

EA1617-01 TASR Pre-hearing Conference Meeting Notes

Held at:

Mackenzie Valley Environmental Impact Review Board Office
 200 Scotia Centre
 5102-50th Avenue
 Yellowknife, NT X1A 2N7

October 25, 2017

Start: 10:00 am; End: 11:40 am

The following meeting minutes reflect the discussions had by participants of the EA1617-01 TASR Pre-hearing Conference meeting. Items are presented according to the agenda topic. Action items appear **in bold**.

1. Introduction and Round Table

Organizations (alphabetical):

Canadian Northern Economic Development Agency (CanNor)
 Department of Fisheries and Oceans Canada (DFO)
 Environment and Climate Change Canada (ECCC)
 Firelight Group
 Golder Associates
 Government of the Northwest Territories

(GNWT)
 - Department of Lands (Lands)
 - Department of Infrastructure (INF)
 Mackenzie Valley Environmental Impact Review Board (MVEIRB)
 Tłı̨chǫ Government (TG)
 Wek' èezhìi Renewable Resources Board
 Yellowknives Dene First Nation (YKDFN)

In-person Attendees:

Russell Neudorf, GNWT-INF
 Katie Rozestraten, GNWT-INF
 Stu Niven, GNWT-INF
 Darren Campbell, GNWT-Lands
 Damian Panayi, Golder Associates
 Zabey Nevitt, TG
 Emily Nichol, ECCC
 Bradley Summerfield, ECCC
 Adrian Paradis, CanNor
 Umar Hasany, CanNor

Alex Powers, YKDFN
 Boayn Tracz, WRRB
 Alan Ehrlich, MVEIRB
 Ruari Carthew, MVEIRB
 Simon Toogood, MVEIRB
 Mark Cliffe-Phillips, MVEIRB
 Catherine Fairbairn, MVEIRB
 Chuck Hubert, MVEIRB
 Catherine McManus, MVEIRB

Teleconference Attendees:

Ginger Gibson, TG
 Mark D'Aguiar, DFO
 Chuck Birchall, MVEIRB counsel

Rachelle Besner, NRCAN
 Janelle Kuntz, Firelight Group

2. Review Board Mandate

3. Rules of Procedure

- Discussion on Closing of Record
 - i. Record will close following submission of GNWT's Public Hearing Presentation, November 6th, 2017. The public record will remain open to the Developer, Parties and the Public until that date.

4. Presentation list

- Removal of Indigenous and Northern Affairs Canada and DFO from the list of presenters, at the request of CanNor
- Discussion on the level of participation by DFO at the Public Hearing
 - i. DFO submitted a Technical Report and must be available to be questioned at the Public Hearing.
 - ii. TG strongly recommended presence of all parties, in particular those with a regulatory authority, to be present on Day 1 of the hearing.
 - iii. Water and fish have been raised as topics of concern in this EA. DFO should be available to hear the public's concerns, and respond to those concerns.
- Ordering of presenters will vary by day. The Board will use its discretion to evaluate each party's level of concern relative to the topics of discussion when considering the ordering of presenting and questioning. The Board will refer to the submitted Technical Reports when making its decision.

5. Public Participation

- Discussion on how public participation in the upcoming Public Hearing will differ from other recent EAs.
 - i. Because the entire hearing will occur in the community of Whati, there will be no separate 'community' and 'formal public' hearings. Rather, public participation will be incorporated throughout the proceedings, with particular time and emphasis on Day 1.
- Public questions to the developer or parties will be subject to the discretion of the Board Chair.
- Identification of editorial errors in the Draft Hearing Agenda (**will be corrected by Review Board staff**)
- Recommendation by TG to reverse order of public comments for Elders, women and youth (**will be amended in final Hearing Agenda by Review Board staff**)
- WRRB asked if TG will be bringing people in from other Tłı̄chq communities. TG is planning on bringing some Elders in from Gamètì.

6. Draft Hearing Agendas

- Discussed general hearing schedule and presentations by day. Developer and parties will present a single presentation each day that includes all the day's topics.
- Discussed the time constraints of the Public Hearing and the importance of time management by everyone.
 - i. The developer and parties were asked to appropriately manage all participants presenting on their behalf – e.g. stay on topic, use time wisely
 - ii. Chair has the discretion to moderate conversation with respect to the scope of development and topic in question
- Clarification that the topic of 'Other' refers to any other information already on the record that the developer or parties would like to address.

