April 30, 2019

Mr. Mark Cliffe-Phillips – Executive Director
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
Box 938, 5102-50th Ave.
Yellowknife NT X1A 2N7   via email: mcliffephillips@reviewboard.ca

Dear Mr. Cliffe-Phillips,

Re: Draft Environmental Assessment (EA) Initiation Guidelines

The Land and Water Boards (LWBs) of the Mackenzie Valley (Gwich'in, Mackenzie Valley, Sahtu, and Wek'èezhìi Land and Water Boards) would like to thank the Mackenzie Valley Environmental Impact Review Board (the Review Board) for the opportunity to provide comments on the draft Environmental Assessment (EA) Initiation Guidelines (the Guidelines). The LWBs commend the Review Board on the development of the Guidelines and are pleased to provide comments and recommendations. These have also been uploaded to the Online Review System.

LWB staff would be happy to discuss these comments and recommendations further. Again, we would like to thank the Review Board for the opportunity to provide these views.

Please feel free to contact Sarah Elsasser at (867) 446-5963 or selsasser@wlwb.ca should you require more information or to initiate a meeting.

Sincerely,

Leonard DeBastien
Executive Director
Gwich'in Land and Water Board
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Shelagh Montgomery
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Review Comment Table

Board:	MVEIRB
Review Item:	DRAFT Environmental Assessment Initiation Guidelines for Developers of Major Projects - Written Comments
File(s):	
Proponent:	Mackenzie Valley Environmental Impact Review Board
Document(s):	[Cover Letter - Draft EA Initiation Guidelines for Developers of Major Projects](#) (1) [Informational Brochure - Draft EA Initiation Guidelines](#) (1) [Draft EA Initiation Guidelines for Developers of Major Projects](#) (1) [Background Document - Concept Paper - Draft EA Initiation Guidelines](#) [Background Document - Workshop Summary Report - Draft EA Initiation Guidelines](#) [Backgroud Document - Workshop Presentation - Draft EA Initiation Guidelines](#)
Item For Review Distributed On:	
Reviewer Comments Due By:	Apr 30, 2019
General Reviewer Information:	After several informal engagement meetings with interested parties over the past few months, the deadline for written comments on the Draft Guidelines has been set as April 30, 2019. After considering written comments and feedback from engagement meetings, the Review Board will decide on next steps. ***Review Instructions*** The Review Board invites feedback on all parts of the draft Guidelines document. We encourage reviewers to familiarize themselves with the intended purpose, goals, and proposed content of the draft Guidelines, and carefully consider the following: • how the information being requested in the draft Guidelines will help your party identify priority issues and questions for the EA to focus on; • what additional information should be required at the beginning of an EA; • what information in the draft Guidelines may not be needed at the beginning of an EA, or for scoping, and when in the EA process it would best be provided; and • how the Guidelines can best achieve their purpose and expected outcomes.

	Reviewers are invited to submit comments on the draft Guidelines through the Review Board's Online Review System (ORS) at any time during the Review Board's engagement period. Comments are due by **April 30, 2019**. Please see the document links above these instructions to access the draft Guidelines document. For reference purposes, additional documents related to the draft Guidelines development process were also provided. **If you have any questions or would like to meet with Review Board staff as you prepare written comments, please contact Brett Wheler (867-766-7072 or bwheler@reviewboard.ca).**
Contact Information:	Brett Wheler

Comment Summary

Acho Dene Koe First Nation: Julie Swinscoe				
ID	**Topic**	**Reviewer Comment/Recommendation**	**Proponent Response**	**Board Staff Response**
1	Acho Dene Koe First Nation Review Response	**Comment** (doc) The attached file, "ADKFN re GNWT EA Init Draft Guidelines 2019-04-08.pdf" contains the comments and recommendations identified by ADKFN's review team regarding the DRAFT Environmental Assessment Initiation Guidelines for Developers of Major Projects. **Recommendation** Refer to the attached file for full list of recommendations made by ADKFN's review team.		

Athabasca Denesuline NÃ© NÃ© Land Corporation: Tina Giroux				
ID	**Topic**	**Reviewer Comment/Recommendation**	**Proponent Response**	**Board Staff Response**
1	Enitre document	**Comment** In terms of enhancing the EA process and making it easier for the AD to review projects, more explicit information around how TK and TLU is interwoven into the EA is required. The document, as it reads, it missing strong		

		references to TK and TU throughout and seems to bias scientific information. This many be confusing for a developer that is aware of the importance of balancing both ways of knowing while at the same time following a process that inherently leans towards science (e.g. biophysical data over TK). **Recommendation** Conduct a thorough review of the document to add explicit references to TK and TU wherever possible and appropriate.		
2	Entire document	**Comment** The term Indigenous versus Aboriginal has been embraced by the Federal Government and is more commonly used in the global context. It is presently the preferred term to use in Canada. Further, many Indigenous organizations prefer use of this term, especially given UNDRIP. **Recommendation** Consider replacing the term Aboriginal with Indigenous throughout the document.		
3	Entire document	**Comment** While the Guidelines reference local protocols in several sections (e.g. engagement, traditional knowledge), key national and international protocols and legislation are also relevant. For example, reconciliation planning should be a key instrument and developers should be prepared to demonstrate how their project and process contributes to reconciliation. UNDRIP is the most comprehensive international instrument to protect the overall wellbeing and inherent rights of Indigenous peoples and, likewise, should be referenced throughout the proposed guidelines. **Recommendation** Developers should demonstrate how their process and project contributes to reconciliation in Canada as well as protecting Indigenous rights as per UNDRIP.		

4	Entire documemnt	**Comment** The tone in some areas of the document suggests that the project is a "done deal" in that it specifies how a project shoudl proceed versus IF and how a project might proceed. The presumption that the project will proceed is not in keeping with a fair, transparent and measured process. **Recommendation** Conduct a tone check throughout document to ensure that the language is in keeping with the fundamental purpose of the EIA which is to asses IF and HOW versus just HOW a proposed project is to proceed.		
5	Entire document	**Comment** Some sections of the guidelines refer to EA whereas others to EIA when it seems what is really intended is the other. **Recommendation** Review document for consistent/appropriate use of terms EA and EIA.		
6	Entire document	**Comment** Plain language and translation of technical terms into Indigenous languages continues to be a struggle. Often community members don't understand complexities as proposed by the developer either because the concept is foreign (e.g. nuclear waste) or the words don't easily translate (e.g. nuclear). Principles of engaging and communicating with Indigenous peoples should not only include plain language but also translated terms for key concepts. The developer should be encouraged to communicate through visuals as well as multi-media (e.g. video, drone, gaming technology) versus text as these can be a far more powerful way in which to share information. **Recommendation** It would be helpful for developers to work with communities early in the process to develop a list of concepts and terms which would then be translated into Indigenous languages early in the process. Developers should be encouraged to develop mulit-media		

		tools for communicating with communities (e.g. video).		
7	Front Matter	**Comment** Communities are often let down when potential developers promise contributions to local TK or TU projects and then do not follow through - owing to the project not being approved, financial constraints or other reasons. In some cases, for example, Elders have participated in an informed consent process and are promised that their understandings and stories shared during TK interviews will conclude in a report, video, etc. When the developer 'pulls the plug' these promises are left broken. In the extreme, this can mean that this TK remains documented but sits on a consultant's shelf or community office with no funding to return the TK to the community. **Recommendation** Much like a bond the developer puts forth for closure and reclamation, is there a mechanism that could help preclude data collected from communities from being returned to them? Is there a place for this during the project initiation guidelines? At the very least, is there an opportunity to inform the developer of the effects of "broken commitments" such that they schedule, budget and plan accordingly?		
8	Pg 4	**Comment** Same timing for engagement record and engagement plan rather than earlier in the EA process may preclude early opportunities for communities to inform description of existing environment and identification of impacts/mitigations. The guidelines itself seem to support earlier engagement so this doesn't align with the executive summary. Further, the paragraph below Table 1 notes the importance of early engagement which seems incongruous with the timing. **Recommendation** Consider engagement		

		record and engagement plan earlier in the EA process (versus same timing).		
9	Pg 14, S. 3.2	**Comment** EA Initiation packages include maps and other information that could be easily imported into reviewers databases. Recommend a file format, system that enables reviewers to download data relevant to their territories, particularly where communities have contributed to developing the data. **Recommendation** Consult with communities as to file format, data infrastrucure, etc. that is most relevant in order to have their databases easily populated by developers and thus facilitate their review in the EA process. For example, importing maps of project footprints into a TK database would enable communities to easily review potential site-specific impacts.		
10	Pg 16, S 4.1.1, 1 d) i	**Comment** Where publically available, traditional use areas should also be included in the project location description. **Recommendation** Publically available traditional use areas should be included in the project location description (textual and spatial depictions).		
11	Pg 17, S 4.1.1, 1 f) i	**Comment** It is unclear what exactly is meant by cultural training programs. Cultural competency training combined with programs around cultural safety should be implemented. Reconciliation plans are missing from the list of workplace policies and programs. **Recommendation** Replace: "cultural training" with "cultural competency training and cultural safety programs." Add:"reconciliation plans" to list of workplace policies and programs.		
12	Pg 17, S 4.1.1, 4 a) ii	**Comment** Land Use Plans under development will also have relevance, including those led by Indigenous groups. **Recommendation** Add a bullet: "Land		

		use planning processes in progress should also be referenced."		
13	Pg 17, S 4.1.1, 4 b)	**Comment** "Bathurst Caribou Range Management Plan" is not accurate. **Recommendation** Replace: "Bathurst Caribou Range Management Plan" with "Bathurst Caribou Range Plan."		
14	Pg 19, S 4.1.1, 5 a) vi	**Comment** Corporate reconciliation plans are missing from the list of developer policies that should be included. **Recommendation** Edit: A description of any corporate plicies, codes of practice, programs or plans concerning the developer's environmental sustainable development, community engagement policies and reconciliation plans.		
15	Pg 19, S 4.1.1, 6 a)	**Comment** Traditional knowledge and engagement are not the same. Traditional knowledge 'documented' through engagement must be done so in keeping with local TK policies, informed consent, etc. Where the developer provided support to develop TK resources, this should be highlighted. The engagement process should be distinguished from the traditional knowledge contributions. **Recommendation** Consider deleting the second sentence to avoid confusion: "Include references to your engagement record, where relevant." Consider adding "supported" after the word "developed" in the first sentence.		
16	Pg 19, S 4.1.1, 6 b)	**Comment** The word "incorporated" in terms of how TK informs project planning may suggest that TK should not be considered equal to scientific information. Stronger language is required in order to respect and equally consider TK in the context of EA. **Recommendation** Rewrite 6 b) to: "Detail how Traditional Knowledge was interwoven into project planning, providing a transparent description of the pathway of how an understanding grounded in Traditional Knowledge		

		directed, affected, influenced or otherwise informed into project planning."		
17	Pg 20, S 4.1.2 (Management Plans and Summaries)	**Comment** As guardians, Indigenous communities have a strong role to play in "watching" (i.e. community-based monitoring). Details around how communities will inform, contribute to, participate in and/or lead monitoring programs would enhance understanding. **Recommendation** Monitoring and management plans should detail where contributions from community watching programs have been or can be incorporated.		
18	Pg 29, S 4.1.2 (Standard and Project Specific Components)	**Comment** The "fundamental" list of questions does not refer to traditional knowledge. **Recommendation** Suggest adding to question list: "How will scientific knowledge and traditional knowledge together inform project components?"		
19	Pg 22, S 4.1.2 (Standard Project Components) d ii)	**Comment** Water is the lifeblood of the environment. This section should be strengthened to reflect this fundamental tenet of an Indigenous perspective. For example, consider reference to the spirit of the water, TK of hydrologic systems, community interests, etc. **Recommendation** Reword: "How were the water source sites selected (i.e., according to both TK and western science)? How would they be monitored to meet community protocols around water, operational needs, environmental considerations, and legislated requirements?"		
20	Pg 23, S 4.1.2 (Closure and Reclamation Activities) h	**Comment** The 'human' aspect of closure seems to be missing. Decomissioning and remediation are an important part of healing the land. What further steps will be taken to heal the land, recognizing the link between people and land in terms of healing and wellbeing? **Recommendation** Acknowledge the		

		importance of "healing the land" in the language around reclamation.		
21	Pg 23, S 4.1.2 (Closure and Reclamation Activities) h	**Comment** In considering closure and reclamation, it would be helpful to know more about how communities will be involved. How have/will communities contribute to remediation or reclamation objectives? How will community measures of success in terms of community-based monitoring and management as well as closure and reclamation activities be developed and implemented? **Recommendation** Revisit the human (versus biophysical) aspect of closure and reclamation activities by including language around community participation, wellbeing, etc.		
22	Pg 23, S 4.1.2 (Project Specific Components) a I (Natural Resource Development)	**Comment** The bullet list around detailed description of the resource features does not include reference to traditional knowledge. For example, geochemical tests and methodologies should be matched with details of traditional use, legends, placenames, etc. specific to the resource / resource area. Without these "social" versus "biophysical" aspects, the developer may be led to believe the focus must be more heavily weighted on science versus TK. **Recommendation** Add references to traditional knowledge in the bullet list.		
23	Pg 25, Considerations of Alternatives, second paragraph	**Comment** AD recognizes the strength if multiple references to "engagement" in the previous paragraph, but the second paragraph does not carry through this intention. **Recommendation** Reword: "briefly describe any technically and economically feasible alternative" to "briefly describe any technically, socially and economically feasible alternativeÃ¢Â€Â¦'"		
24	Pg 25, Considerations	**Comment** If economics are equal to social considerations, the cost/benefit		

	of Alternatives, bullet list, first bullet, sub-bullet	analysis should consider both. **Recommendation** Reword first bullet, first sub-bullet to read: "provide a preliminary economic and social cost/benefit analysis"		
25	Pg 25, Considerations of Alternatives, second paragraph, last bullet	**Comment** Bullet list misses the mark in terms of consideration of TK. **Recommendation** Edit last bullet to read: "for example, input from public and parties, technological innovation, traditional knowledge, or research findings.		
26	Pg 26, S 4.1.2 (Monitoring Management Programs and Plans), bullet list	**Comment** Bullet list misses the MVEIRB Guidelines for Incorporating Traditional Knowledge in Environmental Impact Assessment (2005) **Recommendation** Add heading "Traditional Knowledge" and list the MVEIRB Guidelines for Incorporating Traditional Knowledge in Environmental Impact Assessment (2005)		
27	Pg 28, (Description of the Existing Environment), final bullet/paragraph	**Comment** The term "valued components" could be supplemented with "cultural keystone species" to more accurately highlight the centrality of some species (e.g caribou) to Indigenous culture, identity, well-being, subsistence, etc. **Recommendation** Reword: "potential valued components" to read "potential valued components and cultural keystone species"		
28	Pg 28, (Description of the Existing Environment), final bullet/paragraph PLUS Pg 29 (Components of the Biophysical Environment)	**Comment** The concept of "components of the environment" is not in keeping with an Indigenous world-view that recognizes both the components and the complex interconnectedness and relationship between components. **Recommendation** Reword: "the developer should identify components of the environment" to "the developer should identify components of and relationships within the environment"		
29	Pg 29, (Description of	**Comment** The impacts of climate change provide a key backdrop to the biophysical		

	the Biophysical Environment), S 4.2.1	and human environments. An overview of results of climate change impacts (e.g. predicted rise in temperature linked to permafrost melt) would be helpful in this section. **Recommendation** Consider adding a Climate Change subheading to provide context for the current (and future) biophysical environment.		
30	Pg 31 (Description of the Human Environment), S 4.2.2	**Comment** The impacts of climate change provide a key backdrop to the biophysical and human environments. An overview of results of climate change impacts (e.g. impacts to cultural identity linked to changes in species harvested) would be helpful in this section. **Recommendation** Consider adding a Climate Change subheading to provide context for the current (and future) human environment.		
31	Pg 32 (Description of the Human Environment), S 4.2.2, bullet list, last bullet	**Comment** Traditional and current use is not limited to water and land in the sense that the way in which people maintain a relationship with land, water, air as well as the intersections between all of these "components" is much broader. **Recommendation** In an effort to avoid compartmentalizing the environment, consider using "traditional use" rather than "traditional use of water and land" or "traditional land use."		
32	Pg 32 (Description of the Human Environment), S 4.2.2, bullet list, last two bullets	**Comment** The term "cultural identity" is missing from the list describing the human environment. Health and wellness are inextrcably bound to - and can be measured, in part by - cultural identity and cultural identity is partly defined by the relationships the Indigenous peoples maintain with their "biophysical environment." **Recommendation** Add "cultural identity" metrics either under health and wellness or culture, way of life and traditional use bullets.		

