



July 14, 2023

Tara Arko  
Director, Technical Services  
Nunavut Impact Review Board  
Cambridge Bay, NU

Via Email : [info@nirb.ca](mailto:info@nirb.ca)

## **Government of Canada's Comments on the Draft Scope and the Draft Impact Statement Guidelines for De Beers Canada Inc's "Chidliak Diamond Mine" Project Proposal**

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Dear Tara Arko,

Further to the Nunavut Impact Review Board's (the Board) correspondence of May 16, 2023 for the "Chidliak Diamond Mine" Project Proposal (the Project), the Government of Canada would like to provide the following comments from departments participating in the Board's review process.

The Northern Projects Management Office (NPMO) is responding on behalf of Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Environment and Climate Change Canada (ECCC), Fisheries and Oceans Canada (DFO), Health Canada (HC), Natural Resources Canada (NRCan) and Transport Canada (TC).

The Government of Canada looks forward to continued participation in the Board's process. If you have any questions regarding this correspondence, please contact Kaitlyn Bakker, A/Senior Project Manager at [Kaitlyn.Bakker2@canor.gc.ca](mailto:Kaitlyn.Bakker2@canor.gc.ca) or 867-765-8057.

Sincerely,

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Alasdair Beattie, Team Leader, Aquatic Ecosystems, Central and Arctic region, Fisheries and Oceans Canada

David Kitchen, Regional Manager, Environmental Health Program, Health Canada

Rinaldo Jeanty, Associate Assistant Deputy Minister, Lands and Mineral Sector, Natural Resources Canada

Scott Kidd, Regional Environmental Supervisor, Programs, Transport Canada



# Government of Canada

## Draft Scope List and Draft Impact Statement Guidelines Comments

*For the Assessment of the “Chidliak Diamond Mine” Project  
Proposal*

Date: July 14, 2023



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## Executive Summary

### Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)

CIRNAC has a broad mandate for the co-management of land and water resources in Nunavut, as well as the management of Crown land under various acts and regulations.

As set out in the Nunavut Agreement and the *Nunavut Planning and Project Assessment Act*, the Minister of Northern Affairs, in concurrence with other responsible Ministers, can have a decision-making role for proposed projects undergoing assessment, based on the Nunavut Impact Review Board's (the Board) report and recommendations (and after ensuring the Crown's duty to consult has been discharged). If a proposed project is approved to proceed, CIRNAC is responsible for the enforcement of the terms and conditions of the Project Certificate, Crown land authorization, and water licenses issued for the project, as applicable.

As part of the Board's assessment process, CIRNAC acts as an intervenor, providing advice and expertise to the Board based on CIRNAC's regulatory mandate and decision-making role.

CIRNAC also administers the Northern Participant Funding Program, which supports meaningful participation of Inuit and other Indigenous peoples and Northerners in the assessment of major projects.

CIRNAC's review of the documents resulted in five comments for consideration by the Board and the Proponent. These comments, described in detail in this submission, are summarized below:

- The Draft Scope List does not seem to allow for potential increases in the quantities of fuel storage, water use and grey water generated, which might be required. As the Proponent outlines in their April 12, 2023 letter to the Board, these quantities have not yet been defined.
- It is unclear to CIRNAC how long, or where, hazardous materials would be stored before removal, or whether a land farm would be constructed for onsite remediation, and whether there would be any form of progressive reclamation as the mobile and modular accommodation facilities move from one location to another as kimberlite pipes are depleted.
- CIRNAC believes there is benefit to the inclusion of a discussion in the Impact Statement on how the Proponent intends to include evolving Inuit Qaujimagatuqangit and Indigenous Knowledge in any Project changes.
- Nuancing is required in the Draft Impact Statement Guidelines regarding transboundary impacts, including in relation to the identification of 'transboundary groups' versus Indigenous groups with asserted and established rights within Nunavut.
- Additional detail could be included for project components identified in the Draft Scope List, based on information provided in the project proposal.

### Environment and Climate Change Canada (ECCC)

The mandate of Environment and Climate Change Canada is determined by the statutes and regulations under the responsibility of the Minister of Environment and Climate Change. In delivering this mandate, Environment and Climate Change Canada is responsible for the



development and implementation of policies, guidelines, codes of practice, inter-jurisdictional and international agreements, and related programs. Environment and Climate Change Canada's specialist advice is provided in the context of the *Canadian Environmental Protection Act* including the *Disposal at Sea Regulations*, the pollution provisions of the *Fisheries Act* including the *Metal and Diamond Mining Effluent Regulations*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

ECCC is providing comments to clarify the Project location in relation to Iqaluit and details of the transmission line. ECCC is also providing comments on the Scope of the Assessment to include characterization of waste rock/borrow materials, groundwater quality and quantity, avian Species at Risk, and naturally occurring radioactive materials. ECCC would like to clarify the term "scientific sources" used within the draft scope document by replacing it with "Western scientific sources" to differentiate it from traditional and community knowledge. ECCC is providing comments on the draft Impact Statement Guidelines as well, to include specific requirements related to water quality/quantity and climate change.

### Fisheries and Oceans Canada (DFO)

Fisheries and Oceans Canada is a federal department responsible for safeguarding our waters and managing Canada's fisheries and oceans resources. Fisheries and Oceans Canada's Fish and Fish habitat Protection Program reviews development projects taking place in or near water to ensure compliance with the *Fisheries Act*.

The Fish and Fish Habitat Protection Program also serves as the lead and coordinates all of Fisheries and Oceans Canada's participation in environmental assessments conducted under the various enabling legislation throughout Canada, including the *Nunavut Planning and Project Assessment Act*.

Fisheries and Oceans Canada does not have any comments on the Draft Impact Statement Guidelines. No major concerns were identified during the review of the Draft Scope; however, requests for clarification and updated language are included.

### Health Canada (HC)

Health Canada is a federal department responsible for helping Canadians maintain and improve their health. One of the ways this is accomplished is through participation in the environmental impact review of major resource and infrastructure projects. Specifically, Health Canada provides its expertise, information, or knowledge on human health issues related to the potential environmental impacts of a proposed project. Note that Health Canada only provides recommendations to help prevent, reduce, and mitigate the potential effects of changes to the environment on the health of Indigenous peoples; the Department does not approve or issue licenses or permits to enforce its recommendations.

To support the assessment of impacts on human health and complete its technical review of the proposed Chidliak Diamond Mine Project, Health Canada recommends that information be provided on the following subject areas related to its mandate:

- Human Health Risk Assessments; and,
- Potential human health risks from Project-related impacts on:



- Air quality;
- Noise;
- Country foods (also known as traditional foods);
- Radiation; and,
- Drinking and recreational water quality.

Following review of the Draft Impact Statement Guidelines for the Project, Health Canada recommends that the Board consider adopting the following change:

Revise the draft guidelines to include use of Health Canada Guidance Documents for Evaluating Human Health Impacts in Environmental Assessment for the assessment of potential Project-related health impacts as part of the Impact Statement (or Impact Statement Addendum) submission.

### Natural Resources Canada (NRCan)

Natural Resources Canada works to improve the quality of life of Canadians by ensuring that our natural resources are developed sustainably, providing a source of jobs, prosperity, and opportunity, while preserving our environment and respecting our communities and Indigenous peoples. The Minister of Natural Resources is a responsible Minister under the *Nunavut Project Planning and Assessment Act* when issuing explosives licences under the *Explosives Act*.

Natural Resources Canada's review of the Draft Scope and IS Guidelines did not result in substantive comments; however, the information requirements for some areas of expertise are broader than they have been previously. Natural Resources Canada therefore submits some more specific information requirements in the areas of mine material characterization including geochemistry and mineralogy, mine material management, hydrogeology, geology geochemistry, permafrost, natural hazards e.g., seismicity and terrain stability for the Proponent's consideration and to help focus the assessment.

### Transport Canada (TC)

Transport Canada is responsible for the Government of Canada's transportation policies and programs. Transport Canada develops legislative and regulatory frameworks and conducts oversight through legislative, regulatory, surveillance and enforcement activities. While not directly responsible for all aspects or modes of transportation, Transport Canada plays a leadership role to ensure that all parts of the transportation system across Canada work together effectively.



