

Our File: EA0809-004  
Fortune Minerals NICO Project

April 2, 2009

To Distribution List:

**Re: Outline and Instructions for Scoping Phase of the Environmental Assessment of Fortune Minerals NICO Project**

## Introduction

The Mackenzie Valley Environmental Impact Review Board (Review Board) is currently undertaking an environmental assessment of Fortune Minerals' proposed NICO Project. The project includes the activities and physical works related to Land Use Permit application W2008D0016 and Water Licence application W2008L2-0004. Indian and Northern Affairs Canada referred this proposed development to environmental assessment on the grounds this development might cause a significant adverse impact on the environment.

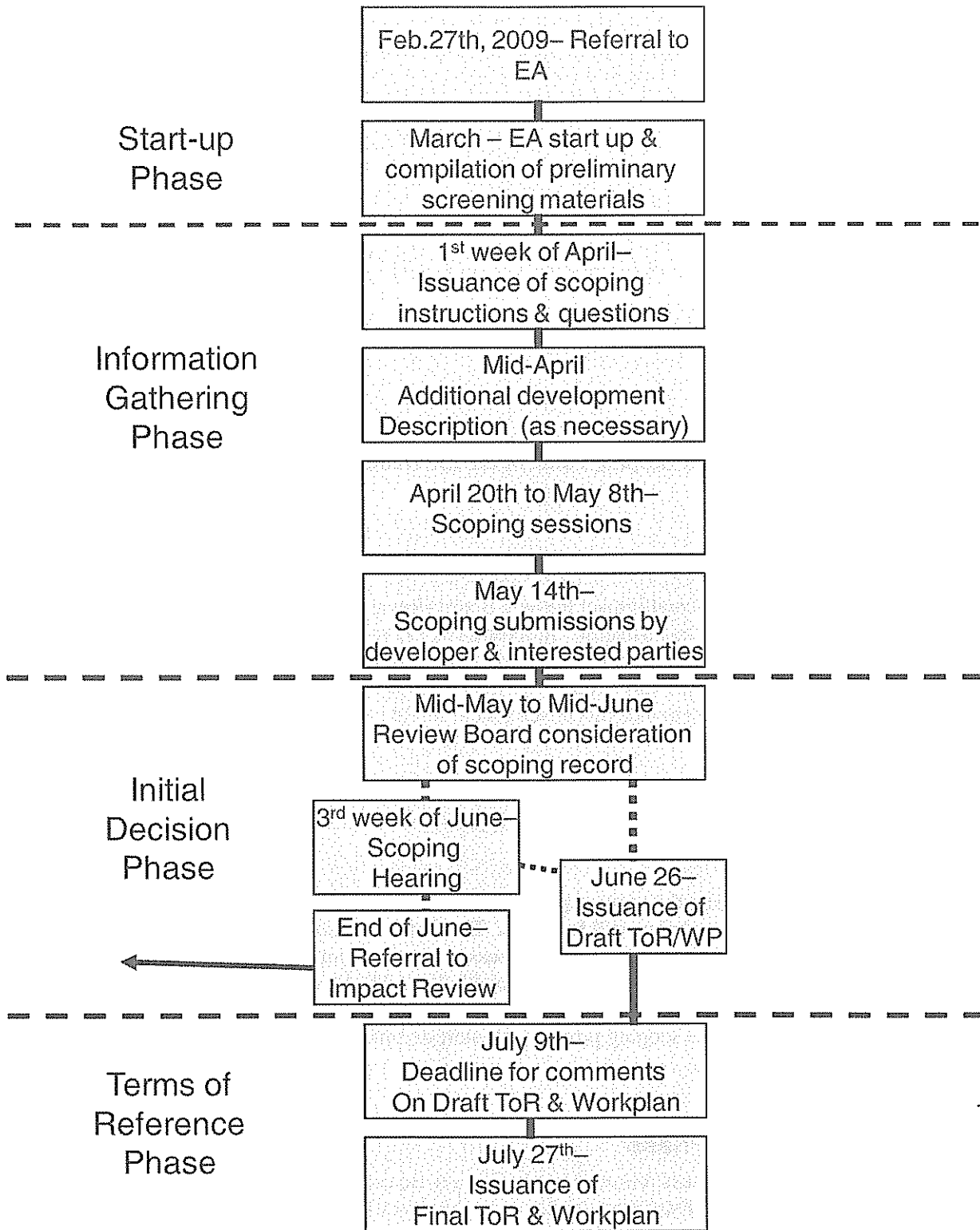
The Review Board has created a public registry for this file, where all information will be held. The public registry is available online at [www.mveirb.nt.ca/registry](http://www.mveirb.nt.ca/registry) - the file is *EA0809-004 -Fortune Minerals NICO Project*.

