



REFERENCE BULLETIN ON COORDINATED PROCESSES

*Coordinating environmental impact
assessment processes in the Mackenzie
Valley*

August 2025

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About the Review Board

The Mackenzie Valley Environmental Impact Review Board (the Review Board) is an administrative tribunal established through the *Mackenzie Valley Resource Management Act* (the Act) that resulted from the *Gwich'in Comprehensive Land Claim Agreement*, the *Sahtu Dene and Métis Comprehensive Land Claim Agreement*, and the *Tłıchǫ Land Claims and Self-Government Agreement*.

The Review Board conducts environmental assessments and environmental impact reviews in the Mackenzie Valley under subsection 114(a) of the Act. The Review Board's mandate is broad and comes from Part 5 of the Act. As per section 115 of the Act, the Review Board must consider in its proceedings:

- *the protection of the environment from significant adverse impacts,*
- *the social, cultural and economic well-being of residents and communities in the Mackenzie Valley, and,*
- *the importance of conservation to the well-being and way of life of Indigenous peoples to whom section 35 of the Constitution Act, 1982 applies and who use an area of the Mackenzie Valley.*



1 Introduction and context

The *Mackenzie Valley Resource Management Act* (the Act) establishes an integrated system of land and water management in the Mackenzie Valley and requires collaboration among the Review Board, other boards, agencies and organizations. However, the Act does not specify how this coordination should happen. This can lead to a lack of clarity among Industry, Indigenous governments, federal and territorial governments, and communities.

The Review Board operates in an interconnected and multifaceted resource co-management system¹, both within the Mackenzie Valley and with neighbouring jurisdictions. Here in the Mackenzie Valley, the regulatory regime is “**part of a broader integrated resource management system as defined in land claim agreements** and which involves Crown and private land management, land use planning, permitting and licencing, environmental assessment, and wildlife and renewable resource management.”² Co-management bodies operating under the Act and respective Land Claim Agreements include the Land Use Planning Boards, the Renewable Resource Management Boards, the Land and Water Boards, and the Review Board. Each have their own distinct mandates.

Why coordination?

- Supports an integrated system where boards are better informed and understand the whole co-management process which, in turn, produces better outcomes in EA and regulatory process.
- Streamlines EA and regulatory proceedings.
- Promotes effective and efficient proceedings.
- Encourages resource sharing (e.g., financial and expertise).
- Reduces community impacts through timely regulatory processes.

As large-scale transboundary projects become more frequent in the Mackenzie Valley and shape sustainable resource extraction, coordination across the co-management system and with adjacent jurisdictions becomes increasingly important.

This reference bulletin describes:

- Legal requirements for and limits on coordination in the Act
- Tools and ways to implement coordination and collaboration
- Opportunities for coordination in the Environmental Assessment (EA) process

¹ [The Decision Makers in the Process](#) of the Mackenzie Valley resource co-management system.

² NWT Board Forum Orientation Reference Guide, 2016, p.15.



2 Legal requirements for coordination

The Act & Environmental Assessments

The Act mandates collaboration between the Review Board, agencies and organizations, including through provision highlighted in the text boxes³. The **Review Board's primary mandate for coordination comes from section 24.1** which describes who the boards can collaborate with but does not specify how coordination should occur.

Some sections of the Act, like sections 62 and 118, don't directly mention coordination, but show an opportunity for it. Regulators must wait for the completion of an environmental assessment before issuing a licence, permit or authorization. Coordination of processes between the Review Board and regulators **can benefit all parties and improve system-wide efficiency** (see section 4 of this reference bulletin for details).

A development project's location or where it impacts the land and people also **influences coordination opportunities**. For example, the Review Board can collaborate with another impact assessment body if a development straddles the boundary between the Mackenzie Valley and a neighbouring jurisdiction (section

141(1)) or if project impacts extend beyond the development site (sections 140 (1) or 142). Figure 1 (next page) shows the legislative triggers for transboundary EA coordination and collaboration. The agreements between the Review Board and the Nunavut Impact Review Board and the Review Board

SECTION 24.1

Requires boards to coordinate with other boards established by the Act, renewable resource boards under land claim agreements, land use planning bodies for the Wek'èezhii area, and some federal or territorial government departments and agencies.

SECTION 140 (1)

Requires the Review Board to inform environmental effects reviewer(s) of potential significant adverse impacts in their region from development located in the Mackenzie Valley. The Review Board can also request their cooperation for the assessment.

SECTION 142

Allows the Review Board to enter into an agreement (with Ministerial approval) with another territorial or provincial environmental impact reviewer if the development taking place in their region might have significant adverse impacts in the Mackenzie Valley.

