

**TERMS OF REFERENCE FOR THE NWT
ENVIRONMENTAL AUDIT**

FINAL

Prepared by the
NWT Cumulative Impact Monitoring Program (NWT CIMP) and Audit Working Group

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1. The Legal Basis for the Audit

Periodic environmental audits in the Mackenzie Valley¹ are required by the Gwich'in, Sahtu and Tlicho final agreements. The statutory requirements for environmental audits are found in Part 6 of the *Mackenzie Valley Resource Management Act* (MVRMA)². The key elements of Part 6 and related provisions in the MVRMA are as follows:

- The Minister of DIAND is responsible for ensuring that an environmental audit is conducted by an independent body or person at least once every five years (148(1)).
- The Minister of DIAND is responsible for fixing the terms of reference for the audit, including the key components of the environment to be examined, after consulting with the Gwich'in, Sahtu and Tlicho First Nations and the Government of the Northwest Territories (GNWT) (148(2)).
- The environmental audit shall include:
 - o An evaluation of information, including information from cumulative impact monitoring pursuant to section 146 of the MVRMA, in order to determine trends in environmental quality, potential contributing factors to changes in the environment, and the significance of those trends (148(3)(a));
 - o A review of the effectiveness of methods used for carrying out cumulative impact monitoring pursuant to section 146 of the MVRMA (148(3)(b));
 - o A review of the effectiveness of the regulation of uses of land and water and deposits of waste on the protection of key components of the environment from significant adverse impact (148(3)(c)); and
 - o A review of the response to any recommendations of previous environmental audits (148(3)(d)). [Note: there are no recommendations from previous audits to be reviewed in the first audit.]

¹ The Mackenzie Valley is defined in s. 2 of the *Mackenzie Valley Resource Management Act* as all of the NWT except for the Inuvialuit Settlement Region and Wood Buffalo National Park.

² Relevant provisions from the MVRMA are reproduced in Appendix 1, in their current form. As required by the Tlicho Agreement that was signed on August 25, 2003, Sections 147(1), 147(2), 148(2), 148(5) and 150 will be amended to include the Tlicho Government, pursuant to the *Tlicho Land Claims and Self-Government Act*, by which Parliament will approve and give effect to that Agreement.

- The audit report, which may include recommendations, shall be prepared and submitted to the Minister of DIAND and the Minister shall make the report available to the public (148(4)).
- The Gwich'in, Sahtu and Tlicho First Nations are entitled to participate in environmental audits in the manner provided by the regulations (148(5)). [Note: in the absence of regulations, the terms of reference define the participation by the Gwich'in, Sahtu and Tlicho First Nations in the audit. The roles defined for the Gwich'in, Sahtu and Tlicho First Nations in the MVRMA are extended to other First Nations and Métis in the NWT and to the Inuvialuit, given the NWT-wide approach to the audit.]
- The person or body performing an environmental audit is authorized to obtain the information required to conduct the audit from any board established under the MVRMA or from any department or agency of the federal or territorial government, subject to any other federal or territorial law (149).
- The Governor in Council may make regulations “for carrying out the purposes and provisions” of Part 6 and, in particular, respecting the participation of the Gwich'in, Sahtu and Tlicho First Nations in environmental audits (150). [Note: no regulations have been made pursuant to section 150.]
- The term “environment”, which is used at several places in section 148 of the MVRMA, is defined in section 2 of the MVRMA as:

The components of the Earth and includes

- (a) land, water and air, including all layers of the atmosphere;
 - (b) all organic and inorganic matter and living organisms; and
 - (c) the interacting natural systems that include components referred to in paragraphs (a) and (b).
- The term “impact on the environment” is defined for the purposes of Part 6 of the MVRMA as: “any effect on land, water, air or any other component of the environment, *as well as on wildlife harvesting, and includes any effect on the social and cultural environment or on heritage resources*” (emphasis added).