The Review Board is now starting the scoping phase of the environmental assessment. **Scoping will identify the issues that the assessment will focus on.** The Review Board will use this information to help determine how to approach the environmental assessment with input from the developer and interested parties. The typical scoping process is outlined below. The Review Board may deviate from this process as necessary to maintain a timely, appropriate and effective environmental impact assessment process. If there are changes to the scoping process, all interested parties and the developer will be informed by the Review Board.

## Outline of the Scoping Phase

Figure 1 indicates the typical process followed by the Review Board when conducting the scoping phase of an environmental assessment. Estimated timelines for this specific environmental assessment have been included. Note that this is an outline of the scoping phase only. A full work plan with timelines for the environmental assessment is issued after scoping is complete.

**Figure 1: Scoping Process – NICO Project EA**



**Start-up Phase**

The start-up phase for this environmental assessment has already been completed. The Review Board has transferred the developer’s water licenses and land use permit applications to the public record and these are available on the Review Board’s website. Relevant review comments, additional submissions of

information from the developer, and the preliminary screener's decision and rationale have also been transferred to the public record for the environmental assessment.

## Information Gathering Phase

The issuance of these scoping instructions signals the beginning of the information gathering phase of scoping for this environmental assessment. The purposes of information gathering are the following:

- To provide interested parties an opportunity to learn more about the proposed development before making scoping submissions
- To provide interested parties and the developer an opportunity to identify the relevant issues and questions they feel need to be addressed during the environmental assessment, and for them to provide input on appropriate scale and focus of the assessment
- To focus the subsequent environmental assessment on appropriate issues and the level of effort required by all parties to an appropriate scale
- To determine whether there is evidence of significant public concern or likely significant adverse impacts on the environment that merit deeper consideration in an environmental impact review rather than an environmental assessment

For the environmental assessment of the NICO Project, the Review Board would like the developer and interested parties to consider the following questions during the scoping phase and submit comments for the public record:

1. **What biophysical, socio-economic and cultural issues should be considered during the environmental assessment and why?**
2. What physical works and activities should be considered part of the development?
3. Within which time period and area should impacts (including project-specific and cumulative impacts) be considered?
4. What evidence (if any) from previous studies, management plans, or environmental assessments should be transferred onto the public record for this environmental assessment, and why?
5. What alternative ways of carrying out this development should be considered during the EA?

There are a variety of ways that the Review Board encourages interested parties to provide input during the scoping phase of the environmental assessment:

1. **Review Board staff is planning to hold scoping sessions for the communities of Whati, Gamèti, and Bechoko.** At each of these scoping sessions, Review Board staff will outline the environmental assessment process and identify the goals of the scoping sessions. The developer will then provide a presentation outlining the proposed development, and organizations and individuals will be offered the opportunity to identify key issues they feel need to be examined during the environmental assessment. Depending on the number of issues raised, these sessions may take from a couple of hours to a full day. The Whati scoping session will be held on April 27<sup>th</sup> and 28<sup>th</sup>, 2009. Other dates and meeting locations will be confirmed and noted on the public record soon.
2. Review Board staff is planning a Technical Scoping Session in Yellowknife. This will provide government regulators and other interested parties an opportunity to identify key issues they feel need to be examined during the environmental assessment. **The date and venue for this technical scoping session will be confirmed and noted on the public record soon.**
3. Interested parties are welcome to submit comments responding to the scoping questions in writing to the Review Board at any point in time between now and May 15, 2009.

