



## STANDARD PROCEDURES AND CONSISTENCY WORKING GROUPS

### Terms of Reference

Original Approved in March 2008

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#### 1. PURPOSE, GOAL, AND MANDATE OF THE STAFF WORKING GROUPS

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

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

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

#### 2. MEMBERSHIP

Each WG will be comprised of staff from the MVLWB, GLWB, SLWB and WLWB. Membership will include no more than two staff members from each of the above Boards. An updated membership list will be maintained on the website.

#### 3. RESPONSIBILITIES

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

#### **4. MEETINGS AND GOVERNANCE**

- The WGs will meet as needed to enable progress at a place and time decided by the WG Chair in consultation with the WG members;
- Members unable to physically attend the meeting can participate through a teleconference;
- The WG Chair may invite, on their own initiative or upon request from the WG members and with sufficient notice to all, outside expert(s) for the purposes of clarification, advice and expert opinion on specific issues related to their work plan.

#### **5. CHAIR**

- Each WG will select a Chair and a Vice-chair from their members;
- The WG Chair is responsible for soliciting member input, for setting the meeting agenda, date and location, and sending reminders at appropriate times;
- The WG Chair will ensure that the WG is progressing on its work plan;
- The WG Chair is responsible for preparing budgets and ensuring the WG remains within the approved budget;
- The WG Chair is responsible for ensuring that all documents are distributed to the appropriate reviewers, and that distributions follow the procedures outlined in *WG Communications Procedures*;
- WG Chairs will work together on issues that pertain to more than one WG, with the assistance of the WG Coordinator as needed;
- In absence of the WG Chair, the WG Vice-chair will assume all the responsibilities of the Chair; and
- The WG Vice-chair will also assist in the coordination, research and administration of the WG as and when required.

#### **6. MEMBERS' ROLE**

- All members of the WGs will observe the principles of democracy, mutual respect, collaboration and timely communication in arriving at decisions by consensus;
- Members will participate in the WG meetings by being well prepared to ensure positive and effective contribution by all;
- It will be the responsibility of individual members to keep their respective Board up to date on the progress of the WG;
- Members are responsible for soliciting input from staff of their respective Boards during development of WG products. In most cases, the WG will not distribute draft WG products to staff for review;
- Members will keep the WG apprised of their respective Board issues or concerns as related to the work of the WG;

- Members will volunteer to complete WG tasks, as their schedules and workloads permit. Members will do their best to ensure that they fulfil their WG commitments by the agreed upon deadline;
- Members will participate, lead and/or coordinate a sub-group as directed by the WG; and
- Members will refer to the following WG writing tools when preparing WG products:
  - Outline for WG Policies.doc
  - Outline for WG Guidelines.doc
  - WG Writing Conventions.doc

The WG coordinator will update these documents as necessary and ensure that the most current versions are posted on the WG website.

## 7. REPORTING

- The WG Chair and the WG Coordinator will be responsible for providing regular updates to the EDs' Committee;
- The EDs will keep their respective Boards informed of WG activities. The Board Chairs and EDs may request further information on WG activities from the WG Chairs or the WG Coordinator; and
- Reports will be provided at each annual MVLWB Board meeting on the activities of the WGs.

## 8. TYPES OF PRODUCTS

Product distribution and approval may vary depending on the type of product. WG products fall into one of the following categories:

1. **Policies** outline the Board's principles, objectives, and direction on a particular topic, and will be used by the Board to guide decision-making. They are available to the public.
2. **Guidelines and standards** outline the Board's expectations of proponents (and sometimes other parties). They are more detailed than policies and outline mandatory requirements and/or best practices. Standards differ from guidelines in that they are typically brief and primarily address only operational or administrative issues. Guidelines and standards are available to the public.
3. **Internal Procedures** describe how Board staff should complete various operations. They are for internal use only and are not made available to the public.

## 9. PRODUCT REVIEW

- The EDs' Committee must authorize all public distributions in advance;
- The WGs will publicly distribute draft guidelines and policies for comment and address reviewer comments. The need for public review of standards will be determined on a case-by-case basis. Internal procedures will not be distributed for review;

- All policies must have at least one legal review performed. The requirement for a legal review of all other products will be decided on a case-by-case basis; and
- When publicly distributing products, the WGs will follow the procedure outlined in “*WG Communications Procedures*”.

