



*EIS Conference: Assessing the sufficiency of  
information to proceed to public hearings*

**Opening remarks**

by

**Mr. Robert Hornal  
Chair, Joint Review Panel**

**Explorer Hotel, Yellowknife, NT  
Sunday, June 26, 2005**

**Check against delivery**

Good evening ladies and gentlemen. Welcome and thank you for attending the Joint Review Panel's Environmental Impact Statement Conference, a meeting the Panel has convened to hear from the Parties to the review of the proposed Mackenzie Gas Project whether there is sufficient information on the Public Registry for the Panel and the Parties to the review to proceed to public hearings.

I want to say a few words about where the Panel is with this environmental review. But first I would like to introduce the Joint Review Panel for the Mackenzie Gas Project to you. In alphabetical order the members are Gina Dolphus, Barry Greenland, Percy Hardisty, Rowland Harrison, Tyson Pertschy and Peter Usher. My name is Robert Hornal and I am the Chair of the Panel. Supporting us we have a team of six, Paula Pacholek, our Panel Manager, Letha MacLachlan, our Legal Counsel, Robin Fonger, Guy Hamel, Bob Mahnic, our staff and Lindsay Staples, a consultant to the Panel.

We have been working together for a little more than 10 months. We believe we have made substantial progress in conducting an environmental review of the Mackenzie Gas Project as mandated by the agreement among the Minister of Environment, the Mackenzie Valley Environmental Impact Review Board and the Inuvialuit Game Council.

Prior to the receipt of the *Environmental Impact Statement*, our Panel was engaged in process-related work, which included familiarizing ourselves with our mandate and administrative structure and setting up our website and Public Registry.

We also reviewed and released our *Rules of Procedure*. This document sets out the manner in which our Panel is conducting the environmental review. We have also been working on our *Procedures for Hearings*. These procedures will provide more guidance for the Hearings Phase of our review, particularly for registration and filing of submissions for General and Technical Hearings.

Upon receipt of the Environmental Impact Statement on October 7<sup>th</sup> of last year, we conducted an initial review of the document and proceeded to the technical review phase, where we are currently. As you are aware, we requested additional information from the Proponent in December and, as a result, we have received a substantial amount of supplementary information. The Panel has filed a number of Information Requests with the Proponent, government departments and other Interveners and anticipates it will continue to file additional Information Requests until the close of the Hearings Phase.

The Panel registered 93 people and organizations to participate as Interveners within our review process. As part of their participation, Interveners have, since January, engaged in two rounds of Information Requests through which questions have been submitted in writing to the Proponent as well as to other Interveners.

Responses to these Information Requests have been received and placed on the Public Registry where this additional information has been available for public review and comment. The Panel has also retained specialist advisors to assist us in reviewing and analysing the complex issues that are before us all.

In March, our Panel released a tentative list of communities in which we plan to hold community hearings. All communities along the proposed pipeline right-of-way were included in this list. Our Panel also heard from communities not on that list and is considering their requests to host or participate in hearings.

Our Panel has also been physically active in the review. We have undertaken visits to the proposed production sites in the Mackenzie River Delta, to a processing facility similar to the one proposed, and to the proposed pipeline route in northern Alberta. Most recently, we have worked with the Northern Gas Project Secretariat to hire community-based fieldworkers who are conducting door-to-door visits in the communities to help residents understand the review process and how they may participate. The Panel is pleased to see that these fieldworkers are here to observe the conference and increase their understanding of the process.

As we move through the environmental review – as a Panel, as a Proponent, as participants and as observers – we must be mindful that the Joint Review Panel is a unique creation. The establishment of our Panel reflects the provisions of land claim agreements that established permanent project review processes and review bodies for the Northwest Territories, as well as the *Canadian Environmental Assessment Act*. It is the result of an agreement among those organizations that have legislated responsibilities for environmental assessments within the proposed project area.

The Joint Review Panel is not a Canadian Environmental Assessment Agency panel; it is not a Mackenzie Valley Environmental Impact Review Board panel; it is not an *Inuvialuit Final Agreement*-based Environmental Impact Review Board. Our establishment reflects a made-in-the-North approach to the review of a mega project that crosses many jurisdictions from the Beaufort Sea to northern Alberta.

We recognize that it may be a challenge to understand the review in this context. It is the first of its kind and there are differences between how we are conducting our review and how other reviews have been conducted within the Northwest Territories and Northern Alberta - perhaps ones in which some of you have participated and perhaps ones that have a process with which you are more familiar.

Since our creation, the Joint Review Panel has worked to promote and enhance public understanding throughout the review. Our Panel is committed to conducting an open, rigorous and independent review of the proposed project and encourages full public participation.

We decided that as part of the review, we would convene this EIS Conference in order for the Panel to receive advice from Interveners and the Proponent on their views as they relate to sufficiency – but sufficiency only as it relates to information on the Public Registry to proceed to public hearings.

The Panel envisages this EIS Conference as a way to share information, as well as provide an opportunity for Interveners and the Proponent to have a discussion about sufficiency issues as they relate to the EIS, to the supplementary information and to the responses to the Information Requests that have been filed.

The EIS Conference will also provide the Panel and all of you as participants an opportunity to identify areas of agreement and areas of disagreement, with a view to highlighting differences on the sufficiency of information to proceed to hearings.

Since the EIS was submitted last October, the Panel has received a significant amount of additional information from a number of sources. We appreciate and value that participation and input from all parties.

During the course of the coming three days, I hope you will take full advantage of the opportunity to speak to the issues described in the agenda. They are issues the Panel has identified after receiving advice from a planning meeting, reviewing issues identified by Interveners, examining the topics of Information Requests and conducting our own analysis of the information provided to date by all parties.

Issues to be discussed have been captured within three broad topics:

- The geotechnical and biophysical environments,
- Land use, traditional knowledge and cumulative effects, and
- The human environment and socio-economic matters

While our Panel recognizes and welcomes the valuable contribution that information from the EIS Conference will make, we will also be reflecting on all information that has come to us through the Public Registry, including information acquired through the exchange of Information Requests and comments received through correspondence.

The Panel is here in attendance this week to listen to the discussion with a view to having a more complete understanding of points of view related to the subject of sufficiency of information on the Public Registry to proceed to public hearings. We are here as observers, however, and will not be active participants in the conference. We are here only to listen, and will not be receiving submissions or be responding to questions. We look forward to receiving your submissions during the public hearings phase of the review.

Next week the Panel will reconvene. We will carefully review all of the information that is on the Public Registry and that has been presented from this conference. We will make a determination on the sufficiency of information on the Public Registry to proceed to public hearings. This determination is a judgement call that the Panel must make for itself. Our determination might conclude that there are significant information gaps that must be addressed before the Hearings Phase can be scheduled.

Alternatively, the Panel might conclude that while further information is desirable in certain areas, the Hearings Phase can be scheduled subject to the receipt of the information requested. Your discussions over the next few days will play a role in that determination. We look forward to hearing your views.

The Panel has asked Mr. Craig Darling to facilitate the discussions for the duration of the Conference. Mr Darling is a lawyer and mediator who, for the past 16 years, has worked extensively in the field of environmental and public policy mediation. His work has focussed on the design and implementation of joint problem solving processes.

Mr Darling strongly supports the collaborative approach our Panel has sought and he will guide discussions during the working sessions with a view to identifying specific areas of agreement or disagreement related to sufficiency issues.

Before I turn the Conference over to Mr Darling, on behalf of the Panel, I would like to again welcome you and thank you for your interest in this review.

Mr. Darling...