. The principle project must always be included as part of the scoped project.

For the Victor Project, the most current project information indicates that the principle projects include:

1. Explosives magazine.
2. Harmful alteration, disturbance or destruction of fish habitat in South Granny

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- Creek and Nayshkootayaow River.
3. Facilities constructed by De Beers on Attawapiskat and Kashechewan First Nations lands under Band Council Resolution;
  4. Dredged material disposal in James Bay.

Under the Act, RAs can combine two or more triggered projects into the same environmental assessment if it is determined that the projects are so closely related that they can be considered to form a single project. For the purposes of the environmental assessment, the RAs are treating the principle projects under one environmental assessment.

RAs must include in the environmental assessment all undertakings or activities in relation to a physical work, and all activities in relation to a physical work that are proposed or , in its opinion, are likely to be carried out.

Further, other physical works of physical activities accessory to the principle project may be included as part of the scoped project. Those physical works or physical activities not accessory to the principal project may not be included as part of the scoped project. To determine what is accessory to the principal projects, RAs can apply the following two criteria:

- Interdependence: If the principal project could not proceed without undertaking another physical work or activity, then that other physical work of activity may be considered as a component of the scoped project.
- Linkage: If the decision to undertake the principal project makes that decision to undertake another physical work or activity inevitable, then that other physical work or activity may be considered as a component of the scoped project.

The RAs are also taking into consideration comments received from the public, in particular potentially affected First Nations communities, in determining what other physical works and activities to consider in the environmental assessment.

As a result this analysis and consultation to date, the RAs have determined that the scope of the project will include the following physical works:

- Access roads, including winter road from Attawapiskat to the mine site and winter road from Moosonee to Attawapiskat
- accommodation complex
- aggregate storage facilities and quarries
- airstrip,
- Barge handling and staging areas,
- facility for manufacturing and storage of explosives,
- fuel pipeline,
- fuel storage area near Attawapiskat,
- fuel storage area at the mine site



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- kimberlite processing facilities
- lay-down areas near Attawapiskat
- mine rock storage facilities
- mine water management facilities
- open pit
- reagent storage and handling,
- sewage facilities,
- utility area - power house (diesel generators),
- water inlet and outlet structures,
- waste management facilities, including incinerators and disposal at Attawapiskat FN,
- work camp and visitors center
- workshop/warehouse/administration complex;

All physical activities with these physical works, including the following:

- shipping in James Bay
- dredging in Attawapiskat River
- dredging in James Bay
- relocation of South Granny Creek,

**(Have we got everything here? Need to discuss to ensure have all items for project scope)**

The Federal government will work with the Provincial counterparts to harmonize EA requirements on the Victor Project. This will facilitate one assessment for the project. **What Provincial EA requirements are there???**

De Beers will submit a project description that describes the construction, maintenance, operation decommissioning and abandonment of the project as scoped by the RAs. De Beers will submit descriptions under the following categories.

- 2.3.1 Geology/mineralogy of kimberlite
- 2.3.2 diamond extraction and recovery
- 2.3.3 processing of kimberlite
- 2.3.4 overburden removal and site preparation
- 2.3.5 pit dewatering
- 2.3.6 fuel storage
- 2.3.7 fuel pipeline
- 2.3.8 Explosives factory and storage areas
- 2.3.9 Road and pipeline
- 2.3.10 energy generation
- 2.3.11 borrow pits and quarry sites
- 2.3.12 waste rock management
- 2.3.13 water management

## DRAFT ONLY

- 2.3.14 transportation and surface structures
  - mine site
  - Attawapiskat
- 2.3.15 shipping and barging and related structures
  - Attawapiskat
  - Dredging and dredged material disposal
- 2.3.16 existing infrastructure and facilities
- 2.3.17 waste management (incinerator), waste water management
- 2.3.18 dredging

Describe the main components of the project, including relevant plans and drawings, including:

- Structures, including the type and number of structure to be installed in water.
- Sediments to be dredged, including: physical characteristics (texture and particle size); physical-chemical characterization; level of contamination as per CEPA and Disposal at Sea Regulation requirements, in consultation with Environment Canada staff (e.g. heavy metals, PCBs, PAHs); volume; how the quality of the materials was assessed (location and number of samples, demonstration of the representativeness of the samples, etc.); and, contamination potential.
- Handling / Loading: equipment used for dredging operations; volume of sediments involved; dredging techniques; characteristics of the dredge; dredging procedures; work schedules; and, characteristics of the equipment onto which sediments are loaded.
- Transportation: technical characteristics of water transportation equipment; transportation activities and routes taken; extent of movements (ships, barges or other).
- Disposal/Presence of dredged sediments: characteristics of disposal equipment; space and/or volume occupied by the dredged sediments; disposal techniques; and, any holding structures.

2.3.19 accidents and malfunctions (**comment - will need to decide where this goes, not sure why it would go here in the scope of project**)

2.4 Related Considerations (**comment - relocate to scope of project, Not sure where they mean??**)

- 2.4.1 project design
  - 2.4.2 scale, pace and timing of project
  - 2.4.3 future projects in area
  - 2.4.4 Hazardous Materials Management
- Fuel transportation and handling - spill prevention

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The risk and potential effects associated with handling, storing, transporting, using, and disposing of hazardous materials forming part of the proposed project, including:

- I. location for hazardous or contaminated materials and details on how hazardous material will be managed; and,
- II. the identification and description of all contaminant sources resulting from the project and their related pathways to the receiving environment, including any possible human exposures.