## **10. PRODUCT APPROVAL**

- The Workings Groups will provide any products ready for approval to the EDs’ Committee, with recommended next steps. The EDs’ Committee will provide input to the WGs on how to proceed;
- The level of approval required for a product varies as follows:
  - Policies require Board approval;
  - The level of approval required for guidelines will be determined on a case-by-case basis; and
  - The EDs’ Committee, the Chairs’ Committee, or the Board can approve procedures or standards.
- Board approval may be achieved as follows:
  - At annual MVLWB meetings;
  - Via teleconference, when the annual meeting has recently passed;
  - Other means, as appropriate.
- The WGs will provide the Board with draft WG products well in advance of the Board approval meeting, such that each panel has time to review the document, discuss the product at regional meetings, and provide comments to the WG prior to the approval meeting.
- Following Board approval of a WG product, the MVLWB will issue a letter documenting that the product will be implemented under Section 106 of the MVRMA.

## **11. UNRESOLVED ISSUES**

- Disputes and/or any unresolved issue(s) within a WG will be decided through consensus. If a dispute arises amongst any of the WGs on how to proceed or in making a recommendation or decision on an issue, it is to be brought forward to the EDs’ Committee; and
- If the EDs’ Committee is unable to come to a consensus, then the unresolved issue will be forwarded to the Chairs’ Committee. The Board will have the final say on any dispute.

## **12. MANAGEMENT, ADMINISTRATION & COORDINATION**

- The EDs’ Committee acts in a managerial role and may direct a WG on any matter;
- The WG Coordinator is responsible for coordinating the WGs, as outlined in “*Working Group Coordinator Responsibilities*”;
- The MVLWB Communications Officer and the WG Coordinator share responsibility for communications (newsletters, updates, etc.), as outlined in “*WG Communications Procedures*”; and

- The EDs' Committee will allocate funds as available and provide financial reports as needed.

### **13. PRODUCT IMPLEMENTATION AND EVALUATION**

- WGs must include an implementation plan when providing the EDs' Committee with policies and guidelines that are ready for approval.
- The need for an implementation plan for standards and procedures will be determined on a case-by-case basis; and
- An Evaluation Framework will be developed to ensure that approved products are regularly reviewed and improved as needed.

## **Appendix – 1**

### **Working Groups: Purpose, Scope and Product Expectations**

## **Public Engagement and Consultation Working Group (WG1)**

### **Purpose of the Working Group:**

The purpose of the Public Engagement and Consultation Working Group (WG1) is to research and identify the role of the Boards with regard to public engagement, communication and consultation. In cooperation and coordination with relevant agencies and communities, the working group will also develop consistent and clear public engagement and consultation policies and guidelines for the Mackenzie Valley as required by the Board review processes.

In addition, WG1 will provide relative information, advice and support to the other working groups, as and when required.

### **Scope of the Working Group:**

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

1. To research and find policy solutions to areas of inconsistency in consultation, communication and public engagement approaches between the Boards, and between the Boards and other agencies and communities.
2. To identify opportunities to initiate dialogue and discussion between the Boards and with relevant agencies and communities to deal with public engagement, communication and consultation related issues.
3. To provide public engagement, communication and consultation advice, coordination and support, where required, to all the working groups.

### **Product Expectation:**

1. A Policy paper outlining key issues and recommendations with regard to public engagement, communication and consultation for land and water Boards in the Mackenzie Valley;
2. A draft policy and guidelines document for public engagement, communication and consultation for the Boards which are consistent throughout the Mackenzie Valley, while recognizing the requirements and obligations of the regional boards and panels.

## **Plan Review Process and Guideline Working Group (WG2)**

### **Purpose of the Working Group**

The purpose of the Plan Review Process and Guideline Working Group is to achieve greater certainty, clarity and consistency with respect to the submission and review of common management plans required under Water Licences and Land Use Permits.

### **Scope of the Working Group**

The scope of the WG is to develop a standard process for the review of management plans and to develop standard guidelines/templates for common management plan(s) under a Water License or Land Use Permit.