2. Independence of the Auditor

The independence of the auditor, as required by subsection 148(1) of the MVRMA, is an essential feature of the environmental audit. This independence must be ensured through the process for selecting the auditor and also during the audit process itself. The selection of the auditor shall be guided by the following requirements:

- The auditor shall be independent of:
 - o the federal and territorial governments;
 - o boards established under land claim agreements in the Mackenzie Valley, the MVRMA and the Inuvialuit Final Agreement (IFA), and other resource management boards with jurisdiction in the NWT;
 - o First Nations, Métis and Inuvialuit governments and organizations in the NWT;
 - o industry in the NWT; and
 - o other organizations that participate in their own right in environmental and resource management processes in the NWT.
- To ensure that the principle of independence is adhered to, the audit shall not be undertaken by or under the direction of any individual who has been a direct employee of a department or agency of the federal or territorial governments that has jurisdiction relating to environmental and resource management in the NWT, a board or agency established under land claim agreements in the Mackenzie Valley, the MVRMA or the IFA, a resource management board with jurisdiction in the NWT, an Aboriginal government or organization in the NWT, or a private contractor with direct involvement in the development of cumulative impact monitoring or cumulative effects assessment and management in the NWT (including the NWT CIMP or audit), within the two-year period prior to the appointment of the auditor.
- Individuals shall not be disqualified from serving as an auditor or serving as a member of a group or panel that undertakes an audit because of any status or entitlement conferred on that individual under any agreement between a First Nation and Her Majesty in right of Canada for the settlement of a claim to lands.

The auditor's independence while conducting the audit is ensured by provisions in the terms of reference that address the contractual relationship between the auditor and DIAND (s. 11) and that specify the role for the Audit Sub-Committee (s. 9). The terms of reference also give the auditor the authority to exercise his/her independent judgment throughout the audit process. In particular, following his/her consideration of comments from the Audit Sub-Committee, the auditor shall make the final determination regarding:

- The specific issues and topics³ to be examined within each component of the audit identified in subsection 148(3) of the MVRMA;

³ The specific 'issues and topics' examined by the auditor are sometimes referred to as 'lines of inquiry'.

- The audit criteria;
- The observations (i.e., findings), recommendations and conclusions to be included in the final audit report; and
- The audit methodology.

The terms of reference for the audit are intended to provide procedural and substantive guidance regarding the audit process, without compromising the independence of the auditor. It is also recognized that the terms of reference should not be interpreted or applied in a way that would unduly constrain the auditor from making necessary adjustments to the audit process, in consultation with the Audit Sub-Committee (see below, s. 9), in response to unforeseen circumstances.

3. Intent of the Audit

The environmental audit is intended to:

- Comply fully with the legal requirements for environmental audits under Part 6 of the MVRMA and pursuant to the Sahtu, Gwich'in and Tlicho final agreements;
- Use the MVRMA framework as the basis for a territory-wide environmental audit that includes both the Mackenzie Valley and the Inuvialuit Settlement Region (ISR);
- Act as a catalyst for change, by providing specific, practical and constructive recommendations for improvements to environmental and natural resource management in the Mackenzie Valley, in the ISR and throughout the NWT;
- Lay the foundation for subsequent environmental audits in the Mackenzie Valley, in the ISR, and throughout the NWT by describing baseline conditions, identifying priority issues, highlighting opportunities for improvement, and suggesting how performance indicators could be developed to support ongoing monitoring and periodic audits;
- Reflect the objectives of ensuring sustainability and protecting and conserving wildlife and the environment for present and future generations that are embodied in land claim agreements in the NWT;
- Consider impacts on the environment, including biophysical impacts and impacts on wildlife harvesting and on the social and cultural environment and on heritage resources;
- Focus on specific issues and topics, within each component of the audit as identified in subsection 148(3) of the MVRMA, that are relevant to decision-makers and other interested parties involved in environmental and resource management in the NWT;

- Focus on specific issues and topics, within each component of the audit as identified in subsection 148(3) of the MVRMA, that are likely to result in recommendations that can be implemented by decision-makers and others involved in environmental and resource management in the NWT; and
- Result in data, analysis, conclusions and recommendations that can be applied distinctly to the Mackenzie Valley, to the ISR, and to the NWT as a whole.

