



Indian and Northern  
Affairs Canada

# *Mackenzie Valley Resource Management Act*

*A Citizen's Guide*



March 2001

Canada



# *The Mackenzie Valley Resource Management Act – A Citizen's Guide*

## **Foreword**

If you wish to learn more about the Northwest Territories (NWT) regulatory process as described in the *Mackenzie Valley Resource Management Act* and its regulations, this guide is for you. It provides general information on key aspects of the process in plain language. The Citizen's Guide focusses on the following areas:

- an explanation of resource management in the NWT
- the role of the public boards in this process
- an overview of the regulatory process, and
- the role of the public

## **A Practical Guide**

This guide is meant to be a general reference tool. It provides a basic introduction to the new system for managing land and water in the portion of the Northwest Territories covered by the *Mackenzie Valley Resource Management Act* (MVRMA). The guide may be of particular interest to small operators and companies looking to develop a new project or interested members of the public wanting to know how they can get involved in the process.

Please note that if there is any inconsistency or conflict between information contained in this guide and the MVRMA or its regulations, official legislation and agreements prevail.

If you have questions or want further clarification, please contact any of the agencies listed in this guide.



### ***A Word About Oil and Gas***

For those wishing to gain an understanding of the regulatory and approvals process for the oil and gas activities in the Mackenzie Valley, please consult *Oil and Gas Approvals in the Northwest Territories – Southern Mackenzie Valley*. This publication was jointly developed by the Department of Indian Affairs and Northern Development, Mackenzie Valley Land and Water Board, Mackenzie Valley Environmental Impact Review Board, National Energy Board, Department of Fisheries and Oceans, Canadian Association of Petroleum Producers (CAPP), and the Government of the Northwest Territories. Copies are available by calling CAPP at (403) 267-1100.

An electronic copy of this publication is available on the CAPP Web site: [www.capp.ca](http://www.capp.ca)

### ***How to Contact Us***

For a copy of the full, legal text of the *Mackenzie Valley Resource Management Act*, please contact:

#### ***Department of Indian Affairs and Northern Development, NWT Communications Directorate***

Phone: (867) 669-2576, Fax: (867) 669-2715

For an electronic version from Justice Canada, visit:  
[www.parl.gc.ca/36/1/parlbus/chambus/house/bills/government/  
C-6/C-6\\_4/C-6\\_cover-E.html](http://www.parl.gc.ca/36/1/parlbus/chambus/house/bills/government/C-6/C-6_4/C-6_cover-E.html)



Other questions should be directed to the appropriate board or government office:

***Mackenzie Valley Environmental Impact Review Board***

Box 938, Yellowknife NT X1A 2N7

Phone: (867) 873-9029, Fax: (867) 920-4721

Web site: [www.mveirb.nt.ca](http://www.mveirb.nt.ca)

***Mackenzie Valley Land and Water Board***

Box 2130, Yellowknife, NT X1A 2P6

Phone: (867) 669-0506, Fax: (867) 873-6610

Web site: [www.mvlwb.com](http://www.mvlwb.com)

***Gwich'in Land and Water Board***

Box 2018, Inuvik, NT X0E 0T0

Phone: (867) 777-4954, Fax: (867) 777-2616

Web site: [www.glwb.com](http://www.glwb.com)

***Gwich'in Land Use Planning Board***

Box 2478, Inuvik, NT X0E 0T0

Phone: (867) 777-3506, Fax: (867) 777-2616

Web site: [www.gwichinplanning.nt.ca](http://www.gwichinplanning.nt.ca)

***Sahtu Land and Water Board***

Box 1, Fort Good Hope, NT X0E 0H0

Phone: (867) 598-2413, Fax: (867) 598-2325

Web site: [www.slwb.com](http://www.slwb.com)

***Sahtu Land Use Planning Board***

Box 235, Fort Good Hope, NT X0E 0H0

Phone: (867) 598-2055, Fax: (867) 598-2345

Web site: [www.sahtulanduseplan.com](http://www.sahtulanduseplan.com)





***Department of Indian Affairs and Northern Development,  
NWT Region***

Box 1500, Yellowknife, NT X1A 2R3

Web site: [www.ainc-inac.gc.ca](http://www.ainc-inac.gc.ca)