33	Pg 37 (Public Engagement and Traditional Knowledge)	**Comment** The importance of early engagement cannot be over-stated. However, it is not enough to simply "engage" without clearly demonstrating how this engagement informed, modified or enhanced a process, pathway, technology, etc. in the EA. Too often we see a focus on the engagement record rather than a transparent look into exactly how results from this engagement fed into the EA. **Recommendation** Engagement records must demonstrate and track how recommendations and input from communities meaningfully contributed to the EA in a transparent and meaningful way.		
34	Pg 38 (Public Engagement and Traditional Knowledge), first bullet	**Comment** Many Indigenous groups have their own engagement protocols. These should be referenced. **Recommendation** Edit: "use engagement methods appropriate for the party being engaged (e.g. engagement protocols as defined by each indigenous group)"		
35	Pg 39, (Engagement Plan), S 4.4.1	**Comment** The engagement plan should be developed with communities. The first sentence reads as though this is the sole responsibility of the developer. **Recommendation** Reword: "The developer will provide a comprehensive engagement plan" to "The developer will co-produce an engagement plan with communities."		
36	Pg 40 (Traditional Knowledge and the Review Board's Guidelinesâ€¦), S 4.4.2, text box	**Comment** The text box references "local protorcols" but should also include "local,regional, national and international" given that many communities have not yet made local protocols available (e.g.. they have not had resources to publish these). **Recommendation** Add: "regional, national and international" to the text box after the word "local"		
37	Pg 42, (Developers	**Comment** While the developer will have expertise on the project, communities will		

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
	Assessment Proposal) S 5.0, first bullet list	have location-specific expertise that should clearly inform the DAR.Having information early in the EA process will benefit both developers and community members. **Recommendation** Reword: "capitalize on developersÃ¢Â€Â™ project-specific expertise in selecting key issues for investigation and appropriate assessment methods" to "capitalize on developersÃ¢Â€Â™ project-specific expertise and communities' local-specific expertise in selecting key issues for investigation and appropriate assessment methods."		
38	Pg 43, (Developers Assessment Proposal)	**Comment** See above. The EA process is an reductionist approach that necessarily reduces the complexities of the environment into manageable components. However, the concepts of "components of the environment" is not in keeping with an Indigenous world-view that recognizes both the components and the complex interconnectedness and releationship between components. **Recommendation** Consider broadening the language to "components as well as ecological relationships or cultural keystones" rather than just "components."		
39	Pg 43, (Developers Assessment Proposal), S 5.1, last bullet list b)	**Comment** Key "concerns" as well as "issues" should also be highlighted early in the process. **Recommendation** Reword: "a description of the proposed key issues (project interactions) and questions prioritized in terms of Key Lines of Inquiry or Subjects of Note'" to "a description of the proposed key issues (project interactions), concerns and questions prioritized in terms of Key Lines of Inquiry or Subjects of Note."		
Canadian Northern Economic Development Agency: Alex Power				
ID	**Topic**	**Reviewer Comment/Recommendation**	**Proponent Response**	**Board Staff Response**

1	Cover Letter	**Comment** (doc) comments 2-56 below are submitted on behalf of Crown-Indigenous Relations and Northern Affairs Canada **Recommendation** NA		
2	General	**Comment** These Guidelines are a positive step in providing clarity to support efficient EIA processes. **Recommendation** None		
3	General	**Comment** In order to be as clear and concise as possible, it may be beneficial to present some important details early in the document, and to include references/resources as an appendix (such as land and water board's guide to applications that spell out completion criteria). **Recommendation** None		
4	Overview	**Comment** The first paragraph (and the title of the document) refers to "major projects" yet there is no indication of what constitutes a major project until pg. 11 **Recommendation** Provide a definition and/or examples in the Overview section.		
5	Overview	**Comment** Last bullet on pg. 3 refers to plain language summaries of the project proposal and the developer's assessment proposal. It's not clear what the project proposal is. On pg. 13 it says project description and the developer's assessment proposal, which makes more sense. **Recommendation** Change "project proposal" to "project description"		
6	Overview	**Comment** It would be helpful to identify the concept that these guidelines align with other elements of the process such as the Land and Water Board's requirements for complete applications, and land claim agreements up front. This emphasizes the benefits of having all of the right information early - and that the guide helps identify the "right" information, rather than prescribing "more"		

		information. **Recommendation** Link to Land and Water Board requirements for complete applications (including: proof of registration to conduct business in NT, establishing rights or other authorizations required for a "complete" applications - such as confirmation in-writing from land owner, consultation/engagement requirements, conformity with land use plans, etc.)		
7	Revisions	**Comment** MVRMA is not previously defined **Recommendation** Spell out legislation name in full.		
8	Revisions (pg 6)	**Comment** May want to expand the list detailing when the Guidelines might be amended. **Recommendation** Include "in response to emerging jurisprudence".		
9	Definitions	**Comment** The document does not mention impacts of the environment on the project until pg 35 a) (i). This is something that developers should be considering in their planning and management of their development. **Recommendation** Provide a definition of " impacts of the environment on the project" and include " impacts of the environment on the project" in appropriate sections of the guide.		
10	Definitions	**Comment** Cumulative effects s is a critical consideration of most EA projects **Recommendation** Consider adding a diagram similar to the Pathway Model for impacts on the biophysical environment on page 36 of the MVEIRB Cumulative Effects Guidelines.		
11	Definitions	**Comment** "Interactions with the environment" is used throughout the document **Recommendation** Provide a definition of Interaction with the environment or use the definition from the MVEIRB EIA Guidelines "Impact on the environment -		

		any effect on land, water, air or any other component of the environment, as well as on wildlife harvesting, and includes any effect on the social and cultural environment or on heritage resources.		
12	Definitions	**Comment** Major Projects is not defined in the document. There are a few places with suggestions as to what is considered a Major Project. "major projects, such as new mines, midsize or large hydroelectric projects, oil and gas production projects, or major changes to existing projects, are likely to trigger an EA" "Major projects can include projects such as resource development projects and large infrastructure projects" **Recommendation** At the start of the document, please consider i) defining "Major Project", ii) providing a flow chart for determining if a project is a major project or not, or iii) referring to another document where this information is provided.		
13	Definitions	**Comment** Developer's Assessment Proposal is not listed in the definitions section. It is somewhat confusing because of the name similarity with the Developer's Assessment Report. **Recommendation** Consider defining in the definitions section.		
14	Definitions	**Comment** "Project area" is a term used throughout the draft guideline, but it is not defined. **Recommendation** Consider defining the project area, as it is left open for interpretation. Is it the permitted area, the regional area, the permitted area plus some additional area such as the watershed? As information is requested for the project area for various environmental components, the definition of this is important.		
15	Definitions	**Comment** Pg 7 Definition of " Scope of Assessment " has the effects of the project on the environment but not the		

		effects of the environment on the project. The environment and environmental effects on a project are something that the project must anticipate in its development and operations. This can be critical in the focus of the EA, i.e. avalanches, permafrost changes etc. **Recommendation** Consider adding "the effects of the environment on the development" into the "Scope of the Assessment" definition.		
16	Definitions	**Comment** "Cumulative Effects" appears throughout the document but is not defined **Recommendation** Provide a definition of cumulative effects		
17	Definitions	**Comment** "Interaction with the environment" is used through out the document **Recommendation** Provide a definition of "interaction with the environment"		
18	Definitions	**Comment** The term Traditional Knowledge is used through out the document **Recommendation** Provide a definition of Traditional Knowledge or use the one in the MVEIRB Incorporating Traditional Knowledge in EIA Guidance Document. Provide hyperlink to MVEIRB Traditional Knowledge Guidelines.		
19	Definitions	**Comment** Significant (significant impacts, significant adverse impacts) **Recommendation** Define significant or provide criteria for determining significance		
20	Definitions	**Comment** Expand on list of defined terms for clarification. **Recommendation** Expand on the definition of terms rather than just the spelling out the abbriviations to avoid having to define the terms later in the document. For MVLWB, include regional boards (use definition from legislation) rather than just spelling out the abbreviation for clarification.		

21	Definitions	**Comment** Mackenzie Valley Resource Management Act should be italicized **Recommendation** Use italics		
22	1. Introduction	**Comment** MVEIRB recommends the use of their SEIA Guidelines, TK Guidelines and EIA Guidelines **Recommendation** Recommend adding hyperlinks to these documents in the Introduction paragraph		
23	1. Introduction	**Comment** The Introduction includes a paragraph that outlines the intent of the Guidelines - specifically that they apply to major projects. It is not clear why they only apply to major projects, and the concept of scalability is not introduced until later in the document. **Recommendation** Clarify up front what the guidelines pertain to, and why. It seems as though the concept of scalability (as introduced later in the document) may be a more effective way to implement the Guidelines rather than for "Major Projects". The definition of Major Projects is not introduced until later in the document making it hard to determine what might fall into this category initially. The fact that most projects that are referred to EA is not of particular help. Many of these information requirements are necessary for any project that is referred to EA.		
24	1.1 Purpose	**Comment** This is a good section to expand on some of the opportunities/benefits provided by these Guidelines by identifying the importance of conformity with other processes. **Recommendation** Highlight the importance of including information such that the project with conform to other processes, such as the regulatory phase of a project (such as the requirements for a complete application when a project has been referred to EA before a completness determination has been made or to allow for).		

25	Page 9, footnote#2	**Comment** Why is "Aboriginal" the preferred word to use instead of "Indigenous"? **Recommendation** Use "Indigenous" instead of "Aboriginal" except when "Aboriginal" appears in title of a documents, in an excerpt from another document, or a direct quote.		
26	1.3 How the draft Guidelines were developed	**Comment** Did the Review Board consider the MVLWB's Guide to the LUP/WL Process and/or the Waste Management Guidelines when developing these Guidelines? **Recommendation** Include the MVLWB's Guide to the LUP/WL Process and/or the Waste Managemetn Guidelines when developing these Guidelines in the list of relevant guidelines consulted if they were used, otherwise, review these to ensure they are complimentary and align.		
27	1.4 Implementation and applicability	**Comment** It is not clear what projects would be considered "Major Projects", or how/when customized guideance to developers would be provided for smaller projects. **Recommendation** Either define "Major Projects" up front, introduce the concept of scale earlier in the document (i.e. Overview), and provide more information on the process/timing for smaller projects OR have the Guidelines apply to all projects, and offer to work with developers on the level of detail that is expected of the developer based on the scale of the project. Each project will inevitably require different levels of detail depending on the nature of the proposal and the issues that are of concern.		
28	1.4 Implementation and applicability	**Comment** It is not clear what is expected for projects that are currently in the EA phase (eg. Tyhee NWT Corp.). **Recommendation** Include transitional		

		provisions or direction for projects currently in the EA phase.		
29	2. Summary of the EIA process	**Comment** 2nd para on pg. 12 provides examples of major projects, yet does not include infrastructure projects or large reclamation projects **Recommendation** Suggest expanding the list of examples to include linear infrastructure projects such as all-weather roads and large reclamation projects		
30	2. Summary of the EIA process (pg. 12, footnote #7)	**Comment** None **Recommendation** Include Section 157.1 of the MVRMA		
31	3.1 Summary of EA initiation requirements - EA Initiation Package	**Comment** None **Recommendation** Be more explicit about the importance of having the same completion criteria for the regulatory phase, such as conformity with LUPs, rights, etc. for projects that are referred without being deemed complete by the land and water boards.		
32	3.1 Figure 1	**Comment** In this diagram, the "Initial Application" phase does not speak to the situation where an application is referred to EA prior to being deemed complete by the land and water boards. **Recommendation** Update this diagram with a qualifier stating that an application would be deemed complete by land and water boards if it satisfies their requirements unless referred directly to EA. The "EA Initiation Package" stage should also indicate that the information requirements should align with the land and water boards completion criteria when direct referals are made.		
33	3.2 Format	**Comment** Could encourage developers to translate their plain language summaries (as good practice, even if not a requirement). Elsewhere in the guidelines it is noted that there may be a requirement for translation; may also want to include this here. **Recommendation** Add a paragraph or		

		lines to the first para on pg. 13 addressing translation of plain language summaries.		
34	4.1.1 project overview	**Comment** There is not consistency in terms of the capitalization of Project Overview and Project Components, Alternatives, and Plans. At the tope of pg. 15 they are capitalized like titles; this is not the case in section 4.1.1 **Recommendation** Choose a consistent format		
35	4.1.1 c) ii) Project type	**Comment** None **Recommendation** Consider adding basic detail about waste rock/overburden management and transportation of product		
36	4.1.1 Project overview 1d) Project location	**Comment** None **Recommendation** Include any archaeological information available from the Prince of Whales Northern Heritage Centre (eg. if an assessment has been completed for the given area).		
37	4.1.1 Project overview 1d) Project location	**Comment** None **Recommendation** Consider adding detail about any existing infrastructure at the site, particularly if there have been previous exploration or development activities.		
38	4.1.1 Project overview 3) b) Site history	**Comment** None **Recommendation** Consider adding any known existing contamination issues		
39	4.1.1 Project overview 4. Project authorizations	**Comment** None **Recommendation** Include proof of registration or incorporation from GNWT to prove the company is in good standing to operate in NT. Under a) iii) include other rights (as per s. 18 of the MVLUR) to align with MVLWB guidelines (such as mineral claims, quarry permits, lease, exploration licence, rights of access)		
40	4.1.1 Project overview 4. Project authorizations	**Comment** Discussions with the federal government around section 23.4.1 of the Tlicho Agreement are underway. Pending the timing and outcomes of these discussions, these Guidelines may be able		

		to clarify any requirements that relate to this provision. **Recommendation** None		
41	4.1.1 Project Overview	**Comment** Parks Canada may be considered by some to be under ECCC however it is a separate Agency with its own permit requirements. **Recommendation** Recommend adding Parks Canada Agency and Crown-Indigenous and Northern Affairs to the list of authorizations. Change " Environment Canada" to" Environment and Climate Change Canada" to reflect the departmental name change.		
42	4.1.2 Project components , alternatives, and plans b) Transportation	**Comment** There is no visible footnote 14. **Recommendation** Add footnote 14.		
43	4.1.2 Project components , alternatives, and plans c) Buildings and Infrastructure	**Comment** None **Recommendation** Consider adding explosives magazines. On pg 22, spell out ARD as it is not previously defined.		
44	4.1.2 Project components , alternatives, and plans d) Water and water management infrastructure	**Comment** pg 22. (d) (iv) "life of the project" may be considered as only during the development and operation of the project **Recommendation** Recommend changing "life of the project" to " all phases of the project" which would include post closure, and care and maintnenance.		
45	4.1.2 Project components, alternatives, and plans g) Waste ii)	**Comment** None **Recommendation** Include: if offsite waste disposal facilities are described, include the ability of the facility to accept the waste type proposed (eg. hazardous waste), and whether the facility has agreed to accept the type and volume of waste described.		
46	4.1.2 Project components,	**Comment** Standard project components (g) Waste "Hazardous waste and oil" Oil would not be disposed of, waste oil		

	alternatives, and plans	would though. **Recommendation** Recommend changing "Hazardous waste and oil" to "Hazardous waste and waste oil".		
47	4.1.3 Plain language project summary and maps	**Comment** In consideration of potential cumulative effects, maps should include existing permitted or licenced developments, or developments going through EA adjacent to the project area. For assessing conformity with Land Use Plans it would be useful for everyone to know if a Land Use Plan applies or will apply in the future to the area of the proposed project. **Recommendation** Consider adding licenced and permitted developments adjacent to the project area and approved and draft Land Use Plans to the list of elements that a project map should include.		
48	4.2 Description of existing environment	**Comment** Definition of biophysical elements, pg 27 **Recommendation** Consider adding flora and fauna to the listing		
49	4.2.1 Components of the biophysical environment Pg 29	**Comment** Impacts at local and regional scales as well as cumulative effects may not capture transboundary impacts from the project **Recommendation** Consider adding "transboundary" to the potential impacts to be examined.		
50	4.3 Identification of interactions	**Comment** The environment may have impacts to the development or operation of the project i.e. avalanches, permafrost changes. **Recommendation** Recommend adding 'How would changes in the environment impact the development?"		
51	4.3 Identification of interactions	**Comment** The list of interactions lists how the project would affect surrounding residents, and impacts to the the Aboriginal way of life . The impacts could affect communities and their Aboriginal way of life in the territories on either side of the N.W.T as well.		

