



Mackenzie Valley
Environmental Impact
Review Board

Dezé Energy Corporation
Taltson Hydroelectric Expansion Project
Environmental Assessment EA0708-007

Work Plan

Mackenzie Valley Environmental Impact Review Board

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March 28, 2008

1 INTRODUCTION

This is the work plan for the environmental assessment (EA) of Dezé Energy Corporation's proposed Taltson Hydroelectric Expansion Project (Expansion Project). The Expansion Project was referred to environmental assessment by the Mackenzie Valley Land and Water Board on October 5, 2007 on the basis that the proposed development might have significant adverse impacts on the environment and might be a cause of public concern.

This EA is subject to the requirements of Part 5 of the MVRMA. The MVEIRB's *Rules of Procedure*, guidelines, reference bulletins, and relevant policies are applicable to this assessment and are available online at www.mveirb.nt.ca. The definitions of MVRMA s. 111 apply in this document and throughout the EA. Terms not defined in the MVRMA, or a document issued by the Review Board, are used in their general sense and do not imply specific activities or standards that may be associated with the term in other jurisdictions.

2 SCOPE

The scope of the development under assessment is defined in the Terms of Reference for the Taltson Hydroelectric Expansion Project issued by the MVEIRB.

3 ROLES AND RESPONSIBILITIES

This section explains the roles and responsibilities of the Review Board, its staff, as well as other parties involved in the environmental assessment process.

3.1 Review Board

The Review Board, assisted by its staff, is required to undertake the following in relation to this EA:

- Conduct the EA in accordance with Section 126(1) of the MVRMA;
- Determine the Scope of Development, in accordance with Section 117(1) of the MVRMA
- Consider a variety of required factors, in accordance with Section 117(2) of the MVRMA
- Make a determination regarding whether the proposed development will likely cause significant adverse environmental impacts or significant public concern, in accordance with Section 128(1) of the MVRMA, and make a recommendation on whether the development should proceed and under what conditions based on these findings;
- Identify areas and extent of impacts in or outside the Mackenzie Valley in which the development is likely to have a significant adverse impact or be a cause of significant public concern, in accordance with Section 128(4) of the MVRMA, and;
- Report to the Federal Minister in accordance with Section 128(2) of the MVRMA.

The Review Board's Environmental Assessment Officer (EAO) is the primary point of contact between the Review Board and the developer, government bodies (federal, territorial and municipal), non-government organizations (NGOs), aboriginal groups, expert advisors (expert consultants contracted directly by the Review Board), the public and other interested parties. This

does not limit or preclude the developer's contact with other parties during the EA process – in fact the Review Board actively encourages dialogue between parties in parallel forums. The Review Board may choose to hire expert advisors to provide technical expertise on specific aspects of the EA. In accordance with guiding principles of the MVRMA, the process established for the environmental assessment shall be carried out in a timely and expeditious manner.

3.2 Government Bodies

Government bodies may be involved in the EIA process as:

- A Regulatory Authority as defined in the MVRMA;
- A Responsible Minister as defined in MVRMA;
- A Federal Minister as defined in the MVRMA; or
- A provider of technical expertise to the Review Board and to Parties.

3.3 Developer

The developer is expected to respond in a suitable and timely manner to directions and requests issued by the Review Board. Such requests include but are not necessarily limited to information requests, requests for translation of documents, the request for the developer's presence at public hearings, and requests to produce public information material.

The developer may present additional information at any time to the Review Board beyond what was requested during the EA process. The Review Board encourages the developer to continue consulting all potentially affected communities and organizations during the EA process. The Review Board may request that the developer provide written record verifying consultations, including how the consultations have influenced the design of any part of the development or any steps the developer plans to take to address a concern or issue.

3.4 Other Parties

First Nations, aboriginal groups, NGOs and members of the public may request and be granted party standing by the Review Board, as per the MVEIRB Rules of Procedure. Parties may provide the Review Board with information relevant to the EA of their own volition, or they may be asked by the Review Board to provide any relevant information they may have. Parties are expected to participate and respond to directions and requests issued by the Review Board in a suitable and timely manner.

Parties may present information at any time during the EA and may be given an opportunity to submit information requests for Review Board approval during the analysis phase. Party status may be granted at any time during the proceedings.

3.5 Written Submissions

All parties, as well as the public, are invited to submit evidence. Written submission will be placed on the public record. Under special circumstances, the Review Board may consider confidential submissions. Parties who do not wish to have their submission put on the public record must contact Review Board staff prior to making a submission. The Review Board will decide on a case by case basis on the merits of a request for confidentiality per its *Rules of Procedure*.

Submissions should be in a format that is easily accessible to all EA participants. The Review Board prefers documents to be submitted digitally in either Word or PDF format. Individual files should not exceed 3 MB in size; larger files should be broken into smaller parts. Hardcopy, hand delivered, couriered or fax transmissions are acceptable as long as they can be reproduced via photocopier. For hardcopies, the date the submission is received at the Review Board's office is considered to be the submission date. The Review Board will not consider any submission after the closing of the public record.