**2.4.5 Malfunctions and Accidents (comment - disagreement on whether this should be a factor to be considered under Environmental Effects where the simple description of accidents and malfunctions is a component of project description or be moved to factors to be considered )**

Describe the specific, important malfunctions and accidents that have a reasonable probability of occurring during the project, including an explanation of how those events were identified for the purpose of this environmental assessment. Explain the potential magnitude of an accident and/or malfunction occurring, including the quantity, mechanism, rate, form and characteristics of the contaminants and other materials likely to be released to the environment during the malfunction and accident events. Describe the contingency, clean-up or restoration work that would be required during the and following the event. Link the outcome of the accident and malfunction probability analysis to consequential effects to the environment, including health and safety impacts.

### 2.4.6 Closure and Reclamation

De Beers shall explain its closure and reclamation approach, to what standards it will reclaim and what objectives it will achieve in terms of the end use (i.e. stable land forms, revegetation, return to previous ecological productivity?). Based on proposed closure and reclamation intentions De Beers shall report the present day Canadian dollar value of reclamation costs associated with the closure and reclamation of the project as reported in section 2.3 Scope of Project

### 2.5 Environmental Assessment Methodology

De Beers shall provide information on the environment and how it could be affected by the proposed project. De Beers should also provide a sufficient base for the prediction of both beneficial effects and adverse environmental effects. De Beers shall demonstrate the extent to which adverse effects may be mitigated and positive effects augmented by planning, project design, construction techniques, operational practices and reclamation. De Beers shall provide quantitative information to the extent possible regarding the nature of predicted environmental effects. **(Comment - need to discuss what criteria we are going to use to determine significance and prediction of likelihood)**

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Where professional or traditional knowledge expertise is used, an explanation of how the expertise was applied shall be provided. **(Comment - concern if compare to western science, not referring to science here but to a professional general knowledge based on experience)**

Explicit documentation of the assumptions, models, information sources used, as well as information limitations and associated levels of uncertainty should support all steps of the environmental assessment report.

The analysis should be quantitative where data are available, but where data or models are lacking, best professional and, or, traditional knowledge judgment may be used. The approach and methodologies used to identify and assess cumulative effects should be explained.

### 2.5.1 Alternatives Means of Carrying out the Project

Include a description of the main project/production/technical alternatives, in particular, those associated with the following:

- I. mining methods;
- II. waste rock and tailings management;
- III. mine water management;
- IV. energy production (i.e., diesel generation), including associated pipeline;
- V. decommissioning and reclamation;
- VI. mine production rates;
- VII. employee work schedules;
- VIII. mine project scheduling;
- IX. airstrip, all weather roads (Attawapiskat to project site, Moosonee to Attawapiskat, Hearst/Cochrane/Timmins to James Bay)
- X. dredged material disposal locations
- XI. waste management

De Beers shall discuss alternative water treatment options considered, that can from an engineering standpoint, be used at the Victor project for any mine water, waste rock seepage, or process water that will be discharged into the Attawapiskat River or other existing bodies of water.

### 2.5.2 Description of the Existing Environment

De Beers shall provide a detailed and clear textual and graphic depiction of the existing environment and its use, as it pertains to the potential effects of the proposed project. The existing environment includes the resources being extracted over the predicted life of the mine, and contemporary/past land use and occupancy in the region, whether industrial or aboriginal.

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All existing reports and documents shall be appropriately referenced. De Beers will be expected to clearly and succinctly describe the following environmental components, as they relate to the proposed project:

- air and climate;
- surface and ground water quality and quantity;
- aquatic organisms and habitat;
- wildlife and wildlife habitat, including migratory birds;
- species at risk
- vegetation and plant communities;
- terrain, surficial geology, bedrock geology, seismicity, geological hazards, soils, and lake sediments;
- structural geology
- human health;
- economy;
- employment, education and training;
- infrastructure;
- government revenues, cost; and
- social and cultural resources.

**(Comment - this section needs to be elaborated upon. There is not a lot of direction on what we are expecting. Normally there should be a fair bit of detail as it is key to the EA to understand the environment that is to be affected and the interactions amongst the ecosystem components. This is where all RAs need to explain what they need. For discussion at the meeting)**

De Beers shall describe its methods for field studies conducted on its behalf to confirm or supplement existing reports and documents.

### 2.5.3 Spatial and Temporal Boundaries

De Beers shall explain the rationale for its selection of 'spatial boundaries' (i.e., project related, local and regional scope) and 'temporal boundaries.' Spatially, boundaries shall reflect the maximum zone of influence of the proposed project for each valued ecosystem component (VEC) selected. VECs are environmental attributes or components identified as having a scientific, cultural, economic, human health or aesthetic value. The VECs proposed in the EA methodology for this project will be reviewed and accepted by RAs in the early phases of the CS in consultation with the public.

De Beers shall provide a discussion of how the "maximum zone of influence of the proposed development for each valued ecosystem component" is determined.