## LIST OF ACRONYMS

CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada
CARs	Canadian Aviation Regulations
CEPA	<i>Canadian Environmental Protection Act</i>
CNWA	<i>Canadian Navigable Waters Act</i>
COSEWIC	Committee on the Status of Endangered Wildlife in Canada
DAS	Disposal at Sea
ECCC	Environment & Climate Change Canada
FA	<i>Fisheries Act</i>
DFO	Fisheries & Oceans Canada
GHG	Greenhouse Gas
GOC	Government of Canada
HC	Health Canada
HHRA	Human Health Risk Assessment
IR	Information Request
IS	Impact Statement
MBCA	<i>Migratory Birds Convention Act</i>
MDMER	Metal and Diamond Mining Effluent Regulations
NIRB	Nunavut Impact Review Board
NRCan	Natural Resources Canada
NWB	Nunavut Water Board
SARA	<i>Species at Risk Act</i>
TC	Transport Canada



## Introduction

### Mandate, Roles and Responsibilities

#### **Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)**

CIRNAC has a broad mandate for the co-management of land and water resources in Nunavut, as well as the management of Crown land under the following applicable acts and regulations:

- The *Department of Crown-Indigenous Relations and Northern Affairs Act*;
- The *Nunavut Land Claims Agreement Act* and the Nunavut Agreement;
- The *Nunavut Planning and Project Assessment Act*;
- The *Arctic Waters Pollution Prevention Act* and Regulations;
- The *Nunavut Waters and Nunavut Surface Rights Tribunal Act* and Regulations; and
- The *Territorial Lands Act* and Regulations.

As set out in the Nunavut Agreement and the *Nunavut Planning and Project Assessment Act*, the Minister of Northern Affairs, in concurrence with other responsible Ministers, can have a decision-making role for proposed projects undergoing assessment, based on the Nunavut Impact Review Board's (the Board) report and recommendations (and after ensuring the Crown's duty to consult has been discharged). If a proposed project is approved to proceed, CIRNAC is responsible for the enforcement of the terms and conditions of the Project Certificate, Crown land authorization, and water licenses issued for the project, as applicable.

As part of the Board's assessment process, CIRNAC, along with other parties, acts as an intervenor, providing advice and expertise to the Board. Based on CIRNAC's regulatory mandate and decision-making roles, CIRNAC participates in the assessment process by providing expertise on a variety of matters related to project works, activities, and associated management, mitigation and monitoring plans, such as:

- Environmental impact assessment methodology and best practices, including cumulative effects assessment;
- Surface water quality and quantity;
- Groundwater quality and quantity;
- Marine water quality as affected from land;
- Permafrost;
- Waste management;
- Vegetation;
- Crown land contamination/degradation (particularly closure and reclamation planning);
- Socio-economic impact assessment and monitoring; and
- Indigenous consultation and accommodation.

CIRNAC also administers the Northern Participant Funding Program, which supports meaningful participation of Inuit and other Indigenous peoples and Northerners in the assessment of major projects.

#### **Environment and Climate Change Canada (ECCC)**

ECCC carries out its legislated responsibility under Article 12 of the *Nunavut Agreement* and Section 197 of *NuPPAA* by providing recommendations, advice, and information within its



mandate to both the proponent and decision-makers. ECCC's advice may be used to develop potential conditions or measures that may accompany a final decision for the Project.

The mandate of ECCC is determined by the statutes and regulations under the responsibility of the Minister of Environment and Climate Change. In delivering this mandate, ECCC is responsible for the development and implementation of policies, guidelines, codes of practice, inter-jurisdictional and international agreements, and related programs. ECCC's specialist advice is provided in the context of the *Canadian Environmental Protection Act (CEPA)* including the Disposal at Sea (DAS) Regulations, the pollution provisions of the *Fisheries Act (FA)* including the *Metal and Diamond Mining Effluent Regulations (MDMER)*, the *Migratory Birds Convention Act (MBCA)*, and the *Species at Risk Act (SARA)*.

ECCC administers the pollution prevention provisions of the *FA*, which prohibits the deposit of a deleterious substance into water frequented by fish. The MDMER regulate the deposit of mine effluent and mine waste into water frequented by fish and places referred to in subsection 36(3) of the *FA*. Under MDMER, Environmental Effects Monitoring is a science-based performance measurement tool used to evaluate the adequacy of the effluent regulation in protecting fish, fish habitats and the usability of fisheries resources. ECCC also regulates DAS under *CEPA* with the objective of protecting the marine environment. Regulated aspects of DAS include the loading of material for disposal, the transport of that material to a disposal site and the disposal itself.

ECCC is responsible for protecting and conserving migratory bird populations and individuals under the *MBCA*. ECCC also administers *SARA* in cooperation with DFO and the Parks Canada Agency to prevent wildlife species from being extirpated or extinct; to provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity; and to manage species of special concern to prevent them from becoming threatened, endangered or extirpated.

## **Fisheries and Oceans Canada (DFO)**

Fisheries and Oceans Canada (DFO) is a federal department responsible for safeguarding our waters and managing Canada's fisheries and oceans resources, ensuring they remain healthy for future generations and providing economic opportunities to Canadians and coastal communities. DFO's Fish and Fish habitat Protection Program (FFHPP) administers and ensures compliance for development projects taking place in and around fish habitat under the fish and fish habitat protection provisions of the *Fisheries Act* and relevant provisions of the *Species at Risk Act (SARA)*.

The *Fisheries Act* and *SARA* provide a legal basis for conserving and protecting fish and fish habitat. The fish and fish habitat protection provisions of the *Fisheries Act* include: a prohibition against causing the death of fish, by means other than fishing (section 34.4); a prohibition against causing the harmful alteration, disruptions or destruction of fish habitat (section 35); a framework of considerations to guide the Minister's decision-making functions (section 34.1); and ministerial powers to ensure the free passage of fish or the protection of fish or fish habitat with respect to existing obstructions (section 34.3).

The fish and fish habitat protection provisions provide an approach to conserving and protecting fish and fish habitat, supported by policies and programs that provide for the long-term sustainability of freshwater and marine resources. The fish and fish habitat protection provisions



apply to all fish and fish habitat throughout Canada and are applied in conjunction with other application federal laws and regulations related to aquatic ecosystems, including the SARA, the *Oceans Act*, regulations respecting aquaculture, and the *Aquatic Invasive Species Regulations*.

Fish habitat is defined in subsection 2(1) of the *Fisheries Act* to include all waters frequented by fish and any other areas upon which fish depend directly or indirectly to carry out their life processes. The types of areas that can directly or indirectly support life processes include, but are not limited to: spawning grounds and nursery, rearing, food supply and migration areas.

## Health Canada (HC)

HC is the federal department responsible for helping Canadians maintain and improve their health. One of the ways this is accomplished is through participation in the environmental assessment of major resource and infrastructure projects. One of the key objectives of HC's environmental assessment program is to help prevent, reduce, and mitigate the potential effects of any change to the environment on the health of Indigenous peoples. At the request of a Responsible Authority, Review Panel, or other jurisdiction conducting an environmental assessment, HC makes available specialist or expert information or knowledge in its possession on human health issues related to the potential environmental impacts of a proposed project. These areas include contamination of country foods (also known as traditional foods), Human Health Risk Assessments (HHRA), and health effects related to air quality, noise, radiation, and drinking and recreational water quality. In this context, HC provides expert information at the request of the NIRB for the Project.

In its review, HC examines the assessment of health impacts of current and potential future environmental conditions resulting from the Project. The Department provides comments on potential risks to human health and assesses the results of any relevant modelling but does not validate the predicted future contaminant levels in the air, water, or country foods.

The Department considers the following aspects of environmental assessment reviews:

- The appropriateness of methodologies used;
- The predicted health risks and any comparisons to health-based guidelines and standards;
- The measures proposed to mitigate human health impacts;
- The conclusions made concerning human health effects, and the accompanying rationales and justifications; and,
- The evidence provided to justify the conclusions, and the scientific defensibility of the rationales for the conclusions regarding the potential effects on human health.

The Department's review and comments focus on the accuracy, scientific validity, and completeness of assessments concerning human health effects. HC does not issue any approvals or make any regulatory decisions concerning this Project.

Additional information on HC's mandate can be found at: <https://www.canada.ca/en/health-canada/corporate/publications/health-canada-participation-environmental-assessments.html>.



## Natural Resources Canada (NRCan)

Natural Resources Canada (NRCan) is committed to improving the quality of life of Canadians by ensuring the country's abundant natural resources are developed sustainably, competitively, and inclusively. NRCan develops policies and programs that seek to enhance the contribution of the natural resource sector to the economy, and conducts innovative science in facilities across Canada to generate ideas and transfer technologies. NRCan is an established leader in the fields of energy sources and distribution; forests and forestry; minerals and mining; earth science; energy efficiency; and, science and data. NRCan draws its expertise from the following areas within the department when providing its technical review: the Geological Survey of Canada (GSC), CanmetMINING and the Explosives Regulatory Division.

Since 1842, the GSC's Research Scientists have produced cutting-edge, authoritative geoscience to support mineral exploration, climate change research, marine and coastal resilience, and natural hazards mapping. The GSC provides expertise in hydrogeology, geology, natural hazards (seismic, stability aspects), and permafrost.

