



Updated *Rules of Procedure* are now available

1. Introduction

The Mackenzie Valley Environmental Impact Review Board (Review Board) sets *Rules of Procedure* (the Rules) that guide the conduct of environmental assessments and environmental impact reviews in the Mackenzie Valley. The Review Board's authority to set rules for its processes comes from section 30 of the *Mackenzie Valley Resource Management Act* (the Act). The Rules are intended to ensure that the Review Board's processes:

- fulfill the requirements, intent, and principles of the Act and
- are fair, focused, effective, and meet the needs of Parties, members of the public and the Board.

This document summarizes the process of reviewing and updating the Rules, and the changes that the Review Board has made in response to public comments and evolving best practice. The updated Rules are available now on the Review Board's website [here](#).

2. What has the review process been to date?

The Review Board's previous approved Rules were finalized in May 2005. Environmental assessment processes and the way people and Indigenous Governments participate in them has changed since then. Some of these changes are due to the evolution of the Board's processes, shifts in people's expectations for how to participate in Proceedings and new and changing technology. Updates to the Rules are required to reflect these changes.

In 2018, staff began a process to update the Rules. This review process has been participatory, public, and comprehensive despite interruptions associated with the COVID-19 pandemic and the 2023 wildfire evacuations. The review process included two rounds of public review:

- November 2018- release of a draft version of the updated Rules for review in the Canada Gazette to solicit broad public feedback and in accordance with the requirements of subsection 30(2) of the Act. Several government agencies and other interested parties submitted comments.
- July 2023- release of an updated version of the rules for public review, based on comments from the first round of review. Comments and recommendations were received from the Government of the Northwest Territories, the Government of Canada, Yamoga Land Corporation, Ruari Carthew and the land and water boards of the Mackenzie Valley. Due to the wildfires, the deadline for this review period was extended by one month.

3. What are the key changes in this draft of the Rules?

The overall intent of the proposed changes is to:

- bring the Rules up to date and in line with current Review Board process and practices that ensure fair, inclusive, and transparent Proceedings.
- make the Rules easier to use and understand through use of plain language and reorganization of some sections of the document.
- more clearly define the roles of different types of participants in various stages of the environmental assessment process.



Some of the specific changes that we made include:

1. New and updated rules for information requests to match current practice, promote free exchange of information between Parties and Developers, and increase transparency through use of the Online Review System. The updated Rules maintain the Review Board's authority to reject information requests that are outside the scope of assessment and rule on disputes about the adequacy of information request responses.
2. Reducing administrative barriers to participation for interested Parties generally, and Indigenous Governments and Organizations specifically. The 2005 Rules required people and Indigenous governments to apply for party status, and then to request additional permission to intervene in hearings. The updated Rules remove some of this administrative burden by describing any person or organization who participates in a Proceeding as a Party, and providing additional ways for Indigenous Governments or Organization to request intervenor status. The Review Board maintains its authority to limit participation at any time if a Party or Intervenor is not following the Rules or is participating in an irrelevant, frivolous, or vexatious way.
3. Removing specific timelines for some Review Board decisions or process steps (such as Requests for Ruling) to give the Review Board the flexibility it needs to give direction and maintain fair and reasonable timelines.
4. Increasing the length of time between a Notice of a Hearing and the hearing dates and giving Intervenors more time to prepare interventions. This also gives more time for notice of any potential preliminary, legal, or jurisdictional issues in advance of a Hearing.
5. Removing rules about dispute resolution, which are not standard in Rules of Procedure for other Boards in the Mackenzie Valley, or with environmental assessment bodies in other jurisdictions. This change does not limit the Review Board's ability to resolve disputes through the Request for Ruling Process or by issuing directives.
6. Clarifying the roles of Independent Experts (outside the tent) and Expert Advisors (inside the tent) in Review Board Proceedings.
7. Providing a mechanism by which the Review Board can decide if and when there is adequate information on the public record to proceed to the Public Hearing Phase.

Appendix A includes a table of all comments and recommendations received in the final round of public review, and the Review Board's response to those comments and recommendations.

4. Next steps

The Review Board would like to extend its thanks to all reviewers who provided comments and recommendations on the drafts of the Rules. As with all Review Board processes and proceedings, we rely on the input and contributions from all Parties. We look forward to continuing running environmental impact assessment processes that are fair, transparent, and participatory, and that result in wise decisions.

Appendix A - Comments from Round 2 of public review on the draft *Rules of Procedure* (Fall of 2023)



Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
A Member of the Public - Ruari Carthew	1	Introduction and Purpose	<p>Clarify in the text the nuance between the use of "the Rules" versus "Proceedings". As written it seems that either 'Proceedings' and 'Rules' are used interchangeably or that 'Proceedings' has another meaning that is not explained. The difference is explained in the definitions but it would be helpful to know that Rules refer to how the proceedings are conducted and Proceedings refer to the process in its entirety.</p>	<p>Clarify the nuance in the text between the meaning of Proceedings vs Rules. Suggested revision: "The Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings (the Rules) apply to the formal and informal process of conducting an environmental assessment or environmental impact review in the Mackenzie Valley (the Proceedings). The Rules are intended to ensure the Mackenzie Valley Environmental Impact Review Board's (the Board's) Proceedings fulfill the requirements, intent, and principles of the <i>Mackenzie Vallen Resource Management Act</i> (the Act), particularly Part 5 of the Act..."</p>	<p>The Board has considered this comment but maintains the current wording.</p>



Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
A Member of the Public - Ruari Carthew	2	Definitions: Community Hearing	Placeholder: describing a community hearing as an informal Public Hearing begs one to ask what the difference is between formal and informal processes in the Rules. This is not articulated in Part 3 and leads to some confusion as to where some rules may apply to, for example, a Community Hearing, but not to a 'formal' Public Hearing.	Describe or provide context between informal and formal Hearings.	Please see updated definition of "Community Hearing" and "Public Hearings" which do not include formality or informality as defining characteristics.
A Member of the Public - Ruari Carthew	3	Definition: Directive	The word 'ensure' is a loaded term. Suggest replacing it with a word that does not oblige the Board with the desired outcome.	Suggest revising the final portion of the definition to: "... clarify Board process in the interest of fairness and efficiency of a Proceeding."	Change made as suggested.
A Member of the Public - Ruari Carthew	4	Definition: Indigenous Government or Organization	Grammar: remove the 'a' before Métis.		Change made as suggested.



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A Member of the Public - Ruari Carthew	5	Definition: Intervention	It is redundant to include Traditional Knowledge studies because this form of evidence and/or argument is already protected under Rules 26 and 27, and Rules 61-69. Its presence in the definition is cosmetic and unnecessary but it does serve to support and highlight the use of TK in the Proceedings. Confirm the rule being referenced. I believe it should be 102 and not 100.	Update Rule reference to Rule 102.	Please see updated rule 104.
A Member of the Public - Ruari Carthew	6	Definition: Public Record	Lacking a period at the end of the sentence.		Change made as suggested
A Member of the Public - Ruari Carthew	7	Definition: technical or community session	The 't' in 'technical' should be capitalized.		Change made as suggested.
A Member of the Public - Ruari Carthew	8	Rule 5	It seems paradoxical that the Board will emphasize informality when upholding and advancing a formal set of Rules. It is not clear what is meant by informality in this sense; an elaboration or new term is recommended.	Consider expanding on the intent or context behind the term 'informality'	Please see updated definition of "Community Hearing" which does not include reference to formality or informality.