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De Beers shall use the following three definitions when determining the spatial and study boundaries:

1. **Project Study Area:** This is the area in James Bay where dredging and materials disposal will take place, in and around the Attawapiskat First Nation where physical works will be located, along all new or expanded access roads, and the mine site.
- II **Local Study Area:** this is the area around the Project Study Area that will be both directly and indirectly affected by the physical works of the project, and their associated activities. Both environmental and socio-economic effects are to be assessed in this area. (The physical boundaries of this area shall be determined by De Beers, based on maximum zone of influence of the proposed project for each valued ecosystem component (VEC) selected??)
- II **Regional Study Area:** This is the general area of James Bay Cree lands, and all areas, including James Bay, Hudson Bay and Hudson Strait, that will be affected by the shipment of bulk materials. The regional study area will be used for the cumulative effects assessment. Public consultation will be carried out within the regional study area.

Temporally, De Beers shall assess environmental effects of the proposed project for all phases of the proposed project including construction, operation, closure and post-closure. Provide sufficient detail to address the relevant effects issues on VEC's over the entire temporal scope of the project. Distinguish between biological, physical, social, cultural and economic parameters.

De Beers will use the following three Temporal Boundaries defined as:

1. **Immediate:** this is the duration of the proposed construction and operation of the mine site, and all physical works associated with the mine site.
2. **Near future:** this is the duration of the project commencing at decommissioning of the mine site, and through all monitoring required for site abandonment. The duration of this follow-up monitoring will be determined during the EA, in consultation with federal and provincial agencies and the affected public.
3. **Far future:** this is the duration over which long-term environmental and socio-economic effects may occur. Predictions may be made at 10-year intervals. The far future will be used for the cumulative effects assessment. (All phases may be relevant for the cumulative effects assessment)

The scope of the assessment for socio-economic variables should include communities that could reasonably expect to experience effects because of the project, including but not limited to, increased traffic volumes or employment and business opportunities.

### 2.5.4 Effects Description and Predicted Effects after Mitigation

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**(Comment - Section needs to reflect the Act. One of the most important things required in EA is how mitigation will be ensured what regulatory contractual or other instrument will be used? This section will need work to be discussed with RAs)**

Describe the direct and indirect effects resulting from the proposed project, after mitigation. Describe the effects so that people reading the report can easily understand how De Beers figured out what the effects would be, how sure De Beers is of its conclusions, and what those effects mean for future generations in Northern Ontario. **Do not provide any conclusions regarding the significance of the impacts. (Comment - Needs to be discussed)**

Information gaps should be identified along with reasonable explanations and suggestions to remedy them. De Beers shall describe each effect identified and the proposed mitigation measure(s) for all phases of the proposed project (i.e., construction, operation, closure and post-closure). De Beers shall describe planned mitigation measures and consequences (environmental effects) of potential failure. The residual effects should be described at least in terms of the following parameters. **(Comment - include in methodology section, where exactly this is all the methodology section)**

- magnitude;
- geographic extent;
- timing;
- duration;
- frequency;
- irreversibility of effects;
- ecological resilience; and
- probability of occurrence and confidence level.

Distinguish between ecological parameters and social / cultural parameters.

**2.6 Environmental Effects (comment - how is this different from the previous section 2.5.4? The previous section is on Methodology, we may need to rethink what we have written in 2.5.4 to ensure the focus is methodology. Move anything that is not methodology to this section.)**

The environmental assessment report should report effects resulting from the proposed project on the physical, biological and social, economic and cultural components of the environment. **(Comment - use the definition from the Act)**

#### 2.6.1 Air

Report the effects of the proposed project on air quality including emissions from:

- I. Diesel generators: mercury, particulate matter finer than 10 and 2.5 microns, nitrogen oxides, sulphur oxides, VOCs, carbon monoxide and greenhouse gases, reported in carbon dioxide-equivalent units

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- II. Solid waste incinerators: dioxins/furans, cadmium, lead, mercury, particulate matter finer than 10 and 2.5 microns, hydrogen chloride, nitrogen oxides, sulphur oxides, carbon monoxide and greenhouse gases, reported in carbon dioxide-equivalent units

The analysis should also include:

- I. best available technology available to minimize the release of air contaminant atmospheric dispersion of emissions on a local and regional scale;
- II. effects of air emissions on biological receptors such as vegetation and wildlife, including any potential effects of acid deposition;
- III. effect of air emissions biological receptors such as vegetation and wildlife including any potential effects of acid deposition; and
- IV effects if air emissions on human receptors, including onsite workers.

### 2.6.2 Terrain

The environmental assessment shall provide a detailed description of the ground conditions at the site including a description of surface materials and geology, and ground ice content. Report the effects on the environment when surficial geology, bedrock or soils are disturbed or used for construction purposes. The analysis shall include:

I. the proposed project's effect on the thermal milieu, including: **(do we need all of this section???)**

- a. effect on physical conditions (including physical strength characteristics) and thermal regime;
- b. effect of modified ground ice conditions on roadway, waste rock piles, etc.;
- c. effect of thermal erosion in relation to altered drainage;
- d. effect of ice wedge occurrences beneath containment structures;
- e. effect of frost heave; and
- f. the effect of climate change on the above.

