



May 6, 2011

NRCan File # NWT-080

Alan Ehrlich, Panel Manager
Gahcho Kué Environmental Impact Review Panel
Mackenzie Valley Environmental Impact Review Board
Box 938, #200 Scotia Centre, 5102 50th Ave
Yellowknife, NT X1A 2N7

Re: Comments on the Draft Workplan for the Gahcho Kué Environmental Impact Review

Thank-you for your April 15, 2011 letter which invited comments on the revised Draft Workplan for the Gahcho Kué Environmental Impact Review (EIR).

As you are aware, Natural Resources Canada (NRCan) has a potential regulatory role under the federal *Explosives Act* for the proposed development, and as such has a particular interest in supporting effective, accountable, transparent and timely review process. There are two areas of the Draft Workplan that, at this stage of the EIR, we would like to identify to the Panel and its staff as areas that may warrant your further consideration.

Analytical Phase (Section 4.2)

- The Workplan proposes that, for both Information Request (IR) rounds, parties will send their IRs directly to the developer (or any other party), with responses submitted to the Panel. While the workplan indicates that the requests and responses would be “used as evidence for the Panel’s consideration”, it is not clear what the outcome of that consideration would be, and when that consideration would be made known to other Parties. For example, should two parties disagree on whether a matter is outside of the scope of the environmental impact review, it is not clear what role the Panel would take in deciding on this matter, and at what stage of the EIR process this decision would be made.

Hearing Phase (Section 4.3)

- The Workplan proposes, as an ideal during the hearing phase, that parties “will be able to focus their efforts on a few remaining issues, summarize their findings, and present their recommendations and arguments for these recommendations to the Panel”. What steps the Panel will take in ensuring that this ideal will be achieved is not clear.

The Panel may wish to consider in its Final Workplan more fully articulating the its plan for, and role in, reviewing IRs and their associated rationales, and assessing the merits of any justifications provided for rejecting IRs. This could be described as a discrete step in the Analytical Phase. Similarly, if the Panel is intending on issuing specific guidance or direction before the hearing phase, and identifying it views on key issues on which Parties should focus, the Workplan could describe that also as a discrete step.



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If you have any questions on the, please do not hesitate to contact me at (613)943-0773.

Sincerely,

Original Signed By

John Clarke
A/Director, Environmental Assessment – SPI
Natural Resources Canada

cc Rob Johnstone, Deputy Director, NRCan-MMS