



Standard Procedures and Consistency Working Groups

Terms of Reference

1. Purpose, Goal, and Mandate of the Staff Working Groups

There are a number of areas of operations of the Land and Water Boards throughout the Mackenzie Valley that are not currently consistent. In order to address this issue, consistent policy, procedures, and guidelines that take into account regional concerns and issues are required.

The Chairs of the Mackenzie Valley Land and Water Board (MVLWB or the Board), Gwich'in Land and Water Board (GLWB), Sahtu Land and Water Board (SLWB) and the Wek'èezhìi Land and Water Board (WLWB) have directed the Executive Directors of their respective Boards to work cooperatively to establish a number of working groups to review existing policies and procedures and develop, where required, new policies, procedures, and guidelines that will achieve the Board's goal of consistency.

Section 106 of the *Mackenzie Valley Resource Management Act* (MVRMA) allows the Board to "...issue directions on general policy matters or on matters concerning the use of land or waters or the deposit of waste that, in the Board's opinion, require consistent applications throughout the Mackenzie Valley." The Board is implementing this provision through the establishment of the Standard Procedures and Consistency Working Groups (WGs).

2. Membership

Each WG will be comprised of staff from the MVLWB, GLWB, SLWB, and WLWB. Membership will include no more than two staff members from each of the above Boards. Please see Appendix-1 for details on the membership of individual WWGs.

3. Responsibilities

Please see Appendix 1 for details on the purpose, scope, and expected products of each of the WGs.



4. Meetings and Governance

- The WG will meet once a month or another agreed upon frequency at a place and time decided by the Chair in consultation with the WG members;
- Members unable to physically attend the meeting can participate through a teleconference;
- The WG Chair may invite, upon request from the WG members and with sufficient notice to all, outside expert(s) for the purposes of clarification, advice, and expert opinion on specific issue related to their work plan;
- The WG may assign specific work plan tasks to designated individual members of the working group;

5. Chair

Each working group will select a WG Chair and a WG Vice-chair from their members.

- The WG Chair is responsible for soliciting member input and for setting the meeting agenda, date, and location and sending reminders at appropriate times;
- The WG Chair will audit and ensure that the WG is progressing on its work plan;
- The WG Chair will be the primary contact between the WG and the Executive Directors;
- In absence of the WG Chair, the WG Vice-chair will assume all the responsibilities of the Chair; and
- The WG Vice-chair will also assist in the coordination, research and administration of the working group as and when required.

6. Members' Role

- All members of the WGs will observe the principles of democracy, mutual respect, collaboration, and timely communication in arriving at decision by consensus;



- Members will participate in the WG meetings by being well prepared to ensure positive and effective contribution by all;
- It will be the responsibility of individual members to keep their respective agency up-to-date on the progress of the WG;
- Members will keep the WG apprised of their respective agency issues or concerns as related to the workplan of the WG;
- Members will provide agenda items and briefing material to the WG Chair at least a week in advance of scheduled meeting; and,
- Members will participate, lead and/or coordinate a sub-group as directed by the WG.

7. Reporting

The WG Chair will be responsible for providing regular updates to the Executive Directors and Board Chairs.

The Executive Directors will keep their respective Boards informed of WG activities. The Board Chairs and Executive Directors may request further information on WG activities from the WG Chairs.

Reports will be provided at each Full Board meeting on the activities of the WGs through the MVLWB Executive Director who will ensure information is put into the briefing binders.

All draft documents will be circulated to reviewing agencies for input once the WGs feel they have a completed document. Once the staff have collected all comments and incorporated the comments and they feel they have a finished document, the final documents will be put before the Board Chairs for their approval. The Executive Director of the MVLWB, in conjunction with the other Executive Directors, will forward the document to the Full Board for its approval. As the documents are completed, and Full Board approval has been granted, each Board will then adopt the documents.



