



WILDLANDS LEAGUE

A chapter of the Canadian Parks and Wilderness Society

The Honourable Stéphane Dion, P.C., M.P.
Minister of the Environment
Les Terrasses de la Chaudière
10 Wellington St., 28th Floor
Hull, Quebec,
K1A 0H3

July 21, 2005

Dear Minister Dion,

We are writing to express our concern about the pending approval of the proposed **(DeBeers Victor Diamond Mine in northeastern Ontario)** and to suggest measures to resolve these issues.

CPAWS Wildlands League is a non-profit conservation organization and one of 13 CPAWS chapters across Canada. Our mission is to protect wilderness through the establishment of protected areas and through the promotion of natural resource use that is sustainable for nature, communities and the economy. We have extensive knowledge of land use in Ontario and a history of working with government and resource industries on progressive conservation initiatives.

The proposed open pit mine will have significant adverse environmental impacts on the James Bay region. This area is part of one of the largest, intact ecosystems remaining in the world and currently has no industrial development. Canada can demonstrate its environmental leadership in this globally significant area by managing development properly in which environmental land use planning occurs before resource development decisions are made.

Our main concerns are highlighted below.

Significant Environmental Impacts:

1. Mine pit dewatering will pump 100,000 cubic metres of salty water per day from the pit into the Attiwapiskat River, impacting fish populations and altering water levels and flows for hundreds of thousands of hectares around the mine.
2. The open pit mine and associated infrastructure will directly destroy important woodland caribou habitat (a threatened species under SARA) and may also alter caribou and predator habitat use in a much larger area than the mine and its associated infrastructure.
3. The associated road and hydro corridors will spread the mine's ecological impact over an even larger area and will compound site-based impacts. The alternative access and power supply options (barge and Southwest Alternative Winter Road) are being retained in spite of their lack of inclusion in the Environmental Assessment. These alternatives would have significantly larger environmental footprints than the preferred options being currently evaluated.
4. Many of the engineering processes that will be used to develop the mine are experimental, meaning that the ability to accurately predict environmental impacts is doubtful. These engineering oversights have been detailed in several submissions by geological experts and have yet to be addressed.

5. A catastrophic failure of the structure of the open pit may occur because of the poorly developed understanding of the water porosity of the karst limestone that the mine will be established within combined with the experimental engineering processes.

Social Impacts and Public Interest:

1. The nearest community, Attawapiskat, will receive a maximum of only 12% of the jobs in the mine, and even that level will only be reached near the end of the mine's life.
2. The First Nation communities of this region need time to develop the capacity and infrastructure to deal appropriately with this massive change to their traditional use areas and to plan for the future of the land and communities.
3. The provincial government has committed to undertake comprehensive land-use planning in advance of industrial development in this region, but has failed to implement a policy that would achieve this commitment.
4. As of July 18, 2005, 928 letters from the public have expressed concern about the environmental impacts of the proposed VDF and highlighted the need for a panel review.

Deficiencies in the Environmental Assessment Process

1. The project is not undergoing a comprehensive environmental assessment. This has resulted in multiple environmental assessments being performed for different components of the project by the provincial and federal governments. This is inadequate because it does not address the cumulative impacts or overall scope of the project.
2. Expert opinion was not adequately considered in the preparation of the Comprehensive Study Environment Assessment ("CSEA") or the Comprehensive Study Report. As a result, there are outstanding issues regarding the environmental impacts and engineering feasibility of the proposed mine. The Responsible Authorities demonstrate no evidence of independent research or expert consultation, relying almost exclusively on the proponent's testimonials. Until resolved, these pose serious threats to the environment and human health and safety.
3. The impact of the proposed mine on species at risk has not been addressed. Two species listed on COSEWIC, wolverine (endangered [eastern] and special concern [western]; northeastern Ontario will be an important recovery zone for both "populations") and lake sturgeon (special concern), were not dealt with in the CSEA. Expert scientists, based on actual field observation, have invalidated assertions by the proponent that the wolverines are not present in the region, and lake sturgeon were listed by COSEWIC in May 2005. The assessment of the impacts on woodland caribou, a threatened species, drastically underestimated the area of caribou habitat that would be affected and failed to provide a viable plan for maintaining the species in the area.
4. The cumulative impacts of the proposed open pit mine and associated infrastructure on the ecological integrity of the region have not been adequately considered. The impact from each activity considered independently (rather than in aggregate) and future cumulative impacts resulting from enhanced access and opportunity were ignored. The environmental assessment has not addressed conservation planning for the region, including the establishment of protected areas to preserve Canada's natural heritage.

Given the significant potential for irreversible environmental and social harm resulting from this project, we urge a precautionary approach be taken. This would include:

1. Referring the proposed Victor Diamond Project to a review panel. The review panel would provide a mechanism to comprehensively assess the environmental impacts of the proposed

mine, consult with the appropriate experts, and resolve the outstanding concerns about the environmental and social impacts.

2. Asking the provincial government to participate in the review panel, and abstain from issuing permits and approvals for the proposed project until the panel review is complete.
3. Providing resources to First Nations communities in the region to undertake land use planning and develop the capacity to obtain maximum benefits from any future resource development and funding to fully and meaningfully participate in the environmental assessment of the Victor Diamond Project specifically.

The mounting public interest in this project and information suggesting that it will likely cause significant adverse environmental effects provides you with grounds to exercise your discretion under section 28 of the *Canadian Environmental Assessment Act* to refer the project to a review panel. Section 28 provides:

28(1) Where at any time the Minister is of the opinion that

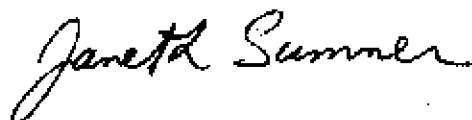
(a) a project for which an environmental assessment may be required under section 5, taking into account the implementation of any appropriate mitigation measures, may cause significant adverse environmental effects, or

(b) public concerns warrant a reference to a mediator or a review panel, the Minister may, after offering to consult with the jurisdiction, within the meaning of subsection 12(5), where the project is to be carried out and after consulting with the responsible authority or, where there is no responsible authority in relation to the project, the appropriate federal authority, refer the project to a mediator or a review panel in accordance with section 29.

We feel that our suggested approach to address the deficiencies in the environmental assessment performed thus far would take into consideration the concerns of all interested parties and the Canadian public. Further, such an approach would demonstrate the federal government's commitment to sustainable development and climate change.

We would appreciate the opportunity to meet with you and your staff to discuss these issues in more detail. I look forward to receiving your decision regarding the proposed Victor Diamond Project.

Sincerely,



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Executive Director
CPAWS Wildlands League

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