

Mackenzie Valley Resource Management Act Workshop

Hosted by the Mackenzie Valley Review Board, the Land and Water Boards, and the Government of the Northwest Territories
Katimavik Rooms, Explorer Hotel, Yellowknife (January 12-13, 2016)

Agenda for Day 1 Tuesday January 12, 2016

ARRIVAL TIME and Registration (coffee and muffins/fruit provided)	8:30 – 8:45
Introductions and Opening Comments	8:45 – 9:00
Keynote Speaker - Brian Crane - The Evolution of the MVRMA	9:00 – 9:30
<ol style="list-style-type: none"> MVRMA: The Big Picture – An integrated resource management system MVRMA: A Closer Look - Presenters will provide a closer look at the different parts of the system: <ul style="list-style-type: none"> • Land use planning • Preliminary screening and environmental assessment • Land use permits and water licences • Managing wildlife and other renewable resources • Compliance, inspection, and enforcement • Cumulative Impact Monitoring Program 	9:30-12:00 (break at approx. 10:30)
LUNCH (not provided)	12:00-1:15
<p>Panel Discussion: A Bird’s Eye View</p> <p>Individuals with extensive experience and knowledge related to the development and implementation of the MVRMA will offer unique and informed insights, and answer questions from the audience. This session will be a lively and engaging way to learn about the MVRMA.</p> <p>Panel Members include:</p> <ol style="list-style-type: none"> 1. Brian Crane 2. Larry Wallace 3. Danny Bayha 4. John B. Zoe 5. Rachel Crapeau 	1:15-3:30
Break	3:30-4:00
<p>Presentations and Q&A</p> <p>Two key topics of interest for people who participate in the MVRMA system will be covered in this session. For both topics, there will be a presentation to the full group, followed by an opportunity for discussion.</p> <p>The MVRMA Report Card. The NWT Environmental Audit is an important and</p>	4:00 – 5:00

<p>informative component of the MVRMA. The results show us what is working and where we can do better.</p> <p>Tools for Success: Policies and Guidelines. Understanding the policies and guidelines that shape how the Boards operate will help you optimize your participation in the MVRMA.</p>	
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Agenda for Day 2 Wednesday January 13, 2016

ARRIVAL TIME and Registration (coffee and muffins/fruit provided)	8:30 – 8:45
Opening Comments and Recap	8:45 – 9:00
<p>Breakout Sessions</p> <p>In smaller groups, we will continue to focus in on key topics of interest for people who participate in the MVRMA system. Five breakout sessions will be delivered and participants will be able to take part in all of them. For each topic, there will be a presentation followed by an opportunity for discussion. Likely topics include:</p> <ul style="list-style-type: none"> <p>Let’s Get to Work! Applying what you’ve learned is one of the best ways to deepen your understanding. In small groups, participants will work through an exercise based on a realistic example of a project as it works its way through the MVRMA system. Location: Kat A</p> <p>What’s New? Learn how devolution and changes to the MVRMA and other laws affect the northern regulatory system. Location: Kat B</p> <p>Cumulative Impact Monitoring Program: A Closer Look. Learn more about this program, how it helps us understand the combined effects of projects in the Mackenzie Valley, and where this program is headed. Location: Kat B</p> <p>Enhance your MVRMA Participation. The ‘how’, ‘when’, and ‘what’ of participation in preliminary screenings, environmental assessments, land use permitting, water licensing, and more. Location: Kat C</p> <p>Land Use Planning in Action - Land use planning sets the stage for resource management in the Mackenzie Valley. Learn more about the approved Gwich’in and Sahtu Land Use Plans. Location: Janvier Room</p> 	9:00-12:00 with a break at 10:40

LUNCH (not provided)	12:00-1:15
<p>Panel Discussions: MVRMA on the Ground</p> <p>These panel discussions will take off where the Day 1 panel left off, moving us from the big picture to the practical realities of working within the MVRMA system. Panel members with hands-on experience working in environmental assessment, land use planning, permitting and licensing, and more, will talk about their experiences and insights, and answer questions from the audience.</p> <p>Panel Members include:</p> <ol style="list-style-type: none"> 1. Robert Jenkins 2. Gord MacDonald 3. Zabey Nevitt 4. Scott Stewart 5. Stephanie Poole 6. John Donihee 	1:15 – 3:30
Break	3:30-4:00
<p>Wrap-Up: Learning from Each Other</p> <p>This group exercise is designed to reinforce what’s been learned during the workshop, increase understanding of how the MVRMA system works, and hear different experiences, opinions, and perspectives. Working in small groups, participants will consider questions designed to get people thinking and sharing ideas.</p>	4:00 – 4:45
Closing Remarks	4:45 – 5:00



Overview of

Land and Resource Management in the Mackenzie Valley

www.nwtboardforum.com

Overview of Land and Resource Management in the NWT

Introduction

- Background
- Jurisdictions of land and resource management
- Principles
- Overview of land and resource management
- Land ownership
- Boards under the MVRMA

Overview of Land and Resource Management in the NWT

Background of the regulatory system in the NWT



Overview of Land and Resource Management in the NWT

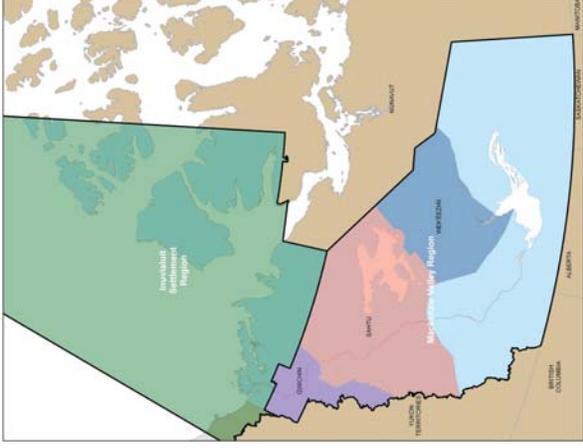
Jurisdictions of land management in the NWT

There are two separate jurisdictions of land management in the NWT:

- Inuvialuit Settlement Region
- Mackenzie Valley Region

Overview of Land and Resource Management in the NWT

Jurisdictions of land management in the NWT



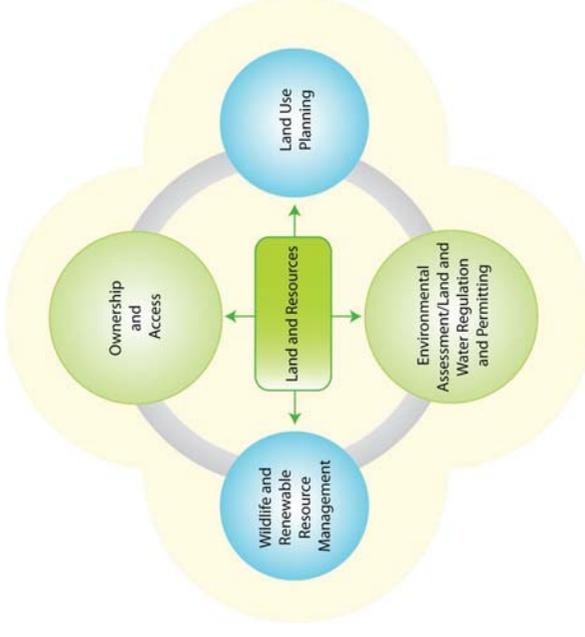
Overview of Land and Resource Management in the NWT

Principles of Land and Resource Management

- Integrated and coordinated system
- Based on principles of co-management

Overview of Land and Resource Management in the NWT

Land and Resource Management – Overview Diagram



Overview of Land and Resource Management in the NWT

Land Ownership

- Territorial (Commissioner's and Territorial Land)
- Federal (Crown Land)
- Aboriginal
- Private

MVRMA Boards Overview

General functions of the MVRMA boards:

- Prepare regional land use plans
- Conduct environmental assessment and environmental impact review processes
- Issue water licenses and land use permits
- Ensure protection of the environment from significant adverse impacts of projects and other developments
- Consider economic, social and cultural well-being of residents, including the recognition of Aboriginal rights

Types of Boards

Land and resources in the NWT are managed through four different types of boards:

- Land use planning Boards
- Environmental assessment Boards
- Land and water regulation Boards
- Renewable resource Boards

Members are nominated and/or appointed by federal, territorial and Aboriginal governments.

Types of Boards

Land and resources in the Mackenzie Valley are managed under the MVRMA through three different types of boards:

- Land use planning Boards – SLUPB, GLUPB
- Environmental assessment Board - MVEIRB
- Land and water Boards – GLWB, SLWB, WLWB, MVLWB

As well as Renewable Resource Advisory Boards

- GRRB, SRRB, WRRB

Members are nominated and/or appointed by federal, territorial and Aboriginal governments.

Additional Information

More information on land and resource management in the NWT can be found on the NWT Board Forum website at:

www.nwtboardforum.ca

Thanks you!

Merci!

Masi Cho!

Mahsi Cho!

Marsi Cho!



Scott Paskiewicz
Executive Director
Sahlu Land Use Planning Board

MVRMA: A Closer Look Part 2- Land Use Planning

Presentation for the
Mackenzie Valley Resource Management Act
Workshop

January 12-13, 2016
Yellowknife

Guiding Principles



24.2.4 The following principles shall guide land use planning in the settlement area:
(a) the purpose of land use planning is to protect and promote the existing and future well-being of the residents and communities of the settlement area having regard to the interests of all Canadians;
(b) special attention shall be devoted to:
(i) protecting and promoting the existing and future social, cultural and economic well-being of the community;
(ii) the rights of the community in harvesting and other uses of resources; and
(c) land use planning shall directly involve communities and designated Council in organizations, and
(d) management and planning processes shall provide for the conservation, development and protection of parks, recreation and heritage.