CanmetMINING is a world-class leader in research and development of mining innovation technologies related to extraction, processing and reducing impacts to the environment. Research scientists from CanmetMINING can support the review of areas of the Project related to mine waste management, acid rock drainage and metal leaching, and potential impacts to sediment and water quality.

The Explosives Regulatory Division administers the application of the *Explosives Act*, which is the role that makes NRCan a Regulatory Authority under the *Nunavut Project Planning and Assessment Act*. The Explosives Regulatory Division ensures that manufacturers, importers, exporters, and vendors of explosives, as well those who store explosives or sell restricted components, comply with Canada's *Explosives Act* and its regulations. Explosives licensing by NRCan is limited to licensing of storage or manufacture of explosives. NRCan does not monitor or authorize their use.

## Transport Canada (TC)

TC is responsible for developing and overseeing the GOC's transportation policies and programs so that Canadians can have access to a transportation system that is safe and secure, green and innovative, and efficient. While not directly responsible for all aspects or modes of transportation, TC plays a leadership role to ensure that all parts of the transportation system across Canada work together effectively. TC may be a Regulatory Authority under the *Nunavut Project Planning and Assessment Act* for the "Chidliak Diamond Mine" (NIRB File No. 22MN025). Transport Canada is taking part in the NIRB assessment to provide expert advice and to ensure the process captures any regulatory requirements under acts administered by TC. Activities of the present Project that are relevant to TC's mandate are works that may impact navigation (access road crossings, tailings ponds) and changes to aerodromes.

The Proponent has identified that an all-weather road may be built over the McKeand River. In addition, the project may create tailings deposits. The *Canadian Navigable Waters Act* (CNWA) is an Act of Parliament that authorizes and regulates interferences with the public right of navigation. A primary purpose of the CNWA is to regulate works and obstructions that risk



interfering with navigation in Canada’s navigable waters. As part of its participation in the environmental assessment of the Project by the Board, TC will assess the Project’s impacts, if any, to navigation.

The Proponent has identified that airships may be used for transporting goods. Canadian Aviation Regulation 307 (CAR 307) identifies the requirement to consult to include anyone seeking to undertake a prescribed aerodrome work at a certified or non-certified aerodrome, whether it is the creation of a new aerodrome or, at an existing aerodrome, lengthening an existing runway or making a new one. The Regulation also provides minimum expectations for how the consultation should be conducted, including timelines, who to notify and under what circumstances.

## Specific Comments

### Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)

Comment	CIRNAC-01
Subject/Topic	Quantity of Fuel Storage, Water Use and Grey Water Generated
References	Draft Scope List: Scope of the Project, Project Components
Summary	The Draft Scope List does not seem to allow for potential increase in the quantities of fuel storage, water use and grey water generated, which might be required. As the Proponent outlines in their April 12, 2023 letter to the Board, these quantities have not yet been defined.
Importance of Issue to Impact Assessment Process	The information will enable reviewers to determine the appropriate mitigative measures to apply in order to reduce environmental risks.
Detailed Comment	In the Draft Scope List, a limit was placed on the amount of fuel storage, water use and grey water generated on site. The Proponent stated in their April 12, 2023 letter to the Board that they have not yet determined the quantities for fuel storage, water use, and waste volumes as the Project is still in the early planning stage. The Draft Scope List does not seem to allow for potential increases in the quantities of fuel storage, water use and grey water generated, which might be required. It will be helpful to rephrase the wording in the Draft Scope List to reflect that these values could change.
Recommendation/Request	CIRNAC recommends that the Board rephrase the wording in the Draft Scope List to reflect that the quantities for fuel storage, water use and grey water generated could increase or decrease when the Proponent submits their Impact Statement.

Comment	CIRNAC-02
Subject/Topic	Hazardous Materials and Progressive Reclamation
References	Draft Scope List: Scope of the Project, Project Components



Summary	It is unclear to CIRNAC how long, or where, hazardous materials would be stored before removal, or whether a land farm would be constructed for onsite remediation, and whether there would be any form of progressive reclamation as the mobile and modular accommodation facilities move from one location to another as kimberlite pipes are depleted.
Importance of Issue to Impact Assessment Process	The information will enable reviewers to determine the appropriate mitigative measures to apply in order to reduce environmental risks.
Detailed Comment	<p>In the Draft Scope List, it is stated that hazardous materials will be removed from the site during decommissioning. It is unclear to CIRNAC how long these hazardous materials would be stored before removal from the site, where the material will be stored, or whether a land farm would be constructed for onsite remediation.</p> <p>Also, as noted in the Draft Scope List, the mobile and modular accommodation facilities will be relocated as kimberlites pipes are mined through open pit and underground mines. No information was provided as to whether there would be any form of progressive reclamation as the mobile and modular accommodation facilities are moved from one location to another as kimberlites pipes are depleted.</p>
Recommendation/Request	<p>CIRNAC recommends that the Proponent:</p> <ol style="list-style-type: none"> <li>a) Provide further information on how long and where hazardous material will be stored prior to removal from site or whether a land farm would be constructed for onsite remediation.</li> <li>b) Clarify if the site would be progressively reclaimed as kimberlites are mined and modular facilities move from one location to another.</li> </ol>

Comment	<a href="#">CIRNAC-03</a>
Subject/Topic	Inuit Qaujimagatuqangit and Indigenous Knowledge from Project Monitoring into Evolving Project
References	Draft Impact Statement Guidelines, Section 11.3 Monitoring and Mitigation Plans
Summary	CIRNAC believes there is benefit to the inclusion of a discussion in the Impact Statement on how the Proponent intends to include evolving Inuit Qaujimagatuqangit and Indigenous Knowledge in any Project changes.
Importance of Issue to Impact Assessment Process	The update will aid in informing the public on the process the Proponent will use to incorporate information as the Project progresses.



Detailed Comment	The Draft Impact Statement Guidelines currently direct the Proponent to expand on how the current monitoring and mitigation plans and proposed actions have been developed, with reference to how the provided Inuit Qaujimagatuqangit, Indigenous Knowledge, scientific research, and community and regulator feedback have influenced their creation, but do not direct that the Proponent discuss the way that this information will be incorporated into the evolving of these plans and the adaptive management plans.
Recommendation/Request	CIRNAC recommends that Section 11.3 of the Draft Impact Statement Guidelines also include a discussion on how future changes will be influenced by Inuit Qaujimagatuqangit and Indigenous Knowledge

Comment	<a href="#">CIRNAC-04</a>
Subject/Topic	Reference to Transboundary Groups
References	Draft Impact Statement Guidelines, Section 7.4.4 Transboundary Impacts
Summary	Nuancing is required in the Draft Impact Statement Guidelines regarding transboundary impacts, including in relation to the identification of 'transboundary groups' versus Indigenous groups with asserted and established rights within Nunavut.
Importance of Issue to Impact Assessment Process	Clarification of the current text supports respectful engagement and consultation with Indigenous groups, and appropriate placement of information in Impact Statements.
Detailed Comment	<p>Section 7.4.4 of the Draft Impact Statement Guidelines includes the following triggers for transboundary considerations in a Board assessment: proposed project components in an area in the designated area that other Indigenous groups also have rights; and, potential negative impacts to the rights of other Indigenous groups, including harvesting rights.</p> <p>Section 7.4.4 goes on to state that, "There are areas within and outside of the designated area that Indigenous groups from different jurisdictions have traditionally used and continue to use and have equal access and rights to. If components of a proposed project are located within these areas in the designated area, the NIRB is required to recognize the appropriate transboundary groups."</p> <p>In relation to both these Draft Impact Statement Guidelines and future Impact Statement Guidelines for other projects, CIRNAC notes that Canada recognizes the asserted and established Section 35 rights of certain Indigenous Groups within Nunavut. It would be inappropriate to refer to such groups as 'transboundary groups' for projects that can impact their rights within the designated area.</p>



Recommendation/Request	<p>CIRNAC recommends nuancing the phrasing used in Section 7.4.4 to indicate that Indigenous groups for whom Canada recognizes asserted and established Section 35 rights within the designated area should not be characterized as transboundary groups when impacts may occur to those rights, and such impacts should be addressed in the non-transboundary sections of the Impact Statement.</p> <p>In addition, the Board may wish to consider noting in this section that Canada is a party to the United Nations Economic Commission for Europe's Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention). Further, the Board may also wish to consider reviewing/elaborating on the definition of 'transboundary impacts' in the Definitions and Terms section. The use of the term 'Party' in the definition is potentially confusing in relation to the other provided definitions for 'Parties' and 'Public'.</p>
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Comment	<a href="#">CIRNAC-05</a>
Subject/Topic	Project Components
References	Draft Scope List
Summary	Additional detail could be included for project components identified in the Draft Scope List, based on information provided in the project proposal.
Importance of Issue to Impact Assessment Process	Clarification and communal understanding of relevant project components supports an effective and comprehensive review process.
Detailed Comment	<p>CIRNAC notes that identified project components in the Draft Scope List do not currently include: some potential sources of power for the project (e.g., wind, solar); potential energy storage; potential alternative fuels that may be stored; potential telecom infrastructure; and, potential infrastructure in Iqaluit.</p> <p>This detail was included in the project proposal and so, adding it to the Draft Scope List would not require the Board to consider whether it is sufficiently related to the project/to make a determination on whether an inclusion to scope of the project should be made.</p>
Recommendation/Request	CIRNAC recommends that additional detail regarding project components, as indicated in the project proposal, be added to the Draft Scope List.