Director, Mineral Resources

Phone: (867) 669-2571, Fax: (867) 669-2725

Manager, Land Administration

Phone: (867) 669-2671, Fax: (867) 669-2714

Director, Renewable Resources and Environment

Phone: (867) 669-2647, Fax: (867) 669-2707

Mining Recorder's Office

Phone: (867) 669-2691, Fax: (867) 669-2714

***Government of the Northwest Territories***

Box 1320, Yellowknife, NT X1A 2L9

Web site: [www.gov.nt.ca](http://www.gov.nt.ca)

Department of Policy, Legislation and Communications,

Resources, Wildlife and Economic Development

Phone: (867) 920-8046, Fax: (867) 873-0114

Senior Environmental Planner, Municipal and Community Affairs

Phone: (867) 920-8038, Fax: (867) 920-6343



# *Mackenzie Valley Resource Management Act (MVRMA)*

## ***What is the MVRMA?***

This federal legislation creates an integrated co-management structure for public and private lands and waters throughout the Mackenzie Valley in the Northwest Territories. The Act was proclaimed December 22, 1998; however, Part IV which establishes the Mackenzie Valley Land and Water Board, was not proclaimed until March 31, 2000.

The Act establishes public boards to regulate the use of land and water, to prepare regional land use plans to guide development, and to carry out environmental assessment and reviews of proposed projects in the Mackenzie Valley. The Act also makes provisions for monitoring cumulative impacts on the environment, and for periodic, independent environmental audits.

As institutions of public government, the boards regulate all uses of land and water while considering the economic, social and cultural well-being of residents and communities in the Mackenzie Valley.

## ***Where is the Mackenzie Valley?***

The Mackenzie Valley, as defined in the Act, includes all of the Northwest Territories, with the exception of the Inuvialuit Settlement Region, and the Wood Buffalo National Park.

## ***What is a public board?***

A public board is a group of persons organized under authority of law, in this case the MVRMA, in order to exercise certain authorities, and have control of certain matters, or discharge certain functions.



Public boards under the MVRMA are formed through nominations. Under the land claims agreements, First Nations are entitled to nominate one-half of the members of a board, reflecting the board's jurisdiction over all lands including First Nation settlement lands.

The federal government, territorial government and First Nations can each nominate at their own discretion.

***Who are you referring to when you talk about First Nations?***

First Nations in the Mackenzie Valley refers to the Gwich'in First Nation (represented by the Gwich'in Tribal Council), the Sahtu First Nation (represented by the Sahtu Secretariat Incorporated), or bodies representing other Dene or Métis of the North Slave, South Slave or Deh Cho regions.

***How many parts are there to the MVRMA?***

The Act is made up of seven parts:

- Part I – General Provisions Respecting Boards
- Part II – Land Use Planning
- Part III – Land and Water Regulation
- Part IV – Mackenzie Valley Land and Water Board
- Part V – Mackenzie Valley Environmental Impact Review Board
- Part VI – Environmental Monitoring and Audit
- Part VII – Transitional Provisions, Consequential Amendments, and Coming Into Force



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### ***What Acts and regulations are associated with the Mackenzie Valley Resource Management Act?***

- **Mackenzie Valley Land Use Regulations** – outlines what types of land use activities may require a permit.  
Visit: <http://canada.justice.gc.ca/en/laws/M-0.2/index.html>
- **Preliminary Screening Requirement Regulations** – outlines what types of project proposals require a preliminary screening prior to an authority being issued for that project.  
Visit: <http://canada.justice.gc.ca/en/laws/M-0.2/index.html>
- **Exemption List Regulations** – outlines activities that do not require preliminary screening.  
Visit: <http://canada.justice.gc.ca/en/laws/M-0.2/index.html>
- **Northwest Territories Waters Regulations** – outlines what type of water use may require a licence.  
Visit: <http://canada.justice.gc.ca/en/laws/N-27.3/SOR-93-303/index.html>
- **NWT Waters Act** – legislation that provides for the conservation, development and use of waters in the Northwest Territories.  
Visit: <http://canada.justice.gc.ca/en/laws/N-27.3/77528.html>
- **Territorial Land Use Regulations** – outlines what type of activities required a permit prior to the establishment of the land and water boards.  
Visit: <http://canada.justice.gc.ca/en/laws/T-7/C.R.C.-c.1524/index.html>





### ***What boards have been created by the Mackenzie Valley Resource Management Act?***

Both regional and valley-wide boards were created by the Act.