II. effects of aggregate use including limitations on volumes of resource material and minimization of terrain disturbance associated with ground ice thaw;

III. rock types, including the chemistry and stability of kimberlite by- products;

IV. seismicity and potential for rock heave;

V. quantity of sulphuric concentration and results from tests of acid-generating potential from all excavated;

VI. Effects of acid rock drainage and seepage and associated mitigation;

VII. Effect of remedial actions at the mine site (waste dumps, tailings); and

VIII. effect of quarry development, including gravel, sediment, overburden and aggregate use;

Report the effects on the environment of the interaction of waste and processed kimberlite materials, including long term management plans for ensuring the stability of the material.



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Report the effects on the environment of the quarry. Include information on the timing and amounts of material required over the life of the diamond mine, the size of the extractable quantities, and a quarry management plan suitable for environmental assessment purposes.

### 2.6.3 Vegetation and Plant Communities

The CS should analyze effects of the proposed project on:

- I. local plant communities (classified according to the Ecological Land Classification system);
- II. rare or highly valued species, including species at risk;
- III. long-term, direct and indirect, habitat loss or alteration; and
- IV. vegetation productivity.

### 2.6.4 Water Quality and Quantity

The environmental assessment report shall provide an analysis of proposed project effects on surface and ground waters. Effect conclusions should be based on predicted water quality of all waste streams and containment ponds throughout the project, including mine water, seepage, surface runoff and collection ponds, process plant discharges, the minewater settling pond and the sewage treatment facility. This analysis should include the effects on water quality and quantity, catchment areas in relation to:

- I. effects of blasting and its associated residues, in particular, nitrogen, nitrate, nitrite and ammonia;
- II. water from pit de-watering well field, open pit and site surface runoff;
  - a. provide a detailed characterization of geochemical influence on inflowing groundwater from all potential sources, including: mine rock exposed on pit walls, materials temporarily stored (muck, ore and /or waste rock); and water released or leached from backfill (kimberlite paste, quarried rock concrete and mine rock concrete), particularly with respect to metals, nutrients and major ions.
  - b. provide a description of the predicted mine inflows and hydrogeology, water handling procedures, water balance predictions and contingencies for potential higher than expected flows,
  - c. describe the effects of discharges on the hydrology of the Attawapiskat and Nayshkootayaow Rivers and water balances for waste water containment facilities including contingencies and excess holding capacities.
- III. effect on water quantity, including changes in timing, volume, temperature and deviation of peak and minimum flows resulting from the discharge of water from the open pit and site run-off;
  - a. provide a detailed description of predicted mixing zones in the Attawapiskat River for any effluents discharged from the project.

De Beers shall provide its assessment of water quality (metals, nutrients, major ions, process chemicals, bacteria, physical characteristics) within and at the boundaries of the mixing zone and criteria used to establish the mixing zone.

b. De Beers shall provide a description of the predicted effects of releases of any effluents, surface runoff and seepages that may be directed to land (include consideration of surface ponding), with particular attention to effect linkages on vegetation, soil and wildlife. Ensure that criteria used to predict effects are explicit and precautionary.

IV. effect of domestic treated sewage flows to associated wetlands and downstream waters;

V. siltation effects (e.g., runoff along roadways and drainage channels);

VI. effects of nutrients on fish and non-fish bearing water sources,

VII. dewatering of workings and resulting effects on the water balance, water level, outflow rates, temperature etc.: including consideration of the effects of any supplemental water added to the Nayshkatayaow River

VIII. effect of the project on the water shed;

a. provide a detailed description of the hydrology of the Attawapiskat watershed.

IX. water chemistry effects of surface runoff;

X. process effluent and discharges from processed kimberlite containment area, and waste rock stock piles and other site runoff;

XI. dredging in Attawapiskat River and James Bay

XII. shipping in Hudson Strait, Hudson Bay, James Bay and/or Attawapiskat River

For each of the above and any other effects identified, provide the following as appropriate:

I. All parameter estimates (e.g. water balance), reported by De Beers should include the source of information (either estimates or empirical), assumptions built into the data, and data reporting that includes ranges and confidence estimate for parameters.

II. Description of any proposed treatment technologies / methods proposed, and treatment process reliability and performance.

III. Comparison of proposed technology to best available treatment technology available.

IV. Effluent quality at points of discharge to land, wetlands and/or open surface waters:

a. Concentration of metals, nutrients, major ions, process chemicals, bacteria, physical characteristics (including temperature), at the point of discharge, and at the boundaries of the mixing zone.

b. Consideration of the effects of blasting and its associated

- residues, in particular, nitrogen, nitrate, nitrite and ammonia.
- c. Consideration of siltation effects, including from runoff along roadways and drainage channels.
- d. Detailed characterization of geochemical influence on inflowing groundwater from all potential sources, including: mine rock exposed on walls, materials temporarily stored (muck, ore and /or waste rock); and water released or leached from backfill (kimberlite paste, quarried rock concrete and mine rock concrete), particularly with respect to metals, nutrients and major ions.
- e. Results of laboratory biological tests conducted on effluent for both lethal and/or sublethal effects.
- f. Detailed description of predicted mixing zones in the North and South Granny Creeks for waste discharged from the project, including, criteria used to establish the mixing zone.

V. Treatment sludge disposal:

- a. sludge characterization; and
- b. disposal techniques.

