



MVLWB Terms and Conditions Working Group
Standard Process for New Conditions - Cover Page

Introduction

The Terms and Conditions Working Group (WG4), formed jointly by the Gwich'in, Sahtu, Wek'èezhìi, and Mackenzie Valley Land and Water Boards, is pleased to present the *Standard Process for New Conditions*. This document has been approved by the Mackenzie Valley Land and Water Board (MVLWB) with the primary purpose of ensuring that all conditions have the following characteristics prior to being used in a land use permit or water licence:

1. Is clearly part of Land and Water Board authority;
2. Has a clear purpose and rationale;
3. Is practical and enforceable;
4. Matches the scale of the project; and
5. Does not conflict with existing legislation (e.g. is not less stringent).

The Standard Process does not limit the ability of an individual Board to use its discretion to set the conditions of permits and licences; it only outlines the process for how to include conditions that are not part of a standard template (e.g. the *Standard Land Use Permit Conditions Template*). The key consideration is for all conditions to meet the characteristics listed above.

The *Standard Process for New Conditions* will be used whenever new conditions or revised conditions are considered for water licences or land use permits.



Standard Process for New Conditions

A new *potential* condition, issue requiring mitigation, or desired mitigation measure is identified (e.g. from reviewers, staff, consultant, or legal counsel).

BOARD STAFF ANALYSIS

Step 1: Confirm newness: Staff checks whether the desired mitigation measure or issue can be addressed by an existing condition. Where possible, staff can use an existing condition in the draft land use permit or water licence. Proceed to Step 2 only if the proposed condition is genuinely new.

Step 2: Evaluate idealness: Staff drafts new condition and evaluates it against the characteristics of an ideal condition. If time permits, the draft condition is sent out for a short public review.

ALL CONDITIONS MUST MEET THE CHARACTERISTICS OF AN IDEAL CONDITION

1. Is clearly part of Land and Water Board authority
2. Has a clear purpose and rationale
3. Is practical and enforceable
4. Matches the scale of the project
5. Does not conflict with existing legislation (i.e. not less stringent)

Step 3: Staff Report Analysis: Staff provides recommendation for the Board to accept or reject the proposed condition with rationale for each of the five characteristics.

BOARD DECISION

Accept proposed condition with rationale

OR

Reject proposed condition with rationale

OR

Revised or new condition proposed by Board

Review ideal characteristics and write rationale

If necessary, return to Step 1 for more detailed review

WATER LICENCE AND/OR LAND USE PERMIT ISSUED (with reasons for decision)

TRACKING AND EVALUATION

New conditions (with supporting rationale) accepted for use in a single permit or licence may be added to a Standard Conditions Template at the discretion of the Executive Directors. Unique or non-standard conditions will be tracked on a separate list.

The effectiveness of all conditions will be monitored; if they are not effective, they will be placed on the Rejected Conditions List. This list of conditions and rationale will assist with the evaluation of potential new conditions that may be similar or have similar characteristics to conditions that have been rejected.