Valley-wide Boards:

- Mackenzie Valley Land and Water Board – Yellowknife
- Mackenzie Valley Environmental Impact Review Board – Yellowknife

Regional Boards:

- Gwich'in Land and Water Board – Inuvik
- Sahtu Land and Water Board – Fort Good Hope
- Gwich'in Land Use Planning Board – Inuvik
- Sahtu Land Use Planning Board – Fort Good Hope

### ***What are the new boards' responsibilities?***

Under the Act, the public boards are responsible for:

- regulating all uses of land and water
- preparing regional land use plans to guide development
- carrying out the environmental assessment and review process

The public boards perform regulatory functions, such as permitting and licensing, and conducting environmental reviews, previously undertaken by the Department of Indian Affairs and Northern Development (DIAND) and the NWT Water Board. Inspection and enforcement continue to be the responsibility of DIAND.



NWT Archives



### ***What do the public boards do?***

Land and water boards issue land use permits and water licences under the *Mackenzie Valley Land Use Regulations* and the *Northwest Territories Waters Act and Regulations*, within the Mackenzie Valley. Each board has its own specific jurisdiction.

There are also land use planning boards developing and implementing a land use plan for their respective settlement areas in the Mackenzie Valley.

The Mackenzie Valley Environmental Impact Review Board (MVEIRB) is responsible for environmental impact review and assessment at a valley-wide level, including the Sahtu and Gwich'in settlement areas.

### ***How do I find out who is currently sitting on a public board?***

For the most current information, please contact the appropriate board, or visit their Web site. These addresses are noted in the Contacts section of this guide.



Sharon Clarke/DIAND



## *Land and Water Boards*

### ***What does the Mackenzie Valley Land and Water Board do?***

The main function of this board is to issue land use permits and water licences on land in unsettled land claim areas (i.e. the Deh Cho, and North and South Slave areas).

The board also processes transboundary land and water use applications (i.e. projects that cross settled or unsettled land claim boundaries).

The board's other functions include:

- ensuring consistency in the application of the legislation throughout the Mackenzie Valley
- administering land use permits and water licences that were issued prior to the MVRMA

### ***What do the land and water boards do in the settled claims areas?***

The Gwich'in and Sahtu Land and Water Boards issue land use permits and water licences in their respective areas on public and private lands. They are regional panels of the Mackenzie Valley Land and Water Board.

Applications for permits or licences, where the use and its impact take place entirely within either the Gwich'in or Sahtu Regions, should be sent to the appropriate regional panel.

### ***What about consultation?***

Consultation is the cornerstone of the MVRMA. Public boards under the Act have established their own consultation guidelines. Many of these are accessible on the Web. Questions regarding consultation should be directed to the appropriate board.



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### ***Are the land and water boards the final authority?***

Decisions of the land and water boards are subject to review by the Supreme Court of the Northwest Territories and the Federal Court of Canada.

### ***What role does the Minister of DIAND play?***

After consultation with the land and water boards, the Minister of DIAND may give written policy direction to a board with respect to the exercise of any of its functions. The Minister also approves the issuance of Type A water licences.

DIAND inspectors enforce application of the Act and its regulations in conjunction with the boards.

### ***Can the Minister overturn a decision made by a land and water board?***

No. The Minister cannot overturn a decision made by a land and water board.

Regarding a Type A water licence, the Minister may attach terms and conditions such as provision for a security deposit, a requirement for water quality and quantity measurements, and a requirement for abandonment and restoration plans.

### ***How can I participate in the land and water board process?***

The land and water boards are required to notify affected communities or First Nations of any new applications for permits or licences. Notices may be posted in the local newspaper and are available for public view at the board offices where they maintain a Public Registry. Applications may also be viewed at the boards' Web site.

The land and water boards must allow a reasonable period of time for any interested parties or community members to make a presentation to the board with respect to the application.





### ***What is a public registry?***

Each board office, including the Mackenzie Valley Environmental Impact Review Board, maintains a public registry for all public documents, reports and correspondence on land and water authorizations. This is open to the public for viewing and photocopying. Some copying charges may apply.

### ***Do all projects require the same type of licence/permit?***

Each project must be assessed individually. If you are unsure what authorizations you might require, please contact the land manager, landowner or land and water board. They can assist you in determining what type of authorizations, if any, you might require for your project.

### ***What is the difference between a Type A and a Type B licence or permit?***

The basic difference between a Type A and a Type B licence or permit is that a Type A activity is likely to have more significant environmental effects than a Type B activity. More information is required for the application for a Type A activity and will require a more thorough review which includes a public hearing.