For dredging of the Attawapiskat River and dredging, transportation and disposal of dredged material in James Bay, also include:

1. Modification of the characteristics and quality of the river or ocean floor;
2. Changes in water quality; and,
3. Effects of increased turbidity, including changes to bedload sediments.

For shipping by ocean or river, include **consideration of shipping-related spills or accidents, including dispersal of spilled material.**

2.6.4.1 Water Balance

A water balance should be prepared that incorporates all components of the proposed project under a range of climatic conditions. All parameter estimates (e.g. water balance), reported by De Beers should include the source of information (either estimates or empirical), assumptions built into the data, and data reporting that includes ranges and confidence estimate for parameters.

1. Provide a detailed description of the hydrology of the Attawapiskat watershed.
2. Provide a description of the predicted mine inflows and outflows and hydrogeology, water handling procedures, water balance predictions and contingencies for potential higher than expected flows. Include in this description:
  - a. Water balances for waste water containment facilities including contingencies and excess holding capacities.
  - b. Effect on water quantity resulting from changes in timing, volume, and deviation of peak and minimum flows resulting from the discharge of water from the open pit and site runoff dewatering of workings and resulting effects on the water balance, water level, outflow rates, etc.; including consideration of the effects of

## DRAFT ONLY

any supplemental water added to the Nayshkootayaow River effect of project on the watershed.

c. Describe the effects of discharges on the hydrology of the Attawapiskat and Nayshkootayaow Rivers.

3. Provide a description of the effect of new structures in the Attawapiskat River:
  - a. Effects on currents and sedimentology.

### 2.6.4.2 General Water

The assessment of proposed project effects on water quality should also consider:

- I. contaminant loading and dispersion (including surface runoff and airborne contaminants);
- II. acid rock drainage, metal leaching and geochemistry; and
- III. kimberlite toxicity and implications for aquatic wildlife.
- IV. any potential impacts on potable water, taking into consideration the Health Canada Guidelines for Canadian Drinking Water Quality (see <http://www.hc-sc.gc.ca/hecs-sesc/water/dwgsup.htm>)

### 2.6.5 Aquatic Habitat

The effects on aquatic organisms and their habitat should be considered taking into account predicted water quality and quantity effects and their associated effects on fish, fish habitat, and local drainage patterns. The analysis of project effects should include:

- I. productive capacity of aquatic systems during construction, operations, closure and post- closure;
- II. effect on all water bodies that may experience changes to fisheries resources including, but not limited to the Attawapiskat and Nayshkatayaow Rivers, and other streams associated with these systems;
- III. habitat loss or alteration, including aquatic vegetation and sensitive areas such as spawning grounds, nursery areas, winter refuges and migrations corridors ;
- IV. rare and/or sensitive fish species and habitat;
- V. mortality from increased fishing;
- VI. potential lethal effects on fish from acute exposure to mine effluent, including process upsets;
- VII. potential lethal and sublethal effects on fish due to chronic exposure to mine effluent, including within all mixing zones proposed;
- VIII. effects of blasting on fish and fish habitat on local aquatic systems;
- IX. effects od sediment dredging, transporation and disposal in James Bay on marine resources and habitat, in particular the effects of increased turbidity;

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X. effects on all water bodies and associated food webs and water use potential that may be effected by changes in water chemistry (nutrients, bacteria, major ions, metals) due to runoff or discharges from the project; and

XI. the effects of the project on James Bay, Hudson Bay and Hudson Strait coastal habitat, in particular effects on birds, marine mammals and coastal habitat loss or alteration.

For changes or discharges to surface water, reference should be made to expected compliance with applicable federal and provincial legislation, including the Federal *Fisheries Act's* habitat protection and pollution prevention provisions and the Ontario *Waters Resources Act*.

The CS should include an overview of how the DFO, 1986 principle of No Net Loss will be achieved during the construction, operation, care and maintenance and closure stages of the proposed project.

In assessing the water quality effect of discharges to surface water, reference should be made to both the Canadian Water Quality Guidelines and the Ontario Provincial Water Quality Objectives; where guidelines do not exist for a given parameter, reference should be made where possible to guidance provided by other jurisdictions (e.e., US Environmental Protection Agency, BC Ministry of Water, Land and Air Protection).

#### 2.6.6 Wildlife and Wildlife Habitat

The CS should provide an analysis of the proposed project's impacts, (both direct and indirect), on wildlife and wildlife habitats, including migratory birds, giving consideration to and demonstrating linkages between predicted physical and biological changes resulting from the proposed project.

De Beers shall provide its informed view of "ecologically representative areas" in the ecoregion, as may be required for any adequate monitoring of effects, and report potential impacts by the proposed project on those ecologically representative areas.

De Beers shall also give special consideration to species identified in COSEWIC's listing as "Endangered," "Threatened" and of "Special Concern." The analysis of the project should include:

- I. effect of loss of terrestrial habitat, and the quality of lost habitat for relevant species;
- II. disturbance of feeding, nesting, denning or breeding habitats;
- III. wet-land habitat alteration, loss;
- IV. physical barriers to wildlife;

## DRAFT ONLY

- V. disruption, blockage, impediment and sensory disturbance, of daily or seasonal wildlife movements (e.g., migration, home ranges, etc.);
- VI. rare, vulnerable, threatened or endangered species as outlined in the Canadian Organization of the Status of Endangered Wildlife in Canada (COSEWIC), as well as, species of international significance;
- VII. direct wildlife mortality;
- VIII. indirect wildlife mortality;
- IX. reduction in wildlife productivity; and
- X. implications of the proposed development acting as an attractant for particular species.

