

Preliminary Screening Practitioner's Workshop

Date: September 7, 2016

Location: Tree of Peace, Yellowknife

Participant's Agenda

Introduction:

Under the Mackenzie Valley Resource Management Act (MVRMA), various organizations/agencies are responsible for conducting preliminary screenings under Part 5, which establishes a process for environmental impact assessment (EIA). The Mackenzie Valley Environmental Impact Review Board (Review Board) is the primary agency responsible for EIA in general in the Mackenzie Valley, and has the authority to produce guidelines for conducting EIA under section 120 of the MVRMA. In collaboration with the Land and Water Boards of the Mackenzie Valley and other screeners, the Review Board is hosting a preliminary screening workshop.

Workshop Purpose:

The purpose of this workshop is to bring together staff from preliminary screening organizations and the Review Board to share best practices and challenges associated with conducting preliminary screenings under the MVRMA.

Workshop Objectives:

More specifically, the workshop objectives are to:

- **learn** more about roles and responsibilities related to preliminary screening;
- **identify and discuss** key challenges, successes, and best practices related to preliminary screening;
- **promote** engagement and collaboration amongst screeners and with the Review Board;
- **prioritize** challenges that are most important and/or urgent to address, and **establish** next steps toward developing and implementing such approaches (e.g., through focused “task teams” or individual organizations taking the lead), and;
- **identify** effective communication techniques, internally and externally.

Agenda:

Participants had the opportunity to complete a set of survey questions about preliminary screening practices, knowledge, and challenges. The survey results were used to inform this draft agenda for the workshop.

Workshop Preparation:

Survey results were provided to all workshop participants in advance. Participants can use the agenda and the survey results to prepare for effective participation in the workshop. A template for introductory presentations was also provided in advance.

#	Draft Agenda Item	Time (approx.)
Introductions, Context, and Learning about the Preliminary Screeners		
1	Networking, Coffee, and Uploading Presentations	8:30 - 9:00am
2	Welcome and Introductions	9:00 - 9:15am
3	An Overview of Preliminary Screeners in the Mackenzie Valley: Introductory Presentations (approx. 7 min. each) <ul style="list-style-type: none"> • MVEIRB • LWBs • GNWT – ENR • NEB • OROGO • Parks • DFO • ECC / CWS • GNWT - Lands 	9:15 – 10:15am
HEALTH BREAK		10:15 – 10:30am
The Life Cycle of a Screening		
4	Application submitted and sent for review (information requirements, application completeness, distribution for review): <ul style="list-style-type: none"> • Key Challenges • Opportunities for Improvement • Resources Available / Training Needs • Communication Strategies (internal/external) 	10:30 – 11:45am
LUNCH (not provided)		11:45 – 1:15pm
5	Conducting the Preliminary Screening (collecting and analyzing evidence): <ul style="list-style-type: none"> • Key Challenges • Opportunities for Improvement • Resources Available / Training Needs • Communication Strategies (internal/external) 	1:15 – 2:45pm
HEALTH BREAK		2:45 – 3:00pm
6	The Preliminary Screening Outcome (decision-making and communication): <ul style="list-style-type: none"> • Screening Decisions <ol style="list-style-type: none"> a. Timing and Coordination with other Screeners b. Information to the Review Board c. Implications Post-EA • Key Challenges • Opportunities for Improvement • Resources Available / Training Needs • Communication Strategies (internal/external) 	3:00 – 4:15pm
Discussion of Next Steps		
	Next Steps: <ul style="list-style-type: none"> • Discuss how to follow up on ideas generated over the course of the day (action items, proposals to bring to other venues, future workshops/meetings, etc.) 	4:15 – 4:30pm
	Closing Comments	4:30 – 5:00pm

Preliminary Screener's Workshop

*Preliminary Screening within
the Environmental Impact
Assessment (EIA) Process*



Mackenzie Valley
Review Board



Screening in the MVRMA Context - 1

- MVRMA delivers on land claims...
- Purpose of EIA (screening, EA, EIR):
 - To ensure that the environmental impacts of proposed developments are carefully considered before actions are taken
 - To ensure concerns of aboriginal people and the general public are taken into account



Screening in the MVRMA Context - 2

- EIA must consider (screening, EA, EIR):
 - the **protection of the environment** from significant adverse impacts
 - the **protection** of the social, cultural and economic **well-being** of Mackenzie Valley residents and communities.
 - the importance of conservation to the well-being and **way of life of Aboriginal peoples.**



Screening in the MVRMA Context - 3

- 95% of developments go only through screening
- *Mostly* done by Land and Water Boards
- Start when developer applies for permits
- Cursory look at potential for impacts
 - Identification vs. Assessment



Typical Screening “Life-Cycle”

- Application Review
 - Notify the public and others
- Analyze Evidence
 - Get and share comments, expert advice
 - List potential impacts
 - Do mitigations clearly address impacts or is more assessment needed?
 - Set up the “might test”
- Outcome
 - Decision-making and communication



Ultimately, screenings answer the question:

**Should the
development go to
environmental
assessment?**



Why do we do Environmental Assessment?

- It is wise to consider unintended consequences before undertaking major projects
 - Better to anticipate and avoid than to react and cure
 - Changes to project design
- Review Board must do EA when it receives referrals from preliminary screeners or others: might test and EIA process are fundamental to co-management in MV!



Environmental Assessment in the Mackenzie Valley

- In EA the overall EIA principles apply
- The Review Board is also required to:
 - carry out its duties in a **timely manner**
 - Run **fair** processes
 - Make decisions **based on the evidence**
 - Operate in a **transparent** manner



EA Outcomes: At the End of the Day...

- Conflicts can be resolved
 - commitments can address impacts
 - communities get more say on the projects that affect them
- New mitigations prevent significant impacts
- Follow-up programs track issues
- Unacceptable projects can be rejected