4. Components of the Audit

- The audit shall include the three components specified by subsection 148(3) of the MVRMA (i.e., environmental trends, cumulative impact monitoring and regulatory regimes).

4.1 Audit of Environmental Trends

- In conducting the audit of environmental trends as required by paragraph 148(3)(a) of the MVRMA and in accordance with the NWT-wide approach to the audit, the auditor shall evaluate relevant information in order to determine:
 - o Trends in environmental quality in the Mackenzie Valley, the Inuvialuit Settlement Region (ISR), and the NWT as a whole;
 - o Potential contributing factors to any changes in the environment; and
 - o The significance of trends that have been identified.
- In determining trends in environmental quality and the significance of these trends, the auditor may make reference to the valued components identified in the 'Preliminary State of Knowledge of Valued Components for the NWT Cumulative Impact Monitoring Program (NWT CIMP) and Audit'.⁴
- In determining potential contributing factors to changes in the environment, the auditor may identify and comment on factors that originate outside the Mackenzie Valley, the ISR and the NWT.

⁴ The NWT CIMP and Audit Working Group has prepared a 'Preliminary State of Knowledge of Valued Components for the NWT Cumulative Impact Monitoring Program (NWT CIMP) and Audit' (February 2002 [edited September 2003]), which summarizes the state of knowledge (baseline conditions, trends, current monitoring) and identifies key monitoring indicators. Further revisions to the content of the report will be undertaken during the implementation of the NWT CIMP.

- The auditor shall consider the significance of trends in environmental quality in terms of their effects on land, water, air or any component of the biophysical environment, as well as their effects on wildlife harvesting, the social and cultural environment, and heritage resources.
- In determining the significance of trends in environmental quality, the auditor shall consider the implications of those trends for environmental, social, economic, and cultural sustainability and for future generations.
- The auditor shall provide recommendations about the relative importance or priority that should be assigned to trends in environmental quality and factors contributing to those trends from the perspective of protecting the environment from significant adverse impacts.

4.2 Audit of Cumulative Impact Monitoring

- In conducting the audit of cumulative impact monitoring as required by paragraph 148(3)(b) of the MVRMA and in accordance with the NWT-wide approach to the audit, the auditor shall review the effectiveness of methods that are used for carrying out the functions referred to in section 146 of the MVRMA and similar functions within the ISR and the NWT as a whole.
 - o In particular, the auditor shall review the methods used in the Mackenzie Valley, the ISR and the NWT as a whole for collecting and analyzing scientific data, traditional knowledge and other pertinent information for the purpose of monitoring the cumulative impact on the environment of concurrent and sequential uses of land and water and deposits of waste.
- The audit of cumulative impact monitoring shall include a review of the adequacy of existing data relating to cumulative impacts and a review of the effectiveness of current methods for collecting and analyzing this data.
- The auditor shall also review, to the extent possible, the likely effectiveness of methods that are proposed for carrying out the functions referred to in section 146 of the MVRMA and similar functions in the ISR and the NWT as a whole.

4.3 Audit of Regulatory Regimes

- In conducting the audit of regulatory regimes as required by paragraph 148(3)(c) of the MVRMA and in accordance with the NWT-wide approach to the audit, the auditor shall review the effectiveness of the regulation of uses of land and water and deposits of waste on the protection of the key components of the environment from significant adverse impact.

