

# THE 26<sup>TH</sup> NWT BOARD FORUM

## SUMMARY REPORT

JANUARY 31 – FEBRUARY 1, 2023

Submitted to: NWT Board Forum Steering Committee

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## 1. INTRODUCTION

From January 31 to February 1, 2023, members convened for the 26<sup>th</sup> NWT Board Forum in Yellowknife, NWT. The Mackenzie Valley Environmental Impact Review Board (MVEIRB) hosted the meeting, which was the first Forum held since the start of the COVID-19 pandemic.

### 1.1 Purpose and Objectives

The **purpose** of this meeting was to formally reconnect and renew the NWT Board Forum network for the first time since 2019. The **objectives** of this Forum were to:

- Reconnect the NWT Board Forum network across the Mackenzie Valley and the Inuvialuit Settlement Regions;
- Acknowledge the accomplishments, where we are at with collective concerns, and reset priorities; and
- Give administrative direction and initiatives direction to work towards better integration of the co-management system.



Figure 1: Board Forum members gather at the Explorer Hotel

### 1.2 Report Structure

This report represents a summary of the presentations, conversations, and events that took place at the Forum, including action items that were suggested by the Forum members. Included in the appendices are the meeting agenda (Appendix A), the list of participants (Appendix B), and the flip charts from the session (Appendix C). Organizational updates were provided by member organizations in advance to brief all participants (Appendix D), and space was provided for clarification and questioning on Day 1. All presentations provided for inclusion in the report can be found in a separate PDF document for ease of sharing in areas with limited internet bandwidth (Appendix E).

## 2. DAY 1 – JANUARY 31, 2023

### 2.1 Welcome and Opening

The meeting formally began on the morning of January 31<sup>st</sup> at the Explorer Hotel with a prayer song from the Yellowknives Dene First Nation Drummers and warm opening remarks from Yvonne Nakimayak, Board Member with the MVEIRB. Yvonne welcomed the familiar and new faces. She also acknowledged the passing of two long-serving Board Forum members, Deborah Simmons and Charlie Snowshoe. She spoke to the importance of reconnecting the organizations and individuals within the co-management system to refocus the Board Forum and to identify common challenges and collaboratively develop solutions.

Mark Cliffe-Phillips, Executive Director, MVEIRB provided a brief history of the NWT Board Forum since its initiation in 2004. He emphasized that since inception, the work of the Board Forum has created a venue for information sharing, communications, training, capacity building, and a place for a common voice. He stated that the first objectives of the original Forum continue to be very similar to today's objectives and highlighted the importance of pursuing collaborative initiatives to uphold the effectiveness of the co-management system.

### 2.2 NWT Board Forum Update

#### Action Items from Previous Meetings – 2018 and 2019

Before turning to new matters, the Forum reviewed the action items that emerged from the previous Forums in September 2018 and June 2019. Below is a summary of the progress on action items categorized into themes.



#### Improved access to experts and data

- **Develop a comprehensive list of experts in Traditional Knowledge (TK), legal, and scientific expertise for Boards to access (Ryan Fequet, WLWB)**
  - Wek'èezhì Land and Water Board (WLWB) Executive Director Ryan Fequet confirmed that the Land and Water Boards (LWBs) compiled a list of technical experts three years ago, however, the list will require updating. TK experts were never collected for the list.
- **Develop improved / new searchable databases to improve access to quality information (Ryan Fequet, WLWB)**
  - Ryan Fequet shared that the LWBs have a SharePoint site from their public registry and have invited other organizations to create a subsite to foster data sharing and prevent data duplication.



#### Traditional Knowledge (TK)

- **Create mandatory TK requirements in applications (all)**
  - Mackenzie Valley Land and Water Board (MVLWB) Executive Director Shelagh Montgomery shared that the Sahtú Land and Water Board (SLWB) require TK in their applications. The LWBs require applicants to provide TK in their land use plans. In the absence of TK, applicants must provide rationale. The LWBs also updated all Application Forms to include Indigenous place names.