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A Member of the Public - Ruari Carthew	9	Rule 12	Simplify the language: Suggest replacing "to enable it to decide on" with "to resolve".	Suggest replacing "to enable it to decide on" with "to resolve"	The Board has considered the recommendation and is satisfied with the current wording.
A Member of the Public - Ruari Carthew	10	Rule 15	Unlike the other rules, this rule is not active; it reads, rather, as a statement. The rule lacks direction.	Suggest altering the format to "The Mackenzie Valley Environmental Impact Review Board's list of forms will include an Application for Intervener status and a Request for Ruling, as required by the Rules.	The Board has considered the recommendation and is satisfied with the current wording.
A Member of the Public - Ruari Carthew	11	Part 2: Conduct of Board Proceedings	Preamble. "These Rules apply to all parts of all Board Proceedings" is not correct. Each sub-heading applies only to a specific part or aspect of a Proceeding. For example, how a party provides information to the Board does not apply to how the Board conducts itself under a Consult To Modify Process.	Recommend revising the preamble to "These Rules apply to all Board Proceedings"	Change made as suggested.
A Member of the Public - Ruari Carthew	12	Rule 21	Definition of the term "Party" should be updated to include 'any person or Organization' - or 'Members of the Public'.		Please see updated definition of "Party" for clarification.



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A Member of the Public - Ruari Carthew	13	Definition: Party	This definition should also include a Member of the Public, as per Rule 21.		Please see updated definition of "Party" for clarification.
A Member of the Public - Ruari Carthew	14	Rule 24	Remove "the Rules" following "Online Review System, ..."		Change made as suggested.
A Member of the Public - Ruari Carthew	15	Rule 22	Clarification - it may be helpful to clarify that Parties may request a confidential submission of evidence, as per Rule 42 and 64.		The Board is satisfied that this issue is addressed in rules 62 and 63.
A Member of the Public - Ruari Carthew	16	Rule 25	The Burden of Proof should also come with accountability to defend evidence provided.	Recommend the addition of wording such that a party bears the responsibility to defend its evidence or argument if called upon to do so by the Board.	The Board has considered the recommendation and is satisfied with the current wording.
A Member of the Public - Ruari Carthew	17	Rule 27	This Rule should be updated to reflect that no new evidence can be provided after the Board Closes the Public Record, as per Rules 44 and 45 but subject to Rule 46.		The Board is satisfied that this issue is sufficiently addressed through updated rule 47 and rules 73-79.



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A Member of the Public - Ruari Carthew	18	Rule 30	As written, this rule does not pair well with the rule on confidential materials.	Recommend either adding in exceptions made under Rule 42 and 64 or altering the language to "...Subject to Rules 31, 42 and 64, all submissions posted by the Board to the Public Register will be made in accordance with section..."	Modified to "subject to Rule 31 and 63" and "in accordance with section 142.1 of the Act". Rule 42 is particular to Public Record that is different from the "Public Register" which is the focus of this part.
A Member of the Public - Ruari Carthew	19	Rule 32 and 33	Clarification or correction - Rule 31 is the Rule allowing the Board to remove material from the Public Register, not Rule 30. While Rule 30 is subject to Rule 31, it remains guided by Rule 31 in its ability to remove materials.	Suggest revising to "under Rules 30 and 31" for greater clarity, or correcting to "under Rule 31".	Changes made as suggested.
A Member of the Public - Ruari Carthew	20	Rule 34	Clarification. Rule 35 directs all Requests for Rulings towards the Executive Director. Thus not "all" communication to the Board should be addressed to either the ED or designated staff person.	Suggest modifying the wording for Rule 34 by removing "all".	Changes made as suggested.



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A Member of the Public - Ruari Carthew	21	Rule 41	<p>Clarification - while it may be captured under the term "relevance", it is helpful for all Parties to be told outright in the Rules that the Board may reject material because it failed to address the IR or was inadequate in responding to the IR. There are few opportunities in a typical EIR for information requests, and all parties - including the Board - depend on the quality of responses that are provided. The process is rendered much more complex and challenging when respondents fail to properly answer an IR. The Board should clearly articulate that it has the power and authority under its rules to say "that is not good enough", to request a more fullsome response, and to pause the clock while it awaits a reasonable answer.</p>	<p>Suggest greater clarity and directness in identifying an inadequate response as grounds to reject a submission.</p>	<p>An inadequate response to an information request is not grounds for rejection. If a response is lacking, the Board has discretion to request additional or clarifying information. No changes made.</p>



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A Member of the Public - Ruari Carthew	22	Rule 48	Clarification - will the Board be forced to comment on whether or not it will seek clarification on late submissions, thereby making them part of the Public Record? In the interest of fairness, it is good for the Rules to identify what limits the Board will follow in restricting the submission of late evidence. As written, there is a carte-blanche ability for new evidence to be continually submitted with no ability of the Parties or Developer to comment on them.		Please see updated rule 47 that states that documents received after submission deadlines will not be included in the Public Record unless so ruled by the Board. For greater clarity, see also rules 73-79.
A Member of the Public - Ruari Carthew	23	Rule 49	Clarification - In practice, the Board does post monitoring and follow-up documents and all items pertaining to Measures. Please clarify if this is something the Board is required to do or chooses to do.		The Board has the authority to recommend follow up and monitoring in measures, but it is not required to do so.
A Member of the Public - Ruari Carthew	24	Rule 69	Grammar: no comma necessary in "the Board, may".		Changes made as suggested.
A Member of the Public - Ruari Carthew	25	Rule 73	Grammar: Add a period to the end of the sentence.		Changes made as suggested.



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A Member of the Public - Ruari Carthew	26	Rule 84	Grammar: remove the comma between "proceeding, and"; it is unnecessary.		Changes made as suggested.
A Member of the Public - Ruari Carthew	27	Rule 92	The final sentence seems incomplete. Is the Directive meant to set out how the process of resolution will occur?	Recommend clarifying the final sentence with respect to what process the Directive pertains to.	Add additional wording to clarify that the Directive sets out the necessary process for the Request for Ruling.
A Member of the Public - Ruari Carthew	28	Rule 96	Grammar: either add a comma between "Phase including" or alter to "Phase that includes..."		Changes made as suggested.
A Member of the Public - Ruari Carthew	29	Rule 102	Grammar: suggest using a semi-colon to make this more legible: "...adjournments, presentations; may as questions at Public Hearings or file written closing arguments."		Changes made as suggested.
A Member of the Public - Ruari Carthew	30	Rule 104	Grammar: add an "an" before argument.		Changes made as suggested.
A Member of the Public - Ruari Carthew	31	Rule 105	Grammar: replace "which" for "who" or "that"		Changes made as suggested.



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A Member of the Public - Ruari Carthew	32	Rule 108.5	Rule 108 allows the Developer to respond to Interventions prior to the Public Hearing. Interventions can be directed towards other parties and interveners. For the same reason it is helpful for the Developer to try to resolve issues in advance of the Public Hearing, it would also be helpful for other recipients of an intervention to have the option of responding in advance of the Public Hearing.	Consider adding in language or a new Rule that extends the ability to respond to an intervention to the Developer and other Intervener(s) subject to an intervention.	Interventions are directed to the Board. Developers respond to interventions, but their response is also directed to the Board. Please see updated definition of Intervention for more clarity.



