

December 4, 2023

# Note To File

RE: Mackenzie Valley Highway, online meeting to review draft Workplan – Meeting Notes from December 4, 2023, 1:30-2:30PM

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## 1 Introduction

On December 4, 2023, the Mackenzie Valley Environmental Impact Review Board (Review Board) staff hosted an online meeting to present the draft Workplan for the Mackenzie Valley Highway project and answer questions. This report is a summary of the Workplan presentation along with questions, answers, and general discussion.

Meeting participants were advised of the following at the start of the meeting:

- a summary report of the meeting would be prepared and posted to the public registry
- questions and comments from meeting participants will not be attributed to an individual or organization in the summary report

## 2 Review Board staff present draft Workplan and describe EA process steps

Review Board staff presented the environmental Assessment (EA) process steps during the analytical phase of the draft Workplan including review of the Developer's Assessment Report (DAR) and information requests. The draft Workplan is here: [Notice of Proceeding and Workplan 21 Nov 2023.](#)

### Review of Developer's Assessment Report using the Online Review System

The DAR is currently undergoing public review using the Online Review System (ORS). This purpose of this online review is for parties to make comments and recommendations to the developer about the content of the DAR. Comments should focus on the project description, potential impacts, and proposed mitigation described in the DAR.

### Information requests

The next steps of the analytical phase will include additional information requests (IRs) from the Review Board followed by IRs from parties. IRs will allow for more detailed questioning on information gaps and outstanding information that parties need to understand the project and its impacts. IRs can be directed to any party, including the developer.

## Participating during the analytical phase

Any individual or organization who participates in the EA is a party. Any party can submit comments and recommendations on the Online Review system and submit information requests.

## Training for the Online Review System

Review Board staff will offer training for the ORS on December 13, 2023, and in January 2024. Further information on this training will be posted to the public registry.

## 3 Questions from meeting participants and answers from Review Board staff

**Q:** Can we ask questions about the draft Workplan later this week?

**A:** Yes, any party can ask questions regarding procedures or the work plan. The Review Board will issue a notice of proceeding asking individuals and organizations to comment on the draft Workplan.

**Q:** Can the developer comment on their comfort level with the Workplan timeline? Will the developer meet that timeline?

**A:**

- How long each information request (IR) will take to answer will depend on the IRs; it is difficult to anticipate.
- As IRs will be staggered, answers to IRs from the developer can be staggered, too.
- The timeline is a draft for now; it can be adapted to ensure that the developer has enough time to answer.

**Q:** The EA process allows for back and forth on the ORS + IRs from the Review Board. Do IRs come from the internal review only, or are they related to the comments on the ORS?

**A:** All parties can send IRs. The Review Board will stagger IRs – Review Board will send IRs during the 1<sup>st</sup> part of the 1<sup>st</sup> round of IRs, and parties can send IRs during the 2<sup>nd</sup> part of the 1<sup>st</sup> round.

**Q:** What about the ORS closing date?

**A:** The Review Board will be closing the ORS at the deadline indicated in the ORS (February 28, 2024, for parties and March 29, 2024, for the developer). The Board will provide clarity between the 2 rounds of IRs in a future Notice of Proceeding. Opportunities for ORS to remain open in the future.

**Q:** Parties can ask questions on the ORS now? Are they different from IRs?

**A:** Yes. Early clarification questions can be asked and answered first, on the ORS. For example, ORS comments should focus on the project description, potential impacts, and proposed mitigation

described in the DAR. Information requests are more formal, so getting answers to some of the basic questions via the ORS will result in fewer formal information requests.

**Q:** in practice, what type of questions/feedback can we ask on ORS?

**A:** We will have training sessions for the ORS. The suggested dates are Wednesday, December 13, and January 2024. We will post a note to file about the dates. The session will be on how to use the ORS. You can ask questions about project details, mitigations, impact predictions, etc.

**Q:** Board staff mention back and forth opportunities on the ORS, but ORS is built from questions and answers. Can parties introduce a series of comments under one name and organization?

**A:** An ORS participant can go back to the ORS at any time if the ORS is open. If a response to a comment is received before the comments deadline, then there is the opportunity for a follow-up comment and recommendation. You can reference the previous comments in your follow-up comments.

**Q:** Timeline – the ORS is open until February 28 for comments, then shuts down, and the developer receives the IRs. If the party posts something on the 28<sup>th</sup>, how can the developer answer by the 29<sup>th</sup>?

