



# ENVIRONMENTAL IMPACT REVIEW BOARD

July 16, 2012

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

Attention: Jim Stevens

Dear Mr. Stevens,

**Re.: EIRB Decision and Reasons in Response to Developer's Request for Ruling**

On June 18, 2012 you corresponded with the Environmental Impact Review Board (EIRB or the Review Board) on behalf of the Developer of the proposed Inuvik to Tuktoyaktuk Highway Construction Project (ITH) and made a Request for Ruling, in accordance with section 1.7 of the *Rules of Procedure for the Environmental Impact Screening and Review Process of the Inuvialuit Final Agreement* (Rules of Procedure), to have the Review Schedule established by the EIRB in its letter of May 25, 2012 amended, to allow for the completion and release of the Review Panel's Report of the Review prior to the end of December, 2012.

In accordance with the Rules of Procedure Parties were given time to respond in writing to the Developer's Request for Ruling. The Northern Projects Management Office (NPMO) on behalf of the federal Government Departments participating in the Review responded, as did the Wildlife Management Advisory Council (NWT). The Developer was then given time to respond to these written comments. With the completion of the comment period the Review Board considered the Developer's Request for Ruling and the comment's received, and has made the following Ruling, with reasons, outlined below.

## Review Board Ruling

Subject to the filing of information by the Developer on the dates identified in its *Baseline Data Collection Programs Schedule & Status* table appended to the Request for Ruling (and attached to this letter as Appendix A), and recognizing that this and other information requirements outlined in its Directive to the Developer, issued on May 25, 2012, are required by the Review Board in order to consider the Draft Environmental Impact Statement (EIS) filed by the Developer in May 2011 as a Final EIS prior to the Public Hearings, the Review Board has adjusted the Review Schedule as outlined below.

## Final Review Schedule

Following a meeting of the Review Board to consider the Developer's Request for Ruling and comments received from the Parties, the following Review Schedule has been approved and represents the Final Schedule for the Review.

<b>Date</b>	<b>Review Process Action</b>	<b>Responsibility</b>
August 15, 2012 & Variable	Submission of Draft and Final Reports as identified by the Developer (see the Schedule in Appendix A)	Developer
July 18, 2012 to September 19, 2012	Review and analysis of information on the Record	Review Board and Parties
August 2, 2012	Technical Questions Teleconference on Granular Resources	Review Board Staff and Expert Advisors, Parties, Developer
August 17, 2012	Submission to the Review Board of list of outstanding issues of the Parties (these will be the focus of the Technical Sessions)	Parties
August 22 - 23, 2012	Technical Sessions, Inuvik	Review Board Staff, Parties, Developer
September 7, 2012	Filing of Undertakings and Commitments from Technical Sessions	Developer, Parties
September 7, 2012	Prehearing Conference	Review Board Staff, Parties, Developer
September 10, 2012	Filing of Technical Submissions by Parties, including Power Point presentations for the Public Hearings	Parties
September 14, 2012	Submission of Reply to Parties Technical Submissions by Developer, including Power Point presentation for the Public Hearings	Developer
September 20 - 21, 2012	Public Hearings, Tuktoyaktuk	Review Panel, Parties, Developer, Public
September 24 - 25, 2012	Public Hearings, Inuvik	Review Panel, Parties, Developer, Public
October 3, 2012	Filing of Undertakings and Commitments from Public Hearings	Developer, Parties
October 8, 2012	Final Written Submissions of the Parties	Parties
October 16, 2012	Final Written Submission by the Developer	Developer
October 17, 2012	Close of ITH Record and Review Registry (EOR)	Review Panel
December 21, 2012	Issue Review Panel Report	Review Panel

## Reasons for Ruling

1. The filing of the materials listed in the Directives to the Developer, outlined in the EIRB letter issued on May 25, 2012, is still required. This information is necessary to address deficiencies that remain in relation to the Draft EIS and on the Record. The Review Board acknowledges that the Developer has made considerable recent progress in addressing some of these Directives, and is currently working towards completing the remaining Directives. The progress achieved by the Developer in this regard has provided a basis for the Review Board to review and revise its May 25<sup>th</sup> Schedule.
2. The Federal Government Departments that provided comments on the Developer's Request for Ruling through the NPMO have also indicated that they have been in contact with the Developer and are satisfied that the information they require to complete the Review will be available to them beginning in August. The Review Board acknowledges this information is being provided in accordance with the



reporting schedule provided by the Developer, which can be found in Appendix A to this letter. This information must also be provided to the Review Board for inclusion on the Record of this proceeding.

