

Government of
Northwest Territories



POCKET GUIDE

Environmental Impact Assessment in the Mackenzie Valley



There are ***two distinct***
environmental impact
regimes in the NWT.



This guide covers the
Mackenzie Valley regime,
and not the Inuvialuit
Settlement Region.

What is Environmental Impact Assessment?

Environmental impact assessment (EIA) is one part of an integrated and coordinated system of land and water management which also includes land use planning, land and water regulation, cumulative impact monitoring, and regular audits.

EIA is a planning tool that helps decision makers carefully consider the impacts of proposed activities on land or water (also called projects or developments) on the environment and social, economic, and cultural well-being of Mackenzie Valley residents before making irreversible decisions.

Federal legislation and land, resources and self-government agreements establish **three processes** where parties and the public can provide input, advice, and evidence. These processes must include Aboriginal consultation and are subject to legislated time limits.

No permits, licences, or other authorizations can be issued until the environmental impact assessment requirements of the *Mackenzie Valley Resource Management Act* are met.



1. SCREENING



2. ASSESSMENT



3. REVIEW

1. Preliminary Screening

Who

- Usually conducted by land and water boards.
- Other regulators may also conduct a preliminary screening for authorizations they issue on a project.
- The GNWT provides the screener with technical advice and evidence on impacts and mitigations.

What

- High-level initial scan to decide if a more in-depth review of a project's impacts is required.

When

- Usually triggered by land use permit, water licence, or other application.
- Over 95% of project applications don't advance beyond preliminary screening to environmental assessment.



Public Process

- Land and water boards maintain public registries.
- Anyone may submit comments.

Referral Authorities

- The GNWT, the federal government, the Gwich'in Tribal Council, the Sahtu Secretariat Inc., the Tł'chǫ Government, land and water boards, designated regulatory agencies and the Mackenzie Valley Environmental Review Board (Review Board) can also refer a project to environmental assessment.

Outcomes

- Preliminary screener must answer whether the proposed project might cause:
 - > significant impacts, or
 - > public concern.
- If either answer is yes, the screener must refer the project to environmental assessment.

2. Environmental Assessment

Who

- Conducted by the Mackenzie Valley Environmental Impact Review Board (Review Board).
- GNWT is a party to the process and provides the Review Board with technical advice and evidence on impacts and mitigations.

What

- A more thorough study to decide if the proposed project should proceed and if so, what, if any, mitigation, or additional review is required.
- Among other things, the Review Board must consider and report on:
 - > the likelihood of the project causing significant adverse impacts to people, land, water, animals, or significant public concern.
 - > the project in relation to the social, cultural and economic well-being of residents and communities.
 - > the project in relation to the importance of conservation to the well-being and way of life of Indigenous peoples.
 - > all traditional and scientific knowledge provided to the Review Board about the project.



When

- Usually after a preliminary screening.
- Typically one or two active assessments at any given time.

Public Process

- Review Board maintains public registry.
- Meetings and hearings are open to the public.

Outcomes

- At the end of the assessment, the Review Board issues a report with its conclusion that the project:
 - > should proceed directly to permitting, without conditions,
 - > should be approved, subject to conditions,
 - > should be rejected, or
 - > must be reviewed further.
- Depending on the project and the content of the Review Board's report, the GNWT, the federal government, designated regulatory agencies, or Indigenous governments may need to make decisions on the report.
- At the end of the process, the project may be:
 - > approved to proceed, with or without conditions,
 - > referred to environmental impact review, or
 - > rejected.

3. Environmental Impact Review

Who

- An independent panel, or a joint panel, established by the Review Board and others.
- GNWT is a party to the process and provides the panel with technical advice and evidence on impacts and mitigations.

What

- Similar to an environmental assessment, with additional questions set out in the panel's terms of reference.

When

- An environmental impact review is very rare – only two have been ordered since the *Mackenzie Valley Resource Management Act* came into force in 1998.



Public Process

- Panel maintains public registry.
- Meetings and hearings are open to the public.