- **Revise engagement guidelines to provide more guidance on TK (Mackenzie Valley LWBs)**
  - Shelagh Montgomery confirmed that the LWBs of the Mackenzie Valley have an item for development of TK Guidelines in their Strategic Plan. In January 2023, the LWBs passed an updated Engagement and Consultation Policy and Guidelines for Engagement and Consultation will be updated in the short term.
  - Other Boards commented on their practices as well (e.g., Gwich'in Renewable Resources Board (GRRB) also has a TK Policy).
- **Collaborate on hiring a TK facilitator or “navigator” (all)**
  - No progress to date.
- **Coordinate a “TK Programming Framework” (Mark Cliffe-Phillips, MVEIRB)**
  - No progress to date. Mark Cliffe-Phillips stated that the Boards must shift to include TK in all reviews and processes and gave some examples. The framework would provide best practices to applying TK approaches collectively.



## Research Priorities

- **Develop a Research Priorities Working Group**
  - No progress to date but proposed to be revisited following the collation of research priorities. MVEIRB staff will be reaching out on the researched and compiled list of research priorities that followed the 2018 Board Forum.



## Youth Engagement

- **Build space for youth through workshops, future Board Forums, and scholarships to ensure they have the knowledge and capacity to participate in the regulatory system (all)**
  - Ryan Fequet shared that the WLWB held a public hearing where the Tłı̨ch̨ Government brought an Elder and youth from each of the four Tłı̨ch̨ communities. The WLWB is hoping that representation is carried forward to future events.
  - Sahtú Renewable Resources Board (SRRB) Acting Executive Director Catarina Owens shared that they are working on an evaluation of the Sahtú network and engaging on what would make the network successful for collaboration of youth. The SRRB is willing to share an update with the Board Forum once complete.
  - Sahtú Land Use Planning Board (SLUPB) Executive Director Justin Stoyko shared that they are engaging youth directly at the schools through Board presentations and fun games to share information about the regulatory system and empower youth to understand their land claim.
  - Shelagh Montgomery shared that the MVLWB have convened TK panels with youth and Elders to speak on specific topics. It is an ongoing activity in the MVLWB's Strategic Plan. The invitation to the virtual events could be extended to Board Forum members.



## Funding

- **Provide an update on board funding and honoraria to the Forum members**
  - See Section 3.6 to review Andrew Webster's update on honoraria.



## Educational Materials

- **Develop materials that describe regional co-management processes (all)**
  - Mark Cliffe-Phillips shared that MVEIRB and the Mackenzie Valley LWBs have been developing outreach tools (i.e., MVRMA 101) and have switched from standard PowerPoint tools to a multimedia and video outreach approach. Once the templates are available, they are interested in using the resources as an outreach toolkit to share with the Board Forum.
- **Design visuals to describe where/how the public and other actors can participate in co-management processes (all)**
  - No progress to date.
- **Produce a summary of Board Forum historical context (all)**
  - No progress to date.

## Re-Establishment of the NWT Board Forum Network

Mark Cliffe-Phillips provided a quick note on the re-establishment of the NWT Board Forum network. He emphasized the importance of **looking to past Fora to understand what has worked well and created success for the Board Forum**. He highlighted that the Forum is a **venue for building tangible action items**, but it is key that members commit to **carrying the actions forward in a collective manner**. Mark noted that in the future, the Board Forum website could be leveraged to keep members connected as a network and used to track progress of the action items.

## NWT Board Forum Website and Training Courses

Michelle Lewis, Program Manager at Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) provided an update on the Board Forum website. She stated that the website is currently under maintenance, however, a new contract has been awarded to a website developer. The website is expected to be **working at full capacity by the end of March 2023**. The Board Forum website will be used to **collectively house reports, outreach materials, and the integrated Board Forum training platform**.

Stacey Menzies, Policy and Planning Officer at MVEIRB shared an update on the Board Forum training initiatives. The Board Forum training is comprised of a suite of courses, including **Administrative Law, Board Orientation, Renewable Resources Management, and Land Use Planning**. Stacey noted that a **Public Hearing course** was historically offered, however, MVEIRB is proposing to update the course materials and make them more interactive for participants to include a mock hearing element. All but the Public Hearing courses will be made available online with interactive aspects when the website and training platform are **available March 31, 2023**.

