

Reviewer Comments and Proponent Responses

Project: Draft - Guidelines for Preliminary Screeners - Dec 2021
 Board: Mackenzie Valley Environmental Impact Review Board
 Organization: Mackenzie Valley Environmental Impact Review Board

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
CIRNAC (Yellowknife) - Jennifer Walsh				
1	Inside Cover and back page - typo at bottom of page	© Mackenzie Valley Review Board, 2021	Change to: © Mackenzie Valley Review Board, 2021 (or Mackenzie Valley Environmental Impact Review Board, whichever is appropriate)	
2	Glossary, pg. 4	In the text in green, italicise the name of the act	The following definitions are from section 2 and subsection 111(1) of the Mackenzie Valley Resource Management Act:	
3	1. Overview, pg 5	The overview could use additional details, such as the information on p. 28 explaining that the primary screener for the MVRMA is the LWB, etc.	Add more detail in the Overview.	
4	3.1 When is a preliminary screening needed? pg 13	There is a typo 3.1 under 1. Application Screenings: "Application screenings are initiated though an application..."	Change 'though' to 'through.'	
5	3.1 When is a preliminary screening needed? pg 13	Under 2. Government and First Nations' self-screenings, the last sentence needs a period.	...cause a significant adverse impact).	
6	3.1 When is a preliminary screening needed? pg 13	Footnote 9 has a typo: '124 (3.: should be '124 (3):'.	Delete the ':' and add ')'.	
7	3.2 The Preliminary Screening requirement Regulations, pg. 14	Regulations are not consistently italicized (or not, here and elsewhere). For example, the text in 3.2 has the regulation name italicized, whereas the footnote does not.	Use consistent format throughout.	
8	3.2 The Preliminary Screening requirement Regulations, pg. 14	The last parenthesis in the footnote appears superscript	be inappropriate for reasons of national security (MVRMA s. 124(1)(b)).	
9	3.3 Exemptions from preliminary screening, first paragraph, pg 15	"MVRMA as follows." should not be italicized	...the MVRMA as follows.	
10	3.3 Exemptions from preliminary screening, first bullet, pg 15	Emergencies Act should be italicized.	...emergency declared under the Emergencies Act	
11	3.3 Exemptions from preliminary screening, Developments with manifestly insignificant impacts may be exempt from screening, second to last paragraph, pg 15	...they will describe written reasons for their conclusion(s) - this wording is awkward (describe reasons)	Change to "they will include written reasons..."	

12	3.3 Exemptions from preliminary screening, Developments with manifestly insignificant impacts may be exempt from screening, last paragraph, pg 15	Is the last paragraph trying to convey that only governments think projects like highway maintenance have no significant impact and the information is not shared? Or is it trying to follow-up on the info before which indicates screeners can make the determination and here is an example.	This paragraph seems to generally encourage governments to begin defining activities based on the scale of potential impact. It would be beneficial if the paragraph indicated where these classes of development exist.	
13	3.3 Exemptions from preliminary screening, Developments with manifestly insignificant impacts may be exempt from screening, last paragraph, pg 15	There is a grammatical error in the last paragraph: Governments have determined some classes of developments, such as highway maintenance activities, to be have impacts that are manifestly insignificant.	Delete 'be'.	
14	3.3 Exemptions from preliminary screening, Developments with manifestly insignificant impacts may be exempt from screening, last paragraph, pg 15	The last sentence of the last paragraph in the right column reads, "Governments are encouraged to describe classes of other types of developments and activities that may fit into this category of manifestly insignificant with accompanying rationales."	"thise" should be edited to "the"	
15	3.3 Exemptions from preliminary screening, Historic authorizations may be exempt from screening, pg 16	The second paragraph doesn't make it clear that this is text from the MVR MA.	Put the text in italics	
16	3.3 Exemptions from preliminary screening, Historic authorizations may be exempt from screening, pg 16	It is unclear what 'significant alteration' implies.	What constitutes a 'significant alteration?' Please define.	
17	4.1 Duration of a Preliminary Screening, last paragraph, pg 17	"Referral to EA should be considered..." - EA is not previously defined (the acronym is used again on pg. 37)	Spell out Environmental Assessment, then include (EA) if used again in the document.	
18	4.1 Duration of a Preliminary Screening, last paragraph, pg 17	The last paragraph discussing the intent of preliminary screenings should be located in earlier sections of this document. It seems out of place in this section, given that 4.1 talks about duration.	This paragraph should be moved to Section 3.	
19	4.2 Early Community Engagement, Paragraph after the picture - Reference to the Engagement and Consultation Policy, pg 18	It appears that italics are missing on 'Engagement and' when referencing the Engagement and Consultation Policy.	Add italics if appropriate.	
20	4.3 Land Use Plans, pg. 19	This section reads: "Applicants are encouraged to consult land use plans and engage with Land Use Planning Boards and the Tłıçhǫ Government b	Suggest the following wording changes (bold): "Applicants are encouraged to consult applicable land use plans and engage with relevant Land U	

		<p>efore submitting an application for a proposed development." This sentence could benefit from some clarity regarding which bodies applicants should engage. As written, it could be misread that Tłı̨çhǫ Government should be engaged on applications relevant to the Gwich'in Settlement Region.</p>	<p>se Planning Boards or the Tłı̨çhǫ Government before submitting an application for a proposed development."</p>	
21	4.3 Land Use Plans, pg. 19	<p>Would be helpful to address what happens if a project is referred to an environmental assessment before the Land Use Plan conformity check has been completed.</p>	<p>Considering that this scenario has occurred occasionally in the past, the additional details would be useful.</p>	
22	4.4 Screening the Whole Development pg. 19	<p>This section describes screening a whole development but does not have the proviso for parts of the project that may have already been screened (this is later found in 10.1). This section also states that a preliminary screening is triggered by an application, but that is not necessarily the case if the activity is under threshold.</p>	<p>Making the connection to the information found in section 10.1 for screening project amendments that have not gone through an environmental assessment could be helpful to include in section 4.4.</p>	
23	4.4 Screening the Whole Development pg. 19	<p>The first paragraph notes that there may be multiple parties who need to conduct a preliminary screening. This begs the question of coordination, especially when both LWBs and government(s) are regulators, which is not really addressed. Also, what happens if different regulators arrive at different screening decisions? Some of this is covered in s. 5.1, which could be cross-referenced.</p>	<p>It would be worthwhile mentioning what the process would be if different regulators arrive at different screening decisions.</p>	
24	4.4 Screening the Whole Development, transregional developments, pg 20	<p>The paragraph on transregional developments notes that preliminary screeners should consider whether the project might have significant adverse impacts or cause public concern in either or both the Mackenzie Valley and the adjacent jurisdiction.</p>	<p>This section should clarify whether the possibility of significant adverse impacts or public concern outside the Mackenzie Valley can result in a referral to EA.</p>	
25	4.4 Screening the Whole Development, transregional developments, pg 20	<p>Perhaps broaden this section further, it could be helpful to include project examples. It may be useful to highlight impacts to migratory species and consequential impacts to rights of Indigenous transboundary groups that use those species, even if the jurisdiction is not adjacent to the NWT (e.g., the Qamanirjuak caribou herd extends into Manitoba, and is used by GKD and AD).</p>	<p>Suggest adding some examples to this section.</p>	
26	4.4 Screening the Whole Development, transregional developments, pg 20	<p>Ensure consistent terminology.</p>	<p>"jurisdiction" vs "jurisdiction(s)"</p>	
27	4.4 Screening the Whole Development, transregional developments, pg 20	<p>Foot Note 22- It seems a little confusing to use jurisdiction to both mean land/land management and the authority/board.</p>	<p>Suggest replacing "cooperate with the other jurisdiction(s)" with "cooperate with the other screener(s) or assessment authorities"</p>	
28	4.6 Getting the right information, pg 23	<p>There is a grammatical error in the first paragraph: To conduct a preliminary screening of a project, screeners should have access to all information relevant to potential impacts, including whether...</p>	<p>Adjust comma and spacing.</p>	
29	4.7 Traditional knowledge, pg. 24, 3rd paragraph	<p>There is a grammatical error: a comma is missing in the last line, after "Knowledge"</p>	<p>...concern, including any relevant Traditional Knowledge, to the screener.</p>	
30	4.8 Complete the preliminary screening	<p>It is worth mentioning that more complicated projects go through an initial</p>	<p>This section may be better placed earlier in the document, for example in</p>	

	early for complex developments, pg 25	brief screening before being sent for a full review. References to regulatory timelines may need more context/regulatory reference. E.g., last paragraph of left column references "valuable regulatory time" for type A water licences, but there is no context.	3.1 When is a preliminary screening needed? May want to reference appropriate regulations or guidance documents that set out/discuss time limits.	
31	5.1 Notification of the public, and coordination with other regulators and the Review Board, pg 28	This page twice refers to regulators 'adopting' Land and Water Board screenings. As noted in the second sentence of the first paragraph of the left column, if a Land and Water Board conducts a screening, other regulators are not required to conduct their own screening. It is not clear why a preliminary screener would adopt another's report if they are not required to conduct the screening. Also, it would be useful to define exactly what must be done to "adopt" another screener's report.	Additional context regarding 'adopting' Land and Water Board screenings would be beneficial.	
32	5.1 Notification of the public, and coordination with other regulators and the Review Board, pg 28 - text box	Example refers to a fisheries authorization. Should this be a Fisheries Act authorization?	Clarify what a fisheries authorization is	
33	5.1 Notification of the Public, and Coordination with other Regulators and the Review Board to 5.2 Public Review, pg 27-29	Consistent terminology should be used— "screener" now replaced with "regulator" or "Land and Water Board". For example when explaining the LWB requirements and process on engaging the public the document switches to trying to generalize for screeners.	Given that Section 1. Overview suggests that LWBs and regulatory authorities (regulators) are referred to as preliminary screeners or screeners, this section should remain consistent with the rest of the document, which uses screeners.	
34	5.1 Notification of the public, and coordination with other regulators and the Review Board, pg 28 - footnote 35	There are two periods	Remove a period.	
35	6. Describing Potential Impacts and Mitigations -end of first paragraph, pg 30	Consider the relevance of the recent Yahey decision with respect to the last sentence.	Consider adding a footnote to the BC Court's Yahey decision (or other means of highlighting the importance of considering cumulative effects).	
36	7. How to carry out the "Might Test" - footnote 41, end of first sentence; pg. 31	There is extra punctuation at the end of the first sentence: The might test must be considered in the context of the overall EIA process.,	Delete the comma at the end of the sentence.	
37	7.1 Mitigation Measures to Address Impacts - pg. 33, last paragraph, last sentence	A word appears to be missing: "...licence, or plan under a regulatory authority even if that authority is not xxx the regulatory mandate of the..."	Add "within": "...licence, or plan under a regulatory authority even if that authority is not within the regulatory mandate of the..."	
38	7.2 Determining if the development might be a cause of public concern, first par	Does 'evidence available' include comments from Indigenous governments, organizations, and communities from the requirement for public notification and input?	Provide examples of 'evidence available' for added clarity.	