		Recommendation Recommend adding " including transboundary impacts" to the listing of potential interactions and impacts		
52	4.3 Identification of interactions	**Comment** None **Recommendation** pg. 34, 2nd bullet consider adding potential for cumulative effects (impacts)		
53	4.3.1 Preliminary description of potential impacts and mitigations	**Comment** Developers are required to provide a preliminary description of impacts to the environment from the project however the environment could have impacts on the development as well, ie avalanches, changes to permafrost **Recommendation** Recommend adding a bullet, " the potential impacts from the environment on the proposed development".		
54	4.4.2	**Comment** There is a typo "MVMRA" **Recommendation** MVRMA		
55	4.4.2 Traditional Knowledge	**Comment** Are there any resources from Indigenous Governments and Organizations (such as approaches to engagement), and/or Comprehensive Land Claim Agreements, Interim Measures Agreements, etc. that could be referenced? **Recommendation** Add references wherer applicable		
56	Appendix B	**Comment** None **Recommendation** Incorporate examples of information that should be included that aligns with land and water board application completion criteria for project referred to EA prior to being deemed complete.		
57	ECCC comments	**Comment** comments 58-63 are submitted on behalf of Environment and Climate Change Canada **Recommendation** NA		
58	Section 4.2 Description of the Existing Environment	**Comment** Page 28 of the Draft EA Initiation Guidelines states that "developers will need to provide baseline information about the environmental		

conditions that exist in the project area. Detailed guidance on baseline data collection is not provided in these guidance, but guidance is available through relevant authorities" and "the Review Board strongly encourages developers of major projects to engage government departments and Aboriginal organizations, as well as the Review Board well in advance of applying for preliminary screening" and "developers should engage relevant parties early on to discuss whether historical site-specific information meets current information expectations (such as appropriateness of methods and models, compatibility, relevance and applicability)" and "references to relevant guidelines for baseline data collection will be made available as they are compiled." ECCC notes that the need for baseline will be dependent on a number of factors including the scope and magnitude of the project, its location, and reversibility (or permanency). With a few exceptions, the amount of baseline should also be commensurate to the level of impact assessment the project is undergoing. For example, a desktop assessment of the biophysical environment may be suitable for a preliminary screening, but not necessarily for a more thorough effects assessment of an EIA. It would be helpful to the assessment process if a baseline data collection plan was provided as part of the EA Initiation package. This plan could identify the baseline information that currently exists, a proposal and rationale for parameters that would be studied and engagement or meetings that have occurred with various parties regarding baseline collection. This plan could also feed into the Developer's Assessment Report (DAR).
Recommendation ECCC recommends that a baseline data collection plan be

		provided as part of the EA Initiation package which identifies the baseline information that currently exists, a proposal and rationale for parameters that will be studied and engagement or meetings that have occurred with various parties regarding baseline collection.		
59	Section 4.2.1 Components of the Biophysical Environment	**Comment** Page 30 of the Draft EA Initiation Guidelines lists air quality under climate and meteorology (project area) as a component that should be described, at minimum, for natural resource development projects. As part of air quality, greenhouse gas emissions should also be described. **Recommendation** ECCC recommends that greenhouse gas emissions be added to air quality under the climate and meteorology heading on Page 30.		
60	Section 4.2.1 Components of the Biophysical Environment	**Comment** Page 31 of the Draft EA Initiation Guidelines lists fish and wildlife components that should be described, at minimum, for natural resource development projects. It would be helpful to the assessment process if special wildlife habitat features (e.g., wetlands, river crossings [banks], salt licks, hibernacula, karsts for caves) were also described as part of the EA Initiation package. **Recommendation** ECCC recommends that special wildlife features be added under the fish and wildlife heading on Page 31.		
61	Section 4.3 Identification of Interactions, Potential Impacts, and Proposed Mitigation Measures	**Comment** Page 33 of the Draft EA Initiation Guidelines lists questions the Review Board and parties to the EA process must consider including "What would be the nature of project impacts to air, land, water, fish and wildlife?" In addition to projects impact to wildlife, impacts to wildlife habitat should also be considered. For species at risk, Section 79(2) of the Species at Risk Act requires effects assessment on critical habitat.		

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
		Recommendation ECCC recommends that the question "what would be the nature of project impacts to air, land, water, fish, and wildlife?" be updated to include "wildlife and wildlife habitat."		
62	Section 4.3 Identification of Interactions, Potential Impacts, and Proposed Mitigation Measures Section 5.1 Developer's Assessment Proposal - Assessment of Environmental Impacts	**Comment** Page 34 and Page 43 of the Draft EA Initiation Guidelines lists items that the selection of key issues and valued components are based on. Legislative requirements, including those under Section 79(2) of the Species at Risk Act, are not included in this list. **Recommendation** ECCC recommends adding legislative requirements to the list on Pages 34 and 43 of items that key issues and valued components should be based on.		
63	Section 5.1 Developer's Assessment Proposal - Assessment of Environmental Impacts	**Comment** Page 43 of the Draft EA Initiation Guidelines lists information developers are required to provide at a minimum. Section (c) should also include environmental quality guidelines and standards to which predicted project effects are compared (e.g. air quality standards, water quality guidelines). **Recommendation** ECCC recommends adding specific environmental quality guidelines and standards to the information that developers are required to provide as part of their description of proposed assessment methods for all valued components and the investigation of key issues on Page 43.		
	De Beers Canada Inc. - Snap Lake: Colleen Prather			
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Section 1.1 (Purpose), Section 2 (Summary of the EIA Process), and Section 3	**Comment** The purpose of the EA Initiation Guidelines is to "help developers prepare the necessary information in advance to support an efficient start to the environmental assessment and enable the rest of the		

	(EA Initiation Package)	assessment to be more focused". The intent of the information to be supplied in the EA Initiation Package is to provide the necessary information for EA scoping and the rest of the EA process. Section 1.1 outlines the purpose of the initiation guidelines document ("to establish standard information requirements for the beginning of an environmental assessment."). Section 2 defines when an environmental assessment would be required (i.e. for major projects and after preliminary screening by an organization such as the Mackenzie Valley Lake and Water Board) and Section 3 outlines the summary of requirements for initiation of the environmental assessment. The document refers the reader to the Review Board's Environment Impact Assessment Guidelines but it would be useful to have a timeline to illustrate the linkage between the EA initiation package and the full timeline of an environmental assessment for a major project. The information being requested for the EA Initiation Package appears to be very detailed, and to the level of detail required for the developers assessment report or later in the licencing process. In general, it is unclear how the information being requested will be used in the scoping phase and how it will actually streamline the overall EA process. **Recommendation** De Beers recommends that the guideline document should include a timeline and information on where the EA Initiation Guidelines apply in the overall EA process. De Beers also recommends that further information is provided on how the very detailed EA Initiation Package will streamline the EA process and make it more efficient and effective.		
2	Section 4.1, Management Plans (page 20)	**Comment** The guidelines indicate that the initial application should include summaries of applicable management and		

		monitoring plans with enough detail to describe how they will be implemented and used during the phases of the Project. The requirement for management and monitoring plans at this point in the application process and how the information contained within them will be used is unclear. It is unclear how providing conceptual or draft plans at this stage in the process will be used to determine if a project should proceed through screening or to support the EA scoping stage (reference to Figure 1 in Section 3.1). **Recommendation** De Beers recommends that management and monitoring plans (conceptual or draft) should not be required at the EA initiation package stage as the information contained within them will not inform the EA scoping stage.		
3	Section 4.2, Description of the Existing Environment	**Comment** Based on the description provided in the guidelines, the level of detail and information required for the description of the existing environment to be included in the EA initiation package appears to be the same level of detail as typically provided in the full and comprehensive EA (e.g., "for some environmental components, it can take more than a year to conduct the field research necessary to collect adequate baseline information across all seasons"). It is unclear why this level of detail is required at this point in the process or how this information will be used to determine if an application should continue to EA and to inform the scoping phase. **Recommendation** Provide examples of the level of detail in the description of existing environment that is expected at this stage. Provide details on how this information will be used in the EA scoping stage.		

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
4	Section 4.3, Interactions, Impacts, and Mitigation	**Comment** Based on the description provided in the guidelines, the level of detail and information required for the "identification of interactions, potential impacts, and proposed mitigation measures" to be included in the EA initiation package appears to be the same level of detail as typically provided in the full and comprehensive EA. It is unclear why this level of detail is required at this point in the process or how will this information be used to determine if an application should continue to EA and to inform the scoping phase. A simple table (such as provided in Appendix A of the "Draft EA Initiation Guidelines" without detailed text to describe and rationalize the interactions and mitigations would be an appropriate level for the EA Initiation package phase of the process. **Recommendation** Provide further information on why the level of detail to describe potential interactions, mitigations, and impacts is being requested at the EA Initiation package stage and how it will be used in the EA scoping stage. Provide examples of the level of detail required on interactions, impacts, and mitigation that is expected at this stage.		
5	Section 5.1, Developer's Proposal - Assessment of Environmental Impacts	**Comment** The guideline document requires developers to identify the valued components to be carried forward in the EA along with the assessment methods. It is unclear why environmental assessment methods are required at this point in the process. **Recommendation** Provide information on why EA methods are requested at the EA Initiation package stage and how it will be used in the EA scoping stage.		

Deninu K'ue First Nation: Marc d'Entremont

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response

1	Different approach to EA review and participation	**Comment** To achieve the three core values of the MVRB's mission, the development of initiation guidelines for major projects presents an excellent opportunity for the MVRB to take a proactive step towards achieving effective oversight of project development that is within the best interest of all parties involved. This approach can be based on guiding principles that include: 1) being responsive to Aboriginal values; 2) appling scientific rigor; and 3) embracing collaborative problem solving. The whole process should involve oversight by the MVRB with direct input by potentially impacted Indigenous groups. **Recommendation** We recommend the MVRB provide guidance that ensures developers and Indigenous groups participate in the EA review process in good faith, which results in the engagement of a construction resolution process that identifies and addresses issues and concerns relating to a proposed major development. This process should include adequate capacity to Indigenous groups to be involved in the process and community support. EA reviews should focus on potential impacts to valued components that form the basis of a sustainable environment for participating Indigenous groups. Interactions amongst parties within the review process can be characterised by the concensus nature of Indigenous society in which the exchange of ideas and information occur in a semi-formal manner and where opportunities for mutual education and the sharing of knowledge occur. Interactions can primarily occur at the technical level, but when concensus cannot be reached, the responsibility to remedy the situation can get elevated to the leadership level of each party.		

2	Table of Contents (page 5)	**Comment** Public engagement and traditional knowledge should be main drivers of the process. **Recommendation** Public engagement and traditional knowledge is a key driver for the project-related information requirements. We recommend that section 4.4 be moved up to section 4.2 in the table of contents of the guidance document. The information attained by the proponent in this section will assist in descrbing the existing environment and the identification of interactions, potenntial impacts and proposed mitigations. Additional critera that the MVRB can consider when screening development proposal can include: 1) whether the physical and/or meaningful exercising of traditions, customs and practices of Indigenous cultures would be negatively influenced; 2) the performance history of the proponent and its respect for traditional governance and Treaty rights; and 3) the quality of relations a proponent has with Indigenous groups from other regions.		
3	Section 1.1 Purpose (page 10, second last bullet)	**Comment** Knowing how the project conforms with other processes, such as land use plands, is a key component and the proponent must clearly show that it has considered various plans. **Recommendation** Additional information could be provided here for the developer to consider. Reference to land use plans is good, but other examples should also be included. In this regard, the developer should ensure its project conforms with appropriate plans at the territorial, regional and/or community level, and it must show how various plans were taken into consideration during the project planning stage.		
4	Section 1.4 Implementation and applicability	**Comment** Developers are encouraged to contact the Review Board to ensure they understand the requirements of the draft		

	(page 12, second paragraph)	Guidelines and how they might apply to a specific project proposal. **Recommendation** We recommend that contacting the Review Board be a mandatory requirement.		
5	Section 3.1 Summary of EA initiation requirements - EA Initiation Package (page 13, first bullet)	**Comment** A project description, including management plans. **Recommendation** We recommend more clarity be provided regarding the identification of management plans here. It is unclear what types of management plans this is referring to. Is this refering to regulator- or proponent-created management plans?		
6	Section 3.1 Summary of EA initiation requirements - EA Initiation Package (page 13, second bullet)	**Comment** A description of the existing environment. **Recommendation** We recommend additional clarity be provided on the level of detail that is required for the description of the existing environment.		
7	Section 3.1 Summary of EA initiation requirements - EA Initiation Package (page 13, third bullet)	**Comment** Preliminary identification of potential impacts… **Recommendation** We recommend that this include a description of the pathway of effects / impacts.		
8	Section 3.1 Summary of EA initiation requirements - EA Initiation Package (page 13, fifth bullet)	**Comment** The developer's assessment proposal **Recommendation** It is unclear the level of detail that is required in the assessment proposal. Will the proponent need to include how it will determine whether effects are significant or not? Likewise, will the proponent need to identify measureable parameters at this step?		
9	Section 3.2 Format (page 13, first sentence)	**Comment** Allowing the developer to determine how information is presented may result in inappropriate information being submitted. **Recommendation** We recommend that additional guidance be provided here on the level of detail, or key components that		

		are to be included in the EA initiation package.		
10	Section 4.1 Project description (page 15, first paragraph)	**Comment** In depth information to comprehensively describe the proposed development is critical in ensuring the proponent understands its project in relation to First Nation values. **Recommendation** We recommend that details on the size and scale of the proposed development be included here. In addition, the proponent should identify whose traditional territory the proposed project is on, recognizing that there may be more than one Indigenous group to note here.		
11	Section 4.1.1 Project overview, 5. Desciption of the development (page 18)	**Comment** An understanding of the development team may be more beneficial. **Recommendation** We recommend that the developer include all members of its team, which may include local consultants.		
12	Section 4.4 Public engagement and Traditional Knowledge (page 37, second paragraph)	**Comment** While early engagement is essential, the developer should take more of a collaborative approach in identifying key issues and potential impacts. **Recommendation** We recommend that more specific guidance be provided to developers so that they participate in good faith efforts to engage in a constructive resolution process that identifies and addresses issues and concerns relating to a major development project. In this regard, developers and the Review Board must ensure adequate capacity is provided to Indigenous groups to be involved in the process.		
13	Section 4.4.1 Engagement record and engagement plan (page 39 Engagement plan)	**Comment** The development of a comprehensive engagement plan is paramount to an effective environmental assessment. **Recommendation** We recommend that the development of a comprehensive engagement plan be completed in		

		collaboration and with the support of potentially effected Indigenous groups.		
14	Section 5 Developer's Assessment Proposal (page 41, last paragraph)	**Comment** The Review Board expects the developer's assessment proposal to function as a starting point for discussing assessment priorities and assessment methods. **Recommendation** To achieve this objective, we recommend that the developer's assessment report adhere to certain guideing principles, such as: being responsive to Aboriginal values; applying scientific rigor; and embracing colloborative problem solving.		
15	Section 5.1 Developer's Assessment Proposal - assessment of environmental impacts (page 42, last paragraph)	**Comment** Developers are required to provide a description of the proposeed value components to be carried forward in the EA, and an outline of the proposed methods to assess potential ipacts on those values. **Recommendation** Identification of proposed value components should be identified in collaboration/communication with Indigenous groups.		
16	Section 5.1 Developer's Assessment Proposal - assessment of environmental impacts (page 43, bullet 'c')	**Comment** Developers are required to include a general assessment approach and methodology. **Recommendation** This approach should be science-based that follows quantitative or qualitative methods or qualitative-quantitative mixed methods, with tools to include participatory engagement and collaboration.		

Dominion Diamond Mines ULC: Lynn Boettger				
ID	**Topic**	**Reviewer Comment/Recommendation**	**Proponent Response**	**Board Staff Response**
15	General File	**Comment** (doc) Dominion Diamond Mines ULC Cover Letter for Comments on Draft EA Initiation Guidelines **Recommendation** PROPGENFILE		
1	General	**Comment** Dominion commends the Review Board for preparing these Draft EA Initiation Guidelines and sees where		

		having sound Guidelines in place could meet some of the positive outcomes as listed under section 1.1 Purpose. However, it is not clear how this will reduce the work involved for all parties to an EA process, particularly the Developer. It is also unclear if there will be another draft of the Guidelines put out for review based on this initial round of comments received. **Recommendation** Continue to refine the Draft Guidelines based on comments received to date. Dominion looks forward to ongoing involvement and engagement.		
2	General - Application Requirements	**Comment** As a Developer, there will naturally be a focus on increasing efficiency in the process and saving time and money. For example, if there was a high degree of certainty that a proposed project will be going for an EA, the Developer would be seeking ways to prepare one application package that would meet the Land and Water Board requirements and also contain the information and be organized in such a way as to meet these EA Guidelines. This may mean that the application package that goes to the Land and Water Board(s) could contain additional information that may not be needed within their process or be organized in such a way so that it makes sense for an upcoming EA. These Guidelines then need to be acceptable to the Land and Water Board(s) so as to not impede their review of an application as well as decreasing the burden of application preparation for the Developer. **Recommendation** Ensure there is involvement and backing from the Land and Water Boards in the development of these Guidelines and consideration for the efficiencies in application preparation between these processes.		
3	Format - Section 3.2	**Comment** See Dominion’s previous comment on the topic of “General – Application		

		Requirement”. There is the potential for the Land and Water Boards requesting the information to be presented in a way that may conflict with these EA Guidelines. The Developer would likely only be looking at preparing one application with minimal re-working for an EA process. The Land and Water Boards must be on the same page in terms of having information presented in a certain way. **Recommendation** Ensure there is involvement and backing from the Land and Water Boards in the development of these Guidelines.		
4	Format - Section 3.2	**Comment** Dominion has a Sustainable Development Policy. One focus of this policy is environmental protection. As a company we look for ways to reduce our environmental footprint. Producing three hardcopies of an application (which can be very large) and not being able to freely use/direct a Reviewer to “…external electronic sources such as online databases or websites” as part of the submission package is not allowing for the full implementation of our policy. This is very much the digital age where many Reviewers will likely prefer a well thought out and comprehensive electronic application package over a printed one. Hard copies are also very costly and time consuming to produce. **Recommendation** Require there to be one electronic copy and one hard copy of an application. Other hard copies or translated information required upon request.		
5	Project Description â€" Section 4.1.1, 1 c, ii	**Comment** Some of the requested information listed under this section for resource development projects, such as “proven and probable reserves and production capacity” may be confidential or just being studied or figured out at the time of the application.		

