



NIRB File No.: 22MN025

NPC File No.: 149747

March 21, 2023

To: Chidliak Diamond Mine Distribution List

Re: Commencement of the NIRB's Review of De Beers Canada Inc.'s "Chidliak Diamond Mine" Project Proposal

Dear Parties:

On February 14, 2023 the Nunavut Impact Review Board (NIRB or Board) received correspondence issued on behalf of the Minister of Crown-Indigenous Relations and Northern Affairs, in coordination with the Department of Fisheries and Oceans and the Canadian Coast Guard Canada, Natural Resources Canada, and Transport Canada (the Responsible Ministers) regarding the NIRB's November 14, 2022 Screening Decision Report for the De Beers Canada Inc.'s (De Beers or Proponent) "Chidliak Diamond Mine" project proposal (NIRB File No.: 22MN025). The Responsible Ministers accepted the Board's determination that the Chidliak Diamond Mine project proposal requires a full environmental review and determined that the project proposal shall be subject to Review by the NIRB pursuant to section 94(1)(a)(iv) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*).

On February 24, 2023 De Beers provided additional information¹ to the Board indicating that due to the early planning stages of their proposal, they are not seeking a coordinated process with the Nunavut Water Board at this time; however, they did indicate that they would remain open to beginning a coordinated process at a later stage of the assessment process.

The objective of this correspondence is to formally commence the Nunavut Impact Review Board's Review of the Chidliak Diamond Mine project proposal, to outline next steps and anticipated timelines, and to provide a *Draft Scope* to Parties for information only. As noted in correspondence released by the NIRB on February 16, 2023, regarding the responsible Ministers referral, the eight (8) issues or concerns relating to the proposal noted by the Board in the Screening Decision Report will be given careful consideration throughout the Review of the project proposal.

Information associated with the NIRB's Review of this proposal can be accessed online through the NIRB's public registry at www.nirb.ca by using any of the following search criteria:

- Project Name: Chidliak Diamond Mine
- NIRB File No.: 22MN025
- Application No.: 125714

¹ De Beers letter to NIRB Re: Ministerial decision on the Chidliak Diamond Mine Proposal (Doc ID: 343350)

DRAFT SCOPE LIST

The requirements of the NIRB's Review process are defined by the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and the *NuPPAA*. As per s. 99(1)(a) and (b) of the *NuPPAA*, the first step in the Review process requires that the Board determine the **scope of the project** proposal, as well as the **scope of the assessment**.

The **scope of the project** shall be defined in relation to the project proposal received by the NIRB from the Proponent, and must include any work or activity identified in the project proposal, as well as any other work or activity that the Board considers sufficiently related to the project. The Board may also exclude any work or activity from the scope that it considers insufficiently related to the project. If the NIRB determines that an inclusion or exclusion to scope of the project should be made, the Board may only do so following consultation with the proponent and after considering any comments from the Proponent. Should the Board make an inclusion to the scope of the project, it must not proceed with its Review until the Nunavut Planning Commission and responsible Ministers have had opportunity to again exercise their powers and perform their duties or functions in relation to the entire project.

The **scope of the assessment** determines the expectations of the process based on significant issues related to the proposed project, defining the components of the biophysical and/or socio-economic environment that could be impacted by the Project and for which there is public concern. This scope confirms which valued ecosystemic and socio-economic components must be considered to determine the potential for impacts associated with the project proposal through all planned project stages of the development, and which the Proponent will be required to examine within its Environmental Impact Statement.

Based on the proposed Chidliak Diamond Mine project description as referred to the NIRB for screening on May 6, 2022, the direction received from the responsible Ministers, and the requirements of the *Nunavut Agreement* and the *NuPPAA*, the NIRB has developed the enclosed *Draft Scope List (Appendix A)*.