### 2.6.7 Birds

### 2.6.8 Noise

Assess the effect of the proposed project on the environment resulting from changes to ambient noise levels, and the effect of these changes on humans and wildlife.

### 2.6.9 Heritage Resources

Describe potential effects of the proposed project on cultural and heritage resources. Potential effects on the cultural well being of the affected communities should include, for example, anticipated or possible changes on social cohesiveness or language use.

### 2.6.10 Current Use of Land and Resources for Traditional Purposes

Analyze and describe the proposed project's effect on land and resource uses potentially effected by the proposed project.

De Beers shall submit its informed view of "ecologically representative areas" in the ecoregion , as may be required for any adequate monitoring of effects at a regional scale. Include maps and, or, verbal descriptions of existing and past land and resources uses in relation to the proposed project. For additional clarity, include at least the following land and resource uses:

- I. rare or ecologically or geologically significant areas;
- II. traditionally significant areas;
- III. seasonal camp areas;
- IV. permanent camp areas, including the winter Road and maintenance camp; and
- V. hunting, trapping, outfitting, recreational, tourism, commercial and sport fishing areas;

### 2.6.11 Human Health

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The CS shall analyze the potential project effects upon the physical, mental, spiritual and cultural health of employees, their families and communities.

The environmental assessment report shall analyze the potential impacts upon the physical, mental, spiritual and cultural health of affected communities, employees and their families. The analysis should include at least the following:

- I. An analysis of the effects of the project on the health and safety of all workers, including the possible impacts of any accidents or spills.
- II A full assessment of the development's potential impacts on human health, through possible effects to air, potable water and country foods. This should include an assessment of potential human health impacts of effects on fish, geese, moose, caribou and any vegetation gathered for food or medicinal purposes. This assessment must consider all possible sources of contaminants, and potential exposure pathways into air, potable water and/or country foods. In regards to country foods, information on types and amounts of foods consumed is useful in estimating risk.
- II A consideration of the health effects of social, cultural and economic changes brought about by the project, including effects of mine closure.”

#### 2.6.12 Socio-Economic Conditions

**(Comment - why do we need the remaining discussion in this section? See below. The item does not relate to land use and resources they relate to economic factors that are not directly related to changes in biophysical effects and thus are discretionary. The RAs need to have a discussion on what discretionary factors to include.)**

The effect of the proposed project on the economy, having regard to direct, indirect and induced effects on income and employment. Consideration shall be given to:

- VI. wage and salary employment by skills category over the life of the proposed project, including estimates of northern participation;
- VII. availability and use of skilled workers in Northern Ontario to meet job requirements;
- VIII. opportunities for local, regional businesses to supply goods and services both directly to the proposed project and to meet the demand created by the expenditure of contractors and new employees;
- IX. barriers to employment, advancement, and retention of northern workers, including the training or retraining necessary for sections of the northern workforce to meet De Beers employment standards;
- X. opportunities to diversify the northern economic base to produce and to supply new goods and services;
- XI. barriers to employment;
- XII. effects on the subsistence economy;
- XIII. federal and Provincial revenues and costs;
- XIV. economic diversification and sustainable economic development;

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- XV. effects on the national and Provincial Gross Domestic Product (GDP);
- XVI. probability and any effects of employee migration into or out of Northern Ontario communities;
- XVII. local government finances;
- XVIII. inflation and the cost of living impacts; and
- XIX. economic diversification.

De Beers shall, for the diamond resource included within the scope of the environmental assessment, report the following:

- I. the estimated total resource value in carats and present day Canadian dollars;
- II. planned annual resource extraction rates, reported in carats, and present day Canadian dollars; and,
- III. the effect of planned extraction rates and total resource extraction over the life of the proposed diamond mine on items II, III, V, VII, VIII, IX, X, and, XIV above.

De Beers shall provide a detailed summary of its employment commitments, and minimum skill requirements for its predicted labour force, including contract and subcontracted employees. De Beers shall assess the effect of its employment commitments and minimum skill requirements on the labour force in Northern Ontario.

De Beers shall also report how federal and provincial governments intend to, or have committed to assisting De Beers achieve its employment commitments and the impact not securing the intended or committed assistance from governments.

## 2.??? Government

**(Comment - why do we need this information again this is discretionary need to discuss with Ras. Do we take this out. Will need to change numbering. Not listed on current Table of Contents if kept in needs to be add to ToC))**

Assess the effects of the proposed project on revenues, costs and net income accruing to federal and provincial governments. Report the net incremental benefits or costs to these governments arising from the proposed development. De Beers should also report other fee structures/costs it will incur such as quarry royalties, security deposits, abandonment, and restoration costs resulting from the proposed project.

For clarity, provide a balance sheet or other appropriate accounting presentation of the total present day Canadian dollar value of federal and total territorial finances resulting from the proposed project.

### 2.6.13 Visual and Aesthetic Resources

Assess the visual and aesthetic effect of the proposed project. Report design components that



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mitigate visual and aesthetic effects.