### ***What is a public hearing?***

A public hearing can be a formal hearing in which participants appear before the board either in person or through telephone conference call, video or some other electronic means. The purpose of a public hearing is for members of the public, the board, and the applicant to make presentations and to answer questions regarding the application.



A public hearing is also a requirement for a Type A water licence under the *NWT Waters Act*. However, in addition to hearings, a board is authorized or required to hold under the this Act, a board may also conduct hearings that it considers to be desirable for the purpose of carrying out any of its functions.

***Why would a public hearing be necessary?***

A public hearing may be called by the Mackenzie Valley Environmental Impact Review Board in order for the proponent or the board to obtain information, to better understand and respond to public concerns, or inform people about decisions. The land and water boards also require public hearings for some permits and licences.

***Is the approval process the same for both?***

The land and water boards issue all land use permits and water licences. Type A water licences, however, must be approved by the Minister of DIAND before they can be issued by a land and water board.

***What if the project changes, will I need an amendment?***

You may require an amendment to your permit, licence or land authorization if your project changes significantly after you receive your original licence or permit. You should contact the appropriate land and water board, land manager or landowner as soon as possible. They can assist you in determining whether or not you should apply for an amendment for your project.



## *Land Management and Ownership*

### ***Who owns the land in the Mackenzie Valley?***

In the Mackenzie Valley, land is either owned, or managed, controlled and administered by different governments or landowners. Land can be either Crown or Commissioner's land administered by land managers, or the land is privately owned.

Before you can proceed with a development project, you first need a land lease to gain access to the land. Land use permits cover the specific activity you wish to undertake.

### ***How do find out who owns what?***

Questions regarding ownership should be directed to the Land Manager at the Department of Indian Affairs and Northern Development (DIAND).

### ***What is the difference between Crown land and Commissioner's land?***

Crown land and Commissioner's land are both types of public lands.

Crown land is controlled, managed and administered by the federal government. In the Northwest Territories, the federal department responsible for the majority of Crown land is DIAND.

Commissioner's land is controlled, managed and administered by the Government of the Northwest Territories, specifically the Department of Municipal and Community Affairs (MACA).

DIAND and MACA are land managers of all public lands in the Mackenzie Valley.



### ***What about private lands?***

In the Northwest Territories, private lands are owned largely by First Nations with settled land claims. There are two major landowners in the Mackenzie Valley – the Gwich'in and Sahtu. As claims are settled in the Deh Cho and North and South Slave regions, more private lands will be created and Aboriginal groups will become landowners in their respective regions.

Other landowners include members of the public who hold title to land either inside or outside of community boundaries.

### ***What do land managers do?***

Land managers are responsible for the transfer of control of land through sales agreements or leases. This is often called disposition. Basically, the applicant obtains the right to legally occupy the surface of land for a specific period of time from the land manager or landowner.

### ***If I have a lease now, or get a lease from a land manager or owner, will I require any other type of permit or licence?***

You may, depending on whether the proposed activities are consistent with the purposes of a lease that was existing prior to either December 22, 1998 (in the Gwich'in or Sahtu areas) or March 31, 2000 (in the Deh Cho, North Slave or South Slave areas).

You may also require other types of permits or licences if you wish to conduct an activity on a lease that is not consistent with the original purpose of the lease. For example, if you have a lease for a tourism outpost camp, and you wish to do some mining, you may need to get a land use permit, water licence or both from the appropriate land and water board. If there is any doubt about whether or not you may require a permit or licence for activity on your lease, you can contact the appropriate land manager for further advice or assistance.





***If I need a land use permit from a board anyway, why should I get a lease?***

There are a number of reasons for obtaining a lease or other agreement. For example, a lease or other type of disposal agreement offers protection to both the landlord and the tenant if a dispute arises. Long-term occupancy of land usually requires some form of agreement, and is normally required between the manager or landowner and the occupant.

***Who has jurisdiction over subsurface rights?***

DIAND has jurisdiction over subsurface rights on Crown lands, while private landowners have subsurface rights on their lands. If you are uncertain about who manages or owns subsurface rights in a particular area, please contact the Mining Recorder's Office of DIAND in Yellowknife. They will be able to assist you in determining the current status of subsurface rights.