Outcomes

- At the end of the review, the panel issues a report with its conclusion that the project should:
 - > proceed, with or without conditions, or
 - > be rejected.
- Depending on the project, the GNWT, the federal government, designated regulatory agencies or Indigenous governments may need to make decisions on the panel's report.
- At the end of the process, the project may be:
 - > approved to proceed, with or without conditions, or
 - > rejected.

Who is responsible?

Department of Lands

- Coordinates the GNWT's technical review and input into environmental assessment, environmental impact review, some screenings, and some regulatory reviews.
- Responsible minister for environmental assessment and environmental impact review decisions.
- Coordinates Ministerial review and decision-making on most Review Board and panel reports.
- Coordinates the GNWT's management of land and water securities.
- Responsible for inspection and compliance for land use permits and land tenure instruments, for activities not on federal land.
- Mandate also includes land management, land use planning, and land use and sustainability.



Department of Environment and Natural Resources

- Provides technical input into MVRMA reviews.
- Responsible minister for environmental assessment and environmental impact review decisions.
- Approval authority for Type A and Type B water licences, where a hearing has been held for undertakings not on federal land.
- Responsible for inspection and compliance for water licences for undertakings not on federal land.
- Conducts scientific research.
- Mandate also includes wildlife, forestry, air quality, fuel and spill management, and cumulative impact monitoring and auditing.

Who is responsible?

Department of Industry, Tourism and Investment

- Provides technical input into MVRMA reviews.
- May be responsible minister for environmental assessment and environmental impact review decisions.
- Administers third party mineral, oil and gas rights, royalties on oil and gas production, and mineral resource extraction.
- Conducts economic analysis and scientific research.
- Mandate also includes considering social and economic benefits of projects.

Other GNWT Departments

- Provide technical input into MVRMA reviews.
- May be responsible ministers for environmental assessment and environmental impact review decisions.



Federal Departments

- Provide technical input into MVRMA reviews.
- May be responsible ministers for environmental assessment and environmental impact review decisions.
- For projects wholly or partially on federal lands, the federal government coordinates Ministerial review and decision-making on Review Board and panel reports.

Mackenzie Valley Environmental Impact Review Board

- Conducts environmental assessments of referred projects.
- Prepares a final report and submits it to federal and territorial ministers, designated regulatory agencies, and Indigenous Governments as required.
- Recommends whether a proposed project should proceed and, if so, under what specific terms and conditions.
- Establishes independent panel if an environmental impact review is required.

Who is responsible?

Land and Water Boards

- Regulate use of land and water through the issuance of land use permits and water licences.
- Conduct preliminary screenings of projects that require land use permits or water licences.

Office of the Regulator of Oil and Gas Operations

- Issues operations and production authorizations; seismic, well and facility approvals; and, significant and commercial discovery declarations.
- Ensures effective planning for, and response to, incidents and spills at regulated oil and gas facilities.
- Responsible for inspection and regulatory compliance of oil and gas operations and facilities.



National Energy Board

- Regulates exploration and production of oil and gas on federal lands.
- Regulates transboundary oil and gas pipelines.
- Designated regulatory agency under the MVRMA.

Canadian Nuclear Safety Commission

- Regulates the use of nuclear energy and materials.
- Designated regulatory agency under the MVRMA.
- To date, no projects undergoing environmental assessment in the Mackenzie Valley have involved the CNSC.

For more information

DEPARTMENT OF LANDS

www.lands.gov.nt.ca

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

www.enr.gov.nt.ca

DEPARTMENT OF INDUSTRY, TOURISM, AND INVESTMENT

www.iti.gov.nt.ca

GOVERNMENT OF CANADA

www.canada.ca

MACKENZIE VALLEY ENVIRONMENTAL IMPACT REVIEW BOARD

www.reviewboard.ca

LAND AND WATER BOARDS

Mackenzie Valley - www.mvlwb.com

Sahtu - www.slwb.com

Gwich'in - www.glwbc.com

Wek'èezhìi - www.wlwb.ca

OFFICE OF THE REGULATOR OF OIL AND GAS OPERATIONS

www.orogo.gov.nt.ca

NATIONAL ENERGY BOARD

www.neb-one.gc.ca

CANADIAN NUCLEAR SAFETY COMMISSION

www.cnsc-ccsn.gc.ca