



File: EA1213-02

November 21, 2023

Reasons for Decision on conformity of the *Developer's Assessment Report* with the Review Board's *Terms of Reference*

Mackenzie Valley Highway Project, Government of the Northwest Territories

The Mackenzie Valley Review Board (Review Board) met on November 14, 2023 to consider the conformity of the Developer's Assessment Report (DAR) of the recently submitted Mackenzie Valley Highway (PR#90-112) with the Review Board's revised [Terms of Reference](#) from February 13, 2015. **The Review Board determined that the DAR is in conformity with the Review Board's Terms of Reference and that the information provided is sufficient to move to the next steps of the Analysis phase in this environmental assessment.**

Reasons for Decision

As described in the Review Board's [EIA Guidelines](#), the intent of the conformity check is to determine whether the developer responded to the Terms of Reference with enough information to continue to the next step of the proceeding. The conformity check does not investigate the quality of the responses, which will happen throughout the remainder of the assessment. During the conformity check, the Review Board found the following:

- The developer provided detailed, thorough information about the key lines of inquiry and subjects of note.
- The developer provided responses to most of the items in the Terms of Reference.
- There were some items where not enough information was provided. Many of these items are minor, specific pieces of information.
- There are aspects of the cumulative effects assessment and consideration of climate change that did not follow the requirements of the *Terms of Reference*.
- The developer sometimes responded by referencing mitigation that would be identified in future monitoring and management plans.

Where information was not provided in full, the Review Board considered whether the environmental assessment could proceed effectively without that information at this time. There are advantages to opening the proceeding and allowing all parties to start their analysis and pose questions to the developer as soon as possible. The Review Board determined it



would be more efficient and effective to ask questions about some outstanding items during the detailed review of the DAR while enabling other parties to work on their analysis at the same time. Some of the subject areas where additional information may be required include:

- climate change and cumulative effects
- details of mitigation in management and monitoring plans
- project description details and construction timelines

For the above reasons, the Review Board determined that the DAR is in conformity with the Review Board's *Terms of Reference* and that the information provided is sufficient to move to the next steps of the Analysis phase in this environmental assessment. Starting the analysis phase will allow parties and the Review Board to better understand the project, its predicted impacts, and the effectiveness of proposed mitigations. The Review Board will ensure that the environmental assessment process provides sufficient opportunity to further examine these issues and any others that may arise.

The EA process will now proceed to a public review of the DAR. This will be followed by information requests from the Review Board. Parties will be able to ask information requests after the Review Board's information requests are released. The Review Board will soon issue a *Notice of Proceeding* describing next steps in greater detail, including a draft work plan.

If you have any questions or concerns, please contact Catherine Fairbairn at 867-766-7054 or cfairbairn@reviewboard.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "JoAnne Deneron".

JoAnne Deneron

Chairperson