To:

Victor Diamond Mine Extension Project  
Canadian Environmental Assessment Agency  
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Re: Wildlands League comments on Draft EIS guidelines, CEAA file#89759E

To Whom It May Concern:

Please find below our initial comments on this circulated project description.

Sincerely,

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(1) No umbrella assessment / planning in place for the region

This region is continuing to develop in a piecemeal fashion, without the benefits of either regional planning or regional environmental assessment. This project as proposed, would currently be proceeding in the absence of any objective regional consideration, and before the effects of the original Victor mine have been fully experienced and/or analyzed in context.

“The VMEP is not located in a region that has been subjected to a regional environmental study.” [pg. 4, emphasis added]
“As the VMEP is within an unorganized municipality, there is no zoning designation for the area. There is no land use policy as per the Crown Land Use Atlas for the VMEP site. ... There is no Forest Management Plan or Crown-managed forest at the VMEP site or environs. Muskeg is pervasive near the VMEP site.” [pg. 30]

“Regional planning studies examine effects that may occur as a result of many future human activities within a large region, often before actions commence in the region (i.e., they are proactive as opposed to reactive). However, these studies may be triggered by a single project (often the first project in the region) contributing to a concern about the long-term effects of further developments.¹”

RECOMMENDATION: Consideration of an individual project-scale EA for this new mine should not reasonably proceed without a Regional Strategic EA to guide its assessment. We therefore recommend the deferral of further consideration of this EA, until such time as a Regional Strategic EA has been completed.

(2) Mercury effects of Victor dewatering not adequately understood

Documents obtained through the Ontario’s Freedom of Information and Protection of Privacy Act show that the Methylmercury (MeHg) levels in fish in the vicinity of the Victor project have increased. These increases are characterized as ‘statistically significant’ in Debeers’ 2012 annual report on Mercury Performance Monitoring, a report required under their certificate of approval. Elevation of MeHg has been detected in the surface waters of South and North Granny creeks, along with “statistically significant” increases in the mercury body burden of Pearl Dace in North Granny Creek. No root cause analysis has yet been undertaken, to our knowledge, despite obligations agreed to by the proponent with MOE, as outlined in the document “Trigger Values for Mercury Concentrations and/or Body Burdens in Fish, Condition 6(10) of Certificate of Approval #8700-783LPK, De Beers Canada Inc. Victor Mine.

Fish in waterbodies in the area, including North and South Granny creeks, are already well above the Canadian tissue residue guidelines of 33 ug/kg for protection of Wildlife Consumers of Aquatic Biota (found on CCME web site at http://ceqg-rcqe.ccme.ca/download/en/294/). Given this background elevated level of MeHg in the fish locally (as seen from the fish testing results of fish from the Attawaspikat river that inform the Guide to Eating Ontario Sportfish and analysis of local fish by Debeers pursuant to conditions of their Certificate of Approval), the reported increases observed in the waters of North and South Granny Creek and Pearl Dace of North Granny Creek related to the Victor mine activities are very troubling, as any increase of MeHg in the surface water cannot be tolerated and could make the existing fish contamination

situation worse.

Noting that MeHg levels in the discharge water is below the PWQO at 0.2 ug/L (or even that it is below the more stringent CWQG for protection of Aquatic Life - methylmercury in freshwater at 4 ng/L) is insufficient to ensure that MeHg contamination of fish is not worsening, as any additional contributions to the river and creeks have the capacity to bio-accumulate further in these fish, and their predators, including wildlife and human consumers.

It is likely that a root cause analysis will find that a net transport of long resident mercury to the river is occurring as a result of mining activities such as the existing dewatering at the Victor site. This situation should be fully assessed as a priority of the current operation as a pre-requisite to any further consideration of project expansion. Without credible assessment and analysis of this highly concerning contaminant loading in hand, it is poor use of Agency and stakeholder time to consider environmental assessment of an expansion of these activities.

**RECOMMENDATION** – A root cause analysis of the reported mercury increases must be transparently undertaken, and subject to peer review, before any further consideration of an environmental assessment proceeds for the expansion of a potentially flawed activity.

(3) “Expansion” vs “Project”: Characterizing as an expansion of Victor, despite new mine at a significant distance.