		Recommendation Allow for certain information to be confidential or presented in general.		
6	Project Description â€" Section 4.1.1, d, i	**Comment** This information is important but will appear in many places throughout an application package. See previous comment regarding cross referencing/allowing for there to be referral to external electronic sources “Format – Section 3.2”. **Recommendation** Allow for there to be some cross referencing within the application itself to avoid all the duplication. For example, maybe there is a need to refer to a map from another section of the package or somewhere online.		
7	Project Description â€" Section 4.1.1 f	**Comment** This type of information is not required for a Land and Water Board submission. See previous comment “General – Application Requirements” and “Format – Section 3.2” regarding information in an application and how a Developer may look at preparing an application. Are the Land and Water Boards comfortable with receiving this information in an application package? **Recommendation** Ensure there is involvement and backing from the Land and Water Boards in the development of these Guidelines.		
8	Project Description â€" Section 4.1.1 5 Description of the Developer	**Comment** This type of information is not required for a Land and Water Board submission. See previous comment “General – Application Requirements” and “Format – Section 3.2” regarding information in an application and how a Developer may look at preparing an application. Are the Land and Water Boards comfortable with receiving this information in an		

		application package? Additionally, some of this information requested here may be available on the company’s website. For example, vi requires “A description of any corporate policies, codes of practice, programs or plans concerning the developer’s environmental, sustainable development, community engagement policies. Copies should be provided as appendices to the EA Initiation Package.” Could this information be presented as a hyperlink instead of as an appendix to the EA Initiation package? **Recommendation** Ensure there is involvement and backing from the Land and Water Boards in the development of these Guidelines. Allow for there to be hyperlinks or use of external websites for the presentation of some of the information required.		
9	Project components, alternatives, and plans â€" Section 4.1.2 â€" Monitoring and management programs and plans	**Comment** See previous comment “General – Application Requirements” and “Format – Section 3.2” regarding information in an application and how a Developer may look at preparing an application. For a Developer like Dominion there will be approved management plans already in place. There should be the allowance to hyperlink to those plans. Additionally, there is not often the need to create a new management plan but present changes to an existing approved plan in relation to the proposed project. How is this best presented? There should be no need to present or append the entire management plan. **Recommendation** Dominion encourages the MVEIRB and the Land and Water Boards to provide more guidance, and an opportunity to review this guidance, on effectively presenting changes to an already approved management or		

		monitoring plan due to a proposed project.		
10	Plain Language Summary Section 4.1.3	**Comment** While Dominion understands a Plain Language Summary is useful to help others understand the project it should be noted that the type of document that seems to be expected by these Draft Guidelines are very expensive to produce and particularly so if the Developer must engage a contractor and/or an “experienced plain language editor” to create this document. Additionally, a Plain Language Summary document would be by necessity the last document to be started after the project is decided upon and the application package is finalized. Development of a Plain Language Summary will not only add to the overall cost of producing an application package but could also significantly extend the time it takes the Developer to produce an application with further additional time required for the translation of this document. For all applications there has to be pre-application engagement and this can be quite an extensive undertaking. During pre-application engagement on a project there is often a non-technical summary of the project (could be in the form of a presentation, a brochure, etc.) provided and discussed in detail and this material gets included in the application’s engagement record. Between the pre-application engagement process, the submission of a permitting application to the Land and Water Board(s) and a comprehensive EA Initiation Package such as required by these Draft Guidelines, Reviewers or affected parties should already have an understanding of the project and know whom to contact with questions. **Recommendation** Do not require that a separate, “professionally produced” stand-alone Plain		

		Language Summary be submitted as part of an EA Initiation Package.		
11	Plain Language Summary Section 4.1.3	**Comment** These are to be an “effective snapshot” of the proposed development. Projects can and do change throughout the course of an EA. What are the requirements of the Developer for this document if the project changes? **Recommendation** Provide more clarity on how the Plain Language Summary is expected to be used in the EA process and if it is to be a “living document”. Also see comment above.		
12	Public Engagement and Traditional Knowledge â€" Section 4.4	**Comment** In order not to create duplication of engagement efforts there needs to be agreement between the Boards in what is acceptable engagement for a project. There should not be a situation where one Board is deeming the engagement for the project, or the way it is presented, to be acceptable and the other Board sees issues or requires more information. Similarly, for an engagement record itself the requirements and the way it is presented by the proponent needs to be the same for both a permitting application and this Initial EA package. Additionally, some Developers will have an approved Engagement Plan. It is confusing as to who determines what is acceptable for the engagement part of the application. **Recommendation** Update section to allow for the consideration of already approved Engagement Plans and the discretion of the Developer to determine engagement that is in-line with these Plans.		
13	Public Engagement and Traditional Knowledge â€" Section 4.4	**Comment** The need for having engagement records “…be endorsed by all parties involved to ensure the accuracy and validity of the information reported” should not		

			Proponent Response	Board Staff Response
		be a requirement. The normal process for an application would be to have this information, including the engagement record, go out for a public review period. This is the appropriate time for review of the engagement record and comment on where there might be disagreement or discrepancies. Having to obtain agreement (or endorsement) before application submission is unrealistic, could become very time consuming and for a variety of reasons may never be reached with the party involved. **Recommendation** Do not require engagement records to be endorsed by all parties involved as part of the application package. See covering letter from Dominion.		
14	Developerâ€™s Assessment Proposal â€" Section 5.2	**Comment** This is quite confusing to have similar terminology used for both a Plain Language Summary for the Project and then a Plain Language summery of the assessment proposal. **Recommendation** No need to call this a Plain Language Summary. It is the Developer’s Assessment Proposal where Developer’s should describe what is listed on page 43 and use plain language when preparing this information.		

GNWT - Lands: Darren Campbell

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
58	General File	**Comment** (doc) GNWT submission to the draft Initiation Guidelines for Developers of Major Projects **Recommendation**		
1	Definitions and Abbreviations	**Comment** Definition of Major Projects and Proponents of Major Projects **Recommendation** Ã¢Â€ÂœMajor ProjectsÃ¢Â€Â• and Ã¢Â€ÂœProponents of Major ProjectsÃ¢Â€Â• require a definition. Please see the GNWTÃ¢Â€Â™s cover letter for further discussion.		

2	Definitions and Abbreviations	**Comment** Definition of Environment **Recommendation** Ã¢Â€ÂœEnvironmentÃ¢Â€Â• Ã¢Â€Â" environment means the components of the Earth and includes: (a) land, water and air, including all layers of the atmosphere; (b) all organic and inorganic matter and living organisms; and (c) the interacting natural systems that include components referred to in paragraphs (a) and (b).		
3	Definitions and Abbreviations	**Comment** Definition of Scope of Impact **Recommendation** Ã¢Â€ÂœScope of impactÃ¢Â€Â• Ã¢Â€Â" should be defined (in addition to scope of assessment and scope of development)		
4	Definitions and Abbreviations	**Comment** Definition of Alternative Means **Recommendation** Ã¢Â€ÂœAlternative meansÃ¢Â€Â• Ã¢Â€Â" The term Ã¢Â€Âœeconomically feasibleÃ¢Â€Â• is captured within the definition. Therefore, developers should not be required to spend a significant amount of effort describing alternative means that are not economically feasible.		
5	Definitions and Abbreviations	**Comment** Definition of Pathway **Recommendation** Ã¢Â€ÂœPathwayÃ¢Â€Â• Ã¢Â€Â" is a term and concept is central to guidelines, thus it is recommended that a definition is included. It is further recommended that the pathway definition uses the term Ã¢Â€Âœinteraction.Ã¢Â€Â•		
6	Definitions and Abbreviations	**Comment** Definition of Significance **Recommendation** Ã¢Â€ÂœSignificanceÃ¢Â€Â• Ã¢Â€Â" significance thresholds for valued ecosystem components related to Ã¢Â€Âœkey and potential keyÃ¢Â€Â• stressors should be clearly defined.		
7	Definitions and Abbreviations	**Comment** Definition of Level of Detail and detailed information **Recommendation** Ã¢Â€ÂœLevel of DetailÃ¢Â€Â• and Ã¢Â€Âœdetailed		

		information$\tilde{A}$¢$\hat{A}$€$\hat{A}$• $\tilde{A}$¢$\hat{A}$€$\hat{A}$" Please define and use the terms $\tilde{A}$¢$\hat{A}$€$\hat{A}$œlevel of detail$\tilde{A}$¢$\hat{A}$€$\hat{A}$• and $\tilde{A}$¢$\hat{A}$€$\hat{A}$œdetailed information$\tilde{A}$¢$\hat{A}$€$\hat{A}$• in a consistent manor throughout the document. $\tilde{A}$¢$\hat{A}$€$\hat{A}$œLevel of detail$\tilde{A}$¢$\hat{A}$€$\hat{A}$• expectations are not clear at present.		
8	Introduction	**Comment** General Comment: There are no references provided within the document. **Recommendation** The GNWT suggests the next version of the Guidelines include a References section at the end of the document.		
9	Introduction	**Comment** General Comment: This summary should seek to differentiate between the former Developer's Assessment Report (DAR) and/or subsequent Adequacy Statement Response and review process and the Draft Guidelines' expectation for a Developers Assessment Proposal (DAP) and subsequent processes. This would help clarify any differences in processes. **Recommendation** To clarify the differences between the requirements of an EA Initiation Package and DAP on the one hand and applications and a DAR on the other, a clear comparison of each should be included in the proposed Guidelines.		
10	Introduction Section 1. Pg. 9	**Comment** Paragraph 2: It should be clear that socio-economic impact assessments are a part of the process of EAs and not a separate process. **Recommendation** Instead of saying $\tilde{A}$¢$\hat{A}$€$\hat{A}$œto reflect its expectations related to socio-economic impact assessment$\tilde{A}$¢$\hat{A}$€$\hat{A}$• the GNWT suggests the following wording: $\tilde{A}$¢$\hat{A}$€$\hat{A}$œto reflect its expectations related to the incorporation of socio-economic impacts in the EA process$\tilde{A}$¢$\hat{A}$€$\hat{A}$•		
11	Introduction Section 1. Pg. 9	**Comment** Subtext - Footnote 2: use of the term "Aboriginal" throughout the		

		Draft Guidelines **Recommendation** The GNWT recommends that the proposed Guidelines use the word Indigenous instead of Aboriginal. The GNWT acknowledges that the Mackenzie Valley Resource Management Act (MVRMA) uses the term Aboriginal.		
12	Introduction Section 1. Pg. 9	**Comment** Subtext - Footnote 3 & 4: Conflicts and inconsistencies across guidance documents can create confusion and make it difficult for a developer to understand which guidance takes precedence. **Recommendation** In future versions, please clarify the relationship among the March 2004 EIA Guidelines and March 2007 Socio-Economic Impact Assessment Guidelines and with the proposed EIA Initiation Guidelines. Please include the dates of each the guidelines referenced.		
13	Introduction Section 1. Pg. 9	**Comment** Subtext - Footnote 3 & 4: The GNWT and others (including public and Indigenous governments, industry associations etc.) regularly develop new guidance and revise existing guidance. **Recommendation** The GNWT recommends that the proposed Guidelines clearly state that the list of guidance is subject to change and that developers should inform themselves of any updates. The GNWT is available to discuss how to effectively share information on new and updated guidance.		
14	Introduction Section 1. Pg. 9	**Comment** Subtext - Footnote 5: The statement in Footnote 5 that reads "The EA initiation guidelines would in no way limit the Review Board's authority to require information beyond what is described the guidelines." is noted throughout the Draft Guidelines. While the statement may be accurate in that the Review Board has the authority to require developers to provide information over		

		and above what is described in the Draft Guidelines, it may lessen the developers' perception that the proposed Guidelines will improve the EA process. **Recommendation** The GNWT requests the Review Board be explicit in describing when/what circumstances would cause the Review Board to request additional information over and above what is included in an EA Initiation Package or DAP. The GNWT suggests that the Review Board also consider providing guidance for projects that do not meet the as yet undetermined definition of Ã¢Â€Â˜major project.Ã¢Â€Â™		
15	Purpose Section 1.1 Pg. 9	**Comment** Paragraph 2 (pg. 9 & 10) - 1st and 3rd sentences: The Review Board has always required project related information to begin an EA and undertake EA scoping [.] In the past when this information has been missing, the Review Board relied on Terms of Reference, Developer's Assessment Reports (DARs), and rounds of information requests to try to fill in the details to move forward with the EA." The GNWT notes that under the current process, the Review Board has the ability to assess the adequacy of the DAR, information request responses, etc., and suspend the EA process if the responses from the developer are not deemed adequate. **Recommendation** Please clarify how the proposed Guidelines will provide for a narrowed scope of EA if developers cannot provide all the information listed in the Draft Guidelines. The GNWT recommends that the proposed Guidelines be advisory and not requirements that need to be met in order to begin an EA. Further discussion of this comment is provided in the cover letter.		
16	Purpose Section 1.1 Pg. 9	**Comment** Paragraph 2 (1st bullet): One of the stated purposes in the Draft		

		Guidelines is an efficient EA process. With the advent of EA initiation guidelines and the detailed initiation package, it is stated the DAR can now be shorter. Changes to the DAR and its interconnection with the initiation package may require additional communication or planning. **Recommendation** GNWT agrees that excessively large DARs have in the past lacked focus. However, quality and type of information is subjective, and is unique to each major project, therefore the GNWT recommends that the Review Board describe how the proposed Guidelines will make the EA process more efficient. Any changes to the DAR and its interconnection with the initiation package could be outlined in the proposed Guidelines.		
17	Purpose Section 1.1 Pg. 9	**Comment** The GNWT notes that under the proposed Guidelines, developers will be expected to do much of the work that is currently required for a DAR at a time when they are less likely to have some of the required information (background, baseline). If the work in advance of an EA does not result in complete and thorough initiation information, the proposed Guidelines could result in an increase in work and scope to initiate an EA, potentially more work on referral to EA, and finally an expanded EA process, rather than a streamlined process. **Recommendation** With no implementation plans provided for review and comment, and the current unknowns regarding if and/or how a formal assessment (adequacy statement/conformity check) of an Initiation package would be completed, the GNWT requests the Review Board discuss with parties, including the GNWT, implementation plans for the proposed Guidelines.		

18	Purpose Section 1.1 Pg. 9	**Comment** As observed in recent EAs, it is hard to predict what topics will become important to parties as the EA progresses. When partial information or assessment is provided (not full impact assessments, but as an expectation in the Draft Guidelines, some preliminary assessments), this often opens the door to critiques and concerns. The idea that the DAR can be shorter because of the fulsome EA Initiation Package/Developer's Assessment Proposal seems logical in principle, but might not be the case when implemented. **Recommendation** The GNWT suggests that the Review Board describe how the implementation of the proposed Guidelines will be used to shorten the DAR and keep the scope of the EA from expanding as the EA progresses.		
19	Purpose Section 1.1 Pg. 9	**Comment** Paragraph 2 - last sentence: Disjointed project information packages (that occur when missing information, due to incomplete/inadequate DARs, has to be gathered through multiple rounds of IRs) can create issues for reviewers trying to assess whether there are (significant) adverse impacts as a result of the project. **Recommendation** Adequate information will always be required to prevent production of disjointed information. The Review Boardâ€™s determination of adequacy or conformity can ensure correct and thorough information is submitted by a developer. The GNWT requests the Review Board state how the proposed Guidelines will be implemented and whether and how the information provided by the developer will be assessed for adequacy. The GNWT recommends the evaluation of the proponentâ€™s initiation package be solely conducted by the Review Board and not subject to a public comment period.		