The developer and interested parties are advised to consider Fortune Minerals' application documents for the proposed development. These include project descriptions. This information is available on the website public registry at [www.mveirb.nt.ca](http://www.mveirb.nt.ca), or can be downloaded from the Wek'eezhii Land and Water Board's website at <http://www.mvlwb.ca/WLWB/default.aspx>.

The fact that the proposed development is undergoing an environmental assessment does not prevent parties from meeting with the developer to discuss project-related issues. The Review Board encourages these consultations, and asks only that meeting minutes or a list of agreed upon commitments be submitted for the public record if the parties want the outcomes of these meetings to be considered by the Review Board.

**Again, the deadline for scoping submissions is May 15, 2009.**

### **Initial Decision Phase**

Once scoping submissions have been received, the Review Board will meet to consider the scoping evidence. The Review Board may schedule a formal scoping hearing if it deems it necessary to explore issues in more detail or to gauge the level of public concern. Scoping hearings are an opportunity for all parties to provide evidence and opinion directly to the Review Board about what issues should be considered during throughout the remainder of the environmental impact assessment process. Scoping hearings are formal affairs and the Review Board will provide 30 working days advance notice to the parties and the public. Because of the requirement for this advance notice, the Review Board may decide to schedule a scoping hearing in advance of receiving final scoping submissions from parties, if the evidence on the public record suggests the need for one.

Following a scoping hearing the Review Board may conclude the environmental assessment and order an environmental impact review, if it finds compelling evidence of likely significant adverse impacts on the environment or significant public concern. Ordinarily the initial decision phase will result in a Draft Terms of Reference for the developer's assessment report and a draft work plan for the environmental assessment. Interested parties will be invited to comment on the Draft Terms of Reference and the work plan. The Terms of Reference document defines the issues and valued components that need to be assessed for potential impacts. The Terms of Reference document also defines the scope of the development and the geographic and temporal scope of assessment (what distance from the development and what time periods need to be considered when looking at potential impacts of the development on the environment).

A work plan for the environmental assessment outlines key milestones and estimated dates for them to be completed and the roles and responsibilities of different parties.

The Review Board always issues both the Terms of Reference and the work plan in draft and allows the developer and interested parties time to comment on them, before finalizing them

### **Analytical Phase**

Once scoping is completed and the Review Board issues the final Terms of Reference and Work Plan the assessment enters the analytical phase. During the analytical phase the developer generally is responsible for submitting a Developer's Assessment Report complying with the Terms of Reference. This Developer's Assessment Report is then used by parties and the Review Board to fuel the analytical phase of the environmental assessment, which is further described in the work plan issued by the Review Board at the end of the scoping phase of the environmental assessment. Occasionally the Review Board may find there is enough information provided by the developer on the public record that a full Developer's Assessment Report is not required. In those instances, the Review Board may choose to issue specific Information Requests only, rather than issue a Terms of Reference. Technical sessions or workshops are other commonly used tool in the analytical phase.

## Conclusion

Scoping is the first phase of an environmental assessment. Public involvement and active engagement by the developer is essential at this early stage, in order that the right questions about potential impacts on the environment are identified, the potential for public concern identified, and an appropriate environmental assessment process structured. It is important that all interested parties get engaged early in the environmental assessment if the process is to be effective and efficient.

Review Board staff will provide information to all organizations and individuals on the distribution list as it is received. Regular "EA updates" including scoping submissions and Review Board instructions on how the process will proceed will also be made available to parties on the distribution list as they occur. Interested parties are reminded that the most effective way to receive updates is by subscribing to the Review Board's automatic email subscription list at <http://www.mveirb.nt.ca/subscriptions/index.php>.

Please do not hesitate to contact me at any time with questions regarding the process or to access information on the public record. I can be reached at 766-7056 or by e-mail at [aehrlich@reviewboard.ca](mailto:aehrlich@reviewboard.ca).

Sincerely,



Alan Ehrlich  
Senior Environmental Assessment Officer  
Mackenzie Valley Environmental Impact Review Board

April 2, 2009

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