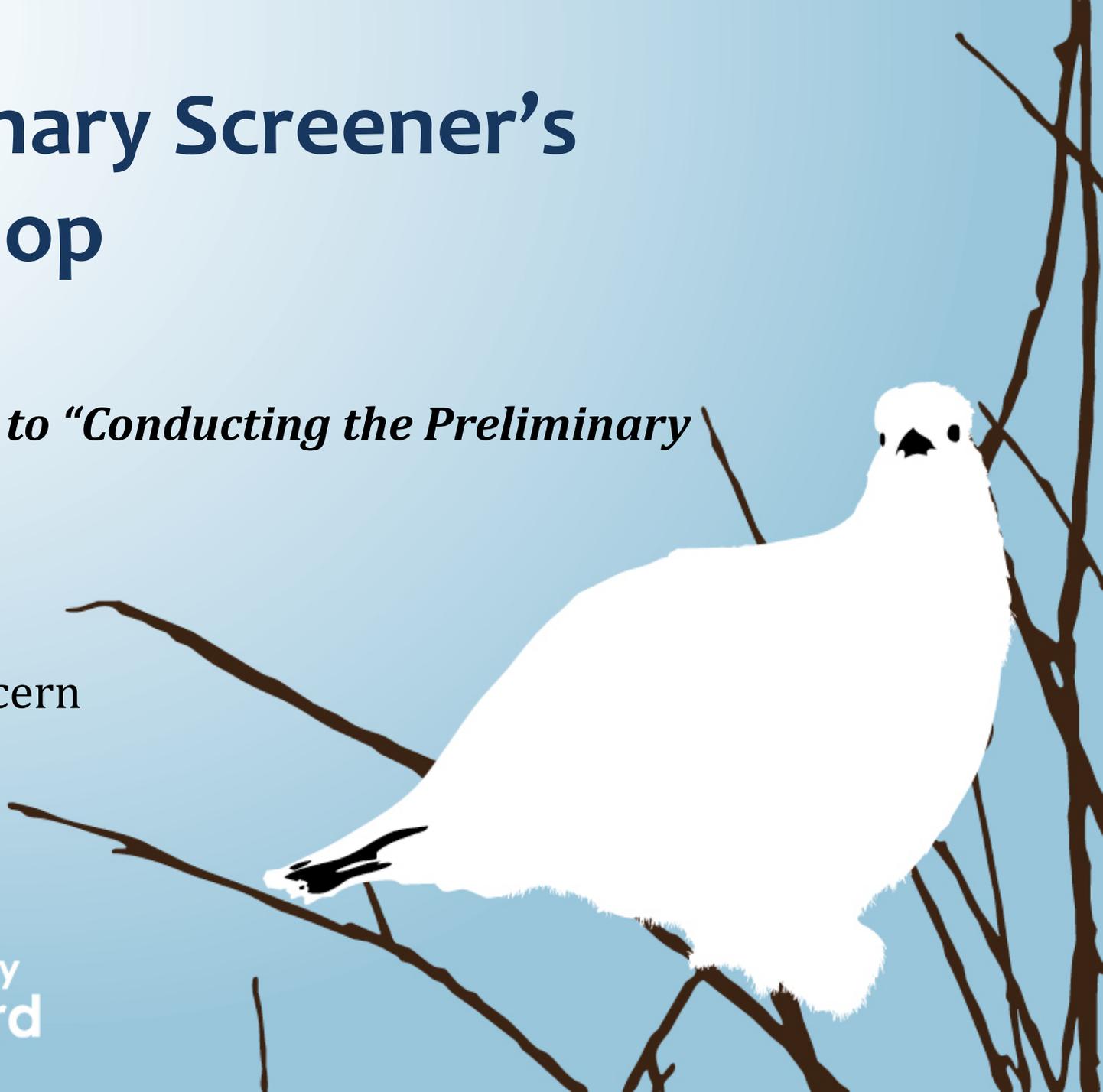
Preliminary Screener's Workshop

Introduction to "Conducting the Preliminary Screening"

- Scoping
- Might test
- Public concern



Mackenzie Valley
Review Board



Scope of Preliminary Screenings

- Scope of Screening ≠ Scope of Permit
- Screeners must consider **development as a whole**, not just regulatory “triggers”
 - Links integrated resource management system negotiated under MVRMA to various regulations
 - Fishing: Why the hook?
- **Whole environment** (human & biophysical)
 - EIA includes important issues that may not be regulated: “impact on environment” is broadly defined



A Different Hat



Socio-economic
impacts

Cultural
impacts

Cumulative
impacts

Take off your regulatory hat when you screen



The Might test

- might ≠ likely... might = might
- Decides if project **might** have a significant adverse impact on the environment or **might** be a cause of public concern
 - If **no**, project gets permits
 - If **yes**, Review Board does EA



General factors that can affect the Might test

- Development **location**: Ecologically- or culturally-sensitive areas, protected areas, areas near communities, harvesting areas
- Development **characteristics**:
 - Scale: larger projects *often* have more potential for impacts
 - Degree of disturbance
 - Hazardous chemicals or effluents
 - Changes to access
 - Infrastructure needs
 - New technology or setting
 - Severity of worst case scenarios



Criteria to consider

- Many factors can help inform you whether a potential impact would be significant:
 - Magnitude
 - Duration
 - Reversibility
 - Spatial extent
 - Likelihood
 - Nature of the impact
- These same factors are applied more rigorously during an EA



Not the test



Not the test



Public Concern

- Characterizing public concern (e.g. Gacho Kue):
 - General factors (proximity, scale, new tech, etc)
 - Participation rates and level of effort expended by participants to attend sessions and hearings to voice their concerns.
 - Evidence of adverse impacts on the environment, (or other root cause) that formed the basis of expressed public concern



Public Concern – further guidance...?

- How public concern may be characterized.
- How to investigate the factors contributing to public concern.
- Determining whether specific public concerns are within the scope of an individual screening or EA process.
- Consideration of tools that may be applied to mitigate public concern and/or factors contributing to public concern.