20	Purpose Section 1.1 Pg. 10	**Comment** General Comment: The additional Draft Guidelines expectations (in addition to an application accepted by a Land and Water Board or regulatory authority) and upfront baseline, project specific details, analysis and document writing required by a developer does guarantee that the EA process will be shorter or nor does it guarantee the remainder of the EA process will be free of delays. At present, the Review Board and parties to an EA have the ability to request additional information during the EA as they see necessary. Any such requests could include additional studies, which would then be added to the project's overall time budget. **Recommendation** The GNWT recommends the Review Board explain how the provision of information listed in the Draft Guidelines will result in a shorter EA process.		
21	Purpose Section 1.1 Pg. 10	**Comment** Expenses to a developer could also increase if the project design, after extensive pre-EA consultation and engagement, requires redesign to accommodate additional mitigations as they are identified later in the EA process. The Draft Guidelines note the expectation of early consultation and engagement. The GNWT notes that consultation and engagement processes that result in project changes prior to an EA do not necessarily result in the final project configuration. During the EA, additional information and discussion with all parties have the potential to further alter the project configuration. **Recommendation** The GNWT recommends the Review Board carefully reconsider aspects of the proposed Guidelines that may impede or restrict a developerÃ¢Â€Â™s ability to introduce changes to a project that result in amended plans and programs, alter preliminary drawings, and change		

		conceptual designs in support of improved function, cost savings and operational efficiencies.		
22	Purpose Section 1.1 Pg. 10	**Comment** Paragraph 3 (Pg. 10 bullet 3): While early engagement with Indigenous Governments and Organizations (IGOs) and the public can increase understanding of the overall concept of a project, the statement that parties "will have a clear understanding of the project" to meaningfully participate may not be entirely accurate. **Recommendation** The Review Board should consider rephrasing this section to reflect Ã¢Â€Âœthe inclusion of improved informationÃ¢Â€Â• but should avoid speculating on partiesÃ¢Â€Â™ abilities to better understand the project.		
23	Purpose Section 1.1 Pg. 10	**Comment** Paragraph 3 (all bullets): Based on the information expectations outlined in the Draft Guidelines, the EA Initiation Package may be overwhelmingly large, and capacity issues may arise depending on the reviewer (e.g. IGOs and communities). Document length and capacity issues may result in reviewers only focusing on the high-level summaries and might not result in a more clear understanding of the project; and there is a presumption that the scoping phase will be more focused and effective. Scoping is largely influenced by what is experienced at the scoping session and by the participants present at scoping sessions. Other external factors may also be in play (e.g. world, federal, territorial, and community media and politics). **Recommendation** The Review Board should consider how distributing all information required in the Draft Guidelines will impact the capacity of 3rd party reviewers, notably IGOs and communities. If the EA Initiation Package review is part of the public		

		process, 3rd party reviewers may not possess the ability to review the initiation package in-house. This inability is likely to lead to increased scrutiny at scoping sessions, not lessen it. The GNWT suggests that the Review Board be responsible for the initial review of the adequacy of the information expected as part of the proposed Guidelines.		
24	Purpose Section 1.1 Pg. 10	**Comment** General Comment: The Review Board should recognize key issues and concerns identified in every EA can route back to policy, program, and planning gaps across the NWT. Acquiring "thorough" information for use in wildlife management plans, resource management plans, and overall land tenure issues are persistent obstacles that can create challenges in EAs. Background, baseline and historical information is often lacking in the NWT and this could lead to extensive baseline studies ahead of an EA. **Recommendation** The GNWT suggests that the noted key drivers for issues identified during the EA be listed in the proposed Guidelines as information needs that might require additional discussion during the EA. In the absence of adequate, non-developer collected baseline and background information, the Review Board should consider providing additional advice to developers at the earliest time possible.		
25	Purpose Section 1.1 Pg. 10	**Comment** The rationale for the requirements of the proposed Guidelines could be clearer. As commented previously, no analysis has been presented identifying how information that has been provided by developers in the DARs of previous EAs has resulted in lengthy and costly EAs. There is also no identification of where the Draft Guidelines drew from existing guidelines for developers and where the information required is new in the Draft Guidelines.		

		Recommendation A comparative analysis of the types of information the Review Board sees as missing at the start of EAs for past EAs should be made available for public review to provide for a better understanding of the need for the proposed Guidelines. Duplication of information required across all guidance documents in the Environmental Impact Assessment process is discouraged. Developers should be provided guidance on how to integrate regulatory information requirements with EA initiation expectations. It would be helpful to see in a table or chart format what specific existing guidelines the specific information expectations in the Draft Guidelines were drawn from and which information requirements in the proposed Guidelines are new requirements. The justification and/or best practice references for the additional requirements should also be provided.		
26	Implementation and applicability Section 1.4 Pg. 11	**Comment** Section 1.4 (pgs. 11 & 12): this note exists throughout the document with use of the terms should, will, require, etc. as it relates to the information needs. The title of the document itself is also an example: Draft EA Initiation Guidelines for Developers of Major Projects: Information needed to begin an environmental assessment produces a conflicting understanding of the intention of the document. As an example: Paragraph 1 (pg. 11): "if a major project is referred to an EA, the information requirements set out in the proposed Guidelines will need to be met for the RB to proceed with the EA process" Paragraph 2 (pg.12): "To proactively prepare for the EA process, developers of major projects should consult the proposed Guidelines when preparing project materials for permit or license application(s)" Paragraph 2 (pg. 12): "The Review Board may require		

		information beyond the requirements of the proposed Guidelines" **Recommendation** The Review Board should make it clear that the proposed Guidelines will result in Guidelines that are a guidance document, and not a checklist of information that is required before an EA will be able to begin (if that is indeed the intention of the Review Board). The Review Board should also describe the process that developers will follow if they are unable to meet all the information requirements of the proposed Guidelines.		
27	Summary of EIA Process Section 2. Pg. 12	**Comment** The summary does not consider projects that are self-referred because they might cause public concern (e.g. Mackenzie Valley Highway) **Recommendation** Recommendation edit to paragraph 2: to include the information in the proposed Guidelines will also be applicable to self-referred projects.		
28	EA Initiation Package Section 3. Pg. 13	**Comment** If the information expectations in the proposed Guidelines are mandatory rather than advisory, the quality of the information provided is as important as the quantity of information provided. If the quality isn't adequate, it still may be possible to move forward in an EA without enough information. Additionally, the GNWT notes that the Review Board has the authority to request information from any party, including the developer. The Review Board's Rules of Procedure also allow for adequacy determinations of DARs and IR responses. The current EA process has mechanisms in place to ensure adequate information is provided at the appropriate times during the EA. **Recommendation** The GNWT recommends that if the Review Board is requiring the information in the proposed Guidelines, that the Review Board also conducts a formal adequacy assessment of the information provided.		

29	EA Initiation Package Section 3.1 Pg. 13	**Comment** Figure 1 (pg. 13) shows the general process for the EA initiation package. The figure ends at scoping; however the document under section 5 explains the 'Developers Assessment proposal' and describes the later steps after the initiation package, including completing the DAR. **Recommendation** The GNWT recommends that this figure includes the DAR as a final step. Terms of Reference can also be added to figure 1. By expanding figure 1, and adding some supporting text, the document will help to frame the 'big picture' aspect of EA.		
30	Summary of EA requirements â€" EA Package Section 3.1 Pg. 13	**Comment** The requirement for Management Plans ahead of an EA should depend on the potential for a significant impact to occur. For example: A wildlife monitoring plan required to detect and address impacts of a road construction is acceptable to be part of the EA. Whereas a Spill Contingency Plan for highway operations may not be required. **Recommendation** The Review Board should consider the requirements of Management Plans for a project and be explicit in their direction to the developer as to what Management Plans are required to initiate the EA.		
31	Summary of EA requirements â€" EA Package Section 3.1 Pg. 13	**Comment** An engagement record and engagement plan can be tied over from the acceptance of the Land and Water Board application; any new or additional engagement information can be supplied during the EA process. **Recommendation** The RB should formally assess the adequacy of the engagement record presented during preliminary screening on a case-by-case basis. The RB can then highlight deficiencies and provide guidance for the developer on items to fulfil to proceed to EA		

32	Project Related Information Requirement Section 4.1 Pg. 14	**Comment** Paragraph 2 (pg.14) - bullet 3: The required standard format for maps is unclear in the document. **Recommendation** GNWT recommends a link to guidance on mapping standards for this section		
33	Project Related Information Requirement Section 4.1 Pg. 14	**Comment** There is no discussion in the proposed Guidelines on the EA requirements of section 117 of the MVRMA. **Recommendation** A section in the proposed Guidelines (placed where appropriate) could include a sub-section related to discussion on the MVRMA for EA requirements of section 117. The GNWT recommends that the initiation package should directly connect the requirements of the initiation package to that of the MVRMA requirements related to section 117.		
34	Project overview Section 4.1.1 Pg. 15-17	**Comment** Section 2 (pg. 17): Purpose of Project 2.c.ii The GNWT is proposing to outline the timing and requirements of benefit agreements for major mining projects in the regulations of the proposed Mineral Resources Act. **Recommendation** The GNWT recommends that the Review Board consider timing and requirements of benefit agreements for major mining projects, which the GNWT is proposing to include in the regulations of the proposed Mineral Resources Act. If required, the GNWT can provide information on the relevant legislative and regulatory processes.		
35	Project overview Section 4.1.1 Pg. 15	**Comment** Paragraph 1 (pg. 15): "Developers are required to provide the following information as an overview of the project" Developers may have difficulty providing all the required information listed in the proposed Guidelines. Project timing depends on securing resources, funding and/or contractors. Project timelines are difficult		

		to establish, especially when the EA could result in changes that affect the initial proposed schedule. For projects that require hiring contractors, in many instances timelines and approaches are not available at the initiation of an EA. Acquiring these companies so far in advance without the guarantee of permits is difficult and costly. It should be recognized that some project authorizations for specific development requirements, such as quarry permits and blasting permits will not be held by the developer until after the EA is complete. The developer cannot and does not always have the ability to anticipate what methods a contractor will deploy. The general information requirements within Section 4.1.1 are significantly more detailed than what would constitute an overview (e.g. cultural training programs, closure plans, workplace policies and programs, detailed economic projections, etc.). **Recommendation** The GNWT acknowledges that the Review Board does recognize that there are projects with indeterminate timelines. However it is unclear how the Review Board will handle information gaps related to the timelines of the project (i.e. not knowing who contractors or sub-contractors will be or what their construction methods will be) It is acceptable for the Review Board to request some of this information in the EA Initiation Package and DAP but it also needs to be acceptable to move the EA forward without this information if it is not known at the outset of the EA and for less information to be required if the scope of the project does not require it. To collect and compile the information in Section 4.1.1 will require a substantial amount of effort by the developer at the planning stages of a project ahead of an EA which might not always be possible.		

36	Project overview Section 4.1.1 Pg. 16	**Comment** d) i) Project Location: The terms for local and regional context have a spectrum. **Recommendation** Please define local and regional as it relates to project description.		
37	Project overview Section 4.1.1 Pg. 18	**Comment** Description of the developer (pg. 18) 5. (a)(i): A detailed description of the developer may be difficult to provide as the companies and individuals involved in a project may change; especially for the larger projects that require multiple years startup. **Recommendation** The GNWT suggests that the Review Board be explicit in that the description of the developer refers to the developer, subsidiaries, etc. at the time of the submission of the EA Initiation Package. For sections 5 a) (iii) and (v): it would be useful to identify an acceptable period/timeframe boundary. The GNWT notes that the Review Board can and should request updates to this information if there are any changes during the EA.		
38	Project components, alternatives, and plans Section 4.1.2 Pg. 19	**Comment** Developers are required to provide a description of all activities (such as transportation) and physical characteristics (such as buildings and infrastructure) required to carry out the proposed project, as well as the alternatives considered during project development. The GNWT agrees that avoiding a substantive change in project description/components during the EA would be beneficial to the Review Board and all parties. However, substantial work will be required by developers to provide information required regarding alternatives. **Recommendation** Private sector innovation, increased technological efficiencies, and proven environmentally beneficial stewardship etc., are constantly improving; these improvements can be applied to the project as the EA		

		progresses. The Review Board should recognize that this Ã¢Â€Â˜newÃ¢Â€Â™ information may not be available during the EA initiation phase. This may lead to expanding the scope of alternatives considered once the EA is initiated, and not a narrowing of the scope as described in the proposed Guidelines. Regarding the provision of alternatives, it may be unreasonable to expect a developer to elaborate on an alternative that may not be Ã¢Â€Âœeconomically feasible.Ã¢Â€Â•		
39	Project components, alternatives, and plans Section 4.1.1 Pg. 19	**Comment** The lack of subheadings in this subsection was cause for confusion when reviewing. It's not clear why there is a section titled "Management plans and summaries" (p.20) and then a later section titled "Monitoring and management programs and plans" (p.25) at the same heading level. It appears the first two sections intended to be introduction sections for the rest of the section. **Recommendation** Please re-visit formatting of subheadings. Clarify if the first two sections are introductions for the remainder of the section.		
40	Section 4.1.2 Pg. 21-22	**Comment** Paragraph 9 - Standard project components bullet c) iii): The list of examples of environmental considerations to be considered in decision-making should be expanded to include landscape disturbance. **Recommendation** Add landscape disturbance to the list of examples of environmental considerations included in bullet c) iii) on page 22.		
41	Project components, alternatives, and plans Section 4.1.2 Pg. 21	**Comment** Paragraph 9 a) Equipment (ii): This section appears to request emissions data; however the GNWT has no established regulations or guidelines regarding emissions. **Recommendation** The GNWT recommends that the proposed Guidelines		

		include emissions guidance once the GNWT establishes such guidance		
42	Monitoring and management programs and plans Section 4.1.2 Pg. 26	**Comment** The GNWT has a series of guidelines for management plans (e.g. 2017 Guideline for Hazardous Waste Management) **Recommendation** The GNWT suggests that the Review Board includes the 2017 Guideline for Hazardous Waste Management and other GNWT reference documents for monitoring and management programs and plans in this section.		
43	Description of Existing Environment Section 4.2 Pg. 28	**Comment** A typo regarding the proper name for 'Environment and Natural Resources' was noted on page 28. "For example, the Government of the Northwest Territories Environmental and Natural Resources, in collaboration with the Land and Water Boards of the Mackenzie Valley, is developing proposed Guidelines for Developing Baseline Water Quality Monitoring Programs in the Northwest Territories." **Recommendation** Change Ã¢Â€ÂœEnvironmental and Natural ResourcesÃ¢Â€Â• to Ã¢Â€ÂœDepartment of Environment and Natural ResourcesÃ¢Â€Â• .		
44	Components of the Biophysical Environment Section 4.2.1 Pg. 29	**Comment** The list of biophysical components does not include permafrost or a characterization of forest fires. **Recommendation** The GNWT recommends including a general characterization or description of permafrost; and a history and extent of wildfires in the project location.		
45	Components of the Human Environment Section 4.2.2 Pg. 31	**Comment** Pages 31-33: outlines required socio-economic information to align with the Review Board's existing Socio-Economic Impact Assessment Guidelines. Broadly speaking, this list aligns with key indicators tracked through the GNWT's Socio-Economic Agreement work/reporting.		

		Recommendation The GNWT suggests including examples of data for major project developers to include. For example, under health rates the proposed Guidelines could list relevant information such as STI and TB rates.		
46	Components of the Human Environment Section 4.2.2 Pg. 31	**Comment** This section is vague and may result in the provision of limited information. Providing some examples of what is expected may make this section more helpful to developers. **Recommendation** The GNWT recommends including examples of the type of information that is expected such as: health rates (such as chronic diseases, TB rates, STI rates, rates of injuries and poisonings, etc.,) crime rates (such as violent crimes, property crimes, federal crimes, domestic violence, etc.) and social issues (such as community well-being issues, rate of homelessness, income assistance, etc.)		
47	Preliminary description of potential impacts and mitigations â€" cumulative impacts Section 4.3.1 Pg. 34	**Comment** On the topic of cumulative impacts it is important to consider impacts that not only interact with existing cumulative impacts, but that contribute to and/or may result in additional or new cumulative impacts. It is important to consider future scenarios, such as continued climate change in combination with future development and activities. **Recommendation** The GNWT recommends that a sentence be added to the end of Bullet c) i) on page 36 regarding the need to forecast future potential cumulative effects, such as: Ã¢Â€ÂœThis should include the consideration or modeling of future scenarios, such as continued climate change in combination with future development and activities, to identify potential future cumulative impacts.Ã¢Â€Â• The GNWT recommends rewording bullet c) ii) on page 36 to reflect the following:		

		Ã¢Â€Âœii. For project impacts not expected to result in potential cumulative impacts or contribute to existing cumulative impacts...Ã¢Â€Â•		
48	Preliminary description of potential impacts and mitigations â€" cumulative social impacts Section 4.3.1 Pg. 34	**Comment** Cumulative impact assessment has rarely included impacts to the social well-being, culture and way of life, and traditional knowledge. It would be useful to clearly state that cumulative social impacts are also expected to be reviewed. **Recommendation** The GNWT recommends that the proposed Guidelines explicitly state that cumulative social impacts are also expected to be assessed and reviewed.		
49	Public engagement and Traditional Knowledge Section 4.4 Pg. 37	**Comment** Timing of information being provided to developers. **Recommendation** Once in place, the proposed Guidelines should be provided to developers as soon as a project is mentioned to the LWB or government in order for the engagement, planning, TK studies and then incorporation of the TK, in the project development. Without this information being provided to potential developments at the exploration phase, developers might not engage early enough on the Ã¢Â€ÂœrightÃ¢Â€Â• topics to fulfill requirements of the proposed Guidelines for EA initiation.		
50	Engagement plans. Section 4.4.1 Pg. 38	**Comment** Paragraph 1: The developer will provide a comprehensive engagement plan. Engagement plans will include details on the proponent's overall engagement strategies, objectives, and the prospective engagement schedules throughout the EA, and (at least conceptually) the life of the project. [.] Paragraph 2: "The developer should develop engagement activities and methods collaboratively with each party. This will help ensure that participants agree with the strategies the developer plans to use and foster effective participation."		

