



WILDLANDS LEAGUE

A chapter of the Canadian Parks and Wilderness Society

July 11, 2005

Brett Maracle
Canadian Environmental Assessment Agency
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Re: Comments on the Comprehensive Study Report (CSR) for the Proposed
Development of the Victor Diamond Project

Dear Mr. Maracle,

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

We feel that there will be significant adverse environmental effects resulting from the proposed Victor Diamond Project (VDP). There are several elements of the project that require further scrutiny regarding the environmental effects and socio-economic impacts on the First Nations communities in the region. As such, this proposed project should be referred to a panel review before approval is given for it to proceed.

Our specific concerns include:

1. Need for land use planning

The proposed VDP is within a large area of northern Ontario that constitutes an intact ecosystem with virtually no existing industrial development. North of the 51st parallel, we currently have the opportunity to conduct land use planning *before* development decisions are finalized and thereby ensure appropriate conservation and sustainable economic activities in the future.

A process is needed to thoroughly assess the ecological values of the area and designate a network of large, interconnected protected areas prior to resource development activities and associated infrastructure such as road construction and transmission corridors. Without undertaking comprehensive land use planning, we risk losing the opportunity to proactively plan for conservation and industrial development in the northern boreal region while avoiding the mistakes made in the southern boreal. A comprehensive land use plan should be completed for the region prior to approval of the VDP.

2. Impacts on Woodland Caribou

The persistence of Woodland caribou, a species classified as “threatened” both by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and the Committee on the Status of Species at Risk in Ontario (COSSARO), is at risk in this region with the continuation of industrial development. There is abundant research available on how the history of industrial development has adversely impacted caribou populations in Ontario and elsewhere in Canada. Some researchers estimate that caribou may be extirpated from Ontario within 80 years if we continue current industrial practices. There are several issues regarding caribou in the CSR that need to be addressed:

- Section 6.2.2.1 of the CSR deals with the impacts on caribou and moose. However, the list of potential adverse effects does not include the potential impact that mine dewatering will have on caribou populations. The CSR states that a cone of depression of 2575 km² will be created. This could significantly alter the vegetation over an immense area and decrease the amount of food (mainly lichen) available to caribou. Thus, the potential adverse effect on caribou covers a much larger area (nearly 100 times larger) than the direct habitat displacement described in the CSR.
- The CSR also states that the area of caribou habitat impacted by the winter roads and transmission corridor will be 11.7 km². However, it has been demonstrated that caribou generally avoid roads and linear disturbances for a distance of up to 10km. Thus, the adverse effect on caribou will be significantly larger than the roads themselves.
- The claim that the diversity of the region will be increased following mine closure is unfounded. The CSR states that it will be impossible to restore bog and fen habitat, both of which are important for caribou. By increasing the habitat for moose and decreasing habitat for caribou, caribou populations in the region will likely decline as there is generally a negative correlation between increased moose populations and caribou.
- Woodland caribou range has collapsed in Ontario as industrial activities have crept northwards and there is no evidence that caribou become acclimated and return to developed areas. Therefore, it is unreasonable to suggest that caribou will become acclimated to the industrial noise and activity (including blasting, excavation and trucks) of the VDP

The Responsible Authority’s conclusion that there will be no significant adverse environmental impact that cannot be mitigated is premature for Woodland caribou. The

concerns raised above indicate that there is a high probability that caribou will suffer significant adverse environmental effects as a result of the VDP. New development should not be approved in existing caribou habitat until a Provincial Caribou Recovery Plan has been developed and implemented.

If the VDP is approved before the Province of Ontario fulfills this obligation under the federal *Species at Risk Act*, the opportunity to conserve caribou in the region will be lost. The federal government also has an obligation to consider the impacts on species at risk in Environmental Assessments (Section 79 *Species at Risk Act*). The implementation of a Recovery Plan and a comprehensive land use plan (as discussed above) *before* the VDP proceeds will enable the federal and provincial governments to uphold their responsibility to protect species at risk.

