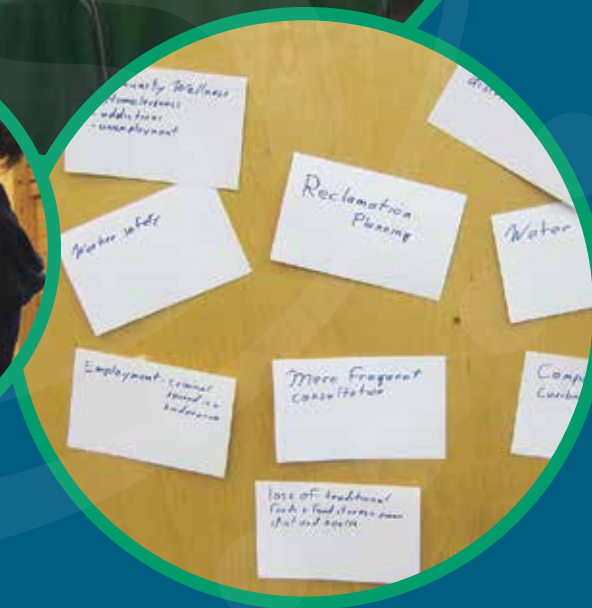




4

Environmental Assessment



*A booklet series about Environmental Impact
Assessment in the Mackenzie Valley*

THE REVIEW BOARD

OUR VISION

Making wise environmental impact assessment decisions that balance the diverse values, interests, and knowledge of all residents of the Mackenzie Valley, while ensuring the protection of the environment for present and future generations.

Environmental assessment is a set of steps for decision making. It involves predicting whether a proposed project is likely to cause environmental impacts that matter (significant impacts), and identifying ways to avoid or reduce them.

Mackenzie Valley Environmental Impact Review Board
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Uluksaktok

Tuktoyaktuk

Paulatuk

ISR

Nunavut

Aklavik

Inuvik

Fort
McPherson

Tsiigehtchic

Gwich'in

Colville Lake

Fort Good Hope

Sahtu

Norman Wells

Dél̨nę

Tulita

Wek'èezhìi

Gamèti

Wekweètì

Yukon

Wrigley

Whatì

Behchoko

Yellowknife

Dettah

Lutselk'e

Fort Simpson

Jean Marie River

Nahanni Butte

Fort Providence

Kakisa

Hay River

Fort Resolution

Fort Liard

Sambaa K'e

Enterprise

Fort Smith

Saskatchewan

British Columbia

Alberta

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THE REVIEW BOARD'S DECISION
AND RECOMMENDATION 19

This booklet covers the environmental assessment process in-depth, from scoping the issues with communities to the final environmental assessment (EA) decision.

KEY TAKE-AWAYS

- Environmental assessments with the Review Board are divided into four phases: scoping, analysis, public hearings and Board Report/decision.
- Traditional knowledge holders, technical experts and you can give input to the Board during an environmental assessment. This helps the Board decide whether the project will cause impacts that matter.
- In its Report of Environmental Assessment, the Board decides if the project's impacts are likely to be significant (if the impacts will matter).
- The Review Board recommends to the Minister whether the project should go ahead, and under what conditions (with what measures). The Minister has final say on if the project can go ahead or not.

This booklet is intended for information purposes only. It has been prepared in an effort to highlight key elements of the environmental assessment process. If any information conflicts with the Mackenzie Valley Resource Management Act or any of the Board's Guidelines, Reference Bulletins, or Policies, the latter would take precedence.

ENVIRONMENTAL ASSESSMENT AT A GLANCE

PROJECT PLANNING
**FIRST, A DEVELOPER
PLANS A PROJECT**

1

2

PRELIMINARY SCREENING
OR DIRECT REFERRAL
TO ASSESSMENT
**IS AN ENVIRONMENTAL
ASSESSMENT NEEDED?**

3

SCOPING
**WHAT ARE THE MOST
IMPORTANT ISSUES?**

This booklet covers
the Review Board
environmental
assessment
process, from
scoping the issues
with communities
to the final EA
decision.