- In reviewing the effectiveness of regulatory regimes in the Mackenzie Valley, the ISR and the NWT as a whole, the auditor shall consider the effectiveness of:
 - o Bodies and processes created pursuant to land claim agreements in the Mackenzie Valley, the MVRMA, and the Inuvialuit Final Agreement;⁵ and
 - o Departments, agencies and processes of the Government of Canada and the Government of the Northwest Territories.
- In reviewing the effectiveness of regulatory regimes in the Mackenzie Valley, the ISR and the NWT as a whole, the auditor shall consider the extent to which these regimes achieve an integrated approach to environmental and resource management that is capable of protecting key components of the environment from significant adverse impacts.
- In identifying ‘key components of the environment’ for the purposes of the audit of regulatory regimes, the auditor may refer to the valued components identified in the ‘Preliminary State of Knowledge of Valued Components for the NWT Cumulative Impact Monitoring Program (NWT CIMP) and Audit’.⁶
- When considering the protection of key components of the environment from significant adverse impacts, the auditor shall consider impacts on land, water, air and any component of the biophysical environment, as well as impacts on wildlife harvesting, the social and cultural environment, and heritage resources.

5. Duties of the Auditor

- In addition to fulfilling the requirements of section 148 of the MVRMA, the auditor shall conduct an environmental audit pursuant to these terms of reference for the NWT as a whole.
- In undertaking his/her evaluation and review of the matters specified in the terms of reference for the audit and matters included in the audit through the exercise of the auditor’s independent judgment, the auditor shall make observations, undertake analysis, reach conclusions and, where appropriate, make recommendations.

⁵ The Audit Sub-Committee will assist the auditor in identifying these bodies.

⁶ The NWT CIMP and Audit Working Group has prepared a ‘Preliminary State of Knowledge of Valued Components for the NWT Cumulative Impact Monitoring Program (NWT CIMP) and Audit’ (February 2002 [edited September 2003]), which summarizes the state of knowledge (baseline conditions, trends, current monitoring) and identifies key monitoring indicators. Further revisions to the content of the report will be undertaken during the implementation of the NWT CIMP.

- The auditor shall consider scientific knowledge and traditional knowledge (which includes historical knowledge and the knowledge of current users on the land), as available and appropriate, in all aspects of the audit.
- The auditor shall comply with any applicable protocols and guidelines that may exist regarding the confidentiality, ownership and dissemination of traditional knowledge and the crediting of sources of traditional knowledge.
- The auditor shall conduct the audit in a manner that is sensitive to the cultural diversity of the NWT.
- The auditor shall, as he/she considers appropriate, conduct interviews and site visits, review relevant documents and data, and solicit submissions from the Audit Sub-Committee and from other interested parties during the audit.
 - o The role of the Audit Sub-Committee in assisting the auditor with these aspects of the audit is set out below in section 9.
- The auditor may request any available information that the auditor determines is necessary in order to conduct the audit.
 - o The procedure for requesting information is set out below in section 8.1.
- The auditor shall consider all comments and information submitted to him/her during the course of the audit.
- The auditor shall submit periodic progress reports to the Audit Sub-Committee and shall be available to meet with the Audit Sub-Committee to discuss these reports.
- The auditor may undertake other functions that he/she deems necessary to discharge his/her responsibilities pursuant to the requirements of the MVRMA and the terms of reference for the audit.

6. Phase 1 of the Audit - Audit Planning

6.1 Description of Phase 1

- Phase 1 of the audit consists of the development of a plan for the examination phase of the audit (Phase 2) that is consistent with the statutory requirements for the audit and with the intent of the audit as described in the terms of reference.

6.2 Development of the Audit Plan for the Examination Phase of the Audit

- The auditor shall develop the audit plan for the examination phase of the audit taking into account comments from the Audit Sub-Committee and from other interested parties.

6.3 Audit Plan

- The audit plan shall:
 - o Summarize the legal basis for the audit, the audit components and the intent of the audit as described in the terms of reference;
 - o Identify the specific issues and topics that have been selected by the auditor within each component of the audit for investigation and follow-up in the examination phase of the audit;
 - o Identify the audit criteria to be applied in the examination phase of the audit;
 - o Describe the audit methodology to be used in the examination phase of the audit;
 - o Identify time lines, key target dates and resources to be used;
 - o Present and discuss any initial observations, conclusions and recommendations that the auditor is considering for further follow-up in the examination phase of the audit; and
 - o Include any other information that the auditor considers to be appropriate.

