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| « <i>ministre compétent</i> » | jurisdiction in relation to the development under federal or territorial law. |
| "Review Board" « <i>Office</i> » | "Review Board" means the Mackenzie Valley Environmental Impact Review Board established by subsection 112(1). |
| Application | (2) This Part applies in respect of developments to be carried out wholly or partly within the Mackenzie Valley and, except for section 142, does not apply in respect of developments wholly outside the Mackenzie Valley. 1998, c. 25, s. 111; 2000, c. 32, s. 55; 2005, c. 1, s. 65. |

ESTABLISHMENT OF REVIEW BOARD

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| Review Board established | 112. (1) There is hereby established a board to be known as the Mackenzie Valley Environmental Impact Review Board consisting of not less than seven members including a chairperson. |
| Nominations by first nations and the Tlicho Government | (2) One half of the members of the Review Board other than the chairperson shall be persons appointed on the nomination of first nations and the Tlicho Government, including at least one nominated by the Gwich'in First Nation, one nominated by the Sahtu First Nation and one nominated by the Tlicho Government. |
| Government members | (3) Of the members of the Review Board other than the chairperson and those appointed in accordance with subsection (2), at most one half shall be nominated by the territorial Minister. |
| Quorum | (4) A quorum of the Review Board consists of five members, including two of the members appointed in accordance with subsection (2) and two of the members not so appointed other than the chairperson. 1998, c. 25, s. 112; 2005, c. 1, s. 66. |
| Main office | 113. The main office of the Review Board shall be at Yellowknife or at such other place in the Mackenzie Valley as is designated by the Governor in Council. |

GENERAL PROVISIONS

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| Purposes | 114. The purpose of this Part is to establish a process comprising a preliminary screening, an environmental assessment and an environmental impact review in relation to proposals for developments, and (a) to establish the Review Board as the main instrument in the Mackenzie Valley for the environmental assessment and environmental impact review of developments; (b) to ensure that the impact on the environment of proposed developments receives careful consideration before actions are taken in connection with them; and (c) to ensure that the concerns of aboriginal people and the general public are taken into account in that process. |
| Guiding principles | 115. The process established by this Part shall be carried out in a timely and expeditious manner and shall have regard to (a) the protection of the environment from the significant adverse impacts of proposed developments; (b) the protection of the social, cultural and economic well-being of residents and communities in the Mackenzie Valley; and |

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| | <p>(c) the importance of conservation to the well-being and way of life of the aboriginal peoples of Canada to whom section 35 of the <i>Constitution Act, 1982</i> applies and who use an area of the Mackenzie Valley.</p> <p>1998, c. 25, s. 115; 2005, c. 1, s. 67.</p> |
| Considerations | <p>115.1 In exercising its powers, the Review Board shall consider any traditional knowledge and scientific information that is made available to it.</p> <p>2005, c. 1, s. 68.</p> |
| Canadian Environmental Assessment Act | <p>116. The <i>Canadian Environmental Assessment Act</i> does not apply in the Mackenzie Valley in respect of proposals for developments other than</p> <p>(a) proposals referred to the Minister of the Environment pursuant to paragraph 130(1)(c), to the extent provided by that Act; or</p> <p>(b) proposals that are the subject of agreements referred to in paragraph 141 (2)(a) or (3)(b), to the extent provided by such agreements.</p> <p>1998, c. 25, s. 116; 2005, c. 1, s. 69.</p> |
| Scope of developments | <p>117. (1) Every environmental assessment of a proposal for a development shall include a determination by the Review Board of the scope of the development, subject to any guidelines made under section 120.</p> |
| Factors to be considered | <p>(2) Every environmental assessment and environmental impact review of a proposal for a development shall include a consideration of</p> <p>(a) the impact of the development on the environment, including the impact of malfunctions or accidents that may occur in connection with the development and any cumulative impact that is likely to result from the development in combination with other developments;</p> <p>(b) the significance of any such impact;</p> <p>(c) any comments submitted by members of the public in accordance with the regulations or the rules of practice and procedure of the Review Board;</p> <p>(d) where the development is likely to have a significant adverse impact on the environment, the need for mitigative or remedial measures; and</p> <p>(e) any other matter, such as the need for the development and any available alternatives to it, that the Review Board or any responsible minister, after consulting the Review Board, determines to be relevant.</p> |
| Additional factors | <p>(3) An environmental impact review of a proposal for a development shall also include a consideration of</p> <p>(a) the purpose of the development;</p> <p>(b) alternative means, if any, of carrying out the development that are technically and economically feasible, and the impact on the environment of such alternative means;</p> <p>(c) the need for any follow-up program and the requirements of such a program; and</p> <p>(d) the capacity of any renewable resources that are likely to be significantly affected by the development to meet existing and future needs.</p> |
| Joint panels | <p>(4) Subsections (2) and (3) apply in respect of an examination of a proposal for a development by a review panel, or a joint panel, established jointly by the Review Board and any other person or body.</p> |

1998, c. 25, s. 117; 2005, c. 1, s. 70.

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| Implementation of proposals | 118. (1) No licence, permit or other authorization required for the carrying out of a development may be issued under any federal, territorial or Tlicho law unless the requirements of this Part have been complied with in relation to the development. |
| Implementation of proposals | (2) Where the Gwich'in or Sahtu First Nation, the Tlicho Government, a local government or a department or agency of the federal or territorial government proposes to carry out a development that does not require a licence, permit or other authorization under any federal, territorial or Tlicho law, it shall comply with the requirements of this Part before taking any irrevocable action in relation to the development. 1998, c. 25, s. 118; 2005, c. 1, s. 71. |
| Emergencies excluded | 119. No preliminary screening, environmental assessment or environmental impact review is required to be conducted in relation to a proposal for a development (a) that is carried out in response to a national emergency for which special temporary measures are being taken under the <i>Emergencies Act</i> ; or (b) that is carried out in response to an emergency in circumstances such that it is in the interest of protecting property or the environment or in the interest of public welfare, health or safety to carry out the proposal forthwith. |
| Guidelines | 120. Following consultation with first nations, the Tlicho Government and the federal and territorial Ministers and subject to any regulations made under paragraph 143(1)(a), the Review Board may establish guidelines respecting the process established by this Part, including guidelines (a) for the determination of the scope of developments by the Review Board; (b) for the form and content of reports made under this Part; and (c) for the submission and distribution of environmental impact statements and for public notification of such submission pursuant to paragraphs 134(1)(b) and (c). 1998, c. 25, s. 120; 2005, c. 1, s. 72. |
| Written reasons | 121. The Review Board, a review panel thereof, a review panel, or a joint panel, established jointly by the Review Board and any other person or body, the federal Minister, a responsible minister, a designated regulatory agency, a regulatory authority, a department or agency of the federal or territorial government, a local government, the Gwich'in or Sahtu First Nation or the Tlicho Government shall issue and make available to the public written reasons for any decision or recommendation made under the process established by this Part. 1998, c. 25, s. 121; 2005, c. 1, s. 73. |
| Delegation by federal Minister | 122. The federal Minister may, in relation to a proposed development, delegate to any responsible minister the federal Minister's duty to distribute reports made under this Part, to participate in decisions made following the consideration of such reports and to distribute decisions so made. |
| Exercise of powers under other Acts | 123. For greater certainty, the Review Board may exercise any function conferred on it by or under any Act of Parliament or delegated to it under any Act of Parliament. |
| Consultation | 123.1 In conducting a review or examination of the impact on the environment of a development, a review panel of the Review Board or a review panel, or a joint |

panel, established jointly by the Review Board and any other person or body,

(a) shall carry out any consultations that are required by any of the land claim agreements; and

(b) may carry out other consultations with any persons who use an area where the development might have an impact on the environment.

2005, c. 1, s. 74.

Conflict of interest

123.2 (1) A person shall not be appointed, or continue, as a member of a review panel of the Review Board or of a review panel, or a joint panel, established jointly by the Review Board and any other person or body, if doing so would place the member in a material conflict of interest.

Status or entitlements under agreement

(2) A person is not in a material conflict of interest merely because of any status or entitlement conferred on the person under the Gwich'in Agreement, the Sahtu Agreement, the Tlicho Agreement or any other agreement between a first nation and Her Majesty in right of Canada for the settlement of a claim to lands.

2005, c. 1, s. 74.

Nominations

123.3 In appointing a review panel of the Review Board or a review panel, or a joint panel, established jointly by the Review Board and any other person or body, the Review Board and those other persons or bodies shall comply with the requirements of land claim agreements respecting nominations for appointment.

2005, c. 1, s. 74.

PRELIMINARY SCREENING

Application to regulator

124. (1) Where, pursuant to any federal or territorial law specified in the regulations made under paragraph 143(1)(b), an application is made to a regulatory authority or designated regulatory agency for a licence, permit or other authorization required for the carrying out of a development, the authority or agency shall notify the Review Board in writing of the application and conduct a preliminary screening of the proposal for the development, unless the development is exempted from preliminary screening because

(a) its impact on the environment is declared to be insignificant by regulations made under paragraph 143(1)(c); or

(b) an examination of the proposal is declared to be inappropriate for reasons of national security by those regulations.

Proposal not requiring application

(2) Where a development that does not require a licence, permit or other authorization under any federal or territorial law is proposed to be carried out by a department or agency of the federal or territorial government or by the Gwich'in or Sahtu First Nation or the Tlicho Government, the body proposing to carry out that development shall, after notifying the Review Board in writing of the proposal for the development, conduct a preliminary screening of the proposal, unless

(a) in its opinion, the impact of the development on the environment will be manifestly insignificant; or

(b) the development is exempted from preliminary screening for a reason referred to in paragraph (1)(a) or (b).

Preliminary screening by Gwich'in, Sahtu or Tlicho

(3) The Gwich'in First Nation, the Sahtu First Nation or the Tlicho Government, as the case may be, may conduct a preliminary screening of a proposal for a development to determine whether to refer the proposal for an environmental assessment in accordance with paragraph 126(2)(b) or (c).

Cooperation (4) Where more than one body conducts a preliminary screening in respect of a development, any of them may consult the others, adopt another's report or participate in a joint preliminary screening and, where one of them is a board established under Part 3 or 4, the others are not required to conduct a preliminary screening.

1998, c. 25, s. 124; 2005, c. 1, s. 75.

Outside local
government
territory

125. (1) Except as provided by subsection (2), a body that conducts a preliminary screening of a proposal shall

(a) determine and report to the Review Board whether, in its opinion, the development might have a significant adverse impact on the environment or might be a cause of public concern; and

(b) where it so determines in the affirmative, refer the proposal to the Review Board for an environmental assessment.

Within local
government
territory

(2) Where a proposed development is wholly within the boundaries of a local government, a body that conducts a preliminary screening of the proposal shall

(a) determine and report to the Review Board whether, in its opinion, the development is likely to have a significant adverse impact on air, water or renewable resources or might be a cause of public concern; and

(b) where it so determines in the affirmative, refer the proposal to the Review Board for an environmental assessment.

ENVIRONMENTAL ASSESSMENT

Referral on
preliminary
screening

126. (1) The Review Board shall conduct an environmental assessment of a proposal for a development that is referred to the Review Board following a preliminary screening pursuant to section 125.