### Environment and Climate Change Canada (ECCC)

Comment	<a href="#">ECCC-01</a>
Subject/Topic	Project Location



References	<ul style="list-style-type: none"> <li>- Appendix A: Draft Scope List for the Chidliak Diamond Mine Project Proposal – Scope of the Project; 1) Description of the project, the purpose of and the need for the project</li> <li>- Revised NIRB Application for Screening #125714</li> </ul>
Summary	Update the Project location to accurately reflect its location compared to Iqaluit.
Importance of Issue to Impact Assessment Process	It is important to provide the correct location in the scoping document to ensure common understanding of location and accurate assessment/review of impacts to the environment.
Detailed Comment	Currently the Project Proposal Summary states the Chidliak exploration site is located “on the Hall Peninsula of Baffin Island, Nunavut approximately 120 kilometers (km) northwest of Iqaluit and 200 km south of Pangnirtung.” ECCC notes this is incorrect, and the exploration site, as well as the proposed Project site is actually 120 km northeast of Iqaluit, as indicated in the revised Board Application for Screening.
Recommendation/Request	ECCC requests that the location of the proposed Project be updated to state “120 km <b>northeast</b> of Iqaluit”.

Comment	<a href="#">ECCC-02</a>
Subject/Topic	Project Components – Transmission Line
References	<ul style="list-style-type: none"> <li>- Appendix A: Draft Scope List for the Chidliak Diamond Mine Project Proposal – Scope of the Project; 2) Project Components</li> </ul>
Summary	Provide additional details of the transmission line to ensure accurate characterization of impacts from this activity.
Importance of Issue to Impact Assessment Process	Details, such as the location and type of energy used to generate the power for the Transmission Line are required to understand the impacts of this Project activity.
Detailed Comment	Section 2 of the Draft Scope lists Project components, including “Potential construction and use of a Transmission Line”. No details of the transmission line are included, including where the power will be coming from and where the transmission line will be connecting to (i.e., Iqaluit, dam). This information is required to understand the impacts of the proposed transmission line on the environment.
Recommendation/Request	ECCC recommends that the scope of the Project include details of the transmission line, including where the transmission line will be connecting to and where the power will be coming from.

Comment	<a href="#">ECCC-03</a>
Subject/Topic	Characterization of Waste Rock/Borrow Materials
References	<ul style="list-style-type: none"> <li>- Appendix A: Draft Scope List for the Chidliak Diamond Mine Project Proposal – Scope of the Assessment; 1)</li> </ul>



	Anticipated ecosystemic and socio-economic impacts of the Project
Summary	Part e related to geology and geochemistry should include characterization of waste rock and borrow materials.
Importance of Issue to Impact Assessment Process	To capture the impacts of activities under the Scope of the Project related to construction of a waste rock pile and construction of quarries and borrow pits, characterization of waste rock and borrow materials should be reflected in the Scope of the Assessment.
Detailed Comment	Part e. of Anticipated ecosystemic and socio-economic impacts of the Project states “Geological features including discussion of geology and geochemistry” but specifically mention characterization of waste rock and borrow materials, based on the scope of the Project. As Project Components includes construction of a waste rock pile and of quarries and borrow pits, characterization of this material should be completed to understand potential impacts of this exposed material on the environment.
Recommendation/Request	ECCC recommends Part e of Anticipated ecosystemic and socio-economic impacts of the Project be revised to “Geological features including discussion of geology, geochemistry and characterization of waste rock and borrow materials”.

Comment	<a href="#">ECCC-04</a>
Subject/Topic	Groundwater Quality and Quantity
References	- Appendix A: Draft Scope List for the Chidliak Diamond Mine Project Proposal – Scope of the Assessment; 1) Anticipated ecosystemic and socio-economic impacts of the Project
Summary	Clarify that the assessment on groundwater should include groundwater quantity and quality.
Importance of Issue to Impact Assessment Process	Groundwater quantity and quality can impact surface water quality.
Detailed Comment	ECCC notes that item (g) of Part 1 of Scope of the Assessment refers to hydrogeology and groundwater, however this should be expanded to include groundwater quantity and quality. Groundwater quantity and quality can impact surface water quality, and should therefore be included in the Project assessment.
Recommendation/Request	ECCC recommends item (g) of Part 1 of Scope of the Assessment be revised to include groundwater quantity and quality as follows: “g. Hydrogeology and groundwater, <b>including groundwater quantity and quality</b> ”.



Comment	ECCC-05
Subject/Topic	Species at Risk
References	- Appendix A: Draft Scope List for the Chidliak Diamond Mine Project Proposal – Scope of the Assessment; 1) Anticipated ecosystemic and socio-economic impacts of the Project
Summary	Clarify the types of Species at Risk to include terrestrial, marine and avian.
Importance of Issue to Impact Assessment Process	Updating item (o) of the Scope of Assessment to include avian Species at Risk will ensure consistency with items (k), (l) and (m), which separate out terrestrial wildlife, birds, and marine wildlife.
Detailed Comment	Part 1) Anticipated ecosystemic and socio-economic impacts of the Project separates items (k) terrestrial wildlife, (n) marine wildlife, and (l) birds. Item (o) states “Terrestrial and marine Species at risk, including...”. To be consistent with the previous sections, this item should state “Terrestrial, <b>avian</b> , and marine Species at Risk”.
Recommendation/Request	ECCC recommends item (o) of the Scope of the Assessment include avian Species at Risk.

Comment	ECCC-06
Subject/Topic	Naturally Occurring Radioactive Materials (NORMs)
References	- Appendix A: Draft Scope List for the Chidliak Diamond Mine Project Proposal – Scope of the Assessment; 1) Anticipated ecosystemic and socio-economic impacts of the Project
Summary	NORMs are usually associated with kimberlite formations and the Canadian Shield, and will therefore likely be generated by the Project. NORMs should be considered in the Scope of the Assessment to understand the potential effects of these materials on the environment.
Importance of Issue to Impact Assessment Process	To ensure the impacts of NORMs on the environment are assessed.
Detailed Comment	ECCC notes that NORMs are not included in the Scope of the Assessment. NORMs are decay products of naturally occurring isotopes of uranium, and are often associated with kimberlite formations. Since the Chidliak deposit is also located in the Canadian Shield, which is known for uranium deposits, the proposed mine is likely to generate NORMs. The scope of the assessment should include the potential effects of NORMs generated/released by the Project on freshwater-surface water, sediment quality, terrestrial environment and the marine environment.
Recommendation/Request	ECCC recommends the effects of NORMs generated/released by the Project on the environment be included in the Scope of Assessment.



Comment	ECCC-07
Subject/Topic	Western scientific sources
References	- Appendix A: Draft Scope List for the Chidliak Diamond Mine Project Proposal – Scope of the Assessment
Summary	Clarify and differentiate the term “scientific sources” from traditional and community knowledge by using the term “Western scientific sources” instead.
Importance of Issue to Impact Assessment Process	Clarifying what is meant by “scientific sources” is important to ensure that traditional and community knowledge is not misunderstood as being non-scientific sources.
Detailed Comment	In multiple sections of the Scope of the Assessment, the statement “scientific sources” is used, followed by traditional and community knowledge. In these contexts, the current wording implies traditional and community knowledge is not scientific. To clarify, the statement “Western scientific sources” should be used instead.
Recommendation/Request	ECCC recommends the term “scientific sources” in the Scope of the Assessment be updated to “Western scientific sources”.