## 2.7 The Effect(s) of the Environment on the Proposed Project

De Beers should assess the effect(s) of the environment on the proposed project, and activities forming part of the proposed project. De Beers should consider the full range of climate conditions (including extreme weather events, wet, dry and normal precipitation and extreme temperature spells) and climate change (e.g. global warming scenarios). **(Comment - need to consider what components of the project are susceptible to changes in climate what their life span is in relation to the predicted changes and whether such changes will affect predictions on environmental effects in the future)**

## 2.8 Environmental Effects of Malfunctions or Accidents **(Comment - suggest that the effects of A&M not be included as a separate component but integral in the assessment of environmental effects on a VEC)**

## 2.9 Environmental Effects on the Sustainability of Renewable Resources

## 2.10 Mitigation measures and Residual Effects **(Do we need this section? Section numbers will need to be adjusted if section is kept)**

## 2.11 Cumulative Environmental Effect

De Beers must ensure that where it is predicted that the project will have a measurable effect on a VEC, that VEC will be brought forward into the cumulative effect assessment. Where it is predicted that there is not likely to be a measurable effect on a VEC with mitigation, that VEC will not require further consideration in the cumulative effects assessment.

For the purposes of this project, the CS should include an evaluation of cumulative effects that are likely to result from the proposed project in combination with other projects; and projects within the regulatory process on the day these Guidelines are issued. De Beers shall consider existing forecasting models of cumulative infrastructure development, where such models are available, and can be calibrated to the regional ecosystem encompassing the proposed project. Report the models considered.

De Beers shall explain the likelihood of the proposed project expanding, and any areas of medium to high development potential within the claims block.

De Beers should provide confirmation that all existing facilities, infrastructure, etc., De Beers plans to use can adequately handle the demands generated by the proposed project. Include cumulative effects in relation to:

- I. The bio-physical environment;
- II. social environment;

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- III. economic environment;
- IV. cultural environment;
- V. heritage resources; and
- VI. visual and aesthetic resources.

Explicit documentation of the assumptions, models, information sources used as well as information limitations and associated levels of uncertainty should support all steps of the cumulative environmental assessment, in the environmental assessment report. The analysis should present data and analyses that are verifiable in nature, and quantitative where data are available. In the absence of verifiable knowledge, best professional judgment or expert opinion (unverifiable) should be used, whether that is from traditional or scientific sources.

The approach and methodologies used to identify and assess cumulative effects should be explained.

#### 2.12 Closure and Reclamation

De Beers should provide a description of regulations (regulatory framework), industry standards and government agreements that are needed with respect to the closure phase of the proposed project including plans for mitigating the social and economic effects of mine closure. Where regulatory requirements, industry standards or government agreements exist, their minimum standards, criteria, etc. should be reported.

De Beers shall provide a clear (visual and textual) description of the proposed project site at closure, and after restoration. Closure and reclamation, components and activities should be listed. Rationale and alternatives that have been discarded should be listed, e.g., the removal of all material from site versus partial or total burial, including costs. Details of methods and location of materials disposal, both on and off-site, including the structural foundations in the bottom of the mine water clarification pond.

#### 2.13 Follow-up Programs

Describe reporting (feedback) procedures including any proposed monitoring programs. The intent is to ensure that remedial actions are taken if the results of a monitoring program deviate from any established operational standards on environmental performance, or predictions on environmental effects. De Beers shall describe the approach, objectives and proposed methodologies that will be used in any proposed monitoring program(s).

#### 2.14 Corporate Compliance **(Comment - are we going to keep this section?)**

De Beers shall provide details on ownership of rights and interests in the project, operational arrangements and corporate and management structures should be provided. De Beers shall describe its relevant experience over the last 10 years in mining operations in Canada and in other

## DRAFT ONLY

countries with similar regulatory and social policy regimes concerning the following:

- I Record of compliance with government policies and regulations pertaining to environmental protection and socio-economic issues, including details of any corrective measures or penalties imposed by government as a result of significant non-compliance;
- II Mine safety, major accidents, spills and emergencies, including details of events and responses;
- III Record in honouring commitments on environmental and socio-economic matters in the event of planned or premature mine closings or change of ownership;
- IV Operations in subarctic regions; and
- V De Beers shall provide a summary of all corporate policies and programs that bear on the expected environmental and socio-economic effects of the proposed project including environmental management policies, northern hiring and business participation policies and programs, etc.

### 2.15 Regulatory Regime (**comment - this would be relevant for the project description**)

Provide mapping of the claim block and include a list of authorizations, permits and licenses required to undertake the proposed project. Specify short and long-term tenure requirements.

### 2.16 Conformity to Guidelines

The environmental assessment report should include a conformity table outlining to reviewers the areas in the report (including appendices and technical reports) that address the specific sections, and where appropriate line items, of the Guidelines.

### 2.16 Terms and Definitions

## 3 EA Process for Review (**Comment - needs to be rewritten this entire section is redundant as most of it is covered earlier in the document, Need to discuss do we keep this section?**)

### 3.1 Milestones (**Comment - not sure why this section is needed**)

#### 3.1.1 EA Start

At the start of the EA, De Beers, government bodies, NGOs, First Nations, expert advisors, the public and other interested parties are informed of the referral. The notification lets people know that while the project is in the EA process, no licence, permit or other authorization can be issued by government. As part of the referral, staff starts a public registry on the project and start tracking project issues.

