

## Patrick Duxbury

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**From:** Joe Acorn [joeacorn@theedge.ca]  
**Sent:** Monday, June 26, 2006 5:55 PM  
**To:** Patrick Duxbury; donihee@telusplanet.net  
**Cc:** Mary Tapsell; Vern Christensen, Executive Director; Roshan Danesh; Tim Howard  
**Subject:** Re: EA0506-007 SDL8 Developers Assessment Report conformity and future environmental assessment direction

Hi Patrick,

The opportunity to ask questions of the developer at the scoping hearing was just for that purpose - the opportunity to ask questions *for the purpose of scoping the EA*. It was not to ask questions that were to be used as evidence in the process. Questions for the purpose of obtaining evidence is the role of the IR process.

If the Review Board had intended that the scoping hearing was part of the IR process, this was never communicated to the interveners. As well, we also did not have at that time the DAR, the addendum to the DAR or the responses to the IRs from other interveners. To just assume that these documents would not produce any questions is not justifiable.

Just because the Review Board might have the authority to do something, does not mean that it should. The Terms of Reference clearly identified that there would be a 2nd round of IRs for the use of the interveners. This was not listed as an optional part of the EA process. At the very least, the Review Board should have sent out a letter and asked for opinions on this subject by asking if any interveners had any IRs that would require the Review Board to go ahead with the 2nd round of IRs. To surprise everyone with an announcement that the Review Board is cancelling the 2nd round of IRs and that closing statements are due next week is not what I would term as a positive, or fair, innovation of the EA process.

The effect is that the Ka'a'Gee Tu and other interveners upheld our side of the intervener arrangement by answering IRs that were sent to us and now we are denied a significant benefit of being an intervener by not being allowed to ask questions.

As for not sending out documents, if that is the route that you were going to take then we should have been advised of that, especially since I already raised this issue with you on May 29th. Traditionally, the Review Board's EAOs sent copies of significant documents to the e-mail and fax distribution lists as soon as documents were received by the Review Board. I received no notice that this process was going to change and so I have lost time by not being aware that these documents had been submitted. Now instead of having a couple of weeks to get together our 2nd round of IRs, we have 1.5 weeks to review these documents and prepare and submit our closing statements, never minding the fact that the leaders and staff of all of the Dehcho communities are at the Dehcho Annual Assembly all of this week.

By relying on the web-site subscription service alone, the Review Board is also making a big leap of faith in both the ability and usage of the internet in the communities. Fax is still the preferred form of communication in many communities, including for the Ka'a'Gee Tu.

Joe Acorn

----- Original Message -----

**From:** [Patrick Duxbury](#)  
**To:** [Joe Acorn](#) ; [donihee@telusplanet.net](#)  
**Cc:** [Mary Tapsell](#) ; [Vern Christensen, Executive Director](#) ; [Roshan Danesh](#) ; [Tim Howard](#)  
**Sent:** Monday, June 26, 2006 5:03 PM  
**Subject:** RE: EA0506-007 SDL8 Developers Assessment Report conformity and future environmental assessment direction

6/27/2006

Good afternoon Joe,

As you know, the Review Board has attempted to revise its process for this environmental assessment in an innovative manner. This included, among other things, holding a scoping hearing at the beginning of the assessment, where the public and parties were given an opportunity to voice concerns and ask questions of the developer. Today's decision by the Review Board is supported by the Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings, specifically Rule #9: *The Review Board may issue a direction on procedure at any time during an environmental assessment or environmental impact review proceeding.* The Review Board feels that, given the nature and scale of the SDL8 project, as well as the information received to date, it can shortly commence with the significance determination exercise; pending the receipt of comments from the parties and public of course. As such, it has dispensed with holding another round of Information Requests.

As for the notification of documents being submitted to the Review Board; I apologize if this delay has caused a problem for you. It was my intention to give notice to the parties concerning the DAR Addendum, its conformity, the IR responses from KTFN and KFN, as well as the Review Board's direction, all at one time, so as to minimize the number of correspondence items that are sent out to the distribution lists by us.

As a suggestion, perhaps you could consider utilizing the Review Board's new subscription service. I believe you were sent out a message concerning it earlier this month. By subscribing to it, you will be able to receive notification concerning documents as they are posted to the web site. I have pasted the message regarding the service below for your information.

Regards,

Pat Duxbury

### **Launch of Subscription Services**

The Mackenzie Valley Environmental Review Board is pleased to announce the launch of a new service on our website. Our new subscription service will allow interested parties to sign up for automatic email updates of the environmental assessments currently being conducted by the Review Board. As documents are added to the public registry for environmental assessments, subscribers will receive notification in their email inbox. Subscribers may also sign up for automatic distribution of our newsletter, "*Valley Talk*", and for updates on our newly released draft Socio-economic Impact Assessment Guidelines. You can sign up for this service through our web page, [www.mveirb.nt.ca](http://www.mveirb.nt.ca), by clicking on the 'Subscriptions' button on the left hand side of the home page.

We hope that users of our website will find this service useful in keeping up to date with environmental assessment in the NWT. Please send us your questions and comments so we can continue to improve our services. Thank you.

Tawanis Testart  
Environmental Assessment Assistant  
Mackenzie Valley Environmental Impact Review Board

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**From:** Joe Acorn [mailto:joeacorn@theedge.ca]  
**Sent:** Monday, June 26, 2006 3:59 PM

6/27/2006

**To:** Patrick Duxbury; donihee@telusplanet.net  
**Cc:** Mary Tapsell; Vern Christensen, Executive Director; Roshan Danesh; Tim Howard  
**Subject:** Re: EA0506-007 SDL8 Developers Assessment Report conformity and future environmental assessment direction

Hi Patrick,

When is the opportunity for the interveners to submit Information Requests? I don't recall there ever being an EA where the interveners were not allowed to ask any questions and I see no reason why this one should be the first.

Also, it would be preferable if we were notified, and sent copies of, documents that have been submitted shortly after they have been received by the MVEIRB, not 2 weeks later.

Joe Acorn

----- Original Message -----

**From:** [Patrick Duxbury](#)

**To:** [FairmanF@inac-ainc.gc.ca](#) ; [Lorraine.Sawdon@EC.GC.CA](#) ; [Shirley.Maaskant@paramountres.com](#) ; [adrian@mvlwb.com](#) ; [Alberta Dept. of Sustainable Development](#) ; [Bharat Dixit](#) ; [watsone@dfo-mpo.gc.ca](#) ; [gavin\\_more@gov.nt.ca](#) ; [inbusnow@hotmail.com](#) ; [Heidi Wiebe, Deh Cho Land Use Planning Committee](#) ; [cpawsnwt\\_cc@theedge.ca](#) ; [joeacorn@theedge.ca](#) ; [donihee@telusplanet.net](#) ; [jkorec@neb-one.gc.ca](#) ; [landsnresources@katlodeeche.com](#) ; [hrdb@ssimicro.com](#) ; [wade.romanko@ec.gc.ca](#) ; [wfnwt@marinenet.net](#)

**Cc:** [Mary Tapsell](#) ; [Vern Christensen, Executive Director](#)

**Sent:** Monday, June 26, 2006 2:36 PM

**Subject:** EA0506-007 SDL8 Developers Assessment Report conformity and future environmental assessment direction

Please refer to the attached letter.

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Mackenzie Valley Environmental Impact Review Board  
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