### **Product Expectation**

#### **1. Internal Guideline Document for Management Plans:**

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

#### **2. Standards and Requirements for Management Plans**

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

## **Water/Effluent Quality Guidelines Working Group (WG3)**

### **Purpose of the Working Group**

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

### **Scope of the Working Group**

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

### **Product Expectation**

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

### **Items to be Discussed**

1. Review of existing methods of EQC setting in licences
2. Review of any existing water quality policies and/or procedures for setting EQC in Canada – including provinces/territories.
3. Review of existing regulations (e.g., Fisheries Act existing and proposed regulations – MMER, Municipal Wastewater Effluent, etc.) that dictate a minimum standard for EQC.
4. Work already underway by INAC with respect to a water quality policy for the NWT
5. Procedures for setting EQC for all different types of regulated activities – defining differences for different kinds of effluent if necessary.
6. Role of Northern Research Working Group on municipal wastewater effluent – updates on their activities as well as how best to participate

## **Terms and Conditions Working Group (WG4)**

### **Purpose of the Working Group**

The purpose of the WG is to develop terms and conditions for permits and licences to provide clarity, consistency and certainty for the Boards and its clients.

### **Scope of the Working Group:**

WG4 will identify a clear and consistent approach for the development of:

- New Terms and Conditions;
- A common approach for creating new Terms and Conditions;
- A common template for Land Use Permit and Water License Conditions; and
- A common and consistent approach to orphan measures.

### **Product Expectation:**

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

### **List of Discussion Items**

The following is a preliminary list of discussion areas identified by WG4:

1. Wildlife Monitoring Plans (Product);
2. Security Deposits (Product);
3. No Fly Zone (Product);
4. Signage for Wider Sources (Product);
5. Notification to Environment/Wildlife Monitors (Product);
6. Identification of Bear/Wolf/Wolverine Dens (Product);
7. Permits / Licenses Formatting (Product);
8. Terms and Conditions of Archaeological Sites (Product);
9. Drilling Sumps (Product) Linkage to Management Plans – Managing Group;
10. Spill Condition & Spill Agreement Working Group; and
11. Additional discussions on products or process as required.

## **Data Resource Sharing Working Group (WG5)**

### **Purpose of the Working Group**

The purpose of the Data Resource Sharing Working Group (WG5) is to develop clear and consistent standards and procedures for the collection, access and sharing of data resources between the Boards and clients.

### **Scope of the Working Group**

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

- The submission of data resources to the Boards.
- Consistent, timely access and/or distribution of information to clients and between the Boards
- The management and accessibility of the Public Registry

### **Product Expectations**

WG5 expects to develop the following products:

- GIS submission guidelines
- Data management guidelines
- Creation of/or improvement of the online Public Registry
- Improved website design and capabilities
- Technical reference documents for GIS data storage, metadata and map creation
- Guidelines for electronic distribution of items for review

### **Items to be Discussed**

WG5 is expected to discuss the following issues:

- GIS and mapping
- Public Registry (Paper and Electronic)
- Website(s)
- Data submissions
- Data preparation and distribution
- Distribution of policies and guidelines
- Collaboration and communication between Boards
- Availability of resources
- Internal data management
- Guidelines for electronic submission by applicants, reviewers, monitors

## **Application Processes Working Group (WG6)**

### **Purpose of the Working Group**

The purpose of the Application Processes Working Group (WG6) is to develop policies, guidelines and practices that achieve certainty, consistency and clarity for Boards and clients in the application process.

### **Scope of the Working Group**

WG6 will identify a clear and consistent approach and principles for guideline development of the following processes or products:

- Pre-application;
- Application;
- Amendment;
- Administrative;
- Final Plan and Letter of Clearance;
- Renewals and Extensions (s.157.1)

### **Product Expectation**

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

1. Disclosure of Preliminary Screening to MVEIRB (Process)
2. Field Modifications (Process)
3. Private Land vs. Crown Land (Process)
4. TEK/TK (Process)
5. Land Claim Settlement vs. Non-settled Land Claim Areas
6. Review of Application and Distribution
7. Land Use Plan Certainty (Process)
8. Security Deposits (Process)
9. Use of Questionnaires (Process)
10. Deeming Complete (Process)
11. Legislation Interpretation (Process)
12. Permits / Licenses Formatting (Product)
13. Access Agreements Required (Process)
14. Reasons for Decision (Process & Product)
15. Permitting in Communities / BLT (Process)
16. Name Change vs. Assignments (Process)

17. Expired Security Deposit (Process)
18. Water Use Fee Calculations (Process)
19. Type A Water Licences or Type B Water Licences Process for Public Hearings (Process)
20. Water Licence Process (Process)
21. Water Licence Renewals (Process)
22. Water Licence Amendments/ Modification Requests (Process)
23. Additional discussions on products and processes as required.