LAND AND WATER BOARDS OF THE MACKENZIE VALLEY

Introductory Presentation for the Preliminary Screener's Workshop

September 7, 2016

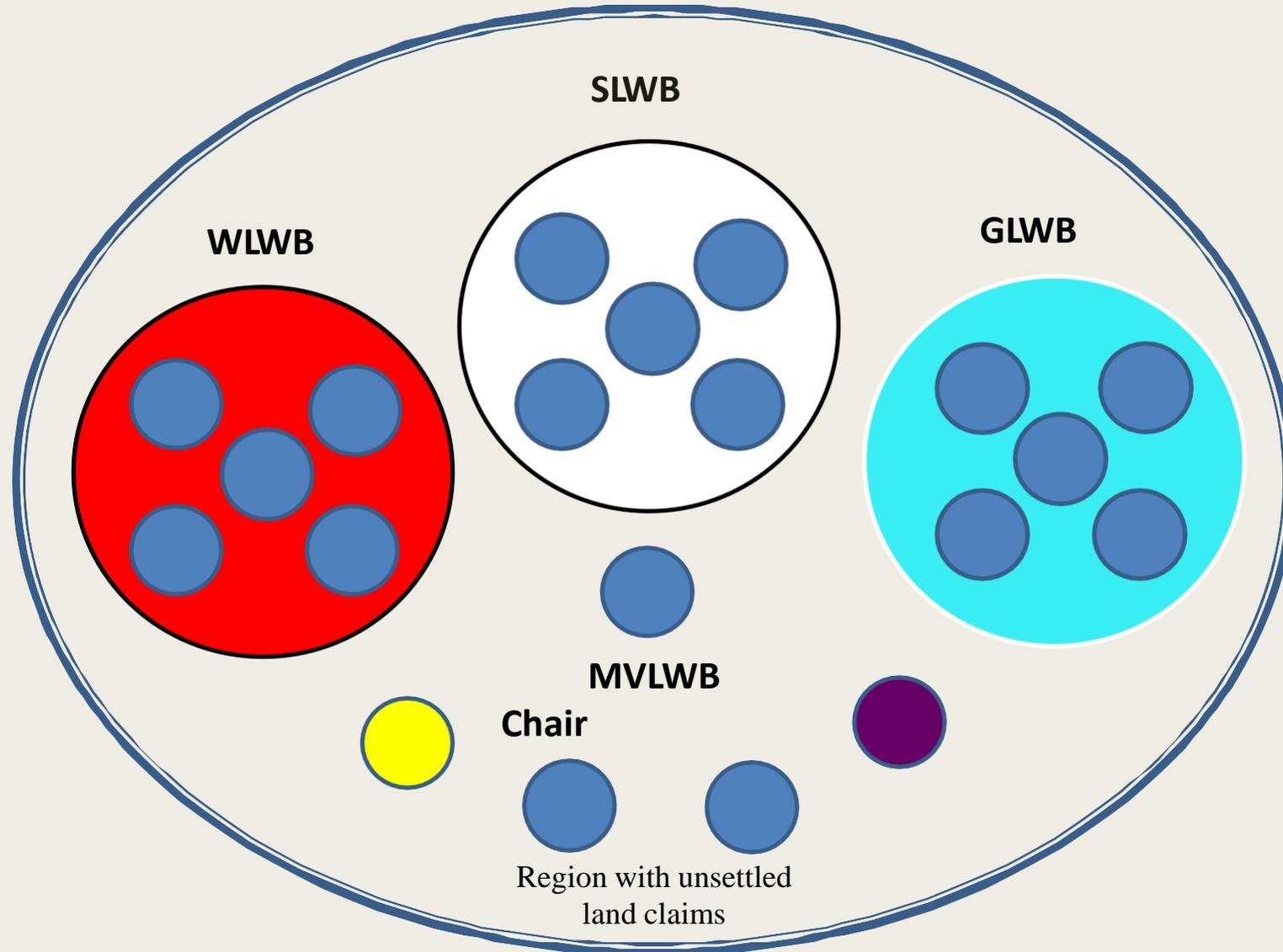




Nahanni

Wood Buffalo

Board administration



Legislation and Mandate

- Our Board's mandate is:
 - *To provide for the conservation, development, and utilization of land and water resources in a manner that will provide the optimum benefit generally for all Canadians and in particular for residents of each respective management area and residents of the Mackenzie Valley.*
 - *And to do this through effective participation in a fair and thorough process that considers traditional and scientific knowledge .*

- Our main roles or responsibilities are:
 - *Regulate the use of land and water and the deposit of waste*
 - *Issue and administer Land Use Permits and Water Licences*
 - *Conduct Preliminary Screenings*

- The main pieces of legislation that govern our activities are:
 - *Mackenzie Valley Resources Management Act & Mackenzie Valley Land Use Regulations*
 - *Waters Act & Waters Regulations (outside federal areas)*
 - *Northwest Territories Waters Regulations (for federal areas)*

Preliminary Screening Experience

- Our Board typically conducts screenings of the following types of projects:
 - *Industrial Undertakings*
 - *Mining & Milling Undertakings*
 - *Municipal Undertakings*
 - *Power Undertakings*
 - *Agricultural, Conservation, Recreational and Miscellaneous Undertakings*
 - *Land Use Applications*
- Our workload related to preliminary screenings in the past year could be described as: (eg. MVLWB)
 - *15 Preliminary Screening decisions; 7 Exemption Confirmations (January – August 2016)*

Stakeholders/Participants in our preliminary screening processes include.....

- The following federal/territorial/Aboriginal/community governments or organizations:
 - *GNWT Departments: DOT, Health, ITI, Lands, ENR, PWNHC*
 - *Federal Departments: AANDC-CARD, Department of Fisheries and Oceans, Environment Canada, Transport Canada, NRCan, NEB*
 - *Other Boards: MVEIRB, Land Use Planning Boards, Renewable Resources Boards*
 - *Aboriginal / Community Governments, Councils, Agencies, Departments, Organizations, Bands*
 - *Monitoring Agencies (EMAB, IEMA, SLEMA)*
 - *Towns, Hamlets, Chartered Communities, Cities, etc. in the Mackenzie Valley*
 - *Transboundary (eg. YESAB)*
 - *Any other potentially affected parties or anyone that requests to participate*
 - *Alternatives North, CPAWS, Monitoring Agencies, public, etc.*

Preliminary Screening Resources

- We have the following procedures and systems in place:
 - *Guide to the Land Use Permitting Process and Guide to Completing a Water Licence Application**
 - ***The MVLWB Regulatory Manual for Land Use Permits****
 - *Standard Land Use Permit Conditions**
 - *Engagement and Consultation Policy, Engagement Guidelines, Water and Effluent Quality Management Policy, Waste Management Plan Guidelines, Spill Contingency Planning Guidelines, Closure and Reclamation Guidelines (for mineral exploration and mining)*
 - *MOUs with Parks Canada, OROGO, and the NEB*
- * *The Guide to the Water Licensing Process, Regulatory Manual for Water Licences, and Standard Water Licence Conditions are in development*

Preliminary Screening Resources (con't)

- We also commonly use the following tools/resources when conducting preliminary screenings:
 - *The Mackenzie Valley Environmental Impact Review Board's Environmental Impact Assessment Guidelines and Socio-Economic Impact Assessment Guidelines*
 - *Recent examples of similar project preliminary screenings*

Preliminary Screening Challenges or Wishlist

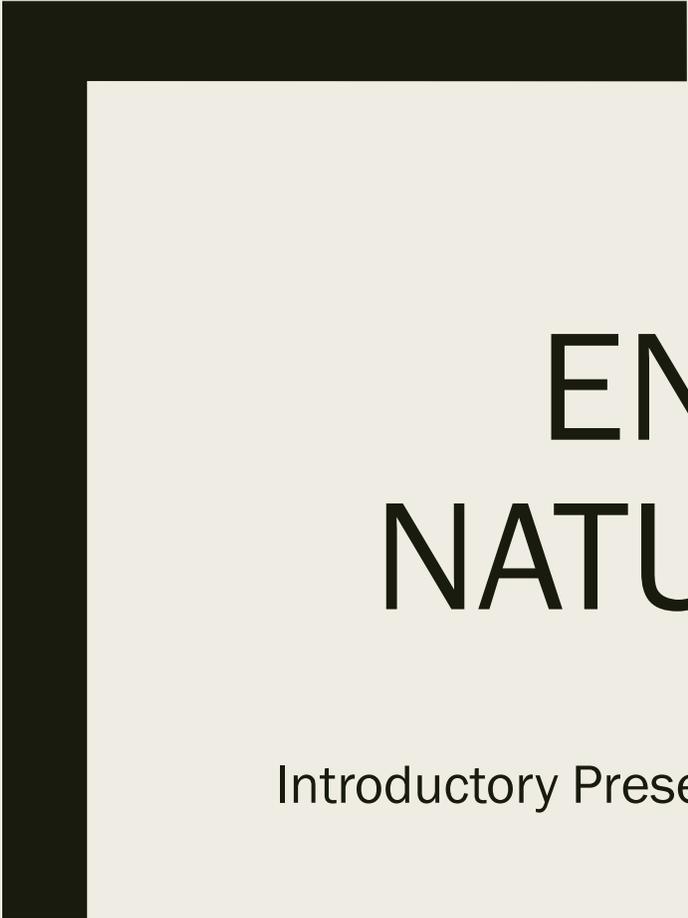
- Our biggest or most important challenge in conducting screenings is:
 - *To obtain sufficient information about impacts, cumulative effects, and mitigation measures during the application process*

Preliminary Screening Challenges or Wishlist cont...