		Recommendation The GNWT recommends that the proposed Guidelines briefly mention any confidentiality provisions of the Review Board processes. The proposed Guidelines should be explicit in recognizing that Ã¢Â€Â˜agreementÃ¢Â€Â™ between parties and the developer is not always achievable during engagement or the EA process. The proposed Guidelines should also be explicit in stating that Ã¢Â€Â˜agreementÃ¢Â€Â™ between parties and the developer is not required to initiate an EA.		
51	Developerâ€™s Assessment Proposal Section 5.1 Pg. 41	**Comment** A typo was noted on page 41 - revision needed. See recommendation. **Recommendation** Delete the first Ã¢Â€ÂœofÃ¢Â€Â• from this sentence: From these considerations, the Review Board issues of a Terms of Reference that establishes priority areas of investigation (impacts on valued components) and assessment methods.		
52	Developerâ€™s Assessment Proposal â€“ assessment of impacts Section 5.1 Pg. 42	**Comment** Developers are required to provide a description of the proposed valued components to be carried forward in the EA, and an outline of the proposed methods to assess potential impacts on those valued components. **Recommendation** The GNWT understands that most NWT community based developers will not fit any final definition of major project. The GNWT recommends that the Review Board consider community based developers during the development of the definition of major project; community based developers are unlikely to have the expertise, finances, and in-house skill to provide all the information listed in the Draft Guidelines.		
53	Developerâ€™s Assessment Proposal â€“ plain language	**Comment** Paragraph 2: "The summary is for all parties that may be reviewing the project, as well as the general public, and should be a standalone section of the		

	summary Section 5.2 Pg. 43	developer's assessment proposal." **Recommendation** The GNWT suggests the Review Board develop a template for a plain language summary.		
54	Concordance table Section 6 Pg. 44	**Comment** A concordance table is required as part of the EA Initiation Package but there is no mention of how concordance will be evaluated. **Recommendation** The GNWT recommends that the Review Board formally verify whether the EA Initiation Package for each project determined to be a Ã¢Â€ÂœMajor ProjectÃ¢Â€Â• meets the expectations of the proposed Guidelines.		
55	Conclusion Section 7 Pg. 44	**Comment** Grammar comment: "information is available at the outset of EA" **Recommendation** Typo/ Edit suggestion: Ã¢Â€Âœinformation is available on the commencement of an EAÃ¢Â€Â•		
56	Sample concordance table for EA initiation Package Information Requirements Appendix B Pg. 46-47	**Comment** Sections two (2) to five (5) do not contain subcategories similar to those in section one (1). This makes it awkward for developers to interpret exactly what the Review Board is looking for. **Recommendation** For consistency and visual purposes, please align the draft table for sections two (2) to five (5) with the requirements outlined in section one (1).		
57	Appendix B:	**Comment** Appendix B does not contain bounding (start and finish) page numbers for topic. **Recommendation** Appendix B requires bounding (start and finish) page numbers for topics to facilitate external party review.		
Imperial Oil Resources: James Guthrie				
ID	**Topic**	**Reviewer Comment/Recommendation**	**Proponent Response**	**Board Staff Response**
1	General File	**Comment** (doc) The following letter provides comments and recommendations on		

		the DRAFT Environmental Assessment Initiation Guidelines for Developers of Major Projects. **Recommendation**		
2	General - Project Description	**Comment** As part of these guidelines, it would be most helpful to all developers to better understand what types of projects will trigger the EA process. **Recommendation** MVEIRB develop a major projects list.		
3	General - Project Description	**Comment** The level of detail provided by the developer needs to be commensurate with the guidelines for information required for that specific permit or authorization. A concern would be in the scale of the project planning document prior to referral or preliminary assessment especially if it isn't required for the permit they are requesting. **Recommendation** MVEIRB develop a provision for EA Initiation Packages where the level of detail provided by the developer is commensurate to project risk, and with the guidelines for information required for that specific permit or authorization.		
4	General - Management Plans	**Comment** Environmental management plans or protection plans are typically developed during the EA process and finalized through consultation with local people after the project has been approved. Detailed input may only be obtained after the procurement process is complete. **Recommendation** Developers provide MVEIRB with preliminary management plan frameworks and finalize management plan details for the EAÃ¢Â€Â™s Developer Assessment Report.		
5	General - Description of the Existing Environment	**Comment** The draft Guidelines suggest that the baseline biophysical and human environment data should be identified and collected prior to submission of an application for preliminary screening.		

		Recommendation Developers provide MVEIRB with a compilation of existing baseline information available to the EA initiation package along with an analysis of knowledge gaps (including Indigenous Knowledge).		
6	General - Description of the Existing Environment	**Comment** For the data collection and analysis part of the EA process to be efficient it requires that the developer is certain of the Valued Components and Key Lines of Inquiry (KLOIs) that will be the focus of the EA and Developer's Assessment Report (DAR). **Recommendation** The proposed ToR or Developer Assessment Plan include proposed VCÃ¢Â€Â™s, KLOIs and Subjects of Note and an EA plan.		
7	General - Description of the Existing Environment	**Comment** In the draft Guidelines, there is concern that the majority of the work is done early by the developer prior to MVEIRB input. **Recommendation** Developers collect additional environmental, Indigenous and socio economic information after the MVEIRB provides finalized ToR for the DAR.		
8	General - Identification of Interactions, Potential Impacts and Proposed Mitigation Measures	**Comment** The draft Guidelines are proposing that a thorough analysis of impact pathways be provided earlier in the EA process. **Recommendation** In the EA Initiation Package, developers provide a preliminary description of the projectÃ¢Â€Â™s environmental interactions, potential impacts and potential mitigations.		
9	General - Identification of Interactions, Potential Impacts and Proposed Mitigation Measures	**Comment** The detailed description of what is being requested is more similar to what is provided for CEAA Designated Projects. The suggestion that Impact Models be fully developed prior to the EA (data collection and final analysis) risks inefficiencies. **Recommendation** Developers provide		

		MVEIRB with a complete impact assessment as part of the DAR.		
10	General - Public Engagement and Traditional Knowledge	**Comment** We support the addition of engagement plans to the EA initiation package as this can be used by the Review Board, public and Indigenous groups to understand and set expectations for engagement opportunities in the EA process. **Recommendation** MVEIRB ensure that engagement plans clearly demonstrate opportunities, timelines and milestones for stakeholders to engage and provide input to assessment plans and project design.		
11	General - Public Engagement and Traditional Knowledge	**Comment** We support the addition of engagement plans to the EA initiation package as this can be used by the Review Board, public and Indigenous groups to understand and set expectations for engagement opportunities in the EA process. **Recommendation** MVEIRB ensure that the DAR demonstrates where Indigenous Knowledge and other stakeholderÃ¢Â€Â™s input was utilized for assessment planning and project design.		
12	General - Developerâ€™s Assessment Proposal	**Comment** Imperial is supportive of the requirement for submission of a Developers Assessment Proposal as input to the MVEIRB's scoping phase. **Recommendation** DeveloperÃ¢Â€Â™s provide the MVEIRB with a DeveloperÃ¢Â€Â™s Assessment Proposal that describes; what is being proposed, which environmental components and concerns are most important, and how the developer proposes to investigate and assess potential impacts on the valued components identified.		
13	General - Developerâ€™s	**Comment** Imperial agrees that the Developers Assessment Proposal as described may be a useful tool to assist		

	Assessment Proposal	the MVEIRB in developing the final ToR. **Recommendation** During the scoping phased, the MVEIRB develops final ToR for the DAR from the DAP		
14	General - Developerâ€™s Assessment Proposal	**Comment** Imperial agrees that the Developers Assessment Proposal as described may be a useful tool to assist the MVEIRB in developing the final ToR. **Recommendation** The Developer utilized the EA process to develop and finalize their DAR.		
15	Definitions and abbreviations	**Comment** Require a definition of what is a "major project" so it is clear which projects are in scope for these guidelines. **Recommendation** Provide a definition		
16	Definitions and abbreviations	**Comment** Definition for a "preliminary screening" should include a clear description of what activities/actions would triggers this. **Recommendation** Provide a definition		
17	Definitions and abbreviations	**Comment** Require a definition of what is "traditional knowledge". **Recommendation** Provide a definition		
18	Definitions and abbreviations	**Comment** Require definition of the term "reasonably foreseeable" used in section 4.3.1 c. **Recommendation** Provide a definition		
19	Definitions and abbreviations	**Comment** Require definition of when a project will be referred to EA. **Recommendation** Provide a definition		
20	Introduction	**Comment** In the introduction there is no discussion around what factors determine if an EA is necessary. **Recommendation** Include the factors that determine when an EA is necessary. These should apply to all industries and projects equally and be driven by real risk to the environment.		
21	Introduction	**Comment** In section 1.1 (Purpose), it needs to be recognized that there will be variation in the information provided by developers. It will be necessary to allow		

		for fit-for-purpose information driven by risk, based on the location and specifics of the project. **Recommendation** Include language that the amount of information provided will be fit-for-purpose based on the location and level of risk from the proposed project.		
22	Introduction	**Comment** Section 1.4 identifies that the scale of the information may be different for smaller projects. This highlights the need to define a major project. Would smaller projects not be excluded from the EA process? The projects these guidelines apply to is key for developers, and defining this in the document will reduce uncertainties for those wishing to undertake work in the NWT. **Recommendation** Smaller projects along with maintenance and additions within existing approved projects boundaries should be exempt from the EA process.		
23	EA Initiation Package	**Comment** In section 3.1 (Summary of requirements), the requirement should be for "draft management plans". "Final" management plans are typically developed after the project is approved through consultation. **Recommendation** Only draft management plans should be required during the EA process.		
24	EA Initiation Package	**Comment** The positive outcomes listed on page 10 do not recognize that the information required will increase costs and pre application timelines for developers. The length of time will be the same for the proponent, as any reduction in DAR and IRs post screening looks to be added to the proponent's pre submission timeline. Figure 1 should show that the "Developers Assessment Proposal" is approved prior to the EA Scoping. The DAP should be approved prior to submission of the EA Initiation Package, as it will define the majority of		

		the information that would be provided. Approval of the DAP increases certainty to developers who choose to pursue proposed projects into the EA process, and decrease the risk of new information being request after submission of the DAP **Recommendation** The DAP should be approved/endorsed by the Review Board prior to submission of the EA Initiation Package.		
25	EA Initiation Package	**Comment** In section 3.2 (Format), the Review Board should consider the acceptance of external electronic sources as it will reduce the overall length of applications and paper for those who may not require the information. **Recommendation** Electronic sources should be accepted as part of applications.		
26	Project-Related Information Requirements	**Comment** There is a lot of detailed information required to any project approval. Most of the information requested will not be available in detail/design level at the beginning stage of the project development. **Recommendation** Only conceptual engineering design information should be required in the EA process. Proponents should not be required to provide information that would put them at a competitive disadvantage or compromise subsequent bidding processes.		
27	Project-Related Information Requirements	**Comment** In the description of the biophysical environment outlined in section 4.2.1, it would be appropriate to note that this would only be as it relates to the potential pathways and receptors that are relevant for the project. **Recommendation** Only information relevant to potential pathways and receptors should be required in the EA process.		

| 28 | Developer's Assessment Proposal | **Comment** This needs to be approved or endorsed by the Review Board prior to the EA Scoping. Ideally, it should be approved prior to submission of the EA Initiation Package as it will define the majority of the information that would be provided.
Recommendation The DAP should be approved/endorsed by the Review Board prior to submission of the EA Initiation Package. | | |

Parks Canada: Jacquie Bastick

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Section 3.1: Summary of EA initiation requirements â€" EA Initiation Package	**Comment** Second bullet ("a description of the existing environment") should include a description of how this existing environment is expected to change over the life of the project (construction, operation, and closure phases) in response to climate change so that all effect analyses and mitigations can be proposed in respect to this changing baseline **Recommendation** Second bullet should read: a description of the existing environment, including how this existing environment is expected to change over the life of the project (construction, operation, and closure phases) in response to climate change		
2	Section 4 iv)Authorizations or permits from federal, territorial, or Aboriginal governments.	**Comment** Include Parks Canada in the list of examples as we are responsible for issuing permits for all Parks Canada managed areas in the Mackenzie Valley **Recommendation** Include Parks Canada in the list of examples		
3	Section 4.2.1 (Components of the biophysical environment), list of biophysical	**Comment** Under the "biological environment", "vegetation" and "fish and wildlife" sub-bullets where it notes "endangered, rare, threatened species"; text should be broadened to state "species at risk (territorial and federal), rare, and culturally important species (and game		

			Proponent Response	Board Staff Response
	environmental features	species for the "wildlife" bullet so that the entire suite of species at risk (e.g.: special concern also and those listed by different levels of government) is captured and also plants and wildlife used by Indigenous people for traditional use are also captured. **Recommendation** Under "vegetation", the bullet reading "endangered, rare, threatened species" should be replaced with "territorial and federally listed species at risk, and vegetation used by Indigenous people for traditional uses". Under "fish and wildlife", the bullet reading "endangered, threatened, rare, or game species" should be replaced by "territorial and federally listed species at risk, game species and species used by Indigenous people for traditional uses"		
4	Section 4.3 (Identification of interactions, potential impacts, and proposed mitigation measures)	**Comment** The ability of the Developer to deliver on the second set of bullets (e.g.: the three after the paragraph starting with "To allow the Board and Parties to set priorities.") is impeded by not having good baseline information. This requires at the outset (or some other point!) an evaluation of the quality of baseline information, so that the quality of the subsequent pieces (determining interactions, then mitigations etc.) is understood **Recommendation** Include a requirement for the Developer to explain methodologies for baseline data collection, evaluation of the adequacy of their data, describe the confidence levels associated with the baseline data, and identify significant gaps in knowledge and understanding		

Sahtu Renewable Resource Board: Colin Macdonald

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General Report	**Comment** <table align="center" cellpadding="0" cellspacing="0"> <tbody> <tr> <td> The guidelines are		

		intended to streamline the Environmental Assessment process and help developers anticipate what will be required in the EA Initiation package. Much of the information included in the guidelines should already be available to developers who make an effort to do their homework by watching the process followed by previous projects. </td> </tr> </tbody> </table> The guidelines lack detail and would be improved by an analysis of issues raised in previous EAs and how they could have been improved with these guidelines. Reasons for extended EAs and how developers could have improved submissions, even in generic terms, would help to focus these draft guidelines. **Recommendation** <table align="center" cellpadding="0" cellspacing="0"> <tbody> <tr> <td> The guidelines are probably useful to some companies with no experience with the EA process in the NWT. Adding more detail, such as examples of issues raised in EAs and how developers could have anticipated and improved submissions would help add detail to the guidelines. </td> </tr> </tbody> </table> Also, the introductory text could be significantly reduced to streamline the document.		
2	General Report	**Comment** The publishing of these guidelines is an opportunity for the Review Board to improve the standards by which EAs are conducted. The Board should include minimal standards for characterizing the biophysical environment before operations begin so that impacts from operations can be better evaluated. For example, there needs to be strong baseline data for components like water, air and soil quality before operations begin. **Recommendation** There are several areas in these guidelines where terms such as “should” and		

		“are encouraged” are used where more prescriptive terms (“must”, “will perform”, etc.) should be used.		
3	Page 3	**Comment** <table align="center" cellpadding="0" cellspacing="0"> <tbody> <tr> <td> “Once fully developed, the guidelines will set clear expectations for the type of information and level of detail that the Review Board requires from developers to begin an EA.” </td> </tr> </tbody> </table> Nowhere in the remainder of this document is there a place that outline guidelines that would allow the Review Board to accomplish this goal. The guidelines are too generic and don’t outline the level of detail required to improve the EA process. **Recommendation** The guidelines need to be more prescriptive. Many of the issues raised in the EA process are due to developers doing a poor job in providing details in describing the natural biophysical environment, leading to questions about whether the project will cause changes in the condition of the natural environment. These guidelines should help to avoid these issues by providing minimal standards.		
4	Page 13	**Comment** “The developer should make every effort to present the EA Initiation Package in plain language” **Recommendation** A plain language summary should be a requirement for any application in this process. Rewrite sentence to more definitive.		
5	Page 16 Section d)	**Comment** Project Location – cultural areas – This issue will also come up in presenting the location of the project in relation to culturally significant areas (harvesting/fishing area, trap lines, sacred sites, etc.) for the local		

		communities. This information should be considered confidential and only for the review by the Board and should not generally be available to the public. The information is owned by the community and should not be generally accessible. These areas might not be present in the land use plan. **Recommendation** The guidelines need to consider the confidentiality of local knowledge and ownership of the information on subjects such as harvesting areas and cultural sites.		
6	Pg 17 i) Labour force and human resources	**Comment** Labour requirements should be clearly outlined at the onset of the project. What the requirements of the developers are and the specific requirements of the company for hiring local staff. **Recommendation** The EA should include hiring practices, minimum requirements for hiring by the company, including background checks, health tests and physical requirements. Also, acceptable flexibility in time off for harvesting (hunting, trapping fishing) to allow individuals to continue traditional practices should be specified. Also, requirements from local communities for specialised services, such as expediting, logistics, specialised labour supply (catering, cooks, monitoring, need to be outlined in advance so that local businesses can prepare.		
7	Pg 18 â€" Description of Developer	**Comment** Description of the qualifications of the company or individuals conducting the environment surveys for the project. **Recommendation** There should also be a requirement for a description of the group that will be doing the background work for the EA to ensure that the group is qualified to conduct the work, and can identify rare and endangered species, particularly in a northern context.		

