

**BACKGROUND INFORMATION**

**For the**

**INITIAL FEDERAL PUBLIC COMMENT PERIOD**

**On the**

**Comprehensive Study pursuant to the**  
*Canadian Environmental Assessment Act*  
of the

**Kitsault Mine Project**  
**Near**  
**Prince Rupert, British Columbia**

**Proposed by:**  
Avanti Kitsault Mine Ltd.

**Prepared by:**  
Canadian Environmental Assessment Agency

***Canadian Environmental Assessment Registry Reference Number: 10-03-57958***

**November 2010**

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## List of Abbreviations

|                 |  |
|-----------------|--|
| BCEAA           | <i>British Columbia Environmental Assessment Act</i> |
| BCEAO           | British Columbia Environmental Assessment Office     |
| CEAA            | <i>Canadian Environmental Assessment Act</i>         |
| Agency          | Canadian Environmental Assessment Agency             |
| CEAR            | Canadian Environmental Assessment Registry           |
| CSR             | Comprehensive Study Report                           |
| m <sup>3</sup>  | cubic metre(s)                                       |
| Mm <sup>3</sup> | million cubic metres                                 |
| dAIR            | draft Application Information Requirements           |
| EA              | Environmental Assessment                             |
| EIS             | Environmental Impact Statement                       |
| FA              | Federal Authority                                    |
| ha              | hectare(s)   |
| km              | kilometre(s)   |
| MPMO            | Major Projects Management Office                     |
| SARA            | <i>Species at Risk Act</i>                           |
| RA              | Responsible Authority                                |
| t/d             | tonnes per day                                       |

## 1.0 INTRODUCTION AND PURPOSE

Environmental assessment (EA) is a process used to predict the environmental effects of proposed initiatives before they are carried out. It identifies potential environmental effects, proposes measures to mitigate expected adverse environmental effects and then predicts whether the project will likely result in significant adverse environmental effects (even after the mitigation measures are applied).

The primary objective of the federal environmental assessment process is to minimize or avoid adverse environmental effects from a project before they occur and to incorporate environmental factors into decision making. The benefits of this process include:

- opportunities for public and Aboriginal participation;
- incorporating traditional ecological knowledge;
- increased protection of human health;
- the sustainable use of natural resources; and
- increased government accountability.

In Canada, the primary legislation governing the federal environmental assessment process in the ten provinces is the *Canadian Environmental Assessment Act* (CEAA) and its associated regulations. The Canadian Environmental Assessment Agency (the Agency) is the principal federal body that administers the CEAA.

On August 18, 2010, the Agency accepted a Project Description from Avanti Kitsault Mine Ltd. (the proponent) for the Kitsault Mine Project (the Project) near Prince Rupert, British Columbia (BC). The proponent proposes to construct and operate an open-pit molybdenum mine using a conventional crushing, grinding and flotation system with an ore production rate of 40,000 tonnes per day over approximately a 15-year period. Based on a review of the project description, the Agency has determined that the proposed Project, as described by the Proponent, is subject to a federal environmental assessment pursuant to CEAA and that a comprehensive study type environmental assessment is required in accordance with the *Comprehensive Study List Regulations*.

At this early stage in the comprehensive study process, the *Canadian Environmental Assessment Act* requires that the Agency provide the public with an opportunity to comment on the proposed Project and the conduct of the comprehensive study. The purpose of this background document is to:

- Inform the public about the proposed Project and the parameters of the environmental assessment; and

- Solicit feedback from the public on the conduct of the environmental assessment. A notice of this comment opportunity has been posted on the Agency's website and comments will be received until **December 10, 2010**. Additional detail on the current comment period is included in Section 7.1.

## 2.0 PROJECT SUMMARY

The proponent is a wholly-owned subsidiary of Avanti Mining Inc., a junior exploration company listed on the Toronto Venture Exchange (TSX-V: AVT) with its registered office in Vancouver, BC.