- Discussion on contingencies if travel delays are encountered
 - i. Chartered planes are Dash-7s, and can fly in most conditions, which should reduce the chance of weather-related delays
 - ii. **In the event of a delay, the Board will consider the length of delay and adapt as necessary.** Such contingencies will consider fairness to all participants and the information requirements of the Board for a good EA decision.
 - iii. Suggestion that Saturday might be used as a contingency day and for travelers to allow for flexibility on their return travel. NRCAN identified as the only out-of-territory traveler and that they could avoid delays by moving their topic of concern to Day 2. **The Review Board will consider modifying the agenda closer to the Public Hearing date should inclement weather be anticipated.**
- TG expressed concern over the draft wording of their Day 1 Topic; the title (Tłıchq roles and responsibilities) was thought to be too restrictive to properly inform the public on how the Project might affect Tłıchq citizens, and how the Tłıchq Government would manage it. Review Board staff and TG agree on the intent of Day 1 to inform the public about the Project. **Review Board staff and TG will discuss an acceptable title for the TG Day 1 presentation.**
- GNWT is also wanting to talk more fulsomely about the Project on Day 1, and not just on the Project Description. **Review Board staff and GNWT will discuss an acceptable title and level of detail for the GNWT Day 1 presentation.**
- Regardless of the information presented on Day 1, GNWT and TG are expected to provide meaningful presentations for topics on Day 2 and Day 3.

7. Time Allotments

- Review of time management tips for presentations and questions.
 - i. More time may be allotted for questions, rather than presentations. Presentations should be very succinct, hitting only major points.
 - ii. Importance of prioritizing issues and avoiding duplication
- Discussion on time estimates for presentations:

Table 1. Estimated number of minutes required for presentations, by day, by organization.

Organization	Day 1	Day 2	Day 3
GNWT	30+	30	30
TG	30	30	45
WRRB		25	15
NSMA		?	?
YKDFN		10	15
ECCC		15	10
NRCAN			10
DFO	-	-	?
Total	60+	100+	125+

8. Suggestions for hearing presentations

- Discussion on tips for Public Hearing presentations. Recommendation to review the Board document [“Tips for hearing presentations”](#)
 - i. Speak slowly for interpreters
 - ii. State name for transcription prior to speaking
- Discussion on presentation formats
 - i. Presentations should be submitted as Power Point or PDF only. Powerpoint is

- preferable.
- ii. Submission deadlines: **November 3rd for parties | November 6 for GNWT**
- iii. **Include any handouts with presentations**

9. Dates and deadlines

- Discussion on travel logistics
 - i. GNWT and Review Board will book Dash-7 charter planes
 - ii. GNWT will manage its charter, Review Board will manage its own charter.
 - 1. GNWT has approximately 20 spots available
 - 2. Review Board has 22 spots available
 - iii. **Parties must contact GNWT or Review Board travel coordinator directly to get a spot on the charter**
 - 1. GNWT contact: Carmen Griffin
867.767.9089 ext 31194
carmen_griffin@gov.nt.ca
 - 2. Review Board contact: Catherine McManus
867.766.7050
admin@reviewboard.ca

10. Other Questions and Comments

- Discussion on expectations for party participation throughout proceedings
 - i. Parties are expected to participate each day, but they may use discretion for the number of people attending. It is anticipated that some Parties might require fewer subject experts on Day 1 than on Day 2 or Day 3.
 - ii. The greater emphasis on public participation on Day 1 also requires the public to be able to recognize the difference organizations involved in the EA.
 - iii. Parties will benefit from hearing where the community concerns lie based on public discussions on Day 1.
- Discussion on recent challenges with the Review Board's public registry
 - i. Acknowledgement that there have been recent challenges. Review Board has a new website and is still working out some of the bugs.
 - ii. **Review Board staff have been and will continue to email new documents directly to EA participants** until the website is fixed.
 - iii. **EA participants are encouraged to re-subscribe on the website.** Instructions will be sent out by Review Board staff.