NWT Archives



## DIAND's Role

### **What is DIAND still responsible for?**

Aside from managing Crown land and waters, DIAND is still responsible for the administration, inspection and enforcement requirements associated with renewable, non-renewable and environmental legislation. This includes the *Mackenzie Valley Resource Management Act*, the *NWT Waters Act*, and the *Federal Real Property Act*. DIAND controls, manages and administers all Crown lands in the Mackenzie Valley under the authority of the *Territorial Lands Act*, and the *Federal Real Property Act*.

DIAND inspectors are responsible for ensuring compliance with legislation, regulations and the terms and conditions that are part of permits and licenses issued by the boards. These responsibilities are exercised by DIAND under the authority of the *Territorial Lands Regulations*, *Territorial Quarry Regulations*, *Canada Mining Regulations*, and the *Federal Real Property Regulations*.

Staff in the various field offices of DIAND often serve as the initial field contact for all departmental clients including both industry and First Nations.



Tessa Macintosh/NWT Archives



# *Land Use Planning*

## ***What do the land use planning boards do?***

Land use planning boards are responsible for preparing comprehensive land use plans for their respective settlement areas. These plans guide the use of Crown, settlement, and other private lands and provide direction for the conservation, development and use of land, waters and other resources. Essentially, the land use planning boards create plans which lay out the permitted and prohibited uses of all land within a settlement area.

Land use planning boards have been established in the Gwich'in and Sahtu settlement areas. These boards are responsible for developing land use plans for their regions and for recommending approvals, exceptions and amendments to related plans.

## ***What is a land use plan?***

A land use plan is a public document that sets aside different areas for different uses, and describes what activities are permitted or not permitted in specific areas. The land use plan applies to both Crown and settlement lands. It does not apply to lands within municipal boundaries or lands within national parks or historic sites.

## ***Who approves a land use plan?***

Once the land use planning board has adopted a land use plan, it must submit the plan to the First Nation of the settlement area, the territorial minister and the federal minister for approval.



# *Environmental Assessment*

## **What is the Mackenzie Valley Environmental Impact Review Board responsible for?**

The Mackenzie Valley Environmental Impact Review Board (MVEIRB) is responsible for the environmental impact assessment process throughout the Mackenzie Valley. It is the main instrument for environmental assessment and review, replacing the *Canadian Environmental Assessment Act* (CEAA), in the Mackenzie Valley except under specific instances.

The MVEIRB also:

- conducts environmental assessments
- conducts environmental impact reviews
- maintains a public registry of all preliminary screenings conducted by Regulatory Authorities (RAs)
- makes recommendations to the Minister of DIAND for rejection or approval

## **Whatever happened to the *Canadian Environmental Assessment Act*?**

For the most part, the *Canadian Environmental Assessment Act* (CEAA) has been replaced by the MVRMA within the Mackenzie Valley. A joint CEAA–MVRMA review panel may be established in specific instances including transboundary projects or developments considered to be in the national interest.

## **What is the MVRMA environmental impact assessment process?**

There are three stages in the environmental impact assessment process in the Mackenzie Valley: preliminary screening, environmental assessment and environmental impact review. Not all developments will necessarily go through each of the three stages. All projects undergo a preliminary screening, after which it is decided whether a project must proceed to a full environmental assessment or go straight to the regulatory phase.





### ***What is a preliminary screening?***

Preliminary screening is the first step in the environmental impact assessment process. It is during the preliminary screening that the board determines whether there is any public concern related to the project or if it might have significant adverse environmental impacts.

During the preliminary screening, a systematic approach is taken to documenting the potential environmental effects of a proposed project. Next, the board determines whether these effects need to be eliminated or minimized and, if so, how the project plan should be modified. In the end, the board makes a recommendation on the need for further assessment.

Preliminary screenings on land and water applications are done by the appropriate land and water board.

### ***How do I find out about a preliminary screening?***

The Act requires that, when starting a preliminary screening, the body conducting that screening must provide notice to the Mackenzie Valley Environmental Impact Review Board. The Review Board maintains these on a public registry, which is currently available on their Web site.

### ***If a development requires several authorizations, must each department conduct a preliminary screening?***

Where a development requires a land use permit or water licence, and therefore will be screened by a land and water board, the other authorities do not need to conduct a preliminary screening. These other authorities may include the Department of Fisheries and Oceans (*Fisheries Act* Authorization), Natural Resources Canada (Explosives Licence) or the National Energy Board (Geological/Geophysical Operations Authorization), for example.