DECISION PHASE
**THE REVIEW BOARD
DECIDES**

4

ANALYSIS
**PREDICTING
IMPACTS**

5

PUBLIC HEARINGS
HAVE YOUR SAY

6

7

FOLLOW-UP
MONITOR AND ADAPT

ENVIRONMENTAL ASSESSMENT PROCESS - OVERVIEW

3. SCOPING

What are the most important issues?

Early in an EA, the Board needs your ideas on what impacts to focus on. These can include impacts on wildlife, habitat, water, cultural concerns, community issues or anything else that the project could affect.

The Review Board will look at how a proposed project could affect you or things that are important to you. **We are here to listen to you.**

4. ANALYSIS

Predicting the impacts

The Board will hold community meetings **for the public to ask questions about the project.**

Your comments and questions help the Board understand how the project could affect the environment, communities, and how people use the land.

Other experts, such as **Traditional Knowledge holders or scientists,** can say what they think the impacts will be.



5. PUBLIC HEARING(S)

Have your say

Tell the Board what you think. Your voice makes a difference.

You can **talk directly to the Review Board members at public hearings** in communities.

The Board listens carefully to everyone. It thinks about what it hears at the public hearings when it makes decisions about the proposed project.

6. DECISION AND RECOMMENDATION

The Review Board Decides

Based on what the Board hears (the evidence), it makes a decision on the impacts of the project. The Board's final report can recommend:

1. **Approving** the project, usually with mitigation measures
2. **Further review** of the project
3. **Rejection of** the project because the impacts are too great

Closing
Arguments

Report of EA

Measures

WHAT ARE THE MOST IMPORTANT ISSUES?

Tell us WHICH IMPACTS to study the most

- **Your views matter.** The Review Board needs to understand how a proposed project would affect **you or what matters to you**. We are here to listen.
- You could raise issues like impacts on your health, your family, wildlife, their habitat, culturally important areas, or community issues.

How to PARTICIPATE:

- The Board holds **public meetings** in communities near the project for you to attend and tell the Board what you think.
- You can tell the Board what the EA should study.

What happens to what YOU say?

- The Board takes what it heard and writes **a list of the subjects it needs to know more about** and which the developer will study and describe. This document is called the **Terms of Reference**.
- The developer's response to the **Terms of Reference** is a large report detailing the project, its impacts, and how the developer wants to manage those impacts. This is called the **Developer's Assessment Report**.

The “developer” is the company or government that wants to build the project.

Next Steps

By the end of scoping, the Review Board has identified the most important issues (for example, impacts on hunting, caribou, and water). From this, it has written a Terms of Reference, which asks questions to the developer and other parties about the impacts of the proposed project on those issues.

The developer then writes its Developer's Assessment Report based on the Terms of Reference. The EA will then study and examine those impacts in detail, starting with the analysis phase.

“That area where the road is to be constructed is where our ancestors have hunting and have camped, and lived in all those areas... Today some of the young people who are hunters and trappers still continue to work the land, and take care of the wildlife and water.”
(Francis Simpson, Elder)



ROLES AND RESPONSIBILITIES

Each party will review the developer's project description and tell the Review Board what they think are the most important issues to study.

The developer further describes the project and answers questions.

The Board asks **other parties** what they think the most important impacts are. These parties usually include: **members of the public, Government departments, Indigenous Government Organizations, Renewable Resource Boards, and NGOs.**

BENEFITS OF SCOPING

- focuses the EA on what matters most
- reduces the number of items that the EA must study
- reduces the time required for an EA
- reduces the cost of EA
- results in more effective study of the impacts that matter most
- leads to better decisions on the issues that matter the most

PREDICTING THE IMPACTS

Many groups help the Review Board predict the impacts

During this phase of the EA, technical experts, Traditional Knowledge (TK) holders, the Developer and others (with in-depth knowledge about how the project would affect people and the environment) come together to think about the impacts of the proposed project. They analyze the Developer's Assessment Report and each other's work, thinking about:

- How likely are predicted impacts?
- How bad will these impacts be?
- Can the impacts be avoided, or fixed if they happen?
- How long will the impacts last for?
- Which impacts are most important?



