

EA1314-01  
Jay Project

## Pre-hearing Conference Meeting Summary Jay Project

The pre-hearing conference for the Jay Project Environmental Assessment took place on August 5, 2015 in the Mackenzie Valley Review Board boardroom. The following represents a summary of the meeting.

### 1. Introductions

- Present in room:
  - Kate Witherly (ENR)
  - Monica Vint (ENR)
  - Mike Reddy (GNWT)
  - Zachary Young (GNWT)
  - Brad Sommerfield (EC)
  - Sarah Lacey MacMillan (EC)
  - Veronique D'Amours-Gauthier (DFO)
  - Kevin O' Reilly (IEMA)
  - Claudine Lee (DDEC)
  - Rick Bargery (DDEC)
  - Melinda Kellett (DDEC)
  - Alex Power (YKDFN)
  - Catherine Braun-Rodriguez (GNWT)
  - Melissa Pink (GNWT)
  - Lorraine Seale (GNWT)
  - Sarah Robertson (NPMO)
  - Camilla (NPMO)
  - Shin Shiga (NSMA)
  - Alan Ehrlich (MVEIRB)
  - Simon Toogood (MVEIRB)
  - Brett Wheler (MVEIRB)
  - Kate Mansfield (MVEIRB)
- Present on phone:
  - Peter Unger (LKDFN)
  - Maureen Flagler (Aboriginal Affairs)
  - Steve Strawson (Golder)
  - Patrick Duffy (DDEC)
  - John Donihee (MVEIRB)
  - Ginger Gibson (TG)
  - Chris Aguirre (Transport Canada)
  - Mark D'entremont (DKFN)

### 2. Review the [Rules of Procedure 2005](#) and format for formal hearings and community hearings

- All hearings:
  - Board members are present
  - Board Chair facilitates and reserves the right to adjust the schedule as they see fit so parties should be prepared to present their material and/or question other parties at any time.
- Formal hearings. Yellowknife Sept 14-16 (Explorer for first two days, Tree of Peace for third)
  - Parties were asked who would represent them at the Yellowknife hearing
  - The Review Board will consider combining topics related to caribou with other wildlife on Day 2 of the hearing.
  - Timing on Day 1 will be very tight. Ultimately, all aspects of the agenda are subject to the Chair's discretion, including adjournment time and if parties' questioning can extend into the time allotted for public commentary. To make the hearing as efficient as possible, MVEIRB requires parties to be conscious of their time limits, be well-organized, and plan their presentations and questioning accordingly. Further, MVEIRB suggests that parties' may wish to invite elders to speak on their behalf on either Day 2 or 3 so that they will not be subjected to the tighter timelines of Day 1.

- IEMA suggests that the public pre-register so that the Board has an indication of how many people they can expect.
- GNWT asks if opening remarks from parties are required. Neither opening nor closing remarks will take place during the hearing due to time constraints.
- DDEC asks for clarity that parties' presentations can only speak to information presented in their technical reports. Yes, this is the case as no new evidence can be presented to the Board in the presentations. Parties may, however, offer their view on other's evidence.
- DDEC asks if there is a need for re-capping their presentation for the public after 6pm. MVEIRB will consider this. Clarification that the public are directed not to ask questions, only offer comments to the Board.
- Discussion regarding the order of questioning. IEMA has been selected to go first, followed by the GNWT due to the broad mandate of these groups. In all cases, the developer speaks last as a matter of procedural fairness.
- EC initiates discussion about timelines for DDEC commitments. DDEC should address these by August 17<sup>th</sup>.
- For the TG and LKDFN, since hearings will have different audiences, the presentations at the community and formal hearings should be tailored to meet the needs of these audiences.
- DDEC indicates that they need more time in the agenda to present on Day 2 and 3.
- IEMA suggests that there should be guidance from the Board on the length of presentations. MVEIRB takes this point and will issue written correspondence in the coming days to get a better idea from parties about requested time for presentations and questioning.
- General discussion on how the hearing could be kept most efficient.
- Community hearings: Behchoko, Lutsel K'e and Kugluktuk.
  - Community submits presentation to the Review Board by Aug 26 and Dominion Sept 1
  - Parties are not present for q & a as in formal hearing
  - Community members can ask DDEC questions
  - MVEIRB may request agencies participate in community hearings by answer questions on issues related to socioeconomics, fish and aquatics, and caribou.
  - DDEC confirms expectations for their presentations in the communities in terms of timing and content.
  - No teleconference capabilities in the communities.

### **3. Confirm party status**

- Parties that do not submit technical reports cannot make presentations at hearing.
- Discussion regarding the DKFN's late technical report submission and steps forward in retaining party status.
- KIA is not an official party and will only observe in Yellowknife hearings. They will make a presentation in the Kugluktuk hearing.
- Parties who did not submit technical reports on time can still provide closing argument after hearing, as long as it does not contain new evidence.

### **4. Set the hearing agenda**

- Next draft of the agenda will further define what topics will be covered and when. Final draft will include order and timing of parties' presentations, etc.

### **5. Allot time for parties at the hearing**

- Parties indicated their approximate time requirements. MVEIRB understands that these are all best guesses and will get more detail about this in a future written correspondence.
- Review Board staff will track undertakings and commitments. Details on how undertakings and commitments will be tracked will be released in the hearing directive.

- GNWT will ask MVEIRB to comment on purpose and intent of GNWT's commitments in the EA process.

#### **6. Suggestions for hearing presentations**

- MVEIRB shares handout on presentation tips. Handout is emailed to participants on the phone.
- Appropriate interpreters will be available at each hearing location. There will also be simultaneous transcription.
- Yellowknife hearings will have teleconference capabilities, but if you are not present in the room, you must have an avatar present to represent you in person if you wish to ask questions.
- EC requests clarification as soon as possible on division of presentation materials. MVEIRB notes this.
- Generally discussion on commitments and how they have been used by the Review Board in the past.

#### **7. Upcoming dates and deadlines**

- Aug 17 DDEC responds to technical reports
- Aug 21 due date for party presentations for formal Yellowknife hearing
- Aug 26 due date for community hearing presentations (KIA, TG, LKDFN)
- Sept 1 due date for Dominion presentations for all hearings
- Sept 1 Closure of public record; record will be re-opened for public hearings.
- Meetings between parties and DDEC (if they happen) should therefore occur before Sept 1. If they occur after this date, the record of them will not be posted on the registry until it re-opens.
- DDEC's intention is to file responses to parties on or before the 17<sup>th</sup> of August.