

# Pre-hearing conference

July 9, 2019

Mackenzie Valley Review Board  
Boardroom

EA1819-01



Mackenzie Valley  
Review Board



# Meeting Agenda

- Review Board mandate
- Decision-making consideration: Scope of the EA
- Overview of the hearing phase
- Party vs. Intervenor
- Preparing interventions
- Rules of Procedure for hearings
- Hearing details
- Presenting interventions
- Upcoming dates and deadlines



# Review Board Mandate

Guiding principles from MVRMA 115(1)

- a) the protection of the environment from the significant adverse impacts of proposed developments;
- b) the protection of the social, cultural and economic well-being of residents and communities in the Mackenzie Valley; and
- c) the importance of conservation to the well-being and way of life of the aboriginal peoples of Canada to whom section 35 of the Constitution Act, 1982 applies and who use an area of the Mackenzie Valley.



# Decision-making consideration: Scope of the EA

## Scope of development:

- transporting, depositing, and storing processed kimberlite into pits and underground mine workings; and,
- closing and reclaiming any mine infrastructure related to the transport, deposition, and storage of processed kimberlite in pits and underground mine workings.



# Decision-making consideration: Scope of the EA

## Scope of assessment

- impacts on:
  - water quality and quantity
  - cultural use of the area
  - fish and fish habitat
  - wildlife
- includes past, present, and reasonably foreseeable developments



# Overview of the Hearing Phase

- written interventions
  - last submission prior to the hearing
  - should discuss all the issues your organization views as potentially significant
- public hearings
  - community hearings
  - technical (or formal) hearings
- closing arguments
  - provides your final views on the project and potential impacts, as well as any recommendations





# Party vs. Intervenor

<b>Role or Responsibility</b>	<b>Parties</b>	<b>Intervener</b>
Submit a written intervention		X
Present the intervention at the hearing		X
Question other parties and be questioned at the hearing		X
Opportunity to speak directly to the Review Board at the hearing	X	X
Submit written closing arguments	X	X
Request rulings from the Board during the hearing phase		X

Deadline to submit intervener application:  
**July 19, 2019**

# Interventions

- one of last opportunities to provide information to Board
- the public record is closed between interventions and the hearing (procedural fairness)
- any new material submitted during this time requires a ruling by the Board (Request for Ruling)





# Tips for preparing interventions: Intervention format and content

## Format

- include a one-page executive summary in plain language
- include a brief summary of your mandate
- structure the main report by issue

## Content

- identify key issues from this project that are important to you
- clearly state your views using supporting evidence
- advise the Review Board on whether you believe the project will have significant adverse impacts on the environment or people

# Tips for preparing interventions:

## Structure by issue

1. State the **specific issue**.
2. Describe your **impact predictions** about how the project will affect the issue (project interaction or pathways).
3. State the **developer's conclusion** about the issue.
4. Describe **your conclusions** about any adverse impacts and their **significance or why it matters**.
5. Provide clear **rationale** with enough detail to support your findings (evidence on public registry, new evidence).
6. Provide your **recommendations** and suggest **mitigation** to reduce impacts so they are no longer significant.





# Rules of Procedure for hearings

- Role of the Chairperson
- New evidence
- Undertakings and commitments
- Teleconference, interpretation, and transcription services
- Public participation
- Flexibility



# Rules of Procedure

## Community vs Technical Hearings

### Community Hearing

- held to hear the public's views about a project

### Technical Hearing

- held to hear the views of intervenors and the developer
- formatted to focus on presentations and allow questioning

# Hearing details: agenda

- draft hearing agendas will be released a few weeks before the hearing
- technical hearing presentations
  - developer and intervenors will make a single presentation each day
  - presentation will cover all topics for that day
- technical hearing questioning
  - prioritize questions in advance
  - ask most important questions first

# Suggestions for hearing presentations

- only present key items from intervention:
  - focus on impacts that are most important
  - **What** do you think **will happen**, **how** will it happen, and **why is it important** to you
- If you were a Board member, **what would you do** about the impact?

## General tips:

- make handouts available to Board in advance
- separate file for each day's presentation
- power point or pdf format
- use large fonts and light background colours (for printing)





# Hearing details: dates and locations

## Sept. 3: Community hearing in Behchokoq

- Curling Hall – Ko Gocho Centre
- afternoon and evening

## Sept.4: Community hearing in Dettah

- Chief Drygeese Conference Centre
- afternoon and evening

## Sept. 5-6: Technical hearing in Yellowknife

- Explorer Hotel
- morning and afternoon



# Agenda items for the follow-up meeting before the hearings

- review the draft hearing agendas
- finalize daily topics
- discuss number of representatives for each intervener
- discuss time allotments for developer and interveners
  - for presentations
  - for questioning

# Upcoming dates and deadlines

Site visit – July 24

Interventions – Aug. 1

Developer response to interventions – Aug. 22

Intervenor hearing presentations – Aug. 27

Developer hearing presentation – Aug. 30

Follow-up meeting for final hearing details– TBD

Public hearings – Sept. 3-6

Hearing undertakings - TBD

Closing arguments - TBD



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# Diavik Mine Site Visit – July 24

- Review Board will pay for charter from YK
- up to two people from each party
- all other logistics and costs are party responsibilities

**Paperwork has to be received by July 12**

**July 24: be at Air Tindi between 7:15-7:30am**