SECTIONS 62 & 118

Prohibit a board or government from issuing a licence, permit, or authorization for a proposed development until the requirements of Part 5 are met (preliminary screening and environmental assessment).

SECTION 141 (1)

Requires that, where development takes place partly in the Mackenzie Valley and partly in a region of the NWT, Yukon, or Nunavut, the Review Board coordinate its EA functions with bodies conducting EAs in that region.

³ Although the Act mandates collaboration for both EAs and environmental impact reviews (EIR), this reference bulletin focuses on EAs. See sections 133.1, 138, and 138.1 (1)) of the Act for more information on collaboration during an EIR.



and the Yukon Environmental and Socio-economic Assessment Board are examples of coordination where environmental assessments cross territorial borders⁴.

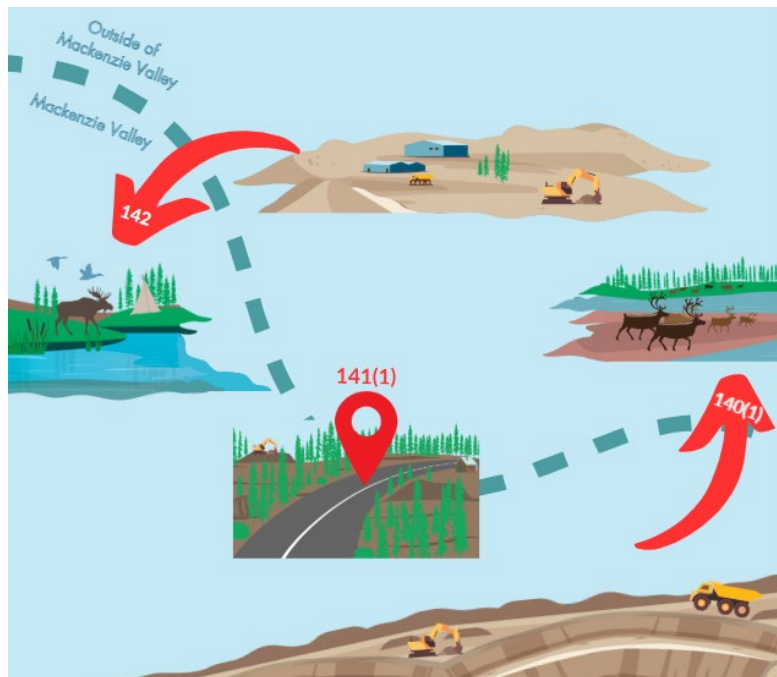


Figure 1- Transboundary assessment legislative provisions

Requirements for consultation

Coordination with other boards or assessment bodies **in no way changes the Review Board's requirements for or commitment to consultation**.⁵ Under the Act, the Review Board must consult with the First Nation on whose lands the development is to be carried out, if the development is to be carried out on Tłıchʔ lands, the Tłıchʔ Government⁶. The Review Board must also conduct public consultations and consider concerns of the public, including Indigenous peoples⁷. The Review Board is committed to designing EA processes that provide ample time and opportunities for communities, Indigenous Governments, the public, and other interested parties to participate.

While coordination and efficiency are always goals for any co-management process, **the Review Board retains authority to conduct its proceeding as it sees fit**. The Review Board can modify its procedures

⁴ Environmental assessment bodies in adjacent jurisdictions (e.g., the Nunavut Impact Review Board, Yukon Environmental and Socio-economic Assessment Board) share similar roles but operate under separate legislative frameworks than the Act.

⁵ For more information, please see the [Reference Bulletin on consultation and engagement in environmental impact assessment](#) on the Review Board's website.

⁶ See section 127.1 of the Act.

⁷ See sections 128(1)(c) and 134(1)(e) of the Act.



and process and update its workplan anytime during an EA, in keeping with the requirements of fairness and effectiveness.⁸ Similarly, other boards also retain discretion over their processes.

The Review Board in the context of an integrated resource management system

The Review Board also works within a broader context of conservation resource management outside of the Act. Our work includes **considering the implications of laws, agreements and management plans⁹ across the North and in neighbouring jurisdictions**. Similarly, we seek out input from various levels of Indigenous and local governments for our EA, policy, and engagement work.

3 Coordination tools

Collaboration spectrum

Coordination varies by project needs and the parties involved. The “collaboration spectrum”¹⁰ (figure 2) outlines the quality and intensity of collaboration, from least to most collaborative.

Full collaboration isn’t always the best approach. For example, it may be best for two boards to run concurrent yet separate public hearings. In other cases, staggered hearings may be more appropriate. **In all cases, the Review Board will develop project-specific workplans in consultation with affected governments and communities so that the workplan satisfies parties’ needs.** Section 4 of this reference bulletin explores additional coordination examples.