By copy of this letter, the NIRB is releasing the *Draft Scope List* **for parties' information only** at this time as the document is currently being translated into French and Inuktitut. Once the document has been translated, the NIRB will release the *Draft Scope List* (in all languages) to all responsible authorities, parties with jurisdictional responsibility for aspects of the proposed Project and other interested parties to review the *Draft Scope List*.

IS GUIDELINES DEVELOPMENT AND SUBMISSION

Section 12.5.2 of the *Nunavut Agreement* and s. 101(1) of the *NuPPAA* directs the NIRB to issue Guidelines to the Proponent in respect of the preparation of a statement [Impact Statement (IS)] of the ecosystemic and socio-economic impacts of the project. The Impact Statement is:

- a document prepared by the Proponent in accordance with the Guidelines issued by the NIRB;

- identifies, predicts, evaluates, and communicates information about the ecosystemic and socio-economic impacts of a project proposal;
- provides for the identification and development of mitigation measures – those provisions or measures, which are designed to control, reduce, or eliminate potentially adverse impacts of an activity or the project.

Section 12.5.2 of the *Nunavut Agreement* and s. 101(3) of the *NuPPAA* contain a list of information to be included within an Impact Statement and gives the NIRB authority to add “any other type of information relating to a matter within the Board’s jurisdiction that the Board considers relevant in the circumstances.” Therefore, the NIRB will include information obtained during the scoping process in the development of the IS Guidelines and will also offer opportunity for public comment (*both* written and oral) into the guidelines development. Once parties have a chance to provide feedback on the draft guidelines, the NIRB will issue the final Impact Statement Guidelines to the Proponent for its preparation of the Impact Statement for the Chidliak Project proposal.

The NIRB is currently preparing the *Draft* Guidelines for the Chidliak Diamond Mine project based on the requirements of the *Nunavut Agreement* and the *NuPPAA*. As with the *Draft* Scope List, the *Draft* IS Guidelines will be translated into French and Inuktitut prior to public comment being invited. Once the document has been translated, the NIRB will release both the *Draft* IS Guidelines and the *Draft* Scope List (in all languages) to all responsible authorities, parties with jurisdictional responsibility for aspects of the proposed Project and other interested parties to review the documents and provide comments and suggested revisions for the NIRB’s consideration.

PUBLIC SCOPING SESSIONS

The NIRB’s Review process requires the development of a public participation and awareness program intended to initiate engagement with the public early in the assessment and to facilitate meaningful consultation throughout the Review with those communities, groups, and individuals potentially affected by the Chidliak Diamond Mine proposal. The NIRB is scheduling public scoping and guideline consultation sessions in Iqaluit, Pangnirtung and Kimmirut to consult with the public and interested parties in person regarding the scope of the Project and the scope of the assessment, with a focus on confirming which Valued Ecosystem Components (VECs) and Valued Socio-Economic Components (VSECs) should be used as the basis for the assessment. In addition, the NIRB will be soliciting oral comments on the *Draft* IS Guidelines to ensure that those aspects of the guidelines which are likely to be (or that have been identified) as “core issues” by Indigenous participants are sufficiently detailed. Details and logistics of these public engagement sessions will be provided as soon as practicable to ensure appropriate notice is given to parties for participation.

The public sessions will be designed to enable potentially impacted communities to participate directly in the NIRB’s process to meet the following objectives:

- Inform the public of the proposed Chidliak Diamond Mine Project under Review;
- Explain the steps of the NIRB’s Review process, including how members of the public can become involved and effectively participate;
- Work with members of the public to identify VECs and VSECs that should be considered in the NIRB’s Review of the Project; and

- Work with members of the public to identify information requirements and issues of particular relevance to the community and the public potentially affected by the Project.

NEXT STEPS

For the information and planning of parties, the NIRB has enclosed a more detailed Review process map and anticipated timeline for the Board's Review of De Beers' "Chidliak Diamond Mine" project proposal. Please note that this timeline is subject to change based on project-specific circumstances, feedback received from parties, and the NIRB's discretion. The NIRB invites interested parties to provide feedback on the draft process map on or before **April 12, 2023**.

