



Environment Canada  
Environnement Canada

Northern Division  
Prairie and Northern Region  
Box 2310  
5019 – 52<sup>nd</sup> St. 4<sup>th</sup> Floor  
Yellowknife, NT X1A 2P7

May 6, 2011

Mackenzie Valley Environmental Impact Review Board  
P.O. Box 938  
Yellowknife, NT X1A 2N7

*Via email*

Attention: Alan Ehrlich

**Re: Gahcho Kue Draft Workplan – Comments on Timelines and Process**

Thank you for the opportunity to provide input to the Mackenzie Valley Environmental Impact Review Board (MVEIRB) regarding the Draft Workplan for the Gahcho Kue Environmental Impact Review. Environment Canada (EC) will be participating in this Panel process with respect to air and water aspects, mining waste management, effects on migratory birds and species at risk, emergencies and contingency planning, and closure.

EC has identified several concerns around timelines and process, which we feel would delay the Board's finalizing the draft Workplan.

We note that the conformity phase will not be completed until after the Developer submits the outstanding information on July 15<sup>th</sup> and a final conformity check can be done. Deficiency items 1 and 3 involve information items that are key to our review, and Environment Canada would like confirmation that the proposed dates shown for the Near Term milestones will be adjusted in accordance with the delay in receiving this information. Specifically, the August date for issuance of Information Requests (IRs) would need to be set back by the approximately ten weeks which the conformity delay entails.

Sufficient time between conformity and the IR submission deadline for review and analysis of the information will not only be important for agencies with in-house expertise, but will be critical for parties waiting on intervenor funding, who will otherwise not have time to apply for and receive the funding, and hire consultants to help them. The April 2011 draft work plan was based on the assumption that participant funding would be received by the parties prior to the completion of the conformity review. We suggest not finalizing the work plan dates until this assumption is met.

EC also has concerns with the Information Request process, which proposes to have parties directing their IRs to the developer or any other party, rather than to and through the Panel. There are efficiencies to be gained in having the Panel coordinate and vet

IRs – this would allow for streamlining of IRs on the same topic, and provide a mechanism for consistency in which IRs are included, and ensure they are directed appropriately among parties. Any IRs that are beyond the scope of the EIS or lacking in clarity can be addressed by the Panel directly, rather than having requests to adjudicate brought to the Panel by the Developer or parties. The Panel is also in a better position to manage timelines for a consolidated “one window” approach.

In summary, EC respectfully requests that the Panel revise the draft Workplan to allow for timelines to be linked to full completion of the conformity phase and issuance of participants funding, and that the Panel proactively manage the IR process to be timely and efficient.

Please do not hesitate to contact me with any questions or comments with regards to the foregoing at (867) 669-4735 or by email at [anne.wilson@ec.gc.ca](mailto:anne.wilson@ec.gc.ca).

Yours truly,

*Original signed by*

Anne Wilson  
Water Pollution Specialist  
Environment Canada

cc: Carey Ogilvie, (Head, EA-North, Environment Canada, Yellowknife)  
EIS Review Team