

September 7, 2017

Notice of Proceeding

Tlichó All-Season Road project, Government of the Northwest Territories

**Re: Pre-technical report meeting
Pre-hearing conference
Procedures for community and formal (technical) hearings**

1. Introduction

The Tlichó All-Season Road project is entering the hearing phase of the environmental assessment. This document is intended to help parties prepare for this phase by providing an overview of the next steps. These include:

- a pre-technical report meeting on Sept 14th (Section 2);
- a pre-hearing conference, date to be determined (Section 3);
- a community public hearing on November 15th (section 4); and,
- formal public hearings on November 16th and 17th (section 5).

The Review Board typically holds two types of public hearings: community hearings and formal (technical) hearings. Community hearings are informal and are held in potentially affected communities so that the members of the Review Board can directly hear the views and opinions of community members. Formal hearings are more structured and are intended to hear arguments from the developer and parties regarding impacts related to the proposed development, and provide an opportunity for questioning.

Members of the public are encouraged to comment during the community hearings and are welcome to attend the formal hearings. There will be an allotted time for public comments at the end of each day. Members of the public may also submit written comments to the Review Board, following the guidance in section four of this Notice.

Agendas for the hearings will be finalized at the pre-hearing conference and provided under separate cover. The agendas may be changed at the discretion of the Chair.



A plain language handout explaining the final public hearing phase of an environmental assessment can be found on the Review Board's website [here](#).

2. Pre-technical report meeting

A pre-technical report meeting with parties, the developer, and the Review Board staff will be held at the Review Board office in Yellowknife on Thursday September 14, 2017. Board members will not attend. Topics will include:

- the purpose and importance of technical reports
- content and format
- effective ways to prepare technical reports
- an overview of next steps
- general questions

A teleconference will be available for those who wish to participate remotely. An agenda will be provided separately and posted to the public registry.

3. Pre-hearing conference

A pre-hearing conference with parties, the developer, and Review Board staff will be held in late October. This will occur after parties' technical reports have been submitted and the developer has responded. The date will be determined later. Board members will not attend the pre-hearing conference. Discussion topics will include:

- the hearing agenda
- the hearing format
- timing and sequencing for hearing presentations and questioning
- the Review Board's expectations of parties and the developer
- general questions

The pre-hearing conference will be held at the Review Board office in Yellowknife, with teleconferencing available. A pre-hearing conference agenda with details on how to participate will be provided separately and posted on the public registry.



4. Community hearing – Whatì, November 15th, 2017

4.1. Overview

The Review Board holds informal community hearings to directly hear the public's views of the project. The final agenda for the community hearing in Whatì will be provided separately and posted on the public registry.

An overview of the process during a typical community hearing is:

- The Chairperson of the Review Board will present opening remarks;
- The Chief of the community may present an opening welcome;
- The developer briefly describes the project;
- Local government gives a brief presentation (This is not the technical report; technical reports are presented at the formal hearing);
- Community members are encouraged to make statements to the Review Board; and,
- Community members may also ask questions to the developer and any party representatives in attendance.

Statements to the Review Board and questioning of party representatives must be within the scope of the environmental assessment for the Tlicho-All Season Road.

The community hearing will have simultaneous interpretation and will be transcribed. Transcripts will be posted to the public registry as soon as possible, with the intent that they are available for review the day following the hearing (November 16, 2017).

The start and end times for the community hearing are generally early afternoon to early evening to maximize participation for people with varying work schedules. The times will be confirmed at the pre-hearing conference.

4.2. Government representation at community hearings

The developer's (GNWT) participation at the community hearings is required. The GNWT is required to provide a presentation about the project. The GNWT may be required to answer questions from community members about predicted project related effects and government initiatives or policies that may act as mitigations.



5. Formal (technical) hearings – Whatì, Nov 16th and 17th, 2017

5.1. Overview

The Review Board holds formal, or technical, hearings to help it determine whether a development is likely to have significant adverse impacts on people or the environment. To do so, it hears the views and opinions of parties and the developer. Parties should be prepared to specifically describe:

- what parts or activities of the development they expect to cause adverse impacts
- what parts of the environment they expect to be affected
- how the effects would occur (the pathways)
- how important the identified impacts are to them
- how they believe the impact should be reduced or avoided

The agenda for these hearings will be finalized at the pre-hearing conference. Each day of the formal hearing will focus on main issues that were identified in the *Terms of Reference* and *Adequacy Statement* and other issues identified during the environmental assessment. An overview of the process for each day of the formal hearing is as follows:

- The developer will present its position on potential impacts of the proposed project on the environment, including on biophysical, cultural, social, and economic values.
- Parties will provide a presentation that summarizes their technical report.
- The opportunity for questioning after each presentation is granted to all parties, the developer, Review Board staff, and Board members. Questioning will occur within the timelines described on the agenda.