24.2.4 The following principles shall guide land use planning in the settlement area:
(b) the purpose of land use planning is to protect and promote the existing and future well-being of the residents and communities of the settlement area having regard to the interests of all Canadians;
(c) special attention shall be devoted to:
(i) protecting and promoting the existing and future social, cultural and economic well-being of the community;
(ii) the rights of participants in harvesting and other uses of resources; and
(iii) the rights of participants under this agreement;
(d) land use planning shall directly involve communities and designated Council in organizations; and
(e) management and planning processes shall provide for the conservation, development and protection of parks, recreation and heritage.

Comprehensive Land Claim Agreements



"The Planning Board shall have jurisdiction, in accordance with the provisions of this agreement, for developing a land use plan for the settlement area and for reviewing and proposing approvals, exceptions and amendments to the Plan."

SDM/CLCA S. 25.2.1
1993

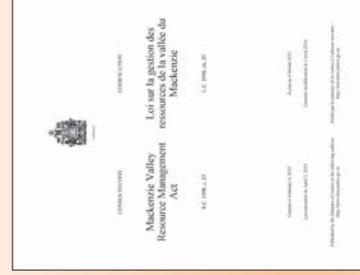


"A Planning Board shall be established and shall have jurisdiction, in accordance with the provisions of this agreement, for developing, reviewing and proposing approvals, exceptions and amendments in respect of a land use plan for the settlement area. The Planning Board shall have regard to any land use plan which is in effect for the settlement area at the date of the establishment of the Planning Board."

GCLCA S. 24.2.1
1992

Mackenzie Valley Resource Management Act (MVRMA)

Part 2
Land Use Planning
Sections 33-50.1
1998



Guiding Principles (S. 35)



35. Guiding principles
 Land use planning for a settlement area shall be guided by the following principles:

- (a) the purpose of land use planning is to protect and promote the social, cultural and economic well-being of residents and communities in the settlement area, having regard to the interests of all Canadians;
- (b) special attention shall be devoted to the rights of the Gwich'in and Sahtu First Nations under their land claim agreements, to protecting and promoting their social, cultural and economic well-being and to the lands used by them for wildlife harvesting and other resource uses; and
- (c) land use planning must involve the participation of the first nation and of residents and communities in the settlement area.

Plan Development (S. 41) and Approval (S.43)



Effective Dates:

August 7, 2003

August 8, 2013



Approval Parties:
 SSI/GTC
 GNWT
 Canada

Board Members (S. 38)



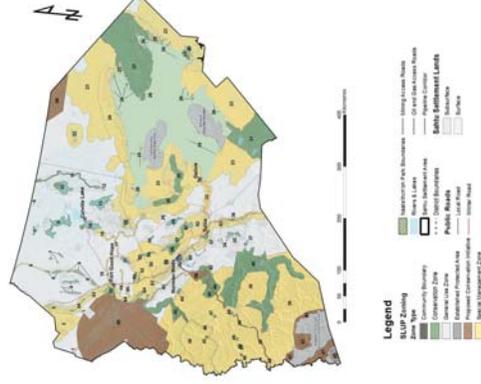
Heather Bourassa, Chair
Danny Bayha
Bob Overvold
Rick Hardy
 Vacant



Bob Simpson, Chair
Fanny Greenland
Arthur Boutiller
Eliza Greenland
 Vacant

(Nominated by Board members)
 (GNWT Nominee)
 (Canada Nominee)
 (SSI/GTC Nominee)
 (SSI/GTC Nominee)

All nominees are submitted to the Minister of Indigenous and Northern Affairs Canada. The Minister makes appointments for 3-year terms.



Monitoring and Implementation

Following approval, the Boards' core functions as mandated by the MVRMA:

- Consider Exceptions the Plan (S. 44)
- Trans-boundary Planning (S. 45)
- Conduct Conformity Determinations on Referral (S. 47)
- Consider Amendments to the Plan (S. 48)
- Keep Public Records of Applications and Decisions (S. 49)
- Conduct Planning Activities leading towards 5-Year Review (S. 50)



MAHSI



www.sahtulanduseplan.org



www.gwichinplanning.nt.ca

Shared Responsibility for Plan Implementation [S. 46(1)]

First Nations, governments, and licensing bodies

The Gwich'in and Sahtu First Nations, departmental governments and agencies of the federal and territorial governments, and every body having authority under any federal or territorial law to issue licences, permits or other authorizations relating to the use of land or water, or the deposit of waste, shall carry out their powers in accordance with the land use plan applicable in a settlement area.



Preliminary Screening and Environmental Assessment Processes in a Nutshell

Alan Ehrlich
Review Board Manager of EIA
January 12, 2016

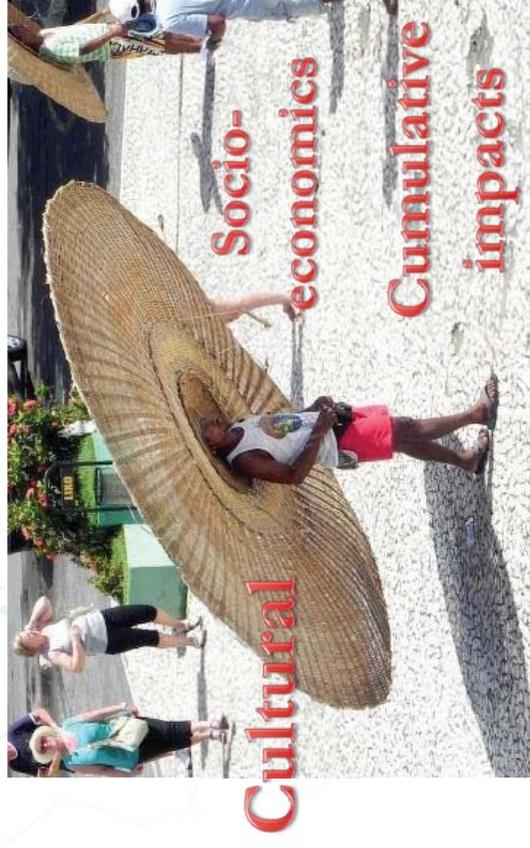
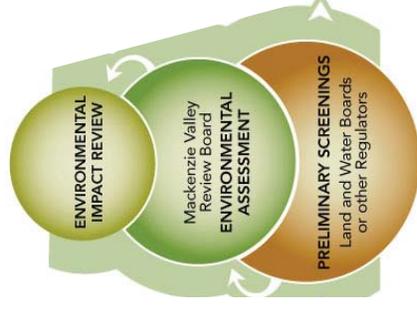


Mackenzie Valley
Review Board



Screening and the EIA System

- Three levels of EIA
- MVRMA delivers on land claims
- <95% of developments go only through PS
- *Mostly* done by Land and Water Boards
- Starts when developer applies for permits
- Cursory initial look at potential for impacts



Development Scoping in PS

- Screeners must consider development as a whole, not just regulatory aspects, during PS
 - Some regulatory duties don't come from MVRMA
 - EIA includes important issues that are not regulated: "Impact on environment" is broadly defined
 - Fishing: Why the hook?
- Take off your regulatory hat when you screen

General steps

- Notify the public and others
- Get and share comments, expert advice
- List potential impacts
- Consider adequacy of mitigations
- Conduct the "might test"

The Might test

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

Criteria to consider

- Many factors can help inform you whether there **might** be a potentially significant impact:
 - Magnitude - Spatial extent
 - Duration - Likelihood
 - Reversibility - Nature of the impact
- The same factors are applied more rigorously during an EA

General factors

- Development **scale**: Larger developments *often* have more potential for impacts
- Development **location**: Ecologically or culturally sensitive areas, protected areas, areas near communities or harvesting areas
- Nature of **activity**:
 - Degree of disturbance
 - Hazardous chemicals or effluents
 - Changes to access
 - Infrastructure needs
 - New tech or setting
 - Severity of worst case scenarios

Not the test



Screeners should use their professional judgment:

Should the development go to environmental assessment?

Legal Requirements

The Review Board must have regard for:

- 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.**

Why do we do EIA?

- It is wise to consider unintended consequences before undertaking major projects
- Better to anticipate and avoid than to react and cure
- Review Board must do EA when it receives referrals from preliminary screeners or others

Legal Requirements

- The Review Board is also required to:
 - ensure **public concerns** are taken into account
 - carry out its duties in a **timely manner**
 - New timelines as of April 1st 2014
 - Run **fair** processes
 - Make decisions **based on the evidence**
 - Operate in a **transparent** manner

Scoping and Terms of Reference (ToR)



To **identify** and **prioritize** issues

- Developer proposes ToR
- Community scoping
- Technical scoping

- Issue Board's draft + final *Terms of Reference*

• Prioritized issues

1. Key Lines of Inquiry
2. Subjects of Note



EA Analysis

- Adequacy review
 - Deficiency statement issued (if needed)
- Information requests by Board and parties
- Technical sessions
- May include community sessions



Developer's Assessment Report (DAR)

- Gives details on:
 - Project
 - Alternatives
 - Setting
 - **Predicted impacts**
 - Mitigations - to avoid impacts

Technical analysis

- parties provide their views and evidence
- finds and focuses on unclear issues
- uses in-house expertise and specialist advisors
- includes Traditional Knowledge
- considers public concern
- parties reach conclusions on impacts, significance, recommended measures



Hearings



At the End of the Day...