In summary, the following provides an overview of upcoming submission dates:

March 21, 2023	1) The NIRB issues the <i>Draft</i> Scope List for information only. Document sent for translation. 2) The NIRB issues the draft process map for comment.
April 12, 2023	Parties provide comments on the draft process map.
April 2023	The NIRB issues the <i>Draft</i> Scope List and <i>Draft</i> IS Guidelines (in all languages, with hard copies sent to community organizations) for public comment (60 days).
April 2023	The NIRB conducts community information sessions in Iqaluit, Pangnirtung and Kimmirut.
May 2023	The NIRB issues summary report on the public scoping/guidelines sessions for information.
June 2023	Parties provide comments regarding the <i>Draft</i> Scope List and the <i>Draft</i> IS Guidelines.
June 2023	The NIRB issues the <i>Final</i> Scope List and <i>Revised Draft</i> IS Guidelines for information only. Documents are sent for translation.
July 2023	The NIRB issues the <i>Revised Draft</i> IS Guidelines for public comment in all languages (30 days).
July 2023	Parties provide comments on <i>Revised Draft</i> IS Guidelines.
August 2023	The NIRB conducts a Guidelines Development Workshop in Iqaluit.
September 2023	The NIRB releases <i>Final</i> IS Guidelines in English with translations to follow.

Please direct all comment submissions to the NIRB via fax to **(867) 983-2594** or via email at info@nirb.ca.

If you have any questions regarding the NIRB's Review of the Chidliak Diamond Mine, please contact the Cory Barker at cbarker@nirb.ca or by phone at (867) 983-4607.

Sincerely,



Tara Arko
Director, Technical Services
Nunavut Impact Review Board

cc: Sarah McLean, De Beers Canada Inc.
Jared Ottenhof, Qikiqtani Inuit Association
Stephen Williams Bathory, Qikiqtani Inuit Association
Joel Fortier, Qikiqtani Inuit Association
Richard Dwyer, Nunavut Water Board
Caroline Whittle, Government of Nunavut, Department of Culture and Heritage
Michele LeBlanc-Havard, Government of Nunavut, Department of Environment
Mosha Cote, Nunavut Research Institute
Tracey McCaie, Crown Indigenous Relations and Northern Affairs Canada
Alasdair Beattie, Fisheries and Oceans Canada
Peter Unger, Natural Resources Canada
Jody Small, Environment and Climate Change Canada
Transport Canada

Attachment: Appendix A: *Draft* Scope List for the Chidliak Diamond Mine Project Proposal

Enclosure (1): *Draft* Process Map for NIRB's Review of the Chidliak Diamond Mine Project Proposal

APPENDIX A
DRAFT SCOPE LIST FOR THE CHIDLIAK DIAMOND MINE PROJECT PROPOSAL

The Nunavut Impact Review Board (NIRB or the Board) is seeking feedback from interested parties to determine the scope of De Beers Canada Inc.'s (De Beers or Proponent) "Chidliak Diamond Mine" project proposal (scope of the project) and the scope of the NIRB's Review of this project proposal (scope of the assessment).

SCOPE OF THE PROJECT

1) Description of the project, the purpose of and the need for, the project

The scope of the project proposal includes all physical works, activities, and/or undertakings, as scoped by the NIRB on September 13, 2022 for the Chidliak Diamond Mine Project and encompasses the entire project life.

a. Project Proposal Summary

The proposed "Chidliak Diamond Mine" project (the Project) involves constructing, operating and decommissioning a diamond mine at the Chidliak exploration site on the Hall Peninsula of Baffin Island, Nunavut approximately 120 kilometers (km) northwest of Iqaluit and 200 km south of Pangnirtung. De Beers proposes to use a "FutureSmart Mining" approach for the development and operation of the proposed mine, allowing for relatively small Kimberlite pipes to be mined using largely remote mining techniques and mobile camps to reduce potential environmental impacts. De Beers expects the proposed project to begin in March 2026 and for decommissioning to be completed by December 2049.