Comment	ECCC-08
Subject/Topic	Water Quality and Quantity
References	- Draft Impact Statement Guidelines for the DeBeers Canada Inc. Chidliak Diamond Mine Project Proposal (NIRB, May 2023) - Appendix A: Draft Scope List for the Chidliak Diamond Mine Project Proposal – Scope of the Assessment
Summary	Specific requirements related to water quality and quantity, such as water and waste management, and groundwater-surface water interactions, should be included in the Impact Statement Guidelines.
Importance of Issue to Impact Assessment Process	Specific requirements related to water quality and quantity should be included in the Impact Statement Guidelines to ensure all Project effects on water quality and quantity and any proposed mitigation measures associated are included in the assessment.
Detailed Comment	The draft scope includes surface water quality in the scope of the assessment. However, the draft Impact Statement Guidelines do not explicitly refer to water quality, except once in relation to closure and post-closure monitoring. Similarly, water quantity is referenced only once in the guidelines, in relation to climate change. Ideally, water quality and quantity would be explicitly included in the guidelines.
Recommendation/Request	ECCC recommends that the Impact Statement Guidelines incorporate specific requirements in relation to water quality



	<p>and quantity for the following topics and any other relevant topics:</p> <ul style="list-style-type: none"> <li>• effects on surface and groundwater quality and quantity</li> <li>• groundwater-surface water interactions and effects</li> <li>• contaminant sources and pathways</li> <li>• acid rock drainage and metal leaching</li> <li>• water quality and quantity modeling and estimates (water and mass balances)</li> <li>• water and waste management and treatment</li> <li>• project discharges (including seepage, overflow and runoff)</li> <li>• mitigation measures</li> <li>• monitoring programs</li> <li>• contingency plans</li> </ul>
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Comment	<a href="#">ECCC-09</a>
Subject/Topic	Climate Change and Water Quality
References	- Draft Impact Statement Guidelines for the DeBeers Canada Inc. Chidliak Diamond Mine Project Proposal (NIRB, May 2023)
Summary	Include impacts from climate change on freshwater, and uncertainties related to climate change and the related effect on water quality in the Impact Statement Guidelines.
Importance of Issue to Impact Assessment Process	To obtain an accurate assessment of potential effects climate change and the Project will have on water quality.
Detailed Comment	Part II (The Impact Statement), Section 7.4.2.1 (Climate Change) of the Draft Impact Statement Guidelines sets out requirements regarding climate change. ECCC notes impacts on climate change on freshwater are not included. ECCC also notes that uncertainties related to climate change predictions and the related effects to water quality are missing as well. Impacts of climate change and their related Project effects on water quality need to be considered in the Project assessment.
Recommendation/Request	ECCC recommends that the following be added to Section 7.4.2.1 (Climate Change) of the Draft Impact Statement Guidelines: <ul style="list-style-type: none"> <li>- Impacts from climate change on sensitive ecosystem features within the terrestrial, <b>freshwater</b>, and marine ecosystems;</li> <li>- Uncertainties related to climate change predictions, and the related effect on other predictions in the Impact Statement, including water quantity <b>and quality</b> and permafrost thawing.</li> </ul>



Comment	ECCC-10
Subject/Topic	Strategic Assessment of Climate Change (SACC)
References	- Draft Impact Statement Guidelines for the DeBeers Canada Inc. Chidliak Diamond Mine Project Proposal (NIRB, May 2023)
Summary	The SACC provides technical guidance for the Proponent on assessing climate change resilience and on quantifying greenhouse gas (GHG) emissions and on related mitigation measures. ECCC is recommending the Proponent consider this technical guidance in its assessment and that GHG emissions are included in the Impact Statement Guidelines.
Importance of Issue to Impact Assessment Process	To ensure the impacts of climate change in the Project assessment are considered in a consistent, predictable, efficient and transparent manner.
Detailed Comment	The <a href="#">Strategic Assessment of Climate Change (SACC)</a> was published in 2020 and works in conjunction with the new <i>Impact Assessment Act</i> to provide guidance on how to consider climate change throughout federal impact assessments. While the SACC does not apply directly to projects under NIRB, such as the Chidliak Project, NIRB and the Proponent may find the technical guidance of the SACC helpful in assessing the impacts to climate change and in ensuring consistent, predictable, efficient and transparent consideration of impacts to climate change.
Recommendation/Request	<p>ECCC recommends the <a href="#">Draft Technical Guide Related to the Strategic Assessment of Climate Change: Assessing Climate Change Resilience</a> be considered when assessing impacts of the Project.</p> <p>ECCC recommends the following information be requested as part of the Impact Statement, in consultation with the <a href="#">Draft Technical Guide Related to the Strategic Assessment of Climate Change: Guidance on quantification of net GHG emissions, impact on carbon sinks, mitigation measures, net-zero plan and upstream GHG assessment</a> (“the draft Technical Guide”):</p> <p><b>GHG emission estimate:</b></p> <ul style="list-style-type: none"> <li>• ECCC suggests that the proponent should provide the GHG information outlined in Section 5.1.1 of the SACC, including: <ul style="list-style-type: none"> <li>○ a description of each of the project’s main sources of GHG emission and their estimated annual GHG emissions over the lifetime of the project;</li> <li>○ net GHG emissions by year for each phase of the project based on the project’s maximum capacity</li> </ul> </li> </ul>



	<p>(additional guidance at Section 2.1 of the Technical Guide);</p> <ul style="list-style-type: none"><li>○ each term of Equation 1 (Net GHG emissions = Direct GHG emissions + Acquired energy GHG emissions - Avoided domestic GHG emissions - Offset measures), per year for each phase of the project (additional guidance at Section 2.1 of the Technical Guide);</li><li>○ emissions intensity (Equation 4 of the Technical Guide) for each year of the operation phase of the project (additional guidance at Section 2.1.5 of the Technical Guide);</li><li>○ the quantity and a description of the “units produced” (tonnes of ore or other as appropriate) used in Equation 4 of the Technical Guide for each year of the operation phase of the project (additional guidance at Section 2.1.5 of the Technical Guide);</li><li>○ methodology, data, emission factors and assumptions used to quantify each element of the net GHG emissions (refer to Section 3.1.1 of the SACC and Section 2 of the Technical Guide);</li><li>○ a discussion on the development of emissions estimates and uncertainty assessment (refer to Section 3.3 of the SACC); and</li><li>○ when applicable, a description of large sources of GHG emissions that may be the consequence of accidents or malfunctions.</li></ul> <p><b>Mitigation measures:</b></p> <ul style="list-style-type: none"><li>● ECCC suggests that a Best Available Technologies / Best Environmental Practices (BAT/BEP) Determination, as described in Section 3.2 of the Technical Guide. This BAT/BEP Determination process will assess potential mitigation measures throughout all phases of the project and put the emphasis on minimizing net GHG emissions as early as possible and throughout the project lifetime, as described in Section 5.1.4 of the SACC. Additional guidance is provided in Sections 3.4.1 and 3.4.2 of the Technical Guide.</li><li>● If it is anticipated that the project will produce GHG emissions in 2050 and beyond (including from post-closure monitoring and activities), ECCC suggested that the proponent also provide a credible net-zero plan that would use and build off the BAT/BEP Determination to describe the mitigation measures that will be taken to minimize GHG emissions throughout all phases of the project and achieve net-zero emission by 2050, as described in Section 5.3 of the SACC. The net-zero plan must follow the principles and include the information</li></ul>
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	<p>outlined in Sections 3.5.1 and 3.5.2 of the Technical Guide, respectively.</p> <p><b>Carbon sinks:</b></p> <ul style="list-style-type: none"> <li>If the proposed project is anticipated to impact carbon sinks, ECCC suggests the proponent provide a quantitative and qualitative description of the project's positive or negative impact on carbon sinks, as indicated in Section 5.1.2 of the SACC. Additional guidance on the methodology to estimate losses or gains to carbon sinks is provided in Section 4 of the Technical Guide. The Impact Statement must also provide any mitigation measures planned to restore disturbed carbon sinks as described under Section 3.4.3 of the Technical Guide.</li> </ul> <p><b>Impact of the Project on federal emissions reduction efforts and on global GHG emissions:</b></p> <ul style="list-style-type: none"> <li>ECCC suggests that the Impact Statement should provide an explanation of how the project may impact Canada's efforts to reduce GHG emissions but also a discussion on how a project could impact global GHG emissions, if applicable. Additional guidance is provided in Section 5.1.3 of the SACC.</li> </ul>
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### Fisheries and Oceans Canada (DFO)

Comment	DFO-01
Subject/Topic	Draft Scope – General Comment
References	Draft Scope
Summary	Proponent should follow DFO's protective measures and codes of practice and submit requests for specific review, if necessary.
Importance of Issue to Impact Assessment Process	Impacts to fish and fish habitat can occur during remediation activities through loss of riparian habitat during site clearing, erosion and sedimentation, release of drilling fluids and cuttings into aquatic environments, disturbance to fish and fish habitat during sensitive life stages, and water withdrawals, particularly during low water periods, associated with drilling, surface stripping and camp operations. Direct fish mortality can occur as a result of the use of explosives in or near water and during pumping activities either through dewatering or entrainment/impingement.
Detailed Comment	In order to comply with the <i>Fisheries Act</i> , it is recommended that the Proponent follow DFO's protective measures for fish and fish habitat and standard codes of practice which can be found on DFO's website ( <a href="https://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures-eng.html">https://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures-eng.html</a> ) and <a 445="" 550="" 886="" 902"="" data-label="Page-Footer" href="https://www.dfo-mpo.gc.ca/pnw-&lt;/a&gt;&lt;/td&gt; &lt;/tr&gt; &lt;/table&gt; &lt;/div&gt; &lt;div data-bbox="> <p>Page 24 of 38</p> </a>



	<p><a href="#">ppe/practice-pratique-eng.html</a>). In addition, the Proponent should follow the DFO Protocol for Winter Water Withdrawal in the NWT and respect the NWT in-water works restricted activity timing windows (<a href="https://www.dfo-mpo.gc.ca/pnw-ppe/timing-periodes/nwt-eng.html">https://www.dfo-mpo.gc.ca/pnw-ppe/timing-periodes/nwt-eng.html</a>). It remains the proponent's responsibility to meet the other requirements of federal, territorial and municipal agencies. Should the plans change or if the Proponent omitted some information in the proposal such that the proposal meets the criteria for a site specific review, as described on DFO's website (<a href="https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-003-eng.html">https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-003-eng.html</a>), they should complete and submit the request for review form available on the website (<a href="https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-004-eng.html">https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-004-eng.html</a>)</p>
Recommendation/Request	This comment is intended as guidance for the proponent and not as a direct comment on the Draft Scope.

