



VIA EMAIL

MAR 15 2019

Mr. Ryan Barry  
Executive Director  
Nunavut Impact Review Board  
29 Mitik Street  
PO BOX 1360  
CAMBRIDGE BAY, NU X0B 0C0

Dear Mr. Barry:

**Comments and Recommendations on Nunavut Impact Review Board's Draft Rules of Procedure**

Thank you for providing the opportunity to comment on the above-noted document. The Government of the Northwest Territories (GNWT) has reviewed the Nunavut Impact Review Board's (NIRB) draft Rules of Procedure and has provided its comments and recommendations in the requested table format.

All GNWT departments with interests related to NIRB were provided with the opportunity to review the draft Rules of Procedure. Comments and recommendations were provided by the GNWT Departments of Lands, Justice, Health and Social Services, and Environment and Natural Resources.

Should the NIRB or any reviewers have questions about this submission, please contact Katie Rozestraten, Project Assessment Analyst, by email at [Katie\\_Rozestraten@gov.nt.ca](mailto:Katie_Rozestraten@gov.nt.ca) or by phone at 867-767-9180 (ext. 24022) or Melissa Pink, Manager, Project Assessment Branch, by email at [Melissa\\_Pink@gov.nt.ca](mailto:Melissa_Pink@gov.nt.ca) or by phone at 867-767-9180 (ext. 24021).

Sincerely,

Lorraine Seale  
Director  
Securities and Project Assessment  
Department of Lands

Attachments

GNWT Consolidated Comments on NIRB Draft Rules of Procedure - 2019

Comment Number	Subject	Reference	Priority	Background/Rationale	Recommendation to Address Issues
1	Definition: Community Representatives	Definitions p.3	Medium	The current scope of the definition is unclear and doesn't clearly include potentially affected communities outside of Nunavut.	The term "Community Representatives" could be more clearly defined to include representatives from communities outside of Nunavut.
2	Translation	Rule 54 p.23	Medium	"The Board may direct a party to arrange for the translation of any information and documentation into Inuktitut or any other languages deemed necessary by the Board."	It would be advisable to clarify that parties would only need to translate information and documentation that they have provided. The rule should not allow the Board to direct a party to translate all material even if that party didn't produce it.
3	Formal Intervenors	Rule 58 p.24	Medium	"The Board shall, without request, allow full standing as formal Intervenors to all Authorizing Agencies."	It is not clear how the Board or parties will be aware of which Authorizing Agencies will participate if the Agencies do not need to identify their interest in the project. Recommend adding language so there is a mechanism that identifies which Authorizing Agencies are participating.
4	Formal Intervenors	Rules 58-60, p. 24	Medium	In any proceeding in which an Indigenous government or organization based outside of Nunavut is granted Intervenor status, that Indigenous government or organization should be entitled to have "community representatives" participate in the proceeding. This is not clearly set out in the Rules of Procedure.	Note somewhere in Rules 58-60 or a new rule that in any proceeding in which an Indigenous government or organization based outside of Nunavut is granted Intervenor status, that Indigenous government or organization is entitled to have "community representatives" participate in the proceeding.
5	Extensions after deadlines	Rule 8 p.10	Low	"The Board may consider an extension or abridgement at any time, even if the request to extend or abridge the time is received after the deadline or timeline set by the Board has lapsed."	The Board should ensure a level of reasonableness when considering requests that are received after deadlines to ensure a fair and timely process prevails.
6	Access to documents on the public registry	Public Registry Access and Notification Requests, Rule 25 p.14	Low	The first sentence of Rule 25 states "Any party wishing to receive access to the Documents posted on the public registry and/or notification of the posting of Documents on the public registry shall register an account with the NIRB's registry system or otherwise make an access request to the NIRB."  This Rule reads as if one must register an account	Clarify the first sentence in Rule 25 so that it does not imply that an account is needed to view public registry documents.

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				with NIRB in order to view documents on NIRB's public registry, which is not currently the case. NIRB's public registry is open to all.	
7	Formatting/General Editing Comments	Multiple pages in Rules of Procedure (page numbers identified beside each recommendation)	Low	Highlighting a few of the general formatting or copy edit errors that were identified during the review of NIRB's draft Rules of Procedure.	<ol style="list-style-type: none"> <li>1. Suggest extending margin of the Table of Contents so that the page numbers are not squished next to long titles (e.g. first line and line for p.26).</li> <li>2. Fix formatting/spacing of 'request' in Rule 8 (p.10).</li> <li>3. "proceedings" should be capitalized in Rule 53 (p.22).</li> <li>4. Delete 'a' in front of 'formal Intervenors' in Rule 57(c) (p.23).</li> <li>5. "Final project-specific EIS" should have a lowercase 'f' in Rule 89 (p.30)?</li> <li>6. "Finalized EIS or IS Guidelines" should be "<i>Final</i> EIS or IS Guidelines" in Rule 89 (p.30).</li> <li>7. "Project Proposal" should be lowercase in Rule 98 (p.33).</li> <li>8. "Presentations" should be lowercase in Rule 108 (p.35-36).</li> <li>9. Rule 107 mentions "Public Evening Session" but Rule 108 mentions "Community Evening Sessions". The terms should be the same – pick either one.</li> <li>10. Add "Public" in front of "Hearings" in Rule 121 and 122 (p.38).</li> <li>11. Insert comma after "site visit" in Rule 134 (p.41).</li> </ol>
8	Undefined terms that are capitalized	Multiple pages in Rules of Procedure	Low	The listed set of words were capitalized within the Rules but were not listed as defined terms. Consider whether these words need to be capitalized or whether they need to be added to the list of defined terms.	<p>Words that should be defined terms or switched to lowercase:</p> <ul style="list-style-type: none"> <li>Appendix</li> <li>Site Visit Report</li> <li>Exhibit</li> <li>Exhibit List</li> <li>Record</li> <li>Public Evening Session</li> <li>Community Evening Session</li> <li>Community Roundtable Session</li> <li>Commitments List</li> <li>Technical Meeting</li> <li>Workshop</li> </ul>