

Vermilion River Stewardship



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Jason Aagenes
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Cliffs Chromite Ontario Inc.
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Dear Mr. Aagenes:

**Re: Cliffs Ferrochrome Processing Facility (FPF)
Comments on Amended Terms of Reference**

In response to your letter dated 28 November 2012, informing of your Amended Terms of Reference, and an additional opportunity to comment, Vermilion River Stewardship (VRS) wishes to submit the following:

1. 3.1 - Regional Study Area:

The Amended Terms of Reference (ToR) do not define what the “*regional study area*” encompasses, and yet the document notes, “*the development/operation of the FPF could have far reaching effects from a socio-economic and/or environmental perspective*”¹.

VRS points out that the Vermilion River flows downstream through several communities, as well as through First Nation traditional territory, and all released

¹ Amended ToR, Rev.01, Part 3-Attachments, 3.1, P-6

effluent, waste and storm water will travel downstream with the potential of affecting the drinking water of thousands of stakeholders.

Recommendation 1:

VRS strongly recommends that the regional study area extend all the way out to the convergence of the Vermilion River with the Spanish River so that the public health and safety of downstream stakeholders are fully considered.

Questions:

1. Will the Regional Study Area include the entire Vermilion River from just above the proposed FPF site, all the way out to its convergence with the Spanish River?
2. If not, what is the expected zone of influence, and how far down the Vermilion River will the EIS cover?

2. 7.4 - Assessment of Alternatives for Mine Waste Disposal

This issue is very confusing, because in the Main Amended ToR document it was noted, *“A Schedule 2 amendment to the metal/Mining Effluent Regulations (MMER) would be required to enable this design to be adopted. As such, this alternative is not practical due to the environmental consequences and schedule delays associated with such an amendment. As this is not a feasible alternative method, it is not carried forward for consideration in the EA.”*²; and yet in Section 7.4, Cliffs is still considering the potential option of using *“natural water bodies frequented by fish for the disposal of mine waste, including tailings and waste rock, and for the management of process water.”*³

Recommendation 2:

VRS agrees that fish habitat and fish species should be a strong consideration in the EIS; however, since the Vermilion River is the source of drinking water for thousands of public and private citizens within the District of Greater Sudbury, the environmental study of both the short-term and long-term effects on human health and safety must take precedence over all other considerations.

Questions:

3. Please clarify whether Cliffs is still considering the option of disposing of mine waste, tailings and waste rock in a natural water body frequented by fish?
4. What method of mine tailings and effluent disposal would not impact a natural water body frequented by fish?
5. What bodies of water is Cliffs considering for Tailings Impoundment Areas (TIAs)?
6. What is the need and implications of a Schedule 2 Amendment to the Metal Mining Effluent Regulations (MMER)?

² Amended ToR, Rev.01, Part 1 – Main – Table 6-2, Results of the Preliminary Evaluation (Screening) of Alternative Methods, P-64

³ Amended ToR Rev.01, Part 3-Attachments – Guidelines for the Preparation of an EIS, 7.4, P-29

3. Mine Waste Management - Effluent:

Questions:

7. How will sewage and mine waste effluent be treated, and to what degree?
8. Where will effluent be released, how much will be released, and by what method?

4. 7.3.3.4 Aquatic and Terrestrial Environments:

It is stated, *“Recreational fishing is known to occur at some of the lakes and watercourses in the general vicinity of the Site.”*⁴

Ontario’s Smart Growth - Northeastern Ontario’s Tourism Report (OSG), indicates, *“In 2000, tourism was the fourth largest sector in northeastern Ontario, accounting for over 20,000 direct and 17,000 indirect and induced jobs. Over one-quarter of all businesses in the northeast are tourism related, and the Ministry of Tourism and Recreation estimates that visitor expenditures in northeastern Ontario reached \$1.3 billion in 2000.”*⁵

The Vermilion River and its numerous connecting lakes are used extensively for recreational fishing throughout the year, bringing socio-economic benefits into many communities in the form of tourism and economic development, and fish is a main staple of First Nations’ diet. Any toxic or heavy metal substances contained in effluent could affect fish and public health and safety, and consequently economic development throughout the entire Vermilion River system.

Questions:

9. Will Cliffs include the above consideration in the Economic Impact Study?
10. Will the potential environmental and socio-economic impacts be considered in the Environmental Impact Study (EIS) for the entire Vermilion River, right out to its confluence with the Spanish River?