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A Member of the Public - Ruari Carthew	33	Clarification of terms	<p>Community Hearings appear under section 3. In the definition they are described as informal Public Hearings. It is confusing to the reader that they are never described or recognized in section 3 as informal. The rules governing 'all' Public Hearings appear to focus on the formal rules that are specifically required for the formal Public Hearings. This makes it confusing when the rules switch over to informal Hearings without first identifying them as such.</p> <p>Towards this end it is confusing that that Community Hearings have a sub-heading nestled between generic rules on Hearing processes.</p>	<p>Recommend providing clarification in the preamble to Part 3 that "all Public Hearings" includes Community Hearings. Recommend delineating between formal and informal Hearings. Recommend placing the description on Community Hearings at the end of Part 3.</p>	<p>The Rules have been reorganized to reflect suggestion, and updates made to definition of Community Hearing.</p>
A Member of the Public - Ruari Carthew	34	Transcript	<p>It would add to the fairness and inclusivity if participating Indigenous Governments can submit a Request to Ruling to the Board for transcripts from a Hearing (formal or informal) if one has not been provided.</p>	<p>Recommend adding language or a new rule identifying how Indigenous Governments can request a Hearing Transcript in their own language if one has not been provided and is not planned.</p>	<p>The Board is working on developing an Indigenous Language Policy separate to these Rules that describes how Parties can access materials on the Public Record in their Indigenous Languages. Oral recordings of hearing proceedings in</p>

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					Indigenous languages may also be made available to Parties.
A Member of the Public - Ruari Carthew	35	Rule 120	Grammar: add "of" after "subsection 24.1".		Changes made as suggested.
A Member of the Public - Ruari Carthew	36	Rule 125	Grammar: replace the first "and" with a comma. Add a comma between "Board they".		Changes made as suggested.
A Member of the Public - Ruari Carthew	37	Rule 126	Grammar: change comma sequencing to "...at their own cost all, or portions of, Documents..."		Changes made as suggested.
A Member of the Public - Ruari Carthew	38	Visual cue of process	It would be great to add a figure of the process that highlights the different Process Phases and Stages. In a similar vein, it would be helpful if the Process steps appear in bold or <i>italics</i> rather than Randomly Popping Up with A Capitalized First Letter, as per the final section on Consult To Modify. It would make for smoother reading.		EIA processes are outlined in the EIA Guideline and provided on the Review Board's website here .
A Member of the Public - Ruari Carthew	39	Rule 129	Consistency - the 'p' in process is not capitalized here, whereas it is in the header and Rule 127.		Changes made throughout document as required.

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A Member of the Public - Ruari Carthew	40	With Respect to Yamoga Land Corporation's ORS comment on UNDRIP	<p>Section 5 of the <i>United Nations Declaration on the Rights of Indigenous Peoples Act</i>, S.C. 2021, c.14, states that "The Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration." Based on this wording of the UNDRIP Act, it is worthwhile to state in the Proceedings how MVEIRB, as an independent co-management Board, will uphold Canada's obligations under the UNDRIP Act or if it has no obligations under that Act and leaves its implementation to the federal Government. For example, the Crown formally formally uses the land and water board processes to fulfill the bulk of their Aboriginal consultation obligations. If the Crown relies on the MVEIRB process in the same manner, then it is worthwhile to note how MVEIRB ensures adequacy of consultation has been met and whether accommodations are appropriate.</p>		<p>The Review Board's requirements for consultation are laid out in the Mackenzie Valley Resource Management Act, and the rules are intended to ensure that the Review Board's Proceedings are fair, transparent and in line with those requirements. Further to this, the MVRMA has not yet been reviewed under the Implementing the <i>United Nations Declaration on the Rights of Indigenous Peoples Act</i>. The Review Board's approach to meeting its own requirements for consultation, and how this facilitates the Crown's own duty to consult, will be described in a forthcoming Reference Bulletin on Consultation and Engagement.</p>



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Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	1	Public Hearing Remote Participation	Federal Government Departments have broad mandates covering multiple valued components considered within various Environmental Impact Assessment processes across Canada. The Government of Canada relies on internal experts across the country to provide recommendations on proposed projects. This expertise is consolidated and communicated to the Mackenzie Valley Environmental Impact Review Board (MVEIRB) during Northern project reviews. The Government of Canada acknowledges the expense to MVEIRB and logistical issues around providing videoconference and teleconference options for meetings and hearings put on by MVEIRB. However, there is also considerable expense and logistical issues in having multiple experts attend meetings and hearings in person. Federal Government Departments, where logistically and financially feasible, prioritize in-person attendance. However, in certain	MVEIRB should provide and include a remote access option in the 2023 draft Rules of Procedure (the Rules) to allow for parties to participate in the meetings and hearings virtually, if and when the technology is available. Should video/teleconference participation not be available, the Government of Canada requests MVEIRB provide a call-in only telephone line to allow remote participants to listen in on hearing proceedings.	We acknowledge the concern. The Rules do not prescribe or limit the form of participation by Parties. Further, rules 100 and 102 allow for the Chair to manage the conduct of the hearings and to consider special requirements brought to the Board's attention. Please also see updated rule 95.e).



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			<p>circumstances it is not possible to have all subject matter experts and environmental assessment coordinators attend in-person meetings and hearings. Remote participation (video/teleconference) would allow Federal Government Departments to provide advice without delay to MVEIRB during a hearing/meeting. Remote participation also supports the Government of Canada's priority for accessibility and inclusion. The Government of Canada acknowledges that MVEIRB has typically provided video (Teams/Zoom) options for meetings. However, if video/teleconference technology is not available for a specific hearing/meeting, the Government of Canada recommends that a call-in only telephone line be offered to allow experts to hear questions or issues firsthand.</p>		



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Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	2	Public Hearing Schedule	It is acknowledged that hearings or meetings may run longer than planned on any given day in order to adhere to the scheduled agenda. It is understood that these situations are not intentional and occur generally under exceptional circumstances. There may be health and safety concerns for participants attending these meetings around working late.	MVEIRB consider incorporating health and safety practices for meetings and hearings, which provide provisions if and when hearings run late. These provisions could include rescheduling or providing additional days if there is a need to continue beyond the scheduled time	The Review Board acknowledges this concern. The Rules gives a general idea of how the Review Board runs its process. Rule 102 indicates that the Chair will manage the conduct of all hearings. This includes setting limits on presentations, questions, and oral submissions (see rule 113) and adjournment if necessary (see rule 119).
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	3	Board Direction on the Rules	It is not clear in the Rules whether a Board Direction on the Rules carries over to other Proceedings, i.e., becomes a precedent of MVEIRB. Having Directions on the Rules becoming precedents would add to the consistency of Proceedings.	MVEIRB clarify if/how Directions on the Rules carry over to other Proceedings and how a register of Directions on the Rules will be maintained.	Not all variances may apply to the entirety of a Proceeding and may be specific to a single aspect or component of a Proceeding. The timelines for each variance will be described in the Board's Directive.
Canadian Northern Economic Development Agency	4	Define Undertakings	The word 'undertaking' is first introduced in Rule 125 (p. 19). However, no definition of the word is given in Part 1. In addition, no rule was presented	MVEIRB consider providing a definition of the word 'undertaking' and include a rule or rules regarding the use, recording, and format	Updated rule 122 does not contain the word undertaking.

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(CanNor) - Ms. Shannon Allerston			on when undertakings must be raised, who records them, their format, when/how they must be shared and responded to.	of undertakings, including responses to undertakings. Suggest these could be added under "Participation in the Public Hearing Phase by Interveners and Developers" (p. 16).	
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	5	Community Hearings	Usually, Community Hearings are conducted before the public hearing. The section on Community Hearings, however, is located in the middle of the Public Hearing process. In addition, it is unclear what type and level of involvement is required from interveners at Community Hearings.	MVEIRB to consider moving the section on Community Hearings to follow the "Notice of a Hearing" section. MVEIRB to clarify the role and level of involvement expected of Interveners at Community Hearings (i.e. virtual/in-person, agenda-specific).	The rules have been reorganized as recommended. Please all see updated definition of Community Hearings, and updated rules 123-125.
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	6	Visual Aids	Visual aids help people understand and remember information.	MVEIRB to consider including a visual aid, such as a flow chart, in the Rules. The visual aid should illustrate the process steps and expectations from Interveners, Developers, Board, and other Parties.	Visual representations of the Review Board's process can be found in our guidelines online here . The Guidelines are in alignment with our Rules of Procedure.