Referral from
department,
agency, first nation
or local government

(2) Notwithstanding any determination on a preliminary screening, the Review Board shall conduct an environmental assessment of a proposal for a development that is referred to it by

(a) a regulatory authority, designated regulatory agency or department or agency of the federal or territorial government;

(b) the Gwich'in or Sahtu First Nation, in the case of a development to be carried out in its settlement area or a development that might have an impact on the environment in that settlement area;

(c) the Tlicho Government, in the case of a development to be carried out wholly or partly in the part of Monfwi Gogha De Niitlee that is in the Northwest Territories or a development that might have an impact on the environment in that part; or

(d) a local government, in the case of a development to be carried out within its boundaries or a development that might have an impact on the environment within its boundaries.

Review Board's
own motion

(3) Notwithstanding any determination on a preliminary screening, the Review Board may conduct an environmental assessment of a proposal for a development on its own motion.

For greater
certainty

(4) For greater certainty, subsections (2) and (3) apply even if a preliminary screening has not been commenced or, if commenced, has not been completed.

Notice

(5) The Review Board shall give notice of a referral of a proposal under

subsection (2), or of its decision to conduct an environmental assessment under subsection (3), to the person or body that proposes to carry out the development.

1998, c. 25, s. 126; 2005, c. 1, s. 76.

Application of
EARP Order and
CEAA

127. In an environmental assessment of a proposal for a development, the Review Board shall take into account any report made in relation to that proposal before the coming into force of this Part pursuant to the *Environmental Assessment and Review Process Guidelines Order*, approved by Order in Council P.C. 1984-2132 of June 21, 1984, and registered as SOR/84-467, or pursuant to the *Canadian Environmental Assessment Act*.

Consultation

127.1 Before completing an environmental assessment of a proposal for a development that is to be carried out wholly or partly on first nation lands as defined in section 51 or on Tlicho lands, the Review Board shall consult the first nation on whose lands the development is to be carried out or, if the development is to be carried out on Tlicho lands, the Tlicho Government.

2005, c. 1, s. 77.

Assessment by
Review Board

128. (1) On completing an environmental assessment of a proposal for a development, the Review Board shall,

(a) where the development is not likely in its opinion to have any significant adverse impact on the environment or to be a cause of significant public concern, determine that an environmental impact review of the proposal need not be conducted;

(b) where the development is likely in its opinion to have a significant adverse impact on the environment,

(i) order that an environmental impact review of the proposal be conducted, subject to paragraph 130(1)(c), or

(ii) recommend that the approval of the proposal be made subject to the imposition of such measures as it considers necessary to prevent the significant adverse impact;

(c) where the development is likely in its opinion to be a cause of significant public concern, order that an environmental impact review of the proposal be conducted, subject to paragraph 130(1)(c); and

(d) where the development is likely in its opinion to cause an adverse impact on the environment so significant that it cannot be justified, recommend that the proposal be rejected without an environmental impact review.

Report to ministers,
agencies and Tlicho
Government

(2) The Review Board shall make a report of an environmental assessment to

(a) the federal Minister, who shall distribute it to every responsible minister;

(b) any designated regulatory agency from which a licence, permit or other authorization is required for the carrying out of the development; and

(c) if the development is to be carried out wholly or partly on Tlicho lands, the Tlicho Government.

Copies of report

(3) The Review Board shall provide a copy of its report to any body that conducted a preliminary screening of the proposal, to any body that referred the proposal to the Review Board under subsection 126(2) and to the person or body that proposes to carry out the development.

Areas identified

(4) The Review Board shall identify in its report any area within or outside the Mackenzie Valley in which the development is likely, in its opinion, to have a

significant adverse impact or to be a cause of significant public concern and specify the extent to which that area is affected.

1998, c. 25, s. 128; 2005, c. 1, s. 78.

Delay

129. Where the Review Board makes a determination under paragraph 128(1)(a),

(a) a regulatory authority, a designated regulatory agency or the Tlicho Government shall not issue a licence, permit or other authorization for the development, and

(b) where no licence, permit or authorization is required under any federal, territorial or Tlicho law for the development, the person or body that proposes to carry it out shall not proceed,

before the expiration of ten days after receiving the report of the Review Board.

1998, c. 25, s. 129; 2005, c. 1, s. 79.

Decision by
ministers

130. (1) After considering the report of an environmental assessment, the federal Minister and the responsible ministers to whom the report was distributed may agree

(a) to order an environmental impact review of a proposal, notwithstanding a determination under paragraph 128(1)(a);

(b) where a recommendation is made under subparagraph 128(1)(b)(ii) or paragraph 128(1)(d),

(i) to adopt the recommendation or refer it back to the Review Board for further consideration, or

(ii) after consulting the Review Board, to adopt the recommendation with modifications or reject it and order an environmental impact review of the proposal; or

(c) irrespective of the determination in the report, to refer the proposal to the Minister of the Environment, following consultation with that Minister, for the purpose of a joint review under the *Canadian Environmental Assessment Act*, where the federal Minister and the responsible ministers determine that it is in the national interest to do so.

Consultation

(1.1) Before making an order under paragraph (1)(a) or a referral under paragraph (1)(c), the federal Minister and the responsible ministers shall consult the Tlicho Government if the development is to be carried out wholly or partly on Tlicho lands.

Areas identified

(2) Where an environmental impact review of a proposal is ordered under subsection (1), the federal Minister and responsible ministers shall identify any area within or outside the Mackenzie Valley in which the development is likely, in their opinion, to have a significant adverse impact or to be a cause of significant public concern and specify the extent to which that area is affected.

Additional
information

(3) If the federal Minister and responsible ministers consider any new information that was not before the Review Board, or any matter of public concern not referred to in the Review Board's reasons, the new information or matter shall be identified in the decision made under this section and in any consultation under paragraph (1)(b).

Distribution of
decision

(4) The federal Minister shall distribute a decision made under this section to the Review Board and to every first nation, local government, regulatory authority and department and agency of the federal or territorial government affected by the decision.

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| Effect of decision | <p>(5) The federal Minister and responsible ministers shall carry out a decision made under this section to the extent of their respective authorities. A first nation, local government, regulatory authority or department or agency of the federal or territorial government affected by a decision made under this section shall act in conformity with the decision to the extent of their respective authorities.</p> <p>1998, c. 25, s. 130; 2005, c. 1, s. 80.</p> |
| Decision by designated agency | <p>131. (1) A designated regulatory agency shall, after considering a report of the Review Board containing a recommendation made under subparagraph 128(1)(b)(ii) or paragraph 128(1)(d),</p> <p>(a) adopt the recommendation or refer it back to the Review Board for further consideration; or</p> <p>(b) after consulting the Review Board, adopt the recommendation with modifications or reject it and order an environmental impact review of the proposal.</p> |
| Effect of decision | <p>(2) A designated regulatory agency shall carry out, to the extent of its authority, any recommendation that it adopts.</p> |
| Areas identified | <p>(3) Where an environmental impact review of a proposal is ordered under subsection (1), the designated regulatory agency shall identify any area within or outside the Mackenzie Valley in which the development is likely, in its opinion, to have a significant adverse impact or to be a cause of significant public concern and specify the extent to which that area is affected.</p> |
| Additional information | <p>(4) If a designated regulatory agency considers any new information that was not before the Review Board, or any matter of public concern that was not referred to in the Review Board's reasons, the new information or matter shall be identified in the decision made under this section and in any consultation under paragraph (1)(b).</p> |
| Decision by Tlicho Government | <p>131.1 (1) If a development is to be carried out wholly or partly on Tlicho lands, the Tlicho Government shall, after considering a report of the Review Board containing a recommendation made under subparagraph 128(1)(b)(ii),</p> <p>(a) adopt the recommendation or refer it back to the Review Board for further consideration; or</p> <p>(b) after consulting the Review Board, adopt the recommendation with modifications or reject it.</p> |
| Effect of decision | <p>(2) The Tlicho Government shall carry out, to the extent of its authority, any recommendation that it adopts.</p> |
| Additional information | <p>(3) If the Tlicho Government considers any new information that was not before the Review Board, or any matter of public concern that was not referred to in the Review Board's reasons, the new information or matter shall be identified in the decision made under this section and in any consultation under paragraph (1)(b).</p> <p>2005, c. 1, s. 81.</p> |
| Conservation | <p>131.2 In making a decision under paragraph 130(1)(b) or subsection 131(1) or 131.1(1), the federal Minister and the responsible ministers, a designated regulatory agency or the Tlicho Government, as the case may be, shall consider the importance of the conservation of the lands, waters and wildlife of the Mackenzie Valley on which the development might have an impact.</p> <p>2005, c. 1, s. 81.</p> |

ENVIRONMENTAL IMPACT REVIEW

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| Appointment of review panel | 132. (1) Subject to sections 138 to 141, an environmental impact review of a proposal for a development shall be conducted by a review panel consisting of three or more members appointed by the Review Board, including a chairperson. |
| Expert members | (2) A review panel may, in addition to members of the Review Board, include as members of the panel persons having particular expertise related to the development. |
| Board members to participate in appointments | (3) The members of the Review Board who participate in the appointment of a review panel must include in equal numbers (a) members who were appointed on the nomination of a first nation or the Tlicho Government; and (b) members not so appointed, other than the chairperson. (4) [Repealed, 2005, c. 1, s. 82] 1998, c. 25, s. 132; 2005, c. 1, s. 82. |
| Powers and duties of panel | 133. (1) A review panel may exercise the powers and shall perform the duties of the Review Board in the conduct of an environmental impact review. |
| Instructions | (2) A review panel may issue, with respect to an impact statement referred to in paragraph 134(1)(b), special instructions not inconsistent with any guidelines issued under section 120. |
| Coordination | 133.1 The Review Board shall to the extent possible coordinate any environmental impact review conducted by a review panel of a proposal for a development that, as determined by the Review Board, is to be carried out partly outside the Mackenzie Valley with any examination of the environmental impact of that development conducted by another authority responsible for the examination of environmental effects of the part of the development to be carried out outside the Mackenzie Valley. 2005, c. 1, s. 83. |
| Components of review | 134. (1) An environmental impact review of a proposal for a development includes (a) the preparation by the Review Board of terms of reference for the review panel, after consultation with the responsible ministers, with any first nation affected by the proposal and, if the Board has determined that the development is likely to have a significant adverse impact on the environment, or to be a cause of significant public concern, in Monfwi Gogha De Niitlee, with the Tlicho Government; (b) the submission of an impact statement by the applicant for a licence, permit or other authorization or such other person or body as proposes to carry out the development, and its distribution in accordance with any guidelines issued under section 120 and any special instructions issued under subsection 133(2); (c) public notification, in accordance with any such guidelines, of the submission of the impact statement; (d) such analysis of the proposal as the review panel considers appropriate; and (e) public consultations or hearings in communities that will be affected by the development. |