- Another challenge that we hope to make progress on through collaboration with other organizations is:
 - *To improve the Preliminary Screening Form and to ensure future changes are made in a systematic way;*
 - *To think of more ways to get the information that is required for the preliminary screening process (e.g. change the application forms, more guidance, public workshops, etc.);*
 - *To clarify how to best to capture changes to a preliminary screening when a project changes after an EA (during the licensing phase, changes in management plans, etc.)*

INSTRUCTIONS FOR USING THIS TEMPLATE

- In order to introduce different preliminary screening organizations to each other at the workshop, each organization will have about 5 minutes to state some very basic facts about their organization and its experience with preliminary screenings.
- In order to ensure the presentations are brief, we ask that you use only the slides in this Powerpoint template for your presentation.
- There are 6 slides including the title slide. On each we have used the term “<INSERT>” to indicate where you should put in your organization’s specific information. Please replace the “<INSERT>” with the information requested.
- Please do not add extra information – there will be opportunities during the workshop to discuss your Board’s best practices, challenges etc. This presentation is only for context. Thank you.



ENVIRONMENT & NATURAL RESOURCES

Introductory Presentation for the Preliminary Screener's Workshop

September 7, 2016



Legislation and Mandate

- Our organization's mandate is:
 - ENR actively collaborates to protect, manage and restore ecosystem health, promote environmental stewardship and support the wise use of natural resources for the benefit of ecosystems which include the people of the NWT
- Our main roles or responsibilities are:
 - Preliminary Screener
 - Referral organization
 - Regulator
 - Responsible minister
- The main pieces of legislation that govern our activities are:
 - *Mackenzie Valley Resource Management Act*
 - *Wildlife Act*
 - *Waters Act*
 - *Environmental Protection Act*
 - *Forest Management Act*

Preliminary Screening Experience

- Our Department typically conducts screenings of the following types of projects:

- *Permits issued under the:*

• <i>Forest Management Act</i>	• <i>Forest Protection Act</i>
• <i>Pesticide Act</i>	• <i>Wildlife Act</i>

- *Screenings for Air Permits under the new Air Regulations*
- *Review of applications to LWBs for water licences and land use permits under the MVRMA*

- Our workload related to preliminary screenings in the past year could be described as:

- *Nearly 100% participation in preliminary screenings conducted by the Land and Water Boards*
- *Minimal preliminary screenings conducted by ENR (1 in 2015)*

Stakeholders/Participants in our preliminary screening processes include.....

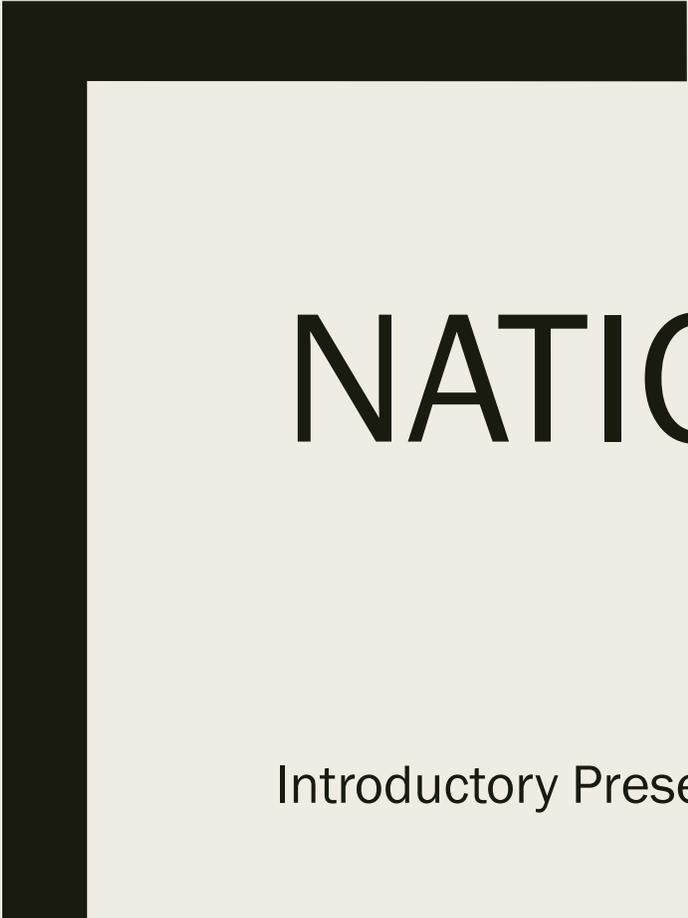
- The following federal/territorial/Aboriginal/community governments or organizations:
 - *Other ENR Divisions*
 - *Other GNWT Departments*
 - *Aboriginal Governments and Organizations*
 - *Federal departments*
 - *Municipal governments*
 - *MVEIRB*
- Other organizations such as:
 - *Renewable Resources Boards*

Preliminary Screening Resources

- We have the following procedures and systems in place:
 - *Standard internal processes for participating in preliminary screenings conducted by the Boards*
 - *Process documents and flow charts for preliminary screenings conducted by ENR, but updating is required*
- We also commonly use the following tools/resources when conducting preliminary screenings:
 - *N/A*

Preliminary Screening Challenges or Wishlist

- Our biggest or most important challenge in conducting screenings is:
 - *Development of consistent practices, tracking, and understanding across ENR*
- Another challenge that we hope to make progress on through collaboration with other organizations is:
 - *Standard processes/guidelines that can be shared among all preliminary screening bodies*



NATIONAL ENERGY BOARD

Introductory Presentation for the Preliminary Screener's Workshop

September 7, 2016



Legislation and Mandate

- Our organization's mandate is:
 - Safety (including safety in navigable waters)
 - Protection of the Environment (including “polluter pays principle”)
 - Conservation of Oil and Gas Resources
 - Joint Production Arrangements & Economically Efficient Infrastructures

- Our main roles or responsibilities are:
 - Issuing exploration and production permits
 - Ensuring worker safety on NEB regulated facilities
 - Ensuring conservation of resources (no wastage)

- The main pieces of legislation that govern our activities are:
 - Canada Oil and Gas Operations Act (COGOA) & Regulations
 - Oil and Gas Operations Act (OGOA) – onshore ISR
 - Canada Petroleum Resources Act (CPRA)
 - Canada Labour Code (CLC)

Preliminary Screening Experience

- Our Board typically conducts screenings of the following types of projects:
 - Operation Authorizations (Production & Development Plans)
 - Geophysical Programs (Exploration)

- Our workload related to preliminary screenings in the past year could be described as:
 - Minimal

Stakeholders/Participants in our preliminary screening processes include.....

- The following federal/territorial/Aboriginal/community governments or organizations:
- Other organizations such as:

We generally adopt the Screening prepared by the Land and Water Board for the purpose of issuing our permits.