	agraph, pg 34			
39	7.2 Determining if the development might be a cause of public concern, Role of the Applicant in Identifying Public Concern, pg 34	Is there a typo in "... (such as in-person meetings or clarifying the project description)"? Should "or" be "for"?		Suggest wording change: Some public concern may be addressed by the applicant through good engagement best practices (such as in-person meetings for clarifying the project description)...
40	7.2 Determining if the development might be a cause of public concern, Considerations for the screener to help determine public concern #1, pg 34	The next part of this sentence should be rewritten to read "or localized" instead of "was concern was not raised?"		Suggest wording change: Is public concern widespread, or was concern not raised? localized?
41	7.2 Determining if the development might be a cause of public concern, Considerations for the screener to help determine public concern #2, pg 34	There should be a more direct link between this paragraph and that under the subsection "Role of applicant"...		A more direct link between history of concern in the area and the Role of Applicant is needed. For example, applicants can review the public registries, identify nearby projects, etc.
42	7.2 Determining if the development might be a cause of public concern #3, pg 34	The first sentence of Bullet 3 refers to opportunities for public consultation and input. Footnote 37 on page 29 notes that consultation is specific to Section 35 rights.		Recommend referring to public engagement and input rather than public consultation and input.
43	7.2 Determining if the development might be a cause of public concern pg 35	The last sentence of the last paragraph in the right column reads, "Concerns about impacts from transregional developments or transboundary impacts that affect a region outside of the Mackenzie Valley may also be important considerations for screeners."		The second instance of "that" should be deleted. This section should clarify whether the possibility of significant adverse impacts or public concern outside the Mackenzie Valley can result in a referral to EA. Specifically, regarding public concerns, it should be clarified if there is a distinction in referability in relation to the public's location and the scope of the concerns (i.e., inside versus outside the Mackenzie Valley).
44	7.2 Determining if the development might be a cause of public concern, Additional tips for gauging public concern, pg 35	The example of unsupported letters raises the question what support/evidence is required and why is it not required if there is a volume of varying concerns. However during the EIA process MVEIRB must assess if there is significant public concern (MVRMA s.128(1)(a)).		Perhaps refined explanations or examples are needed; the number of concerns voiced seems to be a factor whether they are well-reasoned or not and not dependent on the reason for the concern.
45	7.3 A practical approach to the might test 36	Bullet 2 indicates that the screener must be confident in the evidence before it to make an informed decision.		It may be worthwhile here to refer to addressing uncertainty/application of the precautionary approach, as discussed on page 37.
46	7.3 A practical approach to the might test, pg 36	There is a grammatical error in #2 and a consistency error in #6 and #7.		Suggest the following revision to #2: The screener must be confident in the evidence before it is to make an informed decision. Suggest revision to #6 and #7: Replace 'test' with 'screener', similar to #5.
47	8. Writing rea	Footnote 48 cites section 9.1 of the		Update footnote reference (subsecti

	sons for decision, pg 38	MVRMA. It is unclear how this relates to the sentence with the footnote.	on 126(1)?	
48	8. Writing reasons for decision, pg 38	Footnote 49 cites subsection 126(1) of the MVRMA. It is unclear how this relates to the sentence with the footnote.	Update footnote reference (section 62? subsection 118(1)?)	
49	9.1 How the 10-day pause period works pg 39	The second paragraph on the left seems out of place - perhaps it should be placed near the end of the previous section (Writing Reasons for Decision).	Move this paragraph to the end of Section 8 as it has to happen regardless of the 10-day pause period (or move to the beginning of section 9.1).	
50	9.1 How the 10-day pause period works pg 39	The last sentence of the last paragraph in the right column reads, "Any s. 126(2) referral organization or the Review Board may decide may refer or in the case of the Review Board, or order an environmental assessment on its own motion after the ten-day pause period, but before an authorization is issued."	"...may decide may refer..." should be edited to "...may decide to refer the project to environmental assessments..."	
51	9.1 How the 10-day pause period works pg 39	Footnote 52. Put the full title of the reference bulletin	MVEIRB Reference Bulletin The Ten-Day Pause Period for Preliminary Screenings (hyperlink if possible)	
52	9.1 How the 10-day pause period works pg 39	Footnote 53 - punctuation. Has 2 periods	Remove a period at the end of footnote 53	
53	9.1 How the 10-day pause period works pg 40	The first sentence of the first paragraph in the left column reads, "If an EA is ordered, the referral authority should notify the screener as soon as possible and must do so before the end of the ten-day pause period (if applicable)." This appears to contradict the sentence on the previous page indicating that referral organizations/the Review Board can refer to EA after the ten-day pause period.	Recommend editing to read, "...ideally before the end of the ten-day pause period (if applicable)."	
54	9.1 How the 10-day pause period works pg 40	Last paragraph of the right column: "If a government department, the Gwich'in or Sahtu First Nation, and the Tłı̨chǫ Government" - should the underlined and not be an "or"?	Replace "and" with "or".	
55	9.1 How the 10-day pause period works pg 40	Footnote 59 cites section 126 of the MVRMA. It is unclear how this relates to the sentence with the footnote.	Update footnote reference (subsection 125(1.3)? subsection 125(5)?)	
56	9.1 How the 10-day pause period works pg 40	It is unclear how footnote 60 relates to its sentence.	Update footnote reference (subsection 126(2)?)	
57	9.1 How the 10-day pause period works pg 40	It is unclear how footnote 61 relates to its sentence.	Update footnote reference (current footnote 60?)	
58	9.1 How the 10-day pause period works pg 40	It is unclear how footnote 62 relates to its sentence.	Update footnote reference (current footnote 61?)	
59	9.1 How the 10-day pause period works pg 40	It is unclear how footnote 63 relates to its sentence.	Update footnote reference (current footnote 62?)	
60	10.1 Screening development changes that have not gone through EA pg 41	Footnote 67 refers to 'environmental assessment under MVRMA s. 126(2)(3).'	Remove '(2)' from footnote 67.	
61	10.2 Screening development amendments that have gone through EA pg 42	The second sentence of the first paragraph in the right column reads, "If project changes re proposed later..."	"re" should be edited to "are"	

62	11. MVRMA amendments not in force p g 43	Footnote 69 refers to "...MVRMA Amendments Not in Force pp 150-152".	"pp 150-152" can be deleted.	
63	Generically throughout the document	The references throughout the guidelines switch between using EA and EIA throughout the document.	Ensure consistency throughout document.	

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
GNWT-Lands - Horatio Sam-Aggrey				
1	General - Inconsistent Terminology	Inconsistent terminology for the applicant appears in the document. The terms applicant, proponent and developer are used interchangeably throughout the document.	The GNWT recommends that consistent terminology be used throughout the document. The MVRMA uses the term 'applicant' and the GNWT suggests the guidelines also use this term, except in reference to developments that do not require authorizations.	
2	General - Inconsistent Terminology	Inconsistent terminology for the applicant appears in the document. The terms applicant, proponent and developer are used interchangeably throughout the document.	The GNWT recommends that consistent terminology be used throughout the document. The MVRMA uses the term 'applicant' and the GNWT suggests the guidelines also use this term, except in reference to developments that do not require authorizations.	
3	Section- Glossary, Local Government definition page 4	It is the GNWT's understanding that if new self-government agreements come into effect, the definition of local government in the MVRMA will be amended as required, and the guidelines will need to be applied with this new definition in mind.	The GNWT recommends that the Review Board add a statement to the Glossary that the guidelines need to be read in relation to the current version of the MVRMA, and that if there is a conflict between the definition in the MVRMA and the definition in the guidelines, the definition in the MVRMA should be used.	
4	Section- Glossary, Local Government definition page 4	It is the GNWT's understanding that if new self-government agreements come into effect, the definition of local government in the MVRMA will be amended as required, and the guidelines will need to be applied with this new definition in mind.	The GNWT recommends that the Review Board add a statement to the Glossary that the guidelines need to be read in relation to the current version of the MVRMA, and that if there is a conflict between the definition in the MVRMA and the definition in the guidelines, the definition in the MVRMA should be used.	
5	Section 2, Introduction, page 7	From the statement "The Guidelines complement the Review Board's other guidelines, including its Environmental Impact Assessment Guidelines (2004) (the EIA Guidelines)," it is unclear if these new guidelines replace the preliminary screening content in the 2004 EIA Guidelines.	The GNWT recommends that the Review Board clarify the status of the preliminary screening content in the 2004 EIA Guidelines.	
6	Section 2, Introduction, page 7	From the statement "The Guidelines complement the Review Board's other guidelines, including its Environmental Impact Assessment Guidelines (2004) (the EIA Guidelines)," it is unclear if these new guidelines replace the preliminary screening content in the 2004 EIA Guidelines.	The GNWT recommends that the Review Board clarify the status of the preliminary screening content in the 2004 EIA Guidelines.	
7	General - Missing Photo Credit	Figures 5-9 and Figure 11 do not contain an accompanying photo credit or photo owner.	The GNWT recommends that all photos displayed in the guidelines include the photo credit or photo owner.	
8	General - Missing Photo Credit	Figures 5-9 and Figure 11 do not contain an accompanying photo credit or photo owner.	The GNWT recommends that all photos displayed in the guidelines include the photo credit or photo owner.	
9	Section 2.3 - "Preliminary screening steps and where they are described in this document." p.9 Table 2 - Pre-application (development)	It may be helpful to readers to distinguish between land use plans that are approved and legally binding compared to those that are in draft form. Information contained in draft plans may be helpful to screeners, but conformity determination should not be completed for developments in areas with draft plans.	The GNWT recommends making it clearer in section 4.3 that there is a distinction between how approved/legally binding land use plans would be used in preliminary screening compared to how information from draft land use plans would be used in screening.	

10	Section 2.3 - "Preliminary screening steps and where they are described in this document." p.9 Table 2 - Pre-application (development)	It may be helpful to readers to distinguish between land use plans that are approved and legally binding compared to those that are in draft form. Information contained in draft plans may be helpful to screeners, but conformity determination should not be completed for developments in areas with draft plans.	The GNWT recommends making it clearer in section 4.3 that there is a distinction between how approved/legally binding land use plans would be used in preliminary screening compared to how information from draft land use plans would be used in screening.	
11	Section 2.3 - "Preliminary screening steps and where they are described in this document." p.9 Table 2 - Application (development) Received by Regulator	The Land Use planning conformity determination step is missing from this table. In regions with legally binding regional land use plans (e.g. Sahtu and Gwich'in, and on Tłı̄chǫ Land) conformity determination should be done as part of preliminary screening. Conformity determination should only be done for land use plans that are approved/legally binding.	The GNWT recommends that a bullet be added in column 2 to read: - Conformity determination for legally binding land use plans The GNWT recommends that a bullet be added in column 3 to read: - Land use plans 4.3	
12	Section 2.3 - "Preliminary screening steps and where they are described in this document." p.9 Table 2 - Application (development) Received by Regulator	The Land Use planning conformity determination step is missing from this table. In regions with legally binding regional land use plans (e.g. Sahtu and Gwich'in, and on Tłı̄chǫ Land) conformity determination should be done as part of preliminary screening. Conformity determination should only be done for land use plans that are approved/legally binding.	The GNWT recommends that a bullet be added in column 2 to read: - Conformity determination for legally binding land use plans The GNWT recommends that a bullet be added in column 3 to read: - Land use plans 4.3	
13	Section 2.3 - "Preliminary screening steps and where they are described in this document." Table, pre-application. Page 9.	The GNWT acknowledges that the Gwich'in, Sahtu, and Tłı̄chǫ agreements and the MVRMA use the term "traditional knowledge." The GNWT also notes that the terminology around Traditional Knowledge is evolving. There is recognition that Indigenous Knowledge is dynamic and fluid and based on both traditional and contemporary observations. The use of the word "Traditional" implies that Indigenous Knowledge is based on historical or outdated knowledge instead of a combination of current observations that are understood within the context of Elders stories and teachings.	The GNWT recommends that the Review Board consider expanding all references to Traditional Knowledge to "Traditional Knowledge and Indigenous Knowledge."	
14	Section 2.3 - "Preliminary screening steps and where they are described in this document." Table, pre-application. Page 9.	The GNWT acknowledges that the Gwich'in, Sahtu, and Tłı̄chǫ agreements and the MVRMA use the term "traditional knowledge." The GNWT also notes that the terminology around Traditional Knowledge is evolving. There is recognition that Indigenous Knowledge is dynamic and fluid and based on both traditional and contemporary observations. The use of the word "Traditional" implies that Indigenous Knowledge is based on historical or outdated knowledge instead of a combination of current observations that are understood within the context of Elders stories and teachings.	The GNWT recommends that the Review Board consider expanding all references to Traditional Knowledge to "Traditional Knowledge and Indigenous Knowledge."	
15	Section 3.1 "When is a preliminary screening needed." last paragraph, Page 12	What will the process look like when it is determined that a development does not require authorization but has to be referred to EA as a result of a preliminary screening?	The GNWT recommends that the document provides guidance or information on what would happen if a development does not require authorization but is referred to EA as a result of preliminary screening.	
16	Section 3.1 "When is a preliminary screening needed." last para	What will the process look like when it is determined that a development does not require authorization but has to be referred to EA as a result of a preliminary screening?	The GNWT recommends that the document provides guidance or information on what would happen if a development does not require authorization	