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| Report | (2) A review panel shall issue a report containing a summary of comments received from the public, an account of the panel's analysis, the conclusions of the panel and its recommendation whether the proposal for the development be approved, with or without mitigative or remedial measures or a follow-up program, or rejected. |
| Submission to ministers, agencies and Tlicho Government | <p>(3) The report of a review panel shall be submitted to</p> <p>(a) the federal Minister, who shall distribute it to every responsible minister;</p> <p>(b) any designated regulatory agency from which a licence, permit or other authorization is required for the carrying out of the development; and</p> <p>(c) the Tlicho Government, if the development is to be carried out wholly or partly on Tlicho lands.</p> <p>1998, c. 25, s. 134; 2005, c. 1, s. 84.</p> |
| Consideration of report by ministers | <p>135. (1) After considering the report of a review panel, the federal Minister and responsible ministers to whom the report was distributed may agree to</p> <p>(a) adopt the recommendation of the review panel or refer it back to the panel for further consideration; or</p> <p>(b) after consulting the review panel, adopt the recommendation with modifications or reject it.</p> |
| Additional information | (2) If the federal Minister and responsible ministers consider any new information that was not before the review panel, or any matter of public concern not referred to in the panel's reasons, the new information or the matter shall be identified in the decision made under this section and in their consultations under paragraph (1)(b). |
| Distribution of decision | 136. (1) The federal Minister shall distribute a decision under section 135 to every first nation, local government, regulatory authority and department or agency of the territorial or federal government affected by the decision. |
| Effect of decision | <p>(2) The federal Minister and responsible ministers shall carry out a decision made under section 135 to the extent of their respective authorities. A first nation, local government, regulatory authority or department or agency of the federal or territorial government affected by a decision under that section shall act in conformity with the decision to the extent of their respective authorities.</p> <p>1998, c. 25, s. 136; 2005, c. 1, s. 85.</p> |
| Consideration of report by agencies | <p>137. (1) A designated regulatory agency shall, after considering the report of a review panel,</p> <p>(a) adopt the recommendation of the review panel or refer it back to the panel for further consideration; or</p> <p>(b) after consulting the review panel, adopt the recommendation with modifications or reject it.</p> |
| Additional information | (2) If a designated regulatory agency considers any new information that was not before the review panel, or any matter of public concern that was not referred to in the panel's reasons, such new information or such matter shall be identified in the decision of the agency and in any consultation under paragraph (1)(b). |
| Effect of decision | (3) A designated regulatory agency shall carry out, to the extent of its authority, any recommendation that it adopts. |
| Decision by Tlicho | 137.1 (1) If a development is to be carried out wholly or partly on Tlicho lands, |

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| Government | <p>the Tlicho Government shall, after considering the report of a review panel,</p> <p>(a) adopt the recommendation of the review panel or refer it back to the panel for further consideration; or</p> <p>(b) after consulting the review panel, adopt the recommendation with modifications or reject it.</p> |
| Additional information | <p>(2) If the Tlicho Government considers any new information that was not before the review panel, or any matter of public concern that was not referred to in the review panel's reasons, the new information or matter shall be identified in the decision made under this section and in any consultation under paragraph (1)(b).</p> |
| Effect of decision | <p>(3) The Tlicho Government shall carry out, to the extent of its authority, any recommendation that it adopts.</p> <p>2005, c. 1, s. 86.</p> |
| Conservation | <p>137.2 In making a decision under subsection 135(1), 137(1) or 137.1(1), the federal Minister and the responsible ministers, a designated regulatory agency or the Tlicho Government, as the case may be, shall consider the importance of the conservation of the lands, waters and wildlife of the Mackenzie Valley on which the development might have an impact.</p> <p>2005, c. 1, s. 86.</p> |
| Consultation | <p>137.3 Before making a decision under subsection 135(1), 137(1) or 137.1(1) in respect of a proposal for a development that, as determined by the Review Board, is to be carried out partly outside the Mackenzie Valley, the person or body making the decision shall take into consideration any report in respect of the proposal that is submitted by a review panel established under the <i>Canadian Environmental Assessment Act</i> and shall consult every responsible authority to whom the report is submitted under that Act.</p> <p>2005, c. 1, s. 86.</p> |

COOPERATION AND JOINT REVIEWS

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| Report by review panel — national interest referral | <p>138. (1) A review panel established under subsection 40(2.1) of the <i>Canadian Environmental Assessment Act</i> in respect of a proposal for a development that was referred pursuant to paragraph 130(1)(c) of this Act shall, in addition to satisfying the requirements of paragraph 41(f) of that Act, submit the report of its recommendations to</p> <p>(a) the federal Minister, who shall distribute it to every responsible minister;</p> <p>(b) any designated regulatory agency from which a licence, permit or other authorization is required for the carrying out of the development; and</p> <p>(c) the Tlicho Government, if the development is to be carried out wholly or partly on Tlicho lands.</p> |
| Provisions applicable | <p>(2) An examination by a review panel referred to in subsection (1) stands in lieu of an environmental impact review and paragraphs 134(1)(b), (d) and (e) and sections 135 to 137.2 apply, with such modifications as may be required, in respect of the examination, except that a recommendation of a panel may not be referred back to the panel for further consideration.</p> <p>1998, c. 25, s. 138; 2005, c. 1, s. 87.</p> |
| Agreement — national interest referral | <p>138.1 (1) If a proposal for a development that, as determined by the Review Board, is to be carried out partly outside the Mackenzie Valley and either is to be carried out partly in Wekeezhii or might have an impact on the environment in</p> |



Issues and Recommendations for Social and Economic Impact Assessment in the Mackenzie Valley

Non-Technical Summary

*Delivering on the Mackenzie Valley
Environmental Impact Review Board's
Mandate to Assess
the Socio-Economic Impacts of
Proposed Developments*

Prepared by the MVEIRB, with assistance from Consilium and Gartner Lee Limited



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ISSUES AND RECOMMENDATIONS FOR SOCIAL AND ECONOMIC IMPACT ASSESSMENT (SEIA) IN THE MACKENZIE VALLEY

DRAFT FINAL NON-TECHNICAL SUMMARY*

1. INTRODUCTION

The Mackenzie Valley Environmental Impact Review Board (the Review Board) is an institution of public government created by Part 5 of the Mackenzie Valley Resources Management Act (MVRMA). It conducts environmental assessments and environmental impact reviews of proposed developments in the Mackenzie Valley. The assessment of environmental impacts includes social, cultural and economic impacts, as well as ecological ones. The Review Board is required to consider "*the protection of the social, cultural and economic well-being of residents and communities in the Mackenzie Valley*"². It may set guidelines for how to carry out social and economic impact assessment (SEIA) of proposed developments.

1.1. PURPOSE AND ORGANIZATION

The purpose of this paper is to look at how SEIA can help social and economic **sustainability** in the Mackenzie Valley- *to help make sure that development meets the social and economic needs of people today while still ensuring that people in the future can meet their social and economic needs as well*. This paper highlights the need to put into practice sound, high-quality SEIA processes in the Mackenzie Valley, which are based on sustainability principles and approaches, and provides suggested improvements and action items.

The discussion paper will be used to consult with stakeholders in the Mackenzie Valley, including regulatory boards and agencies that are, or could become, involved in SEIA. These will include the GNWT, and the Mackenzie Valley Land and Water Board, DIAND and others. These consultations will form the basis for SEIA guidelines.

This non-technical summary is divided into five sections: (1) Introduction; (2) Non-Renewable Resource Development, Socio-Economic Sustainability and the Role of SEIA; (3) Operational Structure for SEIA in the Mackenzie Valley; (4) Issues and Recommendations for SEIA in the Mackenzie Valley; and (5) Conclusion and Next Steps.

* This non-technical summary provides a general overview of the discussion paper *Issues and Recommendations for Social and Economic Impact Assessment in the Mackenzie Valley*. For a copy of the discussion paper, please contact the Mackenzie Valley Environmental Impact Review Board at (867) 766-7050.

² particularly MVRMA section 115

2. NON-RENEWABLE RESOURCE DEVELOPMENT, SOCIO-ECONOMIC SUSTAINABILITY AND THE ROLE OF SEIA

This section outlines the need for sustainable approaches to resource management and provides an overview of what social and economic impact assessment (SEIA) is, including the challenges SEIA it faces.

2.1. CHALLENGES OF NON-RENEWABLE RESOURCE DEVELOPMENT

The Mackenzie Valley is once again experiencing major mining and oil and gas activity. These are all types of *non-renewable resource* development- once these resources are removed from the land, they are gone and will not return. Diamond mining and oil and gas developments provide a variety of economic and social benefits including increased employment, training and increased government revenues from taxes and royalties. However, there are also serious problems that can arise, including social disruption and stresses on community infrastructure and services³.

Non-renewable resource development, therefore, raises important questions in the Mackenzie Valley, including:

- ? How are the social, cultural and economic impacts of major developments on communities to be managed?
- ? How should we make sure that non-renewable resource development activity produces steady social and economic benefits?
- ? How can we to ensure that governments can meet the true costs of development (whether these are the overall costs of development falling on the territorial government or the increased costs of infrastructure and services that fall on municipalities)?
- ? How can we promote development that is sustainable for the long-term, ensuring that opportunities for community development are taken advantage of?

2.2. THE NEED FOR SUSTAINABLE DEVELOPMENT APPROACHES

In recent years, environmental assessment has been identified as an important instrument for assessing long-term sustainability in public and private decision-making. People who carry out environmental assessment increasingly support the idea that long-term views must be built into their processes and decisions.

2.2.1. Sustainability Principles

To bring about the idea of long-term sustainability, people have identified some ways that it can fit into Environmental Assessment, but this is still quite general. One principle that is having a practical impact on environmental assessment is the **precautionary principle**. It says that even though we might not be able to prove for certain that there is a serious

³ For a detailed overview of economic prospects and impacts on communities, please see section 2 of the Discussion Paper.

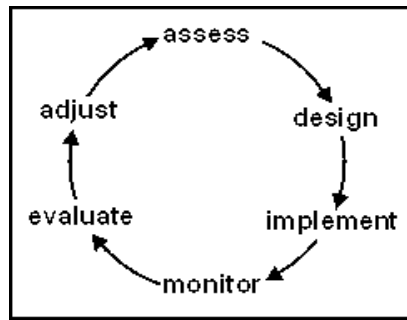
risk, we should still make cautious decisions. (That is: when in doubt, and the stakes are high, do not proceed).

2.2.2. Essential Aspects for Assessing Sustainability

The International Institute for Sustainable Development (IISD) has identified four essential aspects for the assessment of progress towards long-term sustainability:

- ✓ **Clear vision and goals:** Agree on the goals that are desired (for example, reducing dangerous gaps between rich and poor; protecting health);
- ✓ **Participation and Communication:** Communicate clearly, and involve a cross section of people, including:
 - Women;
 - Youth;
 - Traditional Knowledge holders;
 - Business owners and industry representatives; and,
 - Decision-makers.
- ✓ **Doing Assessment:** Assessment processes must:
 - Be holistic, looking at the whole big picture;
 - Consider fairness and inequality between current and future generations;
 - Consider long-term cumulative effects⁴, how much change is acceptable, and where the line for this change is drawn (thresholds);
 - Connect goals to things that can be measured, to keep track of changes.
 - Be open, making clear what assumptions and judgments were used.
- ✓ **Continuing Capacity:** Assessment processes must:
 - Be ongoing,
 - Be adaptive, clearly assigning responsibility and support in decision-making,
 - Provide capacity (\$) for the appropriate organizations to collect, maintain and keep records and support development of local assessment capacity.

⁴ Cumulative effects are combined effects of different developments. For example, one diamond mine in a region will bring certain effects. If two additional mines are developed in the same region over the next 10 years, there will be a combined effect on the physical and human environments of the region.



Adaptive Management: Source ESSA Inc.

2.2.3. Measuring Progress

Measuring sustainability also requires alternative and new ways of measuring progress. Most economists focus on official, conventional measures of national progress such as Gross Domestic Product (GDP)⁵. These are based only on economics and can ignore or hide social costs. As a result, different attempts have been made to complement and even replace GDP as the main measure of well-being.

These alternatives include:

- *Progress indicator models*, such as the **Genuine Progress Indicators (GPI)**⁶, which considers the value of people's contributions even though they are not measured in money. This provides a way of measuring progress that does not leave out the contributions that homemakers and volunteers, for example, add to the economy. It also subtracts negative factors such as crime, pollution, and family breakdown.
- *Full-cost accounting* approaches, which consider all financial costs of development, by adding in the internal costs to an organization to the outside costs due to the impacts of activities on the environment (such as the costs of pollution and workplace accidents).