A full list of the departments, agencies and organizations which issue special permits or licences which may trigger a preliminary screening are listed in the Preliminary Screening Requirements Regulations.

***What is an environmental assessment?***

Environmental assessment (EA) is the second stage of the environmental impact assessment process. Projects may be referred to the Mackenzie Valley Environmental Impact Review Board by the preliminary screener, some other government, department or agency, the Gwich'in or Sahtu First Nations, qualified to make a referral, or on the Mackenzie Valley Environmental Impact Review Board's own motion.

Once a development is referred to the Mackenzie Valley Environmental Impact Review Board for an environmental assessment, notices are placed in northern newspapers. The next step is for the developer to submit a project description to the Review Board. The project description describes what the developer plans to do and how it will be carried out.

The public has an opportunity to comment on the project and identify issues which may require consideration. Public information submitted to the Review Board throughout this process, including the project description, and all technical and public submissions are placed on a public registry.

The EA process looks at the same factors considered in the preliminary screening, as well as addressing potential cumulative effects, socio-cultural considerations and alternate means of carrying out the project that are technically and economically feasible and the potential environmental effects of such alternate means. The Review Board then makes its recommendations to the Minister of Indian Affairs and Northern Development.



If the Mackenzie Valley Environmental Impact Review Board determines there will be significant adverse environmental impact from the project, it has the choice of referring the development to an environmental impact review. The Review Board may also recommend measures to prevent or mitigate these impacts.

***Does the Minister of DIAND make a decision?***

The Minister of DIAND, along with the other Responsible Ministers, is required to make a decision on the EA report.

The Minister may adopt the recommendations of the Mackenzie Valley Environmental Impact Review Board, refer the report back to the Review Board, or reject the report and order further environmental impact review.

***How can I participate in the environmental assessment process?***

The Mackenzie Valley Environmental Impact Review Board has guidelines for how they conduct environmental assessments. These guidelines provide information for submissions to the Review Board, including timelines and opportunities to present information at any public hearings it may hold. This information is available on the Review Board's Web site.

The environmental impact assessment process has several points where the local government and other stakeholders can contribute to and affect the regulatory process. There will also be occasions where the local government will be asked to comment on a proposed development.

***What is an Environmental Impact Review?***

The environmental impact review (EIR) stage is a detailed analysis and public review. This is normally reserved for development projects where the environmental impact may be significant. An environmental impact review is conducted by a panel, and could



include public hearings in affected communities. At the close of the environmental impact review stage, the Review Board reports the findings of an environmental impact review to the Minister.

An environmental impact review is conducted by a panel consisting of members of the Mackenzie Valley Environmental Impact Review Board, as well as any expert members they may appoint. The panel is required to issue terms of reference and the applicant must submit an impact statement. There must be public notification of the submission of the impact statement, and public consultation or hearings in communities which may be affected by the development. The panel conducts an analysis of the information received, and submits a report with a recommendation to the Minister.

The Minister may adopt the recommendation of the review panel or refer it back for further consideration, or, after consulting with the review panel, adopt the recommendations with modifications, or the Minister can reject the report.

***Is it possible for a development to only go through an environmental impact review?***

According to the process described in the MVRMA, all developments must go through the sequential impact assessment steps. However, the Act does provide some flexibility in the time frames allocated to each step in the process.

***How can I ensure that my interests, as a member of the public, are being looked after?***

Northern interests are safeguarded by guaranteed representation on each board and environmental impact review panel. Public interests are further protected by Government of the Northwest Territories and federal appointments to these same boards.





## *Regulatory Review Phase*

### ***What happens during the regulatory review phase?***

What is commonly referred to as the regulatory phase is the process of issuing regulatory authorizations once the development is approved through the environmental assessment process. The authorizations include terms and conditions which reflect the recommendations approved during the EA process, as well as other standard conditions for carrying out development.

## *Environmental Monitoring and Audits*

### ***What is meant by an environmental monitoring and audit?***

Part VI of the MVRMA provides for the development of a program to monitor the cumulative impacts of land and water use in the Mackenzie Valley. It calls for an independent audit of environmental quality and environmental regulation to be undertaken at least every five years.

By providing information on the state of the environment – and feedback to the boards on the overall environmental health – it is expected that the audit will contribute to effective planning and decision-making in the Mackenzie Valley.