2) Project Components

- Mining of up to 35 Kimberlite Pipes through Open Pit and Underground mines;
 - Construction of a Waste Rock pile;
 - Construction of a mobile and modular Kimberlite processing facility (relocated as kimberlite pipes are mined);
 - Continued Bulk Sampling;
 - Continued Blasting and Drilling Programs;
- Mobile and modular Accommodations Facilities (relocated as kimberlite pipes are mined);
- Equipment use:
 - Rotary and Fixed wing aircraft for transport of equipment and personnel;
 - Use of Drills, Haul Trucks, Light Vehicles, various Loaders and blast Equipment;
- Fuel storage:
 - Up to 24,551,600L of Diesel;
 - Up to 5,000L of Gasoline;
 - Up to 30,000L of Aviation Fuel
- Storage and use of Ammonium Nitrate for blasting;
- Construction of several a Quarries and Borrow Pits as needed and close to the ore bodies to reduce disturbance.

- Construction, use and decommissioning of additional site infrastructure: of an Airstrip, quarries/burrow pits;
- Decommissioning:
 - Removal of all buildings, equipment and infrastructure;
 - Revegetation of disturbed surfaces in the Project Development area;
 - Removal of any outstanding waste;
 - Non-hazardous waste materials that cannot be removed will be stored in an on-site landfill;
 - Hazardous materials will be removed from site;
 - Mined Rock and Kimberlite facilities will remain in closure;
- Access to site by fixed wing aircraft, as well as potentially by All-Weather Access Road or Winter Road and associated construction, use, and decommissioning;
- Site power provided through:
 - Potential construction and use of a Transmission Line;
 - Potential installation of a small modular nuclear reactor;
 - Potential use of Diesel generators.
- Water use and withdrawal for drinking in the accommodations;
 - Up to 10,000 m³/day withdrawn from Qamaniruluk Y Lake, Qamanialuk Lake, Sunrise Lake, Glacier Lake, McKeand River and other waterbodies;
- Waste Disposal
 - Organic food waste using an incinerator (200kg/day);
 - Grey water (200m³/day);
 - Construction of a Landfill (Non-combustible and inert waste).

SCOPE OF THE ASSESSMENT

1) Anticipated ecosystemic and socio-economic impacts of the Project

The assessment of the potential for ecosystemic and socio-economic impacts to result from the proposed project components and activities as outlined in the section above will be inclusive of the factors listed below. The assessment of impacts to each valued ecosystemic or socio-economic component shall take into account appropriate temporal and spatial boundaries and draw upon relevant information from scientific sources, Inuit Qaujimaningit², traditional and community knowledge.

- a. Air quality including greenhouse gases
- b. Climate and meteorology
- c. Noise and vibration
- d. Terrestrial environment, including:
 - i) Terrestrial ecology
 - ii) Landforms and soils
 - iii) Permafrost and ground stability
- e. Geological features including discussion of geology and geochemistry
- f. Hydrological features and surface water quality

² Inuit Qaujimaningit encompasses Inuit traditional knowledge (and variations thereof) as well as Inuit epistemology as it relates to Inuit Societal Values and Inuit Knowledge (both contemporary and traditional).