8. Dispute Mechanism

Disputes and/or any unresolved issue(s) at any WG meeting will be decided democratically through consensus. If a dispute arises amongst any of the WG s on how to proceed or in making a recommendation or decision on an issue, it is to be brought forward to the Executive Directors. If the Executive Directors are unable to come to a consensus or if the Executive Directors are part of a WG membership, the unresolved issue will be forwarded to the Board Chairs. The Full Board will have the final say on any dispute.

9. Administration and Coordination

The MVLWB will coordinate this project and will handle all administrative duties in relation to the WGs. This will include the funds to hold the meetings—both face to face and teleconference—as well as legal and technical support when required.



Appendix 1

Working Group Responsibilities and Membership

Public Engagement and Consultation Working Group (PECWG)

Purpose of the Working Group

The Public Engagement and Consultation Working Group (PECWG) is to research and identify the role of the Boards with regard to public engagement, communication, and consultation. In cooperation and coordination with relevant agencies and communities, the WG will also develop consistent and clear public engagement and consultation policies and guidelines for the Mackenzie Valley as required by the Board review processes.

In addition, the PECWG will provide relevant information, advice, and support to the other WGs as and when required.

Scope of the Working Group

The key objective is to provide clarity, certainty, consistency, and process efficiencies related to public engagement, communication, and consultation in the Mackenzie Valley. The focus of the working group will be:

1. To research and find policy solutions to areas of inconsistency in consultation, communication, and public engagement approaches amongst the Boards, and between the Boards and other agencies and communities.
2. To identify opportunities to initiate dialogue and discussion amongst the Boards and with relevant agencies and communities to deal with public engagement, communication, and consultation related issues.



3. To provide public engagement, communication, and consultation advice, coordination, and support, where required, to all the WGs.

Product expectation

1. A policy paper outlining key issues and recommendations with regard to public engagement, communication, and consultation for Land and Water Boards of the Mackenzie Valley;
2. A draft policy and guidelines document for public engagement, communication, and consultation for the Boards which are consistent throughout the Mackenzie Valley while recognizing the requirements and obligations of the Regional Boards and Panels.

Membership of the PECWG

WG Chair:	TBD
WG Vice-chair:	Jonathan Churcher, Mackenzie Valley Land & Water Board
Members:	<ol style="list-style-type: none">1. Robert Alexie, Gwich'in Land & Water Board2. Helga Harlander, Gwich'in Land & Water Board3. George Govier, Sahtu Land & Water Board4. Zabey Nevitt, Wek'èezhìi Land & Water Board5. Mark Cliffe-Phillips, Wek'èezhìi Land & Water Board6. James Boraski, Mackenzie Valley Land & Water Board



Plan Review Process and Guideline Working Group (PRPGWG)

Purpose of the Working Group

The purpose of the Plan Review Process and Guideline Working Group is 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.

Scope of the Working Group:

To develop a standard process for the review of management plans and to develop standard guidelines/templates for common management plan(s) under a water license or land use permit.

The PRPGWG, at some point, may require the services of an expert/consultant to help it determine appropriate guidelines and templates for some of the more complex and technically involved management plans. At this time, the WG does not have enough information to decide whether a consultant will be mandatory to assist the WG, although we realize that this would significantly increase the costs associated with the WG's function and products.

Product expectation

1. Internal Guideline Document for Management Plans

The WG aims to produce an internal document to be used amongst the Land and Water Boards within the Mackenzie Valley. This document will help the Boards maintain a common standard of required criteria for proponents as well as helping the standardization of the review process amongst the various Land and Water Boards. Each chapter will be dedicated to outlining the requirements of a specific management plan, and this document will be inclusive and include as many management plans as is determined necessary based on commonality, frequency, and significance of the individual management plan.

2. Standards and Requirements for Management Plans



Additionally, this WG aims to produce standards and expectations with regard to management plans. These standards and expectations will provide proponents with a standard template for the structure and content for commonly submitted management plans.