- Communities get more say on the projects that affect them
- worst projects never get off drawing board
- projects get designed better from the beginning

Board Decision + Report of EA

- Board determines **significance** of impacts
- Recommends to Minister:
 - Approve the project (usually with measures)
 - Reject the project
 - Do EIR- Highest level of assessment (Review Panel)



At the End of the Day...

- Conflicts are resolved
 - commitments can address impacts
 - projects get better community-buy in
 - less non-technical risk
- new mitigations prevent or reduce impacts
- follow-up programs track issues
- unacceptable projects can be rejected



Land and Water Boards of the Mackenzie Valley – an Overview.

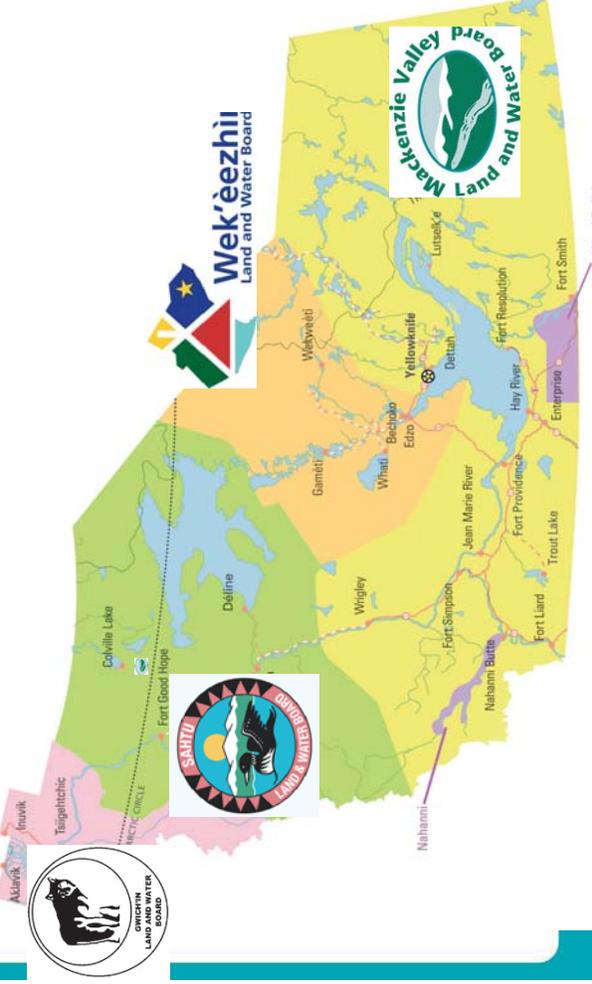


Rebecca Chouinard
Regulatory & Technical Director, MVLWB

MVRMA Workshop
Yellowknife, 2016

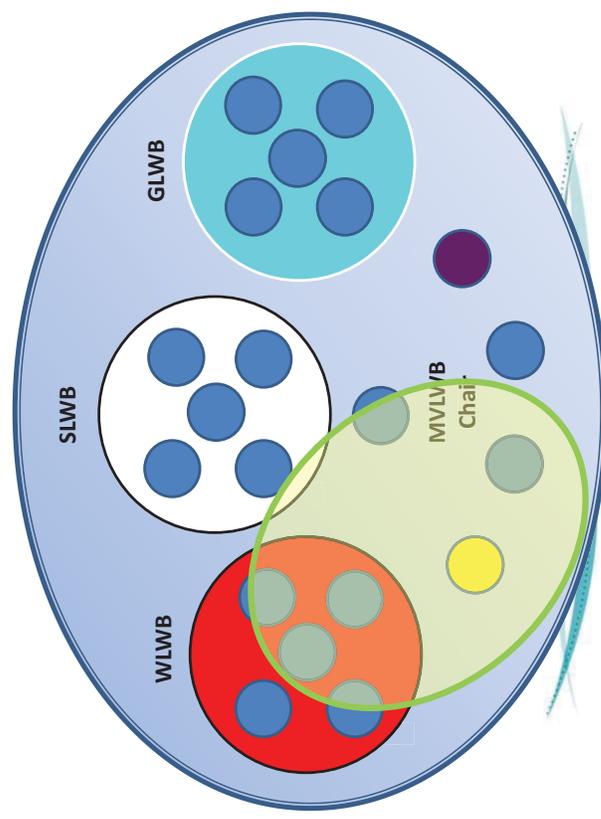


There are 4 Land and Water Boards in the Mackenzie Valley



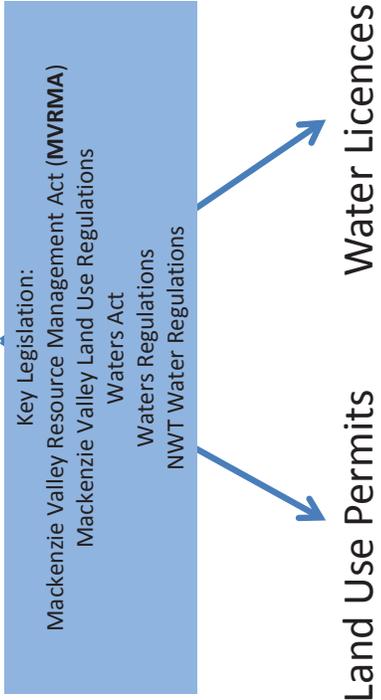
Presentation Outline

- Land and Water Board Background and Responsibilities
- The Legislation & Recent Changes
- The Regulatory Process
- Land and Water Board Initiatives/Resources



What do the Land and Water Boards do?

The Boards regulate the use of land and water and deposit of waste



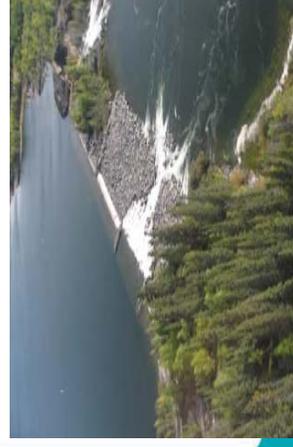
Mackenzie Valley Land and Water Board

When do you need a Permit?



Mackenzie Valley Land and Water Board

When do you need a Water Licence?

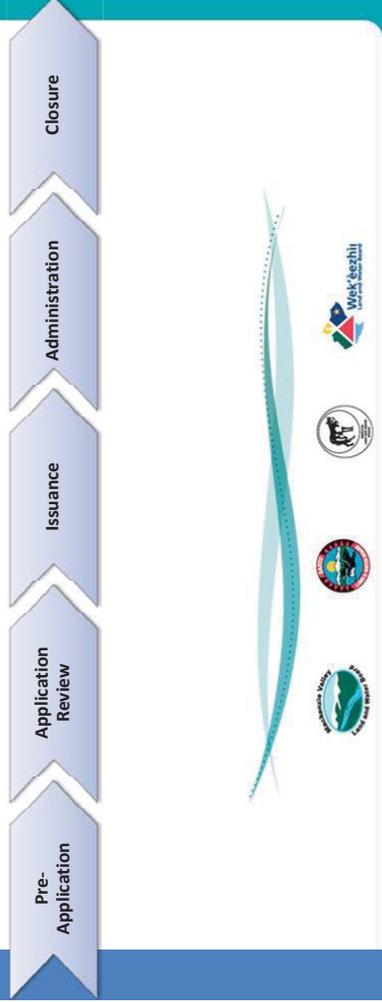


Regulatory Process (a snapshot)



Mackenzie Valley Land and Water Board

The Regulatory Process (for Land Use Permits & Water Licences)



Mackenzie Valley Land and Water Board

Pre-Application

Land Use Permit	Water Licence
Engagement – inform affected parties and seek feedback	
Collect necessary site and/or baseline information	
Contact Land and Water Board staff	
Right of Access – obtain permission from landowner	



Mackenzie Valley Land and Water Board

Application Review

Land Use Permit	Water Licence
Application deemed complete	
Application sent out for review and comment	
Preliminary screening – may get sent for Environmental Assessment	
Public hearing unlikely	Public hearing likely (for Type A' s)
<42 days for Board decision	New: Timelines (9 months) * does not include proponent time



Mackenzie Valley Land and Water Board

Issuance

Land Use Permit	Water Licence
They will include conditions to minimize impacts:	
Methods & Timing	Studies/Reports/Plans
Protection of habitat, historic/archaeological/burial sites	Monitoring / Effluent Quality Criteria (EQC)
Closure and Reclamation	
Security Deposits	
Term up to 5 years	New: Term up to life of project



Mackenzie Valley Land and Water Board

Administration

Land Use Permit

Compliance enforced by Inspectors
(Canada / **New: GNWT**)

Amendments and renewals possible

Management plans: review and approval

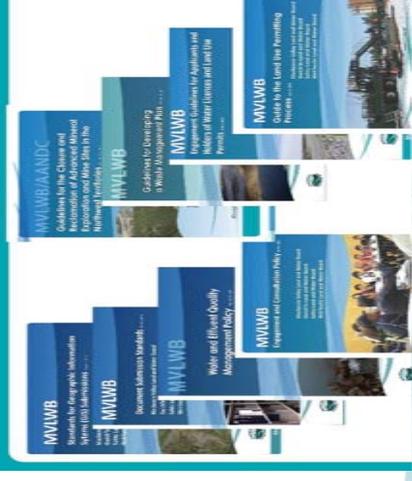
Ongoing reporting of activities



Mackenzie Valley Land and Water Board

Land and Water Board Resources

- Consultation and Engagement Policy and Guidelines
- Closure and Reclamation Guidelines (w/AANDC)
- Water and Effluent Quality Management Policy
- Waste Management Guidelines
- Standard Land Use Permit Conditions
- Guide to Land Use Permitting Process



Mackenzie Valley Land and Water Board

Closure

Land Use Permit

Final closure plan due before end of operations

Water Licence

Preliminary, interim and final Closure and Reclamation Plans may be necessary

MVLURs (S. 32)

WA (S. 35) and MVRMA (S. 72.11)



Mackenzie Valley Land and Water Board

Land and Water Board Resources (coming soon....)