Due to the new Board Forum membership, **training priorities for the 2023-2024 fiscal year** are to:

- Host an in-person Administrative Law course in June or early December
- Host an in-person Board Orientation course in June or early December

An **ongoing source of \$150,000 per year of funding for Board Forum and Board Forum training** has been approved with an additional \$230,000 allocated to the Board Forum from the regional office. MVEIRB can continue to support these initiatives and welcomed others who wish to be involved in Board Forum training to contact them.

## Regulatory Pathways Update

Mark Cliffe-Phillips provided an update on the Regulatory Pathways Initiative, which was an emerging action item from the 2016 Board Forum to change the way regulatory and environmental assessment processes were communicated. A pilot online tool was developed to create a tailored outcome for specific types of projects a proponent may be looking at (i.e., mineral exploration). The tool is comprised of a series of questions and narratives **to guide a proponent through their project-specific regulatory process**, and results in a flow chart, absent of irrelevant regulatory processes. Mark highlighted that the flow chart includes relevant contact information and further authorization requirements.

**Next steps** for the Regulatory Pathways Initiative will be to:

- Complete the list of project activities to expand its use for proponents; and
- Integrate the Inuvialuit Settlement Region (ISR) processes.

## 2.3 Organizational Updates

Detailed organizational updates were provided by member organizations in advance to brief all participants which can be found in Appendix D. At the Forum, space was provided for one representative from each organization to provide a brief highlight or additional comment which are summarized below.

### Environmental Impact Review Board (EIRB)

- Recently updated the EIRB Guidelines and Rules of Procedures.
- Interested in developing own TK Policy.
- Plans in place to do six community tours in the ISR to focus on the environmental process with emphasis on how community members can participate in the review.
- Inuvialuit Game Council recently approved their support of a youth representative on the EIRB.
- Working on the education of youth and trying to engage with youth at the community level.
- Recently met with Environmental Impact Screening Committee (EISC) and determined the need for a position to take collected data and develop a baseline of the information for use by communities.

### Environmental Impact Screening Committee (EISC)

- Revised application guidelines to require carbon reporting and the implications of climate change on the project through its lifecycle.



### **Inuvialuit Land Administration (ILA)**

- Concerns from beneficiaries around sumps (drilling waste pits) in the region prompted a review to better understand the sumps in the region, however, it only captured 52% of the sumps with much information missing.
- Formed a committee with industry and government based on the report to address the sumps in the region. Developed a co-chair system with one Inuvialuit chair and one industry chair.
- Established a technical working group to help fill the missing information gaps.
- Inuvialuit will lead the project to work towards remediating sumps in the region.

### **Inuvialuit Water Board (IWB)**

- Currently working on the administrative 5-year review. The final report should be finalized by the end of March 2023.
- Re-starting Municipal Water Waste Workshops since COVID-19. Will be used to re-engage municipal governments, hamlet mayors, etc.
- Struggling with constant leadership and staff turnover.

### **Mackenzie Valley Environmental Impact Review Board (MVEIRB)**

- Updated the draft Guidelines for Major Projects to go Directly to Environmental Assessment.
- The draft Guidelines describe an optional, direct pathway to environmental assessment for major projects and the information developers must provide for MVEIRB to consider ordering a project directly to environmental assessment. The Guidelines promote early, ongoing, respectful engagement and collaboration between developers, affected communities, and Indigenous Governments and Organization. The Guidelines would improve the scoping process of the environmental assessment.
- Deadline for comments was January 2023, but further consultation will occur once initial feedback has been collated.

### **Gwich'in Land and Water Board (GLWB)**

- Have a full Board for the first time in many years. The GNWT member terms will expire shortly, so currently going through the nomination process.
- An access road in the region is currently being planned and construction should commence shortly.

### **Sahtú Land and Water Board (SLWB)**

- Working to expand capacity and combined efforts with schools and youth to work directly with Sahtú organizations.
- Preliminary screening work with the Canada Energy Regulator (CER) for the Imperial Oil Amendment Application on the Online Review System (ORS).

**Wek'èezhìi Land and Water Board (WLWB)**

- The Tłı̨chǫ Government is running a summer program to take youth from each community onto the land with Elder mentorship. WLWB will contribute rotating staff in-kind each day for a week to support the program.