These alternatives are on the cutting edge. Many people involved in social development and environmental management believe that these are steps in the right direction but practical results have been slow in coming.

2.2.4. Harnessing Long-Term Benefits

Another key part of long-term sustainable development is ensuring that communities and regions that depend on resource-based economies are able to take advantage of the longer-term benefits of mining, oil and gas development. This is particularly true where large multi-national companies are taking away the wealth and leaving behind environmental consequences that may overshadow the short-term benefits, like employment. There are many examples of communities, industry and government working together to lessen project

⁵ Gross Domestic Product (GDP) is a measure of economic growth based on assumptions of economic (\$) contributions

⁶ For more information on GPI, please see section 3.3 and Appendix B of the Discussion Paper.

impacts and improve benefits including: community joint ventures; small business development programs; benefits plans; and, impact and benefit agreements (IBAs)⁷. Other creative options that could be considered in the NWT, especially if a natural gas pipeline and additional diamond mines are developed, include:

- A large territorial heritage fund, similar to Alberta's Heritage Fund; and,
- Project-specific royalty based funds, similar to those recommended during the environmental assessment of a proposed mine development on Taku River Tlingit traditional territory in British Columbia⁸.

To summarize, there are many important aspects for assessing long-term sustainability of proposed developments, including: 1) identification of **principles and vision** that ensure adaptive management structures are in place; 2) **proper measurements** that can determine progress of society; and 3) **ensuring the longer-term benefits** from development projects are taken advantage of.

Social and economic impact assessment (SEIA), as part of overall environmental assessment, provides the primary mechanism for assessing long-term sustainability.

2.3. SOCIAL AND ECONOMIC IMPACT ASSESSMENT (SEIA)

Assessing social and economic impacts has been carried out through social and economic impact assessment (SEIA). This section summarizes how SEIA is done, the tools used to carry it out and challenges SEIA faces with respect to assessing long-term sustainability.

2.3.1. Goals and Process

SEIA is about how development projects affect people and their communities. The ultimate aim of SEIA is to make better decisions about what is an acceptable level of change to society in relation to a proposed development (physical project like a road or a mine), program, or policy.

Generally, socio-economic impacts are changes in the human condition. They are changes in the economic and social conditions of:

- Local communities, districts, provinces or possibly even the nation;
- Vulnerable groups (such as women, children or poor); and,
- Businesses and employees.

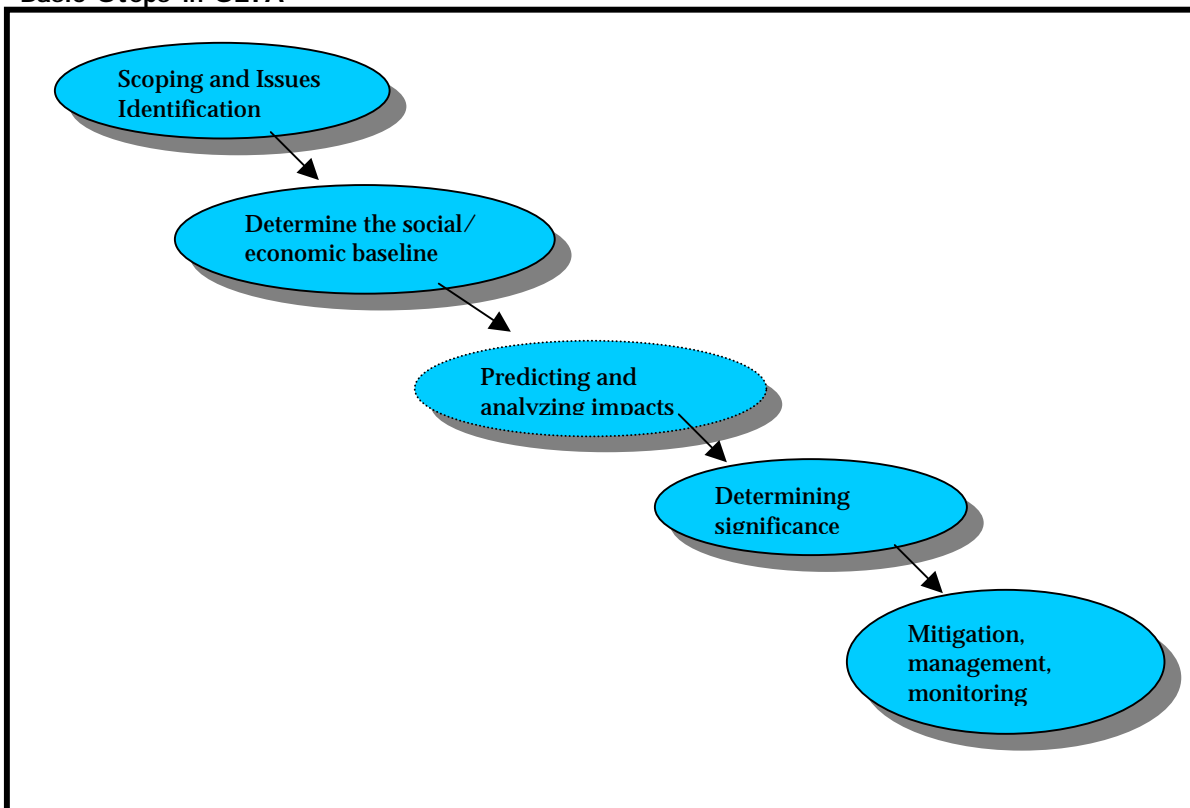
⁷ **Impact Benefit Agreements** are signed by mining companies and First Nations communities in Canada to establish formal relationships between them, to reduce the predicted impacts of mines and to ensure that communities benefit economically from mine development. In the past, IBAs were mostly negotiated between the government and mining companies to provide employment for local people. Today, they are commonly negotiated directly by First Nation parties and companies and address a wide range of issues, such as employment, training, royalties, environmental protection and reclamation, independent monitoring, social and housing programmes, the protection of burial and sacred sites, and cross-cultural training for non-aboriginal employees coming into town (Canadian Environmental Law Association).

⁸ For an overview of the Alberta Heritage Fund and the Taku River Tlingit Fund see section 3.4.2 of the Discussion Paper.

The key challenge in SEIA is to predict the nature of social or economic impacts. An impact is a change in conditions caused by a development (for example increased family breakdown due to worker rotations or an increase in rate of social disruption due to an increase in transient workers). Generally, health and cultural impacts (such as language loss) are also looked at in SEIA, but are not always covered in depth, as they may need special study.

As a process, SEIA needs to adequately cover five items as demonstrated in the figure below.

Basic Steps in SEIA



One of the toughest challenges in SEIA is determining whether social and economic impacts are a result of a particular development, or are caused by other independent actions (such as policies or programs). In order to identify and measure social and economic impacts of projects, it is necessary to understand the chain of causes and effects, and decide how far back to trace these effects.

Economic issues are given a lot of emphasis in SEIA. Study of economic issues usually includes looking at the contribution a project will make to different sectors of the economy and potential revenues it may offer to different levels of government (through resource royalties and taxes). **For larger projects, SEIA can be used to carry study a project to determine the overall value of a project to society, including the cost effectiveness of mitigation and, where possible, environmental and social costs of things that are**

important to people but hard to measure (for example, quality of life, value of country food or health costs of pollution). The tools used are sophisticated (for example Cost-Benefit Analysis) and can be costly, so they are often carried out by government agencies.

2.3.2. Tools for Social and Economic Analysis

There are many different ways to approach SEIA⁹. Different tools from the social and economic fields need to be used in SEIA, depending on the nature of the proposed project.

Tools that are often used to identify social concerns include:

- ✓ Surveys / Questionnaires
- ✓ Focus Groups / Workshops
- ✓ Community Meetings
- ✓ Networks / Technical Advisory Committees
- ✓ Checklists
- ✓ Ethnographic / Ethnohistoric Studies¹⁰
- ✓ Risk Assessment

Economic tools include:

- ✓ Fiscal Analysis
- ✓ Input/output analysis
- ✓ Cost Benefit Analysis (CBA)

Analysis of economic impacts is quite technical and quantitative, requires fiscal and technical capacity. It often uses one or more of the specialized methods listed above.

2.3.3. Sustainability Challenges

Although most people agree that SEIA is a good idea, they face a number of challenges from a long-term sustainability perspective. These challenges include::

- Some SEIA processes are only applicable to physical developments, like dams, mines, and pipelines, and not to policies or programs. They are not always combined properly with other resource management functions, like permitting or land use planning. This makes it hard to use public policy to determine the how desirable a proposed project is. These challenges limit the ability of SEIA to see the big picture.
- Under many processes, SEIA is done by the developer, which leaves it to industry to set the tone for the identification of issues and concerns, the prediction of impacts and the proposal of mitigation measures.
- SEIA's are often biased due to a narrow view of issues and concerns. Identifying issues and predicting impacts are strengthened when, for example, traditional

⁹ For a more detailed overview of social and economic tools, please see section 4.3 of the Discussion Paper.

¹⁰ Focused study of social organization and change of traditional societies, often with the initiation of development impacts.

- knowledge of local resource users and women's views are properly identified and when a broad cross-section of the public can participate on an ongoing basis.
- Standard tools used in SEIA for measuring economic baseline (e.g. labour force surveys, census, and regional GDP accounts) have left much of the Northern economy under-measured and forgotten (for example, value of the mixed economy that includes traditional harvesting). Without enough information, predicting impacts is very difficult.
 - Thresholds are required to tell which impacts matter (determining significance) but most often social and economic thresholds are not well understood, given the active nature of our global society and economy.
 - SEIA processes are designed for larger projects, and are not appropriate for the assessment of smaller ones (like culverts, roads, etc.), which are much more common
 - Access to Impact Benefit Agreements (IBAs) is not coordinated with SEIA. The result is that mitigation plans in the IBA and in the SEIA cannot be considered together, and do not benefit from one another.

The goals, issues and challenges summarized above are important for everyone involved in SEIA in the Mackenzie Valley. Social, cultural and economic impacts of major developments on communities must be identified and managed, considering the vulnerability of communities and the Mackenzie Valley as a whole. However, several clear challenges face the practice of SEIA including:

- Ensuring that the long-term idea of sustainable development can be met through the SEIA process and that long-term benefits are harnessed from all development;
- Developing territorial and community-based ways to indicate and measure changes;
- Accessing appropriate baseline data, particularly with respect to the mixed economy (including activities like traditional harvesting);
- Identifying appropriate mitigation measures to ensure communities are benefiting from development; and
- Understanding the full costs of development to community and regional government, the environment and social well-being.

What structures exist for social and economic impact assessment in the Mackenzie Valley, and how can these help us consider long-term sustainability in environmental decision-making? The next section provides a brief overview of existing structures and some of the key accomplishments, gaps and challenges for SEIA.

3. OPERATIONAL STRUCTURE FOR SEIA IN THE MACKENZIE VALLEY

In the Mackenzie Valley, the Review Board has the primary responsibility for SEIA, but the Government of the Northwest Territories, Canada, industry and communities also have specific functions. Roles and initiatives of these agencies and groups are outlined below.

3.1. ROLES AND RESPONSIBILITIES

The *Mackenzie Valley Resource Management Act* (MVRMA) sets a legal process for managing the environment, including an inter-connected decision-making system for land use

planning, land and water regulation, environmental assessment and review, cumulative impact monitoring and environmental auditing. Public Boards, whose members are chosen equally by First Nations and government, carry out responsibilities for land use planning, land and water regulation and environmental impact assessment. The MVRMA has a clear requirement to consider the direct social and economic impacts from developments (s.115) where before there was only a requirement to consider the indirect effects. Each board is required to implement guiding principles similar to those in section 115¹¹.