- **Municipal Landfill Guidelines (w/GNWT)**
- Municipal Operation & Maintenance Templates (w/GNWT)
- **Standard Water Licence Conditions**
- **Guide to Water Licensing Process**



Mackenzie Valley Land and Water Board

Website

www.mvlwb.com

- Online Review System
- Online Registry



- Coming Soon – **ONLINE APPLICATIONS**



Mackenzie Valley Land and Water Board



The Wek'èezhii Renewable Resources Board & Integrated Resource Management System

Jody Pellissey, WRRB Executive Director
MVRMA Workshop, Yellowknife
January 12, 2016



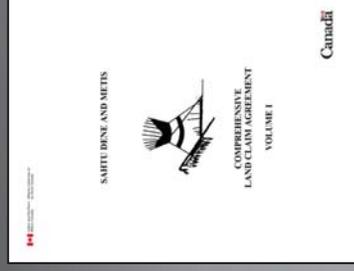
Wildlife • Plants • Forests • Protected Areas

Renewable Resource Boards

Gwich'in Renewable Resources Board



Sahtú Renewable Resources Board



THANK YOU



Mackenzie Valley Land and Water Board

Considerations

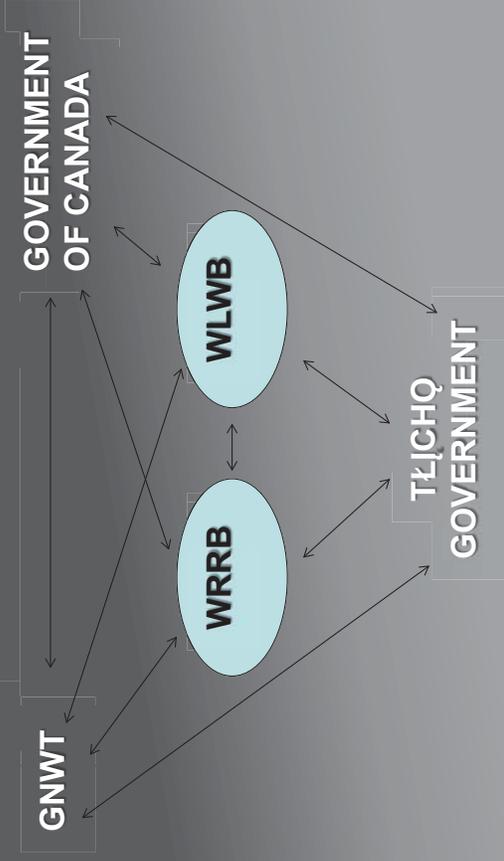
- Inter-relatedness of wildlife, land and people
- Conservation and precautionary principle
- Use of best information available to inform decision making
 - Tłjchoḡ knowledge
 - Scientific knowledge
 - Expert opinion



S. Beaumont, WRRB

“Strong Like Two People”

Co-Management in Wek'èezhii



Integrated Resource Management System

MVRMA Section 64 (2) Wildlife Resources

“... shall seek and consider the advice of the renewable resources board respecting the presence of wildlife and wildlife habitat that might be affected by a use of land or waters or a deposit of waste...”



B. Tacz, WRRB



S. Beaumont, WRRB

Other Key Interactions



S. Eisasser, WLWB



S. Beaumont, WRRB

Mackenzie Valley Land & Water Board

- Provide advice on trans-boundary applications
- Mackenzie Valley Environmental Impact Review Board
- Provide advice on environmental assessments
 - Information requests

Thank you



WRRB

WRRB contact info:
102A, 4504-49th Ave, Yellowknife
jpellissey@wrrb.ca, 873-5740



Inspections, Compliance & Enforcement

Mackenzie Valley Resource Management Act and the Waters Act

- The two key instruments that allows for development to occur in most the NWT
- Accountability in ensuring due diligence is carried out when applying for authorizations
- Ensures community concerns and environmental challenges are heard
- Boards to set terms and conditions



MVRMA Compliance Inspections and Enforcement

January 12th, 2016



Inspections, Compliance & Enforcement

- Application and review
- Risk Assessment
- Compliance tools
 - Inspections
 - Directions/orders
 - Investigations/prosecutions



Inspections, Compliance & Enforcement

- Key GNWT authorities under the Act include
 - Designation - S 84(1) MVRMA & 65(1) WA.
 - Inspector powers - S 85(1) MVRMA & 66(1) WA
 - Inspectors Orders & Directions- S 86(1)&(2) MVRMA & 67(1) WA.
 - Non compliance with Order - S 86.2(1) MVRMA & 67(3) WA.



Government of
Northwest Territories

Inspections, Compliance & Enforcement

- Application and Review
 - DoL and ENR review all applications submitted to the Board
 - Request information and clarification.
 - Communicate our concerns to the Board
 - Makes recommendations with respect to terms and conditions



Government of
Northwest Territories

Inspections, Compliance & Enforcement

- Key DoL authorities under the Regulations include
 - Requirement to give time to comply – S 34(1)
 - Ability to order cessation – S 34(1)



Government of
Northwest Territories

Inspections, Compliance & Enforcement

- Application and Review
 - On more complex projects...
 - Participation in Environmental Assessment
 - Participation at hearings and public proceedings



Government of
Northwest Territories

Inspections, Compliance & Enforcement

- Risk Assessment and Inspection Frequency
 - A severity and probability rating
 - An overall numeric risk rating
 - Where the file fits with respect to the low, moderate or high risk categories
 - And a baseline inspection frequency



Government of
Northwest Territories

Inspections, Compliance & Enforcement

- Risk Assessment and Inspection Frequency
 - Probabilities (or frequencies)
 - also weighted from a low to very high potential of something occurring
 - It is Jury driven as well based on their knowledge of known activities that normally occur on projects



Government of
Northwest Territories

Inspections, Compliance & Enforcement

- Risk Assessment and Inspection Frequency
 - severity
 - potential impact on the environment
 - potential impact on people
 - potential impact on property or traditional lifestyle
 - potential impact on financial or legal responsibilities



Government of
Northwest Territories

Inspections, Compliance & Enforcement

- Risk Assessment and Inspection Frequency

Risk Rating

Category: <input type="text" value="CLASBY SITE - BRADBO"/>	Severity: <input type="text" value="2"/>	Probability: <input type="text" value="4"/>	Overall Rating: <input type="text" value="8"/>	Risk Rating: <input type="text" value="MEDIUM"/>	Inspection Frequency: <input type="text" value="1-2 PER YEAR"/>
Category: <input type="text" value="CLASBY SITE - New"/>	Severity: <input type="text" value="3"/>	Probability: <input type="text" value="4"/>	Overall Rating: <input type="text" value="12"/>	Risk Rating: <input type="text" value="HIGH"/>	Inspection Frequency: <input type="text" value="10 WEEKLY"/>

Comment / Justification:

History of the assessment as well as the volume of material quantified warrants more frequent inspections.



Government of
Northwest Territories

Inspections, Compliance & Enforcement

- Risk Assessment and Inspection Frequency
 - Modification of inspection frequency
 - Environmental conditions
 - Environmental sensitivity
 - Project challenges
 - Record of compliance (to date or historical)



Inspections, Compliance & Enforcement

- Compliance
 - Inspections
 - conducted by DoL and ENR personnel
 - Primary mode of education
 - Primary mode to assess project status
 - Primary mode to assess environmental conditions and challenges in direct relation to the project activities
 - The time and the place to provide Departmental feedback to the permittee/licencee on their performance



Inspections, Compliance & Enforcement

- Compliance
 - Inspections
 - In person
 - Inspection reports
 - Unacceptable noted conditions
 - Directions/orders/stop work/suspension
 - Investigation and prosecution



Inspections, Compliance & Enforcement

- Compliance
 - Inspections
 - Do we achieve the inspection frequencies identified in the plans? Yes
 - Do we inspect 100% of the open and active files in the NWT? No
 - The intent of the risk assessment model described in the previous slides, is to ensure a consistent approach is employed in identifying and prioritizing the projects that need to see the greatest frequency of inspections.