	graph, Page 12		n but is referred to EA as a result of preliminary screening.	
17	Section 3.1 - "When is a preliminary screening needed." Main categories of mandatory preliminary screenings, Page 13	The first bullet at the bottom of the page is set out in a way that it incorrectly appears to only apply to the second category of preliminary screening.	The GNWT recommends the inclusion of a note in this bullet indicating that the bullet applies to both categories of preliminary screening.	
18	Section 3.1 - "When is a preliminary screening needed." Main categories of mandatory preliminary screenings, Page 13	The first bullet at the bottom of the page is set out in a way that it incorrectly appears to only apply to the second category of preliminary screening.	The GNWT recommends the inclusion of a note in this bullet indicating that the bullet applies to both categories of preliminary screening.	
19	Section 3.1 - "When is a preliminary screening needed" Government and First Nation's self screenings; Footnote 9; MVRMA Subsection 124 (3) Page 13,	Section 3.1 explains the third type of screening (self screening by the Gwich'in First Nation, the Sahtu First Nation or the Tłı̨chǫ Government). Footnote 9 says that "This discretionary type of screening has never occurred since the MVRMA came into force. If used, this type of screening should generally follow the principles covered in these Guidelines." The MVRMA 124 (3) states: The Gwich'in First Nation, the Sahtu First Nation or the Tłı̨chǫ Government, as the case may be, may conduct a preliminary screening of a proposal for a development to determine whether to refer the proposal for an environmental assessment in accordance with paragraph 126(2) (b) or (c.) It is important that this type of screening is elaborated upon in the main text and not in a footnote.	The GNWT recommends that the Review Board explain within the text (not in a footnote), the third type of screening (discretionary screening) that can be conducted by the Gwich'in and Sahtu First Nations and by the Tłı̨chǫ Government per MVRMA subsection 124(3). The GNWT also recommends a change in title from "Government and First Nations self screenings" to "Self-screenings by Gwich'in and Sahtu First Nations and Tłı̨chǫ Government."	
20	Section 3.1 - "When is a preliminary screening needed" Government and First Nation's self screenings; Footnote 9; MVRMA Subsection 124 (3) Page 13,	Section 3.1 explains the third type of screening (self screening by the Gwich'in First Nation, the Sahtu First Nation or the Tłı̨chǫ Government). Footnote 9 says that "This discretionary type of screening has never occurred since the MVRMA came into force. If used, this type of screening should generally follow the principles covered in these Guidelines." The MVRMA 124 (3) states: The Gwich'in First Nation, the Sahtu First Nation or the Tłı̨chǫ Government, as the case may be, may conduct a preliminary screening of a proposal for a development to determine whether to refer the proposal for an environmental assessment in accordance with paragraph 126(2) (b) or (c.) It is important that this type of screening is elaborated upon in the main text and not in a footnote.	The GNWT recommends that the Review Board explain within the text (not in a footnote), the third type of screening (discretionary screening) that can be conducted by the Gwich'in and Sahtu First Nations and by the Tłı̨chǫ Government per MVRMA subsection 124(3). The GNWT also recommends a change in title from "Government and First Nations self screenings" to "Self-screenings by Gwich'in and Sahtu First Nations and Tłı̨chǫ Government."	
21	Section 3.1 - "When is a preliminary screening needed" - suggestion for readability	In this section, the guidelines provide a definition for 'development,' however, the word has not been introduced prior in this section. The definition as a standalone highlighted section is important context for the text that follows, however as it is currently placed, it appears disjointed from the preceding paragraph. Introducing this word in the preceding paragraph would aid the readability, flow, and understanding of this section.	The GNWT recommends the introduction of the word 'development' in the introductory paragraph similar to how it is used in section 1 of the Preliminary Screening Requirement Regulations and provide the definition afterwards, e.g.: "The environmental impact assessment process in the Mackenzie Valley generally begins when an applicant applies for a regulatory authorization (such as a permit or licence) to carry out a development that requires a preliminary screening."	

			Another alternative is to define the word when it is first used in Section 2.	
22	Section 3.1 - "When is a preliminary screening needed" - suggestion for readability	In this section, the guidelines provide a definition for 'development,' however, the word has not been introduced prior in this section. The definition as a standalone highlighted section is important context for the text that follows, however as it is currently placed, it appears disjointed from the preceding paragraph. Introducing this word in the preceding paragraph would aid the readability, flow, and understanding of this section.	The GNWT recommends the introduction of the word 'development' in the introductory paragraph similar to how it is used in section 1 of the Preliminary Screening Requirement Regulations and provide the definition afterwards, e.g.: "The environmental impact assessment process in the Mackenzie Valley generally begins when an applicant applies for a regulatory authorization (such as a permit or licence) to carry out a development that requires a preliminary screening." Another alternative is to define the word when it is first used in Section 2.	
23	Section 3.3 - "Exemptions from preliminary screening", pp. 15-16, and section 10.2	This section does not mention developments that are exempt under section 2 or section 2.1 of the Exemption List Regulations, which speak to previous assessments under the MVRMA and predecessor legislation. These exemptions are discussed, however, in Section 10.2.	The GNWT recommends that the Review Board include a reference or footnote in Section 3.3 to Section 10.2.	
24	Section 3.3 - "Exemptions from preliminary screening", pp. 15-16, and section 10.2	This section does not mention developments that are exempt under section 2 or section 2.1 of the Exemption List Regulations, which speak to previous assessments under the MVRMA and predecessor legislation. These exemptions are discussed, however, in Section 10.2.	The GNWT recommends that the Review Board include a reference or footnote in Section 3.3 to Section 10.2.	
25	Section 3.3 - "Exemptions from preliminary screening." Page 15 Developments with manifestly insignificant impacts may be exempt from screening.	Some readers may be unclear on whether it is possible for a development that is exempt from preliminary screening to be referred to the Review Board for environmental assessment.	The GNWT recommends that the Guidelines clearly state that developments exempt from screening cannot be referred to EA.	
26	Section 3.3 - "Exemptions from preliminary screening." Page 15 Developments with manifestly insignificant impacts may be exempt from screening.	Some readers may be unclear on whether it is possible for a development that is exempt from preliminary screening to be referred to the Review Board for environmental assessment.	The GNWT recommends that the Guidelines clearly state that developments exempt from screening cannot be referred to EA.	
27	section 3.3 - "Exemptions from preliminary screening." "Governments are encouraged to describe classes of other types of developments and activities that may fit into this category of manifestly insignificant with accompanying rationales." Page 15	The process by which the descriptions of manifestly insignificant developments and activities are to be received by the Review Board is unclear. In addition, it's unclear what purpose submitting those descriptions will serve or if/how they will be reviewed, either by the Review Board itself or preliminary screeners.	The GNWT recommends that the Review Board clarify whether it expects to receive descriptions of manifestly insignificant developments and activities as part of an application for a development, the purpose of these descriptions, and if/by whom they will be reviewed.	

28	<p>section 3.3 - "Exemptions from preliminary screening." "Governments are encouraged to describe classes of other types of developments and activities that may fit into this category of manifestly insignificant with accompanying rationales." Page 15</p>	<p>ns of manifestly insignificant developments and activities are to be received by the Review Board is unclear. In addition, it's unclear what purpose submitting those descriptions will serve or if/how they will be reviewed, either by the Review Board itself or preliminary screeners.</p>	<p>The GNWT recommends that the Review Board clarify whether it expects to receive descriptions of manifestly insignificant developments and activities as part of an application for a development, the purpose of these descriptions, and if/by whom they will be reviewed.</p>	
29	<p>Section 4.2 Early community engagement. Page 18.</p>	<p>Although the guidelines refer to the Engagement Guidelines for Applications and Holders of Water Licences and Land Use Permits, it may also be useful to explain that engagement activities should be aligned with the proposed project. For example, for large, complex proposed projects, the level of engagement should be greater than smaller, less complex proposed projects. It may also be more beneficial for applicants to ask how potentially affected parties would like to be engaged.</p>	<p>The GNWT recommends that the guidelines indicate that the level of engagement should be greater based on the scale, context, and potential impacts of the proposed project. It may also be constructive to outline the best practice of asking potentially affected parties how to engage them in a reasonable and culturally appropriate manner.</p>	
30	<p>Section 4.2 Early community engagement. Page 18.</p>	<p>Although the guidelines refer to the Engagement Guidelines for Applications and Holders of Water Licences and Land Use Permits, it may also be useful to explain that engagement activities should be aligned with the proposed project. For example, for large, complex proposed projects, the level of engagement should be greater than smaller, less complex proposed projects. It may also be more beneficial for applicants to ask how potentially affected parties would like to be engaged.</p>	<p>The GNWT recommends that the guidelines indicate that the level of engagement should be greater based on the scale, context, and potential impacts of the proposed project. It may also be constructive to outline the best practice of asking potentially affected parties how to engage them in a reasonable and culturally appropriate manner.</p>	
31	<p>Section 4.3 - "Land Use Plans". Page 19 para 2</p>	<p>The text should be clearer that conformity determinations are only done for or legally binding land use plans (i.e., not for draft land use plans).</p>	<p>The GNWT recommends that the last sentence be changed to read: Screeners will use information in the se land use plans to ensure proposed developments conform to the plans, and will explain why they concluded that an application conforms or does not conform to the plan.</p>	
32	<p>Section 4.3 - "Land Use Plans". Page 19 para 2</p>	<p>The text should be clearer that conformity determinations are only done for or legally binding land use plans (i.e., not for draft land use plans).</p>	<p>The GNWT recommends that the last sentence be changed to read: Screeners will use information in the se land use plans to ensure proposed developments conform to the plans, and will explain why they concluded that an application conforms or does not conform to the plan.</p>	
33	<p>Section 4.3 - "Land Use Plans." Page 19 para 3</p>	<p>The GNWT's January 2021 comment still applies: The comment was: Information in publicly available draft land use plans, while not legally binding, can assist in preliminary screenings. A 2006 draft land use plan is publicly available for the Dehcho region, but was not approved by government.</p>	<p>The GNWT recommends the revision of paragraph 3 to state: Draft plans may assist developers and screeners. However, these plans are not legally binding and applications do not need to conform to these plans. Publicly available information developed through planning processes (e.g. reports from community engagement, background reports) may provide helpful information to screeners, such as interests of communities.</p>	
34	<p>Section 4.3 - "Land Use PI</p>	<p>The GNWT's January 2021 comment still applies: The comment was: Information in publicly available draft lan</p>	<p>The GNWT recommends the revision of paragraph 3 to state:</p>	

	ans." Page 19 para 3	d use plans, while not legally binding, can assist in preliminary screenings. A 2006 draft land use plan is publicly available for the Dehcho region, but was not approved by government.	Draft plans may assist developers and screeners. However, these plans are not legally binding and applications do not need to conform to these plans. Publicly available information developed through planning processes (e.g. reports from community engagement, background reports) may provide helpful information to screeners, such as interests of communities.	
35	Section 4.3 - "Land Use Plans." Page 19 para 3 & 4	January 2021 comment still applies. Para 2 describes the responsibility of screeners to complete a conformity determination against legally binding land use plans. Para 4 provides additional information on completing conformity determinations. Para 3 describes non legally binding plans, such as draft plans, which are not subject to conformity determinations. Suggest re-ordering paragraphs 3 and 4 to improve readability.	The GNWT recommends that the last sentence of Para 2 be deleted, as it is repeated in the first sentence of para 4. It is also recommended that the order of para 3 and para 4 be switched.	
36	Section 4.3 - "Land Use Plans." Page 19 para 3 & 4	January 2021 comment still applies. Para 2 describes the responsibility of screeners to complete a conformity determination against legally binding land use plans. Para 4 provides additional information on completing conformity determinations. Para 3 describes non legally binding plans, such as draft plans, which are not subject to conformity determinations. Suggest re-ordering paragraphs 3 and 4 to improve readability.	The GNWT recommends that the last sentence of Para 2 be deleted, as it is repeated in the first sentence of para 4. It is also recommended that the order of para 3 and para 4 be switched.	
37	Section 4.3 - "Land Use Plans" Page 19 para 4 - conformity checks	Regulators that issue authorizations should complete conformity determination with legally binding plans. This would include not only Land and Water Boards, but all regulators (including governments).	The GNWT recommends the revision of para 4 to state: During preliminary screening, screeners (e.g. Land and Water Boards) will consult legally binding land use plans to check if development applications conform with the plans. A screener may also refer a development application to the Sahtu Land Use Planning Board or the Gwich'in Land Use Planning Board for a determination on conformity with the Sahtu or Gwich'in land use plans. Screeners should include the relevant Land Use Planning Board or Tłı̨chǫ Government on the distribution list during public reviews of development proposals. Screeners must ensure that the development still conforms with the applicable land use plan(s) if the development changes or proposed mitigations change during preliminary screening.	
38	Section 4.3 - "Land Use Plans" Page 19 para 4 - conformity checks	Regulators that issue authorizations should complete conformity determination with legally binding plans. This would include not only Land and Water Boards, but all regulators (including governments).	The GNWT recommends the revision of para 4 to state: During preliminary screening, screeners (e.g. Land and Water Boards) will consult legally binding land use plans to check if development applications conform with the plans. A screener may also refer a development application to the Sahtu Land Use Planning Board or the Gwich'in Land Use Planning Board for a determination on conformity with the Sahtu or Gwich'in land use plans. Screeners should include the relevant Land Use Planning Board or Tłı̨chǫ Government on the distribution list during public reviews of development proposals. Screeners must ensure that the development still conforms with the applicable land use plan(s) if the development changes or proposed mitigations change during preliminary screening.	