3.1.1. Mackenzie Valley Environmental Impact Review Board

Under the MVRMA, the Review Board is responsible for environmental assessment and environmental impact review. It does this when a development has been referred for reasons of public concern or the possibility of environmental impacts. Where an environmental assessment is triggered, there is a requirement to identify and examine social and economic impacts under sections 115 and 117.

3.1.2. Government of the NWT

Government of the Northwest Territories' (GNWT) departments and agencies¹² play a very important role in the SEIA process. This is due to the GNWT's legal responsibility for delivering programs and services for most aspects of health, social services, education, training, cultural well-being and economic development in the NWT. GNWT initiatives that have a *direct* impact on *SEIA* include:

- Provision of social and economic baseline data to developers;
- Monitoring of Socio-Economic Agreements; and,
- Development and tracking of socio-economic indicators (e.g. Social Agenda and socio-economic monitoring agreements).

3.1.3. Government of Canada

The Government of Canada also plays a key role. The Department of Indian Affairs and Northern Development (DIAND) has a large resource management and conservation mandate and is responsible for the implementation of the MVRMA. Two federal initiatives important for the conduct of SEIA are:

- Approval of Benefits Plans under the *Canadian Oil and Gas Operations Act* (COGOA); and,
- Cumulative Effects Assessment and Monitoring under the Cumulative Impacts Monitoring Program (CIMP) and Cumulative Effects Assessment Framework (CEAMF).

3.1.4. Developer and Communities

In the Mackenzie Valley, the developer is responsible for carrying out SEIA as part of the overall environmental impact statement submitted to the Review Board. This requires an understanding of:

¹¹ including the regional land use planning boards and the land and water boards established under the MVRMA

¹² Resources, Wildlife and Economic Development (RWED), Municipal and Community Affairs (MACA), the Bureau of Statistics, Department of Transport (DOT) and Health and Social Services (HSS)

- Existing economic and social environment of communities that could be expected to experience impacts, including employment, education and training, infrastructure, social and cultural resources;
- Government revenues and costs; and,
- Predicted impacts after mitigation (including cumulative impacts) on valued social, economic and cultural components, including human health (VSCs).

The law requires that the developer consult all impacted communities to identify their issues and concerns.

3.2. STATUS OF INITIATIVES IMPACTING SOCIAL AND ECONOMIC IMPACT ASSESSMENT IN THE MACKENZIE VALLEY

This section summarizes the status of initiatives being carried out that will promote good SEIA practice in the Mackenzie Valley. It is based on a review of existing policy and management program documents¹³.

- There are wide-ranging policy and strategy commitments in place by the GNWT relating to sustainable development, non-renewable resources and the balancing of social and economic development (*see GNWT Sustainable Development Policy, Non-Renewable Resources Development Strategy and the Social Agenda*). It is not clear at this time, however, whether broad inter-governmental strategies (federal, territorial, aboriginal) or mechanisms are in place that allow for adaptive management, and which tie the vision for sustainable development to community development, land use planning, assessment and monitoring¹⁴.
- Crucial parts of the MVRMA have not been implemented. For example, land use plans have not been approved under the Gwich'in or Sahtu agreements and the implementation of the Cumulative Impact Monitoring Program (CIMP) and audit is still incomplete.
- Many social and economic indicators are being identified, tracked and analyzed through the Diavik and BHP projects and through vital statistics (for example employment, education and health) collected by the GNWT and Canada. In the next year, the GNWT will be working on a more comprehensive socio-economic indicator program under the Social Agenda, which could prove useful for the purposes of SEIA.
- There has been little work done on social or economic thresholds in the NWT.

¹³ Main sources of data are from the NRTEE 2001; CARC 2002; NWT CEAMF and CIMP status reports (2001, 2002); MVEIRB, MVLWB, DIAND 2001.

¹⁴ See Discussion Paper developed for DIAND CEAMF Program 2001. "NWT CEAMF: Current Context, 'Lessons Learned', Gaps and Challenges, p.29.

4. RECOMMENDATIONS FOR IMPROVEMENTS TO SEIA UNDER THE MACKENZIE VALLEY RESOURCE MANAGEMENT ACT

This section summarizes improvements the Review Board is considering for SEIA in the Mackenzie Valley. It highlights key actions that can be done for each improvement.¹⁵

SEIA Improvement #1: Strengthen Inter-Agency Collaboration on SEIA

As follow-up to a recommendation provided by groups involved in environmental decision-making in the Mackenzie Valley,¹⁶ a **SEIA Technical Working Group** should be established to provide direction on the overall development of SEIA guidelines, and to work on the ongoing requirements for SEIA under the MVRMA.

SEIA Improvement #2: Develop Mechanisms for Adaptive Management

There is a need for a sustainable development approach to resource management that brings together public policy, research, monitoring, state-of-the environment reports, environmental assessment (including SEIA) and audits. To help with the development of mechanisms for making adaptive management decisions, the Review Board will:

- **enhance public and institutional participation** in the SEIA process through the enhancement of SEIA guidelines; and,
- **improve technical standards** for SEIA under the MVRMA.

Identifying how exactly to do this will require ongoing discussions between groups involved in environmental decision-making in the Mackenzie Valley.

SEIA Improvement #3: Expand SEIA Consultation Guidelines

To expand consultation, the Review Board is considering the development of **guidelines for broadening public participation**, including requirements for appropriate cross-cultural consultation and community-based licencing¹⁷.

SEIA Improvement #4: Standardize SEIA Terms of Reference Items

The Review Board is considering the development of certain standard SEIA Terms of Reference with consistent:

- Social, cultural and economic questions;
- Reporting requirements for projects with different scope and scale,
- Expectations for social and economic impact boundaries and,
- Structure for determining alternatives.

SEIA Improvement #5 - Social and Economic Baseline Determination

To improve baseline reporting in SEIA statements, the Review Board, in consultation with other agencies, will suggest ways to improve baseline data collection. Key areas

¹⁵ For a more detailed description of improvements and related action items, please see section 6.2 and 6.3 in the full discussion paper.

¹⁶ Preliminary Screening and EA Workshop held in September 2001,

¹⁷ Based on existing rules under the NWT Scientists Act and guidelines for doing community-based research

to be addressed include information on the traditional economy, impacts on women, Traditional Knowledge¹⁸ and economic and fiscal baseline information related to royalties, payroll taxes, corporate taxes, and transfer payments.

SEIA Improvement #6 – Guidance on SEIA Prediction Methods and Tools

To improve the overall social and economic impact analysis of projects, the Review Board, will consult with appropriate agencies, and will develop a guideline supporting:

- The use of community-based socio-economic change research (that is, use of standard social science techniques alongside the long term surveys and ethnographic research that is done now);
- The use of appropriate tools for economic analysis and overall impact evaluation (For example, the government's use of specific tools like cost-benefit analysis which more accurately predict the overall economic impact of development); and,
- Valuation of things that are important to people but hard to measure (such as the market value of potential losses to traditional economic activities).

The Review Board will also provide guidance criteria on the type and consistent use of Valued Components and the indicator that for tracking changes in these.

SEIA Technical Improvement #7 – Strengthen Significance Determination for Social and Economic Impact Evaluation

To improve the outcomes of SEIA significance determination, the Review Board, in consultation with appropriate agencies, will:

- Determine best approaches exist for addressing factors such as magnitude, duration and frequency of the social and economic effects that remain after mitigation;
- Encourage government initiatives that develop social, cultural and economic benchmarks or thresholds appropriate for the Mackenzie Valley¹⁹; and,
- Develop a discussion paper and draft guideline on the use of the precautionary principle in the Mackenzie Valley for those circumstances where there is uncertainty about significance.

SEIA Technical Improvement #8: Linking Mitigation, Management and Monitoring to SEIA

To strengthen adaptive management related to SEIA within the context of mitigation monitoring, evaluation and management of project impacts, the Review Board will, in consultation with appropriate agencies:

¹⁸ The Review Board has held a workshop in November 2002 that considered TK and the environmental assessment process under the MVRMA. It has begun to develop guidelines for using TK in environmental assessment.

¹⁹ The Review Board will request, in the interim, government departments and agencies to provide their assumed thresholds if available in existing standards, as a reference point and explain why they feel this is an appropriate threshold

- Carry out research and consultations on the types of mitigation measures that are acceptable to help lessen or avoid undesirable impacts and maximize benefits to northerners;
- Develop a guideline requiring follow-up reporting on the success or failure of mitigation measures and whether they were implemented²⁰; and,
- Encourage developers and affected communities to conclude IBAs after conclusions of SEIA are made public.

5. CONCLUSION

This paper has described how the Review Board intends to do better SEIA. SEIA must be done according to principles that supporting sustainable development. This requires the support of other agencies that can give guidance on social and economic thresholds, how much social and economic change is acceptable, and how to really measure whether the Mackenzie Valley is moving towards its sustainable vision, goals and objectives. Most importantly, SEIA guidelines issued by the Review Board will be consistent with, and ultimately contribute to sustainable development. They will 1) aim to increase public participation, 2) strengthen the ability of the developer, impacted communities and government departments to adequately *predict* and *mitigate* adverse impacts, and 3) ensure that desirable effects of the project are harnessed over the long-term.

SEIA guidelines will only be successful with the support and partnership of other agencies responsible for developing, delivering and monitoring the required social and economic components. These agencies need to work together on SEIA approaches for the Mackenzie Valley. To initiate a partnership approach in this respect, the Review Board would like to engage stakeholders in further discussions on the issues and approaches raised in this paper. This will help to ensure that wise long-term social and decisions become a permanent part of environmental assessment and SEIA processes in the Mackenzie Valley.

²⁰ This will include a procedure for consultation with effected communities and other agencies on the success of failure of programs and related mitigation initiatives (e.g. follow-up with land use planning boards, community groups).



Mike Stilwell Lifetime Achievement Award 2005

Nomination for Merlyn Carter

Born in Saskatchewan in 1934, Merlyn moved from Meadow Lake to the West Channel fishing village in Hay River at the age of 18 to assist his parents George and Mabel with their commercial fishery, Carter Fisheries. Shortly thereafter Merlyn obtained his pilot's licence so they could air transport the fresh fish caught by the commercial fisherman directly to Hay River. Little did he realize it was the beginning of what was to eventually become a lifetime of involvement with sports fishing tourism in the Canadian north, and a lifetime career as a commercial bush pilot which saw him accumulate more than 25,000 flying hours.

In 1956 he married Jean Lay, and in the early 1960's they founded Carter Air Services Ltd. From that time onward they were a team in aviation and tourism. To supplement their young aviation company, Merlyn and Jean recognized the potential in flying sports fisherman to untouched lakes in the Canadian north. At their own expense they travelled to sports shows in the United States, promoting the Northwest Territories as a sports fisherman's dream. (See attached photo of a sports show held in Kansas City during the 1960's of them promoting tourism for the entire Great Bear and Great Slave Lake areas)

To care for a growing number of tourists wanting to fish in Northern Canada, Merlyn purchased a Mk IV Norseman to assist their smaller float planes. Merlyn and Jean set up tent camps at the Tree River, Point Lake, McKay Lake, Nonacho Lake, Thubun Lakes, Gagnon Lake, and at the mouth of the Mackenzie River. In time Merlyn and Jean had cabins built at Point, Gagnon and Nonacho Lakes to care for sports fisherman wanting to come north. Eventually their several sports fishing camps developed into one main camp at Nonacho Lake, capable of accommodating more than 30 fisherman at one time, and one outpost camp at Gagnon Lake. Merlyn also purchased Single and Twin Otters to care for the their needs and the needs of other fishing and hunting lodges that Carter Air's aircraft serviced. In 1972, Merlyn purchased a Douglas DC-3. It was used briefly for the exclusive use of transporting sports fisherman traveling to the NWT. Carters then sold their DC-3, however it continued to be used for decades to come in the NWT tourism industry.