Regardless of language used, without any overt consideration of expansion employed in the previous Victor EA, and lack of provisions for the cumulative assessment of addition, the considerable geographic distance, and the substantial and unique infrastructure linkages being considered, we see this new mine as a separate entity, associated most importantly to Victor in its potential for cumulative effects, and precedent for more such “expansions”. In fact, the choice to brand the project as an “extension” merely highlights the vacuum of assessment for the area, and demonstrates the need for reasonable consideration of all other kimberlite finds being developed in a stepwise “extension” by “extension” manner.

**RECOMMENDATION** – that CEAA refrains from employing confusing references to “expansion” in the preparation of the EIS guidelines of this separate project.
(4) Cumulative Effects

The previously completed Comprehensive Study for the Victor project provided insufficient cumulative effects assessment, given stated intentions of the proponent in this current Project Description, and a reasonable interpretation of best practices.

“Sixteen kimberlites were identified by De Beers in the Unorganized Township, approximately 100 km west of Attawapiskat. One of these kimberlites was the Victor kimberlite, which is now an operating diamond mine (since 2008) that is expected to operate until 2018. ...

Exploration of the other kimberlites in the region surrounding the Victor Mine, including the Tango Extension kimberlite, has continued during operation of the Victor Mine, with the intent of extending the operation at the Victor site including the continuation of employment and contractual opportunities.” [pg 1]

Why was the original EA study not designed to consider these additional pressures, given that these kimberlites had been discovered before first pit came on-line? The Victor Mine was subject to a Comprehensive Study-level Federal Environmental Assessment (EA) pursuant to the Canadian Environmental Assessment Act, in 2005. Knowledge of and intent to develop additional kimberlite finds were arguably a part of the proponent’s plans in the area at the time. Ignoring these facts failed to meet any reasonable interpretation of the available Cumulative Effects Guidelines, and effectively deferred its consideration to this point. Continued deferral further undermines the purpose and effectiveness of this process.

“Growth-inducing potential: Each new action can induce further actions to occur. The effects of these “spin-off” actions (e.g., increased vehicle access into a previously unroaded hinterland area) may add to the cumulative effects already occurring in the vicinity of the proposed action, creating a “feedback” effect. Such actions may be considered as “reasonably foreseeable actions” (pg 6)

“...an assessment of a single project (which is what almost all assessments do) must determine if that project is incrementally responsible for adversely affecting a VEC beyond an acceptable point (by whatever definition). Therefore, although the total cumulative effect on a VEC due to many actions must be identified, the CEA must also make clear to what degree the project under review is alone contributing to that total effect.”(pg 10)

“The long-range transport of pollutants in airsheds or waterways, the movements of far-ranging wildlife, and the progressive incursion of humans into hinterland areas are all examples that suggest the need to assess effects over a larger and larger geographic area.” (pg. 13)

“Induced actions (e.g., public activities) rarely fall under the scrutiny of an approved process: they just happen, and one must examine the likelihood of this based on existing use, precedent and implications of the assessed action proceeding. Best practice suggests that
effort should be made in identifying actions if there is reason to believe they may occur, yet are not overly hypothetical." (pg 20)

Given the scattered, but proximate nature of the collective kimberlite finds in the area (a), it is reasonable to expect the proponent to identify the likelihood of further such “expansions”, and develop baseline survey work, and cumulative assessment tools that are robust enough to likely to reasonably present scenarios (b), and assess their potential impacts over time.

**Intrinsic connectivity to other projects** – Additionally, other developers are working in the area (the original Victor EIS identified 11 diamond exploration companies alone in the area). For example, the Metalex U2 undertaking - which is currently proposed to piggyback on this proponent’s access infrastructure, could be reasonably expected to contribute additional, and similar pressures on both the infrastructure and receiving
ecosystem. This particular concurrent project is clear evidence as to the knock-on effects of access from Victor. This is an important aspect of cumulative effects consideration, and all the more important in an undeveloped area without any regional strategic assessment or planning for it. Similarly, two current projects of the much greater potential of the upstream Ring of Fire mineral finds are already poised to move towards development. The linkage between mines that rely upon the same surface water must be acknowledged in concurrent assessments, and a reasonable assessment of cumulative effects considered. To proceed without any consideration for such inter-dynamics would be short-sighted and unrealistic.

RECOMMENDATION – This project should not be further considered without the establishment of both baseline study and cumulative effects assessment framing that are geared to the context of the region. Further, this context must reasonably include scenario-development of a variety of diamond mine development intensities for the Attawapiskat watershed, and should also include the high likelihood of upstream “Ring of Fire” pressures in addition to more proximate winter-road, and other access and infrastructure-induced scenarios.