- g. Hydrogeology and groundwater
- h. Sediment quality
- i. Freshwater aquatic environment, including:
 - i) Aquatic ecology
 - ii) Aquatic biota including representative fish as defined in the *Fisheries Act*, aquatic macrophytes, benthic invertebrates and other aquatic organisms
 - iii) Habitat including fish habitat as defined in the *Fisheries Act*
 - iv) Commercial, recreational, and Aboriginal fisheries as defined in the *Fisheries Act*
- j. Terrestrial vegetation
- k. Terrestrial wildlife and wildlife habitat, including:
 - i) Representative terrestrial mammals to include caribou, caribou habitat, migration and behavior, muskoxen, wolverine, grizzly bears, Polar Bears, wolves and less conspicuous species that may be maximally exposed to contaminants.
 - ii) Wildlife migration routes and crossings
- l. Birds and bird habitat, including:
 - i) Raptors
 - ii) Migratory birds
 - iii) Seabirds
- m. Marine environment, including:
 - i) Marine ecology
 - ii) Marine water and sediment quality
 - iii) Marine biota including fish and benthic flora and fauna
 - iv) Marine habitat
 - v) Commercial, recreational, and Aboriginal fisheries as defined in the *Fisheries Act*
- n. Marine wildlife
- o. Terrestrial and marine Species at Risk, including
 - i) Species under consideration for listing on the *Species at Risk Act*
 - ii) Species designated “at risk” by the Committee on the Status of Endangered Wildlife in Canada
- p. Socio-economic factors, including:
 - i) Economic development opportunities
 - ii) Employment
 - iii) Education and training
 - iv) Contracting and business opportunities
 - v) Population demographics
 - vi) Benefits and revenues (tax, royalties, etc.)
- q. Traditional activity and knowledge and community knowledge including:
 - i) Land use
 - ii) Food security
 - iii) Language
 - iv) Cultural and commercial harvesting
- r. Non-traditional land use and resource use
- s. Heritage resources
 - i) Archaeology

- ii) Paleontology
 - iii) Cultural
- t. Health and well being
 - i) Individual and community wellness
 - ii) Family and community cohesion
- u. Community infrastructure and public services
- v. Health and safety including employee and public safety
- w. Cumulative effects, giving specific consideration to the project in terms of existing, proposed, and reasonably foreseeable future mining and transportation infrastructure projects. Specific focus is required for ongoing proposals and projects such as the Iqaluit Hydro-Electric Project (NIRB File No. 13UN006) which is currently awaiting the submission of the Draft Impact Statement and for the Proponent to provide annual updates on whether the company expect to re-engage in the assessment process.
- x. Residual effects
- y. Transboundary effects

2) Anticipated Effects of the Environment on the Project

The scope of the assessment will include the potential for the Arctic environment to exert effects on the Project throughout the Project's life, including the following specific factors:

- a. Climate and meteorology including climate change
- b. Permafrost
- c. Geotechnical hazards including slope movement, differential or thaw settlement, frost heave, and ice scour
- d. Subsidence
- e. Flooding
- f. Unfavorable geological conditions

The scope of the assessment will include the potential for conditions in Nunavut's unique socio-economic environment, including the following specific factors:

- a. Limited availability of labour and capacity
- b. Limitations on physical infrastructure

3) Measures proposed by the Proponent to avoid and mitigate adverse ecosystemic and socio-economic impacts, including contingency plans

The scope of the assessment will include any contingency plans or risk management plans to avoid and mitigate adverse impacts caused by the proposed project components and activities. These plans must extend, where relevant, through all project phases. These plans shall take into account the appropriate temporal and spatial boundaries and are expected to draw upon relevant information from scientific sources, best practice as well as traditional and community knowledge and are to include, but not be limited to:

- a. Avoidance, Mitigation and Offsetting Measures
- b. Emergency response
- c. Spill response
- d. Hazardous materials management

- e. Accidents and malfunctions
- f. Regulatory requirements
- g. Monitoring and Adaptive Management
- h. Mitigation measures

4) *Steps which the Proponent proposes to take to optimize benefits of the Project, with specific consideration being given to expressed community and regional preferences as to benefits*

The scope of the assessment will include steps that the Proponent proposes to take to optimize benefits of the project, and should include, but not be limited to:

- a. Compensation and benefits
- b. Health benefits
- c. Human health and well-being
- d. Employment
- e. Education and training
- f. Land use
- g. Contracting and business opportunities, and
- h. Any non-confidential details from an Inuit Impact and Benefit Agreement.