In the 1970's several of the sports fisherman from the United States who regularly fished Nonacho Lake during the summer months, expressed interest in ice fishing during the winter months. To accommodate them, Merlyn and Jean purchased approximately a dozen snow machines and for about ten years entertained and encouraged winter sports fisherman at their Nonacho fishing camp.

Although primarily known as a fishing lodge operator, throughout their lifetime Merlyn and Jean were involved in a variety of other forms of NWT tourism. With Jean serving as dispatcher, Merlyn greatly enjoyed flying hundreds of tourist sightseers and naturalists to Nahanni National Park as well as other scenic locations and areas of interest throughout the Territories. Additionally, during parts of five decades hundreds of tourist canoeists used Carter Air's aircraft to access their dream rivers throughout the north. Merlyn and Jean were also actively involved in many search and rescue mission of tourists who became lost while fishing, hiking or even flying.



A resident of Hay River for fifty one years, Merlyn Carter's legacy may be found in comments made in the June 22, 2005 issue of Hay River's local newspaper, The Hub.

First was the headline on the front page: "Legendary pilot killed in bear attack"

Second were photos highlighting the same story with: "Welcome to Nonacho Lake Fishing Camp"

And third, an e-mail The Hub received from Norman Zigarlick and re-written in the same article. In part Zigarlick wrote: "I am just one of hundreds of people Merlyn Carter helped out over the years... [he] was simply a great example of what human beings should be."

Additionally, Merlyn was instrumental in assisting dozens of aspiring young men to get started as pilots, some such as Joe McBryan (Buffalo Airways), Perry Linton (Nahanni Air), Darcy Fleming (Boeing 747 Captain - Japan Air Lines), Clay Gamble (Air Canada Captain), and many others that Merlyn trained went on to make lifetime careers for themselves in aviation. On April 5, 2005 the Northern Air Transport Association honoured Merlyn and Jean with lifetime membership for their leadership and contribution towards aviation in Canada's north.

In conclusion, for more than forty years, thousands of sports fisherman from around the world have enjoyed fishing at camps or lodges in the NWT that Merlyn and Jean operated or serviced with their own aircraft. Merlyn and Jean's lifelong contribution and devoted commitment to tourism in the Canadian north has generated millions of dollars towards the tourism, airline and other related industries in the Northwest Territories. Sadly Merlyn was tragically killed on June 15, 2005 while doing what he loved best ... preparing their fishing camp for another summer tourist season.

Addendum to Paul Delorey:

Paul, while preparing these notes it occurred to me that everything dad accomplished was with mom working alongside him. While Kandee, Myles and I are most grateful for dad's nomination, it does seem a bit odd to nominate one without the other, inasmuch as that everything they attempted and accomplished in aviation or tourism was done together. Anyway, just a thought.

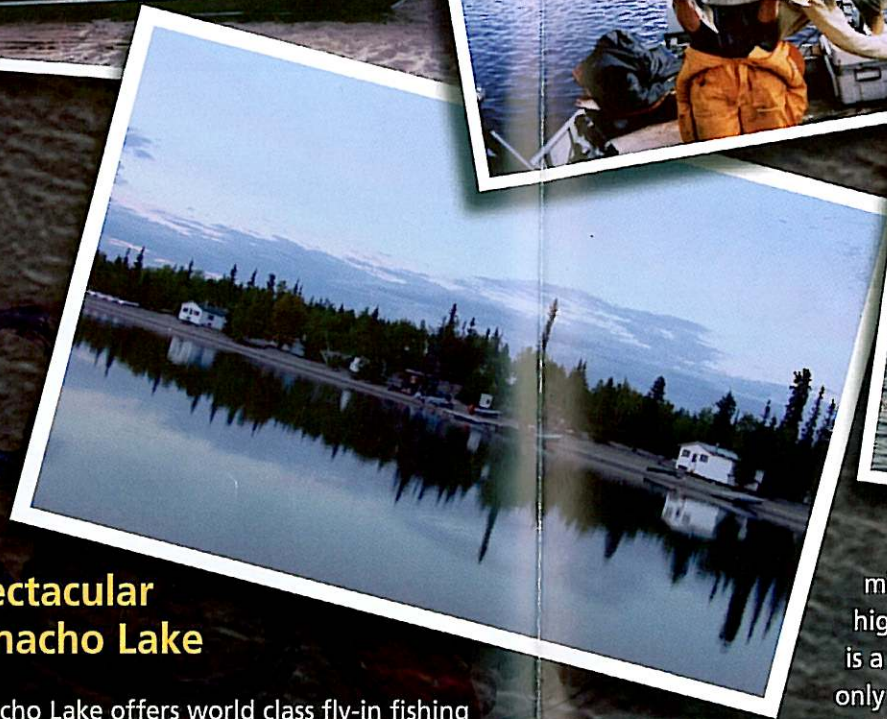
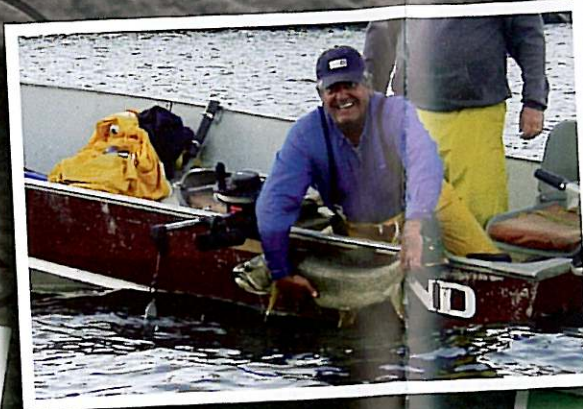
*Also the attached photo(s) referred to in one of the above paragraphs should be available later today from Kandee, as well as some related news paper articles, etc. You may contact her at work 874-2847 or home 874-6627. We have **not** informed our mother of this nomination. Should you or your office assistant wish to contact me, please feel free to do so at anytime via e-mail at dlcarter@shaw.ca or via telephone at 604-291-9194 (home) or 604-727-7578 (cell). Thank you very much for your kind thoughtfulness. Please be assured of our best regards.*

Sincerely,

Dean Carter

NONACHO LAKE FISHING CAMP

CREATING MEMORIES FOR A LIFETIME



Spectacular Nonacho Lake

Nonacho Lake offers world class fly-in fishing near the map's edge in Canada's spectacular Northwest Territories from mid June until early September.

Are you looking for a fishing experience among the most secluded, unpolluted and rugged anywhere on earth? Then you've come to the right place. Sixty miles long and nearly two hundred

miles from the nearest highway, Nonacho Lake is a fly-in via float plane only experience. There are no phones, televisions here.

No one lives on Nonacho Lake or within nearly 100 miles of our fishing camp. Just nature as it was meant to be. Millions of Lake Trout, Northern Pike and wildlife. Don't expect to see any other boats fishing on this lake except friends in your own party. Lake Trout between 20 and 40 pounds are common with a lake

record (near world record size) of 60 pounds. The lake abounds with Lake Trout in the 3-10 lb. range. Northern Pike are also abundant out of these cold northern waters.

Nonacho Lake is a naturalist's dream where wildlife proliferates. Migrating caribou by the thousands pass through during the winter months. Bald eagles, osprey and loons nest here. For photo lovers, day trips by float plane may be arranged to visit the tundra just 70 miles east and enter the habitat of muskox, barrenland caribou herds, arctic wolves and tundra swans in an awesome subarctic landscape seen by few humans. Canoe adventures on remote, beautiful nearby rivers may also be arranged.

The month of June at Nonacho Lake offers you 24 hours daylight. The month of August brings some spectacular northern lights displays at night. An adventure of a lifetime awaits you. Don't miss out on it.



NONACHO LAKE FISHING CAMP



Transportation

Your fishing excursion will begin in Yellowknife, N.W.T. Situated on the north shore of Great Slave Lake, this modern city of 18,000+ people offers every convenience. Yellowknife is easily accessible from the south with daily scheduled airline flights from either Edmonton or Calgary. Should you choose to travel by car along the scenic Mackenzie Highway, driving distance from Edmonton to Yellowknife is about 950 miles. The flight from Yellowknife to Nonacho Lake is made in float-equipped aircraft and your return trip is included in the package price. Nonacho Lake is located 165 air miles east of Yellowknife.

Accommodation

There are 6 cabins which can accommodate couples or groups of up to six or eight people. The cabins have been set back from the sandy

beach in order to offer privacy as well as a scenic view of the lake.

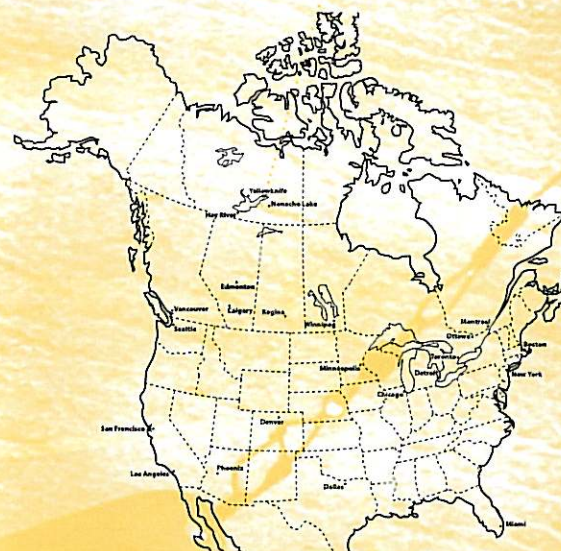
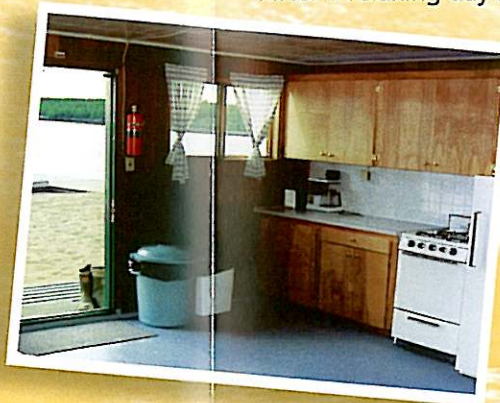
All cabins are equipped with beds, linen, sleeping bags, electricity, refrigerators, propane stoves with ovens and light housekeeping facilities. After a relaxing day landing those big fish, you can enjoy a hot shower in one of two shower houses.

Included in the package price are 16 foot Lund boats with fuel, powered by reliable 25 hp Honda 4-stroke outboards.

Guests supply their own groceries and fishing tackle (Please contact us if you

prefer meal catering).

The weather is usually very nice during the summer months although guests should bring warm clothing as well as sunglasses and sunscreen.



