

January 6, 2014

Note to file

EA 1314-01

Jay Project, Dominion Diamond Ekati Corporation

To distribution list:

Re: Adequacy review vs. conformity check

In its efforts to continually improve the efficiency and quality of the environmental assessment process, the Review Board has conducted an adequacy review of Dominion's *Developer's Assessment Report* (DAR). This involves applying a higher standard than has been applied in the conformity checks stage in previous assessments.

As described in section 3.12 of the Review Board's 2004 *Environmental Impact Assessment Guidelines* (p. 31), the conformity check "determines whether the developer has responded to every item required by the Terms of Reference... but does not investigate the quality of the responses in detail".

In contrast, the adequacy review looks at whether, for each Terms of Reference item, the Developer's Assessment Report provides adequate information for parties, Board staff and technical advisors to understand the project and the developer's impact predictions well enough to produce meaningful and relevant information requests. This considers whether the DAR is in conformity, but also involves considerations that are somewhat more detailed, such as:

1. For the project description:
 - a. Is there enough detail to determine the potential impacts?
 - b. Does the project description describe the project in enough detail to serve as a basis for predictions, or are aspects of the project that are relevant to the impacts still not described?
2. For impact predictions:

- a. Are the assumptions explicit and unambiguous? Are they reasonable? Are they defensible?
 - b. Do the developer's predicted impacts reasonably follow from the described project?
 - c. Are the uncertainties explicit and acceptable?
 - d. Are mitigations described?
3. For significance determinations:
- a. Does the developer provide its views on the significance of impacts? Do the views on significance reflect values identified by parties about the acceptability of impacts heard during engagement and consultation, or if not, why?
 - b. Does the developer describe its methodology for significance determination? Is significance terminology (e.g. high, moderate, or low) clearly defined?
 - c. Does the developer propose and describe a threshold beyond which, in its opinion, predicted impacts would be significant?

In conducting the adequacy review, the Board's staff and technical experts focussed on important "big picture" items. This includes questions where relevant conditions, such as revised Bathurst Caribou herd population estimates and the 2014 fire season, have emerged since the Terms of Reference was drafted. The Review Board expects, based on the higher standard of the adequacy review, that parties should be able to produce better informed information requests.

Unlike a conformity check (Fig. 1), parties' review of the DAR and preparation of information requests will continue while Dominion prepares its responses (Fig. 2). During this period, the Review Board expects parties to produce the information requests that do not depend on Dominion's adequacy responses. After Dominion submits its final adequacy responses to the Review Board, parties will have two more weeks to prepare and submit their remaining pre-technical session information requests. The developer will have six weeks to respond to these information requests.

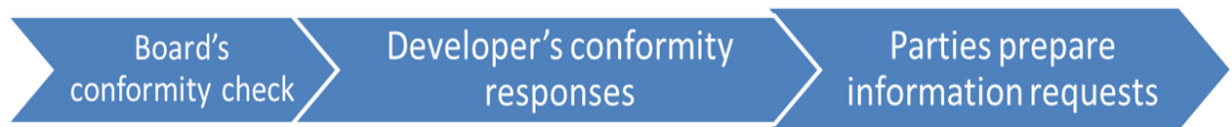


Figure 1. After a conformity check, parties do not usually prepare information requests until the DAR is in conformity.



Figure 2. Parties prepare information requests on some subjects while awaiting adequacy responses on other subjects. The amount of time that the developer and parties each have has not been reduced.

The Review Board is introducing this innovation to ensure that parties have adequate and fair opportunity to prepare their information requests, and the information they need to produce high quality initial information requests. This will help maintain an efficient environmental assessment process that meets legal timeline requirements.

Alan Ehrlich
Manager of Environmental Assessment
Mackenzie Valley Review Board
Ph: (867) 766-7056
Fx: (867) 766-7074
aehrich@reviewboard.ca
Web: reviewboard.ca