

**Mackenzie Valley  
Review Board**



**Draft Interim Work Plan**

**EA1213-02**

**Mackenzie Valley Highway**

**Government of the Northwest Territories**

December 23, 2013

Mackenzie Valley Review Board

200 Scotia Centre

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## 1. Introduction

This is the interim draft work plan for the environmental assessment (EA) of the Mackenzie Valley Highway, referred to as the MVH or the Project. The developer is the Government of the Northwest Territories (GNWT).

This EA is subject to the requirements of Part 5 of the *Mackenzie Valley Resource Management Act*. The Review Board has published Environmental Impact Assessment Guidelines and Rules of Procedure which 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](http://www.reviewboard.ca/process_information/guidance_documentation/guidelines.php)

This interim draft work plan describes roles and responsibilities of the developer, parties and the Review Board. The interim draft work plan also summarizes project phases and provides an estimated schedule for the environmental assessment of Mackenzie Valley Highway. When the developer submits its Developer's Assessment Report a draft work plan with detailed dates will be issued for comment from parties.

## 2. Roles and responsibilities

This section outlines the roles and responsibilities of the Review Board and its staff, as well as other parties involved in this EA.

### 2.1. Review Board and Review Board staff

The Review Board conducts an EA according to Part 5 of the MVRMA.

Review Board staff are the main contacts for the developer, parties and the public on behalf of the Board. The primary contact on behalf of the Review Board is Simon Toogood, Environmental Assessment Officer.

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While the Review Board has a coordinating role in the EA, the developer and parties may meet to discuss issues outside the formal process steps. The Review Board encourages meetings and discussions between the developer and parties throughout the EA.

## **2.2. Developer**

The developer is the Government of the Northwest Territories. During this environmental assessment, the Government of the Northwest Territories has a responsibility to respond in an adequate and timely manner to directions and requests issued by the Review Board. Such requests include a Developer's Assessment Report that adequately reflects the requirements of the Terms of Reference, responses to information requests and other submissions as well as participation in technical meetings and a public hearing. The developer must meet deadlines set by the Review Board.

The developer may present additional information at any time prior to closure of the public record to the Review Board beyond what specific requests arise during the EA. The Review Board encourages the developer to continue consulting all potentially-impacted communities and organizations throughout the EA. The Review Board requests that the developer provide written records of consultations and other meetings for the public registry.

## **2.3. Party status**

Party status allows organizations and individuals the ability to submit information requests, participate in technical meetings, issue technical reports, make presentations and ask questions of other parties at hearings. The developer is automatically a party to this environmental assessment. The Review Board issues party status on a case-by-case basis.

Parties are expected to participate in the EA process steps as described in this work plan and as directed by the Review Board. Submissions from parties must meet deadlines set by the Review Board.

## **2.4. The public and other organizations**

The public and organizations that do not have party status may still participate in this EA by submitting comments to the Review Board at any time. Organizations and the public may also address the Review Board during public hearings at designated times.

## **2.5. Technical advisors to the Review Board**

In addition to the expertise available from parties, the Review Board may also choose to hire technical advisors to provide technical expertise on specific issues. The Review Board will place notice on the public registry of any technical advisors it engages.

## **3. Work Plan phases**

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 began the EA by notifying the public and its distribution list of the referral of the project to EA and opened a public registry. All documents related to this EA are accessible on the public registry at [www.reviewboard.ca](http://www.reviewboard.ca).

The Review Board asked that interested organizations and individuals apply for official party status to the EA. On May 31, 2013, The Review Board granted party status to the following organizations:

- Dehcho First Nation
- Sahtu Renewable Resources Board
- Gwich'in Tribal Council
- Aboriginal Affairs and Northern Development Canada
- Transport Canada
- Environment Canada
- Natural Resources Canada
- Department of Fisheries and Oceans

### 3.2. Scoping and Terms of Reference phase

Review Board staff held issues scoping meetings in communities along the route of the Mackenzie Valley Highway including Wrigley, Tulita, Norman Wells, Fort Good Hope and Inuvik from September 9-18, 2013. The issues scoping meetings were held in order to help the Review Board identify what issues people in the communities most affected by the project felt were important and to also prioritize those issues.

Since the Government of the Northwest Territories is the developer of the Mackenzie Valley Highway and had conducted initial scoping work, the Review Board asked it to submit a preliminary draft Terms of Reference. The Review Board then prepared its draft Terms of Reference based on the developer's preliminary draft submission, information from its own community scoping meetings and standard EA practice. The Review Board sent its draft Terms of Reference for comment on Nov 25, 2012 and published a final Terms of Reference on Dec 23, 2013.

### 3.3. Analytical phase

The purpose of the analytical phase is to collect information required for the Review Board to make a determination on whether the project is likely to have significant adverse impacts on the environment including people. This phase includes the following steps:

**Developer's Assessment Report:** The developer submits its Developer's Assessment Report (DAR) to the Review Board according to the requirements of the Terms of Reference.

**Adequacy Review:** The Review Board does an adequacy review of the DAR to ensure that the developer has adequately responded to the requirements of the Terms of Reference. If the DAR does not adequately address the requirements of the Terms of Reference, the Review Board will issue a deficiency statement identifying those areas in which the developer has not provided adequate information. The developer is required to submit information to the Review Board to fill the information gaps identified in the deficiency statement. When the DAR is found to be in conformity with the Terms of Reference, the Review Board will instruct parties that review of the DAR can begin.