5) *Measures proposed by the Proponent to compensate persons whose interests are adversely affected by the Project*

The scope of the assessment will include the steps that the Proponent proposes to take to compensate interests of parties adversely affected by the Project including all non-confidential details pertaining to any Inuit Impact and Benefit Agreement pursued in connection with the Project.

6) *Measures proposed by the Proponent to restore ecosystemic integrity after the permanent closure of the project*

The scope of the assessment will include any closure and reclamation plans to ensure that issues associated with the effective closure and reclamation of all Project components are considered at the earliest possible stage in the development process, thereby influencing design to take into account environmental issues related to closure and reclamation. These plans must extend, where relevant, through all project phases. These plans shall take into account the appropriate temporal and spatial boundaries and are expected to draw upon relevant information from scientific sources, best practice as well as traditional and community knowledge and are to include, but not be limited to:

- a. Care and Maintenance
- b. Closure and Reclamation

7) Any monitoring programs that the Proponent proposes to establish and to manage the ecosystemic and socio-economic interests potentially affected by the Project

The scope of the assessment will include any programs that would be established to monitor the potential ecosystemic and socio-economic impacts caused by the proposed project components and activities.

8) The interests in lands, waters and other resources which the Proponent has acquired or seeks to acquire.

The scope of the assessment will include consideration for any interests in lands, waters and other resources which the Proponent has secured or seeks to secure based on the proposed works and activities or undertakings that constitute the Chidliak project proposal.

Organization	Requirement
Nunavut Impact Review Board	Project Certificate
Nunavut Water Board	Type 'A' Water Licence
Qikiqtani Inuit Association	Land Use Licences, leases, easements, right-of-ways, and Quarry Concession Permit(s)
Government of Nunavut – Department of Culture and Heritage	Archaeology Permit(s) and Palaeontology Permit(s)
Government of Nunavut – Department of Environment	Wildlife Research Permit, Spill Contingency Plan approval
Nunavut Research Institute	Scientific Research Licence
Crown Indigenous Relations and Northern Affairs Canada	Class A Land Use Permit, Quarry Permits, and Land Use Lease(s)
Environment and Climate Change Canada	Approval for dredging, Environmental Emergency Plan approval
Fisheries and Oceans Canada	Section 35 authorization under the <i>Fisheries Act</i>
Natural Resources Canada	Licence for a Factory and Magazine
Transport Canada	Navigable Waters Approval(s) and/or Exemption(s) and Oil Pollution Prevention/Emergency Plan as per the <i>Canada Shipping Act</i> , Approval under the <i>Navigation Protection Act</i>
Workers Safety & Compensation Commission	Permit to Store Detonators, Explosives Use Permit

9) Options for carrying out the Project that are technically and economically feasible and the anticipated ecosystemic and socio-economic impacts of those options

The scope of the assessment will include consideration for alternative means of carrying out the Project that might be economically and technically feasible and the environmental effects of those alternative means. This assessment will include alternate timing and development options, as well as presenting the “no-go” or “no-build” alternative, and the “preferred” alternative. The “no-go” alternative is not only a potentially stand-alone option; it also serves as a baseline for

comparison with other development alternatives that might reasonably be proposed in the circumstances.

10) Any other relevant information or matters

The scope of the assessment will include any other matters that the NIRB considers relevant, including:

- a. Technical innovations previously untested in the Arctic including new technology for port and road design and operations
- b. Inuit Qaujimaningit, traditional and community knowledge
- c. Statement of consultation principles and practices
- d. Significant effects analysis
- e. Sustainability analysis
- f. Interactions with Valued Ecosystem Components and Valued Socio-Economic Components
- g. Discussion of similar resource development projects in other jurisdictions
- h. Planned future development and the associated level of uncertainty