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Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	7	Community or Technical Sessions	There are no rules included in the document on Community or Technical Sessions. It is not clear who is responsible for organizing, who should attend, or how notification on the session(s) would be provided to all parties.	MVEIRB to consider including a section and rules related to Community and Technical Sessions.	Technical and community sessions are not required steps in a Proceeding. The conduct of both types of sessions is at the discretion of the Board and will be described in Notices of Proceeding.
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	8	Definitions - Consult to Modify Process - Editorial	Copy edit to the definition of 'Consult to Modify Process' as recommended. Also, it is unclear why paragraphs 131.1(1)(b) and 137.1(1)(b) of the Act are not referenced.	On p. 4, MVEIRB to use the term 'paragraph or subparagraph' instead of 'subsections' for 130(1)(b)(ii), 131(1)(b), 135(1)(b) and 137(1)(b) of the Act. MVEIRB to consider whether paragraphs 131.1(1)(b) and 137.1(1)(b) of the Act should also be referenced.	Changes made as suggested.
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	9	Definitions - Independent Expert - Editorial	The Rules include a definition for Independent Expert but not Expert Advisor.	MVEIRB to consider including a definition for Expert Advisor to the Rules.	Definition added.



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Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	10	Definitions - Information Request - Editorial	Rules citation incorrect: Requests for information made during a Proceeding under 'Rules 34 to 39' are referenced. Rules 36 to 41 should be referenced instead.	MVEIRB to update rules references in the definition of 'Information Request' (p. 5).	References have been updated.
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	11	Definitions - Intervener - Editorial	Rules citation incorrect: Granting of Intervener status by the Board under Rule 84 or 86 is referenced. Rule 86 or 88 should be referenced instead.	MVEIRB to update rules references in the definition of 'Intervenor' (p. 5).	Reference has been updated.
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	12	Definitions - Intervention - Editorial	Rules citation incorrect: A written submission by an Intervener made in accordance with 'Rule 100' is referenced. Rule 102 should be referenced instead.	MVEIRB to update rules reference in the definition of 'Intervention' (p. 5).	Reference has been updated.



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Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	13	Definitions - Member of the Public - Editorial	It is unclear why the term 'Party or Intervener' is used in the definition of Member of the Public, as opposed to 'Party'. 'Party' is defined in the Rules as including Interveners.	MVEIRB to edit the use of 'Party or Intervener' to 'Party' in the definition of Member of the Public (p. 5).	Please see updated definitions of Party and Intervener.
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	14	Definitions - Public Notice	It is unclear what "...or any other means deemed appropriate..." is referring to (p. 6). Was the term 'announcement' intended instead of 'means'?	Suggest MVEIRB clarify the definition of Public Notice (p. 5).	Please see updated definition of Public Notice.
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	15	Definitions - Public Register - Editorial	Edit as recommended.	In the definition of 'Public Register' (p. 6), the term 'subsection' should be used instead of 'section' for 142.1(1) of the Act.	Changes made as suggested.



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Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	16	Definitions - Request for Ruling - Editorial	Rules citation incorrect: A request for a ruling made under Rules 50 to 59 is referenced. Rules 51 to 60 should be referenced instead.	MVEIRB to update rules references in the definition of 'Request for Ruling' (p. 6).	References have been updated.
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	17	Rule 10 - Varying a Direction on the Rules during a Proceeding	As written, Rule 10 (p. 7) would allow a Direction on the Rules issued during a Proceeding to be varied later in the same Proceeding. This may result in procedural unfairness to a Party who has relied on the original Direction on the Rules.	Suggest MVEIRB amend Rule 10 to be clear that a Direction on the Rules issued during a Proceeding will be in effect throughout the entirety of a Proceeding.	All the Board's considerations including varying the Rules are bound by the rules of procedural fairness. The Board is satisfied by the current wording.
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	18	Rule 16 - Editorial	Edit as recommended.	In Rule 16 (p. 9), the term 'subsection' should be used instead of 'section' for 126(3) of the Mackenzie Valley Resource Management Act (the Act).	Changes made as suggested.
Canadian Northern Economic Development Agency	19	Rule 17 - Hearing Commencement Public Notice	Rule 17 (p. 9) states that the Board will "give Public Notice of the Proceeding and identify the Board's contact person for the Proceeding" but does not specify	Suggest MVEIRB clarify where and how Public Notice of the Proceeding will be provided (i.e., via the registry).	Please see updated rule 17 and the definition of "Public Hearing". The Board may use any means necessary and

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(CanNor) - Ms. Shannon Allerston			where or how this information will be provided. The definition of Public Notice does not provide clarification.		appropriate for providing notice of a Proceeding. As with all Directives, this Notice of Proceeding would be filed on the public registry.
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	20	Rule 17 - Editorial	Edit as recommended.	Suggest edit to Rule 17 (p. 9) to read, "...or upon the ordering of...". This would broaden the context to include ordering not originating with MVEIRB (for example, per paragraph 130(1)(a) of the Act).	Changes made as suggested.
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	21	Rule 20 Heading - Editorial	In the Definitions, the term "party" is capitalized (p. 6).	On p. 9, recommend changing: "Becoming a party in a Proceeding" to "Becoming a Party in a Proceeding".	Changes made as suggested.
Canadian Northern Economic Development Agency (CanNor) - Ms.	22	Rule 21 - Editorial	In the Definitions, the term "party" is capitalized (p. 6).	Consider revising Rule 21 (p. 9) from: "Any person, organization or Indigenous Government or Organization that provides public comments ... is considered a party to that	Changes made as suggested.

Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
Shannon Allerston				Proceeding” to “Any person, organization or Indigenous Government or Organization that provides public comments ... is considered a Party to that Proceeding”.	
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	23	Rule 24 - Editorial	Wording of Rule 24 is unclear and there is an extraneous instance of 'the Rules' in the middle of the sentence, that should be cut. The sentence should read, "...Online Review System, or participate...".	Consider revising Rule 24 (p. 10) for clarity to: “Any Party may, without becoming an Intervener (see Part 3), provide comments to the Board in writing, or via the Online Review System, or participate in a Hearing organized by the Board as provided for by the Rules”.	Changes made as suggested.
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	24	Rule 26 - Traditional Knowledge	It is unclear what is meant by Traditional Knowledge provided in "any appropriate form" without describing what is appropriate/considered appropriate and by whom. Does this mean any form the Board considers appropriate? If so, the Rules should state this.	Consider revising Rule 26 (p. 10) to specify: "Traditional Knowledge submitted in any form it considers appropriate during its proceedings", or simply "...submitted in any form during its proceedings".	Please see updated Rule 26.
Canadian Northern Economic Development	25	Rule 28 - Editorial	There appears to be an extra space at the start of Rule 28.	On p. 10, recommend changing Rule 28 from: “A	Changes made as suggested.

Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
Agency (CanNor) - Ms. Shannon Allerston				Party intending..." to "A Party intending..."	
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	26	Rule 30 - Editorial	Edit as recommended.	In Rule 30 (p. 10), the term 'subsection' should be used instead of 'section' for 142.1(1) of the Act.	Rule 30 now references "section 142.1" instead.
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	27	Rules 32 and 33 - Editorial	Rules citation incorrect: Rules 32 and 33 are about MVEIRB removing submissions from the Public Registry using the powers provided by Rule 31. However, Rules 32 and 33 refer to Rule 30, which is about the requirement for the Board to post submissions on the Public Registry.	MVEIRB to update rules reference in Rules 32 and 33 (p. 10).	References have been updated.



Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	28	Rules 36, 37, and 39 - Editorial	It is unclear why the term 'Party or Intervener' is used in Rules 36, 37 and 39, as opposed to 'Party'. 'Party' is defined in the Rules as including Interveners.	Suggest MVEIRB edit the use of 'Party or Intervener' to 'Party' in Rules 36, 37 and 39 (p. 11).	Please see updated definition of Party.
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	29	Rule 58 - Editorial	In the Definitions, the term "party" is capitalized (p. 6).	Consider revising Rule 58 (p. 12) from: "After considering all the Documents submitted by the parties in the Request for Ruling process..." to "After considering all the Documents submitted by the Parties in the Request for Ruling process..."	Changes made as suggested.
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	30	Rule 62 - Editorial	Edit as recommended.	In Rule 62 (p. 13), recommend changing "...Court of law." To "court of law."	Changes made as suggested.



Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	31	Rule 65 - Editorial	Rules citation incorrect: MVEIRB's approval of a Request for Ruling under Rule 52 is referenced. Rule 51 should be referenced instead.	MVEIRB to update rules reference in Rule 65 (p. 13).	References have been updated.
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	32	Rules 74 and 75 - Late Filing of Submissions	Rules 74 and 75 (p. 14) refer to "deadline". These are the first instances this term is used in the Rules. This is confusing as the way the Rules are written, deadlines would be set out in a Directive. It is suggested that Rule 88 (p. 15) uses the term "deadline" correctly in the context of the Rules, "...to intervene by the deadline set out in the Board's Hearing Directive."	Consider revising Rule 74 (p. 14) to read: "Acceptance of evidence or argument received after a Board deadline set out in a Directive is at the discretion of the Board." Consider revising Rule 75 (p. 14) to read: "A Party that cannot provide its evidence or argument within the time specified by the Board in a Directive must submit a written request to the Executive Director for an extension prior to the relevant deadline."	Please see updated rules 73 and 74.
Canadian Northern Economic Development Agency	33	Rule 80 - Editorial	Rules citation incorrect: An extension request under Rule 74 is referenced. Rule 75 should be referenced instead.	MVEIRB to update rules reference in Rule 80 (p. 14).	References have been updated.

Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
(CanNor) - Ms. Shannon Allerston					
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	34	Rule 101 - Participation in Public Hearings	It is not clear in Rule 101 if Interveners are expected to participate in person, or if virtual participation is accepted.	Suggest clarifying the expectation for in-person participation in Rule 101 (p. 17). Please refer to the Government of Canada's first comment and recommendation.	The Rules have been reorganized to clarify the roles and responsibilities for Parties, Interveners, and the Developer in Public Hearings. The means of participation in Hearings is at the discretion of the Board and will be described in Notices of Proceeding. Please also see updates to rule 95.e).
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	35	Rule 118 - Transcripts	Transcripts should be required unless technology (or other valid reasons) does not allow it; "may" leaves too much discretion to MVEIRB. [This is the original GOC 2018 comment.]	Suggest MVEIRB change the language in Rule 118 (p. 18) from 'may' to 'will' and adding the concept that only in exceptional circumstances may MVEIRB diverge from this requirement.	Rule 116 has been updated to reflect recommendation.



Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	36	Rule 129 - Editorial	In the Definitions, the terms “developer”, “intervener” and “public record” are capitalized (pp. 4-6).	Consider revising Rule 129 (p. 19) from “... Any information provided from interveners and the developer will be put on the public record along with any decisions of the Board” to “... Any information provided from Interveners and the Developer will be put on the Public Record along with any decisions of the Board”.	Changes made as suggested.
Canadian Northern Economic Development Agency (CanNor) - Ms. Shannon Allerston	37	Cover Letter	Please see attachment.	As above.	The Review Board thanks the Government of Canada for its thorough and thoughtful review of the Rules of Procedure.
GNWT-Lands - Kelvin Igwe	1		Government of Northwest Territories (GNWT)		The Review Board thanks the Government of the Northwest Territories for its thorough and thoughtful review of the Rules of Procedure.



Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
GNWT-Lands - Kelvin Igwe	2	Definition: Intervener	The definition of Intervener contains a reference to Rules 84 and 86. It appears there may be incorrect Rule numbers.	Refer to the correct Rules in the definition and other corresponding sections of the documents.	References have been updated.
GNWT-Lands - Kelvin Igwe	3	Definition: Ruling	Per GNWT-17 of "What we heard," the definition in the final draft ROP does not include rulings made in relation to extension requests.	Amend the definition of Ruling to: "means a decision or order made by the Board during a Proceeding, including decisions in response to a Request for Ruling, a time extension request, or made during a Public Hearing."	Please see updated definition of Ruling.
GNWT-Lands - Kelvin Igwe	4	Definition: Indigenous government or organization	Using the term as is in the final draft ROP may lead to other people using the term "Indigenous government organization," which has since been replaced with "Indigenous government or Indigenous organization."	Suggest replacing "Indigenous government or organization" with "Indigenous government or Indigenous organization."	The Review Board does not use the term "Indigenous Government Organization" in the Rules.
GNWT-Lands - Kelvin Igwe	5	Definition: Request for Ruling	The rule numbers in the definition of "Request for Ruling" may be incorrect.	Recommend using the reference for a Request for Ruling in "Procedure to Request a Ruling," which includes Rules 51 to 60, rather than 50-59.	References have been updated.



Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
GNWT-Lands - Kelvin Igwe	6	Definitions: Member of the Public vs Party	Given the updated rules no longer require people and Indigenous governments to apply for party status, there no longer seems to be a need to include separate definitions of "Member of the Public" and "Party." Both terms are now automatically treated the same in accordance with Rule 21, which states that "Any person, organization or Indigenous Government or Organization that provides public comments directly to the Board or on the online review system or otherwise participates in a part of a Proceeding is considered a party to that Proceeding." Striking out the words "or Intervener" from the definition of "Member of the Public" would simplify this definition, as any Intervener would be a Party.	Consider consolidating the definition of Member of the Public and Party or provide further clarification on the distinction between the two. Amend the definition of Member of the Public to the following: "means a person other than a Party, who, subject to these Rules, wishes to provide comments to the Board in a Proceeding."	Member of the public is no longer defined in these Rules and the definition of "Party" has been duly updated.
GNWT-Lands - Kelvin Igwe	7	Definitions: Traditional Knowledge	Per GNWT-64 of "What we heard," this term is capitalized but is not included in the definitions section. The "What we heard" report states "Refer to the Review Board's Traditional Knowledge Guidelines," which is understood to be a reference to	Recommend including a reference to the Board's <i>Guidelines for Incorporating Traditional Knowledge in Environmental Impact Assessment</i> .	The Rules do not contain references to specific Guidelines, but all Review Board Guidelines including the <i>Guidelines for Incorporating Traditional Knowledge in</i>

Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
			the Board's <i>Guidelines for Incorporating Traditional Knowledge in Environmental Impact Assessment</i> .		<i>Environmental Impact Assessment</i> are available online here .
GNWT-Lands - Kelvin Igwe	8	Definitions: Party	"Party" - The defined term Party is not capitalized consistently.	The term "Party" appears to be used correctly in certain Rules of the final draft ROP with capitalization, but in other Rules (see, for example, Rules 21, 33, 46, and 58), the word is spelled "party" when it should be capitalized as "Party."	Changes made as suggested.
GNWT-Lands - Kelvin Igwe	9	Rule 86: Obtaining Intervener status	Rules 85 to 88 discuss becoming an Intervener in a Public Hearing. Rules 85 to 87 discuss how Parties should notify, apply, and provide additional information (if required) to the Board to request Intervener status. Rule 88 is directed to Indigenous Governments or Organizations seeking Intervener status. The reader interprets rule 88 that Indigenous Governments and Indigenous Organizations will be automatically granted Intervener status by notifying the Board in writing of their intention to intervene by the deadline set by the Board. However, it is unclear	1) Clarify whether Intervener status is guaranteed for <u>all Parties</u> upon submission of all essential information required by the Board before the set deadline, or, whether the Board has to decide on granting Intervener status to Parties other than Indigenous Governments and Indigenous Organizations. 2) Please indicate whether the Board will publish a list of Interveners, and reasons for the decision, particularly	Please see updated rules 88 and 90, which clarify that the Board has discretion to grant and/or rescind intervenor status and that it will publish reasons for its decision. The Board will post a list of Interveners on the Public Registry, usually in the form of a Notice of Proceeding about the Public Hearing.

Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
			whether the Board must make a decision when granting Intervener status to other Parties, or whether other Parties are automatically granted Intervener status after submitting all the necessary information required by the Board. It is also unclear how the Board informs applicants of their Intervener status.	if it denies a Party's request for Intervener status.	
GNWT-Lands - Kelvin Igwe	10	Transcripts	There is no mention of whether transcripts of technical sessions will be provided and placed on the Public Record.	The Review Board should provide transcripts of all technical sessions. These transcripts provide a record of discussions and commitments, which is extremely useful in preparing interventions and in regulatory proceedings.	The provision of transcripts from technical sessions is at the discretion of the Board. However, Board practice in the past has largely been to provide transcripts or recordings.
GNWT-Lands - Kelvin Igwe	11	Publishing audio comments from the Online Review System on the Public Register	All submissions and evidence from proceedings that the Board receives will be posted on the Public Register in accordance with Rules 30 and 42. Oral evidence may be secured by the Board, according to Rule 66. Transcripts from Public Hearings are covered by Rules 118 and 119. However, it is unclear how audio comments submitted	Clarify whether audio comments from the Online Review System will be posted on the Public Register, perhaps through a new Rule. Please specify how the audio comments will be posted on the public register: as transcripts, as is, or as something else.	Please see updated definitions of Documents and Online Review System. Audio comments on the ORS will be provided in their original format and transcribed.

Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
			through the Board's Online Review System will be published on the public register.		
GNWT-Lands - Kelvin Igwe	12	PART 1: Rule 8	The reference to Rule 51 is likely supposed to be a reference to Rule 52.	Check Rule Numbers	References have been updated.
GNWT-Lands - Kelvin Igwe	13	PART 2: Rules 20 and 21	<p>A party is defined as "any person or organization that participates in an environmental assessment or environmental impact review in accordance with the Rules and includes the Developers and Interveners."</p> <p>How to become a Party in a Proceeding is described in Rules 20 and 21. Given that these rules now automatically grant people and Indigenous governments Party status if they participate in part of a proceeding, it is unclear how/whether the Board intends to track those who have been granted Party status and similarly whether the Board intends to advise who has been granted status as a party.</p>	Clarify whether party status will be tracked and whether notification will be given to advise who has been granted/considered to have party status.	Please see updated definition of "Party". The Review Board will maintain a record of the Parties participating in a Proceeding and will file this on the public record.
GNWT-Lands - Kelvin Igwe	14	PART 2: Rule 24	The underlined text "the Rules" within Rule 24 appears to be a	Correct the typographical error by removing the text	Changes have been made as suggested.



Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
			typographical error -"Any Party may, without becoming an Intervener (see Part 3), provide comments to the Board in writing, or via the Onl Review System, the Rules or participate in a Hearing organized by the Board as provided for by the Rules." <u>the Rules the Rules</u> or participate in a Hearing organized by the Board as provided for by the Rules."	"the Rules" from the middle of the sentence. (Error underlined in the comment).	
GNWT-Lands - Kelvin Igwe	15	PART 2: Rule 31	The Rule does not explain how the Board determines submissions that are not in compliance with the "Board standards."	For clarity, explain or provide a reference to the Board standards.	The Board currently has only one set of standards, the <i>Document Submission Standards</i> , which are available on our website here .
GNWT-Lands - Kelvin Igwe	16	PART 2: Rules 32 and 33	Rules 32 and 33 refer to the notification that will occur if a submission is removed from the Public Register and the process a Party must follow if it objects to the removal of submissions from the Public Register. Both Rule 32 and 33 refer to the removal of materials under Rule 30. However, Rule 30 states that all submissions received by the Board will be posted on the Public Register. Rule 30 does not address the removal of material	Confirm that Rules 32 and 33 should refer to Rule 30 instead of Rule 31.	References have been updated.

Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
			from the Public Register, but Rule 31 does. Rule 31 may be a more appropriate reference for Rules 32 and 33.		
GNWT-Lands - Kelvin Igwe	17	PART 2: Rule 33	This Rule refers to the "removal of materials."	Replace the word "materials" with "Submissions" to align with Rule 30.	Text in rules 28-34 has been updated for consistency.
GNWT-Lands - Kelvin Igwe	18	PART 2: Rules 37 and 41	Rule 37 states that "An Information Request must seek information within the scope of assessment for the Proceeding." Rule 41 reiterates this principle by emphasizing that an information request may be rejected or modified if it is "outside the scope of assessment for the Proceeding." Both rules focus on the scope of assessment and appear repetitive.	Consider consolidating Rules 37 and 41 into a single rule.	The Board has considered the recommendation and is satisfied with the current wording.
GNWT-Lands - Kelvin Igwe	19	PART 2: Rule 41	Rule 41 states "The Board may reject or modify any Information Request, for reasons including relevance, offensiveness, or being outside the scope of assessment for the Proceeding. If the Board rejects an Information Request, the Board will notify affected Parties and set out its reasons."	In addition to notifying Parties if an Information Request has been rejected, the Review Board should notify Parties if an Information Request has been modified.	Rule 40 has been updated as per the recommendation.

Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
			Knowing if an Information Request has been modified would help Parties better formulate Information Requests in the future and identify concerns with modifications.		
GNWT-Lands - Kelvin Igwe	20	PART 2: Rule 42	Rule 42 states that all documents or evidence that is produced, collected, or received by the Board in a Proceeding will be placed on the Public Record unless ruled by the Board. The GNWT would like to reiterate a previous comment during the 2018 review (on Rule 46) that all comments, (written and transcripts of oral comments), received during proceedings should be included on the public registry.	Option A: Amend Rule 26 to the following: "All documents, evidence, comments, and transcripts that are produced, collected, or received by the Board in a Proceeding will be placed on the Public Record, unless otherwise ruled by the Board. Option B: Include transcripts of public hearings and comments within the definition of "Documents."	Please see updated definition of "Document" and rule 116.
GNWT-Lands - Kelvin Igwe	21	PART 2: Rule 49	There may be more than one "final decision" for an EA of a development, in that decisions may be required under s. 130 of the <i>Mackenzie Valley Resource Management Act</i> (by responsible Ministers), under s. 131 (by a designated regulatory agency),	Consider changing "final decision" to "final decision(s)" or use a different description of time following the completion of all applicable EA decisions.	Updates to rule 48 made as per the recommendation.