How to PARTICIPATE

- The Board runs technical sessions with a variety of groups such as Indigenous Government Organizations, federal and territorial government departments and the developer. These organizations think critically about technical details of the proposed project and its possible impacts. You may forward your thoughts and comments to these groups, so they may also represent you and some of your views in this part of the EA process.
- The Board can hold community sessions to allow the public to ask questions about the project and discuss what impacts it may cause.
- Your comments and questions help the Board understand how the project would affect the environment, people's use of the land, or communities.

To predict the impacts, the Board needs to understand how the project would directly and indirectly affect the things that matter most.



Next Steps

In the analysis phase the developer and parties write reports on issues within the Terms of Reference, saying what they think are the most important impacts. They give the Review Board evidence to support their positions.

These impacts are studied by the Review Board, Indigenous Government Organizations, Renewable Resource Boards, GNWT, and the Federal Government. Having many different groups study the same issues helps to ensure that impacts are understood well, and that the project includes good ways to reduce or avoid them. This leads into the public hearing phase of the EA where Board members hear the most important issues directly from others.



ROLES AND RESPONSIBILITIES

During the analysis phase:

- **Developer:** presents evidence and answers questions
- **Review Board:** questions the developer and parties, and facilitates the process
- **Government departments:** question the developer and answer questions
- **Indigenous Government Organizations and other parties:** question the developer and answer any questions

BENEFITS

- The analysis phase helps the Board and parties get the right information to better predict impacts.
- Working together gives the Board better, more thorough information while making relationships stronger.
- Face to face dialogue is a great way for parties to understand and resolve issues.

Have your say

Review Board members are people nominated by Indigenous land claim organizations, the GNWT and Federal Government. They will:

- listen carefully to your concerns about a proposed project.
- make decisions about whether it is likely to cause impacts that matter (that is, significant impacts).
- recommend if and how the project should go ahead.



**Tell the Review Board what you think.
Your voice matters.**



During the public hearings, you can talk directly to the Review Board members who will be making a final decision on project impacts. The Board makes its decision based on all the information it gets from the scoping and analysis phases, the developer's assessment report, and from the public hearings.

Members of the public have told the Board their concerns about impacts on...

- caribou
- trapping
- new crime rates
- health issues
- cultural sites
- fish spawning areas
- safety issues for women

"We take this seriously...our duties to that lake, our duties are to that land and that area. And our duties are to the fish, to the wildlife, to the birds and to every living and non-living thing in that area." - Patrick Simon

*"Let's listen well to each other. Let's listen... that's our land that we love that we're talking about. Let's share good stories and make good decisions".
- Dora Migwi, Elder*

The Review Board holds public hearings in communities affected by the Project

Interpreters come to all the public hearings so that everyone can hear from and speak to the Review Board in their own language.



ROLES AND RESPONSIBILITIES

During hearings:

- **Developer:** presents project and its impact predictions, and answers questions
- **Review Board:** questions the developer and parties, and runs the hearing
- **Government departments:** question the developer and answer questions
- **Other Parties:** question the developer and answer any questions



Next Steps

The Board hears directly from the public, parties and the developer in the Public Hearing phase. At the end of this phase, the developer and parties submit their final **closing arguments** in writing. This may include their outstanding concerns over potential project impacts or predictions. The Review Board considers all submissions as the evidence it relies on to make its final decision and recommendation about the project in its Report of Environmental Assessment.



BENEFITS

- Community members, parties and the developer can speak directly to the Review Board members who will make EA decisions.
- The Review Board members understand issues better when they hear directly from people. This leads to better decisions.
- Face to face dialogue is an effective way for parties to understand and resolve issues.

The Review Board considers all the information it heard throughout the process. It decides if the impacts that the project is likely to cause are significant. It then decides what to recommend about if and how the project should go ahead.

Will the project cause unacceptable impacts? Can *measures* change the project to avoid or reduce those impacts? Or are the impacts too much to deal with? These are the questions that the Review Board answers in its **Report of Environmental Assessment**.

The Review Board will decide whether to recommend:



The project can **go ahead**, often with measures to deal with impacts



More review is needed



The project should be **rejected**

What is a *measure*?

