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Via email [NewProsperityReview@ceaa-acee.gc.ca](mailto:NewProsperityReview@ceaa-acee.gc.ca)

November 8, 2012

Dear Mr. Michaud,

Re: Sufficiency Review of Draft Environmental Impact Statement (Sept 26, 2012)  
New Prosperity Gold-Copper Mine Project

Thank you for the opportunity to review the Draft Environmental Impact Statement (EIS), dated Sept 26, 2012, for the New Prosperity Gold-Copper Mine Project for sufficiency. These comments will be focused on the Cumulative Effects Assessment sections of the EIS.

A number of the Cumulative Effects Assessment sections within the Draft EIS begin with a faulty interpretation of *required* methodology in claiming that: “Cumulative environmental effects are only assessed if all three of the following conditions are met for the environmental effect under consideration (*CEAA Cumulative Effects Assessment Practitioners Guide*, 1999 hereafter referred to as the *Guide*)”. Upon review of this *Guide* it appears that this ‘rule’ is only applied within the context of a particular Case Study on a Pipeline Proposal in Alberta where the “Review Panel identified three requirements that must be met before they would consider as relevant any evidence related to cumulative effects”. It is not a general CEAA standard.

Furthermore, the three conditions listed in the *Guide* as part of the case study are not the same in the Draft EIS. The application of this false ‘rule’ results in many issues likely to have cumulative impacts, including ones identified by the previous Panel Review, such as the meadows around Nabas/Little Fish Lake and Teztan Biny/Fish Lake, not being included in the Cumulative Effects Assessment. The conditions used to the Draft EIS process are overly restrictive, for example “There is a reasonable expectation that the Project’s contribution to cumulative environmental effects will affect the viability or sustainability of the resource or value” and it appears that these conditions are being used to eliminate many potentially significant cumulative effects from being addressed. Whereas the *Guide* directs consultants to “make conservative conclusions (i.e., assume that an effect is more rather than less adverse). This is referred to as the Precautionary

Principle”.

In addition, the Draft EIS approaches Geographic boundaries in a manipulative manner – bounding the potential effects in a non-ecosystem approach. For example, cumulative effects on the Aquatic Ecology of the Fraser River are not included, because the analysis is limited only to streams geographically close to the proposed project. However, the cumulative impact of many projects in the Fraser River watershed, including the Proponent’s Gibraltar Mine, which has been found to be releasing harmful contaminants into the Fraser River, and potential New Prosperity Mine contaminants could be significant.

In addition, the geographic boundary area justification that impacts on Grizzly Bear habitat are not relevant to cumulative effects assessment because of the size of the footprint of the proposed project is not acceptable.

In general, the Cumulative Effects Assessment section is highly insufficient.

The Draft EIS simply repeats a variation on the statement that “none of the reasonably foreseeable projects or activities are likely to interact cumulatively with the projects residual effects on X” without meaningful discussion or data to support the argument. Whereas the *Guide* directs consultants to “Provide a record or audit trail of all assumptions, data gaps, and confidence in data quality and analysis to justify conclusions”.

It would be prudent to consider, within the Cumulative Effects Assessment, the likelihood of mining exploration and developments being attracted to the area due to the mining infrastructure (road, hydro transmission grid) which could remain in place after the closure of the proposed mine. As the *Guide* directs: “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.”

The draft EIS also claims that there is “no potential for cumulative impact” or “would not have significant cumulative effect” because they claim no residual impacts from New Prosperity Mine or simply deny impacts. The document’s claim of no cumulative effect is most egregious in the traditional use section (p. 1295). These claims of “no significant impact” will be challenged throughout 2.7 and revised in the next draft EIS. Therefore, we expect that the changes will be made in these sections, will be reflected in changes to the related Cumulative Effects Assessment sections as well.

We expect that the next draft of the EIS will also address the potential mine expansion as the announced by the proponent in November, 2009, and that this geographic and temporal expansion will be included in the Cumulative Effects Assessment.

We recognise that Cumulative Effects Assessment is a challenging task, but it is also a necessary and important task, especially in light of the conclusions of the previous Panel Review. We suggest that the proponent's consultants revisit the *CEAA Cumulative Effects Assessment Practitioners Guide*, 1999 and complete a more meaningful and transparent Cumulative Effects Assessment in the next draft EIS.

Yours truly,

Karen Hurley, Ph.D.  
on behalf of FONV Board of Directors