Approximate Air Miles

| | | | |
|----------------|------|---------------------|------|
| Edmonton..... | 610 | Los Angeles..... | 1992 |
| Calgary..... | 780 | Minneapolis..... | 1390 |
| Winnipeg..... | 950 | Denver..... | 1605 |
| Toronto..... | 1725 | Salt Lake City..... | 1500 |
| Montreal..... | 1806 | Chicago..... | 1707 |
| Vancouver..... | 998 | New York..... | 2100 |

tel 867.445.1468 or 867.874.2281
info@nonacho.com • fax 867.874.2282



Nonacho Lake Northwest Territories

www.nonacho.com

**FISH IN THE MOST
EXCITING WATERS OF
CANADA'S NORTHLAND**

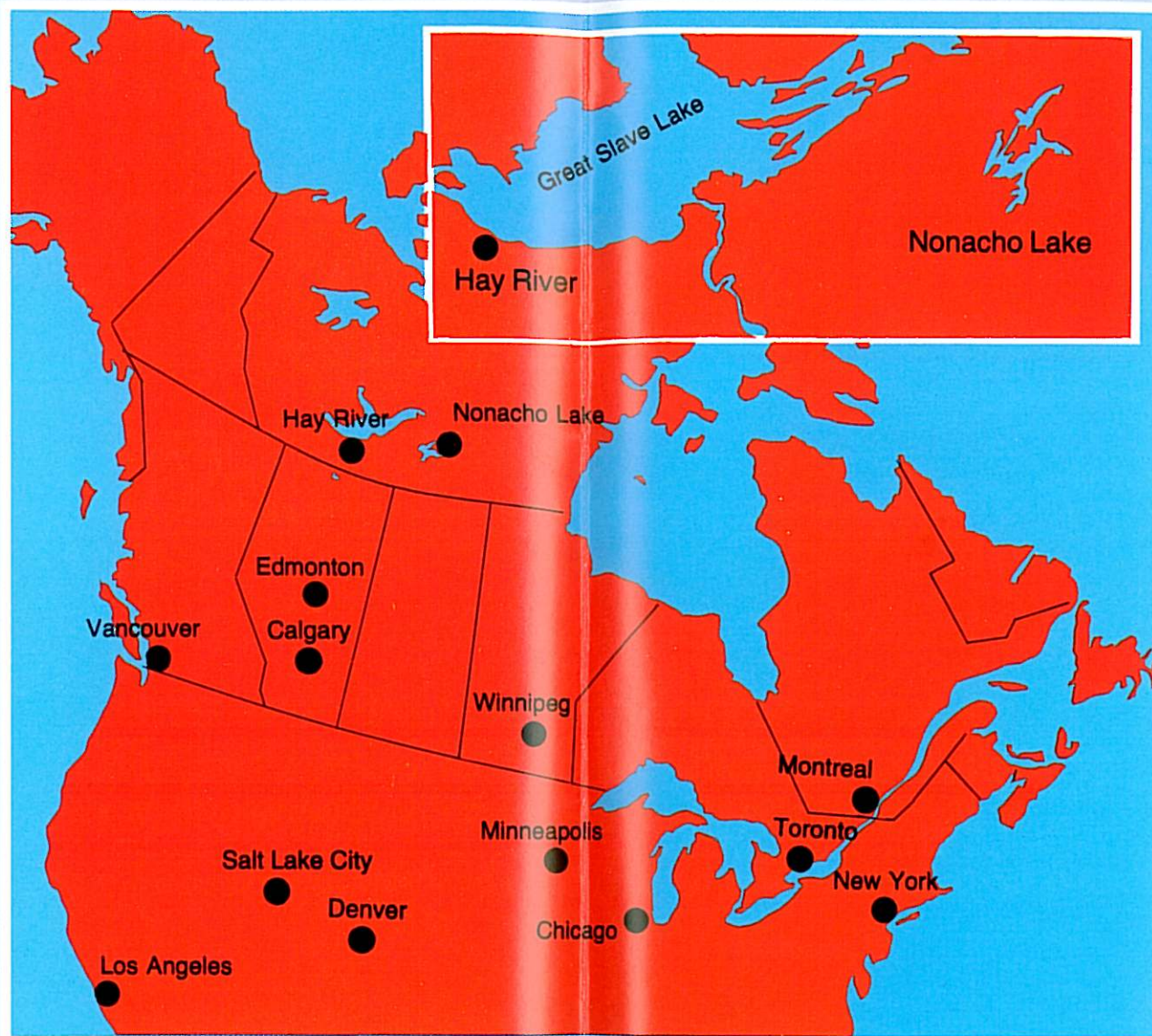
**WORLD CLASS
FISHING**

**Nonacho Lake
Fishing
Camp**



BOX 510
HAY RIVER, NWT
CANADA X0E 0R0
Phone: (403) 874-2281
FAX: (403) 874-2282

Designed by Hub Publications, Hay River



Approximate air miles

Los Angeles1848
 Minneapolis1485
 Denver1568
 Salt Lake City1402
 Chicago1831
 New York2343

Edmonton518
 Calgary679
 Winnipeg1072
 Toronto1924
 Montreal1998
 Vancouver849

Yes, I am interested in
 fishing the most
 exciting waters of
 Canada's Northland.
 I would appreciate it
 if you would:

Send me more information on _____
 or, Make reservations for _____ people for the period
 starting _____ 19____
 & ending _____ 19____



**Nonacho Lake
 Fishing
 Camp**

Box 510
 HAY RIVER, NWT
 CANADA X0E 0R0
 Phone: (403) 874-2281
 Fax: (403) 874-2282

Name _____
 Address _____
 City _____ Code _____
 Country _____ Fax _____ Phone _____

Spectacular Nonacho Lake

Nonacho Lake Fishing Camp offers you a world class, fresh water fishing experience on the cool, clear waters of Nonacho Lake in Canada's spectacular Northwest Territories from early June until mid September.

The proprietors of Nonacho Lake Fishing Camp, Merlyn and Jean Carter, warmly invite your group or family to enjoy a northern holiday that offers challenging and exciting fishing, recreation and relaxation, laughter and good times, all seasoned with a generous helping of northern hospitality.

The fishing in Nonacho Lake is second to none. Lake Trout between 20-30 pounds are common while the lake abounds in delicious smaller trout. Great Northern Pike are superb out of these cold fresh waters and what a fight they put up! These Pike are not uncommon in the 30 pound range. You can also fish for Jumbo Whitefish with flies. Didn't get enough fishing during the day? Some of the best fishing takes place at night.

This area is a naturalists' delight with an abundance of hiking and natural delights to see and capture on film. Bald eagles nest in the area and ducks and wild game are plentiful. A beautiful sand beach is ideal for the younger members of your family and later in the summer the water is beautiful for swimming.

Spectacular sunsets close out the long summer days while evenings are spent swapping fish tales around the open camp fire on the beach.



Transportation

Your Wilderness excursion will begin in Hay River, N.W.T. Situated on the south shore of Great Slave Lake, this modern town of 3500 people offers every convenience. Hay River is easily accessible from the south since there is daily jet service from Edmonton (except Sunday) provided by Time Air. Should you choose to travel by car along the scenic Mackenzie Highway, the distance is 685 miles, all of which is good paved highway.

Nonacho Lake is located 215 miles northeast of Hay River. The flight from Hay River to Nonacho Lake is made in one of Carter Air Services float-equipped Otter aircraft. The return trip is included in the package price.



Accommodation

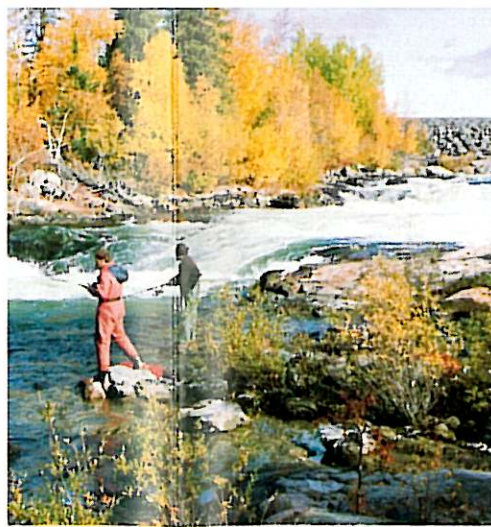
There are 6 cabins which can accommodate parties of various sizes - whether it be just the two of you or a large group. The cabins have been set back from the sandy beach in order to offer privacy as well as a scenic view of the lake. They are all equipped with beds, linen, sleeping bags, electricity, refrigerators, propane stoves with ovens and light housekeeping facilities. Included in the package price are 16-ft. aluminum boats with two motors to each boat and fuel.

Guests supply their own groceries and fishing tackle. A well stocked convenience store can provide you with most things you need: fishing gear, groceries, liquor, etc.

Successful fishermen have found that large (4-6 inch) daredevils and spoons work the best. The weather is usually very nice during the summer months although guests should bring warm clothing as well as sunglasses and suntan lotion. There is a "Honeymoon Cabin" that is located over the hill secluded from the other cabins.

After a relaxing day landing those big fish you can enjoy a hot shower in a separate shower house.







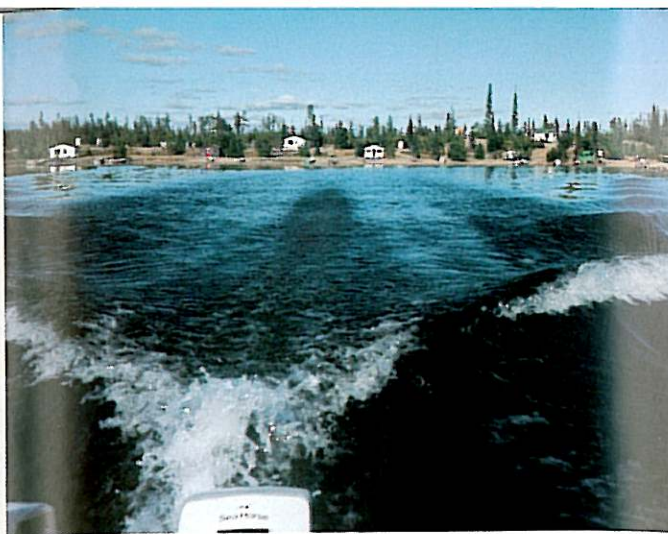
**Think Where You can be this
Summer!**

**Somewhere far-away from city
noises, traffic and pollution.**

Nonacho Lake Fishing Camp

(Nonacho Lake itself is about 60 miles long and 16 miles wide)

From early June to mid September, NONACHO LAKE FISHING CAMP offers an excellent opportunity for fishing enthusiasts to enjoy some of the finest fishing waters in North America. The waters of Nonacho Lake are clear, cool and loaded with good eating fish. Twenty pound Lake Trout are the rule rather than the exception and the large Great Northern Pike put up a good fight.



the most experienced fisherman.

The proprietors of NONACHO LAKE FISHING CAMP, Merlyn and Jean Carter, warmly invite you to enjoy a northern holiday that offers challenge and excitement, recreation and relaxation, laughter and good times, all seasoned with a generous helping of northern hospitality.

Start planning now to assemble your group and embark for FISHING IN THE MOST EXCITING WATERS OF CANADA'S NORTHLAND.