An environmental assessment can **avoid or reduce project impacts** by **changing the project** or changing how the project is run. The Review Board describes these changes in written **measures**. Measures have to be carried out by the developer or government for the project to go ahead.

ROLES AND RESPONSIBILITIES

During this phase:

- **The Review Board** considers all the evidence it heard and writes the reasons for its decision on project impacts and recommendations for the project. This is the **Report of Environmental Assessment (REA)**. It is sent to the responsible Minister.
- **The Minister** reviews the REA and decides whether to accept the recommendations of the Review Board.

BENEFITS

Community members, parties, and the developer can see how the information they provided the Review Board throughout the EA informed the final decision of the Review Board.

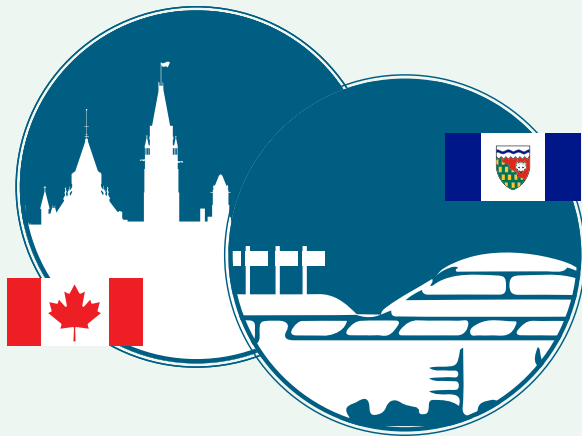


Minister's decision

The Review Board makes a recommendation to the responsible Minister about the project. It is then up to the Minister to consult with Indigenous groups to see if they have outstanding concerns. Then, the responsible Minister will decide whether to accept the Review Board's recommendation or to ask for a reconsideration of the decision. The Review Board makes the final decision on whether the project will cause impacts that are significant (and need measures to reduce or avoid the impacts). The Minister makes the final decision on whether the project can go ahead or not.

The minister may choose to:

- **Accept** the recommendation or ask the Review Board for **minor changes**
- **Order more review**, or ask the Review Board to **reconsider** its recommendation



MEASURES TO AVOID OR REDUCE IMPACTS

EAs often result in measures the Review Board makes to reduce or avoid significant impacts. For example, measures from EAs have required developers to:

- manage water around the mine so the area is useful for Indigenous traditional uses after the project closes
- Require policies that increase the safety of young women in work camps and communities
- create a cultural camp
- support independent community monitoring of the project
- create a Fisheries Management Plan that prevents impacts from additional fishing pressure resulting from increased access
- Reduce disturbances to caribou and barriers to caribou movement
- Improve water treatment and the quality of water the project releases
- further engage TK holders about cultural and heritage resources in the Project area, and conduct an Archaeological Impact Assessment incorporating this TK
- use Traditional Knowledge in project design and barren-ground caribou habitat monitoring





Photo: Arctic Canadian Diamond Company



Photo: Pat Kane



Photo: Arctic Canadian Diamond Company

USE THESE BOOKLETS TO HELP YOU THROUGH THE EA PROCESS



Overview: How environmental assessment fits into the co-management system.



Project Planning: What should happen before an environmental impact assessment?



Preliminary Screening: The co-management system decides if an environmental assessment is needed.



Environmental Assessment: What steps happen during an environmental assessment by the Review Board?



Follow-up: What happens after an environmental assessment is completed?



Participation: How to make your voice heard in environmental assessment.

NOTES

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BOOKLET	1	 <p>1 Overview of Environmental Impact Assessment</p> <p><small>A booklet series about Environmental Impact Assessment in the Mackenzie Valley</small></p>
BOOKLET	2	 <p>2 Project Planning</p> <p><small>A booklet series about Environmental Impact Assessment in the Mackenzie Valley</small></p>
BOOKLET	3	 <p>3 Preliminary Screening</p> <p><small>A booklet series about Environmental Impact Assessment in the Mackenzie Valley</small></p>
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BOOKLET	5	 <p>5 Follow-up</p> <p><small>A booklet series about Environmental Impact Assessment in the Mackenzie Valley</small></p>
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