



LAND AND WATER BOARDS IN THE MACKENZIE VALLEY TAKE STEPS TO IMPROVE CLARITY AND CONSISTENCY OF THEIR PROCESSES

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Much attention has been focused on the regulatory system in the Northwest Territories over the last few years, not all of it complimentary. A 2008 Review completed for the Minister of Indian and Northern Affairs by Neil McCrank Q.C., entitled “The Road to Improvement” (the McCrank Report) called for a series of changes and the Government of Canada has responded. The Government’s Northern Regulatory Improvement Initiative includes commitments to review the *Mackenzie Valley Resource Management Act* (MVRMA or the “Act”) and to enact new surface rights legislation in the territory. Consultation efforts and policy work are currently under way to advance these initiatives.

The MVRMA is legislation that was enacted in 1998 and amended as new land claims were settled. The Act and its regulations set out a comprehensive system for Land Use Planning, Land and Water Management and Environmental Impact Assessment in the Mackenzie Valley. The system for the management of land and water is a central component of the regulatory regime set out in the Act and is organized around several administrative tribunals known as Land and Water Boards (the “Boards”). These institutions play a key role in reviewing and approving resource development initiatives, including regulating the use of Crown lands which make up most of the Mackenzie Valley, as well as the use of water and disposal of wastes for municipal and industrial purposes.

Improving the effectiveness of land and water management by clarifying the roles and responsibilities of the Boards has emerged as a key objective in the proposed amendment to the MVRMA. But legislative change takes time, especially when the legislation involved is a product of land claims. Close consultation between government and land claim organizations must take place before change can be enacted.

Northern institutions, and in particular the Land and Water Boards established under the MVRMA, are not waiting for large scale statutory changes to attempt to improve the effectiveness of land and water management in the Mackenzie Valley. These Boards have statutory authority to establish guidelines and policies respecting licences and permits under section 65 of the Act, as well as the authority to issue general directions on matters concerning the consistent use of lands or waters or the disposal of waste throughout the Mackenzie Valley under section 106 of the Act. The Land and Water Boards took action in 2008, shortly after the release of the McCrank Report, and initiated a series of efforts designed to improve the efficiency of those aspects of the regulatory system which are under their control. In order to conduct this work the Boards set up six working groups.

1. Public Engagement and Consultation Working Group
2. Plan Review Process and Guideline Working Group
3. Water/Effluent Quality Guidelines Working Group



4. Terms and Conditions Working Group
5. Application Processes Working Group
6. Data-Resource Sharing Working Group

These working groups are completing the following tasks:

Working Group 1: The Public Engagement and Consultation Working Group is reviewing and refining the role of the Boards with regard to public engagement, communication and consultation. In cooperating and coordinating with relevant agencies and communities, the working group will develop consistent and clear public engagement and consultation policies and guidelines for the Mackenzie Valley as required by the Board review processes.

Working Group 2: The Plan Review Process and Guideline Working Group will assist applicants, permittees and licensees to achieve greater certainty, clarity and consistency with respect to the submission and review of common management plans required under Water Licences and Land Use Permits.

Working Group 3: The purpose of the Water/Effluent Quality Guidelines Working Group is to develop a clear and consistent policy and procedures for deriving water/effluent quality criteria for water licences.

Working Group 4: The Terms and Conditions Working Group is reviewing, revising and standardizing terms and conditions used for permits and licences in order to provide clarity, consistency and certainty for the Boards, applicants, permittees and licensees.

Working Group 5: The Application Processes Working Group is developing policies, guidelines and practices that achieve certainty, consistency and clarity for Boards and clients in the land use permit and water licence application process.

Working Group 6: The Data-Resource Sharing Working Group is developing clear and consistent standards and procedures for the collection, access to and sharing of data resources between the Boards and clients.

KEY ACCOMPLISHMENTS TO DATE:

Water and Effluent Quality Management Policy

Status: The Boards approved the policy and the Land and Water Boards are now implementing it, effective March 31 2011. The Working Group will now begin developing guidelines to support the policy. For a copy of the policy go to www.mvlwb.ca.



Guidelines for Waste Management

Status: The Boards approved the guidelines and the Land and Water Boards are now implementing them, effective March 31 2011. For a copy of the guidelines go to www.mvlwb.ca.

Closure and Reclamation Plan Guidelines

Status: Public review of the first draft is complete. an NWT-harmonized version of the guidelines will be circulated for public input soon.

Spill Contingency Planning Guidelines

The Land and Water Boards of the Mackenzie Valley officially adopted the Indian and Northern Affairs Canada Guidelines for Spill Contingency Planning (2007 and subsequent updates) for use by the Land and Water Boards of the Mackenzie Valley. The guidelines are now being applied throughout the NWT.

Status: Officially adopted and in use.

The hard work undertaken by the Boards and their staff is clearly paying off. More Working Group products are expected in the near future including:

- A standardized list of terms and conditions for land use permits and water licences;
- A policy and guidelines for public engagement during the licensing and permitting process;
- A water body data base including an on-line web map for sharing water source, water withdrawal and water quality data with interested parties;
- A guideline to assist in completing land use permit and water licence applications.

CONCLUSION:

Improving the regulatory system in the NWT is in everyone's interests. The Land and Water Boards are making best efforts to improve their own practice and procedures and to establish the guidelines and policies which will ensure consistency and effectiveness of land use permitting and water licensing processes as soon as possible. The efforts compliment the government of Canada's Northern Regulatory Initiative and are already having an effect on licensing and permitting in the Mackenzie Valley.