Preliminary Screening Resources

- We have the following procedures and systems in place:
 - Various MOUs in place
 - NEB - MVLWB MOU (2013)
 - NEB – MVEIRB MOU (2005)
 - NEB – OROGO MOU (2015)

 - Process and a letter template used to communicate to the Preliminary Screeners (the LWB's) the scope that the NEB requires

- We also commonly use the following tools/resources when conducting preliminary screenings:
 - MVEIRB EIA Guidelines

Preliminary Screening Challenges or Wishlist

- Our biggest or most important challenge in conducting screenings is:
 - Ensuring that the scope of the screening matches the scope of our authorization so it is readily adoptable

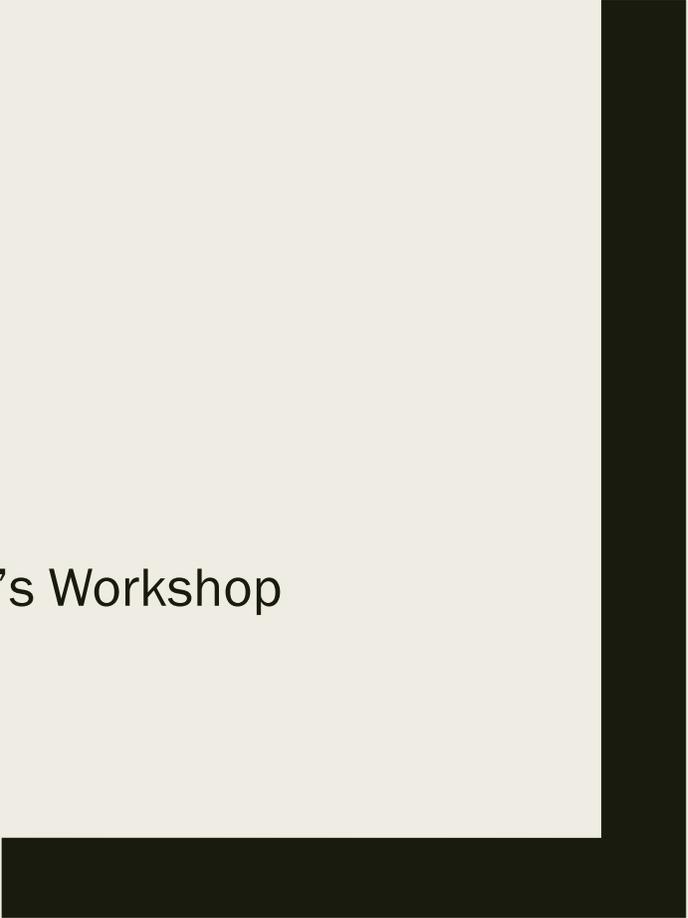
- Another challenge that we hope to make progress on through collaboration with other organizations is:
 - Continuing positive working relationships with other organizations to facilitate communication and information sharing



OROGO

Introductory Presentation for the Preliminary Screener's Workshop

September 7, 2016



Legislation and Mandate

- Our organization's mandate is:
 - *To regulate oil and gas works and activities in order to promote safety, protection of the environment and conservation of oil and gas resources (onshore NWT outside of ISR & federal areas)*
- Our main roles or responsibilities are:
 - *Issue operations authorizations and well approvals*
 - *Conduct inspections, investigations and other compliance-related activities*
 - *Issue Significant Discovery and Commercial Discovery declarations*
- The main pieces of legislation that govern our activities are:
 - *Oil and Gas Operations Act*
 - *Petroleum Resources Act*
 - *Mackenzie Valley Resource Management Act*

Preliminary Screening Experience

- Our Board typically conducts screenings of the following types of projects:
 - *Applications for Operations Authorizations (OAs) trigger preliminary screening*
 - *OAs are required for all oil and gas works and activities, e.g. an exploratory drilling program or establishing a production facility*
- Our workload related to preliminary screenings in the past year could be described as:
 - *In 2015-16, there were no applications for new OAs, therefore no preliminary screenings were required*

Stakeholders/Participants in our preliminary screening processes include.....

- The following federal/territorial/Aboriginal/community governments or organizations:
 - *GNWT, Aboriginal governments, community governments*
 - *The federal government may also be interested*

- Other organizations such as:
 - *Environmental NGOs and members of the public may also be interested*

Preliminary Screening Resources

- We have the following procedures and systems in place:
 - *To date, OROGO has accepted the preliminary screening conducted by the land and water board, consistent with NEB's past practice*
 - *OROGO MOU with the MVLWB*
- We also commonly use the following tools/resources when conducting preliminary screenings:
 - *OROGO has not conducted a preliminary screening to date*

Preliminary Screening Challenges or Wishlist

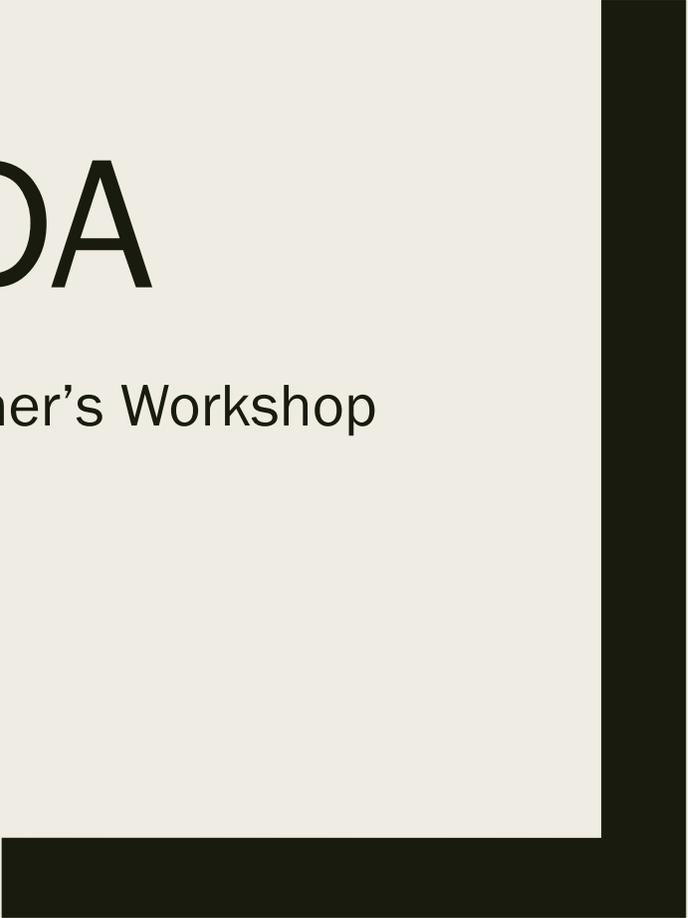
- Our biggest or most important challenge in conducting screenings is:
 - *Developing a public-facing process that respects the confidentiality requirements of the Petroleum Resources Act.*
- Another challenge that we hope to make progress on through collaboration with other organizations is:
 - *Agreeing on requirements for the content and timing of applications such that OROGO can continue to accept the preliminary screenings conducted by the land and water boards, confident that the full scope of the project has been screened.*