39	Section 4.3 - "Land Use Plans." Page 19 third paragraph	The first sentence of the third paragraph is missing the word "to" after "screeners."	The GNWT recommends the addition of the word "to" after "screeners"	
40	Section 4.3 - "Land Use Plans." Page 19 third paragraph	The first sentence of the third paragraph is missing the word "to" after "screeners."	The GNWT recommends the addition of the word "to" after "screeners"	
41	Section 4.3 - "Land Use Plans." Page 19 third paragraph	The final sentence of the third paragraph is too narrow and isn't essential.	The GNWT recommends either the broadening of this sentence to indicate that a draft land use plan or any available information to prepare a land use plan may help screeners or delete this sentence.	
42	Section 4.3 - "Land Use Plans." Page 19 third paragraph	The final sentence of the third paragraph is too narrow and isn't essential.	The GNWT recommends either the broadening of this sentence to indicate that a draft land use plan or any available information to prepare a land use plan may help screeners or delete this sentence.	
43	Section 4.3 - "Land Use Plan." Page 19 fourth paragraph	The final sentence of the fourth paragraph inaccurately indicates that only Land and Water boards need to ensure conformity with a land use plan if the development changes or proposed mitigations change. All regulatory authorities who conduct a preliminary screening, and a separate conformity check, need to ensure this.	The GNWT recommends the broadening of this sentence to apply to all regulatory authorities.	
44	Section 4.3 - "Land Use Plan." Page 19 fourth paragraph	The final sentence of the fourth paragraph inaccurately indicates that only Land and Water boards need to ensure conformity with a land use plan if the development changes or proposed mitigations change. All regulatory authorities who conduct a preliminary screening, and a separate conformity check, need to ensure this.	The GNWT recommends the broadening of this sentence to apply to all regulatory authorities.	
45	4.4 - "Screening the whole development," Page 19, and "Cumulative Effects," Page 33	The scope of screenings should go beyond the whole development and consider the regional context of the proposed development in order to gain a better understanding of the potential impacts associated with the proposed project. This will provide the screener with an understanding of the cumulative impacts associated with other developments in the region that may also affect the environment. The concept of including cumulative effects in a screening is mentioned in Sections 6, 7.2 and 8 but it would be beneficial if the concept of considering cumulative effects is presented earlier in the document.	The GNWT recommends that the text in the first paragraph of Section 4.4 be amended to include the additional underlined text so that the sentence reads: "In other words, the screener must not focus only on impacts related to the specific authorization being applied for, or the screener's specific regulatory responsibilities, but must look at potential impacts from the whole development, including cumulative effects." This change would introduce the concept of cumulative effects early on in the document.	
46	4.4 - "Screening the whole development," Page 19, and "Cumulative Effects," Page 33	The scope of screenings should go beyond the whole development and consider the regional context of the proposed development in order to gain a better understanding of the potential impacts associated with the proposed project. This will provide the screener with an understanding of the cumulative impacts associated with other developments in the region that may also affect the environment. The concept of including cumulative effects in a screening is mentioned in Sections 6, 7.2 and 8 but it would be beneficial if the concept of considering cumulative effects is presented earlier in the document.	The GNWT recommends that the text in the first paragraph of Section 4.4 be amended to include the additional underlined text so that the sentence reads: "In other words, the screener must not focus only on impacts related to the specific authorization being applied for, or the screener's specific regulatory responsibilities, but must look at potential impacts from the whole development, including cumulative effects." This change would introduce the concept of cumulative effects early on in the document.	
47	Section 4.4 - "Screening th	The example provided in section 4.4 is vague and leaves questions such as what are other potential "aspects	The GNWT recommends the inclusion of an example of a likely development scenario that would include a str	

	e whole development"	of the development, including its other parts and activities." Additional detail would make this section more helpful to readers. This in turn could aid applicants in providing more thorough descriptions of activities and potential impacts knowing what is considered in a preliminary screening.	eam crossing authorization, including examples of other 'parts and activities.'	
48	Section 4.4 - "Screening the whole development"	The example provided in section 4.4 is vague and leaves questions such as what are other potential "aspects of the development, including its other parts and activities." Additional detail would make this section more helpful to readers. This in turn could aid applicants in providing more thorough descriptions of activities and potential impacts knowing what is considered in a preliminary screening.	The GNWT recommends the inclusion of an example of a likely development scenario that would include a stream crossing authorization, including examples of other 'parts and activities.'	
49	Section 4.7 - "Traditional Knowledge". Page 24.	The absence of pre-existing Indigenous Knowledge studies does not necessarily mean that Indigenous Knowledge of the area is not available. There are relatively few studies based on Indigenous Knowledge for a variety of reasons that are publicly available. However, this knowledge can and should be gathered through primary research to ensure help ensure that potential impacts can be identified and mitigated.	The GNWT recommends that the Review Board consider adding wording regarding undertaking Indigenous Knowledge studies if none are available for the area where the proposed development would be located. The depth and breadth of studies should depend on the size, scope, and complexity of proposed development. Alternatively, many Indigenous governments and Indigenous organizations have developed Indigenous Knowledge archives that the applicant could request access to in order to prepare their application.	
50	Section 4.7 - "Traditional Knowledge". Page 24.	The absence of pre-existing Indigenous Knowledge studies does not necessarily mean that Indigenous Knowledge of the area is not available. There are relatively few studies based on Indigenous Knowledge for a variety of reasons that are publicly available. However, this knowledge can and should be gathered through primary research to ensure help ensure that potential impacts can be identified and mitigated.	The GNWT recommends that the Review Board consider adding wording regarding undertaking Indigenous Knowledge studies if none are available for the area where the proposed development would be located. The depth and breadth of studies should depend on the size, scope, and complexity of proposed development. Alternatively, many Indigenous governments and Indigenous organizations have developed Indigenous Knowledge archives that the applicant could request access to in order to prepare their application.	
51	Section 4.5 - "Screening potential impacts on the whole environment". Page 22.	As noted on page 17 "Preliminary screening is often completed within the overall time period allowed for the authorization review and decision (such as issuance)." Parties providing input to Land and Water Boards on land use permit applications, for example, are often required to provide, within the same proceeding, comments to inform a Land and Water Board's preliminary screening decision as well as that Board's potential subsequent regulatory decision. The sentence on page 22 that "Preliminary screening is part of the environmental impact assessment process that precedes any regulatory action" may create confusion for some readers in this regard.	The GNWT recommends adding a footnote on page 22 that acknowledges that preliminary screening precedes regulatory action, but that screeners often gather input for their preliminary screening and regulatory decisions at the same time, in a single proceeding.	
52	Section 4.5 - "Screening potential impacts on the whole environment". Page 22.	As noted on page 17 "Preliminary screening is often completed within the overall time period allowed for the authorization review and decision (such as issuance)." Parties providing input to Land and Water Boards on land use permit applications, for example, are often required to provide, within the same proceeding, comments to inform a Land and Water Board's preliminary screening decision as well as	The GNWT recommends adding a footnote on page 22 that acknowledges that preliminary screening precedes regulatory action, but that screeners often gather input for their preliminary screening and regulatory decisions at the same time, in a single proceeding.	

		s that Board's potential subsequent regulatory decision. The sentence on page 22 that "Preliminary screening is part of the environmental impact assessment process that precedes any regulatory action" may create confusion for some readers in this regard.		
53	Section 5.2 - "Public Review"	The GNWT recognizes that the Land Water Boards and the Review Board are currently updating their consultation and engagement guidance materials, with input from public governments, Indigenous governments, and others. This section could be strengthened by explaining how the duty to consult is discharged and what the consultation process looks like, including the text on the ORS "The Crown relies on the Review Board's process as the primary means to fulfill its duty to consult with Indigenous Peoples and, if appropriate, accommodate potential adverse impacts to asserted or established Aboriginal and/or Treaty rights resulting from any decisions by the federal government, territorial government, or Review Board in relation to this review item."	The GNWT recommends that the Review Board consider including more information in this section on how the duty to consult is discharged for preliminary screenings.	
54	Section 5.2 - "Public Review"	The GNWT recognizes that the Land Water Boards and the Review Board are currently updating their consultation and engagement guidance materials, with input from public governments, Indigenous governments, and others. This section could be strengthened by explaining how the duty to consult is discharged and what the consultation process looks like, including the text on the ORS "The Crown relies on the Review Board's process as the primary means to fulfill its duty to consult with Indigenous Peoples and, if appropriate, accommodate potential adverse impacts to asserted or established Aboriginal and/or Treaty rights resulting from any decisions by the federal government, territorial government, or Review Board in relation to this review item."	The GNWT recommends that the Review Board consider including more information in this section on how the duty to consult is discharged for preliminary screenings.	
55	General - Significant adverse impacts	Throughout the text the terms significant impacts and significant adverse impacts are used interchangeably. However, a significant impact may be positive or negative and thus the text is unclear. In particular, the text on page 37 states "If the screener concludes that it is true that a proposed development might cause significant impacts or public concern, then the screener must refer the development to EA." If a significant positive impact might occur this should not instigate a referral to an environmental assessment.	The GNWT recommends that terminology be corrected to 'significant adverse impacts' not 'significant impacts' throughout the guideline where appropriate.	
56	General - Significant adverse impacts	Throughout the text the terms significant impacts and significant adverse impacts are used interchangeably. However, a significant impact may be positive or negative and thus the text is unclear. In particular, the text on page 37 states "If the screener concludes that it is true that a proposed development might cause significant impacts or public concern, then the screener must refer the development to EA." If a signifi	The GNWT recommends that terminology be corrected to 'significant adverse impacts' not 'significant impacts' throughout the guideline where appropriate.	

		cant positive impact might occur this should not instigate a referral to an environmental assessment.		
57	General - Typo in the third paragraph of page 35	The final 'r' is missing from 'consider' in the following text: The MVRMA specifies that the EIA process must consider the concerns..."	The GNWT recommends that the the word "conside" be corrected to "consider".	
58	General - Typo in the third paragraph of page 35	The final 'r' is missing from 'consider' in the following text: The MVRMA specifies that the EIA process must consider the concerns..."	The GNWT recommends that the the word "conside" be corrected to "consider".	
59	Section 7.2 - "Role of the applicant in identifying public concern." Page 34	In the first sentence under this heading, the unqualified reference to addressing public concerns inaccurately implies that all public concerns must be addressed.	The GNWT recommends the addition of the words "if appropriate," before "address."	
60	Section 7.2 - "Role of the applicant in identifying public concern." Page 34	In the first sentence under this heading, the unqualified reference to addressing public concerns inaccurately implies that all public concerns must be addressed.	The GNWT recommends the addition of the words "if appropriate," before "address."	
61	Section 7.2 - "Role of the applicant in identifying public concern." Page 34 point #1	The first sentence under point #1 is uses "was" twice.	The GNWT recommends the deletion of the second use of "was."	
62	Section 7.2 - "Role of the applicant in identifying public concern." Page 34 point #1	The first sentence under point #1 is uses "was" twice.	The GNWT recommends the deletion of the second use of "was."	
63	Section 9.1 - "How the 10-day pause period works." Page 39	In the GNWT's view, referrals by MVEIRB, GNWT or any other referral authority should be made before the end of the 10 day pause period, to reduce uncertainty and delays in MVRMA regulatory processes. Section 4.8 (page 25) in the draft guidelines encourages screeners to make timely screening determinations, but there is no corresponding discussion encouraging timely referral decisions.	GNWT recommends that the Review Board amend the paragraph on page 39 to indicate that any s. 126(2) referral organization or the Review Board that may decide to refer a development to EA, or in the case of the Review Board, order an EA on its own motion, should do so before the end of the ten day pause period. The guidelines should note and highlight the obligation in MVRMA ss. 115(1) that all parts of the environmental impact assessment process be conducted "in a timely and expeditious manner." The Board may also wish to include references to the timeliness provisions in the Gwich'in, Sahtu, and the Tłı̨chǫ agreements. The GNWT is available to participate in further discussion about this matter, as required.	
64	Section 9.1 - "How the 10-day pause period works." Page 39	In the GNWT's view, referrals by MVEIRB, GNWT or any other referral authority should be made before the end of the 10 day pause period, to reduce uncertainty and delays in MVRMA regulatory processes. Section 4.8 (page 25) in the draft guidelines encourages screeners to make timely screening determinations, but there is no corresponding discussion encouraging timely referral decisions.	GNWT recommends that the Review Board amend the paragraph on page 39 to indicate that any s. 126(2) referral organization or the Review Board that may decide to refer a development to EA, or in the case of the Review Board, order an EA on its own motion, should do so before the end of the ten day pause period. The guidelines should note and highlight the obligation in MVRMA ss. 115(1) that all parts of the environmental impact assessment process be conducted "in a timely and expeditious manner." The Board may also wish to include references to the timeliness provisions in the Gwich'in, Sahtu, and the Tłı̨chǫ agreements. The GNWT is available to participate in further discussion about this matter, as required.	