5. 9.2.6 Navigable Waters

The Amended ToR indicate, *“the EIS must identify all waterways and water bodies that will be directly and/or indirectly affected by components of the Project, including representative width, depth, gradient, and flow.”*⁶

Questions:

11. When water levels are low during the late summer and early fall, there is a section of the Vermilion River that is extremely shallow and could experience a

⁴ Amended ToR, Rev.01, Part 1-Main, 7.3.3.4, P-83

⁵ Ontario Smart Growth – Northeastern Ontario Smart Growth Panel, Final Report, Spring 2003, P-17

⁶ Amended ToR, Rev.01, Part 3-Attachments, 9.2.6, P-46

loss of navigability, this is just a few kilometers before the Vermilion enters into Ella Lake. Will Cliffs use this area as a part of their EIS study?

12. Will Cliffs respect and ensure the proposed project does not affect the navigability of the Vermilion River, even though it is not named in the selected list of lakes and rivers protected under the new Navigation Protection Act?

6. 10.2.2.1 – Hydrology and Hydrogeology

The Amended ToR indicates, *“include a Water Management Plan for all dams, including flows and levels during construction, operation, closure and post-closure. The diversion will include diversions and impacts to aquatic systems from increased and decreased surface flows”*.⁷

Question:

13. Please give a detailed description of possible use and location of dams to be used at the FPF?

7. 1.2 - Environmental Assessment Process - Water Extraction:

The Amended ToR indicates, *“The Agency determined that components of the project as proposed by the Proponent are described in the Comprehensive Study List Regulations of the Act, under the following sections:*

- *S. 10. The proposed construction, decommissioning or abandonment of a facility for the extraction of 200,000 m³/a or more of ground water or an expansion of such a facility;”*⁸
14. Does the above mean that Cliffs will be extracting 200,000 m³/a or more of ground water?
 15. VRS requests that the Amended Terms of Reference include detail as to total estimated volume of water to be taken for all FPF operations.
 16. How much surface and ground water will be taken from local water bodies by the FPF on a daily basis.
 17. What will be the maximum amount of water extracted during low, medium and high flows.
 18. What body of water will be used for water taking?

8. Climate Change:

The Amended ToR states, *“a description of hydrological regimes, including monthly, seasonal fluctuations and year-to-year variability of all surface waters and assess normal*

⁷ Amended ToR, Rev.01, Part 3-Attachments 10.2.2.1, P59

⁸ Amended ToR, Rev.01, Part 3-Attachments, 10.2.2.1, P 11

flow, flooding, and drought properties of lakes and streams.”⁹

Question:

19. Will climate change be considered in the socio-economic and environmental sustainability of the project to determine its feasibility, and consequent mitigation measures – both short and long-term?

9. 10.3.6 Human Health

The Amended ToR indicates, *“water supply and watersheds, including the effect on water supply and quality for local residents, communities of the Project, as well as potential site and potential health risks from discharges (if any).”¹⁰*

Question:

20. What will be the boundaries of the EIS area in order to determine possible effects on human health?

10. 3 – Description of the Sudbury Site:

The Amended ToR indicates, *“A Portion of the Site previously hosted iron ore mining operations, and is considered a brownfield.”¹¹*

Question:

21. Is it true that the actual FPF is now planned to be located on a greenfield site, rather than the original brownfield site?

11. 3.3 – Potential Environmental Effect

Recommendation 3:

VRS suggests that cumulative effects should also take into account the present uses, and should read, *“As part of the assessment, consideration shall be given to confirming whether environmental effects of the Project could combine with effects of other past, present and future undertakings (cumulative effects).”*

Recommendation 4:

The Amended ToR indicates, *“Consideration shall be given to input from potentially affected and/or interested persons, including Aboriginal peoples.”¹²* VRS is requesting that we be included on this list for further input.

⁹ Amended ToR, Rev. 1, Part 3-Attachments, 9.1.3.1, P-39

¹⁰ Amended ToR, Rev. 1, Part 3-Attachments 10.3.6, P69

¹¹ Amended ToR, Rev. 1, Part 3-Attachments, 3.0 Description of the Sudbury Site, P-3

¹² Amended ToR, Rev. 1, Part 3-Attachments, 3.3, Potential Environmental Effects, P-9

VRS is grateful for this opportunity to comment, and looks forward to your response.

Sincerely,



Linda Heron
Chair, Vermilion River Stewardship

Enclosure

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