The proponent is proposing to develop the Project, a former producing molybdenum mine, using existing infrastructure (i.e., power-grid utility, road access and available ocean access), located in Alice Arm, a coastal BC inlet, 140 kilometres north of Prince Rupert (see Figure 1-1). The Project occurs within the Nass Area and the Nass Wildlife Area as defined by the Nisga'a Final Agreement.

The Project infrastructure will consist of the following facilities: Kitsault pit; process plant; water management facilities; reagent handling and storage; assay and metallurgical laboratory; air supply; power supply and distribution; staff accommodations; explosives manufacturing facility and explosives magazines; and solid and wastewater management facility. The Project will utilize existing access roads and power line, as well as an existing permitted barge docking facility to bring in materials and equipment during construction. The preliminary pit design was determined to be approximately 1.2 kilometres in diameter and 300 metres deep with a volume of 134.9 Mm<sup>3</sup>. Mining will be undertaken using two 18 m<sup>3</sup> shovels, one 18 m<sup>3</sup> loader, and up to fifteen 177 tonne haul trucks with related support equipment. Approximately 80 tonnes of concentrate per day will be produced, which will require an estimated four - 20 tonne concentrate trucks per day to transport the concentrate to Terrace, Port of Prince Rupert or other destinations.

In accordance with the *Cabinet Directive on Improving the Performance of the Regulatory System for Major Resource Projects*, the proposed Project has also been identified as a Major Resource Project by the Major Projects Management Office (MPMO) due to its complexity and multi-jurisdictional nature. The proposed Project is therefore also subject to review in accordance with the federal major projects review initiative. Additional information on the Major Resource Project initiative is available from the MPMO at [www.mpmo-bggp.gc.ca](http://www.mpmo-bggp.gc.ca).