PARKS CANADA

Introductory Presentation for the Preliminary Screener's Workshop

September 7, 2016



Legislation and Mandate

- Our organization's mandate is:
 - *On behalf of the people of Canada, we protect and present nationally significant examples of Canada's natural and cultural heritage and foster public understanding, appreciation and enjoyment in ways that ensure their ecological and commemorative integrity for present and future generations.*
- Our primary roles or responsibilities are:
 - *Administer national parks, historic sites, and marine conservation areas across Canada (in the Mackenzie Valley: Tuktut Nogait National Park, Saoyú-ᑭᑦᑲᑦᑲᑦ National Historic Site of Canada, Nahanni and Nááts'ihch'oh national park reserves, proposed Thaidene Nënë National Park Reserve)*
- The primary pieces of legislation that govern our activities are:
 - *Canada National Parks Act*
 - *Mackenzie Valley Resource Management Act*
 - *Species at Risk Act, Migratory Birds Convention Act, Fisheries Act*

Preliminary Screening Experience

- Our agency typically conducts screenings of the following types of projects:
 - *Business licences (commercially guided activities, air access)*
 - *Construction (construction of cabin shelter, trail work, radio repeater installation, backcountry privy installation, replacement of ferry at Rabbitkettle Lake)*
- Our workload related to preliminary screenings in the past year could be described as:
 - *Nahanni/Nááts'ihch'oh NPRs: minimal - no new projects this year, a few were renewed*
 - *SENHS: archaeological survey (2010) and an SEA for the site management plan (2015)*
 - *TNNP: park expansion (2015)*

Stakeholders/Participants in our preliminary screening processes include.....

- The following federal/territorial/Aboriginal/community governments or organizations:
 - *Nahʔa Dehé Consensus Team, Nááts'ihch'oh Management Committee, Saoyú-ʔehdacho & TNNP co-operative management boards, MVEIRB, Mackenzie Valley & Sahtu LWB, Sahtu LUP Board, Sahtu RRB*
 - *Tulita District Land Corp, Tulita & Norman Wells & Fort Norman Metis & Déliᑎe land corps*
 - *Tulita & Norman Wells & Déliᑎe RRCs*
 - *Hamlet of Tulita, Tulita Dene Band, Town of Norman Wells, Ft. Simpson Metis, Fort Simpson & Déliᑎe & Dehcho & Liidlii Kue FNs, Naha Dehe Dene Band, Charter community of Déliᑎe*
 - *DFO, ECCC, INAC, GNWT, TC*
 - *Prince of Wales Northern Heritage Center, various commercial outfitters and aircraft operators, Alpine Club of Canada*

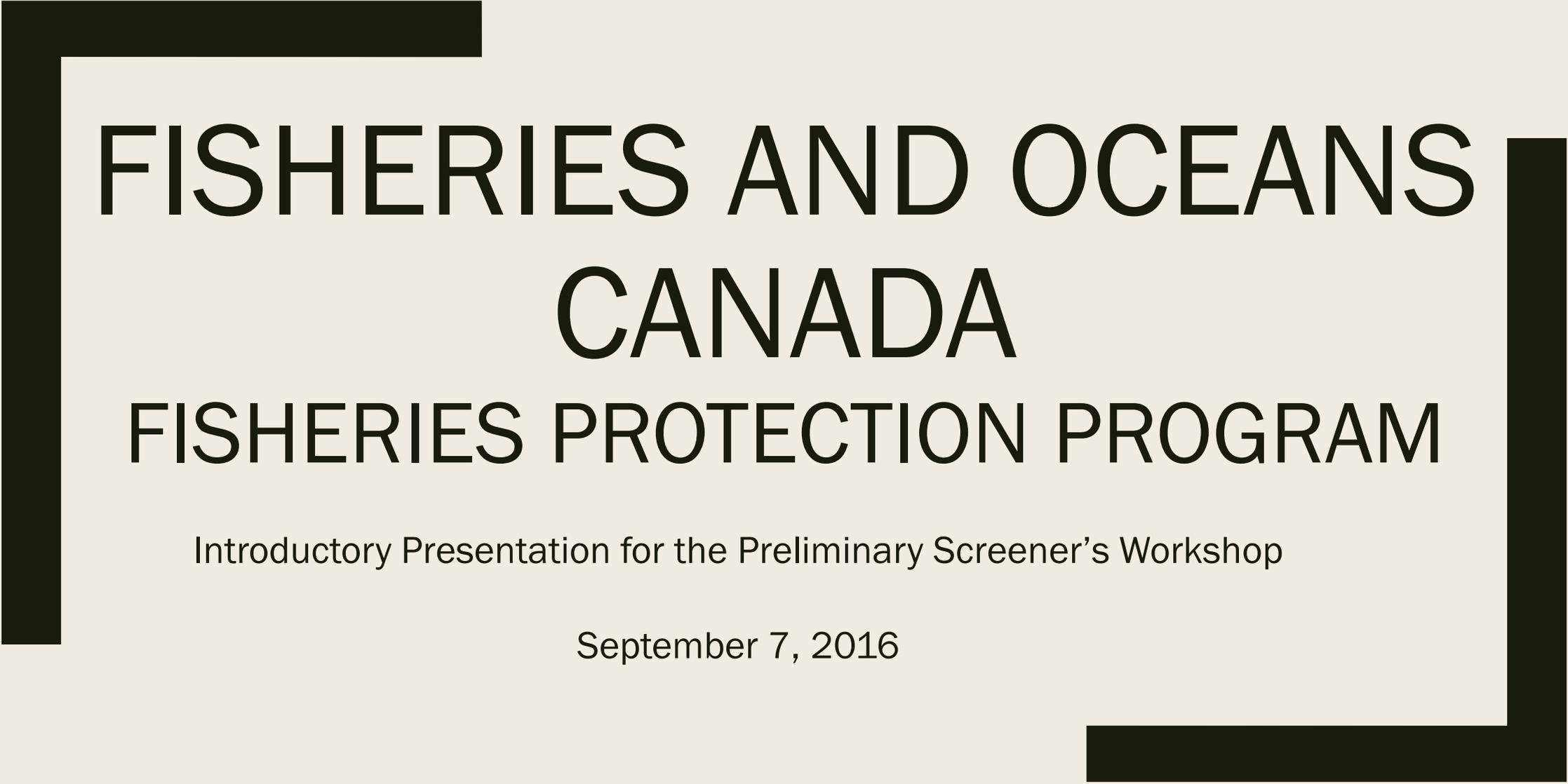
Preliminary Screening Resources

- We have the following procedures and systems in place:
 - *Parks Canada Procedures for Impact Assessment under the MVRMA*
 - *Basic Impact Analysis Template*
 - *Best Management Practices for Aircraft Landings and for Commercially Guided Eco-tourism Activities*

- We also commonly use the following tools/resources when conducting preliminary screenings:
 - *MVEIRB EIA Guidelines*

Preliminary Screening Challenges or Wish List

- Our biggest or most important challenge in conducting screenings is:
 - *Clarity around timelines*
 - *Access to training on the preliminary screening process*
 - *How to deal with the renewal of authorizations? (application is checked for any changes and completeness. If there are no changes to the proposed activities, no preliminary screening is conducted)*
- Another challenge that we hope to make progress on through collaboration with other organizations is:
 - *Consistency in application of the preliminary screening process*