Notification of the referral is done by:

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Written notification; News release; and Newspaper advertising.

Tasks involved in starting the environmental assessment are:

Open case file; Open public registry and registry log; Public notification of referral; Notify regulatory authorities of the referral; and RAs notifies the developer of the referral.

### 3.1.2 Consultations

**(Comment - this was covered in section 2.2 do we need to keep?)**

Advance consultation helps to identify and inform stakeholders about the EA process and to identify potential environmental, socio-economic and cultural impacts that may need examination. Staff may conduct public information sessions. De Beers would participate in these sessions to provide information about its development proposal. A stakeholder notification list is prepared and can include any of the following: Communities; NGOs; First Nations; Government; Developer; and other interested parties such as businesses or members of the public. Meetings and discussions with government may be held to review the Victor Project.

**(Comment - these sections need to be filled out discuss with RAs)**

### 3.1.3 time frames and work plan

### 3.1.4 submission of EA

### 3.1.5 conformity analysis

### 3.1.6 technical analysis

### 3.1.7 EA Decision

## 3.2 Format of Comprehensive Study

### 3.2.1 CS Guidelines and Scope of Project Determination

The CS Guidelines are the RAs' instructions to De Beers and are designed to ensure that the appropriate information is provided to understand the environmental consequences and the benefits of the proposed project. The Guideline is prepared based on the project description provided by De Beers and any other relevant information. The Guidelines also provide the scope of the project and scope of assessment determination of the RAs. RAs will coordinate the preparation and consultation of the draft guidelines with FAs and in consultation with First Nations. Once a draft guidelines are developed the RAs will release them for comment and send a draft to De Beers. Once comments are received RAs will finalize the guidelines for the Comprehensive Study and send the final version to De Beers, First Nations and the public.

## DRAFT ONLY

Draft and final Guidelines, direction to DE Beers including confirmed scope of project and associated scope of assessment, identification of key issues, effects, baseline data requirements, and desired results of research, and suggested environmental assessment report table of contents.

### 3.2.2 Preparation and Submission of the Comprehensive Study

De Beers will use the CS Guidelines to complete the Comprehensive Study. That is, De Beers will provide additional information besides the information it has already provided in its Victor Diamond Project Draft Environmental Assessment. All together, the information provided will tell the story of how people and the natural world could be changed by the proposed project and what is to be done about these changes. To properly evaluate the potential effects RAs will require information on the proposed development including:

- I Title (of the project proposal);
- II Executive summary (translated into appropriate aboriginal languages, if requested);
- III Corporate and project information including an environmental record; **(comment - why?)**
- IV Description of the project (e.g., phases, timetables, location, maps, photos, technology used, alternatives to the development, development design details taking into account the environment);
- V Description of the existing environment biophysical and socio-economic environment,
- VI Effect of the project on the environment including effects on the socio-economic environment. Include effects by accidents or malfunctions, and any cumulative effect(s);
- VII List of potential effects and the proposed mitigation or remedial measures;
- VIII Identification and description of the residual effects after mitigation or remedial measures;
- IX Results and summary of issues from public and community consultation, including any concerns and mitigation;
- X Plans for any environmental management plan, follow-up and monitoring;
- XI List of supporting evidence and information sources, including previous environmental assessments; and
- XII List of the required licences, permits and other authorizations, if relevant.

Technical supporting documents should also be submitted to assist the reviews in their review of the CS submitted by De Beers.

### 3.2.3 Conformity Analysis

After receiving the completed EA report from De Beers, the RAs will ensure that De Beers has provided all the information requested in the Guidelines. The RAs will decide conformity and, where required, issue a deficiency statement if needed.

### 3.2.4 Technical Analysis

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The RAs' and the CEAA Agency will coordinate the analysis of the EA. The aim is to provide opportunities for FAs, the Provincial Government, First Nations, the public and other interested parties to participate in the CS and express their ideas, and present their information (e.g., traditional knowledge holders and scientific experts) to the RAs. The more complete the analysis, the better the CS. This is a critical stage in the EA because key issues and effects are identified, and it is important that people have opportunities for input before any final decisions are made. The analysis identifies unresolved issues and environmental effects, and provides possible suggestions for addressing the issues and effects. DE Beers will provide additional information and respond to questions and comments sent to them on the CS.

### 3.2.5 Information Requests

Throughout the review the CS, the RAs, First Nations and stakeholders may have additional information needs for technical analysis of De Beers' CS. This information will be summarized and a request made will be sent to De Beers by the RAs, after consultations are complete. RAs will complete the CS Report once they are satisfied that the CS is complete and all information requested has been received.

### 3.2.6 CS Decision and Report

The RAs will prepare a CS Report (CSR), which will include their recommended decision and reasons for the decision after considering everything in the public registry. The RAs will then finalize the CSR and submit the CSR to the CEA Agency and the Minister of Environment. The Agency will conduct another round of public consultation on the CSR and in discussion with the RAs make recommendation to the Minister in regards to his decision on the CSR.

Should the finding be that there are no significant environmental effect the project will be referred back to the RAs so they can proceed with the regulatory phase of their decision making. Should there be uncertainty or significant adverse environmental effects that can be justified the Minister will refer the project to a Panel Review or Mediation.

## 3.3 Timeframe/workplan