65	Page 40, footnote 59	The MVRMA reference in this footnote is not correct.	The GNWT recommends that the text in footnote 59 be revised to read "See sections 125 (1.3) and 125 (5) of the MVRMA."
66	Page 40, footnote 59	The MVRMA reference in this footnote is not correct.	The GNWT recommends that the text in footnote 59 be revised to read "See sections 125 (1.3) and 125 (5) of the MVRMA."
67	Page 40, footnotes 60-64	There appears to be a mismatch between the text and the numbers of footnotes 60-64.	The GNWT recommends that footnote 60 read "See section 126 of the MVRMA" and that the current footnotes 60-63 be renumbered as footnotes 61-64.
68	Page 40, footnotes 60-64	There appears to be a mismatch between the text and the numbers of footnotes 60-64.	The GNWT recommends that footnote 60 read "See section 126 of the MVRMA" and that the current footnotes 60-63 be renumbered as footnotes 61-64.
69	Page 41, footnote 67	This footnote inaccurately implies that other than the screener, only the Review Board can refer changes to a project to EA and also inaccurately implies that a minor change to a project could not result in referral to environmental assessment.	The GNWT recommends the deletion or amendment of this footnote to indicate that though any change in a project could result in referral to EA by any party with that power, including the Review Board, more major changes are more likely to result in referral to EA.
70	Page 41, footnote 67	This footnote inaccurately implies that other than the screener, only the Review Board can refer changes to a project to EA and also inaccurately implies that a minor change to a project could not result in referral to environmental assessment.	The GNWT recommends the deletion or amendment of this footnote to indicate that though any change in a project could result in referral to EA by any party with that power, including the Review Board, more major changes are more likely to result in referral to EA.
71	Section 10.2, Page 42	The second sentence of 10.2 is missing the word "are" after "project."	The GNWT recommends the addition of the word "are" after "project."
72	Section 10.2, Page 42	The second sentence of 10.2 is missing the word "are" after "project."	The GNWT recommends the addition of the word "are" after "project."
73	Section 11 - "MVRMA amendments not in force". Page 43	This section states that some amendments related to the 10 day pause period are not in force. As far as the GNWT is aware, all provisions related to the 10 day pause period are in force.	The GNWT recommends that the Review Board specify which provisions related to the 10 day pause period are not in force, or remove this statement if all the provisions are in force.
74	Section 11 - "MVRMA amendments not in force". Page 43	This section states that some amendments related to the 10 day pause period are not in force. As far as the GNWT is aware, all provisions related to the 10 day pause period are in force.	The GNWT recommends that the Review Board specify which provisions related to the 10 day pause period are not in force, or remove this statement if all the provisions are in force.
75	General - Acronyms. Page 44.	The first time an acronym appears it should be spelled out in full. In Appendix A the acronyms GNWT ENR and GNWT INF appear without being fully defined. While it is unlikely that readers are unfamiliar with these acronyms, using the full name would better match style and grammar guidelines.	The GNWT recommends using the full name instead of acronyms in Appendix A for GNWT ENR and GNWT INF.
76	General - Acronyms. Page 44.	The first time an acronym appears it should be spelled out in full. In Appendix A the acronyms GNWT ENR and GNWT INF appear without being fully defined. While it is unlikely that readers are unfamiliar with these acronyms, using the full name would better match style and grammar guidelines.	The GNWT recommends using the full name instead of acronyms in Appendix A for GNWT ENR and GNWT INF.
77	Appendix A	The GNWT's Industry, Tourism & Investment (ITI) should be included in the list of preliminary screeners. ITI is a preliminary screener for the establishment of parks under the Territorial Parks Act (TPA). The creation of a territorial park is a "development" under the definition of that term in s.111 of the	The GNWT recommends that ITI be included in the list of preliminary screeners.

		e MVRMA. Under s. 124(2), a preliminary screening is required for the creation of a territorial park unless ITI is of the view that its creation would be manifestly insignificant.		
78	Appendix A	The GNWT's Industry, Tourism & Investment (ITI) should be included in the list of preliminary screeners. ITI is a preliminary screener for the establishment of parks under the Territorial Parks Act (TPA). The creation of a territorial park is a "development" under the definition of that term in s.111 of the MVRMA. Under s. 124(2), a preliminary screening is required for the creation of a territorial park unless ITI is of the view that its creation would be manifestly insignificant.	The GNWT recommends that ITI be included in the list of preliminary screeners.	

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
MVLWB - Angela Plautz				
1	p. 6 "to establish the Review Board as the main instrument in the Mackenzie Valley for the environmental assessment and an environmental impact review of developments"	Previous review identified "an" in front of environmental impact review and suggested that it should be deleted.	Consider if this statement requires a revision.	
2	"License" (p g.22)	The Guidelines have been revised to reflect that the MVRMA uses "licence" rather than "license".	Recommend the change be made throughout.	
3	term "Developer" (s4.4, 10.2)	The revised Guidelines more closely reflect that many applicants are not developers (e.g. community governments, remediation departments, etc.).	Recommend "applicant" or "licensee/permittee" as appropriate throughout, including replacing "proponent".	
4	p. 26 "Indigenous Governments and communities" and "Indigenous groups and communities", p. 27 "Indigenous Government Organizations", etc.	Previous review noted that the Guideline also uses "Indigenous Governments and Organizations". In guidance, the LWBs have been using the term "Indigenous Governments and organizations".	Suggest consistency, as applicable, throughout the Guidelines.	
5	Footnote 35	Extra period at the end of the footnote.	Consider revision.	
6	p.28 "non-water subject s..."	Previous review noted that this is an uncommon term and it is unclear what is being referred to.	Suggest more clarity be provided about this uncommon term.	
7	p.34 "or was concern was not raised"	Grammar issue.	Consider if this statement requires a revision.	
8	Footnotes 60 and 61	Previous review noted that the MVRMA does not use "adverse" in these clauses.	Does the impact need to be adverse for a referral to EA? e.g. s126(2)(b-d) does not specify that the impact must be adverse?	
9	10. Screening Development "Amendments"	Previous review noted that the Guide refers to "Screening Development Amendments" and to project changes as amendments. To avoid confusion, the LWBs attempt to only use the term "amendment" specifically in regard to the amendment of an authorization. Therefore, a change to a development would not be considered an amendment unless an amendment ap	Suggest revision to a term that may not be confused with the legislated amendment process, such as development/project "change" or "update".	

		plication (permit and/or licence) were required.		
10	pg. 5 First sentence: "Preliminary Screening is a vital yet challenging part..."	Should it be "challenging yet vital"?	Consider revision.	
11	Section 3.3	Should "as follows" be italicized?	Consider revision.	
12	Section 4.1	The additional text regarding intent of screening (s4.1) is appreciated.	n/a	
13	s4.3 "Applicants are encouraged to consult land use plans and engage with Land Use Planning Boards and the Th̄ç h̄ q̄ Government before submitting an application for a proposed development."	Applicants might think they need to contact all?	Consider adding in "as applicable" or something similar.	
14	s4.3 "Screeners should include Land Use Planning Boards on the distribution list"	same as above comment (contact applicable Board). Also, the TG should be included here.	Consider revision.	
15	pg. 20 Transregional developments: "engagement should occur with Indigenous groups and other potentially affected parties in both jurisdictions."	Hypothetically, a development could affect more than 2 jurisdictions (e.g. bottom corner of the NWT)	Suggest revision (e.g. any/all applicable jurisdictions)	
16	pg. 39 last paragraph	grammar issue ("the Review Board may decide may refer"	Suggest revision.	
17	Definition	While it is understood that the legislation refers to 'developments' rather than 'projects,' project is used in a number of places in the document. The LWBs have been using the term project rather than development or undertaking, because it is a more commonly used and recognized term. The LWBs' approach has been to clarify the link to the legislated terminology in a definition.	Suggest that a definition or clarification for the term 'project' could be added, and then it could be used consistently throughout the majority of the document.	
18	Section 2.1	"These principles require screeners to protect the land and people by considering a wide range of impacts from a development, including environmental, social, and cultural impacts."	Suggest that this wording overstates the role and power of screeners. Consider 'These principles require screeners to consider a wide range of impacts from development, including environmental, social, and cultural impacts in order to make decisions in the interest of protecting the land and people.' or similar.	
19	pg. 9 Analysis by screener	This step includes 'list impacts and mitigations' but there is no analysis component to this step, despite the title of this line.	For the screener to write reasons for decision, which is the next step in the table, the screener must apply some sort of analysis/evaluation. Suggest 'list and consider impacts and mitigations.'	
20	Section 4.1, fi	This paragraph says: "Screenings ar	Should this say both the environmen	

	rst paragraph	e intended to be an initial scan of a proposed development's potential impacts on the environment."	t and people?	
21	Section 4.6	This section does not mention proposed mitigations as part of the information screeners should have access to when conducting a screening.	Suggest including proposed mitigations.	
22	Section 5.2	While this section describes that screeners rely on the input from parties, it does not make the connection between this input and how the screener determines whether the identified impacts might be significant or might be a cause for public concern. As stated in section 7.3, 'Significant adverse impacts are those that would be unacceptable if they are not avoided or reduced, and include ecological, socio-economic and cultural impacts,' and input from parties is be a key component of determining what impacts would be unacceptable. Can more guidance be added around determining the weight and relative importance (priority) of individual comments?	More guidance if possible.	
23	pg. 38	"From this point, no authorizations for work related to the development may be issued before the requirements of Part 5 of the MVRMA have been complied with. Any permits for early works related to a project that is in environmental assessment still require preliminary screening as described in section 62 of the MVRMA." These two sentences seem contradictory, and no further information is provided. Unclear if this intended to mean that authorizations could be issued for project activities that are not included in the scope of the EA. Note that the scope of such an authorization would be quite limited if the project is screened, and consequently referred, as a whole. 'Early works' could imply that preliminary construction and set-up activities could be authorized while the project is in EA, which does not seem logical given that early works activities might not line up with changes to the proposed project that could occur during the EA proceeding.	Suggest clarifying the difference between 'work related to the development' and 'early works related to a project' in the context of an application that has been referred to EA, or otherwise clarifying the intent and application of these two statements.	
24	Section 9	n/a	For better flow, suggest the last paragraph of section 9 be moved to the beginning of section 9.1 to clearly link the submission of the preliminary screening report to the initiation of the pause period.	
25	Section 10.1	This section initially only states that projects that have gone through an EA don't require further screening unless changes are proposed. Later on in the section, screeners are directed to focus on impacts of activities not previously screened or assessed when screening proposed changes.	Recommend consistency to ensure it is clear that activities and impacts that have already met the requirements of Part 5 through either screening or EA (not just EA) do not need to be rescreened.	
26	Section 10	The titles in this section are confusing. It is unclear why 'development changes' and 'development amendments' are used in the title of section 10.1 and the title of section 10.2, respectively. Secondly, Section 10.2 is titled 'Screening development amendments that have gone through EA,' but the text then explains that the changes that n	Suggest that the titles for this section be reviewed and revised. Suggest that the scenarios in section 10.1 and 10.2 be more clearly differentiated.	

		<p>eed screening were not considered in the original screening or EA. The text in this section is about screening changes to projects that have gone through EA or been screened; the changes themselves have not yet been assessed, so the title is misleading.</p> <p>Further, it seems as though sections 10.1 and 10.2 are supposed to differentiate between two different scenarios, but both sections describe screening project changes that were not already considered in a previous screening or EA for the project. It is unclear if section 10.1 is supposed to be about changes proposed after an authorization is already in place, while section 10.2 is about changes that are proposed after the screening or EA but before an authorization is issued. Section 10.1 does have a paragraph about changes that are made after a screening but before the authorization is issued though, which doesn't seem to fit with this interpretation.</p>		
27	Climate Change	Climate change is only mentioned as a consideration in the context of screening project changes in section 10.1. This should also be considered in the initial assessment of projects.	Suggest that consideration of climate change be incorporated into the factors that screeners should consider in determining whether potential impacts might be significant (e.g., section 7.1).	
28	References to documents	n/a	LWB documents are regularly under going update. We suggest that the footnote references for these just link to our policies and guidelines page, instead of linking to specific documents.	

