

January 31st, 2013

Our file: EA1011-001

Pre-Hearing Conference Meeting Minutes, Thor Lake Project Environmental Assessment

Location: MVEIRB Board Room

The following represents a summary of the pre-hearing conference.

1. Technical reports and hearing presentations

Staff informed prehearing conference participants that the Board may have to restrict public hearing presentations to only those parties that submitted technical reports (six parties out of fifteen), since as a matter of fairness parties' presentations are required to be based on evidence found on the public registry for this file.

YKDFN, LKDFN, DKFN, NSMA and Blachford Lake Lodge expressed concern that not having the ability to present would seriously hinder their meaningful participation in the public hearing.

Avalon stated they had no objections to YKDFN, LKDFN, DKFN, NSMA and Blachford Lake Lodge presenting at the public hearing. In order to maintain a fair process it was decided that:

- YKDFN, LKDFN, DKFN, NSMA and Blachford Lake Lodge, and those parties that submitted technical reports are to submit hearing presentations (PowerPoint or written) by February 4th, 2013 (the original deadline).
- Avalon's hearing presentation submission deadline was extended to February 12th, 2013 (from February 8th) in order to accommodate inclusion of information in the February 4th presentations.

2. Hearing format, by party

NPMO asked why the hearing was not being conducted on a by-party basis. Staff indicated that both by-topic and by-party approaches have merits. No party objected to a by-party approach. Board staff noted that the Review Board may have to compress the Yellowknife hearing agenda.

3. Community hearing

Review Board staff notified parties that the Board may cancel the community hearing proposed for Fort Resolution. Participants expressed concern that locally affected people like Fort Resolution residents should have the opportunity to provide their views on the project directly to the Review Board.

The LKDFN also requested a community hearing in Lutsel K'e but noted that if only one community hearing was to be held, it should be in Fort Resolution.

Parties expressed concern that advance written notice had not been provided regarding the potential changes to hearing locations, number of hearing days and overall agenda. Staff indicated that the pre-hearing conference was the soonest opportunity to inform parties regarding hearing matters.



It was also suggested that the hearings should include an evening session to allow community members who are unable to attend during the day the ability to attend.

4. DFO hearing attendance

Fisheries and Oceans Canada (DFO) requested that they not be required to attend the public hearings and that they would be open to responding to hearing questions in writing. Board counsel pointed out that there would likely be difficulty with re-opening the record after the hearings are closed. Board staff also pointed out that the Board or parties may have questions related to potential impacts during the hearing. Other parties did indicate they may have questions during the hearings for DFO. DFO requested a formal response to their request not to attend.

5. Hearing location and setup

- Parties requested that the Tree of Peace “bingo hall” be used rather than the “large board room”. Review Board staff noted that the “bingo hall” is unavailable and the “large board room” is the venue for the hearing.
- Parties requested that tables be made available during the hearing for working on.

6. Attendees

Review Board

- Chuck Hubert
- John Donihee (phone)
- Paul Mercredi
- Simon Toogood
- Stacey Menzies
- Cailin Maki

Avalon

- David Swisher
- Kelly Cumming
- Rick Hoos (phone)
- Kevin Hawton (phone)
- Mark Wiseman (phone)
- Two other Avalon participants

Parties

- Joel Holder - GNWT
- Nathen Richea – AANDC, WRD
- Rosie Bjornson – DKFN (phone)
- Patrick Simon – DKFN (phone)



- Mike Tollis – LKDFN
- Randy Freeman - YKDFN
- Sheryl Grieve - NSMA
- Mike Freeland – Blachford Lake Lodge
- Rick Walbourne - DFO
- Sarah Olivier -DFO
- Sarah Lacey-McMillan –EC
- Jane Fitzgerald - EC
- Christopher McGuire – TC (phone)

Other participants

- Kate Witherly – Northern Projects Management Office
- Rohan Brown – Justice Canada (phone)