Yes, I am interested in fishing the most exciting waters of Canada's Northland. I would appreciate it if you would:

**Nonacho Lake
Fishing
Camp**



BOX 510
HAY RIVER, N.W.T.
CANADA X0E 0R0
403/874-2281

_____ Send me more information on _____

_____ Make reservations for _____ people for the period starting _____

_____ 19 _____ and ending _____ 19 _____

Name _____

Address _____

City _____ Code _____

Country _____ Phone _____

**EXPLORE
CANADA'S
ARCTIC**
NORTHWEST TERRITORIES



**FISH IN THE MOST
EXCITING WATERS
OF CANADA'S
NORTHLAND**

**Nonacho Lake
Fishing
Camp**



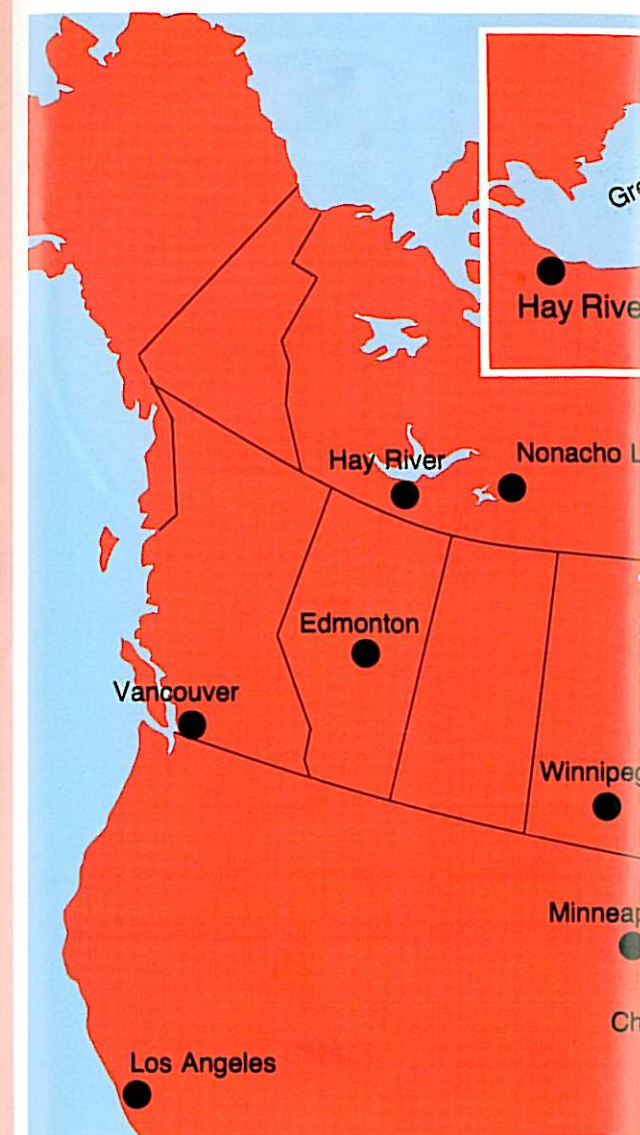
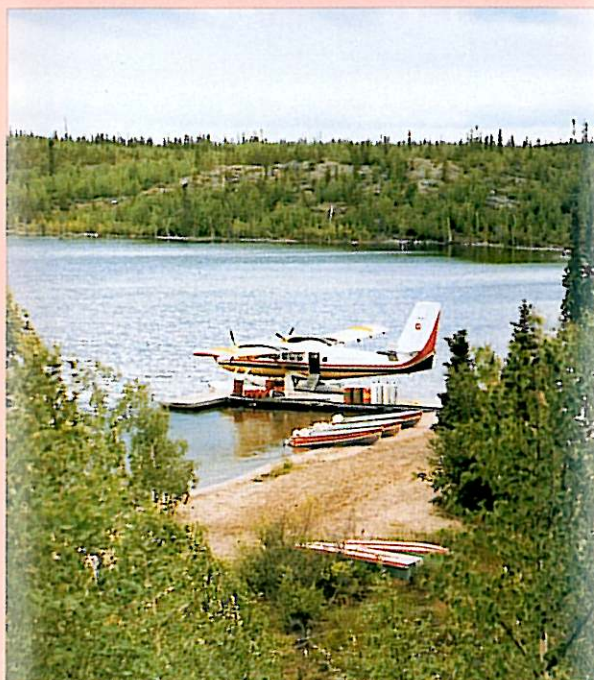
**BOX 510
HAY RIVER, N.W.T.
CANADA X0E 0R0
403/874-2281**

Designed by Hub Publications, Hay River
Printed by Co-op Press, Edmonton, Alta.

TRANSPORTATION

Your Wilderness excursion will begin in Hay River, N.W.T. Situated on the south shore of Great Slave Lake, this modern town of 4000 people offers every convenience. Hay River is easily accessible from the south since there is daily jet service from Edmonton (except Sunday) provided by Pacific Western Airlines as well as daily Greyhound Bus service from Edmonton. Should you choose to travel by car along the scenic Mackenzie Highway, the distance is 685 miles, 670 of which are presently paved.

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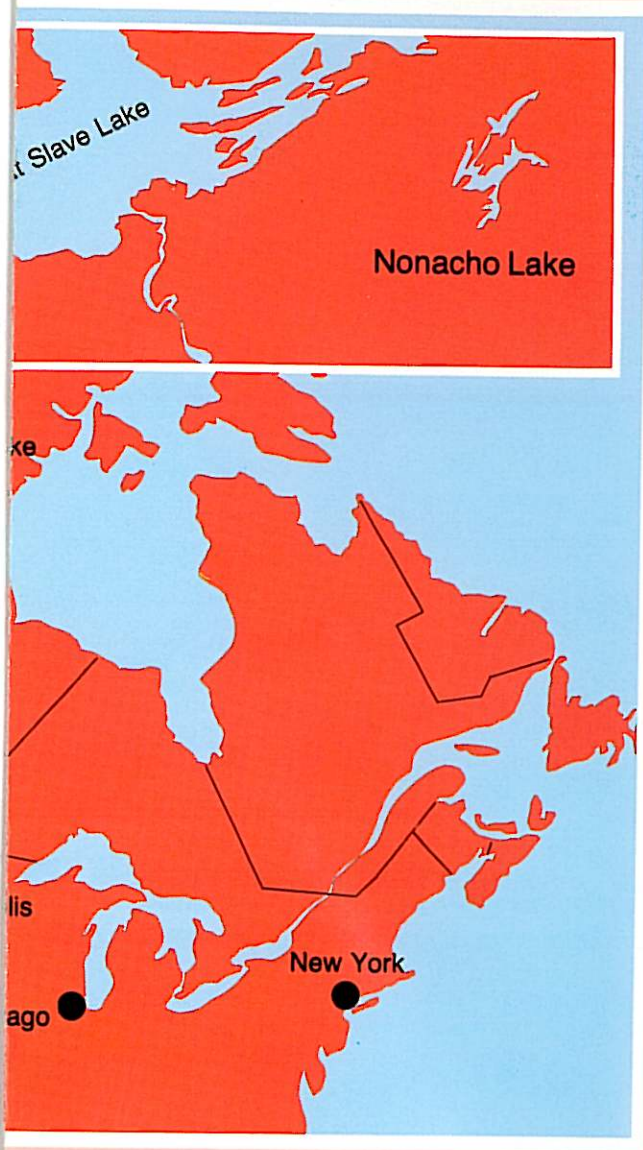


Approximate

EDMONTON 725 VANCOUVER

MINNEAPOLIS 1645 WINNIPEG

NEW YORK

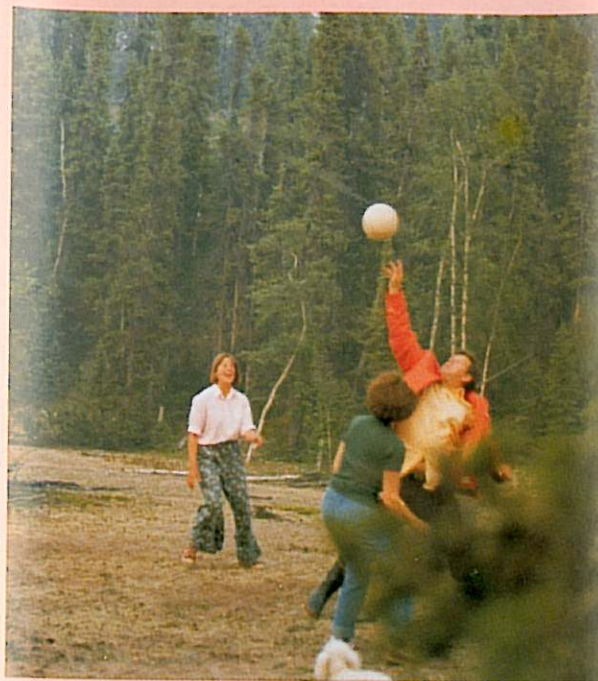


te air miles

ER 1015 LOS ANGELES 2090

IPEG 1045 CHICAGO 1985

RK 2165



ENJOY OUR SCENIC TREASURES

A convenience store can provide you with most things you need: fishing equipment, groceries, liquor, etc...

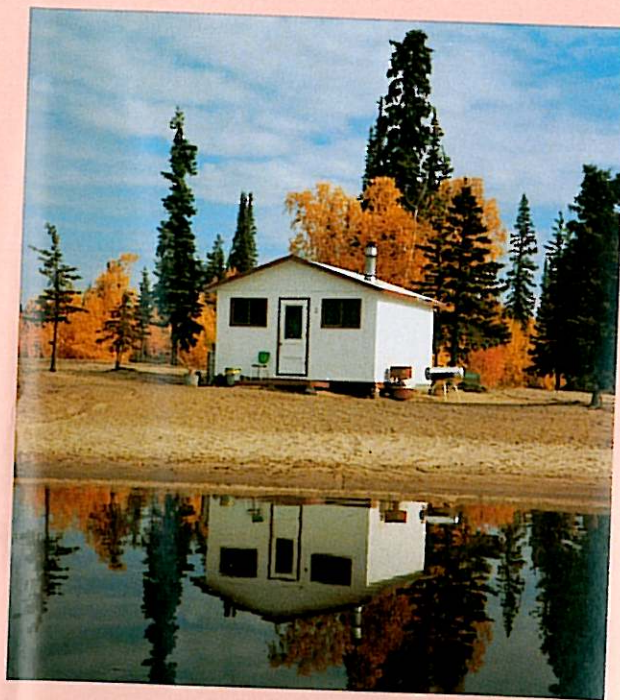
When not fishing, there are hiking trails and an abundance of natural delights that you will want to see or capture on film. The bald eagle nests here, ducks and wild game inhabit the area. Spectacular sunsets close out the long summer days. Evenings can be spent swapping yarns around an open camp fire.

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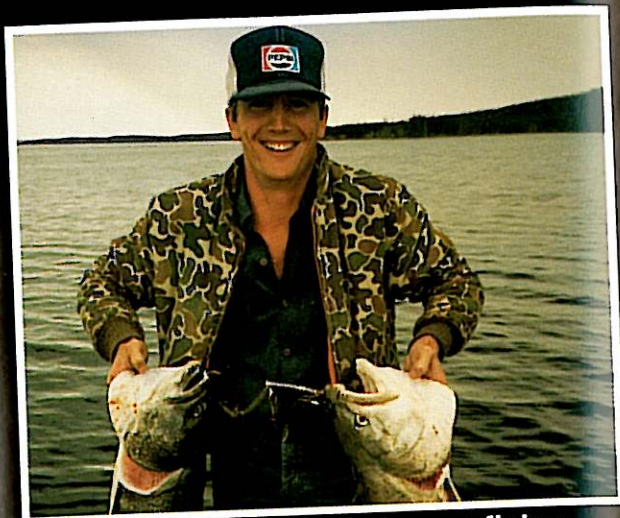


From Hawaii - a nice days catch



From Manitoba - Mr. & Mrs. Albert & Terry Delichte

PHOTO ALBUM (souvenir)



From Vancouver - one happy fisherman



From Hay River - Tiffany & Jason Froese



From Edmonton - Dr. Ken Powell & son. Average days catch.



From California - Bernie Pakula



From North Dakota - 37 lb. lake trout



From Hay River - Don Boyer - 40 lb. lake trout