6.4 Distribution of the Audit Plan

- The auditor shall present the audit plan to the Audit Sub-Committee at the end of Phase 1 of the audit.
- The auditor shall make the audit plan available to interested parties on request.

7. *Phase 2 of the Audit - Audit Examination*

7.1 Description of Phase 2

- During Phase 2 of the audit, the auditor shall:
 - o Conduct a detailed examination of specific issues and topics that were identified in the audit plan for each component of the audit;

- o Determine the observations, conclusions and recommendations to be included in the final audit report;
- o Assemble the detailed evidence required to support these observations, conclusions and recommendations; and
- o Prepare the final audit report and submit it to the Minister of DIAND.

7.2 Content of the Final Audit Report

- The final audit report shall:
 - o Provide a brief discussion of the context for the audit, including the basis for the audit in land claim agreements and in the MVRMA;
 - o Summarize the intent of the audit as specified in the terms of reference;
 - o Describe the components of the audit;
 - o Identify the specific issues and topics that were investigated within each component of the audit and the criteria that were applied;
 - o Describe the audit process and methodology;
 - o Describe the auditor's observations, conclusions and recommendations;
 - o Explain the extent to which these observations, conclusions and recommendations apply distinctly to the Mackenzie Valley, to the ISR, and to the NWT as a whole; and
 - o Include any other information and discussion that the auditor considers to be appropriate.

7.3 Opportunity for Comment on Drafts of the Final Audit Report

- The auditor shall circulate drafts of all or part of the final audit report to parties that may be 'directly affected' by the final audit report.
- The auditor shall provide the Audit Sub-Committee with an opportunity to comment on the final draft of the final audit report and may ask for comments from the Audit Sub-Committee on other drafts of the final audit report.

- Parties that may be ‘directly affected’ by the final audit report are:
 - o Parties that are referred to in drafts of the final audit report in connection with observations, conclusions or recommendations; and
 - o Parties that may be significantly affected by the observations, conclusions or recommendations contained in drafts of the final audit report.
- The opportunity to comment on drafts of all or part of the final audit report is intended to:
 - o Ensure, to the extent possible, that there is no disagreement over statements of fact and assumptions that are included in the final audit report;
 - o Provide directly affected parties with advance notice of observations, conclusions and recommendations that may be included in the final audit report and that relate specifically to them; and
 - o Provide directly affected parties with an opportunity to offer suggestions regarding the substance and wording of the auditor’s draft observations, conclusions and recommendations.
- Once the auditor has received and considered comments on drafts of all or part of the final audit report, the auditor has full and unfettered authority to determine the content of the final audit report.
- Draft copies of all or part of the final audit report that are circulated for comment are to be treated as confidential.
 - o The auditor shall establish specific confidentiality requirements and procedures to ensure, to the extent possible, that the confidentiality of drafts is respected.
- The auditor shall treat as confidential any comments that he/she receives on drafts of all or part of the final audit report.

7.4 Submission and Dissemination of the Final Audit Report

- The final audit report shall be submitted by the auditor to the Minister of DIAND.
- The Minister shall make the final audit report available to the public as soon as possible after the auditor has submitted it.

8. Information Management

8.1 Requests for Information by the Auditor

- In exercising his/her powers to collect information pursuant to section 149 of the MVRMA, the auditor shall provide any board, department or agency from which he/she is requesting information with a written outline of the information that is requested or the topic on which information is required.
- The auditor may request that the information be provided to him/her within a specified time.
- The auditor may request that, when a board, department or agency receiving a request for information from the auditor is not in possession of the requested information or cannot release that information because of requirements in a federal or territorial law, it respond in writing to the auditor's request within a specified time. The auditor may also request that this response include an explanation of the reason why the requested information cannot be provided and guidance to the auditor regarding any other sources of information relevant to the auditor's request that the board, department or agency is aware of.