Membership of the PRPGWG

WG Chair: Ryan Fequet, Wek'èezhìi Land and Water Board
WG Vice-Chair: Anne Umpleby, Mackenzie Valley Land and Water Board

Members:

1. Helga Harlander, Gwich'in Land and Water Board
2. Rick Walbourne, Sahtu Land and Water Board
3. Robert Alexie, Gwich'in Land and Water Board
4. Jason Ash, Mackenzie Valley Land and Water Board
5. Kathleen Racher, Wek'èezhìi Land and Water Board



Water/Effluent Quality Guidelines Working Group (WEQGWG)

Purpose of the Working Group

The purpose of this WG is to develop an approach for creating clear and consistent policy and procedures for deriving water/effluent quality criteria for water licences.

Scope of the Working Group

1. Identify and/or develop policy options for water/effluent quality criteria, possibly in conjunction with Aboriginal Affairs and Northern Development Canada, other regulators, and industry.
2. Develop procedures for setting water/effluent quality criteria based on Board approved policy.

Product expectation

1. Policy options for the consistent setting of effluent quality criteria (EQC) in water licences. These will be presented to the Board for discussion and refinement before proceeding further;
2. An implementation plan for the policy option chosen by the Board (as noted above). This may include workshops, guideline development, communication plans etc.; and
3. Procedures for setting water/effluent quality criteria for all types (mining, municipal, exploration, etc.) of water licences.

Items to be discussed

1. Review of existing methods of EQC setting in licences;
2. Review of any existing water quality policies and/or procedures for setting EQC in Canada— including provinces/territories;
3. Review of existing regulations (e.g., *Fisheries Act*, existing and proposed regulations (Metal Mining Effluent Regulations), Municipal Wastewater Effluent etc.) that dictate a minimum standard for EQC;
4. Work already underway by AANDC with respect to a water quality policy for the NWT;



5. Procedures for setting EQC for all different types of regulated activities —defining differences for different kinds of effluent if necessary; and
6. Role of the Northern Research Working Group on municipal wastewater effluent— updates on their activities as well as how best to participate.

Membership of the W/EQG Working Group

WG Chair: Kathy Racher, Wek'èezhìi Land & Water Board

WG Vice-Chair: Tyree Mullaney, Mackenzie Valley Land & Water Board

Members:

1. Helga Harlander, Gwich'in Land and Water Board
2. Mark Cliffe-Phillips, Wek'èezhìi Land and Water Board
3. Rick Walbourne, Sahtu Land and Water Board
4. Kathleen Graham, Mackenzie Valley Land and Water Board



Terms and Conditions Working Group (TCWG)

Purpose of the Working Group

To develop terms and conditions for permits and licences that provides clarity, consistency, and certainty for the Boards and their clients.

Scope of the Working Group

The TCWG will identify a clear and consistent approach for the development of:

1. New terms and conditions;
2. A common approach for creating new terms and conditions;
3. A common template for land use permit and water license conditions; and
4. A common and consistent approach to orphan measures.

Product expectation

1. New standard condition list; and
2. Guidelines for terms and condition development.

List of discussion items

The following are a preliminary list of discussion areas identified by the TCWG:

1. Wildlife monitor plans (product);
2. Security deposits (product);
3. No-fly zone (product);
4. Signage for water sources (product);
5. Notification to environment/wildlife monitors (product);
6. Identification of bear/wolf/wolverine dens (product);
7. Permits / licences formatting (product);
8. Terms and conditions of archaeological sites (product);



9. Drilling sumps (product) linkage to management plans—managing group;
10. Spill condition and spill agreement WG; and
11. Additional discussions on products or process as required.

Membership of the TC Working Group

- Co-Chair: Mark Cliffe-Phillips, Wek'èezhìi Land & Water Board
Co-Chair: Adrian Paradis, Mackenzie Valley Land and Water Board
- Members:
1. Helga Harlander, Gwich'in Land & Water Board
 2. Johnny Edwards, Gwich'in Land & Water Board
 3. Scott Duguid, Sahtu Land and Water Board
 4. Rick Walburne, Sahtu Land and Water Board
 5. Roberta Judas, Wek'èezhìi Land & Water Board
 6. Valerie Meeres, Mackenzie Valley Land and Water Board



Application Processes Working Group (APWG)

Purpose of the Working Group

The purpose of the Application Processes Working Group (APWG) is to develop policies, guidelines, and practices that achieve certainty, consistency, and clarity for Boards and clients in the application process.