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FISHERIES AND OCEANS CANADA FISHERIES PROTECTION PROGRAM

Introductory Presentation for the Preliminary Screener's Workshop

September 7, 2016

Legislation and Mandate

- Our organization's mandate is:
 - *Maintain the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries*
- Our main roles or responsibilities are:
 - *Ensure that works, undertakings and activities are conducted in such a way that the proponents are in compliance with the applicable provisions of the Fisheries Act*
 - *Management and protection of fish, marine animals and their habitat*
- The main pieces of legislation that govern our activities are:
 - *Fisheries Act; Section 35, 20, 21*
 - *Species at Risk Act; Sections 32, 33, or 58*

Preliminary Screening Experience

- Our Department typically conducts screenings of the following types of projects:
 - *Proposed developments in and around fisheries waters*
 - e.g. water crossings, water taking, infilling, dredging

- Our workload related to preliminary screenings in the past year could be described as:
 - *All preliminary screenings sent to DFO are reviewed initially by the Triage Unit*
 - *Only comment on ones related to mandate; estimated 100/year*

Stakeholders/Participants in our preliminary screening processes include.....

- The following federal/territorial/Aboriginal/community governments or organizations:
 - *Within Fisheries and Oceans Canada*
 - Triage Unit
 - Regulatory Review Units
 - Species at Risk
 - Fisheries Management
 - Coast Guard
- Other organizations such as:
 - *Relevant organization, agency, or community is contacted if more information required, on an as-needed basis (i.e. Environment Canada, Territory, the community)*

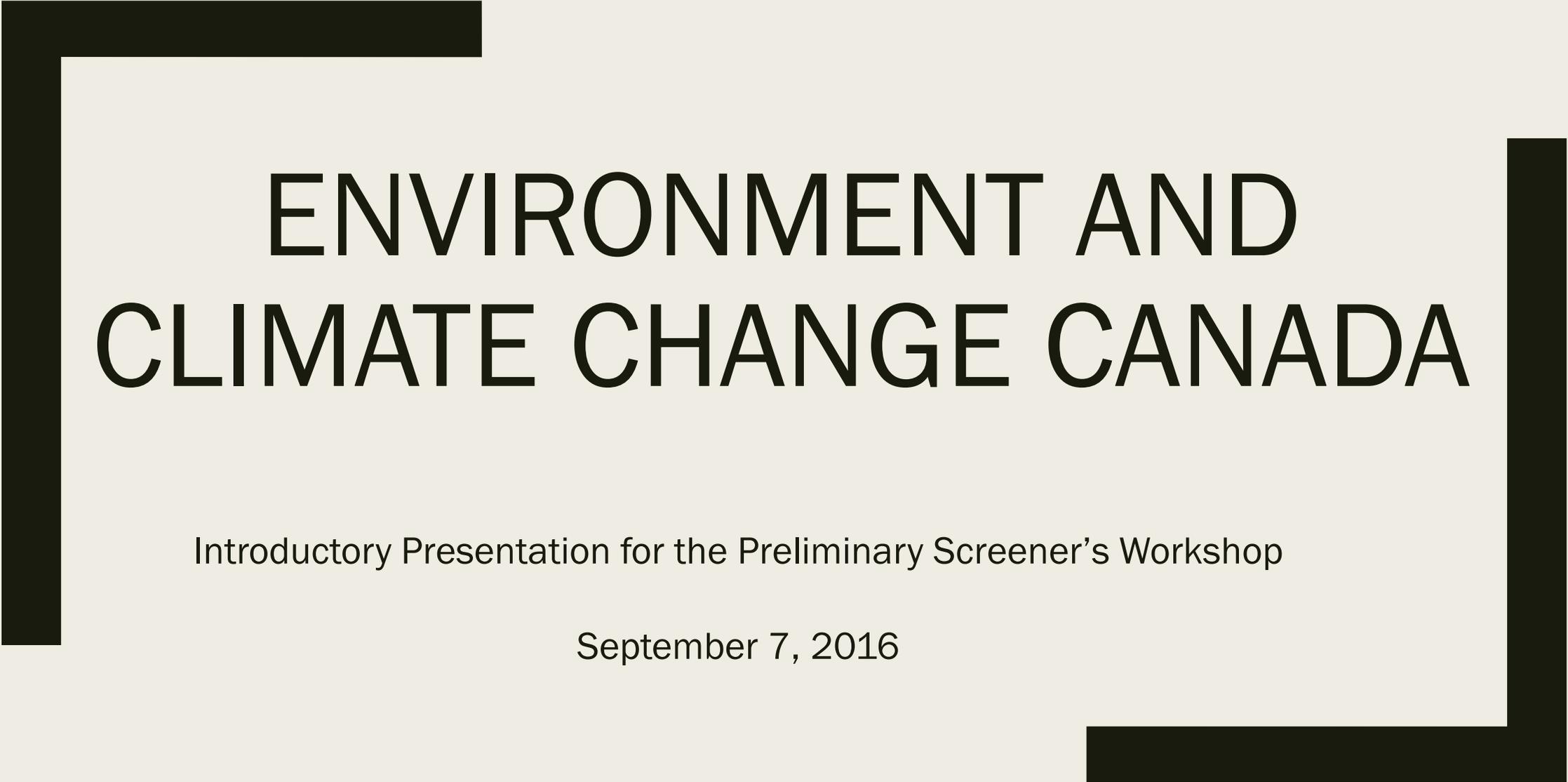
Preliminary Screening Resources

- We have the following procedures and systems in place:
 - *All initial screenings / Request for Review forms are sent into the Fisheries Protection Program ‘one-window design’ for Triage Unit to conduct initial review*
 - *Project that falls under mandate will be reviewed using guidelines to determine if site specific review/comment is required*

- We also commonly use the following tools/resources when conducting preliminary screenings:
 - *We have internal toolkits and guidelines for screening projects.*
 - *Internally have working toolkits and guidelines for Northern processes*

Preliminary Screening Challenges or Wishlist

- Our biggest or most important challenge in conducting screenings is:
 - *Different process to usual one-window design in FPP*
 - Different from the Request for Review Form
 - Determining whether project falls within mandate
- Another challenge that we hope to make progress on through collaboration with other organizations is:
 - *Ensuring reports have sufficient detailed information about fish and fish habitat as well as the summary of works to conduct our review in a timely manner*

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ENVIRONMENT AND CLIMATE CHANGE CANADA

Introductory Presentation for the Preliminary Screener's Workshop

September 7, 2016

Legislation and Mandate

- Our organization's mandate is:
 - *preserve and enhance the quality of the natural environment, including water, air, soil, flora and fauna;*
 - *conserve Canada's renewable resources;*
 - *conserve and protect Canada's water resources;*
 - *forecast daily weather conditions and warnings, and provide detailed meteorological information to all of Canada;*
 - *enforce rules relating to boundary waters; and*
 - *coordinate environmental policies and programs for the federal government.*
- Our main roles or responsibilities are:
 - *assess, monitor and protect the environment; and*
 - *provide weather and meteorological information to keep Canadians informed and safe*
- The main pieces of legislation that govern our activities are:
 - *Canadian Environmental Protection Act, 1999; provisions of the Fisheries Act*
 - *Migratory Bird Convention Act, 1994; Species at Risk Act 2002*

