

Public Involvement Guidelines for Permit and License Applicants to the Mackenzie Valley Land and Water Board



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The Mackenzie Valley Land and Water Board is a forum for regional decision making, ensuring effective participation of residents in the use, protection, and benefits of the lands and waters of the Mackenzie Valley.

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1.0 INTRODUCTION

The Mackenzie Valley Land and Water Board (MVLWB) requires applicants for Land Use Permits and Water Licenses to inform communities about their proposed projects prior to submitting their application. The process of informing communities, and obtaining feedback and input from affected peoples is referred to as Community Involvement.

The purpose of community involvement prior to application is:

- to allow the proponent the opportunity to discuss the project with the community;
- to incorporate concerns of the community, clan, family, and traditional knowledge;
- to identify impacts and demonstrate how the negative impacts will be mitigated; and
- to advise the community that an application is forthcoming.

The proponent will be asked to demonstrate the extent of community involvement as part of the formal application and to provide an indication of how a specific proposal was modified or prepared to reflect the regional community concerns.

2.0 BACKGROUND

The MVRMA is based on and originates from the Sahtu Dene and Metis Comprehensive Land Claim Agreement and the Gwich'in Comprehensive Land Claim Agreement. It also contemplates the completion of other land claims agreements such as the Tlicho Agreement. The intent is to provide an integrated approach to resource management in the NWT and to make First Nations an integral part of the decision making process. It also includes the municipalities and other organizations with vested interests (such as hunting and trapping associations).

The MVLWB outlines the types of information required supporting a Class "A" land use permit. This information includes:

- Project description
- Environmental concerns, disturbances and associated mitigation and remediation
- Summary of discussions with communities and First Nations, issues raised and options for resolution of the issue
- Traditional land use areas
- Archaeological resources
- Any associated new facilities, structures and activities arising or needed as a result of application.

If the proponent submits an application without involving the community, this creates time delays. The intent is to provide the community with sufficient time to understand the application and make meaningful comments and for the proponent to respond by modifying the application prior to formal submission.

3.0 PRINCIPLES OF INVOLVEMENT

There are four principles to be considered in every public involvement program that is designed and delivered. An effective involvement program must have these attributes.

Transparency – all relevant information must be provided. If the public believes that the developer is not providing all of the information, or that they are providing selective information, trust will not be fostered. In addition, the project description must be clear on the purpose for the development.

Inclusiveness – all people must be involved. This does not mean that the entire population of the valley must be informed of each project. This means that discussions cannot be held only with selective groups. They must involve all people affected.

Respect – developers must respect the views and opinions, the culture, the language, and the level of education of all participants in the process. It is critical that the developer comes into the community and respects the protocol and the traditional communication structure. It is also important that the community respect the developer, what they are trying to achieve and their goals.

Reasonableness – the developer must ensure that the process selected is reasonable. It is unreasonable to expect the residents of an isolated community to attend an open house in Yellowknife and it is unreasonable to expect a small First Nation community to respond to a highly technical application without some assistance. It is also unreasonable to provide a community with 3,000 pages of technical information and expect comments on it in a week.

Effective involvement must embrace excellent communication skills, both written and verbal. In some cases this may require translators, re-writing of material to ensure that non-technical people can fully understand the concepts and the proposed development. The process must not be a “token” effort. If proponents are merely seeking to meet the requirements of the MVLWB and input is not incorporated into the final application, it has been a wasted effort.

Review of an application by a community is not consent and the MVLWB cannot delegate their decision-making authorities to the community. Therefore, the process required for the presentation of a new development will include three steps;

- **Inform** – provide the information to the public
- **Involve** – give the public the opportunity to review and make comments
- **Collaborate** – incorporate the public input into the final development

4.0 INVOLVEMENT GUIDELINES

The following are the guidelines for pre-application involvement. These steps can be modified by the developer to reflect the scale of the project. In addition, it is understood that each project is unique and deals with unique communities and must be addressed as such.

There are seven steps in the pre-application process;

4.1 Prepare the Project Description

The project description must provide sufficient information for the community to understand the project and its potential impacts. The language of the project description must be non-technical and must provide sufficient illustrations for the community to clearly understand the implications of the development. The project description must also include a summary of how the development will benefit the community. The description should include maps showing community locations, project location, access, major water bodies and streams.

4.2 Local Planning Documents

There are several land use plans that a developer will have to consider, including the Gwich'in and Sahtu land use plans and all municipal plans. The developer must ensure all local planning and regulatory documents have been reviewed and the proposal complies with these. If there is any area where the proposed development does not conform to the existing plans, the developer must meet with the planning authority and determine what modifications are required to the development.

4.3 Identify the “Sphere of Influence”

The proponent will have to identify the “Sphere of Influence” which considers the scale of the development, the watershed, the traditional areas and other factors identified by the stakeholders as being critical to the assessment of the impacts of the development. This will clarify the community(ies) to be contacted. The developer will also document the length of the impact and the intensity of the impact (in terms of work camps, workers and resources used). This will also consider what possible benefits there will be for the community including employment and revenue generation. In the unsettled claim areas, the proponent is encouraged to develop impact benefit agreements based on this information.

4.4 Meet with the Community

The proponent will determine how the project will be presented to the community; the number of meetings, the format for the meetings (round table meetings with Chief and council or Mayor and council, or open houses) and what the initial contact will be (telephone, mail, newsletters or newspaper articles). This will also determine other community representatives that will be contacted such as trappers associations,

fishermen, etc. It is recommended that, wherever possible, local people assist in the liaison, organization and coordination of the meetings.

4.5 Collect Input

It will be necessary to collect and tabulate all of the input from the community. The proponent must devise appropriate ways for the community to provide their comments. This may include exit questionnaires at open houses, records of meetings and discussions, letters that follow up from the meetings, toll free telephone numbers and email addresses. The developer must demonstrate that he/she has provided as many options as possible for the community to provide input.

In addition, the proponent must identify the timeframe for receiving these comments and concerns. This time frame must be reasonable and achievable by the community. It is suggested that this time frame range between six and eight weeks (to be extended during the summer months).

4.6 Document all Meetings and Comments

The developer will be required to document all of the meetings with the community including all of the comments and concerns raised by the community during the process. This will be a very important component of the formal application to the MVLWB. It must realistically represent the comments provided by the community.

The proponent will need to provide the Board with:

- a) The nature, date and location of meetings;
- b) A list of groups represented at the meetings;
- c) A list of the issues raised by the stakeholders; and
- d) An indication of how the issues were addressed in the application.

4.7 Modify the Project Description

The final step in the pre-application process involves the developer documenting how the initial project description or option selected has been influenced and subsequently modified by the outcome of the Involvement program. This will involve how the negative impacts will be mitigated, what the positive impacts are and what significant changes occurred as a result of community input.

5.0 SUMMARY

These guidelines have been developed by the Mackenzie Valley Land and Water Board to improve communication between developers and communities and to improve the quality of developments in the Mackenzie Valley. By following these guidelines, utilizing the principles of public involvement and keeping in mind the requirements of the Act, developers can enhance their applications to the MVLWB.