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
Sambaa Ke First Nation (SKFN; Trout Lake) - Ms. Jessica Jumbo				
1		SKFN Comments		
2	Section 3.3, heading "Developments with manifestly insignificant impacts may be exempt from screening"	It would be helpful to describe what options exist to reviewers such as SKFN if they disagree with the screener's designation of a project as "manifestly insignificant". For example, if SKFN feels the GNWT has not given due consideration to a cultural value or community concern about a development activity and would like preliminary screening to occur.	Please describe what recourse exists if there is disagreement on designating a development insignificant.	
3	Page 15, bulleted list	In the other bulleted points you are using a comma to separate the bullets. Here there is a semi-colon. Change for consistency.	Be consistent in the formatting.	
4	4.2 Early community engagement	The guidelines should clearly identify that many Indigenous groups and communities have their own engagement policies. The Guidelines should state their support for applicants to adhere to local policies when consulting and collaborating with potentially affected Indigenous groups or communities.	The guidelines should clearly identify that many Indigenous groups and communities have their own engagement policies. The Guidelines should state their support for applicants to adhere to local policies when consulting and collaborating with potentially affected Indigenous groups or communities.	
5	4.2 Early community engagement	SKFN would like to see a more direct link to the engagement standards of the different Boards. This includes a list of what types of engagement "must be completed by the applicant before the start of the preliminary screening". SKFN receives little pre-engagement by applicants; engagement typically occurs after the application process has begun - after preliminary screening.	Add a list of the engagement requirements that must occur by the applicant prior to the start of preliminary screening.	
6	4.3 Land Use	Grammar: "The draft Dehcho land us	Change to "The draft Dehcho land u	

	Plans	e plan can assist screeners conduct preliminary screenings in the Dehcho region."	se plan can assist screeners conducting preliminary screenings in the Dehcho region."	
7	4.3 Land Use Plans	SKFN would like to see more active application of the Dehcho land use plan as a filter for preliminary screening. The established land use zones provide a clear list of acceptable activities within each region of the Dehcho. Activities or applications that do not adhere to the Draft plan are likely to be a cause of public concern to Dehcho Assembly communities and peoples and warrant an additional level of scrutiny before authorizations can be explored.	Actively use the Draft Dehcho land use plan as a proxy of public concern. Where an activity does not conform to the Draft plan, it should be considered with a higher degree of sensitivity relative to the use of the "might test" and precautionary approach, as described in this document.	
8	4.4 Screening the whole development	This is a helpful description. Please also include guidance against project splitting to support the notion that preliminary screening must assess the "whole" development, including other activities required for the development to proceed. Please also include an example relative to community well-being or impacts to socio-economic or culturally valued components. These components are more challenging and more easily looked over during preliminary screenings, but have critical importance to SKFN and equal weighting under the MVRMA as biophysical concerns. This is also the first place in the document where the comprehensive nature of an assessment appears. It is therefore a good point to point out that preliminary screeners must pay attention to social, cultural, or economic impacts.	1. Please also include guidance against project splitting to support the notion that preliminary screening must assess the "whole" development, including other activities required for the development to proceed. 2. Please also include an example relative to community well-being or impacts to socio-economic or culturally valued components.	
9	4.5 Screening potential impacts on the whole environment	The MVRMA definition of environment should be added to the glossary. This definition is more encompassing than the term "environment" normally implies. It is important that applicants are aware of the broader focus and standard that they must apply.	Please add the MVRMA definition of environment to the glossary.	
10	4.5 Screening potential impacts on the whole environment	Grammar - second paragraph, add a period between "impacts They".	Grammar - second paragraph, add a period between "impacts They".	
11	4.5... Social, Cultural, and Economic Considerations	Be consistent in the use of "socioeconomic" and "socio-economic".	Be consistent in the use of "socioeconomic" and "socio-economic".	
12	4.5... Social, Cultural, and Economic Considerations	Guidance lacking on how to determine whether a community may or may not be affected by a project. This is an important element for a preliminary screener that will establish the extent of potential effects a project may have on social, economic, and cultural well-being. It is important that screeners can apply a similar standard in determining how far afield project impacts may occur. For example - when to consider a singular community or sub-community, versus when to consider regional impacts and multiple communities, or even multiple regions (e.g., in the case of broad employment needs).	Provide guidance on, or a link to a source that provides guidance on how to select whether a community is affected by a proposed development.	
13	4.5... Social, Cultural, and Economic Considerations	Bullet points: Some of these points require a fair bit of work from the applicant to do properly, and a decent level of analysis by the screener. This does not immediately jive with the earl	There needs to be a clear delineation in expectations for the preliminary screener for a good level of analysis versus going too light or in depth. The information being sought requires	

		<p>ier guidance that this should be a quick triage of issues and not an in-depth 'mini-EA'.</p> <p>Also, please add a bullet on the consideration of traditional knowledge and local input about potential project impacts and interactions with socially and culturally valued components. This is especially valid where the development/proposal MIGHT have a cultural or social adverse impact due to project-community VC interactions.</p>	<p>a familiarity and level of experience with socio-economic impacts that preliminary screeners are not required to have. Absent specific check-lists or a "how to" guide for each point, the level of assessment for each bullet point is likely to vary widely based on the individual reviewer. Those lacking experience in socio-economic impact assessments require more guidance to enable a more consistent review and consideration of social, cultural, and economic considerations.</p>	
14	4.5... Social, Cultural, and Economic Considerations	<p>Final sentence of section (page 22). Please specifically reference the "Review Board" as a regulating authority that screeners may seek input from.</p>	<p>Final sentence of section (page 22). Please specifically reference the "Review Board" as a regulating authority that screeners may seek input from.</p>	
15	4.6... Requirements for large-scale vs small-scale developments	<p>Grammar: "... applying a new or unproven technology..." OR "... applying new or unproven technologies..."</p>	<p>Grammar: "... applying a new or unproven technology..." OR "... applying new or unproven technologies..."</p>	
16	4.6... Requirements for large-scale vs small-scale developments	<p>Unnecessarily constrictive wording to suggest a screener may ask, "in such cases", for applicants to provide more info. It implies that a screener should not typically ask for more info if they feel information is lacking - that they can only defend such a request if the project has a designated risk level. This may be a more selective interpretation of the text, but it is one that can be made. Efforts should be taken, therefore, to prevent such a narrow interpretation are made.</p>	<p>Swap around sentences for better effect and generability to: "The information required by preliminary screeners will vary, depending on the potential impacts, issues, and concerns associated with each development proposal. The screener can ask an applicant to submit more detailed information to assist both the public in its review and the screener in their decision making. For example, larger scale developments, developments near or in sensitive areas, and developments applying new or unproven technologies should be subject of a higher level of scrutiny."</p>	
17	4.7 Traditional knowledge	<p>Additional attention to the meaningful use of traditional knowledge is recommended. There should be clear guidance on the standard of TK being sought in preliminary screening. It is most important that TK is being provided and used in a culturally appropriate and meaningful context. The applicant and screener should be aware of, and respectful to, relevant TK policies of individual Indigenous communities. The screener has a further responsibility to ensure that TK used by a third party is being used appropriately.</p>	<p>Please describe appropriate quality control measures for applicants and screeners to apply to ensure traditional knowledge is being considered meaningfully and in an appropriate context.</p>	
18	4.8 Complete the preliminary screening early for complex developments	<p>First reference to the "might test" should be in 'single' or "double" quotations as the concept has not yet been introduced.</p>	<p>First reference to the "might test" should be in 'single' or "double" quotations as the concept has not yet been introduced.</p>	
19	4.8 Complete the preliminary screening early for complex developments	<p>Cautionary forewarning - the document says "If the screening decision is very difficult for the screener to make, that usually indicates that the application should be referred to environmental assessment." However, as in the case of the social, economic, or cultural considerations, screeners do not always have the appropriate background to make these determinations quickly or confidently. In such cases, the screener's decision will almost always be difficult. It would not be advisable though to refer all cases where social, cultural or economic considerations exist to an EA. The preceding sentence applies elements of the precautionary principle. It may be more helpful to phrase the language</p>	<p>Consider rephrasing or introducing the concept of the precautionary approach in the paragraph starting "The preliminary screener may discover... referred to environmental assessment."</p>	

		here in the context of using a precautionary approach.		
20	5. Notification, coordination, and public review	Use of the word "might". This is a generic word in the English language; its use in the context of the 'might test' should be easily differentiated from its use as a modal verb. Suggest either italicizing it or putting it in double quotations to make the reference obvious and deliberate.	When using the word "might" in the context of the "might test", please consistently italicize "might" or put it in "double quotations" to make the reference obvious and deliberate.	
21	6. Describing potential impacts and mitigations	Would be helpful for Indigenous communities and Nations to know how their comments and submissions, if provided, will be used. For example - if the reviewer is required to report on the information received and how it was considered in their preliminary assessment. The document makes it clear that the reviewer should consult a broad range of experts, including the public. However, the document does not specify the Reviewer's obligations to meaningfully represent all of the data. Consultation can range from passive listening to active collaboration. It would be helpful to specify the standard of consultation that a screener will use. Related to this is the ability to confirm that information provided to the reviewer has been used in an appropriate context and how disagreements between traditional knowledge and western knowledge will be resolved.	Please add a description of: 1. how Indigenous group and community submissions will be used to inform decision-making; and 2. what quality assurances are in place for Indigenous groups and communities to ensure their input was used in an appropriate context.	
22	7. How to carry out the "might test"	Text box - use of the term "local government". While this term is explained in the glossary, it is nonetheless helpful to point out that a "local government" does not include an Indigenous group or community (excluding Tłı̨ch̓ communities). Small Indigenous communities may risk interpreting this section as screening obligations for an application within its traditional territories as opposed to the town's municipal boundary. This is an important distinction to make when using "likely" instead of "might" as the threshold test for triggering an EA.	Briefly clarify what is and is not a local government (and by extension, its boundary).	
23	7.1 Determining if there might be significant impacts	The writeup recommends erring on the side of caution and referring an application to EA. It would be helpful to provide some context by way of statistics on how many applications typically qualify for an EA. As stated, it seems like it is a lot. As worded it may scare developers to err generously on the side of ideal outcomes and futures. In doing so, potential project impacts or interactions with important valued components may be glossed over or omitted. It may prove more helpful to rephrase this in the context of the precautionary principle. There is useful wording from the TASR Report (section 4.4) on the Board's application of the precautionary principle/approach that could be paraphrased here. Of particular relevance in the TASR writeup is the application of the precautionary principle in any instance where these factors occur. Coupled with that, the deliberate identification by the decision-maker of their use of the PP.. Edit: Precautionary considerations are described in section 8 on page 37.	Considering providing some context to the write-up by listing the percentage of applications that trigger an EA. Consider rephrasing the sentence "If there are doubts, the developments should be referred to the Review Board for environmental assessment" to the context of applying a precautionary approach when determining the level of significance of an adverse impact.	

		Can foreshadow here and use the same language.		
24	7.1 Determining if there might be significant impacts	Final paragraph should be highlighted and presented up front. It is a critical nuance that use of the "might test" is intended for assessing the significance of an impact. This should be clear from the get go.	Final paragraph should be highlighted and presented up front.	
25	7.1 ... Mitigation measures to address impacts	"The screener should be confident that mitigations to avoid or reduce impacts will be included in a permit, licence, or plan under a regulatory authority even if that authority is not the regulatory mandate of the organization conducting the screening." Great point, but this doesn't facilitate things for the Land and Water Board staff, or for developers seeking greater understanding of how their socio-economic promises will be built into a Land Use Permit or Water Licence. There is a knowledge gap here that is important and should be filled in.	Clarify how a screener can confirm or ensure that 'social, cultural, or economic commitments or mitigation measures to avoid or reduce impacts' can be built into the permitting process even though these elements typically fall all outside of the permitting process and are not covered in the authorities or mandates of the screening authority.	
26	7.2 Determining if the development might be a cause of public concern.	Opening sentence "... is the question of whether a development "might be a cause of public concern". It should be pointed out clearly from the start that the standard of the "might test" is different for public concern. The list in section 7.3, principle 5 (page 36) clearly states that public concern need only exist. The document has just finished telling the readers in section 7.1 that the "might test" applies to significant adverse effects only. It is important to clarify the exception to this rule.	Clarify that the "might test" has a different standard with respect to public concerns; public concern need only exist and does not have to be significant to trigger an EA.	
27	7.2 Determining if the development might be a cause of public concern.	Number 1. Grammar: change "or was concern was not raised?" to "or was concern not raised?"	Number 1. Grammar: change "or was concern was not raised?" to "or was concern not raised?"	
28	7.2 Determining if the development might be a cause of public concern.	Page 35, final sentence. Grammar: remove a "that"	Page 35, final sentence. Grammar: remove a "that"	
29	7.3 A practical approach to the might test	Principle 6: Are there aspects of project splitting that the Board is trying to reference here? If not, should not that consideration be factored into the preliminary screening review? It is a core best practice for impact assessments to help reduce risk of cumulative effects and 'sneaking under the radar'. The new federal guidelines have good insights and wording related to sub-threshold projects and when they should trigger greater review.	Please make a reference to project splitting and reiterate the expectation that all components required to make the project economically viable and practical are to be considered in the effects assessment; that if those components are not yet built, their potential impact must be considered alongside the application in question, both in terms of synergistic and cumulative effects; and that project splitting is not allowed.	
30	8. Reasons for decision	Final sentence of the first column, "Reasons should describe the potential impacts and mitigations and, if not referring the development to EA, why the mitigations are adequate to reliably prevent significant adverse impacts or address public concern." The reasons should also specify how mitigation measures relating to social, cultural, or economic valued components will be carried over through the permitting process. In other words, how those mitigation measures will become tied to the project and its ability to maintain its permits. This despite the permitting agencies being used	The reasons for decision should also specify how mitigation measures relating to social, cultural, or economic valued components will be carried over through the permitting process. In other words, how those mitigation measures will become tied to the project and its ability to maintain its permits. This despite the permitting agencies being unable to weigh in on those socio-economic concerns.	