Oversized items or items that are difficult to reproduce, such as colour maps, should be submitted digitally, and as hardcopy in sufficient quantities to be distributed to those parties with limited access to computer technology. Please contact the Review Board's staff for the quantities required. The Review Board may request hardcopies of any document.

4 WORK PLAN

This EA is divided into start up, scoping, analytical, hearing, and decision phases.

4.1 Start Up Phase

During this phase the Review Board initiated the notification measures required by the MVRMA. The Review Board opened the Public Registry on the EA and prepared an initial distribution list of likely-interested organizations.

4.2 Issue Scoping and ToR Preparation Phase

The Review Board undertook issues scoping exercises to help it identify the key concerns of communities, organizations and the public-at-large. The scoping exercises were held in several communities to facilitate the involvement of members of the public who may be potentially affected by the proposed development.

A draft Terms of Reference and Work Plan was developed by the Review Board. A final Terms of Reference and Work Plan will be developed by incorporating written comments received from parties, in addition to comments and conclusions drawn from scoping sessions and previous documents submitted to the registry.

4.3 Analytical Phase

The main purpose of the analytical phase is to collect the information required for the Review Board to make its decision. The analytical phase contains six major milestones:

1. ***Developer's Assessment Report:*** The developer will produce a DAR in accordance with the EA Terms of Reference.
2. ***Conformity Check, Review Board Deficiency Statement and Developer's Response:*** The Review Board will review the DAR to ensure that the developer has provided the information required. If needed, the Review Board will issue a deficiency statement identifying those areas in which the developer has not provided sufficient information to address an item listed in the Terms of Reference.

3. **Information Request Round 1:** The first round of information requests (IR) will be issued by the Review Board based.
4. **Technical Sessions:** Technical sessions will be held on specific topics of concern to the parties and the Review Board. The purpose of the technical sessions is to resolve as many issues as is possible prior to public hearings.
5. **Information Request Round 2:** The second round of IR will allow the parties to gather any outstanding information required for their final analysis of the issues.
6. **Issues Selection:** The Review Board will give consideration to those issues it believes have been addressed in the course of the assessment. It will identify any remaining issues that it believes should be given attention during the Hearing Phase.
7. **Technical Reports:** At the end of the analytical phase, parties will submit their analysis of the issues, their views of the significance of any impacts, and their recommendations to the Review Board in writing.

4.4 Hearing Phase

The hearing will provide the parties with an opportunity to present their views and findings directly to the Review Board. Parties will be directed to focus their efforts on the remaining key issues, summarize their findings, and present their recommendations and arguments for these recommendations to the Review Board.

4.5 Decision Phase

Following the closure of the public hearing, the Review Board will deliberate, make any determinations required by law and report its findings, decisions, and recommendations. During the decision phase the Review Board may issue 'requests for clarification'. Unlike information requests, a clarification request does not seek new information or evidence but simply a clarification on evidence already on the public record. It does not require a re-opening of the record. A clarification request may be issued, e.g. to ascertain the exact nature of a commitment made by the developer.

4.6 Revisions to the Work Plan

The Review Board may alter the work plan at any time during the EA in response to a Request for Ruling, or by its own motion. The Review Board may complete the EA at any time, if sufficient evidence is on the public record, and make a decision pursuant to s.128 of the MVRMA.

5 SCHEDULE

Key milestones and their predicted duration are presented in Table 1, as well as in the attached Gantt chart. The schedule is subject to change and will be updated by the Review Board as needed. All dates reported are approximate target dates only.

Table 1 – Estimated EA Schedule for Taltson Hydroelectric Expansion Project¹

MILESTONE	Duration
	WORKING DAYS
Start-up Phase	
EA referral	1 day
Notification and start-up of the EA	1 day
Issue Scoping and ToR Preparation Phase	
Scoping sessions preparation	28 days
Conduct of scoping sessions (Ft. Smith, Ft. Resolution, Yellowknife, Lutsel k'e)	52 days
Preparing draft Terms of Reference and Work Plan	23 days
Comments on draft ToR and WP	15 days
Final Terms of Reference	12 days
Analytical Phase	
Developer's Assessment Report (approximate)	60 days
Review Board Conformity Check and Deficiency Statement (if required)	10 days
Developer's response to the Deficiency Statement (if required)	10 days
Preparation of first round IRs (approximate)	15 days
Developer's response to first round IRs	20 days
Preparation of Roundtable technical meetings	10 days
Roundtable technical meeting	4 days
Preparation of technical meeting report	4 days
Preparation of second round IRs	10 days
Pre-hearing conference	1 day
Responses to second round of IRs (approximate)	20 days
Announcement of Issues Selection	0 days
Parties' technical reports	15 days
Hearing Phase	
Preparation for Public and/or Community Hearing(s)	5 days
Conduct of Public and/or Community Hearing(s)	5 days
Closure of Public Registry	10 days
Decision Phase	
Review Board Requests for Clarification (if necessary)	0 days
Review Board EA decision and Report of Environmental Assessment	40 days
Review Board's Report of EA to the Minister of INAC	1 day
Federal Minister's response to the Review Board's Report of EA	---

¹ Some of these activities may occur concurrently; please refer to Gantt chart

APPENDIX – Gantt Chart