Scope of the Working Group

The APWG will identify a clear and consistent approach and principles for guideline development of the following processes or products:

1. pre-application
2. application
3. amendment
4. administrative
5. final plan and letter of clearance, and
6. renewals and extensions (section 157.1)

Product expectation

The APWG expects the following products in terms of policies, guidelines, or clearly defined processes/mechanisms:

1. Disclosure of preliminary screening to Mackenzie Valley Environmental Impact Review Board (process);
2. Field modifications (process);
3. Private land vs. Crown land (process);
4. TEK/TK (process);
5. Land claim settlement vs. non-settled land claim areas;
6. Review of application and distribution;
7. Land use plan certainty (process);
8. Security deposits (process);
9. Use of questionnaires (process);



10. Deeming complete (process);
11. Legislation interpretation (process);
12. Permits / licences formatting (product);
13. Access agreements required (process);
14. Reasons for decision(process & product);
15. Permitting in communities / blt (process);
16. Name change vs. assignments (process);
17. Expired security deposit (process);
18. Water use fee calculations (process);
19. Type A water licences or type B water licences process for public hearings (process);
20. Water licence process (process);
21. Water licence renewals (process);
22. Water licence amendments/ modification requests (process); and
23. Additional discussions on products and processes as required.

Membership of the Application Process Working Group

- Co-Chair: Helga Harlander, Gwich'in Land and Water Board
Co-Chair: Adrian Paradis, Mackenzie Valley Land and Water Board
- Members:
1. Johnny Edwards, Gwich'in Land and Water Board
 2. George Govier, Sahtu Land and Water Board
 3. Mark Cliffe-Phillips, Wek'èezhìi Land & Water Board
 4. Zabey Nevitt, Wek'èezhìi Land and Water Board
 5. Tyree Mullaney, Mackenzie Valley Land and Water Board



Data-Resource Sharing Working Group (DRSWG)

Purpose of the Working Group

The purpose of the Data-Resource Sharing Working Group (DRSWG) is to develop clear and consistent standards and procedures for the collection, access, and sharing of data resources between the Boards and their clients.

Scope of the Working Group:

To develop clear and consistent standards, guidelines, and/or procedures for:

1. The submission of data resources to the Boards;
2. Consistent, timely access and/or distribution of information to clients and amongst the Boards; and
3. The management and accessibility of the Public Registry.

Product expectation

The DRSWG expects to develop the following products:

1. GIS submission guidelines;
2. Data management guidelines;
3. Creation of/or improvement of the online Public Registry;
4. Improved website design and capabilities;
5. Technical reference documents for GIS data storage, metadata, and map creation; and
6. Guidelines for electronic distribution of items for review.

Items to be discussed

The DRSWG is expected to discuss the following issues (as determined at Jan. 22–23, 2008 Standard Procedures and Consistency Workshop):

1. GIS and mapping;
2. Public Registry (paper and electronic);
3. Website(s);
4. Data submissions;



5. Data preparation and distribution;
6. Distribution of policies and guidelines;
7. Collaboration and communication between Boards;
8. Availability of resources;
9. Internal data management; and
10. Guidelines for electronic submission by applicants, reviewers, monitors.

Membership of the DRS Working Group

Co-Chair: Rob Dobson, Mackenzie Valley Land and Water Board

Co-Chair: Mark Cliffe-Phillips, Wek'èezhii Land and Water Board

- Members:
1. Tyree Mullaney, Mackenzie Valley Land and Water Board
 2. Scott Duguid, Sahtu Land and Water Board
 3. Ryan Fequet, Wek'èezhii Land and Water Board
 4. Leonard DeBastien, Gwich'in Land and Water Board