The extent and intensity of coordination is based on factors like:

- available time
- available resources
- ability to share time and resources
- shared goals or outcomes
- decision-making processes or procedures

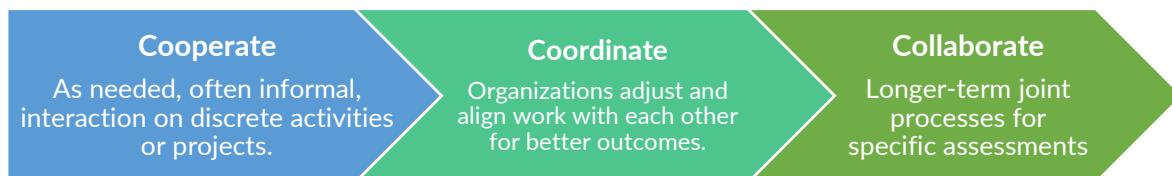


Figure 2- Collaboration Spectrum

⁸ The Review Board balances conducting EAs as quickly as possible while following the timelines established by the Act. For more information, please see the [Rules of Procedures for Environmental Assessment and Environmental Impact Review](#) and the [Conducting Shorter EA Reference Bulletin](#).

⁹ Examples of transboundary, national, or international considerations: the [Mackenzie River Basin Transboundary Waters Master Agreement](#), which commits the governments of Alberta, Saskatchewan, British Columbia, Yukon, Northwest Territories, and Canada to “work towards cooperatively managing the water and aquatic ecosystems of the entire Mackenzie River Basin”; the [Migratory Birds Convention Act](#), and the Canada-United States agreement on [porcupine caribou herd conservation](#).

¹⁰ Adapted from Tamarack Institutes “[Collaboration Spectrum Revisited](#)”.



Agreements

Various tools exist to define and delineate the ways that we work with others, each with distinct benefits:

- **Memorandum of Understanding (MOU)** sets out the broad agreement outlining shared intentions. An MOU can detail things like information exchange, sharing of technical expertise, identifying opportunities for enhancing public awareness of parties' mandates and processes, and the process for establishing cooperation agreements and plans.
- **Implementation Plans** are a middle step between the high-level MOU and the project-specific coordination frameworks. They usually outline actions, such as: how parties might work together; legislative triggers; and how to establish project-specific cooperation plans. They identify roles and responsibilities for staff from each organization.
- **Coordination Frameworks** identify the details of how two or more parties will work together on a specific development project. Parties can have multiple project-specific coordination plans (also known as joint workplans) together.

COOPERATION AGREEMENTS & MOUs

The following organizations currently have cooperation agreements or MOUs with the Review Board:

- Nunavut Impact Review Board
- Canada Energy Regulator
- Government of the Yukon
- Yukon Environmental and Socio-Economic Assessment Board
- Environmental Impact Screening Committee & Environmental Impact Review Board
- Department of Environment for the Province of Alberta

4 Opportunities for coordination



Shared regulatory information and submissions

The Review Board can **access any past regulatory information and submissions** (e.g., from Land and Water Boards), which helps reduce redundant or duplicative questions to communities and developers during the Scoping phase and through Information Requests.

Shared resources

The co-management boards can temporarily transfer expert staff (**secondment**) when they need specialized expertise, providing that organization with the technical advice required.





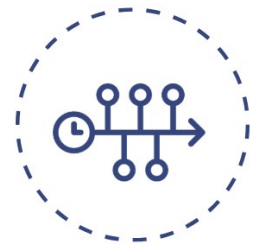
Coordinated or joint community sessions

Some regulatory phases are similar between organizations, like community engagement sessions. To avoid consultation fatigue and ensure clarity, **the Review Board could host joint community sharing session with other agencies.** Community members can be reassured where their knowledge and input are going and how it will be used.

Aligning timelines

Many development projects involve multiple regulatory agencies, each with its own review processes and timelines. Coordination could happen through:

- Aligning process steps – boards could **run separate/parallel processes but agree to ongoing communication and updates on completed co-management phases** to maximize regulatory efficiency and limit impact to communities by preventing unnecessary delays.
- Coordinated workplan – **joint workplans for EAs**, as was done for the 2014 Snap Lake EA and Water Licence, maximize the regulatory process and help communities and developers anticipate scheduled engagements.



Joint rules of procedure

Boards could **co-develop joint rules of procedure**, especially for transboundary projects, ensuring a unified process for all participants through an environmental assessment.

Joint information requirements

Agencies and organizations could co-develop a **summary of regulators and assessors' information needs.** This ideally reduces the likelihood of information requests and associated delays.