3. In the interests of completing this Review as expeditiously as possible and to facilitate an exchange of information about volumes, quantity and access to granular resources as well as the effects of these activities, the Review Board has directed its staff and expert advisors to convene a Technical Questions Teleconference on August 2, 2012 with the Developer and interested Parties that will be focussed on these issues. Further direction about this Teleconference will be issued to all Parties and the Developer in due course.
4. Recent exchanges between Review Board staff and representatives of the Developer indicate, consistent with the commitments set out in Appendix "A" the information required by the EIRB to complete the EIS and supplement the Record will all be filed by mid-August. The Review Board agrees with the WMAC (NWT) that scheduling of full Technical Sessions in July, as requested by the Developer, would be premature. There would be little time to prepare for July sessions and the Review Board anticipates that more evidence will be filed in August. Proceeding with Technical Sessions right away would thus not be efficient and could raise fairness questions.
5. The revised Schedule for this proceeding is intended to allow reasonable time for the Parties to review any new information before the Technical Sessions scheduled for Inuvik. The Parties are advised to begin their preparations for the Technical Sessions right away. New information filed by the Developer will be placed on the Registry as it is received

Please contact me if you have any questions or concerns regarding this letter.

Thank you,



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Environmental Impact Review Board  
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# APPENDIX A

## Baseline Data Collection Programs Schedule & Status

**INUVIK TO TUKTOYAKTUK HIGHWAY  
BASELINE DATA COLLECTION PROGRAMS SCHEDULE & STATUS**

Program	Activity	Proposed Program Timing	Responsible	Status	Application in Project EA/Design/Planning/Regulatory Applications
Aerial Photography	1:10,000 scale photos Final Digital prints	August 31, 2011	DOT	Completed	Used in LSA mapping for vegetation and design
	Ortho-Photo Mosaic	September 2011	DOT	Completed	Used in engineering design and a variety of field surveys
LIDAR	LIDAR Survey	August 2011		Completed	n/a
	LIDAR Analysis	November 2011	DOT	Completed	Used in detailed engineering and terrain baseline mapping  Used in field survey planning for wildlife and wildlife habitat
Fisheries	Fish Habitat Assessment	August 22 – September 23, 2011	IMG-Golder	Completed	Used in report preparation
	Draft Report	October 28, 2011	IMG-Golder	Completed	
	Final Report	January 31, 2012	IMG-Golder	Completed	Provides, in conjunction with 2010 surveys, site specific baseline for refined effects assessment  Supports development of Fish and Fish Habitat Protection Plan  Supports HADD application if necessary  Supports TC Navigable Waters application  Supports Water Licence application
Archaeology Impact Assessment	Field Survey	August 22 – September 23, 2011	IMG-Golder	Completed	Provides adequate baseline for Project EA assessment including site specific mitigation
	Draft Report	October 28, 2011	IMG-Golder	Completed	Provides, in conjunction with 2009 surveys, site specific baseline for refined effects assessment
	Final Report	December 20, 2011	IMG-Golder	Completed	Supports Archaeological Impact Assessment including defining site-specific mitigations  Supports Archaeological Protection Plan development

Updated by Inuvik to Tuktoyaktuk Highway Project Office

June 19, 2012



Program	Activity	Proposed Program Timing	Responsible	Status	Application in Project EA/Design/Planning/Regulatory Applications
	Post-impact AIA and AIA at borrow sources	July 2012	KAVIK-STANTEC	Underway	
Potential Borrow Source Reconnaissance	Drilling and assessment of suitability of potential borrow sources	July – August 2011	E Grubens Transport	Field Work Completed Report due August 31	Supports pit development plans for Quarry Permits
Terrain and Geotechnical	Draft Surficial Geology Map of LSA and borrow sites at 1:20,000 including delineation and classification of surficial geology  Mapping from digital imagery and High Definition and Mapping and Applications system	March 1, 2012	KAVIK-STANTEC	Completed	Supports detailed route alignment and costing Supports design of geotechnical program for site investigations of landforms, terrain stability, permafrost conditions, presence of waterbodies, identification of winter access road stream crossings, and hydrological factors affecting access or borrow extraction activities Supports planning of borrow source geotechnical investigations Supports vegetation land cover mapping Supports Identification of potential wildlife habitat. Supports mitigation design and planning
	Draft Terrain Constraints Map of LSA and potential borrow sites at 1:20,000 including delineation and classification of ice-rich deposits and terrain related geohazards	March 1, 2012	KAVIK-STANTEC	Completed	Supports detailed route alignment and engineering  Supports planning of borrow source geotechnical investigations  Supports mitigation planning
	Final Terrain and Geotechnical Constraints report including identification, delineation and classification of surficial geology, ice-rich deposits and terrain constraints at a representative	March 31, 2012	KAVIK-STANTEC	Completed	Assists with detailed engineering and design  Supports wildlife habitat mapping and field survey planning  Supports Sediment and Erosion Plan development  Supports LUP and WL applications