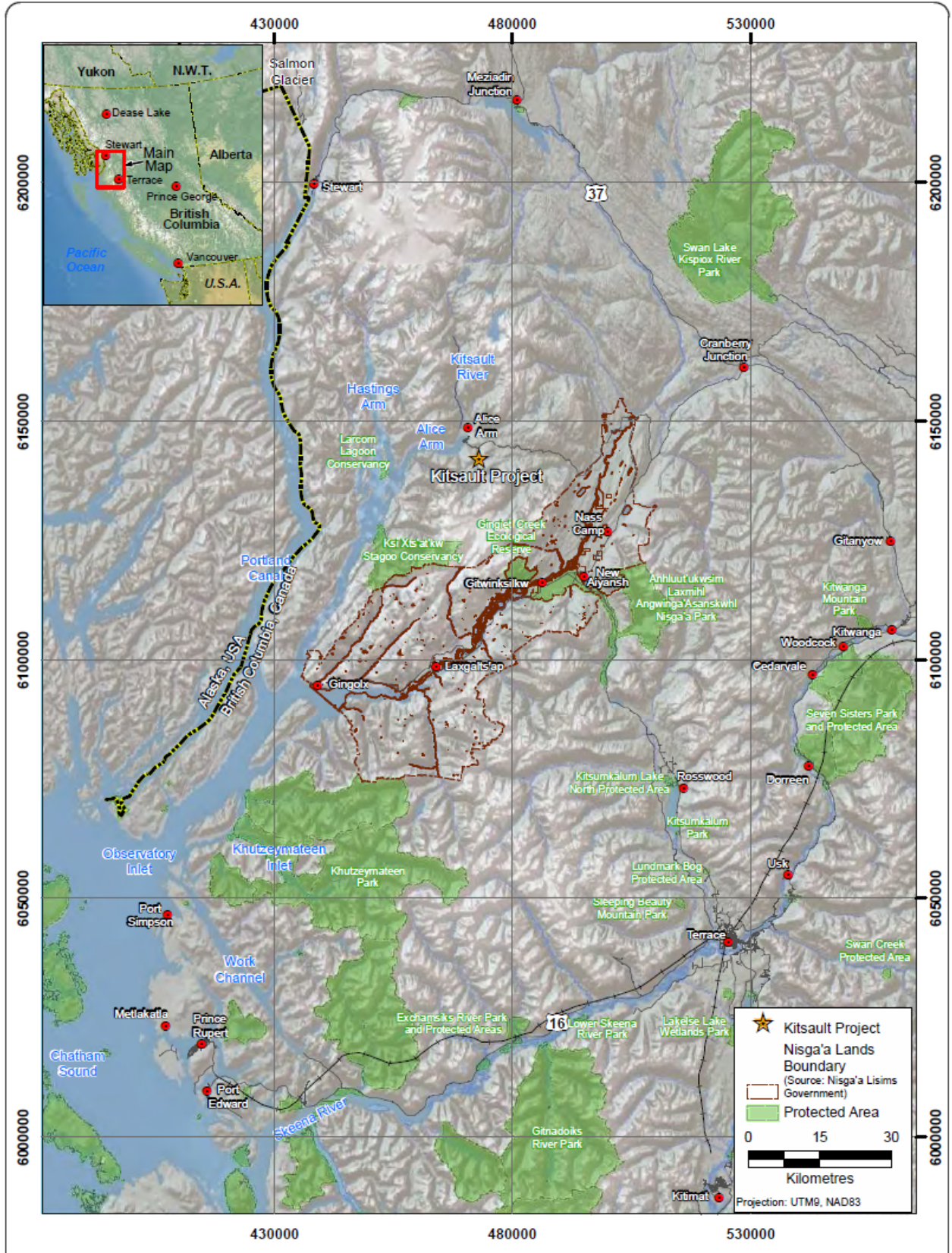


Figure 1-1

Kitsault Project Location



The Project is subject to the BC *Environmental Assessment Act* (BCEAA) and a cooperative federal and provincial assessment process will be conducted in accordance with the principles outlined in the *Canada-British Columbia Agreement for Environmental Assessment Cooperation*. More details on the proposed Project and the provincial environmental assessment requirements are available from the BC Environmental Assessment Office (BCEAO) website at: [http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_project\\_home\\_351.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_351.html).

As the Project occurs within the Nass Area and Nass Wildlife Area, the federal environmental assessment will also meet the federal obligations for environmental assessment under the Nisga'a Final Agreement (NFA).

### **3.0 REQUIREMENTS FOR A FEDERAL ENVIRONMENTAL ASSESSMENT**

#### **3.1 The Canadian Environmental Assessment Act**

Under section 5 of CEAA, a federal environmental assessment may be required when, in respect of a project, a federal authority:

- is the proponent;
- makes or authorizes payment or any other form of financial assistance to the proponent;
- sells, leases, or otherwise disposes of lands; or
- issues a permit, license, or other form of approval pursuant to a statutory or regulatory provision referred to in the *Law List Regulations*.

A federal authority that proposes to undertake one of the above actions, and is required to ensure that a federal environmental assessment is conducted, is referred to as a responsible authority (RA). A federal environmental assessment is required for the proposed Kitsault Mine Project because certain components of the project are likely to require a permit, authorization, license or approval in accordance with section 5 of CEAA. Specifically:

- Fisheries and Oceans Canada may issue an authorization pursuant to subsection 35(2) of the *Fisheries Act* for the harmful alteration, disruption or destruction of fish habitat;
- Natural Resources Canada may issue a license under paragraph 7(1)(a) of the *Explosives Act*; and
- Transport Canada may issue approvals under section 5(3) of the *Navigable Waters Protection Act*.

Environment Canada and Health Canada are federal authorities (FA) under subsection 12(3) of CEAA and will provide specialist or expert advice in support of the environmental assessment process.

There are three responsible authorities: Fisheries and Oceans Canada, Transport Canada and Natural Resources Canada. However, as per the July 12, 2010 amendments to CEAA, the Agency, as a comprehensive study type of assessment is required, will exercise the powers and perform the duties and functions of the responsible authorities until the comprehensive study report is submitted to the Minister of the Environment.