Comment	DFO-02
Subject/Topic	Draft Scope – Decommissioning of winter and all-season roads
References	Draft Scope – Project Components (bullet 9)
Summary	DFO recommends wording be included on the construction, maintenance and decommissioning of bridges and culverts, as well as on the rehabilitation of impacted streams.
Importance of Issue to Impact Assessment Process	The construction and decommissioning of water crossings may impact fish and fish habitat by disturbing the beds and banks, releasing sediments or other deleterious substances, damaging riparian vegetation, and impeding fish passage.
Detailed Comment	The Project may include the construction of winter and all-season roads, which would likely require the installation of stream crossing structures such as bridges and culverts. DFO recommends wording be included in the Draft Scope relating to the construction, maintenance and decommissioning of bridges and culverts, as well as the rehabilitation of impacted streams.
Recommendation/Request	DFO recommends bullet point be modified as follows: "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, including the construction, maintenance and decommissioning of bridges and culverts, as well as the rehabilitation of streams".

Comment	DFO-03
Subject/Topic	Draft Scope List – Water Use and withdrawal
References	Draft Scope List – Project Components (bullet 11)
Summary	Summarize your department's technical review comment.



Importance of Issue to Impact Assessment Process	Excessive amounts of water withdrawn from ice-covered waterbodies can impact fish through oxygen depletion, loss of over-wintering habitat and/or reductions in littoral habitat. In addition, water extraction and flow alteration can impact physical attributes of rivers and cause ecological changes which can impact Canadian fisheries resources.
Detailed Comment	<p>The Draft Scope states that “ water use and withdrawal for drinking in the accommodations”. It is unclear if this wording includes use for operational purposes (e.g., mining, drilling, dust suppression).</p> <p>In addition, the Draft Scope includes withdrawal rates of up to 10,000 m<sup>3</sup>/day from various waterbodies. It is unclear if the limit refers to each waterbody, or combined.</p> <p>Finally, DFO is of the view that additional information should be added to specify water withdrawal limits as required under DFO’s lake winter withdrawal protocol and the Framework for Assessing the Ecological Flow Requirements to Support Fisheries In Canada.</p>
Recommendation/Request	<p>DFO recommends clarity be provided in the Draft Scope regarding water use (i.e., if water use is proposed only for drinking in the accommodations or also for operational needs) and water withdrawal rates (i.e., if it is 10,000 m<sup>3</sup>/day for each waterbody or combined).</p> <p>DFO recommends bullet point be modified as follows “ Up to 10,000 m<sup>3</sup>/day withdrawn <b>each/combined</b> from Qamaniruluk Y Lake, Qamanialuk Lake, Sunrise Lake, Glacier Lake, McKeand River and other waterbodies, <b>not exceeding 10% of the available water volume, or 10% of the watercourse instantaneous flow</b>”.</p>

Comment	DFO-04
Subject/Topic	Draft Scope – Sea Lift
References	Draft Scope - Project Components
Summary	Project proposal includes the potential for construction of a staging area and use of a sea lift (for material transport), which was not included in Draft Scope.
Importance of Issue to Impact Assessment Process	Construction of a staging area may impact fish and fish habitat through loss of aquatic environment, disturbance during sensitive life stages, and direct mortality as a result of blasting. In addition, underwater noise from shipping vessels can have a



	negative impact on marine mammals by reducing their ability to travel, communicate, and find food.
Detailed Comment	The proposal includes the potential for construction of a staging area and the use of a sea lift (for material transport), which were not included in Draft Scope.
Recommendation/Request	DFO recommends the construction of a staging area and the use of a sea lift for material transport be included in the Draft Scope.

Comment	DFO-05
Subject/Topic	Draft Scope – Wording under <i>Fisheries Act</i>
References	Draft Scope – Scope of the Assessment – Items 1) i-iv and m-v
Summary	The Draft Scope wording regarding “commercial, recreational, and Aboriginal fisheries” should be updated to include all fisheries.
Importance of Issue to Impact Assessment Process	The modernized (2019) <i>Fisheries Act</i> provides full protection for all fish and fish habitat, not only fisheries with commercial, recreational or aboriginal value.
Detailed Comment	<p>Before 2012, the <i>Fisheries Act</i> provided broad protection for fish and fish habitat throughout Canada. In 2012, changes were made so that only fish and habitat related to a commercial, recreational or Aboriginal fishery were protected. The modernized (2019) <i>Fisheries Act</i> sees lost protections restored, resulting in full protection for all fish and fish habitat.</p> <p>The Draft Scope refers to “commercial, recreational, and Aboriginal fisheries”; this wording has been updated in 2019 in the <i>Fisheries Act</i>. The updated definition of fishery, in respect to any fish, is:</p> <ul style="list-style-type: none"> <li>• (a) any of its species, populations, assemblages and stocks, whether the fish is fished or not,</li> <li>• (b) any place where fishing may be carried on,</li> <li>• (c) any period during which fishing may be carried on,</li> <li>• (d) any method of fishing used, and</li> <li>• (e) any type of fishing gear or equipment or fishing vessel used</li> </ul>
Recommendation/Request	DFO recommends Items 1) i-iv and m-v be updated to “All fisheries as defined in the <i>Fisheries Act</i> ”.

Comment	DFO-06
Subject/Topic	Draft Scope – representative fish



References	Draft Scope – Scope of the assessment –Item 1) i-ii
Summary	Assessment of impacts should account for all fish; the word “representative” should be removed from the sentence.
Importance of Issue to Impact Assessment Process	An assessment of impacts should account for all fish as defined in the <i>Fisheries Act</i> .
Detailed Comment	<p>The Draft Scope states that the assessment of impacts should be inclusive of freshwater aquatic environments, including “aquatic biota including <b>representative</b> fish as defined in the <i>Fisheries Act</i>, [...]”. It is unclear what the word “representative” stands for. DFO is of the view that the assessment of impacts should account for all fish as defined in the <i>Fisheries Act</i> and that the word “representative” should be removed.</p> <p>Fish are defined in the <i>Fisheries Act</i> as:</p> <ul style="list-style-type: none"> <li>• <b>(a)</b> parts of fish,</li> <li>• <b>(b)</b> shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals, and</li> <li>• <b>(c)</b> the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals.</li> </ul>
Recommendation/Request	DFO recommends item 1) i-ii be updated to “Aquatic biota including fish as defined by the <i>Fisheries Act</i> , [...]”

Comment	<a href="#">DFO-07</a>
Subject/Topic	Draft Scope – Mitigation Measures
References	Draft Scope – Scope of the assessment – Subsection 3)
Summary	DFO recommends item h. be removed to limit redundancy.
Importance of Issue to Impact Assessment Process	n/a
Detailed Comment	Mitigation measures are stated in items 3) a. and repeated in 3) h.
Recommendation/Request	DFO recommends item h. be removed.

Comment	<a href="#">DFO-08</a>
Subject/Topic	Draft Scope – <i>Fisheries Act</i> Authorization Requirements
References	Draft Scope – Scope of the Assessment – Section 8) Table
Summary	Project may require an authorization pursuant to paragraphs 34.4(2)(b) and 35(2)(b) of the <i>Fisheries Act</i> in order to proceed.