8	g) waste	**Comment** Plans should be presented for e-waste, including batteries and electronic equipment, and recyclable materials. **Recommendation** Include e-waste (if not included in hazardous waste) and recyclables.		
9	Pg 25 Monitoring and Management Programs	**Comment** This section is not clear in terms of what requirement are expected in the initial EA submission. **Recommendation** The guidelines should provide guidance on the minimum standards that are necessary for initiation by the Review Board.		
10	Pg 27 Existing Environment	**Comment** More details should be provided here. One of the major problems with predicting impacts from current projects is the poor characterization of the biophysical environment before the project commences. Baseline assessment of factors such as water, air and soil chemistry should be conducted at least for 1 year and probably more. Sampling programs should be rigorous enough (i.e., high statistical power) to take into account natural variation and be able to detect changes when the project commences. Developers often use the argument that high concentrations of certain compounds in media are natural without supporting evidence. Proper characterization will help to avoid these discussions when site monitoring is conducted later, and after closure. **Recommendation** <table align="center" cellpadding="0" cellspacing="0"> <tbody> <tr> <td> A summary of the data requirements, with minimum statistical standards and statistical power should be provided here. Also, standards need to be outlined for acceptable surveys outlined on Page 30. Species surveys are often just taken from the NWT database and are not site specific. Biological surveys need to be comprehensive enough to be able to detect rare or sensitive species. </td> </tr> </tbody>		

			Proponent Response	Board Staff Response
		</table> The guidelines should also state that the Review Board will only accept data that have been collected from appropriate sources, following acceptable standards and considering local traditional knowledge. &nbsp;		
11	Page 28	**Comment** Valued components should be a resource relevant to the local community and based on discussions with the local community. **Recommendation** A more complete description of valued components and their role in the EA process should be in here. It should be clear that VCs should be selected in partnership with local communities but should also provide information for the scientific portion of the EA (e.g., water or soil quality monitoring).		
12	Pg 41	**Comment** &ldquo;As project specialists, developers possess considerable project-specific knowledge and information from research and engagement during the project planning stages.&rdquo; **Recommendation** The Terms of Reference for the DAR should be independent of the recommendation from the developer. Given this information, developers could skew their initial submissions away from sensitive areas with the intent of not having to address these issues in the DAR.		

Smith's Landing First Nation: Becky Kostka				
ID	**Topic**	**Reviewer Comment/Recommendation**	**Proponent Response**	**Board Staff Response**
1	General	**Comment** The Environmental Assessment Initiation Guidelines for Developers of Major Projects ("Guidelines") should outline guiding principles that developers must follow when preparing the Environmental Assessment ("EA") Initiation Package. We recommend including the following guiding principles: (1) the guiding principles found at s. 115(1) of the		

		MVRMA; and (2) the developer is expected to (a) engage with potentially affected Indigenous groups as early as possible in the project planning process, (b) work with Indigenous groups to establish an engagement approach, and (c) make all reasonable efforts to integrate Indigenous knowledge into the assessment. **Recommendation** N/A		
2	4.1.1, Project overview p 15 to 16	**Comment** Under this section, developers are currently not required to list the principal contact person for the purpose of the project (i.e. name, official title, email and phone number). We recommend that this information requirement be added here. **Recommendation** N/A		
3	4.1.1, 1d), Project location p16	**Comment** The Guidelines do not require the developer to provide information on the consideration and identification of spacial and temporal boundaries used in the environmental assessment . This will be an important consideration to determine the study areas and should be described in the developers EA Initiation Package. **Recommendation** N/A		
4	4.1.1, 1e), Labour force and human resources p17	**Comment** We recommend including opportunities for Indigenous employment and training. Indigenous people should be considered for employment opportunities, where appropriate. **Recommendation** N/A		
5	Footnote 12 p17	**Comment** This footnote currently reads that the "Review Board may require additional information related to past, concurrent or foreseeable developments related to a proposed" project. Developers should be required to provide this information in order to prevent them from taking a piecemeal approach (i.e. separating a project into smaller components) in an attempt to avoid an		

		EA. **Recommendation** N/A		
6	4.1.2, Project components, alternatives and plans p19	**Comment** This section does not currently require developers to describe physical activities that are incidental to the project, including whether the activity is within the care and control of the developer, if the activity is to be undertaken by the third party and the nature of the relationship between the developer and third party, and whether the activity is solely for the benefit of the developer or is available to other proponents as well. This should be an information requirement under the Guidelines. **Recommendation** N/A		
7	4.1.1, 5 vi), Description of developer p19	**Comment** The Guidelines should require developers to provide any Indigenous engagement policies. **Recommendation** N/A		
8	4.1.1, 6, Traditional Knowledge p19	**Comment** Developers should be required to provide the following additional information: (a) a list of Indigenous groups that may be interested in, or potentially affected by the major project in and outside the Mackenzie Valley; (b) a description of engagement or consultation activities carried out to date with Indigenous groups, including the names of the Indigenous group, date of engagement or consultation and means of engagement or consultation (i.e. community meeting, mail, telephone); (c) any proposed consultation protocols; (d) proposed engagement process, including the general schedule for these activities and the type of information to be exchanged and collected. **Recommendation** N/A		
9	4.1.2, Standard project components p21 to 24	**Comment** The list of standard project components is missing components of site preparation and construction components, including, but not limited to the installation of security fences to delineate the construction site, installation		

		of construction site facilities, upgrades to access roads, earthworks, excavation and backfilling. These components should be added to this section to ensure completeness **Recommendation** N/A		
10	4.1.2, Standard project components, h) p24	**Comment** Developers should be required to provide information on any change in ownership, transfer and control of different project components during the decommission or reclamation process. **Recommendation** N/A		
11	4.1.2, Monitoring and management programs and plans p25 to 26	**Comment** This section does not recognize Indigenous involvement in monitoring programs. Indigenous groups are often in the best position to coordinate and participate in land based monitoring programs and as such, Indigenous involvement should be seriously considered by developers, where appropriate. We recommend adding this as a consideration for EA Initiation Packages. **Recommendation** N/A		
12	4.1.3, Plain language project summary and map p27	**Comment** The Guidelines should contain additional requirements to be identified in maps, such as watercourses and waterbodies, linear and other transportation components, other features of existing or past land use (i.e. archaeological sites, commercial development, industrial facilities, etc.), location of Indigenous groups and settlement lands, and environmentally sensitive areas. **Recommendation** N/A		
13	4.2, Description of existing environment p28	**Comment** Developers should be required to consider existing land-use plans, community specific plans and to identify any gaps in the baseline research and steps to fill in the gaps. **Recommendation** N/A		
14	4.2.1, Components of	**Comment** The list of biophysical environmental features needs to be more comprehensive. The list as it currently		

	the biophysical environment p30	reads does not consider atmospheric, light and noise environment features (i.e. air quality, emission sources, greenhouse gas emissions, current territorial and federal greenhouse gas emission targets and noise levels at key receptor points, such as those areas used by Indigenous groups for traditional and incidental activities). We recommend adding these information requirements to the Guidelines. **Recommendation** N/A		
15	4.2.1	**Comment** The Guidelines must stress the importance of identifying and developing thresholds for biophysical components in consultation with Indigenous groups. The developer must obtain a holistic understanding of the valued components that Indigenous groups rely on for the optimization of Aboriginal and Treaty rights. **Recommendation** N/A		
16	4.2.1	**Comment** SLFN is concerned that climate and meteorology features will extend beyond the project area. As such, we recommend revising this section to require developers to extend the assessment area of these features to ensure that potential impacts to the environment beyond the project area are adequately assessed. **Recommendation** N/A		
17	4.2.1	**Comment** Under the list of biophysical environmental features, developers should be required to consider the following additional components of surface water: the delineation of drainage basins at appropriate scales (water bodies and watercourses), including intermittent streams, flood risk areas and wetlands, boundaries of the watershed and sub watersheds, overlaid by key project components; for each affected water body, the total surface area, bathymetry, maximum and mean depths, water level fluctuations, type of substrate		

		(sediments); and seasonal surface water quality, including analytical results (e.g. water temperature, turbidity, pH, dissolved oxygen profiles) and interpretation for representative tributaries and water bodies including all sites to receive runoff. **Recommendation** N/A		
18	4.2.1	**Comment** The Guidelines should contain more detailed information requirements for fish and wildlife, including species at risk. The developer should be required to provide information on the following: list all potential or known listed species at risk, present or potentially present in the study area that may be affected by the project; provide a description and mapping of potential habitats of species at risk present or potentially present in the study area; and provide a description of residences, seasonal movement corridors, habitat requirements, key habitat areas, critical habitat areas and designated recovery habitats and the life cycle of species at risk. **Recommendation** N/A		
19	4.2.1	**Comment** This section fails to recognize migratory birds as a common component for consideration. We recommend adding migratory birds to the list of biophysical environmental features to be assessed and require developers to provide the following information: description of birds and their habitat that are found or likely to be found in the study area; abundance, distribution and life stages of migratory birds likely to be affected in the project area; characterization of habitats found in the project area, likely to be affected; and year round migratory bird use of the area. **Recommendation** N/A		
20	4.2.2, Components of	**Comment** The Guidelines should clarify that identifying potential impacts to Aboriginal and Treaty rights will require		

	the human environment p32	developers to take a broad and generous interpretation of what constitutes an Aboriginal or Treaty right, including incidental rights. To understand an Indigenous groups rights will require an understanding of a range of customs, practices, values and traditions that are connected to and support hunting, trapping, fishing and gathering. Understanding baseline conditions of access to resources should take into account physical access, timing, seasonality and the distance from the community. Further, it is not only the presence or absence of animals that are harvested that constitute rights; rather it is an Indigenous groups ability to continue activities in accordance with their traditional laws and cultural norms. The assessment must also recognize that changes to community, effects on cultural continuity and alterations to the landscape can occur regardless of the level of potential physical changes to the environment. For example, the assessment should consider the following: the perceived quality and quantity of the lands, water and resources that Indigenous groups require for the optimization of Aboriginal and Treaty rights; mechanisms and ability to transmit culture and knowledge to future generations; multigenerational limits on access to certain areas and resources; and the ability to use and access traditional transportation routes to access areas of cultural and spiritual significance. **Recommendation** N/A		
21	4.3, Identification of interactions, potential impacts, and proposed mitigation measures p33	**Comment** A fundamental component of an environmental assessment is to assess potential residual adverse cumulative impacts on the environment and Aboriginal and Treaty rights. The Guidelines must require that developers consider the cumulative impacts on the environment due to the proposed project		

		in combination with other past, present and future projects. Otherwise, projects will be developed on a piecemeal basis which has the potential to cause devastating, long-term and irreversible impacts on the environment and Aboriginal and Treaty rights. We strongly recommend that the Guidelines require developers to identify the purpose and approach for assessing potential residual adverse cumulative impacts of Major Projects in the Mackenzie Valley area, including but not limited to the following: to identify valued components that will be the focus of the assessment; to identify and justify the spatial and temporal boundaries for the cumulative effects assessment for each valued component; to identify the sources of potential cumulative effects; and describe the mitigation measures that are technically and economically feasible. **Recommendation** N/A		
22	4.3.1, Preliminary description of potential impacts and mitigations p35	**Comment** The Guidelines should require developers to separately list and describe follow-up and monitoring programs to verify the accuracy of the effects assessment and to determine the effectiveness of measures implemented to mitigate the adverse effects of the project. The EA Initiation Package should include the following information: the objectives for the programs; list of elements requiring follow-up; the number of follow-up studies planned; arrangements for production of monitoring reports; intervention mechanism used in the event of an unexpected deterioration of the environment; and participation of Indigenous groups and stakeholders during the development and implementation of the program. In addition, the Guidelines should require developers to present an outline of the preliminary monitoring program, including but not limited to: identification		

		of the interventions that pose a risk to the environmental or valued components; description of the characteristics of the monitoring program where foreseeable; description of the developers intervention mechanism in the event of non-compliance with legal or environmental requirements; procedures for preparing monitoring reports; and plans to engage Indigenous groups in monitoring. **Recommendation** N/A		
23	4.3.1	**Comment** The description of potential accidents and malfunctions should include an identification of the magnitude of an accident and/or malfunction (i.e. quantity, mechanism, rate, form and characteristics of the contaminants and other materials likely to be released into the environment during the event and would result in an adverse impact to the environment). **Recommendation** N/A		
24	4.4, Public engagement and Traditional Knowledge p37	**Comment** The Guidelines should encourage developers to work with potentially affected Indigenous groups to establish an engagement approach in the early stages of the assessment process to ensure that Indigenous Knowledge is meaningfully gathered and considered. **Recommendation** N/A		
25	4.4.1, Engagement record and engagement plan p38	**Comment** The engagement plan should include a description of the following: the sources for baseline information and proposed information gathering activities to fill in information gaps, including any initiatives for coordinated Traditional Knowledge reports and studies; proposed approach to assess concerns and potential impacts to Aboriginal or Treaty rights; and description of proposed guiding topics of discussion; and consultation protocols to be followed. **Recommendation** N/A		
26	5.1, Developer's Assessment	**Comment** The list for the selection of proposed valued components and key		

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
	Proposal assessment of environmental impacts p42 to 43	issues for investigation contains both information sources and information findings. However, it appears that this section should only list the data and baseline information sources to assist developers in scoping valued components for the EA. It is unclear why the list contains "conditions of the existing environment" and "predicted interactions with the proposed project". Rather, the list should direct the developer to review baseline studies, regional studies, consulting with federal and territorial agencies, previous EAs for similar projects, input from the public and Indigenous groups. **Recommendation** N/A		
27	General	**Comment** It may be helpful to clarify who will assist developers to identify Indigenous groups that may be impacted by a proposed project. **Recommendation** N/A		
28	General	**Comment** It may be beneficial to prepare Guidelines to Select Valued Components to ensure clarity and consistency in EA's. **Recommendation** N/A		

TerraX Minerals Inc.: Alan Sexton				
ID	**Topic**	**Reviewer Comment/Recommendation**	**Proponent Response**	**Board Staff Response**
1	General File	**Comment** (doc) See comments in attached letter **Recommendation**		

WLWB: Sarah Elsasser				
ID	**Topic**	**Reviewer Comment/Recommendation**	**Proponent Response**	**Board Staff Response**
1	General File	**Comment** (doc) Cover letter on behalf of the Land and Water Boards of the Mackenzie Valley (GLWB, MVLWB, SLWB, and WLWB) **Recommendation** GENERALFILE		
2	Initiation	**Comment** It is unclear at what point the Review Board defines "EA initiation". For example, when will the determination be made of whether the info meets the		

		requirements, and by whom? Can an application be referred to EA if it does not have the required EA Initiation info, noting that not all of the information requirements set out in the EA Initiation Guidelines are required for licence/permit applications submitted to the LWBs? From the schematic in Section 3.1, it would seem that an application could be referred and then the assessment against the EA Initiation Guidelines would be made but it is not clearly stated in the text. **Recommendation** Provide more clarity on the process of assessment on the adequacy of the information.		
3	Timelines	**Comment** Are there any potential implications to LWB's legislated timelines if an application is deemed to not meet the requirements of the Guidelines? (e.g., page 12 reads: "To proactively prepare for the EA process, developers of major projects should consult the draft Guidelines when preparing project materials for permit and/or licence application(s), and before a preliminary screening body refers their project to EA. Developers are encouraged to contact the Review Board to ensure they understand the requirements of the draft Guidelines and how they might apply to a specific project proposal.") **Recommendation** Provide more clarity on the timelines surrounding assessment and determination of the adequacy of the information, and the potential resulting impacts on the regulatory timelines.		
4	Definition of "Aboriginal Organizations" (page 4)	**Comment** Recent correspondence from the GNWT highlighted their concern with the definition of "Aboriginal Organizations." The GNWT provided the following comment during the review of the Rules of Procedure: "The GNWT has concerns with the definition of 'Aboriginal Organization' as the proposed 'Aboriginal Organization' combines		

| | | Indigenous parties with asserted Aboriginal and treaty rights with parties that have governance structures (e.g., Tli?cho Government, Déline Got'ine Government) that have been created pursuant to a finalized land claim, land, resources and self-government or self-government agreement. The GNWT does not consider Indigenous Governments created pursuant to a settled agreement to be 'organizations' as they are 'governments' and have constitutionally protected agreements". The recommendation from GNWT was that they did "not have a specific recommendation at this time but is available for discussions with Review Board staff. The GNWT will also extend this offer to Land and Water Board staff." Furthermore, NPMO provided the following: "More appropriate and in line with other documents to refer to use "Indigenous Organization". "Tlicho First Nation" is not an organization, it's a group of Tlicho citizens. [.] "or other Indigenous organization" is too broad; this potentially opens the door to any Indigenous organization across Canada/worldwide. Is this really the intention?..." NPMO recommended "replacing with "Indigenous Organization". Suggest removing "Tlicho First Nation" from definition. Suggest adding the qualifier "which may be affected" after "or other Indigenous organization", otherwise the Board would be forced to give any Indigenous organization that asks Party or Intervener status. Add comma so it reads "(as defined in section 2 of the MVRMA), a Métis,...""
Recommendation Further discussion/consideration of the definition of "Aboriginal Organizations" is recommended. | | |

