

EA1415-02

May 27, 2015

Terry Hall
Director, Land Use and Sustainability
P.O. Box 1320, Yellowknife NT X1A 2L9
Via email

Rachel Crapeau
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Via email

Dear Mr. Hall and Ms. Crapeau

**Re: Chedabucto Project Environmental Assessment
YKDFN IRs, GNWT responses, and next steps**

The Review Board thanks the YKDFN and GNWT for submitting meeting minutes from the May 12 meeting and for the GNWT's letter dated May 25, 2014. The Review Board understands that the GNWT letter, along with the attached responses to YKDFN information requests (IRs) and meeting minutes, comprises the GNWT's response to the YKDFN IRs, except for YKDFN IR#3 parts 1-5.

When considering disputes between parties the Review Board must hear the position of each party. In this instance the Review Board was notified by the GNWT on April 24, 2015 that it was of the view that many of the YKDFN IRs are not within scope of this assessment. The Review Board encouraged the parties to meet to resolve the issues. On May 12 the parties met to discuss the IRs. The meeting led to clarification of the questions which led to the GNWT providing responses to many of the IRs and proposing a mechanism for responding to the remainder. The Review Board considers the results of the meetings as productive and successful.

The next step in this process is to hear the position of the YKDFN on the GNWT's responses and proposal for answering the remainder of the questions. The Review Board requests that the YKDFN provides its views on the matter by 10:00 am on Friday May 29, 2015. Once a response is provided by the YKDFN the Review Board will have the information needed to consider the GNWT's position regarding the applicability of certain YKDFN IRs. The Review Board will have opportunity to consider this matter in its Board meeting of June 2, 2015. Your response, by the deadline above, will be helpful in determining next steps.

The relevant documents pertaining to this issue are:



- March 16, 2015 – Review Board note to file regarding 1st round of IRs ([PR#19](#))
- April 10 2015 - YKDF 1st round of IRs
- April 20, 2015 - Review Board note to file regarding IRs ([PR#28](#))
- April 24, 2015 - GNWT letter regarding IRs ([PR#30](#))
- May 12, 2015 – GNWT and YKDFN meeting minutes regarding IRs ([PR#46](#))
- May 25, 2014 - GNWT Response to YKDFN IRs ([PR#50](#))

For your reference, the following is a summary of the events related to the issues surrounding the YKDFN IRs:

- On March 16, 2015 the Review Board asked reviewers to submit IRs by April 10 and the responses by April 24, 2015. On April 20, 2015 the Review Board issued a note to file providing direction to reviewers on IR deadlines and outlining a process for reviewers to question the relevancy and applicability of IRs. In this note to file the Review Board encouraged parties to work together outside the EA process to address any issues or concerns they may have.
- On April 24, 2015 the GNWT sent a letter to the Review Board requesting an extension to respond to the YKDFN IRs. The letter provided the GNWT's view that YKDFN IR#1, 3, 4, 6, 7, and 13 are either not relevant or are not within the scope of the EA. The GNWT asked the Review Board to direct the YKDFN to reframe these IRs. The letter also stated that the GNWT was endeavouring to meet with the YKDFN to discuss and clarify the YKDFN's IRs.

At this time the Review Board was of the understanding that YKDFN and GNWT were in the process of meeting to discuss the IRs with the aim of clarifying the questions and providing answers. The Review Board refrained from deliberating on this matter until the results of their meetings are provided by the parties.

- On May 12, 2015 the GNWT and YKDFN met to discuss the IRs. During the meeting the GNWT and YKDFN clarified intent and meaning of the IRs. With this clarification the GNWT was able to provide responses to YKDFN IR# 1, 3 (part 6), 4, 6, 7, and 13. The GNWT maintains that IR#3 parts 1-5 are not within the scope of this EA and that a response to these questions is not appropriate in the context of this EA. However, the GNWT proposes to provide responses to the YKDFN outside of this EA process.

Given the responses provided by the GNWT and its position that a response to IR#3 part 1-5 can be provided outside of this EA process, the Review Board asks the YKDFN for its position, by the deadline specified above, regarding whether the GNWT response is acceptable.

The Review Board understands the questions presented by the YKDFN and the concerns raised by the GNWT. The efforts taken by both parties to resolve the issues is acknowledged and appreciated. When the YKDFN provide its views of the GNWT's responses and proposal, the Review Board will be in a position to



provide its views on any outstanding issues. The Review Board encourages both parties to maintain their efforts to clarify and resolve issues. The Review Board looks forward to hearing the views of the YKDFN regarding the GNWT responses to date.

Sincerely,

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