### **3.2 Requirement to Review Project as a Comprehensive Study**

If a project requires a federal environmental assessment and the project meets or exceeds any of the criteria listed in the *Comprehensive Study List Regulations*, then the project is subject to a comprehensive study type of environmental assessment. The Kitsault Mine Project's ore production capacity of 40,000 t/d exceeds the threshold value published in Section 16(a) of the *Comprehensive Study List Regulations* of CEAA, which states:

*16. The proposed construction, decommissioning or abandonment of*

*a) a metal mine, other than a gold mine, with an ore production capacity of 3,000 t/d or more*

Accordingly, the federal environmental assessment of the Kitsault Mine Project will be carried out as a comprehensive study process.

### **4.0 JOINT CANADA-BC ENVIRONMENTAL ASSESSMENT PROCESS**

The Kitsault Mine Project was not initially subject to a provincial environmental assessment under the BCEAA because it was exempted under the *Transition Regulation* (BC Reg. 374/2002) and section 51 of the BCEAA (BC Reg. 370/02). However the BCEAA allows for voluntarily inclusion and on March 19, 2010 the proponent requested that the BCEAO Executive Director designate the proposed Project as a reviewable project under section 7(3) of the BCEAA. On April 8, 2010, the BCEAO Executive Director submitted an Order designating the environmental assessment of the Project as reviewable pursuant to section 7(3) of the BCEAA.

In accordance with the principles of the *Canada-BC Agreement on Environmental Assessment Cooperation*, projects that require an environmental assessment by both the Government of Canada and the Government of British Columbia undergo a single, cooperative assessment, where possible, to meet the environmental assessment requirements of both levels of government. While every attempt is made to ensure a single environmental assessment process, each government will make project-related decisions on matters within its own legislative authority.

## **5.0 OVERVIEW OF THE COMPREHENSIVE STUDY PROCESS**

Taking into consideration any public comments received during this initial public comment period on the Project and conduct of the federal environmental assessment, the federal government will participate in the preparation of the provincial draft Application Information Requirements (dAIR) to guide the proponent's preparation of an Environmental Impact Statement (EIS or Application). Following the proponent's submission and government review of the EIS (a document that presents the findings of the environmental assessment), a Comprehensive Study Report (an environmental assessment report documenting the Agency's conclusions on the environmental effects of the Project) will be prepared. The Comprehensive Study Report will be submitted to the Minister of the Environment and will be made available for public comment prior to the Minister of the Environment's decision under section 23 of CEAA. The Minister may request additional information or require that public concerns be further addressed before issuing the environmental assessment decision statement.

The environmental assessment decision statement sets out the Minister's opinion as to whether the Project is or is not likely to cause significant adverse environmental effects, taking into account the implementation of any mitigation measures and follow-up programs that the Minister considers appropriate. Once the environmental assessment decision statement is issued, the Project will be referred back to the responsible authorities (e.g. Fisheries and Oceans Canada, Transport Canada, and Natural Resources Canada) for appropriate action, which may include issuing authorizations or provision of federal land in order for the Project to proceed.

At the same time as the Minister takes his environmental assessment decision, a federal Nisga'a Final Agreement (NFA) Project Recommendation will be issued. The NFA Project Recommendation will include recommendations, based on the assessment of "other relevant matters" as described in section 6.1 of this document, to the responsible authorities, in respect of whether the Project should proceed. The NFA Project Recommendation will take into account, but will not be bound by, any agreements between the project proponent and the Nisga'a Nation or a Nisga'a Village concerning the effects of the project.

## 5.1 Consultation with Nisga'a Nation and Aboriginal Groups

The Crown has a legal duty to consult and, if appropriate, accommodate, when the Crown contemplates conduct that might adversely impact potential or established Aboriginal and treaty rights.

Consultations will occur throughout the environmental assessment process, and the information collected will be used to assist in understanding concerns of the Nisga'a Nation and aboriginal groups and, where appropriate, in addressing those concerns.

The Agency is responsible for coordinating federal consultation with the Nisga'a Nation and Aboriginal groups that takes place during the environmental process, and will work closely with responsible authorities, BC EAO, the proponent, Nisga'a Nation and Aboriginal groups to achieve a coordinated process.

