



# ENVIRONMENTAL IMPACT REVIEW BOARD

August 24, 2010

GNWT  
Department of Transportation  
Lahm Ridge Tower  
2nd Flr, 4501 - 50 Ave  
P.O. Box 1320  
Yellowknife, NWT X1A 2L9

Dear MR. JIM STEVENS

**Re: HAMLET OF TUKTOYAKTUK, TOWN OF INUVIK AND GNWT - CONSTRUCTION OF THE INUVIK TO TUKTOYAKTUK HIGHWAY, NORTHWEST TERRITORIES [02/10-05]**

Thank-you for providing the EIRB with the EIS Outline for the environmental impact review of the above referenced development proposal. We are now proceeding with developing the draft Terms of Reference for the Environmental Impact Statement, which will form the basis for the environmental impact review.

Thanks also for your letter, dated August 23, with comments on the posted EIRB Review Schedule. In response to your comments, I am providing you with the following information:

**Task 4.1 – Discussions with, and EIS Outline from, the Developer**

The EIRB is in receipt of the EIS Outline, and will be proceeding with developing the draft Terms of Reference for the Environmental Impact Statement (EIS). As you are aware from the Review Schedule, the EIRB is in the process of retaining technical experts to provide technical assistance to the EIRB throughout the review process. We anticipate engaging the technical experts within the next 10-days, and one of their first tasks will be to assist EIRB staff in developing the draft Terms of Reference for the EIS. Once these are drafted, and the EIRB has given interim approval, they will be circulated for public comment.

**Task 4.2**

You are correct, task 4.3 should read task 4.2. There are only two tasks in the scoping phase.

**Task 5.1 – All Party ToRs comment period; Community Scoping Sessions**

The three week all party comment period is one method the EIRB uses to solicit public input to the environmental impact review process generally and the draft Terms of Reference specifically. Another method that will be used during this three week period will be to have one day, in-person public scoping sessions in the communities of Tuktoyaktuk and Inuvik. These sessions will be facilitated by EIRB Staff, parties and the public will be invited to attend and provide their input and comments to the draft Terms of

Reference. The comments received during these community visits, and the written comments received during the three week comment period will be considered in developing the final Terms of Reference.

The common-law duty of procedural fairness applies to all decision-making by and proceedings of the Environmental Impact Review Board. This includes providing reasonable opportunity for parties to the proceedings and the public to be able to access, read, provide comments on, and participate in the EIRB review process. The Review Board is confident that providing a three week window of opportunity for party and public involvement will allow the EIRB to meet its procedural fairness responsibilities.

### **Task 5.3 – 90-days for Developer to respond to ToRs with draft EIS**

The EIRB establishes the review schedule as a guide to indicate when certain tasks related to the review process are anticipated to occur and be completed. The EIRB recognizes there are some tasks in the review process which it has no direct control over – these are tasks that are the responsibility of third parties such as the Developer, parties to the proceedings and the public. The Review Board can establish what it thinks are reasonable time periods for these third parties to fulfill their responsibilities, while maintaining a reasonable review schedule that supports the Review Boards IFA responsibilities for being expeditious in completing a review.

This particular task is the developer's responsibility, and if you are able to complete it in a shorter time period than what is scheduled, then the Review Board will consider moving to the next task in less than the allotted time period. However, for scheduling purposes the 90-day period will remain. It is also the Developer's prerogative to request an extension to this 90-day response period if you think it is necessary and can justify it to the Review Board.

### **Task 6.3 – Developer given 45-days to respond to conformity deficiency letter**

The conformity review is a necessary step in the review process, and it provides the Developer with a reasonable and fair opportunity to respond to any deficiencies identified in the draft EIS. This particular step is contingent upon how well the Developer responds to the Terms of Reference for the EIS in the first place. It is entirely conceivable that the draft EIS submitted will be considered complete for the purposes of the environmental impact review, and the 45-day response period will not be necessary. And as discussed above, this 45-day time period can also be shortened if the Developer responds in a shorter time period.

### **Task 9.1 – Public Hearings Tuktoyaktuk and Inuvik**

The three week window for community public hearing is an estimate by the Review Board as to when these hearings will take place. As you are already aware, some of the timing in this schedule is not directly controlled by the EIRB, and as such the schedule is flexible, and could change throughout the process. We have already received public comment that the community public hearings are scheduled for a time when many of the community members are out on the land. The suggestion was to hold the hearings later in June. The Review Board will take all comments and suggestions about the schedule under advisement when the Review Schedule comment period is closed.

This schedule for the public hearing portion of the review is tentative at this point in time, and will be finalized closer to the public hearing date when the Review Panel is struck to complete the review process. The Review Panel is struck once the draft EIS has been accepted as Final. There are three days of public hearings scheduled for each community. The Review Panel will decide, based on several factors including the number of outstanding issues that remain and on party and public response to the final EIS, how long these hearings will be in each community.

Please contact me if you have any questions or concerns regarding this letter, or require any further information about the review.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Eli Nasogaluak', with a long horizontal flourish extending to the right.

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Environmental Impact Review Board  
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