Inspections, Compliance & Enforcement

- Compliance
 - Inspection Reports are the primary vehicle used by Inspectors to:
 - Communicate to the licensee/permittee
 - Stipulate expectations where necessary
 - Communicate to issuing authorities such as the Boards
 - Communicate to other regulating authorities



Inspections, Compliance & Enforcement

- Compliance
 - Directions and Orders
 - When Inspections and instruction within the reports do not achieve the desired results, our ability to issue direction and orders is often exercised.
 - They are issue specific
 - A separate document from an inspection report
 - Have a clear timeline to comply within
 - Copied to the respective Board



Inspections, Compliance & Enforcement

- Compliance
 - Inspection Reports
 - [MV2014X0027_March19-2015_Prohibition&GBRiver.pdf](#)
 - [MV2005L4-0008_Bluefish_Inspection_16-Jul-15_.pdf](#)



Inspections, Compliance & Enforcement

- Compliance
 - Stop Work Orders and Suspensions
 - When previous attempts to gain compliance fail, Inspectors have the ability to order the cessation of the operation, or any part of it.
 - On the Inspectors satisfaction that compliance has been achieved, he or she may lift the order to allow the operation to proceed.



Inspections, Compliance & Enforcement

- Compliance
 - Investigation and prosecution
 - Generally the tool of last resort when other methods of gaining compliance have been exhausted but;
 - The tool of choice in situations where significant negligence has occurred or;
 - In situations where serious environmental impacts have occurred.



Government of
Northwest Territories

Inspections, Compliance & Enforcement

- In Conclusion
 - The inspections, compliance and enforcement programs the GNWT is responsible for is healthy, robust and working well.
 - Is it perfect? Probably not
 - Are we making it better? Every opportunity we get.

THANK YOU



Government of
Northwest Territories

NWT Cumulative Impact Monitoring Program



NWT Cumulative Impact Monitoring Program



NWT CIMP

WHAT?

NWT CIMP provides environmental monitoring to support better land and water resource decision-making. It is a partnership between the Government of Nunavut, the Government of Northwest Territories, and the Government of Yukon. It is a collaborative project and is funded by the three governments.



Cumulative Impacts?

Environmental changes caused by multiple interactions among human activities and natural processes that accumulate across space and time.



Cumulative impacts are a challenge to monitor, understand and manage.

WHY?

• Better resource management

• Better partnership with industry



• Objectives of Federal land claims and Part 4 NWTMA

• cumulative impact monitoring

• environmental trends

HOW?

Partnerships:

• GNWT is the responsible authority

• 29 partnership agreements in 2014/15:

• universities, Aboriginal organizations, co-management boards, governments, NGOs

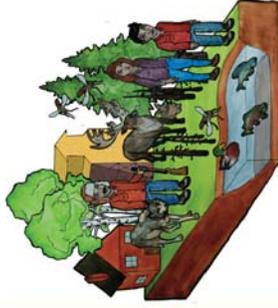
• \$1.8M in funding annually

• In consultation with First Nations and Tlicho Government

• Using science, TK and other sources of knowledge



Cumulative Impacts?



Environmental changes caused by multiple interactions among human activities and natural processes that accumulate across space and time.

Cumulative impacts are a challenge to monitor, understand and manage

WHAT?

NWT CIMP conducts environmental monitoring to support better land and water resource decision-making

We coordinate, conduct and fund the collection, analysis and reporting of information related to cumulative impacts and environmental trends

Since 2012, focused on caribou, water and fish in development "hot spots"



Prairie Creek Mine public hearing

HOW?

Partnerships:

• GNWT is the responsible authority

• 29 partnership agreements in 2014/15:

• universities, Aboriginal organizations, co-management boards, governments, NGOs

• \$1.8M in funding annually

• In consultation with First Nations and Tlicho Government

• Using science, TK and other sources of knowledge



NWT CIMP Steering Committee

WHY?

- Better resource management
- Builds partnerships and capacity



Fortune NICO Mine



Local lab assistant in Norman Wells

Obligations of settled land claims and Part 6 MVRMA

- cumulative impact monitoring
- environmental trends



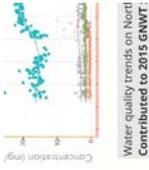
Results

Since 2010: NWT CIMP has funded about 30 projects for \$1.5M each year, leveraging funds at a ratio of 3:1

NWT CIMP is one of the territory's best sources of high quality information to support evidence-based decision making. **16 peer-reviewed papers published last year.**

NWT CIMP has identified **18 environmental trends and analyzed cumulative impacts in 7 regions.** Many projects contribute to environmental baseline data

Last year NWT CIMP contributed information directly to **9 regulatory processes**



Water quality trends on North Slave rivers
Contributed to 2015 GNWT SOE

Cumulative
development
Strategies



Achievements

Results

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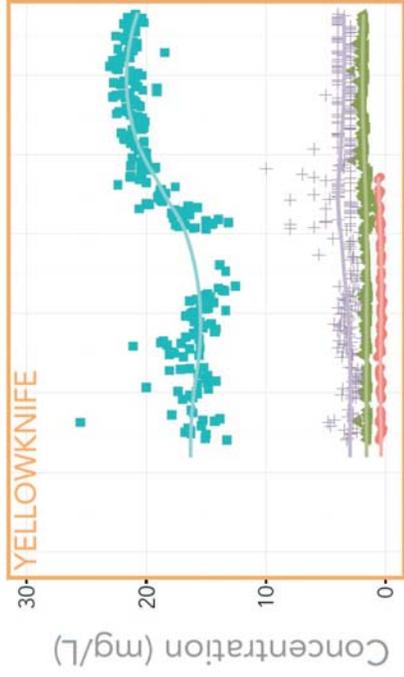


Community Focus

Last year **80%** of NWT CIMP projects were led by or partnered with Aboriginal, community or environmental organizations. **80%** of projects responded to a community concern. **60%** of projects created new or enhanced community capacity. **48** results presentations were given by project leads directly to interested communities



MAJOR IONS



Water quality trends on North Slave rivers.
Contributed to 2015 GNWT SOE report





Cumulative effects of oil and gas development on Tathlina Lake.
Strategic Water License renewal



Cumulative impacts of diamond mines on water quality in Lac de Gras. **Jay Project**



Water quality trends on North Saskatchewan River
Contributed to 2015 GNWT

Results

- Since 2010: NWT CIMP has funded about 30 projects for \$1.5M each year, leveraging funds at a ratio of 3:1
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- NWT CIMP has identified 18 environmental trends and analyzed cumulative impacts in 7 regions. Many projects contribute to environmental baseline data**
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Cumulative development Strategic



Community Focus

- Last year: **80% of NWT CIMP projects were led by or partnered with Aboriginal, community or co-management organizations**
- 80% of projects responded to a community concern**
- 66% of projects created new or enhanced community capacity**
- 48 results presentations were given by project-leads directly to interested communities**



Aquatic health monitoring in the Central Mackenzie Valley, Sahtu region



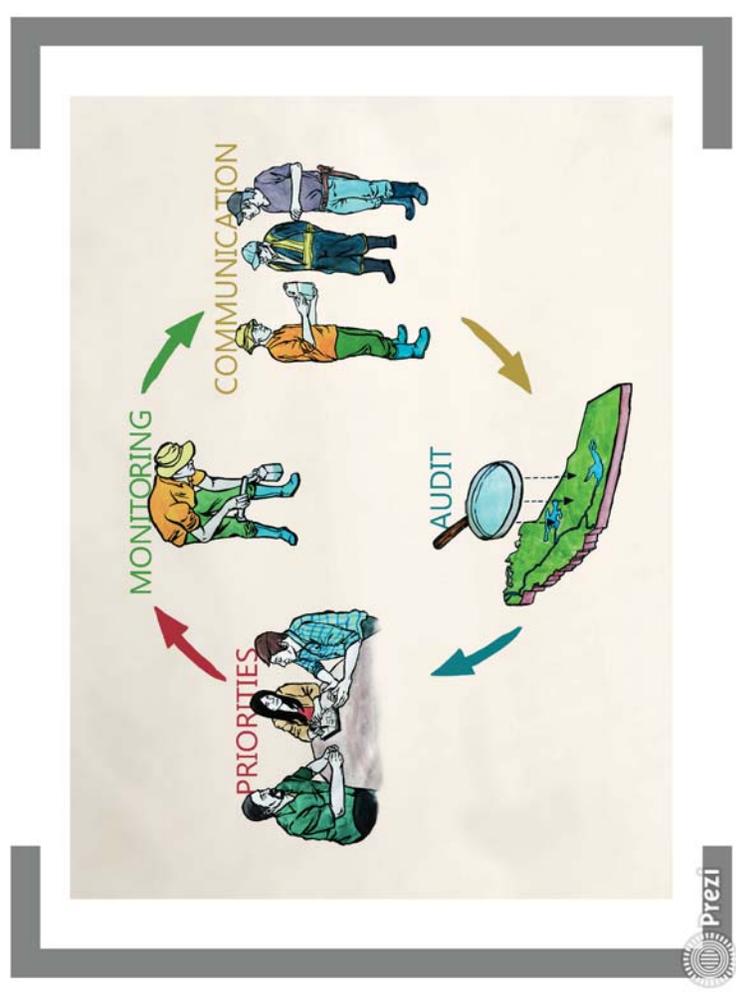
Trained 3 field and lab assistants



Cumulative effects of oil and gas development on Tathlina Lake.