Importance of Issue to Impact Assessment Process	Impact Assessment Process should include considerations for relevant provisions of the updated <i>Fisheries Act</i> and <i>Species at Risk Act</i> .
Detailed Comment	<p>Section 8) Table states project may require a “Section 35 authorization under the <i>Fisheries Act</i>”. Wording should be updated to “Authorization pursuant to paragraphs 34.4(2)(b) and 35(2)(b) of the <i>Fisheries Act</i>”</p> <p>If Species at Risk may be present, then the following should be added:</p> <p>“Permit pursuant to sections 32, 33 and subsection 58(1) of the <i>Species at Risk Act</i>”.</p>
Recommendation/Request	<p>DFO recommends wording in the table be updated to “Authorization pursuant to paragraphs 34.4(2)(b) and 35(2)(b) of the <i>Fisheries Act</i>”</p> <p>If Species at Risk may be present, then the following should be added:</p> <p>“Permit pursuant to sections 32, 33 and subsection 58(1) of the <i>Species at Risk Act</i>”.</p>

### Health Canada (HC)

Comment	HC-01
Subject/Topic	Assessment of potential impacts to human health
References	Draft Impact Statement (IS) Guidelines
Summary	HC’s guidance documents can be used to guide the assessment of potential risks to human health from major resource and infrastructure projects in Canada. Providing clear guidance within the Impact Statement Guidelines for assessment of Project-related health impacts will facilitate the technical review of the Project.
Importance of Issue to Impact Assessment Process	Insufficiencies in the assessment of potential Project-related impacts to human health and in the provision of accompanying documentation could result in underestimating human health risks and/or introducing additional uncertainty into the technical review of the Project.
Detailed Comment	<p><b><i>To complete its technical review of the Project, HC recommends an assessment of potential human health risks associated with air quality, noise, drinking and recreational water quality, country foods, and radiation.</i></b></p> <p>The proposed Project may pose potential risks to human health over the lifespan of the project (i.e., pre-construction, construction,</p>



operation, decommissioning/closure, and/or post-closure) via adverse changes in:

- air quality (e.g., increased exhaust emissions from machinery, fugitive dust, and fuel combustion by-products);
- noise (e.g., increased noise levels due to machinery use, during road construction and clearing and drainage activities, as well as increased traffic during the construction and operation phases;
- surface and groundwater quality (e.g., increased levels of specific chemical contaminants in waters due to run-off or effluent discharge);
- country foods quality (e.g., emissions of contaminants to the environment may lead to increased concentrations of these contaminants in country foods that are then harvested and consumed); and,
- radiation levels (e.g., nuclear reactor release of radionuclides into the atmosphere, water, or other environmental media).

One of the key tools that HC promotes for evaluating the potential health impacts of Project-related exposure to contaminants is a Human Health Risk Assessment (HHRA). Within an environmental assessment, an HHRA is defined as the process used to estimate the probability of adverse health effects for people who may be exposed to contaminants through different routes/pathways (ingestion, inhalation and/or dermal contact) in specific environmental media (air, foods, soil, water and/or sediment). Assumptions, receptor information, and other details underpinning the assessment needs to be documented and provided for review in a complete HHRA. In particular, information about historical and current traditional activities (e.g., hunting, trapping, fishing, gathering of foods and medicines) carried out by Indigenous Peoples needs to be considered and clearly described in the HHRA. The potential use of the Project site and the surrounding lands by Indigenous Peoples may result in increased exposure to contaminants that may adversely impact human health.

***HC recommends an assessment of potential health impacts as per the department's guidance documents for Evaluating Human Health Impacts in Environmental Assessment. HC suggests that the IS Guidelines refer to these guidance documents for the assessment of potential Project-related health impacts.***

HC has published a series of guidance documents that provide general guidance on assessing risks to human health from major



	<p>resource and infrastructure projects in Canada. These documents present the principles, current practices, and specific information HC looks for when it reviews the environmental impact statement or other reports submitted by proponents. This series (including specific checklists within the appendices of each document) was prepared to support an efficient and transparent project review process. References to these guidance documents can be included in the Draft and Final ISs.</p>
Recommendation/Request	<p>HC recommends that the NIRB consider adopting the following change to the Draft IS guidelines:</p> <p>Revise the draft guidelines to include use of HC Guidance Documents for Evaluating Human Health Impacts in Environmental Assessment for the assessment of potential Project-related health impacts as part of the IS (or IS Addendum) submission.</p> <p><i>Guidance for Evaluating Human Health Impacts in Environmental Assessment: Air Quality</i> <a href="https://www.publications.gc.ca/site/eng/9.802343/publication.html">https://www.publications.gc.ca/site/eng/9.802343/publication.html</a></p> <p><i>Guidance for Evaluating Human Health Impacts in Environmental Assessments: Country Foods</i> <a href="https://www.publications.gc.ca/site/eng/9.855584/publication.html">https://www.publications.gc.ca/site/eng/9.855584/publication.html</a></p> <p><i>Guidance for Evaluating Human Health Impacts in Environmental Assessment: Drinking and Recreational Water Quality</i> <a href="https://www.publications.gc.ca/site/eng/9.832511/publication.html">https://www.publications.gc.ca/site/eng/9.832511/publication.html</a></p> <p><i>Guidance for Evaluating Human Health Impacts in Environmental Assessment: Human Health Risk Assessment</i> <a href="https://www.publications.gc.ca/site/eng/9.870475/publication.html">https://www.publications.gc.ca/site/eng/9.870475/publication.html</a></p> <p><i>Guidance for Evaluating Human Health Impacts in Environmental Assessment: Noise</i> <a href="https://www.publications.gc.ca/site/eng/9.832514/publication.html">https://www.publications.gc.ca/site/eng/9.832514/publication.html</a></p> <p><i>Guidance for Evaluating Human Health Impacts in Environmental Assessment: Radiological Impacts</i> <a href="https://www.publications.gc.ca/site/eng/9.803614/publication.html">https://www.publications.gc.ca/site/eng/9.803614/publication.html</a></p> <p><i>Guidance for the Environmental Public Health Management of Crude Oil Incidents</i> <a href="https://publications.gc.ca/collections/collection_2018/sc-hc/H129-82-2018-eng.pdf">https://publications.gc.ca/collections/collection_2018/sc-hc/H129-82-2018-eng.pdf</a></p>



## Natural Resources Canada (NRCan)

Comment	NRCan-01
Subject/Topic	Hydrogeology
References	7.4.1 Impact Prediction
Summary	Information on hydrogeology, including a hydrogeological model, is important for the prediction of effects to water bodies and potential impacts on the project. Proposed guidance for the provision of this information is proposed.
Importance of Issue to Impact Assessment Process	Groundwater can have effects on the project through project activities. Groundwater can also be a medium for contaminant transport and interact with surface water, also groundwater interactions with surface waters.
Detailed Comment	The Impact Statement guidelines do not provide specific information requirements for hydrogeological information. While NRCan recognizes that the broader scope of the guidelines makes specific information requests more challenging; in order to ensure a smooth assessment, some additional guidance could prevent unnecessary information requests further on in the process. NRCan suggests that previous guidelines with more specific requirements be provided as examples to suggest the scope of information required for a technical review in hydrogeology.
Recommendation/Request	NRCan recommends that information on hydrogeology, including a hydrogeological model, be presented in a comparable fashion to previous assessments. Examples of previous guidelines that could be presented as well delineating hydrogeological information requirements include the 2012 guidelines for Agnico-Eagle Mines Ltd.'s Meliadine Project (NIRB File 11MN034) and the 2013 guidelines for Sabina Gold & Silver Corp.'s Back River Project (NIRB File No. 12MN036).

Comment	NRCan-02
Subject/Topic	Geology
References	7.4.1 Impact Prediction
Summary	Information on site geology, surficial and bedrock, is important for the prediction of effects to other valued components, such as ground and surface water and potential impacts on the project. Proposed guidance for the provision of this information is proposed.
Importance of Issue to Impact Assessment Process	Understanding the underlying geology of the project site is important for several other effects predictions.



Detailed Comment	The Impact Statement guidelines do not provide specific information requirements for geological information. While NRCan recognizes that the broader scope of the guidelines makes specific information requests more challenging; in order to ensure a smooth assessment, some additional guidance could prevent unnecessary information requests further on in the process. NRCan suggests that previous guidelines with more specific requirements could be provided as examples to suggest the scope of information required for a technical review in hydrogeology.
Recommendation/Request	NRCan recommends that information on geology be presented in a comparable fashion to previous assessments. Examples of previous guidelines that could be presented as well delineating geological information requirements include the 2012 guidelines for Agnico-Eagle Mines Ltd.'s Meliadine Project (NIRB File 11MN034) and the 2013 guidelines for Sabina Gold & Silver Corp.'s Back River Project (NIRB File No. 12MN036).

