

EA1617-01

Updated Work Plan

Tlicho All-Season Road

Government of the Northwest Territories

April 28, 2017
Mackenzie Valley Review Board
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1. Introduction

This is the Work Plan for EA1617-01, the environmental assessment (EA) of the Tlicho All-season Road Project (TASR or the Project) proposed by the Government of the Northwest Territories-Department of Transportation (GNWT-DOT).

This EA is subject to the requirements of Part 5 of the *Mackenzie Valley Resource Management Act* (MVRMA). The Review Board has published *Environmental Impact Assessment Guidelines* and *Rules of Procedure* that describe the environmental assessment process and rules for its proceedings in detail. They are located on the Review Board website:

http://www.reviewboard.ca/process_information/guidance_documentation/guidelines.php

All documents related to this EA are accessible on the Review Board's public registry at www.reviewboard.ca. This Work Plan provides an estimated schedule for the environmental assessment and a brief description of the phases of the EA.

The developer submitted its response to the Adequacy Statement on April 13, 2017 (PR#110). The Review Board has determined that with this submission there is sufficient information on the public record to allow parties and the Review Board to prepare information requests.

2. Estimated Schedule

This section describes the process steps and estimated time requirements for each phase in the environmental assessment of the Tlicho All-season Road Project since its initial referral. The timelines provided assume the quality of information received at each stage of the EA is sufficient to advance the process and does not require clarification or additional work. In accordance with the *Rules of Procedure*, the board may vary this work plan as it deems necessary to ensure the EA process is fair and efficient.

As of April 28, 2017, the Review Board had used 3.5 months of its allotted 16 months as legislated under the MVRMA. The estimated total Review Board and party time for this EA is 9.5 months (see Table 1).

Table 1. Work plan for EA1617-01 with estimated schedule and timelines

Legend
Mackenzie Valley Environmental Impact Review Board and/or parties
Developer's/GNWT-DOT time
Minister

Process step	Process step time (approx. # weeks)	Cumulative Board time (approx. # months)
Referral of development proposal to environmental assessment	Start July 21, 2016	start
<i>Scoping</i>		
Community issues scoping meeting in Whatì	4 weeks	1 month
Technical issues scoping meeting in Yellowknife		
Draft Terms of Reference and draft Adequacy Statement	4 weeks	2 months
Public review and comment	3 weeks	
Developer review and comment		
Final Terms of Reference and final Adequacy Statement	1 week (October 30, 2016)	3 months
<i>Developer's fulfillment of Adequacy Statement requirements</i>		
Developer submits Adequacy Statement Response	April 13, 2017	
Conformity check of Adequacy Statement Response	April 28, 2017 - 2 week	3.5 months
<i>Information Requests and Technical Session</i>		
Information requests	Due on May 29, 2017 – 4 weeks	4.5 months
Developer responses to information requests	~4 weeks	
Board and parties prepare for technical sessions	3 weeks	5.25

Technical Session in Behchokò	Date to be determined (TBD)- 1 week	5.5 months
Developer response to undertakings from technical session <i>*If sufficient issues remain unresolved following the Technical Sessions, the Board may require a second round of information requests</i>	TBD	

Public Hearings

Technical Reports submitted (Parties' Interventions)	3 weeks	6.25
Pre-hearing conference		
Developer response to Technical Reports (Intervention)	TBD	
Deadline for Parties' Presentations	1 week	6.5
Deadline for Developer's Presentation	TBD	
Public Hearings in Whatì and Behchokò	2 weeks	7 months
Developer undertakings from hearing	TBD	
Closing arguments from Parties	2 weeks	7.5 months
Developer closing arguments and closure of public record	TBD	

Decision

Report of EA and Reasons for Decision	9 weeks	9.5 months
Decision from Minister of Lands and Tìchq Government	TBD	

3. Phases of the Environmental Assessment

The phases in this EA include the Start-up, Scoping and Terms of Reference, Analytical, Hearing and Decision phases. They are briefly described below.

