



Reference Bulletin



Adequacy Review of Developer's Assessment Reports and Environmental Impact Statements



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Mackenzie Valley
Review Board

Introduction

The Mackenzie Valley Environmental Impact Review Board (the Review Board) has prepared this Reference Bulletin to familiarize environmental impact assessment (EIA) participants with the new adequacy review stage of the Review Board's processes. The adequacy review incorporates and improves upon the conformity done in previous EA and Environmental Impact Review (EIR) processes, as outlined in the Review Board's *Environmental Impact Assessment Guidelines*.¹

When does an adequacy review happen?

In an EA, the Review Board will issue a Terms of Reference document specifying the information required from the developer to proceed with the EA. Based on these Terms of Reference, the developer prepares a Developer's Assessment Report (DAR) that describes the proposed development, its setting, and the developer's impact predictions. The Review Board conducts the adequacy review once it has received the DAR.

Who conducts the adequacy review?

The adequacy review is conducted by Review Board and its staff with the assistance of expert advisors contracted by the Review Board for the EA, if required.

What is the difference between a conformity check and an adequacy review?

In the past, the Review Board used conformity checks to determine whether the developer had responded to every item required by the Terms of Reference. However, the conformity check did not evaluate the quality of the information in the DAR in detail. In contrast, an adequacy review will check conformity and also look at whether the DAR includes information which has responded meaningfully, reasonably and clearly to each item in the Terms of Reference. It will test the DAR to determine whether the Review Board can readily understand the proposed project and the developer's impact predictions. Once the DAR has satisfied the adequacy review, the Review Board, at its discretion, will issue an adequacy statement with accompanying reasons for decision, which will indicate that the EA proceeding can move on to the next stage of the process.

What are the elements of the adequacy test?

The adequacy review considers whether the DAR is in **conformity** with the Terms of Reference, and also involves considerations that are more detailed for each item described in the Terms of Reference. It evaluates the following:

1. Are all items in the Terms of Reference addressed?
2. Do the **project description** and **baseline information** provide enough detail to enable a thorough understanding of the proposed development and to determine the potential impacts?

¹ In this reference bulletin, if the proceeding is an EIR instead of an EA, then all the references to a) an environmental assessment, b) Developer's Assessment Report and c) the Review Board will instead apply respectively to a) an environmental impact review, b) Environmental Impact Statement and c) the Review Panel.

3. Does the DAR include all the **impact predictions** required by the Terms of Reference?
4. Are the assumptions, predictions, uncertainties and proposed mitigation measures **clearly explained and reasonable**?
5. Does the developer provide a thorough explanation of the **significance** of impacts, and are the methodology and terminology for significance determinations clear?
6. Has the developer satisfied all instructions given by the Review Board to that point in the proceeding?

Why is the adequacy review replacing the conformity check?

The Terms of Reference is a foundational document for the EA. Ensuring that the DAR contains *adequate* responses, instead of simply checking for conformity, will contribute to the timeliness and effectiveness of the proceeding and help reviewing participants produce information requests that are more relevant and meaningful. The Review Board expects this to help the all participants to address unresolved important issues earlier in its proceedings.

Ensuring the basic quality of the DAR before proceeding to the information request stage will:

- provide better information to the parties sooner in the process
- improve the focus of the information requests that follow
- reduce the number of initial information requests, and
- allow for more in-depth examination of relevant issues in later information requests and technical sessions

The Review Board expects that this change will result in a more efficient EA proceeding with better quality information to support informed decision making.

Does an adequacy statement mean that the Review Board accepts all the predictions in the DAR?

It does not. The adequacy statement only verifies that the information provided in the DAR has adequately responded to the items in the Terms of Reference so that the EA proceeding may move on to the next stage. It does not mean that the Review Board accepts the information or conclusions in the DAR. The remaining steps of the EA process will provide additional evidence that the Review Board will consider when it makes its own conclusions on the proposed development's potential impacts and their significance. Similarly, the adequacy statement does not mean that the Review Board has sufficient evidence to proceed to a hearing. A separate decision on that step will be made by the Review Board when appropriate.