## Glossary

Many terms may not appear in the Citizen's Guide but are used in the Act, and are often used when discussing the resource management process in the Mackenzie Valley. It was deemed important to include them here.

**the Act** – the *Mackenzie Valley Resource Management Act* (MVRMA).

**board** – any board established under the MVRMA.

**consultation** – refers to the power or duty to consult.

**designated regulatory authority (DRA)** – an agency named in the schedule, referred to in a land claim agreement as an independent regulatory agency. The National Energy Board (NEB) is currently the only DRA associated with the MVRMA.

**development** – means an undertaking or part of an undertaking that is carried out on land or water.

**environmental assessment** – examination of a proposal for a development undertaken by the Mackenzie Valley Environmental Impact Review Board.

**environmental impact review** – examination of a proposal for a development undertaken by a review panel.

**federal minister** – the Minister of Indian Affairs and Northern Development.

**First Nation** – the Gwich'in First Nation, the Sahtu First Nation or bodies representing other Dene or Métis of the North Slave, South Slave or Deh Cho region of the Mackenzie Valley.

**First Nation Lands** – settlement lands of the First Nation; or lands situated within boundaries of a local government and referred to in a First Nation's land claim agreement as municipal lands.



**follow-up program** – a program for evaluating the soundness of an environmental assessment or environmental impact review of a proposal for development; or, the mitigative measures imposed as conditions of approval of the proposal.

**Gwich'in First Nation** – the Gwich'in as represented by the Gwich'in Tribal Council.

**impact on the environment** – any effect on land, water, air, or any other component of the environment, as well as on wildlife harvesting, and includes any effect on the social and cultural environment or heritage resources.

**land** – surface of the land.

**licence** – for the use of waters or the deposit of waste, or both, issued by a board under the *Northwest Territories Waters Act*.

**mitigative or remedial measure** – measure for the control, reduction or elimination of an adverse impact of a development on the environment, including a restorative measure.

**permit** – for the use of land issued by a board.

**planning board** – the Gwich'in Land Use Planning Board or the Sahtu Land Use Planning Board.

**preliminary screening** – examination of a proposal for development.

**regulatory authority (RA)** – in relation to a development, is a body or person responsible for issuing a licence, permit or other authorization required for the development under any federal or territorial law, but does not include a designated regulatory agency or local government.

**responsible minister** – any minister of the Crown or of the territorial government having jurisdiction in relation to the development under federal or territorial law.



**Review Board** – the Mackenzie Valley Environmental Impact Review Board.

**Sahtu First Nation** – the Sahtu Dene and Métis as represented by the Sahtu Secretariat Incorporated.

**settlement lands** – lands referred to as settlement lands in a land claim agreement.

**settlement area** – a portion of the Mackenzie Valley to which a land claim agreement applies.

**territorial government** – the Government of the Northwest Territories.

**territorial minister** – the minister of the territorial government designated by the Executive Council of the Northwest Territories for the purposes of that provision.

**water authority** – a board or other authority having jurisdiction in relation to the use of waters or the deposit of waste in any portion of the Northwest Territories.

**waters** – any inland waters, in a liquid or frozen state, on or below the surface of the land.





## *Other Applicable Regulations*

**Territorial Lands Regulations** authorize the use of surface lands through leases, licences, agreements of sale, etc., and provide for land disposal for periods of up to 30 years. Leases contain conditions regarding, environmental protection, purpose, term, annual rent, abandonment, and security deposits.

Visit: <http://laws.justice.gc.ca/en/T-7/C.R.C-c.1525/index.html>

**Territorial Quarry Regulations** authorize the issuance of a quarry permit, which is a form of disposal, authorizing the taking of material such as sand, gravel, stone, or loam, etc. The permit specifies the amount and location to be removed. It is valid for a maximum of one year.

Visit: <http://laws.justice.gc.ca/en/T-7/C.R.C-c.1527/index.html>

**Canada Mining Regulations** regulate the disposition of minerals in the Mackenzie Valley through mineral claims, prospecting permits, and mineral leases.

Visit: <http://laws.justice.gc.ca/en/T-7/C.R.C-c.1516/index.html>

**Federal Real Property Regulations** authorize the Minister to acquire, dispose of, or surrender federal real property where Her Majesty is the tenant, or to transfer administration and control of federal real property to another federal or territorial government.

Visit: <http://laws.justice.gc.ca/en/F-8.4/SOR-92-502/index.html>

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– *Guide du citoyen*