3.1. Start-up phase

The Review Board referred the Project to environmental assessment on its own motion on July 21, 2016. This date marks the start of this EA process¹. During the Start-up phase, the Review Board notified the developer and the public of the referral. A project-specific EA was opened on the public registry and Review Board staff were assigned review roles for the EA.

3.2. Scoping and Terms of Reference phase

The Review Board held a community scoping meeting in Whatì on August 18, 2016, and a technical scoping meeting in Yellowknife on August 24, 2016. The Review Board incorporated comments and concerns from the public scoping meetings into a *draft Terms of Reference* (PR#46). For reasons outlined in the accompanying [Notice of Proceeding \(PR#44\)](#), a *draft Adequacy Statement* (PR#47) was also developed. This document describes the outstanding information needed to proceed to the next phase of the EA. The *draft Terms of Reference* and *draft Adequacy Statement* were released for review and comment on September 23, 2016. Comments from the public were received by the Review Board on October 13, 2016. Comments from the developer were received October 20, 2016, and the Review Board published a final Terms of Reference (PR#69) and Adequacy Statement (PR#70) on Oct 28, 2016.

3.3. Analytical phase

This phase includes the following steps:

Developer's Adequacy Statement Response (ASR): On April 13, 2017 in response to the Review Board's *Adequacy Statement* the developer submitted its [Developer's Adequacy Statement Response](#) (PR#110). This information along with the Developer's [Project Description Report](#) (PR#7) satisfies the requirements for a developer's assessment report (DAR).

Conformity Check: On April 28, 2017 the Review Board issued a letter stating that developer's

¹ See the Review Board's ["Reasons for Decision for Referral to Environmental Assessment"](#) (PR#2) for specifics.

Adequacy Statement Response is sufficient to move forward with the EA process (PR#111).

Technical Review: Parties to the environmental assessment, or any hired expert, look at the contents of the DAR (in this case, the combined PDR and ASR) to see if they agree with the issues analysis, potential impacts and any mitigation measures proposed by the developer. The technical review helps resolve or clarify issues and gather information that will help the Review Board make its final decision. See the [Technical Review step-by-step guide](#) for more details.

- **Information requests and responses:** Information requests are due on May 29, 2017. Information requests provide an opportunity for parties and the Review Board to seek additional information or clarification to better understand potential impacts and mitigations. Responses to the information requests are required unless rationale is provided on why a response cannot be submitted. The Review Board may decide that additional round(s) of information requests are necessary before entering the hearing phase.
- **Technical sessions:** Public meetings for the developer, parties and the public to discuss the evidence in the Developer's Assessment Report.

3.4. Hearing phase

The Review Board can, and typically does, hold a public hearing or hearings to address issues that remain outstanding and allow for parties and the public to speak to the Review Board directly. Review Board members are present at the public hearing(s). The Board will provide public notice a minimum of 30 business days in advance of the hearing. Hearings offer an opportunity for the developer, parties and the public to directly address the Review Board with evidence regarding the potential impacts of the proposed project.

Parties that wish to intervene in the public hearing must submit technical reports, which clearly state the parties' conclusions and recommendations based on evidence on the public record. The developer provides responses to technical reports prior to the public hearing, including any proposed amendments, additions or refinements to the development description, its own prediction of impacts, or mitigation commitments. The Review Board will provide a template and format for preparing a technical report.

At the hearing, parties have the opportunity to question the developer and other parties. The Review Board may identify undertakings that parties or the developer commit to during the public hearing. After responses to any undertakings are submitted, parties and the developer will submit closing arguments with deadlines provided by the Review Board.

Specifics on hearing format are described in a Notice of Proceeding issued prior to the hearings.

3.5. Decision phase

Following the hearing phase, the Review Board closes the public record for the environmental assessment and begins its final deliberations. Upon completing its thorough assessment of the evidence on the public record, the Review Board releases a *Report of Environmental Assessment* and *Reasons for Decision*. The Review Board will provide the GNWT Minister of Lands and the Tłıchǫ Government with its *Report of Environmental Assessment* in accordance with subsection 128(2) of the MVRMA.