Environmental monitoring, project management and field logistics training



1. Work with Partners to Understand Key Monitoring Priorities



- a) Working with regulators to understand cumulative impact monitoring priorities for **caribou, water, and fish - NEW BLUEPRINTS**
- b) Meaningful involvement of Aboriginal partners
- c) Increased support for TK



3. Communicate Results to Decision-makers and the Public



- a) NWT CIMP monitoring results are accessible to communities and the public
NWTCIMP.ca & DISCOVERY PORTAL
- b) Relevant NWT CIMP-supported monitoring is reported **directly to environmental decision makers**



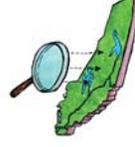
2. Coordinate, Conduct, and Fund Cumulative Impact Monitoring, Research and Analysis



- a) Address high priority **cumulative impact** questions for caribou, water, and fish
- b) Determine **trends in environmental quality**, potential contributing factors, and the significance of trends



4. Facilitate the NWT Environmental Audit



- a) The NWT Environmental Audit is conducted every 5 years, in accordance with the MVRMA



NWT Environmental Audit

An independent assessment of the effectiveness of environmental management in the Mackenzie Valley and Inuvialuit Settlement Region* that occurs every 5 years

Audit recommendations are intended to improve environmental management in the NWT



Why?

Legal:

- Gwich'in, Sahtu, and Tlicho agreements
- Part 6 MVRMA

Practical:

- Supports sustainable resource use
- Can be a catalyst for change
- Sets benchmarks for subsequent audits



Gahcho Kué mine



Focus

The audit examines four key areas:

- effectiveness of the MVRMA* regulatory system
- effectiveness of cumulative impact monitoring
- environmental information gaps
- response to previous audit recommendations



Map of land and water boards of the Mackenzie Valley



Environmental monitoring in the Gwich'in Settlement Area



Environmental monitoring in the Gwich'in Settlement Area



Who?

A Steering Committee of 8 regional Aboriginal governments and organizations, and the Territorial and Federal government guide the audit

The GNWT is the Responsible Minister. NWT CIMP facilitates the audit

The auditor is independent of all audit parties. The 2015 auditor is Arcadis



Audit Steering Committee meeting



How?

The auditor widely distributes questionnaires and conducts follow-up interviews with participants in environmental management:

- *Government, co-management, Aboriginal government/organization, communities*

Regional and community input is also sought in **community visits**



Categories of recommendations

- *Land use planning*
- *Regulation*
- *Environmental Assessment (EA)*
- *EA process*
- *Board governance & operations*
- *Capacity*
- *Consultation*
- *Funding*
- *Traditional Knowledge*
- *NWT CIMP*



Past Audits

The majority of 2005 and 2010 audit recommendations were directed at **AANDC and MVEIRB** and fit in **10 broad categories**



Past audit recommendations have led to positive change (increased funding for NWT CIMP, land use plans completed).
In many cases audit recommendations have not led to action



Past Audits

The majority of 2005 and 2010 audit recommendations were directed at **AANDC and MVEIRB** and fit in **10 broad categories**



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In many cases audit recommendations have not led to action



New in 2015

Audit parties respond to recommendations in the report

Review of environmental information gaps to focus on caribou, water and fish

The general public could participate using an online survey linked to a Facebook page



The MVRMA Report Card

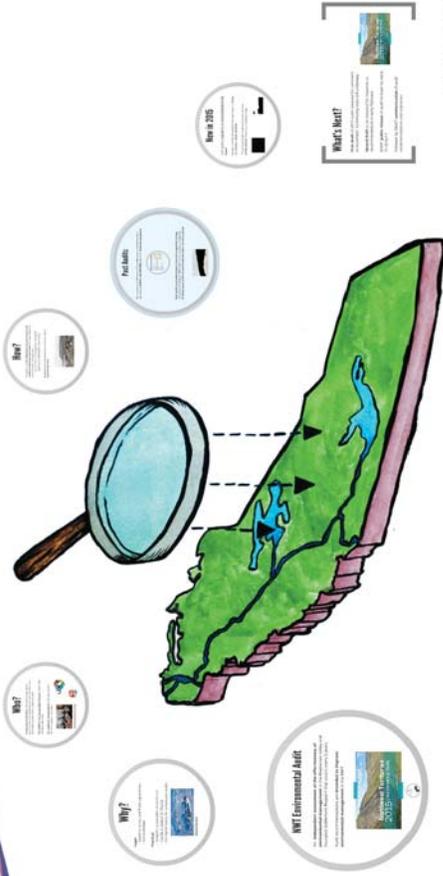


Illustration by Troy Mathews



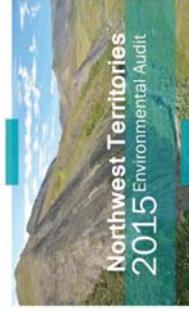
What's Next?

First draft of 2015 audit released for comment in November. Community visits still underway

Second draft to be released for response to recommendations in early February

GNWT **public release** of audit forecast for early FY 2016/17

Followed by GNWT **communication** of audit recommendations and responses



MVLWB and Review Board Policy Tour

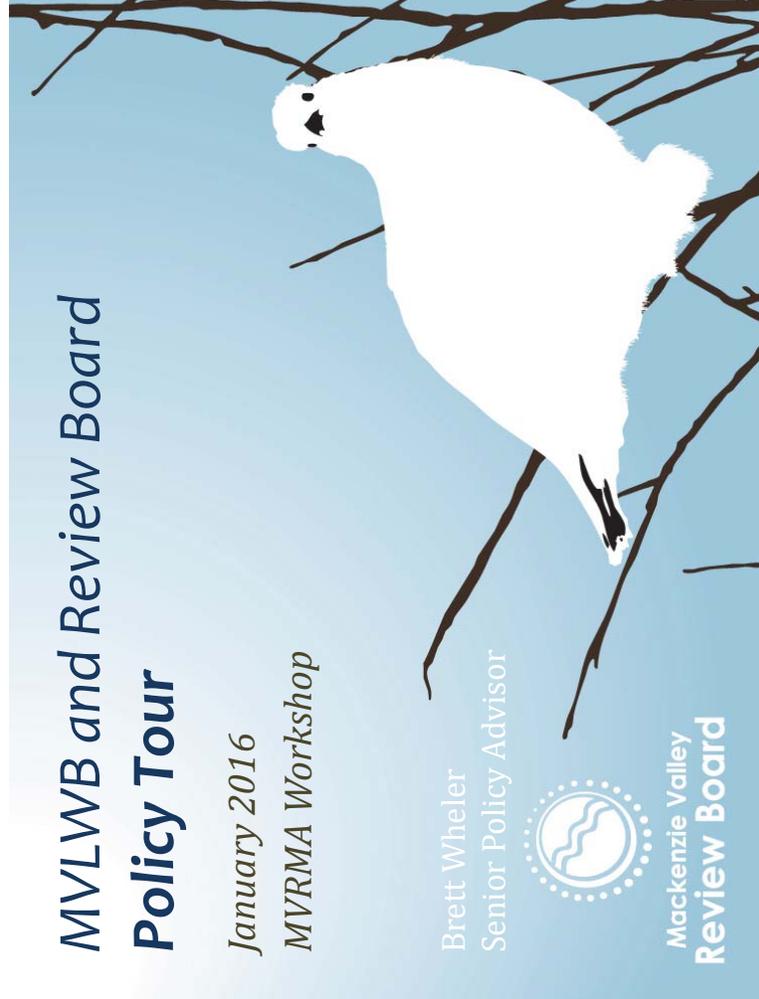
January 2016

MVRMA Workshop

Brett Wheler
Senior Policy Advisor



Mackenzie Valley
Review Board



Outline

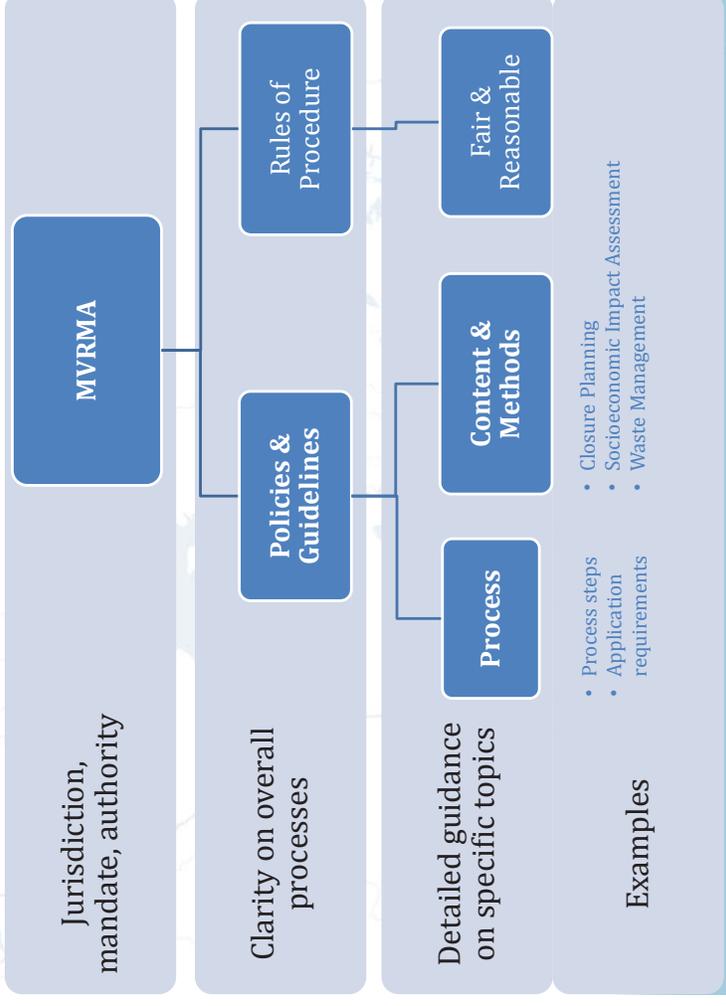
1. Purpose of Board policies and guidelines
2. Guidance on engagement
3. Guidance on Board processes
4. Guidance on technical content and methods
5. Looking ahead

Board Policies and Guidelines: Overall Goals

- Facilitate effective and efficient review processes!
- Explain Board expectations
 - More clarity, less uncertainty...
- Proponents will **know what to expect** before they apply
- Reviewers and stakeholders will **understand how they can contribute** to Board decision-making processes

Introduction

- Integrated resource management system
 - Everyone has a role
- Boards publish guidance to:
 - Clarify expectations
 - Explain roles
- Understanding increases effectiveness of your participation
 - ...and co-management as a whole!