(5) These Draft EIS guidelines appear highly generic

Particularly given what experience exists to date from the Victor project, we would expect more specificity and tailoring of these Guidelines to the project at hand, and its evolving context. Some of the critical themes that could be central to such tailoring are highlighted in these comments.

RECOMMENDATION – These Guidelines would benefit from being more specific and descriptive of requirements around key concerns that the original Victor project has drawn, such as those highlighted here.

(6) Some other key themes of particular note

**Longer-term exposure to dewatering pressures** – Even with only one pit open at a time, the effects of multiple pits upon the receiving Attawapiskat River over time subjects the system to a fundamentally different exposure than originally considered during the Victor mine assessment, where the time horizons examined were restricted to the operating period for the single pit. The cumulative effects framing that addresses any additional mines relative to Victor must amply consider cumulative effects that include longer horizons, and watershed-wide effects for example.

One specific case of this is the current reliance on mixing zones to mitigate discharge to the Attawapiskat River. Downstream risks, particularly for key limiting VECs such as aquatic invertebrate life, and bio-accumulation effects up to top-predator trophic levels need to be adequately assessed from a cumulative loadings perspective, and over an extended period of time that acknowledges the potential for time lags and threshold
tipping-points for environmental effects. Existing background loadings context (e.g. mercury - see also specific section below) is also critical to understanding cumulative effects arising from dewatering discharge.

**Capacity of Victor infrastructure to deal with additional waste ore and tailings over time...** The concentration of significant quantities of ore-bearing material and processed fines, with landforming scale impact and long-term exposure to oxidation and weathering etc... must be a key theme of assessment. These pressures are fundamentally different than those presented and examined during the original assessment of the Victor project. Design characteristics must be carefully re-examined for these new loadings, with an eye for understanding any strict limitations at play. This should be designed to objectively inform whether or not, or how much, this existing facility can be repurposed for this new project.

**Limitations of relying upon the Victor mine experience**
Relying upon experiences at the Victor project to date as rationale for / predictive of expansion needs to be couched in more appropriate context that (a) acknowledges the limited scope of experience, and that (b) explicitly explores the most limiting factors for thresholds that might constrain additional related projects.

**Road infrastructure** – the ~12km of all-season roads, including the proposed 6.5km road linking the new pit to the old Victor site would be functionally different than the winter road currently accessing Victor. Unlike the winter road, the primary purpose of this linking road will be ore transport, with greater exposure to roadbed loading and greater frequency of traffic. A legacy of a network of a dozen or more of such roads (and the abandoned pits that they serviced) on this landscape is entirely possible. Experience has shown that such access does not disappear from the landscape after simple abandonment, particularly when used for mass-earthmoving, such as proposed. In this case, the area is dominantly a sensitive wetland ecosystem, challenged further with highly organic soils, low gradient aspect, and sporadic muskeg permafrost present in the region. The apparent rarity of depositional features, and the prevalence of relatively deep (~2m) organic muskeg would also raise many reasonable questions about haul road impacts, including material sourcing, seasonal use / weight limitations, drainage design, and legacy drainage.

This dramatic evolution of this area is a predictable outcome, and its cumulative effects need due consideration and objective assessment. In the absence of a Regional Strategic EA, this EIS guideline must adequately outline in reasonable detail how these aspects are to be addressed.

**Species at Risk** – The all-season corridor and its accompanying transmission line and possible conveyor system could well present significant effects to area wildlife (perhaps in affecting these species access to the river) including species at risk such as caribou, and possibly wolverine. Assessment design that addresses cumulative effects at multiple
scales is essential (e.g. total disturbance in caribou range, and local behaviour). Other species at risk themes for avian and aquatic species present, or likely present, should be similarly tailored. Coordination of assessment, with the proponent’s species at risk obligations at both federal and provincial levels would be prudent. For example, this project would need to obtain permits under the province's *Endangered Species Act* because it will likely result in the damaging and destruction of species at risk habitat (e.g. woodland caribou and wolverine). There are a number of requirements such as alternatives and minimizing harm to species that the proponent could think about now at an early stage to incorporate into the assessment itself.

## Conclusion

Overall, these Draft EIS Guidelines seem premature, with several obvious prerequisite steps missing. They also do not seem adequately responsive to the particular context of this project relative to the dynamics of the Region and the more challenging experiences reported from the current mine.

Sincerely,

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