



ENVIRONMENTAL IMPACT REVIEW BOARD

February 10, 2012

Mr. Larry Carpenter
Chair, Wildlife Management Advisory Council (NWT)
P.O. Box 2120
Inuvik, NT X0E 0T0

Dear Mr. Carpenter,

Re.: WMAC (NWT) Letter to the EIRB Dated February 7, 2012

The Environmental Impact Review Board (the Board or the EIRB) is in receipt of the captioned letter in which you set out WMAC (NWT) concerns about the conformity of the Draft EIS as well as concerns about being able to complete a Technical Review of an incomplete Draft EIS. As you are aware, the EIRB initially solicited input on EIS conformity from the Parties in a directive issued June 3, 2011. Deficiencies were noted and a Conformity Statement was issued to the Developer on July 15, 2011. The Developer responded with supplementary information filed on August 22, 2011. The EIRB notes that the Developer, in addition to responding to the Conformity Statement issued by the EIRB, also responded separately and individually to each Party's conformity analysis submission.

After completing a review of the supplementary information filed, the EIRB issued a Deficiency Statement to the Developer, dated October 4, 2011, with follow-up direction provided after a face-to-face meeting between EIRB staff, Counsel, advisors and the Developer on October 14, 2011. Additional written direction addressing conformity concerns was issued to the Developer on November 9, 2011. The Developer responded with additional supplementary information filed on November 18, 2011.

WMAC (NWT) has suggested that the EIS must be deemed to be in conformity and to be a "Final EIS" before technical review can take place. The Board does not share that view of how the process must unfold. In the EIRB's view it is not necessary for an impact assessment to proceed in such a linear fashion. This is because the Information Requests (IRs) and technical review processes will supplement the EIS and help to build the record, beyond the contents of the EIS. Moreover, the Board anticipates that the efforts of the parties and the information available to them, which will be filed in due course as this proceeding unfolds, will add to the information contained in the EIS and enable the EIRB to make determinations about the significance of any impacts resulting from the highway development. In this way the Board can proceed to a timely conclusion of this proceeding.

The Board is relying on all parties to this proceeding to provide relevant evidence and we point out that any final determinations about impacts and their significance will be made on the basis of the complete record and not just the EIS. Nevertheless, in the end, the burden of proof to convince the EIRB that this development can be constructed, operated and, when necessary, abandoned and reclaimed without significant adverse impacts on the environment always remains with the Developer.

We appreciate your correspondence please feel free to have your staff discuss this response and any further concerns you may have with the staff of the Board.

Thank you,



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