

Patrick Duxbury

From: Patrick Duxbury
Sent: March 16, 2007 2:06 PM
To: Fort Resolution Metis Council (Business Fax); Deninu Kue First Nation (Business Fax); Northwest Territory Métis Nation (Business Fax)
Cc: Alan Ehrlich
Subject: Request for Ruling
Attachments: fax3BC40.fax

Good afternoon,

I am working to finish the meeting notes for the CGV and Sidon EA Pre-Hearing. The issue of making a Request for Ruling about hearing dates and times was brought up by a couple parties including DKFN and Ft. Resolution Metis Council during the pre-hearing. MVEIRB staff committed to send the Request for Ruling form and related information. If your organizations choose to follow up with this, I strongly suggest that you fill out the form and send it to the Review Board as soon as possible as the Board is meeting next week and it is a very good time to get their attention. I've attached the particular information regarding Request from Rulings from the Review Board's Rules of Procedures for Environmental Assessment Proceedings. If you have more questions on how to fill this out, you can email me or call me. Additionally there are example of Request for Rulings that other parties have sent to the Board for the current EAs, as well as in other cases. I recommend that you could use those as reference.

Also as requested we are compiling the public records for these EAs on CD, they will be mailed out to you very shortly.

A final note for Ft.Resolution Metis Council on a procedural note. The council has not yet applied for status as a party, I have faxed the necessary Party Request forms to Kara King. So there are two options here if you intend to go the Request for Ruling route, one is to send in a Party Request at the same time, the other is to have the Northwest Territory Metis Nation fill out the form on your behalf as it is currently a party to the EAs. I also suggest that if FRMC intends to present at the upcoming hearings and that it wishes to do so under its own name and as a party, and not the Northwest Territory Metis Nation, then please get those party status request forms back to me. Hope this is all clear.

Regards,

Pat Duxbury,

Environmental Assessment Officer

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Mackenzie Valley Environmental Impact Review Board

FORM 2

Request for Ruling

Name of Proceeding

TAKE NOTICE that a Request for Ruling will be made to the MVEIRB by

(name of party making the Request)
at _____ (time) in _____ (place), in the Northwest Territories,
on the _____ (day) of _____ (month), 200__ or as soon after that time as the Board may
decide to address the Request.

The Ruling requested from the MVEIRB is as follows:
(State the relief sought as clearly as possible)

The facts or information relevant to this Request for Ruling and which should be considered
by the MVEIRB are as follow: (State the information relevant to the Request in as much detail as
needed)

The authority or grounds for the Ruling which should be considered by the MVEIRB is as
follows: (State the Rules or any law or enactment relied on and the grounds for the Ruling).

AND FURTHER TAKE NOTICE that in support of this Request for Ruling the following
documents or information have been attached
(Set out all materials to be used to support the Request).

Dated at _____, Northwest Territories, on (MM/DD/YY) _____

(Signature of Party's Representative)

Requests for Rulings by the Review Board

46. Any issue raised by a party to a proceeding that requires a Ruling from the Review Board will be brought to the Review Board's attention by way of a written Request for Ruling. The Request will include a clear, concise statement of the relevant facts, an indication of the Ruling being sought from the Review Board and the reasons why the Ruling should be granted. The Request for Ruling should be filed in Form 2.

47. All Requests for Rulings will be filed with the Executive Director. The Executive Director will ensure that a copy of the Request for Ruling is provided to the parties to a proceeding no later than ten (10) days before the Review Board plans to consider the Request for Ruling in order to allow the parties to respond.

48. A party wishing to respond to a Request for Ruling will provide a written response and supporting documents to the Executive Director no less than three (3) days before the Request for Ruling is scheduled to be heard by the Review Board. The Executive Director will ensure that all parties are provided with any responses provided to the Review Board at least two (2) business days before the Review Board considers the Request for Ruling.

49. The Review Board may, in its discretion, vary any time period prescribed for the filing and hearing of a Request for Ruling or a response.

50. The decision making process for a Request for a Ruling may in the Review Board's discretion, include an oral hearing and in such a case, the parties may participate via teleconference.