For more information, please refer to the Indian and Northern Affairs website:

<http://www.ainc-inac.gc.ca/ai/arp/cnl/intgui-eng.asp>

## 6.0 FACTORS TO BE CONSIDERED IN A FEDERAL COMPREHENSIVE STUDY

In a federal environmental assessment the term "scope of assessment" refers to the boundaries of the environmental assessment study; it consists of certain factors (and the scope of those factors), the scope of the project, and scope of potential environmental effects to be included in the EA.

The factors to be included in a comprehensive study are stated in section 16 of CEAA within the context of the definitions of "environment", "environmental effect", and "project" as defined in section 2 of CEAA.

Most notably, in CEAA, the term "environmental effect" means, in respect of a project:

- a) any change that the project may cause in the environment, including any change it may cause to a listed wildlife species, its critical habitat or the residences of individuals of that species, as those terms are defined in subsection 2(1) of the *Species at Risk Act*,
- b) any effect of any change referred to in paragraph (a) on
  - i) health and socio-economic conditions,
  - ii) physical and cultural heritage,
  - iii) the current use of lands and resources for traditional purposes by aboriginal persons, or

- iv) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, or
- c) any change to the project that may be caused by the environment, whether any such change or effect occurs within or outside Canada.

It then follows that under section 16 of CEAA, the following factors must be considered in a comprehensive study:

- The environmental effects (as defined above) of the project, including the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out;
- The significance of the environmental effects;
- Comments from the public obtained in accordance with CEAA;
- Measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the project;
- The purpose of the project;
- Alternative means of carrying out the project that are technically and economically feasible and the environmental effects of any such alternatives;
- The need for, and the requirements of, any follow-up program in respect of the project;
- The capacity of renewable resources that are likely to be significantly affected by the project to meet the needs of the present and those of the future; and
- Any other matter relevant to the comprehensive study, such as the need for the project and alternatives to the project that the responsible authorities may require to be considered.

Under section 79 of the *Species at Risk Act* (SARA), the responsible authorities also must identify adverse effects of the project on listed species and their critical habitat or residences. The responsible authorities must also ensure that measures are taken to avoid or lessen adverse effects and that effects are monitored. Mitigation measures must be consistent with recovery strategies and action plans for the species.

## **6.1 Nisga'a Final Agreement – Factors Included in Federal Environmental Assessment**

The project occurs within an area where the Nisga'a Final Agreement (NFA) applies, and as such the project is also subject to its environmental assessment provisions as

stated in NFA Chapter 10. To partially fulfill its obligations for the NFA, the Government of Canada will include NFA Chapter 10 sections 8(e) and 8(f) requirements in the scope of assessment as “other relevant matters” as per section 16(1)e of CEEA. Chapter 10, sections 8(e) and 8(f) of the NFA requires the inclusion of the following:

- 8 (e). assess whether the project can reasonably be expected to have adverse environmental effects on residents of Nisga’a Lands, Nisga’a Lands, or Nisga’a interests set out in this Agreement and, where appropriate, make recommendations to prevent or mitigate those effects; and
- 8 (f). assess the effects of the project on the existing and future economic, social and cultural well-being of Nisga’a citizens who may be affected by the project.

## **6.2 Scope of potential environmental effects**

The scope of potential environmental effects describes the aspects of the environment that will be considered in the EA and includes the terrestrial environment, marine environment, and human environment. The following is the proposed scope of the potential environmental effects to be considered through the comprehensive study of the Project.