		nable to weigh in on those socio-economic concerns.		
31	8. Reasons for decision	Use of the precautionary approach: Of particular relevance from the TAS R writeup of when to use the Precautionary Approach is articulating that the approach should be applied WHENEVER conditions 1 & 2 occur. Coupled with that, the deliberate identification by the decision-maker of their use of the precautionary approach should be written in their reasons for decision. This latter bit provides a clear link to the lack of certainty on an important issue that has affected the screener's decision.	Please elaborate on the use of the precautionary approach by clarifying what screeners should: a) apply the approach whenever conditions 1 and 2 occur, and b) will identify in writing when and why the precautionary approach was taken.	
32	8. Reasons for decision	Page 38, final paragraph: Recommend a new paragraph between "...conduct an environmental assessment." and "From this point..." These are two separate topics - the referral to EA, and then a pause on permitting. If a new paragraph is created, start the new sentence "No authorizations for work..."	Page 38, final paragraph: Recommend a new paragraph between "...conduct an environmental assessment." and "From this point..." These are two separate topics - the referral to EA, and then a pause on permitting. If a new paragraph is created, start the new sentence "No authorizations for work..."	
33	9.1 How the 10-day pause period works.	4th paragraph, recommend rephrasing for clarity to: "Larger projects, such as those that require a Type A Water Licence, require additional regulatory steps. For example, a public hearing after the screening is complete but prior to a regulator issuing an authorization. Additional review during these steps may identify a possible significant adverse impact that would trigger the "might test". Any s.126(2) referral organization may decide to refer the case of the Review Board after the ten-day pause period, but before an authorization is issued. In the case of the Review Board, they may order an environmental assessment on its own motion."	"Larger projects, such as those that require a Type A Water Licence, require additional regulatory steps. For example, a public hearing after the screening is complete but prior to a regulator issuing an authorization. Additional review during these steps may identify a possible significant adverse impact that would trigger the "might test". Any s.126(2) referral organization may decide to refer the case of the Review Board after the ten-day pause period, but before an authorization is issued. In the case of the Review Board, they may order an environmental assessment on its own motion."	
34	9.1 How the 10-day pause period works.	Page 40, first line: consistency Document uses both "referral authority" and "referral organization". Please choose one and use it consistently.	Please use a single descriptor consistently for an "RA".	
35	9.1 How the 10-day pause period works.	"At this point, no authorizations can be issued until after the EA is completed." Suggest rephrasing to avoid duplication from previous section to: "No authorizations can be issued once an EA is ordered. The permitting process will continue based on the environmental assessment outcome."	Rephrase to avoid duplication.	
36	9.1 How the 10-day pause period works.	Page 40, second paragraph, first sentence. Please provide an example for clarification. For example, if the same project is applying for a land use permit and water licence. The 10-day pause period will begin once both screening decisions have been made. As written it seems like developers may be encouraged to project split and submit different applications for different facets of the same project.	Please clarify with an example.	
37	9.1 How the 10-day pause period works.	Combine references to s.126 of the MVRMA. On page 39, s.126 is referred to vaguely, while on page 40 it is described in detail but absent the reference to s.126. Suggest combining the two definitions and avoiding duplication.	Combine descriptions of s.126 of the MVRMA to avoid duplication.	
38	9.1 How the 10-day pause	Grammar: page 40	Grammar: page 40	

	e period work s.	Final paragraph; long sentence. Please simplify this and keep the audience in mind. This should be several sentences.	Final paragraph; long sentence. Please simplify this and keep the audience in mind. This should be several sentences.	
39	10.1 Screening development changes that have not gone through EA	Consideration of total cumulative impact: This is the most detailed description provided yet in the document for conducting a preliminary cumulative effects assessment (CEA). Yet it appears at the end of the report and only in the context of a previously screened development. Prior references appear in the document for CEA. This additional detail and guidance should occur earlier in the document; a clear expectation of the standard for a CEA needs to occur earlier.	Please introduce and describe the importance of cumulative effects assessments earlier in the document, such that its importance in preliminary screening is better understood.	
40	10.1 Screening development changes that have not gone through EA	Grammar: Page 42, second paragraph, use a space to separate "report. Note"	Grammar: Page 42, second paragraph, use a space to separate "report. Note"	
41	10.2 Screening development amendments that have gone through EA	"The MVRMA does not allow a preliminary screening to change the Board's significance determination or any approved EA measures." Is it more accurate to say "The MVRMA does not allow the preliminary screening process to change the Board's significance.... EA measures." The wording is still confusing. If the interpretation is correct, then suggest rephrasing to: "The MVRMA protects the Board's previous significance determination and approved EA measures. Development changes are not allowed that would run counter to the Board's previous decision or EA measures. Screeners should contact the Review Board prior to proceeding with a preliminary screening if the development change may affect the Board's previous ruling."	Consider rephrasing to: "The MVRMA protects the Board's previous significance determination and approved EA measures. Development changes are not allowed that would run counter to the Board's previous decision or EA measures. Screeners should contact the Review Board prior to proceeding with a preliminary screening if the development change may affect the Board's previous ruling."	
42	11. MVRMA amendments not in force	Timeline: consider replacing "2021" with "at the time of publication" or "2022".	Timeline: consider replacing "2021" with "at the time of publication" or "2022".	

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
Acho Dene Koe First Nation (ADKFN) - Scott Mackay				
1	General	Acho Dene Koe First Nation would like to thank the Mackenzie Valley Impact Review Board and Mackenzie Valley Land and Water Board for the opportunity to provide comment on the Draft Guidelines for Preliminary Screeners and appreciates the ongoing opportunities to work collaboratively with the Boards to continue to improve its process and develop new materials.		
2	Section 2.3 Preliminary screening steps and where they are described in this document. (pg. 10)	Many proposed developments may not meet the standard of requiring an environmental assessment but may have community concerns that must be addressed or mitigated prior to issuing a permit or license. In the scenario where more information is required, the Board has the ability, for Type A permits, under Mackenzie Valley Land and Use Regulations 22 (2) (b) to conduct a hearing or require further studies or investigations. Under MVLUR 23.1, "period provided for subsection 22(2) or paragraph (23)(2) for the	Screeners should be empowered to during the preliminary screening process to assess whether further studies are required, particularly where there are potential impacts on Indigenous rights and interests. As screening for environmental assessment and the regulatory authorization process are separate, the issuance of further studies would allow for the applicant and other parties to be better prepared to fully address outstanding concerns or issues in advance of a development entering the regu	

		Board to issue or to refuse to issue a permit does not begin (a) in respect of hearing or of further studies or investigations, until the completion of the hearing or the further studies or investigations;”	latory licencing and permitting process. Acho Dene Koe First Nation recommends that the document reflect the option to conduct a hearing or require further studies during the preliminary screening process.	
3	Section 3. What is preliminary screening? (pg. 11)	On page 11, it states that “For most (95%) of projects, it is the only stage of the EIA process”. We find that the text on page 11 inappropriate to appear in a guidance document for preliminary screeners, as it may influence the process in which screeners use to make decisions (i.e., the “might” test). Rather than allowing screeners to reach their own conclusions using the might test, by presenting past statistics on the limited fraction of project which a referred to environmental assessment, screeners may evaluate projects based on their complexities, rather than their merit and potential impacts.	We recommend that the text outlined in page 11 be removed.	
4	Section 3.1 When is a preliminary screening needed. (pg. 13).	Footnote 10 provides additional context to screeners highlighting the need to consider the entirety of a development and the impacts it may have rather than just aspects of the development which triggered the application for an authorization. Our view is that the contents of this footnote provide highly valuable guidance to screeners.	We recommend that the substance of footnote 10 be added to the main body text for this section, providing context for bullet point 1.	
5	Section 3.3. Exemptions from preliminary screening (pg. 15)	The term “significant adverse impact” when used when determining whether impacts are manifestly insignificant is not defined. It is therefore unclear what circumstances “significant adverse impacts” may or may not occur under.	A definition or a reference for defining “significant adverse impacts” should be added to the Glossary section of this document. Alternatively, a prescriptive test should be identified that screeners can use in order to reasonably establish what constitutes a “significant adverse impact” and under what circumstances there would be no reasonable possibility of their occurrence.	
6	Section 3.3. Exemptions from preliminary screening (pg. 15)	As presented, it is difficult to understand and how the screener may conclude that a proposed development’s impacts are manifestly insignificant in absence of intervenor or public input. It is understood that the purpose of this statement is to establish instances in which a development or activity can by-pass screening due to their being no reasonable change of adverse impact, however, without adequate opportunity to engage with those who may be affected by a project, it is difficult to understand how such a conclusion can be reached.	We recommend further explanation on a prescribed test that screeners can use in determining development exemption.	
7	Section 4.1 Duration of a preliminary screening (pg. 17)	Although screening itself has no legislated timeline, in practice when conducted in coordination with public review for a regulatory authorization, a rigid timeline is imposed. As a result, input into screening after the public review period is flagged as a late submission and left to the Board/screener’s discretion as to whether they are accepted for preliminary screening. This practice is counter to the guidance provided within this document, as well as that outlined in the Mackenzie Valley Environmental Review Board’s Environmental Impact Assessment Guidelines (March 2004), which allows for public engagement and inp	This is a flaw within the approach of pairing environmental assessments screening with public review for a regulatory authorization. While these processes are independent of each other, the efficiencies of this coordinated process do not honour the intention of guidance provided to parties. Clarification must be provided to screeners in this guidance document as to the intentions of screening when conducted in coordination with public review for regulatory authorization.	

		ut to occur up until a screening decision is made.		
8	Section 4.1 Duration of a preliminary screening (pg. 17)	"For example, the preliminary screening of a land use permit application for which potential impacts are well understood and can be mitigated by standard conditions may be completed in about six weeks". This statement presupposes that a complete understanding of potential cause and effect exists. In absence of this complete understanding, impacts cannot necessarily be identified to a degree that they can be dealt with in licencing conditions.	Screening timelines must be sufficiently flexible in all situations to identify all reasonable impacts as well as knowledge gaps. As a result, the text should reflect that screening timelines are on a case-by-case basis, with feedback from all parties.	
9	Section 4.1 Duration of a preliminary screening (pg. 17)	"Referral to EA should be considered if there are still relevant questions about potentially significant adverse impacts after the applicant has responded to reviewers' questions."	Concerns of significant adverse impact raised by interveners should have been raised and considered in the applicant's engagement prior to seeking development authorization. interveners which continue to raise significant concerns through screening should indicate to screeners the potential for inadequate engagement or unmitigated public concern both of which should be considered as part of the "might" test.	
10	Section 4.2 Early community engagement (pg. 18)	Specific guidance for community engagement should fall within its own guidance document for engagement, however, there must be some level of prescription for applicants here which ensure that adequate engagement has occurred and that through that process, engagement has uncovered a reasonable level of information to feed into the screening process (e.g., identified known and unknown TK or environmental/archaeological data for a project location) such that the "might test" can be reasonably applied.	This guidance document should outline elements for screeners to consider when performing the "might" test and assessing whether the applicant has adequately engaged the community and uncovered all reasonable concerns.	
11	Section 4.3 Early community engagement (pg. 19)	We agree that the Draft Dehcho land use plan and all other draft or revised but not yet enforced land use plans, should be used by screeners in determining whether or not there are potentially significant adverse effects.	The paragraph outlining the consideration of the Draft Dehcho land use plan (LUP) should be expanded to include all communities with current and future draft land use plans, such as those which have been revised but not yet ratified. Draft LUPs serve as important source of information to help inform screening.	
12	Section 4.5 Screen potential impacts on the whole environment (pg. 21)	Presently, project descriptions and associated plans fail to capture potential impacts on cultural and social well-being including Indigenous rights and interests. While we agree that this should be as important of factors in screening as impacts to wildlife, air quality or water, there is an inherent lack of information to evaluate these themes. As a result, unless evidence is presented suggesting that there will be no impacts, which has been supported by those potential impacted such as Indigenous communities, this is a significant knowledge gap which disadvantages the screener.	It is recommended that the document provide examples of evidence which can be used by the applicant to demonstrate to the screener that it has indeed considered environment, social, and cultural factors including Indigenous rights and interests.	
13	Section 4.6 Getting the right information (pg. 23)	Copy error: "impacts ,including whether..."	Should state: "impacts, including whether..."	
14	Section 4.6 Getting the right information (pg. 23)	Footnote 25: "significance" as a term is essential to the screening process, as a result it would be beneficial to present a subsection within this guidance document that summarizes the key elements of the significance spectrum.	It is recommended that the significance spectrum be summarized and presented either in section 4.6 or later in section 7.	