8.2 Audit Working Papers

- The term "audit working papers" refers to the material prepared by, collected by and submitted to the auditor during the course of the audit, with the exception of material that is prepared by the auditor for distribution to the general public and material that is already in the public domain.
- It is important to ensure, to the extent possible under applicable privacy and access to information legislation, that the audit working papers can be kept confidential so as to allow for information to be freely given to the auditor and to ensure a full and complete audit.
- The auditor shall manage the audit working papers in accordance with the confidentiality and management of information provisions specified in the audit contract and in accordance with applicable professional standards.
- During the course of the audit, the auditor shall determine the extent to which the audit working papers should remain confidential and shall ensure, to the extent possible, that the appropriate level of confidentiality for audit working papers is maintained.
- The auditor shall have ownership and custody of the audit working papers, and shall exercise control over the audit working papers, during the audit and after the completion of the audit.

- It is acknowledged that the audit working papers shall be subject to, and managed in accordance with, applicable privacy and access to information legislation.

9. Audit Sub-Committee

- An Audit Sub-Committee shall be established by the NWT Cumulative Impact Monitoring Program (NWT CIMP) and Audit Working Group.
 - o The Audit Sub-Committee shall be a sub-committee of the NWT CIMP and Audit Working Group.
 - o Membership of the Audit Sub-Committee shall consist of one representative from each of the following:
 - Gwich'in Tribal Council
 - Sahtu Secretariat Inc.
 - Tlicho First Nation
 - Deh Cho First Nations
 - North Slave Métis Alliance
 - NWT Métis Nation
 - Inuvialuit Game Council
 - Akaitcho Territory Government⁷
 - Government of the Northwest Territories (RWED)
 - Government of Canada (DIAND)
- The Audit Sub-Committee may seek expert advice and assistance from non-members.
- The role of the Audit Sub-Committee shall include:
 - o Assisting the auditor in obtaining relevant documents and information;
 - o Assisting the auditor in identifying interviewees and arranging interviews;
 - o Providing comments to the auditor regarding the development of the audit plan, including the identification of specific issues and topics to be examined within each component of the audit and the selection of audit criteria;

⁷ The Akaitcho Territory Government is not currently participating in the NWT Audit development process; however, it has a standing invitation to participate or observe without prejudice to land claim or self-government negotiations.

- o Reviewing the periodic progress reports submitted by the auditor and meeting with the auditor, as appropriate, to discuss these progress reports;
 - o Discussing with the auditor any adjustments to the audit process that may be required as a result of unforeseen circumstances;
 - o Providing comments to the auditor concerning the process for incorporating traditional knowledge in the audit;
 - o Ensuring that interested parties and the general public in the NWT have the opportunity to become aware of the audit and taking whatever steps the Audit Sub-Committee decides are appropriate to invite input from interested parties and from the general public during the audit process;
 - o Maintaining the confidentiality of the audit process and audit materials, as appropriate;
 - o Developing, in consultation with a communications specialist, a communications plan for the audit, including communication protocols and products; and
 - o Providing whatever other assistance it can in order to facilitate the work of the auditor.
- DIAND shall provide secretariat services, communications and other technical support, and financial resources to support the operations of the Audit Sub-Committee.
 - The Audit Sub-Committee shall be dissolved once the audit has been completed.

10. Timing and Budget

- The auditor shall complete the audit by March 31, 2005.
- The audit shall be deemed to be complete when the final audit report has been submitted to the Minister.
- The auditor shall ensure that the total cost of the audit is within the approved amount based on the auditor's proposal.

11. Administration of the Audit Contract

- DIAND shall designate an official to administer the contract with the auditor.

- DIAND shall designate an official to serve as a contact person, in order to respond to requests for information from DIAND. The DIAND contact person shall be separate from the NWT CIMP coordinators, from other DIAND staff involved in the design and implementation of the NWT CIMP and the audit, and from DIAND staff with regulatory responsibilities.

Appendix 1: Excerpts from the *Mackenzie Valley Resource Management Act*

Mackenzie Valley Resource Management Act (MVRMA): An Act to provide for an integrated system of land and water management in the Mackenzie Valley, to establish certain boards for that purpose and to make consequential amendments to other Acts (proclaimed December 22, 1998)

Definitions, Section 2:

“environment” means the components of the Earth and includes:

- (a) land, water and air, including all layers of the atmosphere;
- (b) all organic and inorganic matter and living organisms; and
- (c) the interacting natural systems that include components referred to in paragraphs (a) and (b).