Comment	<a href="#">NRCan-03</a>
Subject/Topic	Acid Rock Drainage and Metal Leaching/Geochemistry
References	7.4.1 Impact Prediction
Summary	Understanding the geochemistry, mineralogy, and reactivity of all disturbed geologic material (i.e., waste rock, overburden, tailings and exposed pit walls), as well as having appropriate management and remediation plans are essential to preventing contamination of the environment via acid rock drainage and metal leaching. Guidance for the provision of this information is proposed.
Importance of Issue to Impact Assessment Process	Excavation and processing of geological materials can generate acid rock drainage and metal leaching (ARD/ML) leading to potential adverse impacts. Robust and representative characterization of the geochemistry, mineralogy, and reactivity of all disturbed and processed geological materials allows the prediction of ARD/ML, which is essential for informed project decision making, including the effective management of ARD/ML and associated environmental risk.
Detailed Comment	The Impact Statement guidelines do not provide specific information requirements for the representative characterization of disturbed and processed geological materials, including representative sampling, analytical methods and testing. While NRCan recognizes that the broader scope of the guidelines makes specific information requests more challenging; to ensure a smooth assessment, some additional guidance could prevent unnecessary information



	requests later on in the review process. NRCan suggests that reference to the Mine Environment Neutral Drainage (MEND) report 1.20.1 is used as guidance to support study design. In addition, previous guidelines with more specific requirements could be provided as examples to suggest the scope of information required for a technical review of the risk of acid rock drainage and metal leaching, mine waste management, and remediation.
Recommendation/Request	NRCan recommends that information on the characterization of excavated and processed mine materials and their ARD/ML potential follow the guidelines presented in the Mine Environment Neutral Drainage (MEND) report 1.20.1, and that it be presented in a comparable fashion to previous assessments for consistency. Previous tailored impact statement guidelines (TISG) that could be presented as example recommendations for site characterization, mineralogy and geochemistry testing, including recommendations for the presentation of analytical methods and results include the <a href="#">Terms of Reference for the Environmental Assessment of Snap Lake Diamond Project</a> and the <a href="#">Tailored Impact Statement Guidelines for the Wasamac Gold Mine Project</a> .

Comment	NRCan-04
Subject/Topic	Permafrost, Terrain Stability, Hazards
References	7.4.2 Impacts of the Environment on the Project
Summary	Some project components are likely to be constructed on continuous or discontinuous permafrost, thus impacting the permafrost. An assessment of permafrost conditions is recommended to prevent impacts on the project.
Importance of Issue to Impact Assessment Process	Understanding permafrost conditions is important to ensure the long-term stability of project components. The risk of seismic hazards is also uncertain and further information is important to manage this risk.
Detailed Comment	The Impact Statement guidelines do not provide specific information requirements for permafrost, and other potential impacts to the project, such as terrain stability and seismic hazards. While NRCan recognizes that the broader scope of the guidelines makes specific information requests more challenging; in order to ensure a smooth assessment, some additional guidance could prevent unnecessary information requests further on in the process. NRCan suggests that previous guidelines with more specific requirements be provided as examples to suggest the scope of information required for a technical review of permafrost conditions. Natural



	hazards are listed in the current guidelines, but NRCan will also be looking for this information for our review.
Recommendation/Request	NRCan recommends that information on permafrost, terrain stability and seismic hazards be presented in a comparable fashion to previous assessments. Examples of previous guidelines that could be presented as well delineating permafrost information requirements include the 2012 guidelines for Agnico-Eagle Mines Ltd.'s Meliadine Project (NIRB File 11MN034) and the 2013 guidelines for Sabina Gold & Silver Corp.'s Back River Project (NIRB File No. 12MN036).

### Transport Canada (TC)

Comment	TC-01
Subject/Topic	Legislation
References	Draft Scope List
Summary	Legislation reference update
Importance of Issue to Impact Assessment Process	Clarity in Environmental Impact Statement.
Detailed Comment	<p>The <i>Navigation Protection Act</i> no longer exists and was replaced by the <i>Canadian Navigable Waters Act</i>.</p> <p>The proponent does not intend to use marine shipping per the project description. It may use airships.</p>
Recommendation/Request	<p>Current text:</p> <p>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></p> <p>Replace with:</p> <p>Approval under the <i>Canadian Navigable Waters Act</i>.</p> <p>Consultation in accordance with Canadian Aviation Regulation 307.</p>

Comment	TC-02
Subject/Topic	Navigation
References	Draft IS guidelines
Summary	Request for information on use of McKeand River for navigation, and whether any drainages will be covered by proposed tailings deposits.



Importance of Issue to Impact Assessment Process	This information will impact Transport Canada's involvement in the assessment of the Project.
Detailed Comment	A lot of main drainages in the project area feed into the McKeand River. Transport Canada requests any information from the Inuit communities on the possible navigation of this river system. If some of these drainages are to be covered for a deposit area, it may impact the main channel and seasonal drainage into the river.
Recommendation/Request	Add a request for the Proponent to include detailed information from the Inuit communities on their possible use of this river system.

Comment	TC-03
Subject/Topic	Watercourse crossings
References	Draft IS guidelines
Summary	Request for
Importance of Issue to Impact Assessment Process	This information will impact Transport Canada's involvement in the assessment of the Project.
Detailed Comment	There is a public right of navigation on navigable waters. Navigation is also an important land use by Indigenous and non-Indigenous people. To help protect the right of navigation, works in, on, over, under, through or across any navigable water are regulated by the <i>Canadian Navigable Waters Act</i> (CNWA).
Recommendation/Request	<p>TC requests that the Proponent:</p> <ol style="list-style-type: none"> <li>1. Self-assess the navigability of each waterway that will be crossed by the access road using Transport Canada's Navigation Protection Program Project Review Tool (<a href="https://npp-submissions-demandes-ppn.tc.canada.ca/projectreview-outildexamenduprojet">https://npp-submissions-demandes-ppn.tc.canada.ca/projectreview-outildexamenduprojet</a>). Note that the Project Review Tool also includes a decision tree that can help the Proponent determine whether a waterway is considered navigable (<a href="#">EN Decision Tree.PNG (1451x795) (canada.ca)</a>).</li> <li>2. Provide details on the outcome of the self-assessment.</li> </ol> <p>For all watercourse crossings over a navigable waterway, TC requests that the Proponent:</p> <ol style="list-style-type: none"> <li>3. Identify whether each watercourse crossing will meet all the applicable requirements to be a CNWA "minor work". The Minor Works Order can be found at: <a href="https://laws-lois.justice.gc.ca/eng/regulations/SOR-">https://laws-lois.justice.gc.ca/eng/regulations/SOR-</a></li> </ol>



	<p><a href="#">2021-170/FullText.html</a> (see in particular: sections 3-8 (General) and section 34 (Watercourse Crossings)).</p> <p>For all watercourse crossings over a navigable waterway that are not Minor Works, TC requests that the Proponent:</p> <p>4. Provide details regarding:</p> <ul style="list-style-type: none"> <li>• Plan and profile drawings and construction methodology for the watercourse crossing(s)</li> <li>• Normal high water level measurements at the site of the watercourse crossing(s).</li> <li>• How the waterway(s) is used for navigation.</li> <li>• The Proponent’s findings on how navigation may be impacted by the watercourse crossing(s).</li> <li>• Proposed mitigation measures to address impacts to navigation.</li> </ul>
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Comment	TC-04
Subject/Topic	Civil aviation
References	Draft IS guidelines
Summary	Request for affirmation that proponent will follow CARs
Importance of Issue to Impact Assessment Process	This information will secure safe aviation.
Detailed Comment	<p>The intent of Canadian Aviation Regulation 307 is to compel consultation in advance of an aerodrome work that will result in sustained and regular impact on interested parties as identified in the Regulation.</p> <p>Proponents are encouraged to share their plans with the local land use authority before the consultation period. The local land use authority may have information about other nearby projects or developments that could impact on the proponent's plans.</p> <p>This is a link to CAR 307 which outlines the process and instructions that a proponent would follow to conduct consultations prior to any aerodrome work: <a href="https://laws-lois.justice.gc.ca/eng/regulations/SOR-96-433/FullText.html#s-307.01">https://laws-lois.justice.gc.ca/eng/regulations/SOR-96-433/FullText.html#s-307.01</a>.</p> <p>If the future runway is to have either a public instrument approach procedure (IAP) or a minima<sup>1</sup> below 500ft for a restricted IAP, they should ensure that an obstacle free</p>

<sup>1</sup> Minima is defined as the lowest altitude a pilot can descend to on an instrument approach for landing as well as the minimum reported visibility required on the ground in order to begin the approach.



	environment is factored into the construction of the airstrip, AC 301-001.
Recommendation/Request	Add that the proponent must provide for consultation in accordance with Canadian Aviation Regulation 307.

## Conclusion

The Government of Canada appreciates the opportunity to provide comments on the draft Scope List and draft Impact Statement Guidelines to the Board. The Government of Canada looks forward to continued participation in the Board's process.