Formal hearings will have simultaneous interpretation available on an as needed basis and will be transcribed. Transcripts will be posted to the public registry as soon as possible, with the intent that they are available for review the next day.

5.2. Parties to the environmental assessment

At the formal hearings in Whatì, parties will present the information submitted in their technical reports.

Parties are listed alphabetically below. The order of presentations and questioning from parties will be discussed and finalized at the pre-hearing conference.

1. The Government of the Northwest Territories (developer)
2. Environment Canada
3. Fisheries and Oceans Canada



4. Indigenous and Northern Affairs Canada
5. Natural Resources Canada
6. North Slave Métis Alliance
7. Tłı̨chǫ Government
8. Wek'èezhìi Renewable Resource Board
9. Yellowknives Dene First Nation

5.3. Presentations

Presentations summarize parties' technical reports, which will have been already submitted to the Review Board, or as otherwise discussed in the pre-hearing conference. **Presentations should only focus on the points and recommendations that parties feel will assist the Review Board in making environmental assessment decisions on the proposed project.**

The Review Board strongly encourages parties' presentations to be brief and focused. This will allow sufficient time for questioning by other hearing participants. More information about [hearing presentations](#) can be found on the Review Board's website.

5.4. Questioning

Following each presentation, other participant groups (parties, the developer, Review Board staff and legal counsel, and Board members) will have the opportunity to ask questions. Questions should be succinct. If your line of questioning requires the examination of graphs, figures or supporting documents, please come prepared with copies of these items for distribution to the developer, other parties, and the Review Board.

The Chair may decide to allow parties to question one another directly, rather than directing all questions and responses through the Chair. This decision will be at the discretion of the Chair and will be clarified during the Chair's opening statements.

5.5. Undertakings and commitments

Undertakings refer to questions or issues that the developer or other parties are unable to answer immediately during the course of the hearing. Undertakings will be clarified during the hearing, numbered for consistency and recorded in the transcripts. While some undertakings may be completed within a day or two, others may require more time. The due date for completed undertakings will be confirmed at the hearings (it is usually two weeks after the last day of the hearing).

Any commitments made by the developer during the hearing will be recorded and added to the existing commitments. Commitments will be included in the final *Report of Environmental Assessment for the Tlı̨chǫ All-Season Road*.



5.6. Teleconference

Teleconference will be available for the formal hearings in Whatì on November 16th and 17th. Please inform Review Board staff in advance of the hearing if you wish to participate via teleconference. If you wish to ask questions during the hearing but are unable to attend in person, you must have a representative in the hearing room who can ask questions on your behalf. The number and participant code is:

Dial-in: 1.877.733.5390

Participant code: 463 162 1989

There will be no teleconference available at the community hearing on Thursday November 15th.

6. Public participation

The Review Board welcomes contributions from the public during the hearing phase. The community hearings in Whatì (November 15th) are set aside for the public to speak directly to the Review Board. The public may also question the developer and representatives from other parties at the community hearings, provided questions are within the scope of the environmental assessment.

During the formal hearings the last half hour of each day will be set aside for members of the public to present their views directly to the Review Board. Please note that members of the public will not be permitted to ask questions to the developer or other parties during this time. At the formal hearings, members of the public are asked to sign-in with Review Board staff on each hearing day if they wish to speak.

7. Closure of the public record and written closing arguments

7.1. Temporary closure of the public record

The public record will be temporarily closed after the developer submits its responses to technical reports. The exception to this is submission of hearing presentations. The purpose of the closure of the public record is to ensure that no new information is submitted prior to the hearings that other parties have not had the opportunity to review. The Review Board may post proceeding directives or other pieces of information concerning hearing logistics during this time.



7.2. Re-opening of the public record and written closing arguments

The public record will re-open on November 15th at the start of the public hearings. Examples of items that are added to the registry during the hearing include hearing transcripts, undertakings and commitments.

After completed undertakings are posted to the public record, parties will have the opportunity to submit written closing arguments to the Review Board. Closing arguments are an opportunity for parties to:

- update their positions and recommendations based on the discussions at the hearings or the contents of the undertakings; and
- summarize the parties' final views on potential impacts and recommendations to the Review Board.

Written closing arguments must not contain any new evidence and must be based entirely on evidence already included on the public record.

7.3. Late Submission Policy

Filing dates for post-hearing materials will be confirmed during the hearings. Party submissions are subject to the Review Board's [Late Submission Policy](#) and late submissions will not be accepted unless a written request for extension has been received and approved by the Board prior to the deadline for that submission.

For enquiries on this file please contact:

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