Preliminary Screening Experience

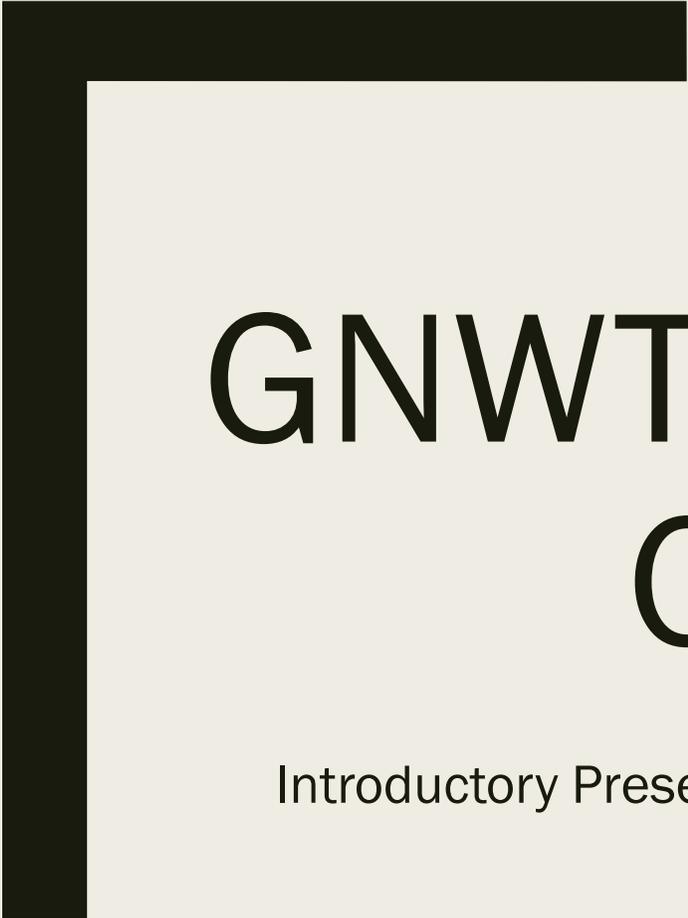
- ECCC has not conducted screenings recently, but will for the following types of projects:
 - *Scientific research (capture), damage and danger (non-emergency), airport*
 - *Protected Areas*
 - *Species at Risk on federal lands*
- ECCC workload related to preliminary screenings in the past year could be described as:
 - *ECCC conducted no preliminary screenings in the last few years*
 - *ECCC actively participates in most screening processes led by other organizations*
 - *ECCC participation in other screening processes represents ~ 25% of workload*

Preliminary Screening Resources

- We have/will have the following procedures and systems in place:
 - *Scientific permits:*
 - Require a NWT Wildlife Research Permit
 - Animal Care Committee review
 - *Co-Management Committee review for activities in protected areas*
- We also commonly use the following tools/resources when reviewing applications:
 - *Various internal and public permitting policies*
 - *Standard terms and conditions*

Preliminary Screening Challenges or Wishlist

- Our biggest or most important challenge in conducting screenings is:
 - *Understanding our “role” as a preliminary screener*
 - *Some permits are issued by southern offices (e.g. banding, SARA, etc)*
 - *Notify and seek input on applications (i.e. registry)*
- Another challenge that we hope to make progress on through collaboration with other organizations is:
 - *CWS permitting process map in the Mackenzie Valley*
 - *No public registry or method of keeping a public record*
 - *Templates for notifications and decisions*



GNWT DEPARTMENT OF LANDS

Introductory Presentation for the Preliminary Screeners' Workshop

September 7, 2016



Lands' Mandate

- To manage, administer and plan for the sustainable use of public land in the Northwest Territories in a fair and transparent manner that reflects the interests of the people of the Northwest Territories.
- Note: The MVRMA is not limited to public land under GNWT administration and control. It also applies to:
 - Land under federal administration and control
 - Land under the administration and control of Aboriginal governments and organizations as set out in land, resource and self-government agreements.

Lands' Roles and Responsibilities - MV

- Administration and management of Commissioner's Land and Territorial Lands
- Land use and sustainability standards, guidelines and policies
- Land use initiatives
- Coordinating GNWT participation in and decision-making for project assessment (environmental impact assessment)
 - Includes coordinating GNWT input to EIA guidelines and related documents
 - GNWT's single window to federal government on MVRMA implementation, administration and amendments
- Land use planning, including regional land use plans
- Land use administration, including permitting and securities
- Compliance and enforcement of land use, including inspections

Legislation - MV

- The main pieces of legislation that govern Lands' activities in the Mackenzie Valley are:
 - Federal: *Mackenzie Valley Resource Management Act*
 - GNWT has legislated and delegated authorities
- Territorial:
 - *Northwest Territories Lands Act*
 - *Commissioner's Land Act*
 - *Area Development Act*
 - *Surface Rights Board Act*

Preliminary Screening – Commissioner's Land

- Before Devolution, the Department of Municipal and Community Affairs (MACA) conducted some preliminary screenings of activities on Commissioner's Land
- At Devolution (April 1, 2014), Commissioner's Land Administration moved from MACA to Lands
- Lands has not conducted any preliminary screenings since Devolution
- The information from this workshop will be useful if/when Lands is required to conduct any preliminary screenings of activities on Commissioner's Land

Preliminary Screening – MVRMA ss 124(2)

- If government is carrying out a project that does not require an authorization, it must do a preliminary screening unless:
 - The activity is manifestly insignificant
 - The activity is exempted under the regulations
- No Lands screenings under this provision to date.
 - Some GNWT departments have developed lists of “manifestly insignificant activities”

Preliminary Screening/Application Review Experience

- Provide input to and monitor all LWB preliminary screenings
 - Inspectors recommend land use permit terms and conditions and comment on draft permits
 - Land Administration provides information on eligibility for land use permit and on any third party interests near the proposed activity
 - If applicable, input on questions about whether an application is exempt from preliminary screening (e.g.. previously screened or MVRMA s 157.1 applies)
 - Other input as required – e.g. Project Assessment Branch (PAB) coordinates GNWT input on some applications
- Since Lands was established on April 1, 2014, provided input to one non-LWB preliminary screening (ENR Forestry)

Lands' PS interests, challenges, wish list

- Understand current situation:
 - How are organizations managing their multiple roles (preliminary screening input, application review, referral authority) during the relatively short LWB PS period?
 - Non-LWB screenings – statistics, copies of guidelines, procedures, reports and decisions
 - What information do preliminary screeners want from Lands?
- Potential next steps:
 - What are reviewers' interests and concerns?
 - What are referral authorities' interests and concerns?
- Lands is GNWT's single window to INAC for potential amendments to *Preliminary Screening Requirement Regulations* and *Exemption List Regulations* (both under the MVRMA)