Guidance on Engagement

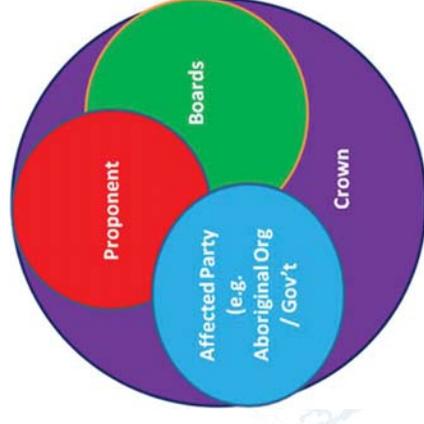


Mackenzie Valley
Review Board



- **Crown** is ultimately responsible for ensuring the Duty to Consult is met
Haida Nation v. British Columbia (Minister of Forests), 2004 SCC 73

- **Proponent and administrative tribunal (Board)** consultation processes contribute to the discharge of the duty
Taku River Tlingit First Nation v. British Columbia (Project Assessment Director), 2004 SCC 74



MVLWB Policy and Guidelines for Engagement and Consultation

- All encompassing: application, EA, licence/permit
- Addresses process and content
- **Purpose:** to provide clarity
 - Pre-submission engagement requirements
 - Life of project engagement planning and action
 - Implementation of the Boards' responsibilities for statutory consultation under the MVRMA



Mackenzie Valley
Review Board

Benefits of Engagement

- Better understanding of social, cultural, and environmental conditions, including local and traditional knowledge
- Better understanding of views, concerns, interests, and expectations
 - Potential adaptation and improvement of the project
 - More effective participation in Board processes



Mackenzie Valley
Review Board

Engagement & Consultation Policy: Guiding Principles

- **Shared Responsibility** – coordinated responsibilities of Proponent, Canada, NWT, Aboriginal Gov/org, Boards
- **Appropriate disclosure** – all relevant info made available in timely manner and consider culture, language, and tradition of affected party
- **Inclusiveness** – potentially affected, incl. youth, elders, women given opportunity to be involved
- **Reasonableness** – all parties must be reasonable when setting expectations and enter in spirit of cooperation



Mackenzie Valley
Review Board

Guidance on Permitting, Licensing, and EIA Processes



Mackenzie Valley
Review Board



Engagement Guidelines: Expectations of Proponents

- Make genuine effort to seek out and understand parties' concerns
- Consider opportunities to mitigate impacts
- Scale engagement with activity and level of interest
Appendix B
- Respond to concerns and work with affected parties to jointly resolve issues



Mackenzie Valley
Review Board

Process Guidance: Permitting & Licencing

- Guide to the Land Use Permitting Process
- Guide to WL Process (to be updated)
- Water Use Fee Policy
- Late comment policy
 - Linked to RoP
- Standard Land Use Permit Conditions Template
- Document submission standards
- GIS submission standards
- Online Review System User Manual



Mackenzie Valley
Review Board

EA Process Guidance

- **EIA Guidelines**
 - Purpose: Help all parties understand the EIA process and its components
 - Review Board's overarching guideline
 - Reflects the law and best practices
 - Explains how impact assessment steps are implemented
 - Scoping issues, Identifying baseline conditions, Predicting impacts, Identifying mitigations, Evaluating significance, Applying mitigation and monitoring



Mackenzie Valley
Review Board

EA Process Guidance

- **Draft EA Initiation Guideline**
 - Goals: thorough project description, informed scoping, EA focus, limited duplication
 - Draft Guideline describes types of information and level of detail required:
 - Project Description
 - Description of Environment
 - Preliminary Impacts and Mitigations
 - Engagement Record and Plan
 - Draft Guideline to be distributed for review soon



Mackenzie Valley
Review Board

EA Process Guidance

- **EIA Overview Booklet**
 - Summary
 - Available in many languages
- **Review Board reference bulletins**
 - Timely guidance on new, evolving, or one-off issues



Mackenzie Valley
Review Board

Guidance on Content and Methods

- Traditional Knowledge in Impact Assessment
- Socioeconomic Impact Assessment
- Closure and Reclamation
- Water and Effluent Quality
- Waste Management



Mackenzie Valley
Review Board



EA Methods: Traditional Knowledge Guidelines

“In exercising its powers, the Review Board shall consider any traditional knowledge and scientific information that is made available to it” (MVRMA s. 115.1)

- **Purpose:** Incorporating TK contributes to a fair and balanced process, encourages public participation, and respects the value and benefits of TK for good environmental decision-making
- Guideline emphasizes importance of:
 - Context and cultural sensitivity
 - Gathering TK (community protocols & policies)
 - Relationships (Agreements, Prior Informed Consent)
 - Relevance and appropriateness

EA Methods: SEIA Guidelines

- **Purpose:** to help developers and parties identify and propose mitigation for potential socio-economic and cultural impacts
- The *SEIA Guidelines* help developers and parties:
 - Understand and implement key concepts and goals of SEIA
 - Understand how SEIA relates to the requirements of the MVRMA
 - Understand the roles and responsibilities of all parties
 - Understand the Review Board’s expectations for conducting SEIA
 - Access tools, methods, and other SEIA resources

EA Methods: Socioeconomic Impact Assessment (SEIA) Guidelines

Guiding Principle of EIA: “...the protection of the social, cultural and economic well-being of residents and communities in the Mackenzie Valley...” (MVRMA s.115)

- SEIA is used to identify and evaluate the potential socio-economic and cultural impacts of a proposed development on the well-being of people, their families, and their communities
- SEIA follows standard impact assessment steps

MVLWB/AANDC Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories

Adopted by GNWT (interim)

Objectives:

- Clarify roles and expectations
- Communicate fundamental C&R concepts
- Outline requirements for CRP process & content
- Provide a single guidance document from AANDC & the Land and Water Boards

MVLWB/AANDC Guidelines for the **Closure and Reclamation** of Advanced Mineral Exploration and Mine Sites in the Northwest Territories

- Part 1 – Expectations for Closure and Reclamation Planning
- Part 2 – Template for Preparing a Plan
- Part 3 – Technical Considerations



Mackenzie Valley
Review Board

MVLWB/AANDC Guidelines for the **Closure and Reclamation** of Advanced Mineral Exploration and Mine Sites in the Northwest Territories

- Approach to Closure and Reclamation for Mines within the Mackenzie Valley
- All three stages of CRP development
 - Conceptual (for initial application and EIA): planning for closure, objectives and end land use inform mine design....
 - Interim (plan is refined throughout operations)
 - Final (all details finalized prior to end of operations)
- Temporary and final closure



Mackenzie Valley
Review Board

MVLWB

Water and Effluent Quality Management Policy

March 31, 2011

Water and Effluent Quality Management Policy

- Policy is used by Boards during water licensing to:
 1. Evaluate water quality objectives
 2. Consider best available technology
 3. Set Effluent Quality Criteria
- The Boards' **Guiding Principles**
 - e.g. sustainable development, precaution
- **Information** requirements
- **Objectives** for regulating the deposit of waste...



