

# Land and Water Boards of the Mackenzie Valley



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## *Policy for Transboundary Applications*

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June 2019

### **PURPOSE**

To ensure a clear and transparent process exists for the determination and management of transboundary applications received under paragraph 103(1)(a) of the *Mackenzie Valley Resource Management Act* (MVRMA):

- a) The development is proposed for more than one area, either a management area or outside of any management area, and is sufficiently connected to proposed or existing development activities in a different area, through interdependence or linkage, to be considered as one entity; or
- b) The development proposed for one area, either a management area or outside of any management area, is likely to have an impact in a different area.

### **DEFINITIONS**

Interdependence: a development is interdependent if it is located, or is to be located, either within a management area or outside of a management area, but the development could not proceed without:

- a) the use of land or water located in a different area; or
- b) making a waste deposit within a different area.

Linkage: a development has linkage if the development decision to use land or waters or deposit of waste within one management area, or outside a management area makes:

- a) a decision to undertake the use of land or waters located within a different area inevitable; or
- b) a waste deposit within a different area inevitable

### **TRANSBOUNDARY DETERMINATION**

Upon receipt of any application that may be transboundary, the Executive Director provides their preliminary determination and rationale to the other Land and Water Board Executive Directors in a timely manner. Where all Executive Directors agree with the preliminary determination, the regional panel, or the panel appointed under section 103, will make the transboundary determination at the time the application is considered.

If the Executive Directors cannot reach consensus, a request will be sent to the Chair of the MVLWB to make a transboundary determination, ideally before the ten-day completeness check for the application. The regional panel, or the panel appointed under section 103, will make the subsequent decisions on the application(s).

### **COMMUNICATION**

The Executive Director shall update their Board on any transboundary applications associated with their management area in a timely manner.