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			and/or under s. 131.1 (by the Tłı̨chǫ Government).		
GNWT-Lands - Kelvin Igwe	22	PART 2: Rule 51	As written, this rule gives the Board enormous powers, and it is unclear if this is intentional. By editing the Rule and using "on", the precedent is limited to the proceeding in question.	Suggest rephrasing to indicate the ruling is specific for the particular proceeding.	Directives are specific to a single Proceeding and do not carry over to other Proceedings. The Board is satisfied that the rule is sufficiently clear.
GNWT-Lands - Kelvin Igwe	23	PART 2: Rules 56 and 57	Both Rules relate to the process for responding to a Request for Ruling. Rule 56 is about the initial response to a Request for Ruling, while Rule 57 is about a reply to that response. Rule 56 mentions timelines; Rule 57 does not. The Rules should speak to the timeline for the Party that filed the Request for Ruling to reply to responses.	For clarify, consider adding "within a specified timeline" after "opportunity" in Rule 57.	Please see updated rule 54 which clarifies that the Directive on the Request for Ruling will specify time for the participation of interested parties.
GNWT-Lands - Kelvin Igwe	24	PART 2: Rules 70 and 72	The distinction between the roles of Independent Experts and Expert Advisors is unclear. The Expert Advisor assists in analyzing and evaluating evidence. More information would be helpful to understand	Amend the wording to make the roles of, and difference between, Independent Experts and Expert Advisors clear. An Independent Expert can give evidence, but although acting akin to a	Please see updated definitions of "Expert Advisor" and "Independent Expert" as well as updates to rules 69-72.



Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
			what is intended by "matters arising in a Proceeding" that are not evidence-related, but that a witness/Independent Expert may properly and fairly assist with examining.	witness, may also assist with analyzing "matters arising in a Proceeding."	
GNWT-Lands - Kelvin Igwe	25	PART 2: Rule 73	Missing punctuation.	Add a period at the end of the paragraph.	Changes made as recommended.
GNWT-Lands - Kelvin Igwe	26	PART 2: Rule 74	Rule 74 states "Acceptance of evidence or argument received after a Board deadline is at the discretion of the Board. Late submissions will not be accepted or considered by the Board in a Proceeding unless so ruled upon by the Board and therefore, will not be placed on the Public Record. A notation will be placed on the Public Register to accompany a late submission." Rule 48 states that "After the Public Record is closed, late submissions related to the Proceeding that is filed with the Board will be posted on the Public Register." Rule 74 is unclear whether all late submissions will be posted on the Public Register.	1) Clarify whether <u>all</u> late submissions will be posted on the Public Register. 2) Please specify if late submissions will be distinguished between those that the Board considered and those that were not, by the notations that accompany them.	Please see updated rule 73. Only evidence or argument that is accepted by the Board will be placed on the Public Record and duly considered by the Board in its decision.



Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
GNWT-Lands - Kelvin Igwe	27	PART 2: Rule 77	Per GNWT-37 of "What we heard:" "There is nothing in the Rules that stipulates that the Board must provide reasons for either granting or denying a request for an extension. A rule that deals with this would help ensure that an unreasonable decision could be judicially reviewed, if necessary."	Amend Rule 77 to the following: "The Board will provide a written ruling for its decision on the extension request and if the Board grants an extension, timelines for all Parties will be adjusted accordingly and notice of the change will be provided."	Please see updated rule 77 that specifies that the Board's decision with reasons will be entered onto the Public Record.
GNWT-Lands - Kelvin Igwe	28	PART 2: Rule 117	Missing punctuation.	Add a comma before "for Public Hearings or other sessions" or remove a comma after "sessions" for readability.	Changes made as suggested.
GNWT-Lands - Kelvin Igwe	29	PART 3: Rule 106	Per GNWT-48 of "What we heard:" Updated Rules 66 and 67 do not address the GNWT's comment. However, Rule 106 does.	Consider whether the organization of the Rules would be improved if Rule 106 is moved under the Special Rules about Evidence and Traditional Knowledge rather than located under, and specific to, the Public Hearing Phase.	Please see updated rule 107, which is specific to conduct in a hearing, as well as additional rules 66 and 67 on Traditional Knowledge that apply to all parts of a Proceeding.



Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
GNWT-Lands - Kelvin Igwe	30	PART 3: Rules 118 and 119	Transcription of a Public Hearing is optional under Rule 118 and Rule 119 of the draft Rules of Procedure. Both the GNWT and CanNor recommended during the 2018 review of the draft Rules of Procedure that transcription of the Public Hearing be mandatory. No rationale was provided by the Review Board in the 'What we Heard' document as to why transcripts should not be mandatory.	The GNWT maintains that Transcripts should be required, not optional. The Review Board should provide transcripts of all Public Hearings, including Community Hearings, given the importance of these discussions in making final recommendations and decisions. These transcripts provide a record of discussion and commitments, which is extremely useful in decision-making and regulatory proceedings. Transcripts of Public Hearings should be mandatory and not discretionary.	Change made as suggested. Please see updated rule 116.
GNWT-Lands - Kelvin Igwe	31	PART 4: Rule 127	The term "final decision-makers" may be unclear to some readers, as it is not used in the <i>Mackenzie Valley Resource Management Act</i> and is not defined in the Rules.	Consider including an explanation of "final decision-maker(s)" or replacing "final decision-maker(s)" with "the Minister, a designated regulatory agency, and/or the Tłı̨cho Government."	Please see updated rule 126.



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MVLWB - Angela Plautz	1	Editorial Comments	Please see the Recommendation section for editorial comments.	<p>When referencing legislation, suggest checking use of section, subsection, paragraph, and subparagraph; Add a bracket to subparagraph 135(1)(b) in the definition for Consult to Modify; Recommend double checking references to Rule numbers, particularly in the Definitions section (e.g., definition of Information Request refers to Rules 34 to 39) and other parts of the Rules (e.g., Rules 32 and 33); In Rule 6, an 'a' might be missing in front of the word 'form'; Suggest checking use of commas (e.g., Rule 20 vs Rule 21) and using Oxford comma; Delete the extra space in front of 'Party' in Rule 28; Add a period at the end of Rule 73; Suggest changing 'which' to 'that' in Rules 88 and 105; Suggest checking the spelling of intervenor</p>	References have been updated throughout. The Review Board is electing to use the Canadian spelling of "intervenor" throughout the document.



Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
				throughout the Rules (e.g., Rules 102 and 121); and Suggest using capitals consistently, especially for defined terms (e.g., see Rule 129 for 'intervener' and 'developer').	
MVLWB - Angela Plautz	2	PART 1: Definitions and General Provisions - Definitions - Community Hearing	'residents of a community' are referenced in this definition but aren't referenced elsewhere in the Rules. It is not clear how the Rules apply to 'residents of a community', and how 'residents of a community' might be different than Members of the Public.	Recommend the Rules clarify how they apply to 'residents of a community' and if there are any differences between how the Rules apply to 'residents of a community' and 'members of the public'.	Please see updated definition of Community Hearing.
MVLWB - Angela Plautz	3	PART 1: Definitions and General Provisions - Definitions - Developer	'To make it clear that the development hasn't occurred, it is suggested that 'proposed' be added in front of 'development'.	Suggest adding 'proposed' in front of 'development'.	Changes made as suggested.
MVLWB - Angela Plautz	4	PART 1: Definitions and General Provisions - Definitions - Developer	The definition of Developer includes 'or organization'. It is the LWBs' understanding that this isn't legally necessary.	Suggest that 'or organization' be removed. This suggestion also applies throughout the Rules.	Please see updated definition of Developer.



Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
MVLWB - Angela Plautz	5	PART 1: Definitions and General Provisions - Definitions - Member of the Public	According to the definition of Member of the Public, they are not a Party, but under Rule 21, they would become a Party.	Suggest clarifying the definition of Member of the Public and reconciling it with Rule 21.	“Member of the Public” is no longer defined in these Rules. Please also see updated definition of “Party” and subsequent updates to rules 20 and 21.
MVLWB - Angela Plautz	6	Part 2: Conduct of Board Proceedings - Participating in a Board Proceeding - Rule 24	It is unclear what the first reference to the Rules means in this sentence (i.e., ...via the Online Review System, the Rules or participate in a Hearing...).	It is recommended that Rule 24 be clarified.	Rule 24 has been updated for clarity.
MVLWB - Angela Plautz	7	PART 2: Conduct of Board Proceedings - Providing Documents and Written Information to the Board - Rule 35	Rule 35 states that requests for rulings or procedural issues should be addressed to the Executive Director, whereas Rule 54 states that a request for ruling must be addressed to the Chairperson and filed with the Executive Director.	Suggest clarifying the Rules to indicate whom the Request for Ruling should be addressed to.	Please see rule 53 which specifies that Requests for Ruling must be directed to the Chairperson and filed with the Executive Director.
MVLWB - Angela Plautz	8	PART 2: Conduct of Board Proceedings - Information	Because the definition of Party includes 'Intervener', it is suggested that 'or Intervener' could be deleted.	Suggest deleting 'or Intervener'.	Please see updated definition of “Party” and updates to rules 36-39.

Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
		Requests - Rules 36 and 37			
MVLWB - Angela Plautz	9	PART 2: Conduct of Board Proceedings - Procedure to Request a Ruling - Rule 55	Rule 55 refers to 'interested' parties. Will there be an additional step to determine who the 'interested' parties are? If not, it is suggested that 'interested' could be deleted.	'interested' could be deleted.	Please see updated rule 55.
MVLWB - Angela Plautz	10	PART 2: Conduct of Board Proceedings - Special Rules about Evidence and Traditional Knowledge	Although 'and Traditional Knowledge' was added to the title to reflect its importance, it might create confusion that it isn't evidence.	Suggest changing the section title to 'Special Rules about Evidence, including Traditional Knowledge'.	Change made as suggested.
MVLWB - Angela Plautz	11	PART 2: Conduct of Board Proceedings - Late Filing of Submissions - Rule 74	Rule 48 states that late submissions will be posted on the Public Register. Rule 74 could be revised to make this clearer. For example, the last sentence of the Rule could be deleted, and the second sentence could be revised to state, 'Late submissions will not be accepted or considered by the Board in a Proceeding unless so ruled by the Board, and therefore, unless accepted by the Board, will not be placed on the	Suggest revising Rule 74, deleting Rule 48 and clarifying, if necessary, any difference between late submissions that are accepted by the Board as evidence in the proceeding and those that are not.	Please see updated rule 73, which clarifies that only evidence or argument that is accepted by the Board will be placed on the Public Record and considered by the Board in its decision.

Organization	ID	Topic	Reviewer Comment	Reviewer Recommendation	Board Response
			Public Record but posted on the Public Register with a notation after the Public Record is closed.' or something to that effect. Rule 48 might not be needed if Rule 74 covers how and when late submissions will be posted.		
MVLWB - Angela Plautz	12	PART 3: Public Hearings	Under the title of this Part of the Rules, it might be helpful to define the public hearing phase (e.g., see the LWB Rules for an example) because it is referred to in this Part of the Rules (e.g., Rule 85).	Suggest clarifying what the Public Hearing Phase is.	"Public Hearing Phase" is taken out and replaced with "Public Hearings" in Part 3 and throughout the whole document.
MVLWB - Angela Plautz	13	PART 3: Public Hearings - Preparation for the Public Hearing - Rule 95	It might be helpful to clarify that the Board will issue reasons about why it might limit the issues that it will consider.	Suggest adding 'and set out its reasons' at the end of the sentence.	Changes made as suggested.
MVLWB - Angela Plautz	14	PART 3: Public Hearings - Participation in the Public Hearing Phase by Interveners and the	To clarify, would Interveners and the Developer also be able to submit an Information Request?	Suggest clarifying if Interveners and the Developer can submit an Information Request.	Please see updates to rules 103 and 111 for conduct of Interveners and the developer during Public Hearings. The rules about information requests (rules 35-40) apply to all

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		Developer - Rule 102			parts of a Proceeding, including Public Hearings.
MVLWB - Angela Plautz	15	PART 3: Public Hearings - Participation in the Public Hearing Phase by Interveners and the Developer - Rules 103 and 108	Under Rule 108, a Developer may respond to Interventions, but it is not clear why the Developer could also submit an Intervention under Rule 103.	Suggest revising Rule 103 to reconcile it with Rule 108.	Developers do not submit interventions, but rather make presentations and can respond to Interventions prior to the Public Hearing (please see updated rules 111 and 112).
MVLWB - Angela Plautz	16	PART 3: Public Hearings - Participation in the Public Hearing Phase by Interveners and the Developer - Rule 107	Rule 107 states, 'After the deadline for Interventions has passed an Intervener cannot submit new written evidence unless a Request for Ruling is submitted and leave to file the late evidence is granted by the Board.' The last part of this sentence could be revised to make it succinct and clearer.	Suggest making Rule 107 clearer.	The Board has considered the recommendation and is satisfied with the current wording.



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MVLWB - Angela Plautz	17	PART 3: Public Hearings - Coordinated Hearings - Rule 120	This Rule might not be necessary if it is already in legislation.	Suggest removing this Rule to make the Rules shorter.	The Board has considered this comment and has updated the rule to indicate that the Board will issue a Notice of Proceeding to describe any processes for coordination, if necessary.
MVLWB - Angela Plautz	18	PART 3: Public Hearings - Adjournments - Rules 122 and 123	These Rules refer to '...adjourn, postpone, or reschedule...', but the title refers to 'Adjournments'. If there isn't a difference between these words, it is recommended to only use 'adjourn' to be concise.	Suggest being concise when possible.	Changes made as per recommendation.
MVLWB - Angela Plautz	19	PART 3: Public Hearings - Translation of Documents	If this Rule applies to the whole proceeding (and not just the Public Hearing phase), it is suggested to move this Rule to Part 2 of the Rules.	Suggest moving this Rule under Part 2 of the Rules.	Please see updated rule 81.
MVLWB - Angela Plautz	20	Cover Letter	Please see attached cover letter.	Please see attached cover letter.	The Review Board thanks the Land and Water Boards for their thorough and thoughtful review of the Rules.



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Yamoga Land Corporation - Edwin Erutse	1		See letter submitted by President Edwin Erutse attached.	See letter.	<p>The Review Board thanks the Yamoga Land Corporation for their thoughtful review of the Rules. The Board is working on developing an Indigenous Language Policy separate to these Rules that describes how Parties can access materials on the Public Record in their Indigenous Languages. Oral recordings of hearing proceedings in Indigenous languages may also be made available to Parties. The referral authorities provided in sections 126(2) and (3) of the Act describe the rights of referral contained in 25.3.4 of the Sahtu Dene and Métis Comprehensive Land Claim Agreement and 24.3.4 of the Gwich'in Comprehensive Land Claim Agreement.</p>