3. Impacts on aquatic systems and fish

The proposed VDP will have significant impacts on the hydrology of the region and aquatic ecosystems, including:

- Pumping 100,000 m³ per day of salinated water into the Attawapiskat River
- A cone of depression encompassing 2,575 km² to the limit of the 1 m draw-down contour. The bioherms may act as conduits between the surface and bedrock (p. 6-65), which would potentially dewater an area much larger than stated in the CSR.
- A reduction of flow in the Nayshkootayaow River by more than 15% and even higher flow reduction (42%) in a tributary.
- Diversion of South Granny Creek for 2.6 km.
- Potential contamination of water due to runoff from overburden and processed kimberlite.
- Creation of new ponds at the end of the mine's life.
- Mixing zone of 1 km from discharge point during low flow conditions to meet chloride drinking water standard. During low flow, complete mixing of sodium is not estimated to occur until 8 km downstream (p. 6-24).
- Temperature alterations due to both the loss groundwater discharges into the river due to dewatering and due to the addition of warmer mine water and warmer supplementary flow additions (p 6-39).

These hydrological changes will impact fish and aquatic ecosystems. The uncertainty about the chemical composition of the pit water, the impacts of dewatering on the water quality of the Attawapiskat River, the extent of drawdown of the surrounding rivers, tributaries and water table reinforce the need for a more precautionary approach to this project, which would be provided by a review panel.

Additionally, a project such as this has never been undertaken in muskeg and several of the proposed mitigation measures are experimental. This poses a serious threat that there may be unpredictable adverse environmental effects or that mitigation measure may be unsuccessful. This further highlights the need for a full review panel of this project.

4. Socio-economic impacts

Appendix F of the CSR raises several concerns regarding the socio-economic impacts of the VDP on Attawapiskat First Nation and surrounding First Nations communities. Community based land use planning and capacity development in advance of decisions about resource allocation could help mitigate the potential adverse impacts of industrial development and ensure that First Nations receive maximum benefits from economic activities in their traditional territory. First Nations communities should be adequately resourced to carry out community based land use planning before any further resource development is permitted in the region. This includes resources to enhance technical, legal and scientific capacities of the communities to lead land use planning.

Appendix F states that the local Aboriginal communities will gain less than 12% of the project jobs and contracts, and that even these may be beyond their reach until educational levels and capacity are substantially improved. The proponent does not expect this to happen until well into the 12th year of the project. The project will almost be complete by then.

5. Impacts on Ontario's Natural Heritage

The proposed VDP will have a significant impact on Ontario's natural heritage:

- The proposed mine site is inside the Attawapiskat karst, a candidate Area of Natural and Scientific Interest of national significance and three quarries sites are proposed that will impact the karst features.
- 33 km of the proposed Attawapiskat River Provincial Candidate Waterway Park was withdrawn, substantially decreasing the protection of the Attawapiskat River. There is no mitigation proposed for the removal of this section of the candidate park. Furthermore, the remaining length of the candidate park will be impacted by the discharge of water from the mine pit into the Attawapiskat River, changing both the flow and water quality.
- The provincial government has not fulfilled its commitment to natural heritage protection for the ecoregion of the proposed VDP. Allowing a project with such a large ecological footprint to proceed before protected areas have been established will limit the province's ability to meet its stated policy commitment.

6. Southwest Alternative Winter Road

The selection of Site Access and Power Supply alternative #3 as the preferred alternative alleviated our concerns regarding the construction of the Southwest alternative winter road (SWAWR). However, we are concerned that the scope of the project continues to include this option. We request greater clarity about whether the construction of SWAWR remains an option, the rationale that would be used for re-evaluating this option and the process for assessing the environmental impacts of the SWAWR at a later date.

We feel that the significant concerns about adverse environmental effects warrant a review panel to ensure that Ontario's last remaining intact wilderness is adequately protected.

Please contact us if you wish to discuss any of these issues in more detail.

Sincerely,



Gillian McEachern
Director, Forests Program
CPAWS Wildlands League

Cc: Honourable David Ramsay, Ontario Minister of Natural Resources
Gordon Miller, Environmental Commission of Ontario