15	Section 4.6 Getting the right information (pg. 23)	<p>“During the preliminary screening, screeners may also get information from reviewers or through information requests.” Knowledge gaps present as much of an issue as identified concerns</p>	This section should provide clear direction on minimum requirements and what process is to occur if information is absent.	
16	Section 4.7 Traditional Knowledge (pg. 24)	<p>This section outlines the importance for Traditional Knowledge to be included where available in the screening process. This section further acknowledges that it is likely that only pre-existing Traditional Knowledge studies and information would be available for screening. While this is true, applicants should be proactive in anticipating through engagement with Indigenous communities where documented knowledge gaps exist and identify support for a community to collect additional Traditional Knowledge, or present screeners with a plan for filling knowledge gaps, that has been co-developed with communities.</p>	<p>Guidance for screeners should reflect the weight of Traditional Knowledge gaps, especially when identified by Indigenous intervenors. Traditional Knowledge gaps should indicate to screeners that important information on a development’s potential impacts is missing, and that pre-engagement by the applicant is incomplete, resulting in the screener seek further evidence from the applicant through Information Requests or by referring the project to Environmental Assessment.</p>	
17	Section 4.8 Complete the preliminary screening early for complex developments (pg. 25)	<p>“For small, routine and non-controversial developments, it may be efficient and satisfactory for the screening and the permit or licence processes to be conducted simultaneously and share a public review process.” In instances where screening and the regulatory process are tied together, screening is dictated by the regulatory timelines, and as a result removes the timeline independence from the screening process.</p>	<p>Additional guidance should be provided here on the circumstance in which it is appropriate for screening and regulatory process to be conducted concurrently, as well as specific circumstances in which screening should occur before any meaningful component of the regulatory process.</p>	
18	Section 4.8 Complete the preliminary screening early for complex developments (pg. 25)	<p>“For screenings of large or complex developments, a screening determination should be made early rather than later. If the screening determination does not happen early, there will be uncertainty among intervenors (parties) and applicants about whether the development will be referred to environmental assessment, and the overall timing of the regulatory process. For Type A Water Licence applications in particular, valuable regulatory time may be used in an extended screening if the eventual screening determination is a referral to environmental assessment.”</p> <p>This text contradicts itself as regardless how complex a project is, if it is referred to Environmental Assessment, then the referral should occur as soon as possible in the regulatory process to provide certainty to all parties.</p>	<p>This text should be removed or replaced, as although it is typically only complex Type A projects that would require environmental assessment, it is not productive for providing guidance to highlight this. Rather a blanket statement that it is beneficial for the certainty of all parties that a screening determination be made as early in the regulatory process as possible while ensuring all available information is flushed out.</p>	
19	Section 4.8 Complete the preliminary screening early for complex developments (pg. 25)	<p>“The preliminary screener may discover during the screening that more information is needed. The screener may ask for more information to be confident in its might test decision.”</p> <p>Acho Dene Koe First Nation recommends that the text provide sufficient direction to screeners. In the instance where screeners believe that there are outstanding questions of relevance to their decision, screeners should be directed to seek additional evidence from any intervening party or other subject matter expert as appropriate.</p>	<p>Acho Dene Koe First Nation recommends that the text should be strengthened to provide specific guidance to screeners to empower them to ensure there are no outstanding questions on the potential for impact. The text should qualify how the screener will solicit information from the parties on the project to better understand potential significant adverse impacts. If the screener remains not confident in the application of the “might” test following requests for additional information, a project should be referred to Environmental Assessment, to provide clarity.</p>	
20	Section 7.1 Determining if there might be	<p>The reliance of mitigation to satisfy the “might” test is difficult, as it relies on</p>	<p>For mitigations to be used as an element in satisfying the “might” test, the screener must be linked with the reg</p>	

	significant adverse impacts (pg. 33)	in an unclear or uncertain mechanism to implement these mitigations.	ulatory process requiring implementation under licence conditions. Otherwise, there remains a risk that an applicant proposes mitigations to side-step screening but not implement them once a project proceeds through a authorization if the condition isn't established and carried over from screening to authorization.	
21	Section 7.2 Determining if the development might be a cause of public concern (pg. 34)	<p>"The screener relies on the applicant to recognize and address public concerns raised during engagement with communities, including through meetings and information sharing." Applicants are going to present their projects in the best light unless concern is overwhelming. Further, while it is the responsibility of the applicant to recognize public concern during engagement, applicants are not often the best party to collect information from community members.</p>	<p>Direction should be provided to screeners on how to solicit and examine public concern for a project. Independent descriptions of public concerns should always be considered more valuable during screening than that provided by the Applicant.</p> <p>Acho Dene Koe First Nation further notes that the screening process must ensure that the concerns of local communities are taken into account, specifically Indigenous rights and interests.</p>	
22	Section 7.2 Determining if the development might be a cause of public concern (pg. 34)	<p>"The root cause or reason for the public concern may be linked directly to potential adverse impacts already identified in the screening"</p> <p>The statement presented above is correct but incomplete, it is important for the screener to evaluate the relationship between the applicant and the public and past performance of the applicant. While this may not within itself be enough for a project to fail the "might" tests, it is an indicator of serious public concern, and possibly demonstrative of how an applicant will act throughout the project.</p>	<p>The scope of consideration by the screener to help determine public concern should be expanded to examine the relationship between the applicant and Indigenous communities/public and past performance of the applicant.</p> <p>Acho Dene Koe First Nation recommends that the text include the "relationship between the applicant and the public" and the "past performance of the applicant" as a root cause or reason for concern.</p>	
23	Section 7.2 Determining if the development might be a cause of public concern (pg. 34)	The document does not provide enough information on how screeners should evaluate public concern. More information is needed on the importance of: the frequency of the concern raised, the source of the concern and the severity of the concern and how each of these elements aids in determining public concern.	Acho Dene Koe First Nation recommends the text is more prescriptive and provides additional guidance on how public concern is gauged including the frequency of concern raised, the source of the concern and the severity of the concern.	
24	Section 7.2 Determining if the development might be a cause of public concern (pg. 35)	It is important to acknowledge that the realities around community engagement have shifted. COVID-19 has perhaps permanently altered how communities gather. Included in this is how community engagement and feedback must occur. The difficulties of effectively gauging public concerns should be recognized by the screener, as it is expected that fewer engagement participants may not indicate less support or concern, but rather a shift in personal priorities, which requires voicing support or concern take a backseat. Additionally, Indigenous communities can experience consultation fatigue, in which community members are repeatedly asked to voice their opinion on various projects and decisions. This fatigue may further result in a lack of engagement by the community. It is therefore important to capture and appreciate all voices and ensure that the applicants engage meaningfully with community leadership and staff who may serve as the only voices able to contribute support or concern.	Additional context should be provided to reflect the interpretation of limited public input.	
25	Section 7.3 A practical approach to the m	"Significant adverse impacts are those that would be unacceptable if they are not avoided or reduced,	Additional text noting for the screener to interpret the term "unacceptable" liberally based on the perspectives of those experiencing impacts.	

	ight test (pg. 36)	and include ecological, socio-economic and cultural impacts.” The term unacceptable is challenging to interpret, as it very much relies on the perspective of the one who was impacted.		
26	Section 8. Writing reasons for decision (pg. 37)	“One way to address uncertainty is to take a precautionary approach. Screeners should apply a precautionary approach in their decision making when” This language provides too much discretion for the screener to overlook uncertainty.	This language should be more prescriptive, in that in the absence of certainty, screeners must apply a precautionary approach in their decision making.	
27	Section 8. Writing reasons for decision (pg. 37)	Copy error: “In addition,a precautionary...”	Replace with “In addition, a precautionary...”	
28	Section 12. Informal Communication	There may be questions by parties on what communication will be captured by the public registry and may unintentionally dissuade procedural or informal questions.	This is an opportunity to clarify to applicants and intervenors what communication with Board staff is captured by the registry and which isn't.	

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
Tlicho Government - Jessica Pacunayen				
1	Extension Request	The Tłı̨ch̨ Government is still working on its comments for the Guidelines for Preliminary Screeners draft and require more time. We request that the Review Board allow us to submit comments by March 10, 2022. Masì.	None	
2	Figure 1 - Mackenzie Valley Region in the Northwest Territories	Map (and light blue area specifically) may be unclear to those who are not familiar with the area	Consider using a legend and explain what each colour on the map represents	
3	4.3 - Land Use Plans	Section 4.3 states that "Screeners will use information in the land use plans to ensure conformity with the plans, and will explain why they concluded that an application conforms or does not conform with any applicable land use plan." In recent practices with the Tłı̨ch̨ Government (TG), we have been the ones to confirm conformity with the Tłı̨ch̨ Wenek'e (Tłı̨ch̨ Land Use Plan).	Consider clarifying that for the Tłı̨ch̨ Wenek'e, screeners should consult with and receive confirmation from TG to ensure conformity.	
4	Section 22.2.9 of the Tłı̨ch̨ Agreement	Section 22.2.9 of the Tłı̨ch̨ Agreement states, "A proposed project that has not been exempted from assessment and is wholly or partly in or may have an impact in M̄whì Gogha Dè N ı̨łłèè may be referred for assessment to the Mackenzie Valley Environmental Impact Review Board by the Tłı̨ch̨ Government or any governmental authority, or by the Board on its own motion whether or not a preliminary screening has been conducted and notwithstanding the results of any such screening."	It may be helpful for screeners to be aware that this provision exists within the Tłı̨ch̨ Agreement.	
5	Appendix A: List of Preliminary Screeners and Other Resources	This appendix shows a list of some preliminary screeners and other useful contacts. It would be helpful for everyone to understand who is a preliminary screener versus a useful contact.	Consider distinguishing who is a preliminary screener and who is a useful contact.	
6	Manifestly Insignificant	Under the heading "DEVELOPMENT WITH MANIFESTLY INSIGNIFICANT IMPACTS MAY BE EXEMPT FROM SCREENING", the beginning text	It may be more clear to first state who or what this applies to, rather than starting off by referring generally to "the preliminary screener".	

		ounds like it applies to all screenings.		
7	Exemptions from Screening	It would be appropriate to note that section 22.2.8 of the Tłı̨chǫ Agreement states "Legislation shall provide that a proposed project which would otherwise be exempt from assessment may be assessed by the Mackenzie Valley Environmental Impact Review Board if, in the opinion of the Board, it is considered to be of special environmental concern by reason of its cumulative effects or otherwise."	This is important context for the discussion of exemptions from preliminary screening, perhaps not as guidance for screeners, but for completeness and for the understanding of applicants.	

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
J C Bartlett n& Associates Ltd - John Bartlett				
1	Section 8. Writing Reasons for Decision	<p>There is an issue of subjectivity among various Regulators in the NWT, depending upon their personal opinions towards resource development activities. This subjectivity regarding screening, and the establishment of Terms in Permits, needs a correction mechanism in Government Permitting processes. The "why" of an LUP Term requested by a Regulator to the MVLWB, is not adequately challenged or justified by the MVLWB.</p> <ul style="list-style-type: none"> In the "Preliminary Screening" process, there is a lack of the acceptance by the MVLWB of the Project Proponent's knowledge base (Professional, local Environmental Knowledge, or Traditional Knowledge) vs the opinions of the Regulators and NGO's. Regulators and NGO's opinions are often not based upon Professional knowledge, local Environmental Knowledge, Traditional Knowledge, logic, or science. There is a lack of the MVLWB engaging Professional level expertise/opinion in its "Preliminary Screening" process, and in its determinations contained in their "Reasons for Decision". There is a lack of Professional level experience and knowledge of resource management represented on the MVLWB Board Staff; and more importantly, there is none present on its Board of Directors. 	MVLWB Preliminary Screening process should include, in its "Reasons for Decisions" process, the legal application of an "objectivity test". It would include professional level evaluations; such as those that are used in the EA process. It would minimize the influence of the personal biases of Government officials on the proposed Terms for a given resource development LUP. This would also address the lack of professional level experience in resource management on the MVLWB Directors and staff.	

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
Gwich'in Tribal Council - Department of Cultural Heritage - Kristi Benson				
1		Page 17, this line is unclear: Preliminary screening is often completed within the overall time period allowed for the authorization review and decision (such as issuance)	Clarify using plain language rules? Even with the example, it's not that clear.	

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
Pine Point Mining Limited - Andrew Williams				
1	3.3 Exemptions from Preliminary Screening	On Page 15, last paragraph, grammar of the phrase "to be have impacts" and spelling for the word "thise"	correct grammar and spelling	
2	4.4 Screening the whole development	In the third paragraph, the preliminary screener is instructed to "consider all aspects of the development". This does not consider if the entire development has already undertaken an EA or been subjected to the regulatory process with previously issued permits.	Refer the reviewer to Section 10.	

3	10.2 Screening Developm ent amendm ents that hav e gone throu gh EA	First paragraph, second sentence states" If project changes re propoped later...."	correc grammar	
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No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
Mackenzie Valley Environmental Impact Review Board - Chuck Hubert				
1	ORS reviewer comments from Feb 2021	ORS table of reviewer comments on Guidelines for Preliminary Screeners from Feb 2021 attached (from old ORS)	ORS table of reviewer comments on Guidelines from Feb 2021 attached	
2	Due date extension request	The Review Board has received a request from the Tlcho Government to extend the date to submit comments on these Guidelines to March 10	The due date to submit comments is extended to March 10.	

No.	Topic	Reviewer Comment	Reviewer Recommendation	Proponent Response
WLWB - Sarah Elsasser				