9	Determination of "Major Project", timing of customized guidance and trigger	**Comment** Pg. 11 notes that "Major projects can include projects such as resource development projects and large infrastructure projects. For smaller projects, the scale of information required may depend on the context and nature of the project. In these circumstances, the Review Board will provide customized guidance to developers on the information it requires." When will the determination of whether an application should be considered "major project" or not be made? When will customized guidance to the proponent be provided? How will the Review Board know to provide it? How will the term “Major Project” align with "Major Mining Projects" that is used in the Tlicho Agreement? **Recommendation** Provide more certainty about what a major project is or is not (when must application meet Guideline requirements). Provide more clarity about timing and trigger of the Review Board providing customized guidance.		
11	Page 10 bulleted lists	**Comment** It is unclear what the differentiation is between the "in addition" list and the list above it. **Recommendation** Provide clarity.		
12	Regulatory Process	**Comment** Pg. 37 notes that "For the regulatory or EA process to begin".should this be "and" instead of "or"? **Recommendation** Recommend clarification that the EA process is part of the regulatory process and not separate.		
14	Section 4.1.1	**Comment** The top of section 4.1.1 states "Developers are required to provide the following information(...)"; however, throughout the list of requirements, it is stated that "details should include". LWB experience is that proponents believe that "should" implies it is merely a suggestion and is not necessary. Very comprehensive		

		discussions with INAC and more recently with GNWT about should vs. must resulted in all of our guidelines and policies including "must", as they are the respective Board's guidelines/policies and they reflect the expectation of what must be included. However, all LWB guidelines and policies do include the caveat about how deviation may be allowed with rationale. **Recommendation** Recommend clarity and consistency about required (if applicable) versus optional information throughout the Guidelines.		
15	Section 4.1.1.4	**Comment** "Provide a list of all regulatory permits, licences, and any other authorizations required to carry out the proposed development". Proposed developments may also have overlapping components with other authorized developments (e.g., Peregrine Diamonds has Land Use Permits with MVLWB and WLWB for different developments but with overlapping components). **Recommendation** Suggest capturing that proponents should list any authorizations for the proposed development and any overlapping developments as well.		
16	Section 4.1.1.4(a)(ii)	**Comment** It is possible that a project, or the extent of the project's potential effects, is transboundary and more than one land use plan could apply. **Recommendation** Consider acknowledging the potential for more than one land use plan to apply. There may also be other areas of the Guidelines where transboundary considerations should be recognized.		
17	Section 4.1.1.4(b)	**Comment** "Discuss the proposed project's conformity with any current or prospective habitat management plans or protected areas in or near the development area (such as the Bathurst Caribou Range Management Plan or boreal caribou recovery strategies)." It		

		would be helpful if a list of resources were provided. **Recommendation** Consider including a list of resources.		
18	Section 4.1.1.6	**Comment** "Describe how Traditional Knowledge was considered and incorporated into project planning." Based on reviewer feedback, LWBs have recently been requiring proponents to detail rationale for why TK was not used, when it is decided not to use it. Please see Part B of the current Dominion Water Licence for an example. **Recommendation** Suggest addition of requirement of rationale when TK is provided to a proponent but not used.		
19	Section 4.1.2, page 20	**Comment** "Depending on the stage of project development, developers may only have conceptual monitoring and management plans or frameworks available." Recent amendments to authorizations (e.g., Diavik PK to underground) have been required due to proponents not explicitly stating options that may be considered. It would be more efficient/helpful if all possible scenarios were considered upfront. **Recommendation** Suggest that it be more explicitly stated for proponents to provide the various options available.		
21	Section 4.1.2.c	**Comment** With regards to the following: "Would any quarries be required to develop project infrastructure? If so, how much and what types of material would be required? How would they be operated and managed throughout the life of the project?" and "How were infrastructure and accessory component sites (such as quarry site) selected and what considerations were included in decision-making (such as environmental considerations [e.g., wildlife, waterbodies, ground stability, ARD, permafrost], operational considerations)?", information		

		regarding what has been done to date and what will be required would be helpful here. **Recommendation** Suggest addition of description of the work that has been completed and required to be completed to identify quarry materials.		
22	Page 23, footnote 16	**Comment** Delete "draft" in front of Guidelines for Developing a Waste Management Plan. **Recommendation** Correct minor error.		
23	List of guidance available, page 26	**Comment** None **Recommendation** Suggest addition of: Environment and Climate Change Canada’s Solid Waste Management for Northern and Remote Communities: Planning and Technical Guidance Document, MVLWB AEMP Guidelines, MVLWB Closure Cost Estimating Guidelines, GNWT/MVLWB/IWB Guideline for Hydrocarbon Contaminated Soil Treatment Facilities in the NWT (if finalized prior to finalization of EA Initiation Guidelines; currently in draft form)		
28	Page 28, second paragraph	**Comment** ".in advance of applying for preliminary screening" should be ".in advance of applying for a land use permit, water licence, or other regulatory authorization". **Recommendation** Correct minor error.		
29	Section 4.2.1	**Comment** This section requires a description of baseline and historical environmental conditions (biophysical and human), but does not require any description of how the environment is expected to change (due to short- or long-term natural variability, or to climate change) over the life of the project and after closure. Understanding how the environment might change is important for understanding how potential impacts might change, how to plan to mitigate them, and how to plan for closure.		

		Recommendation This is addressed to some degree in section 4.3.1, but consider whether it should be initially captured here as information that would support the evaluations and determinations required in section 4.3.1.		
30	Pages 24 and 30	**Comment** The terms “natural resource project” and “natural resource development” are used. It is not clear what these terms include. What would be categorized as “unnatural/artificial/human-made resource development”? Was the intention to differentiate between renewable and non-renewable? **Recommendation** Please clarify the terms “natural resource project” and “natural resource development”.		
31	Section 4.2.1, page 30	**Comment** The list provided is stated to be for natural resource development projects; however, some of the geological information items in the list seem to be more specific to mining than to natural resource development in general. **Recommendation** Consider whether to revise the language to capture other types of natural resource development, such as oil and gas, or geothermal.		
32	Page 34	**Comment** "Developers are require to provide." should be "Developers are required to provide.". **Recommendation** Correct minor error.		
33	Section 4.3.1, page 35	**Comment** The developer is instructed to provide the information listed for each component set out in section 4.2; however, the list set out for the biophysical environment in section 4.2.1 is specific to natural resource development projects, and is also noted to be a minimum. **Recommendation** Since the actual list of biophysical and human environment		

		components for any given project may not match the list in section 4.2, suggest that this section direct the developer to provide the information listed for each biophysical and human component they include in their Description of the Environment.		
34	Section 4.3.1, page 35	**Comment** In the example table in Appendix A, impacts are qualified as positive or negative (or unknown); however, in section 4.3.1, there is no differentiation between positive and negative impacts, and whether the type of impact would affect the need for mitigation measures. Direction is provided on what information is expected for components with no expected impacts, but not for components where the developer proposes not to apply mitigation measures. **Recommendation** Recommend discussing positive and negative potential impacts in order to link the example table with the text. Recommend clarifying that the developer must also provide rationale if no mitigation measures are proposed for any given potential impact.		
37	Section 4.3.1, page 35	**Comment** There is no indication of length of time to consider (e.g., recent applications have included 100 year temporal scopes). There is a difference between how long predictive modeling goes into the future (e.g. 100 years for climate change, water quality, etc.) and how long closure planning should be considered ("forever"). The LWBs have recently been moving towards a 1000 yr timeframe when considering the designs for tailings facilities and dams and dam-like structures. **Recommendation** Suggest more explicit requirements for long-term considerations such as climate change. Suggest closure also be specifically noted here with "project impacts".		

| 38 | Section 4.4.1.f | **Comment** Similar to what was stated for TK, advice/requests heard but not agreed upon/utilized should be explicitly provided and rationale described. **Recommendation** Suggest that advice/requests heard but not agreed upon/utilized should be explicitly provided and rationale described. | | |

Yellowknives Dene First Nation: Machel Thomas

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Concept Paper Language (and perhaps other publications)	**Comment** The introduction of the concept paper states that the purpose of EIA is "to prevent significant adverse impacts from proposed developments, and to ensure the views of Aboriginal people and the general public are considered in project planning." Note that the original language of the Act is the "concerns of Aboriginal people." This line was instrumental in the court's decision in Ka'a'Gee Tu First Nation v. Canada (Minister of Indian and Northern Affairs), 2007 FC 764 (CanLII) which found the issuing of a land use permit must align with the success or failure of the Crown's consultation process: According to [66] Section 114 of the Act sets out the purpose of Part 5 which is "to establish a process comprising a preliminary screening, an environmental assessment and an environmental impact review in relation to proposals for developments" to, among other objectives, "ensure that the concerns of aboriginal people and the general public are taken into account in that process." The requirements of Part 5 are not directed to a board or to the ministers. Rather, they are aimed at the process itself that must ensure the concerns of the Aboriginal people are taken into account. **Recommendation** Recommend communications add the term to "concern" and "knowledge" in addition to		

		or instead of the softer term "views." Further, since one of the purpose of EA is to reconcile Canada's rights to Indigenous rights, both views and concerns may be inappropriate.		
2	General Comment on concept	**Comment** It is understood that currently indigenous input is to be considered in the Description of Existing Environment, 2. Identification of Impacts/Mitigations 3. Input into DAR (ToR; pathways, etc.) 4. The "Engagement record" and engagement plan. These plans go into the Developer's Assessment Proposal phase after the MVEIRB is aware of the project, and it or Crown agencies have had the opportunity to formally delegate some aspects of consultation to the proponent, or to give feedback on what Aboriginal Orgs to consult with. These proposed guidelines may replace the identification and delegation of things that that would normally be formally delegated to proponents ("the procedural aspects of the duty to consult") by the Crown as part of discharging its duty honourably, and instead have them occur in a pre-project moment where no agency (the Crown or the MVEIRB) would have oversight or knowledge of what is going on. In this scenario, a proponent could go out, develop a project idea, a description, descripton of the environment, and a mini assessment, including impacts and mitigations, and send it in, and could do so according to the Aboriginal Organization that has the capacty to respond or the relationships to engage with them, not based on which Aboriginal Organization would be impacted the most by the Project and have the strongest territorial interests in the area proposed for development (ie. Haida Spectrum). Further, the depth of proponent engagement with Aboriginal Organizations could vary, and his may be difficult to detect. Meaningful inclusion		

| | | can be difficult to demonstrate, and the degree of consultation to the communities potentially impacted would be unclear, or potentially misrepresented. Further, not all information may be known about the potential impacts of the Project at this pre-EA stage, and so the identification of impacts, pathways, and mitigations would be potentially premature. In addition, even though the MVEIRB could review and send comments back for information requests, the work presented -- if meeting other requirements -- once on the record, could still be used once in the process. **Recommendation** The MVEIRB will need to create rhobust guidelines for consultation for proponents, including examples for the inclusion of indigenous knowledge into their DAR. These guidelines should serve the purpose of creating both guidance and transparency on how Aboriginal knowledge is included. The guidelines must be carefully developed because they could be highly influential in the downstream consideration of impacts to Aboriginal rights and title. Proponents should also be prevented from creating any IBA-like discussions ahead of the EA, because not all details of the projects are known, and it will be unclear if discussions with Aboriginal Organizations actually included input from Aboriginal people who use the area. Proponents should be prevented from seeking support for proposed projects from Aboriginal Organizations before an EA has taken place and before all project details are known and meaningfully considered by communities. It would also be benficial to supply some kind of mechanism that proponants can use to be informed on about which Aboriginal Organizations they must approach according to the area the development is proposed. | | |

3	Section 6. Traditional Knowledge	**Comment** What are Traditional Knowledge resources? What are some examples of what would be identified, developed, or obtained? What information needs are being fulfilled from these "resources"? Shouldn't this, if it is a guideline, give proponents the same level of detail on inclusion of traditional knowledge as it gives on the formatting of maps and the number of photocopies to include? How and by what process will proponents / developers become informed of the First Nations that they should be engaging? If this is all pushed to the front of the process, before the actual review process formally begins, who is going to pay for First Nations participation? **Recommendation** As mentioned in the above comment, the guidelines should provide information describing information needs from Aboriginal Organizations that are defined under the concept of "Traditional Knowledge".		
4	Section 1 Purpose: â€œThe purpose of the draft Guidelines is to establish standard information requirements for the beginning of an EA and provide better up-front guidance to proponents of major projects to support an efficient and effective EA process that focuses on the issues that matter most. The	**Comment** Although the purpose of creating new project initiation guidelines is easily understood, does this approach run the risk of decreasing confidence in the formal review process by pushing more of the assessment work into an informal stage of the process where the proponent's work is largely beyond influence and oversight (remembering that in the description above this is the stage for information needed to begin an EA. i.e., it has not begun yet)? By increasing the breadth and depth of the information required at the pre-process stage, the board is attempting to create efficiency within the process by giving more discretion to the proponent. **Recommendation** These new guidelines may give the impression that more Is happening outside of the publie EA stage with co-management board oversight. The MVEIRB should consider mechanisms to reduce risks, or		

		perceptions of risks that may be present in these recommended changes. For example, reduced effort during the EA stage in identifiying and requesting missing information from the proponent should be replaced with increased critical review of what is recieved.		
5	Section 1: Purpose, p. 11	**Comment** Many of the proposed advantages listed on p. 11 are worthy goals. However, some of them may have unintended consequences. For eg. "Developers can avoid potentially lengthy and costly delays;" may be twinned with less expansive and thorough-going assessments. The premise that more robust project descriptions will improve project scoping, resulting in the creation of solid Terms of Reference that will result, down the line, in better Developers' Assessment Reports (DARs) requires that some of the work normally done under the oversight and influence of the board is pushed into the hands of proponents operating entirely on their own, armed only with these guidelines. If in practice it turns out that the new guidelines create more rather than less work, they will have reduced board influence in critical areas of the assessment process. Moreover, nowhere does the MVEIRB state that the changes will result in better, i.e. more truthful, more predictive, more useful assessments, only that they will be more administratively efficient and less costly. These are aspects of creating certainty that are important for proponents and governments but are not necessarily in the public or YKDFN interests. **Recommendation** See Recommendation 5C		
6	1.3 How the Draft Guidelines Were Developed (p.11)	**Comment** Comment: Can the authors cite examples that they reviewed from similar or other Canadian jurisdictions where a similar approach is used? **Recommendation** Citing examples of		

		where this approach has been used would be helpful, especially if it includes information on the risks and benefits of this approach in other juristictions.		
7	1.4 Implementation (p.11)	**Comment** Comment: It is noted that "If a major project proposal is referred to EA (see Section 2) the information requirements set out in the draft Guidelines will need to be met for the Review Board to proceed with the EA process." **Recommendation** In the board￢￉ﾂﾙs opinion, what might communication between proponents and itself look like as a proponent is developing a project description? From inception to submission.		
8	1.4 Implementation (p.11)	**Comment** It seems unlikely that it would be possible for a proponent to conduct the work envisioned under the new guidelines without input from MVEIRB staff or federal or territorial officials. **Recommendation** The Public EA Process must be the main venue for impact prediction, assessment, or mitigation developments.		
9	3. EA Initiation Package Description (p.13), Requirements (p. 14) The guidelines note: â€œWhere possible, developers should try to use different types of media (in addition to text materials) to present project information, such as video, 3D imaging,	**Comment** In what way will creating this communications material advance or contribute to the assessment process? **Recommendation** Request for information		

	interactive presentations, models, and mapping. The		
10	Project Descripton (p. 14)	**Comment** There are aspects of the material that the proponent is expected to provide in the description that should be informed by a robust engagement with YKDFN, for eg. "The project description should be detailed enough to effectively describe the entire proposed development, including its components, timeline, developer, alternatives, and management strategies." **Recommendation** This engagement should also include the sharing of shp. Files with the attribute tables included so that YKDFN, or other Aboriginal Organzations can view the proposed project footprint inside their database and see it in comparison to data from the community.		
11	3. Project History / Regulatory History (p.17)	**Comment** The Guidelines require the proponent at present to describe the regulatory environment in which the project is situated, but do not currently require them to gain or position, for the sake of the description, an understanding of the regulatory environment regarding Aboriginal rights, Treaty rights, or Indigenous laws. **Recommendation** The proponent should be required to describe, as a part of the Project/Regulatory History, an understanding of the regulatory environment regarding Aboroignal rights, Treaty rights, or Indigenous Laws.		
12	5. Description of the Developer (p.18-19)	**Comment** None **Recommendation** The proponent should provide details on their policies related to Indigenous opportunities, partnerships; statements on reconciliation, responses to the Royal Commission, etcÃ¢Â€Â¦ and corporate histories related to these issues.		

13	The Mackenzie Valley Environmental Impact Review Board, Draft Environmental Assessment Initiation Guidelines Comments from YKDFN	**Comment** (doc) See the attached letter. **Recommendation** N/A		