

May 1, 2017

## Notice of Proceeding

Tlichó All Season Road, GNWT – Department of Infrastructure

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### **Re: EA1617-01 - Information Requests**

#### ***Introduction***

The environmental assessment process has reached the stage at which parties begin to prepare and submit information requests. The Government of the Northwest Territories – Department of Infrastructure submitted its *Adequacy Statement Response* on April 13, 2017 (PR#110). The Review Board determined that this document, along with the developer's *Project Description Report*, provides sufficient information to proceed to the information request stage (PR#111). Detailed instructions are provided below.

#### ***Information Request instructions***

In preparation for submitting information requests, parties are encouraged to review the developer's [Project Description Report and supporting information](#), the developer's [Adequacy Statement response](#), and additional information on the public registry for this EA. Information requests must be submitted using the online review system, available at:

#### **[ORS – First Round Information Requests](#)**

Information requests are due on **May 29, 2017**. Once all information requests have been submitted, the Review Board will canvas the developer about the time it expects to need to respond. An updated work plan, based on this, will specify dates for the technical session.

The purpose of information requests is to give parties and the Review Board the opportunity to request additional information or seek clarification about existing information in order to better understand the project and its potential effects. The Review Board may decide that additional round(s) of information requests are necessary before entering the hearing phase. For more information on information requests, see the Review Board's [Information Requests flat sheet](#).



All information requests 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 above.

### ***Review Board Approval of Information Requests***

The Rules (37-41) describe the procedure for Information Requests<sup>1</sup> (IRs) during a Review Board proceeding. Under Rule 38, parties may seek information within the scope of the terms of reference (PR#69) for the proceeding from any other party, using written IRs.

With this Notice, the Review Board is modifying the IR approval process set out under Rule 40. As a result, the IR process for this environmental assessment proceeding will be as follows:

1. Information Requests must be submitted to the Review Board using the Online Review System, or other means set out by the Review Board, and will thus be accessible to all parties and the public. If a party experiences technical or other difficulty, they can contact Board staff for assistance.
2. Approval of IRs is subject to the discretion of the Review Board, as noted under Rule 39. The Review Board has the authority to reject any IR, for reasons including but not limited to an IR that is offensive or is outside the scope of the environmental assessment. If the Review Board rejects an IR, the Board would notify parties and no IR response would be required.
3. Unless the Review Board gives such notice, parties from whom information is requested are responsible for providing a response within the time set out by the Review Board.
4. If the party from whom information is requested objects to providing the information, that party may request a ruling from the Review Board in accordance with Rules 46-50. The IR does not need to be answered until the Review Board's ruling is released.
5. If the party requesting information believes the IR response does not provide the requested information, and does not provide adequate and acceptable rationale to explain why the information is not provided, then that party may request a ruling from the Review Board, in accordance with Rules 46-50.

As part of the process set out above, Review Board staff reviews all new IRs whenever they are posted to the Online Review System and advises the Review Board if any IRs appear to be

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<sup>1</sup> Further explanation of Information Requests and the Review Board's subpoena power is provided on page 32 and Appendix F of the Review Board's [Environmental Impact Assessment Guidelines](#). The *Rules of Procedure* and the Guidelines are available at [www.reviewboard.ca](http://www.reviewboard.ca).



offensive or outside the scope of the terms of reference. In such a case, the Board may seek clarification from parties before ultimately deciding whether to reject the IR in question. IRs that are clearly offensive may be removed immediately by staff, pending the Review Board's review and decision.

The primary contact on behalf of the Review Board is Simon Toogood, Environmental Assessment Officer.

**Contact info:**

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