“harvesting,” in relation to wildlife, means hunting, trapping or fishing activities carried on in conformity with a land claim agreement or, in respect of persons and places not subject to a land claim agreement, carried on pursuant to aboriginal or treaty rights.

“heritage resources” means archaeological or historic sites, burial sites, artifacts and other objects of historical, cultural or religious significance, and historical or cultural records.

“Mackenzie Valley” means that part of the Northwest Territories bounded on the south by the 60th parallel of latitude, on the west by the Yukon Territory, on the north by the Inuvialuit Settlement Region, as defined in the Agreement given effect by the *Western Arctic (Inuvialuit) Claims Settlement Act*, and on the east by the Nunavut Settlement Area, as defined in the *Nunavut Land Claims Agreement Act*, but does not include Wood Buffalo National Park.

Additional definitions - Part 5, Section 111

“impact on the environment” means any effect on land, water, air or any other component of the environment, as well as on wildlife harvesting, and includes any effect on the social and cultural environment or on heritage resources.

Part 6 - Environmental Monitoring and Audit

145. The definitions in this section apply in this Part.

“impact on the environment” has the same meaning as in Part 5.

“responsible authority” means the person or body designated by the regulations as the responsible authority or, in the absence of a designation, the federal Minister.

146. The responsible authority shall, subject to the regulations, analyze data collected by it, scientific data, traditional knowledge and other pertinent information for the purpose of monitoring the cumulative impact on the environment of concurrent and sequential uses of land and water and deposits of waste in the Mackenzie Valley.

147. (1) A responsible authority that is a minister of the Crown in right of Canada shall carry out the functions referred to in section 146 in consultation with the first nations.

(2) Where a responsible authority is other than a minister of the Crown in right of Canada, the Gwich'in and Sahtu First Nations are entitled to participate in the functions referred to in section 146 in the manner provided by the regulations.

148. (1) The federal Minister shall have an environmental audit conducted at least once every five years by a person or body that is independent.

(2) The federal Minister shall, after consulting the Gwich'in First Nation, the Sahtu First Nation and the territorial government, fix the terms of reference of an environmental audit, including the key components of the environment to be examined.

(3) An environmental audit shall include

(a) an evaluation of information, including information collected or analyzed under section 146, in order to determine trends in environmental quality, potential contributing factors to changes in the environment and the significance of those trends;

(b) a review of the effectiveness of methods used for carrying out the functions referred to in section 146;

(c) a review of the effectiveness of the regulation of uses of land and water and deposits of waste on the protection of the key components of the environment from significant adverse impact; and

(d) a review of the response to any recommendations of previous environmental audits.

(4) A report of the environmental audit, which may include recommendations, shall be prepared and submitted to the federal Minister, who shall make the report available to the public.

(5) The Gwich'in and Sahtu First Nations are entitled to participate in an environmental audit in the manner provided by the regulations.

149. Subject to any other federal or territorial law, a responsible authority or a person or body who performs an environmental audit may obtain, from any board established by this Act or from any department or agency of the federal or territorial government, any information in the possession of the board, department or agency that is required for the performance of the functions of the responsible authority or person under this Part.

150. The Governor in Council may, after consultation by the federal Minister with affected first nations and the territorial Minister, make regulations for carrying out the purposes and provisions of this Part and, in particular, regulations

(a) respecting the collection of data and the analysis of data so collected and scientific data, traditional knowledge and other information, for the purposes of section 146;

(b) designating a person or body as the responsible authority for the purposes of this Part; and

(c) respecting the manner of participation of the Gwich'in and Sahtu First Nations in the functions of a responsible authority that is not a minister of the Crown or in an environmental audit.

Note: As of April 2004, no regulations have been drafted or promulgated under Part 6 of the MVRMA.