### **6.2.1 Terrestrial Environment**

- Freshwater quality
- Hydrology
- Hydrogeology
- Air quality
- Climate and meteorology
- Terrain, soils and geology
- Light and noise emissions
- Natural hazards
- Vegetation and plant communities
- Wetlands
- Wildlife and wildlife habitat
- Ecologically sensitive or significant areas, species of conservation concern, including species at risk and their habitats
- Freshwater aquatic environment (e.g. aquatic life, fish and fish habitat)
- Fish and fish habitat
- Migratory birds and their habitats

### **6.2.2 Marine Environment**

- Water quality
- Marine/coastal processes (e.g., erosion and sedimentation)
- Navigable waters
- Air quality
- Natural hazards
- Marine aquatic environment (e.g., aquatic life, marine mammals)
- Fish and fish habitat
- Ecologically sensitive or significant areas and species of conservation concern, including species at risk and their habitats

### **6.2.3 Human Environment**

- Current use of lands and resources for traditional purposes by Aboriginal persons
- Navigable waters
- Fisheries, including aquaculture
- Human health (e.g., noise, drinking water quality, and country foods)
- Physical and cultural heritage
- Structures and sites of archaeological significance

### **6.3 Spatial and Temporal Boundaries**

The spatial boundary will be determined specific to each factor in order to effectively assess the potential environmental effects of the Project. Spatial boundaries are based on the zone of the proposed project's influence beyond which the effects of the Project are expected to be non-detectable. Multiple study area boundaries are to be employed to reflect the range of geographic areas and seasonal and annual fluctuations within which specific effects may be experienced.

The temporal boundaries will encompass the entire lifespan of the Project, which is the duration of use until it is deemed necessary to be decommissioned. The environmental assessment will discuss the effects of the Project on each factor beginning with the construction phase and throughout the operations phase, including maintenance and/or modifications, and through to the completion of the decommissioning phase. However, it should be noted that the temporal boundary for certain components of the Project, such as mine waste stockpiles and treatment and tailings management facilities, will extend into the closure and reclamation phase of the project, as appropriate. Potential malfunctions and accidents that could occur during any project phase will also be

considered, along with the likelihood and circumstances under which these events could occur.

#### **6.4 Cumulative Environmental Effects**

Cumulative effects are those environmental effects that are likely to result from a project in combination with environmental effects of other past, existing and reasonably foreseeable future projects or activities. The cumulative effects assessment will include, but not necessarily be limited to: existing industrial projects; other proposed developments; other land and resource use activities (e.g., forestry, hunting, trapping, and fishing); and tourism and recreation activities.

#### **6.5 Need for and Purpose of the Project**

The environmental assessment will include a description of the need for and purpose of the project. The “need for” the project is defined as the problem or opportunity that the proposed project is intending to solve or satisfy. The “purpose of” the project is defined as what is to be achieved by carrying out the project. The “need for” and “purpose of” the project will be established from the perspective of the proponent.

#### **6.6 Comments from the Public**

Comments from the public that are received in accordance with CEAA will be considered by the responsible authorities and the Minister of the Environment. A record of how comments have been considered and incorporated into the environmental assessment will be prepared.

#### **6.7 Mitigation Measures**

Mitigation means, in respect of a project, the elimination, reduction or control of the adverse environmental effects. The environmental assessment will be used to identify mitigation measures that are technically and economically feasible and would mitigate identified adverse environmental effects arising from the Project. Environmental effects that are predicted to remain, even after mitigation measures have been applied, are referred to as “residual environmental effects.” The federal EA will include an analysis of the nature and extent of the residual adverse environmental effects and an evaluation of whether the adverse environmental effects are likely to be significant.

## **6.8 Alternative Means of Carrying out the Project**

The environmental assessment will include an analysis of the alternative means of carrying out the project that are technically and economically feasible, and the environmental effects of any such alternative means. A rationale for the preferred alternative will be included.

## **6.9 Effects of the Environment on the Project**

In addition to evaluating the effects of the project on the environment, including cumulative environmental effects, changes to the project that may arise as a result of the environment will also be considered. This analysis will include consideration of natural hazards such as: extreme weather events (e.g., lightning, extreme precipitation, flooding, wind, avalanches and icing); seismic events; fire; slope stability; and climate change. Proposed mitigation, including design strategies, will be considered in the evaluation of the effects of the environment on the project and in the determination of the significance of those effects.

