

Our File: EA1314-01

October 19, 2015

Kate Witherly, Manager  
Environment and Impact Assessment  
Energy and Natural Resources  
Government of the Northwest Territories

Via email: [Kate.Witherly@gov.nt.ca](mailto:Kate.Witherly@gov.nt.ca)

Dear M. Witherly:

**Re: EA1314-01-Jay Project, GNWT response to hearing undertaking #4 not adequate**

On October 6, 2015, the Government of the Northwest Territories (GNWT) submitted a response to the Review Board to undertaking #4 from the September 14, 2015 public hearing in Yellowknife along with an attachment<sup>1 2</sup>.

The text for undertaking #4 reads, "The GNWT is to provide LKDFN with the specific steps needed to complete new air quality regulatory tools (under the existing EPA)." <sup>3</sup>

On October 16, Peter Unger of the Lutsel K'e Dene First Nation contacted Review Board staff via email and expressed dissatisfaction with the response provided by GNWT for undertaking #4<sup>4</sup>. Mr. Unger stated that the undertaking clearly included the word "specific", yet the GNWT only provided very general guidelines in its response. Mr. Unger would like to know why the GNWT is taking such a long time to develop binding air quality standards and is concerned with the absence of a timeline or a workplan for regulatory tools. Review Board staff agreed to review the response to undertaking #4 and determine whether it is reasonable and adequate.

After considering the matter, the Review Board agrees with Lutsel K'e Dene First Nation that the GNWT response describes generic regulation development and is not specific to air quality as required in undertaking #4. For this reason the GNWT response to undertaking #4 is considered not reasonable or adequate.

The Review Board requires that GNWT submit a reasonable and adequate response to undertaking #4 that provides *the specific steps needed to complete new air quality regulatory*

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<sup>1</sup> [GNWT letter to Board undertaking responses 3,4,5](#)

<sup>2</sup> [GNWT ENR Legislative Process for Regulations](#)

<sup>3</sup> [Undertakings and Commitments Jay Hearing Day 1](#)

<sup>4</sup> [LKDFN email re undertaking 4 from Sept 14 hearing](#)



*tools (under the existing EPA).* Please submit an adequate response to undertaking #4 on October 22, 2015.

Sincerely,

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c. Peter Under, LKDFN  
John Donihee, Review Board counsel