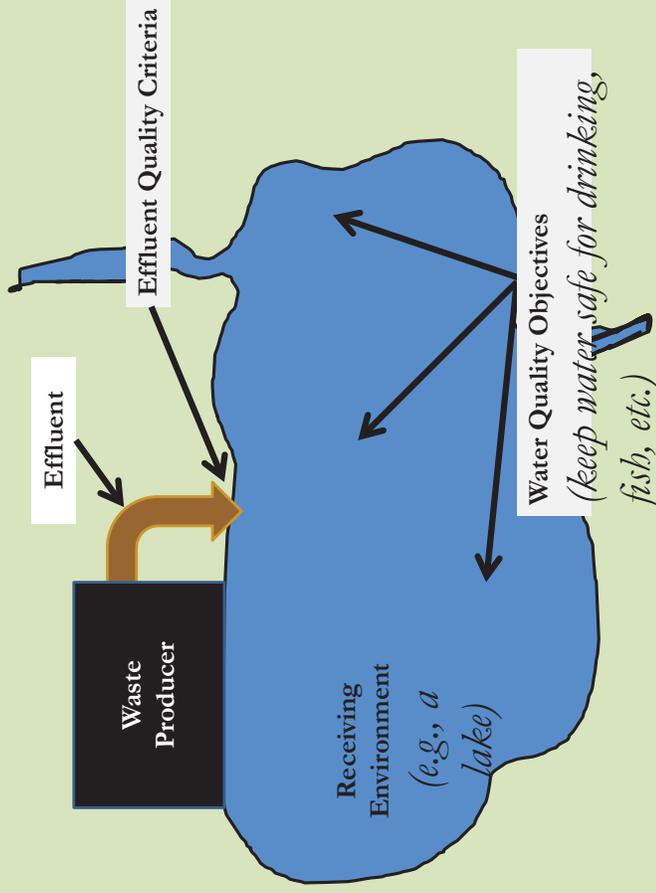
Mackenzie Valley
Review Board



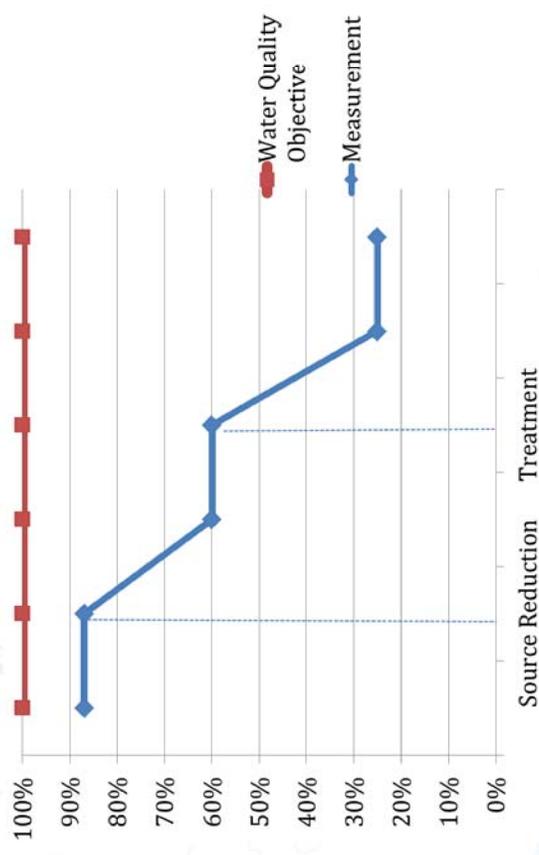
2 Minimize the amount of waste deposited to the environment



How to maintain water quality for current and future water uses



How to minimize pollution



MVLWB

Guidelines for Developing a Waste Management Plan

March 31, 2011

Guidelines for Waste Management Plans

- Proponents must now submit a waste management plan to the appropriate Board as part of their application for both land use permits and water licences in order for the application to be deemed complete.

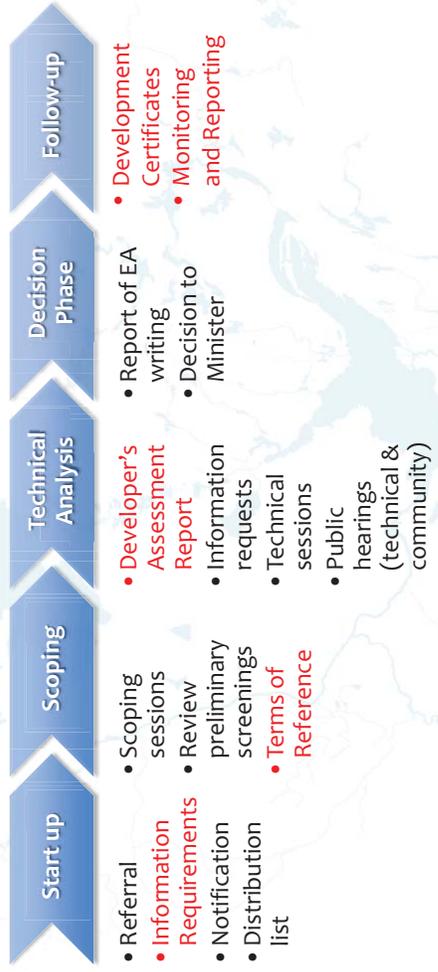
Guideline for Waste Management Plans

- **Purpose:** establish Board's expectations for waste management plans & facilitate consistency
- Promotes waste management hierarchy
- Provides tools for creating a plan
 - guidance but not prescriptive
 - **template**

Looking Ahead



Looking Ahead: Overview of New & Future EA Policy Initiatives



Other initiatives to enhance clarity and effectiveness throughout the process



So what...?

- Integrated resource management system
 - Everyone has a role
- Boards publish guidance to:
 - Clarify expectations
 - Explain roles
- Understanding increases effectiveness of your participation... and the whole system
 - Guidelines are tools for you



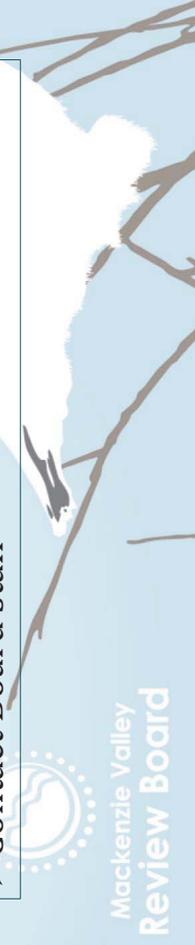
Looking Ahead

- MVLWB and Review Board
 - Updating Rules of procedure
 - Prioritizing implementation and keeping guidance up to date
 - Collaboration and outreach to support the system of integrated resource management



Where to find more information:

- www.mvlwb.com (or wlwb, slwb, glwb)
 - Resources
 - Policy and Guidelines
 - www.reviewboard.ca
 - Process
 - Guidance Documentation
- Contact Board staff



Enhance your MVRMA Participation!

The 'how', 'when', and 'what' of participation in preliminary screenings, environmental assessments, land use permitting, water licensing, and more.



Mackenzie Valley
Review Board



Outline

1. Presentation – Strategies for Effectiveness

- Participating in engagement
- Using the Boards' terminology
- Understanding jurisdiction
- Clarity: recommendations, rationale, evidence
- Timing

2. Scenario & Discussion

3. Feedback & Discussion



Participate in engagement

- Get your priorities into the project and/or project review through the proponent
- Better understanding of all sides of an issue: values, views, trade-offs
- Understanding issues and building relationships can lead to
 - More effective participation in Board processes
 - Potential for adaptation and improvement of the project



MVRMA Terminology

Language: LWBs

Provide for the conservation, development and utilization of land and water resources in a manner that will provide optimum benefit generally for all Canadians and in particular for residents of each respective management area of the Mackenzie Valley



Terminology: Review Board / EIA Principles

- 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.
- regard for **public concern**



Terminology: LWB and Review Board Legal Requirements

Boards must consider:

- Importance of conservation to well-being and way of life of Aboriginal peoples
- Traditional knowledge & scientific information that is made available

Boards must also:

- Run fair processes
- Make decisions based on the evidence
- Operate in a transparent manner



Understanding Jurisdiction: where do your issues fit in Boards' legal framework?

- **Preliminary screening, EA, EIR**
 - Broadly speaking: whole environment
- **Permitting/licensing**
 - Land and water
 - Water use and deposit of waste into water
 - Use: Diversion, flow alteration, storage, bed/bank alteration, etc.
 - Waste: direct or indirect deposit to water
 - Land use
 - Equipment, habitat, timing & location, restoration, archaeology, fuel & chemical & waste management



Use Organized Reasoning to Connecting the Dots

- Make positions & recommendations exceedingly clear
 - clearly link your concern to why it matters (i.e. to your values and to the law),
- Provide evidence to back up your argument
- Propose solutions (that the boards can work with)
- Make an effort to understand the reasons for the proponent's & other parties' positions



Timing: Involvement Opportunities

- Scoping (EA/EIR)
 - Community & technical scoping
 - Terms of Reference review
- Review of DAR or application package
- Technical Sessions & Information Requests
- Public Hearing
 - Written intervention
 - In-person presentation and questioning
 - Written closing arguments



Timing

- Be involved early and often
 - Get your issues on the table
- Timing relates to jurisdiction
 - Screening/EA? Permitting/licensing?
- Repetition and the last word
 - Argue for your issue throughout process and in closing arguments



Recap

- Participating in engagement
- Using the Boards' terminology
- Understanding jurisdiction
- Clarity: being clear & connecting the dots between recommendations, rationale, evidence
- Timing: participating early & often; closing arguments

Other resources on Board websites:

- *mvlwb.com, reviewboard.ca*
 - *Board policies and guidelines*
 - *Review Board [Tips for Public Hearings](#) pages 7-9*



Scenario: Strategies for Effective Participation

1. 5 minutes

- Groups of 4 people
- Pick **one** priority issue (e.g. imagine your priority is caribou, migratory birds, air quality, or community wellness, etc.)
- Discuss how you will maximize effectiveness of your message to the Board
 - Consider yesterday's presentations, these slides, your own experience, etc.

2. 5 minutes: share your strategy with the group, discuss, ask questions



Some things the Boards are doing to support effective participation

- Public involvement opportunities
 - Written, online, in-person, formal, informal
- Policies and Guidelines: Engagement, etc.
- Community scoping (EA), adequacy review (EA), draft terms of reference (EA), draft WL and LUP (LWB), information requests, community hearings, more time for closing arguments



Your Feedback

- What has challenged or empowered you in effectively participating in Board processes?
- Are there things you would like the Boards or government or developers to do (differently) to help facilitate your effective participation?
- Write your thoughts on a notecard
- Leave cards with us