## **6.10 Sustainability of Renewable Resources**

The EA will include consideration of the capacity of renewable resources that are likely to be affected by the project to meet the needs of the present and those of the future.

## **6.11 Potential Accidents and Malfunctions**

The EA will include consideration of the potential accidents, malfunctions and unplanned events that could occur in any phase of the project, the likelihood and circumstances under which these events could occur, and the environmental effects that may result from such events, should contingency plans not be fully effective.

## **6.12 Follow-Up Program**

The purpose of a follow-up program is to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures. The environmental assessment will describe the follow-up program and its associated requirements.

## 7.0 PUBLIC PARTICIPATION

Public participation is a key component of the federal EA process. In a comprehensive study process, a minimum of three public comment periods are required under CEAA. The first public comment period occurs at the very beginning of the federal EA process, at the time the Notice of Commencement is posted. Public comment will also be sought on the Environmental Impact Statement (Application) and the comprehensive study report.

Funding to support the participation of the public in the environmental assessment review process is made available through the Participant Funding Program. Notices of public comment opportunities will be posted on the Canadian Environmental Assessment Registry (CEAR) at [http: www.ceaa-acee.gc.ca](http://www.ceaa-acee.gc.ca).

### 7.1 Public Comments at this Time

This background document supports the first of the public comment periods to be carried out for this project. At this time, the federal government is currently identifying the potential environmental effects of the project that should be examined during the technical stages of the environmental assessment. Comments are sought from the public on which aspects of the project and its potential effects on the environment are of concern to ensure that these issues are identified for consideration in the assessment. The public are also invited to comment on the project and the conduct of the comprehensive study.

Persons wishing to submit comments may do so in writing to the Canadian Environmental Assessment Agency. Comments must be received by close of business day **December 10, 2010**. Comments should be sent to:

Kitsault Mine Project  
Canadian Environmental Assessment Agency  
320- 757 West Hastings Street  
Vancouver BC V6C 1A1  
Telephone: 604-666-2431  
Fax: 604-666-6990  
Email: [Kitsault@ceaa-acee.gc.ca](mailto:Kitsault@ceaa-acee.gc.ca)

Please clearly reference the Kitsault Mine Project and the CEAR file number 10-03-57958 on your submission. Please note that all comments received are considered public and will become part of the public registry.

## **7.2 Participant Funding**

The Government of Canada, through the Agency, will provide participant funding to assist successful applicants, such as groups and individuals, to take part in the environmental assessment. This funding will be made available whether the environmental assessment proceeds by means of a comprehensive study, mediation or assessment by review panel. Information on the participant funding program, including the Participant Funding Program Guide and the application form are available at: [www.ceaa-acee.gc.ca](http://www.ceaa-acee.gc.ca).

To receive funding, successful applicants must participate in the environmental assessment by reviewing and commenting on documents, preparing technical analyses, attending meetings or contributing in other ways.

Notices regarding the availability of participant funding will be posted on the CEAR internet site at [www.ceaa.gc.ca](http://www.ceaa.gc.ca) under reference number [10-03-57958].

## **7.3 Canadian Environmental Assessment Registry**

Pursuant to section 55 of CEAA, the CEAR has been established to provide notice of the environmental assessment and to facilitate public access to records related to the environmental assessment. The CEAR consists of a project file and an internet site. The internet component of the CEAR can be accessed at [www.ceaa-acee.gc.ca](http://www.ceaa-acee.gc.ca) under reference number 10-03-57958.

## **8.0 ADDITIONAL INFORMATION**

More information on the federal environmental assessment process associated with the Project may be found on the CEAR at [www.ceaa-acee.gc.ca](http://www.ceaa-acee.gc.ca) under reference number 10-03-57958.

Additional information on the provincial environmental assessment of the Project is also available on the BCEAO website:

[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_project\\_home\\_356.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_356.html).

More information about the proponent and the Project may be found on the Avanti Mining Inc. website:

<http://www.avantimining.com/s/Kitsault.asp>.