**A:** The developer's response deadline is different than the question deadline. We would reach out to the developer to ask about their timing for responses. For now, the developer has a month to answer (until March 29). If the developer can answer responses from the ORS before the deadline, we encourage the developer to do that. The developer is encouraged to answer questions as they come in rather than all at once at the response deadline.

**Q:** There are concerns from the First Nations: we received large binders but have a small team to review them. Are the dates firm? Are there funds to assist small First Nations (for instance, to have time for legal assistance). Was there any mention of the realignment in the DAR (huge concern was the realignment)? How can small First Nations meet all these deadlines on two different projects from GNWT? Concerned about balancing the workload and meeting deadlines.

**A:**

- Workplan: This is a draft workplan. We are trying to work within what our Board was looking to put forward. We are asking participants in the EA to make comments on the draft workplan if there are any concerns.
- Funding: regarding the northern participant funding, the CIRNAC review committee has the applications. Notice should come soon, hopefully at the end of this week. Then, we can get the contributions agreements and funding out.
- Alignment: The developer wants to work with the First Nation to have additional conversations. The developer sent the binders to help with the review. Can have more discussions about concerns and road alignment.

**Comment:** Any individual or organization can participate in this environmental assessment as a party during the analytical phase. The Review Board will soon finalize its Rules of Procedure to clarify procedures and terms. The Review Board's intent is to make the process more participatory and inclusive.

**Comment:** The Review Board encourages bi-lateral meetings between the developer and parties outside of the formal EA process steps. These meetings can be helpful to deal with outstanding issues. A template for a meeting report is found [here](#).

**Q:** Will the Review Board track proponents' timelines and Board timelines? Do we have unlimited time?

**A:** The Review Board has been tracking the timelines. See the Mackenzie Valley Highway timeline [here](#).

**Q:** We expressed concerns about many things before the DAR review. We got none of our concerns addressed before the DAR review was submitted. Now, everyone lives by it (the DAR). We tried to make changes, to work with the developer. But we are not considered seriously. If not listened to, we will take court action. This is our territory; you take advice from us. You talk about our territory like we do not exist. We disagree with the alignment. It seems that what we address is not considered. It seems time for us to make a legal move. If we cannot have a say, we will find legal ways to have a say, to have our rights respected. First Nations hunting rights are put at risk with a road so close to the river and moose pastures. Our right to hunt is not respected.

**A:** The DAR comes from the developer. This environmental assessment is done independently by the Review Board. The DAR is a proposal. The Review Board conducts the EA, which assesses the impacts of the proposal on the environment and people. The EA process is the opportunity to share your concerns. The Review Board has an opportunity to hear your concerns and suggested mitigations. The process ensures that communities have a chance to improve the project.

The developer is interested in meeting with First Nations to hear concerns about the project. The EA process gives us opportunities to hear your concerns.

**Q:** When you review the DAR and do the conformity check; there are lots of concerns regarding Aboriginal rights and harvesting, especially because of the bridges. GNWT DAR does not mention the TK study at the Ochre River. How did you reach the decision to accept the DAR?

**A:** The conformity check was not looking at the accuracy of information or level of details. The process steps during the EA will do that. EA improves the design of a project.

## Participants List

**Pehdzeh Ki First Nation**, Chief Llyod Moses, Kyle Cli, Sharon Pellissey, Gaylene Moses, Darcy Moses, Rose Moses

**łíídlı́ Kúé Kue First Nation**, Andrew Bubar, Anita Lafferty

**Sahtú Renewable Resources Board**, Caterina Owen, Michael Henning

**Délı́ne Got'ı́ne Government**, Todd Slack

**GNWT, Environment and Climate Change**, Ash Varghese, Laurie McGregor, Alison Helsep, Kelvin Igwe, Lorraine Seale, Nancy Njerene

**GNWT, Infrastructure**, Patricia Coyne, Anita Ooga, Erika Bonhomme (Stantec, consultant for GNWT)

**GNWT, Health and Social Services**, Melissa Pink, Zoe Zwaigenbaum

**Environment and Climate Change Canada**, Eva Walker

**Northern Project Management Office**, Krista Magee, Shannon Allerston

**Crown-Indigenous Relations and Northern Affairs Canada**, Chris Rose, Nick Pfeiffer, Megan Larose, Julia Anderson, Kim Pawley, Jenn Walsh

**Review Board staff**, Mark Cliffe-Phillips, Donna Schear, Malorey Nirlungayuk, Alan Ehrlich, Clémentine Bouche, Chuck Hubert