**Information requests and responses:** Information requests provide an opportunity for parties to seek additional information or clarification on specific and focused aspects of the DAR in order to better understand impacts from the proposed development. Responses to the information requests are required unless rationale is provided on why a response cannot be submitted.

Party status is required in order to submit Information Requests. Guidance and examples on the submission of information requests can be found in Appendix F of the *Environmental Impact Assessment Guidelines 2004*, available on the Review Board's website.

Information Requests need to be directly relevant to the scope of the environmental assessment and must add value to the assessment and determination of impacts from the project on the biophysical, socio-economic and cultural environment in the project study area(s). The Review Board will provide direction on information request procedures.

**Informal meetings:** In order to improve process efficiencies and reduce the number of formal information requests, the Review Board encourages the developer and parties to discuss issues at any time during the EA through informal meetings. A summary of discussions between parties and the developer at these meetings should be recorded and submitted in writing to the Board for the public registry. A template on how to complete a meeting report can be found on the Review Board website.

[http://www.reviewboard.ca/registry/forms\\_and\\_templates.php](http://www.reviewboard.ca/registry/forms_and_templates.php)

**Technical meeting:** The Review Board may choose to hold technical meetings that allow for in-person question-and-answer sessions between parties and the developer in a facilitated setting. Board members are not present. Prior to a technical meeting, parties may submit questions to the developer to allow for informed discussion during the meeting. Review Board staff record the meeting and any of the developer's commitments. The Review Board either records verbatim transcripts or prepares meeting notes that identifies main topics of discussion, resolution of issues and commitments. Following the meeting correspondence to clarify issues and commitments may be required.

**Technical reports from parties:** Parties submit technical reports prior to public hearings. Technical reports from parties clearly state the parties' conclusions, recommendations and supporting rationales. The developer is welcome to provide 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.

### **3.4. Hearing phase**

The Review Board may choose to hold a hearing or hearings to address issues that remain outstanding and allow for parties and the public to speak to the Review Board directly. 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 may provide formal presentations at hearings. All parties and the Review Board have the opportunity to question the developer and other parties at hearings through the Review Board Chair. At the hearing, the Review Board may identify undertakings that parties or the developer commit to along with submission deadlines for closing statements from parties and the developer. Specifics on hearing format are set out in a hearing directive 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 final deliberations, culminating in a *Report of Environmental Assessment* and *Reasons for Decision*. If, during deliberations, the Review Board requires clarification of evidence on the public record it may issue “requests for clarification” without reopening the public record. Unlike Information Requests, a “request for clarification” does not seek new information or evidence but rather a clarification of evidence already on the public record.

The Review Board’s decision will include a single recommendation from among the options available to it under subsection 128(1) of the *MVRMA*, and may also require mitigation measures be put in place in order for the development to proceed. The Review Board’s decision document may also identify non-binding suggestions for the developer or other responsible groups to better protect the environment. The Review Board will provide the Minister of Indian and Northern Affairs Canada (the Federal Minister) with its *Report of Environmental Assessment* as per subsection 128(2) of the *MVRMA*

#### 4. Estimated schedule

This section provides an estimate of the date and duration of the phases in the environmental assessment of the Mackenzie Valley Highway.

##### Process steps Completed as of Dec 23, 2013

Referral by the developer to environmental assessment	February 2013
Scoping meetings in Wrigley, Tulita, Norman Wells, Fort Good Hope, Inuvik	Sept 9 – 18, 2013
Developer's proposed draft Terms of Reference (submitted by developer)	September 30, 2013
Draft Terms of Reference (prepared by Review Board)	Nov 25, 2013
Comments on draft Terms of Reference	Dec 10, 2013
Final Terms of Reference and interim draft Work Plan issued	Dec 23, 2013



**Work Plan for the environmental assessment of the Mackenzie Valley Highway,  
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<b>Process step</b>	<b>Cumulative Board and Party time (months)</b>	<b>Due/completion date</b>	<b>Total time (months)</b>
<b>Analytical phase</b>			
Submission of Developer's Assessment Report		April 2014	4
Adequacy review of the DAR ( and deficiency statement if required <sup>1</sup> )	1	May 2014	5
Developer's response		June 2014	6
Board's review of deficiency response (if required)	1.5	Jul 2014	7
Information requests round one, preparation by Board and parties	2.5	Aug 2014	8
Information request responses		Sept 2014	9
Technical sessions	3.5	Oct 2014	10
Information requests round two, preparation by Board and parties (if required)	4.5	Nov 2014	11
Technical reports (parties)	5.5	Dec 2014	12
<b>Hearing Phase</b>			
Pre-hearing conference	6	Jan 2015	13
Public hearing preparation (Board, parties)	6.5	Feb 2015	14
Hearings	7	Mar 2015	15
Hearing undertakings (developer, parties)	8	April 2015	16

Closure of public record	8	April 2015	16
<b>Decision phase</b>			
Evidence analysis (Board)	9	May 2015	17
Board deliberation and initial report drafting	10	June 2015	18
Board, legal and editorial reviews	11	July 2015	19
Decision and Report of EA issued	11	July 2015	19
Ministers Response		Oct 2015	22

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<sup>1</sup> Deficiency statement not required if Developer's Assessment Report adequately answers requirements of the Terms of Reference