Program	Activity	Proposed Program Timing	Responsible	Status	Application in Project EA/Design/Planning/Regulatory Applications
	scale of 1:10,000				
Traditional Knowledge/ Traditional Land Use	Literature Review	September 2011	KAVIK-STANTEC	Completed	Used in TK Workshop preparation
	TK/TLU workshop material preparations	November 31, 2011	KAVIK-STANTEC	Completed	Used in conducting workshops
	Workshop - Inuvik	Week of January 21, 2012	KAVIK-STANTEC	Completed	Confirms understanding of site specific traditional knowledge and site specific traditional land use activities  Provides adequate baseline for Project EA assessment including site specific mitigation  Supports planning of geotechnical investigations
	Workshop - Tuktoyaktuk	Week of January 21, 2012	KAVIK-STANTEC lead	Completed	Confirms understanding of site specific traditional knowledge and site specific traditional land use activities  Provides adequate baseline for Project EA assessment including site specific mitigation  Supports planning of geotechnical investigations
	Analysis and community review	January/February 2012	KAVIK-STANTEC	Draft Complete	Used in mitigation confirmation and construction phase Wildlife Mitigation and Monitoring Plan
	Final Report	June 29	KAVIK-STANTEC	Revised Schedule	Assists with detailed engineering and design  Used In mitigation confirmation and construction phase Wildlife Mitigation and Monitoring Plan  Supports TC Navigable Waters application
Vegetation Baseline	Preliminary LSA vegetation cover map and rare plant literature review	March 31, 2012	KAVIK-STANTEC	Complete	Used in field survey planning Used to confirm impact predictions Informs habitat potential mapping and wildlife field surveys
	Vegetation cover and Rare Plant Field Surveys and Sampling	July 16 – 20, 2012	KAVIK-STANTEC	Scheduled	Used to confirm preliminary vegetation mapping and rare plant potential  Used In final design and mitigation



Program	Activity	Proposed Program Timing	Responsible	Status	Application in Project EA/Design/Planning/Regulatory Applications
					determination
	Draft Report including vegetation cover map at 1:10,000 and rare plant occurrences	August 15, 2012	KAVIK-STANTEC	Underway	Used in final design and mitigation implementation  Used in wildlife habitat mapping
	Final Baseline Report including vegetation cover map at 1:10,000	August 31, 2012	KAVIK-STANTEC	August 31, 2012	Used in final design and mitigation implementation  Used in mitigation / compliance monitoring
Wildlife and Wildlife Habitat	Draft LSA Bird Habitat Potential Map	May31, 2012	KAVIK-STANTEC	Complete	Used in refining construction phase Wildlife Mitigation and Monitoring Plan  Used in design and implementation of habitat mitigations
	Waterbird / SARA bird habitat verification surveys	July2012	KAVIK-STANTEC in consultation with EC	Underway	Used in refining construction phase Wildlife Mitigation and Monitoring Plan  Used in design and implementation of habitat mitigations
	Draft Report including bird and grizzly bear , habitat potential and observations map at 1:20,000	August 15, 2012	KAVIK-STANTEC	Underway	Used in design and implementation of species mitigations  Used in refining Construction Wildlife Mitigation and Monitoring Plan
	Final Waterbird & SARA and grizzly denning potential Habitat Report and Map	August 31, 2012	KAVIK-STANTEC	Underway due August 31	Used in refining construction phase Wildlife Mitigation and Monitoring Plan  Used In mitigation / compliance monitoring
	Grizzly Bear Den Survey	October 12, 2011 October 2012	ENR - Inuvik	Conducted October 12	Used in implementation of den mitigations prior to subsequent winter geotechnical investigations and construction
Engineering	Right-of-Way Surveys	July – August 2012	DOT	Pending	Used in implementation of mitigations
	Bridge Design	July 2012	DOT	Pending	Design and implementation of habitat mitigations
Hydrological Assessments	freshet overview survey	June 2012	KAVIK-STANTEC	Completed  Interim report July 31	Support bridge crossing design and engineering  Supports Water Licence application and DFO approvals  Support Navigable Water permit



Program	Activity	Proposed Program Timing	Responsible	Status	Application in Project EA/Design/Planning/Regulatory Applications
					applications
	Desktop hydrological studies	June-July 2012	KAVIK-STANTEC	Underway	
	Hydrological field surveys	August 2012	KAVIK-STANTEC	August 2012	
	Hydrotechnical assessment and preliminary crossing design	September 2012	KAVIK-STANTEC	September 15	
Water Source Studies	Bathymetric Mapping of proposed water sources	August 2012	IMG-Golder	Pending	Supports Water Licence application Supports construction planning
	Assessment of allowable withdrawal quantities per source	August 2012	IMG-Golder	Pending	Supports Water Licence application Supports construction planning