**Mackenzie Valley Land and Water Board (MVLWB)**

- Updated the guidance documents with the process guides for applicants and the new tool for estimating security.
- Completed an overhaul of the ORS with MVEIRB and is available for use by other parties.
- Chair, Mavis Cli-Michaud's term expires in May 2023 and will not be seeking re-appointment. Anticipating a new Chair at the end of Mavis' term.
- Executive Director, Shelagh Montgomery is retiring at the end of March 2023. Kathy Racher will be replacing her at the beginning of April 2023.

**Gwich'in Renewable Resources Board (GRRB)**

- Focused on recruitment but having difficulties due to the inability to be competitive with other employers in the region. Limited funding is affecting the Board's ability to recruit and retain staff.

**Gwich'in Land Use Planning Board (GLUPB)**

- At full staffing capacity.
- Focusing continued efforts on the Gwich'in Land Use Plan review.

**Sahtú Renewable Resources Board (SRRB)**

- Holding a series of public hearings for the community conservation planning approach.
- Overarching question: what is the best way to conserve caribou in the Sahtú?
- Working to establish a scholarship fund to help community members with higher education, but also to get them out on the land and share TK.

**Sahtú Land Use Planning Board (SLUPB)**

- Finalized the Sahtú Land Use Plan during the pandemic which required innovative engagement mechanisms to complete the review.
- Working to build a stronger relationship with communities through ongoing engagement and community visits.
- Must identify areas in the Sahtú region that are more vulnerable than others to see if they are properly conserved in the current Land Use Plan.

**Wek'èezhìi Renewable Resources Board (WRRB)**

- Continue implementation of the 2022 Bathurst Caribou Proceedings.
- Ongoing implementation of the Wolf Management Proceedings.

### **NWT Surface Rights Board (NWT SRB)**

- Developed a plan that links the SRB procedure to existing and unfolding case law.
- Intent to provide a continuity of learning about SRB for new members as they join.

### **Office of the Oil and Gas Regulator (OROGO)**

- Working to permanently plug and cap large wells within the NWT jurisdiction.
- Approximately 85 suspended wells. Hope is to have between 50 and 60 wells permanently plugged and capped by the end of the work season.
- Processing applications and inspecting activities to ensure proponents are complying with the approvals that have been issued.

### **Canada Energy Regulator (CER)**

- Re-named as the Canada Energy Regulator, no longer the National Energy Board.
- Implemented a new governance structure.
- Established the Indigenous Advisory Committee (IAC) that provides strategic advice to the Board and has been key to finalizing the Reconciliation Strategy.
- Currently have a vacancy on the IAC.
- Hired a Professional Leader of Reconciliation.

## **2.4 Regulatory and Legislative Updates**

### **Federal Updates**

Rebecca Chouinard, Senior Special Advisor at CIRNAC provided federal regulatory updates.

### **Bill C-88**

- In 2019, Bill C-88 (An Act to amend the *Mackenzie Valley Resource Management Act* and the *Canada Petroleum Resources Act* and to make consequential amendments to other Acts) was passed and included Board re-structuring provisions.
- Work was underway to develop a regime and guidelines, however, the project has been paused until consensus among partners is met to move forward.
- CIRNAC will provide updates as they become available.

### **Development Certificates**

- CIRNAC has received feedback on Development Certificates from MVEIRB.
- MVEIRB will be presenting on Development Certificates at the Mackenzie Valley Operational Dialogue (MVOD) workshop in February 2023 to provide an opportunity for partners to share feedback.
- Feedback from the workshop will be used to inform the next steps.

## Regional Studies

- In June 2021, the Tłı̨chǫ Government requested a regional strategic environmental assessment (RSEA) of development for the Slave Geological Province.<sup>1</sup>
- MVEIRB hosted a workshop in June 2022 to discuss the proposal and invite comments and recommendations.
- The discussion will continue at the MVOD workshop around governance structure and scope around regional studies.
- The Minister is considering the feedback and is hoping to have a response prepared soon.

## Critical Mineral Strategy

- Recent announcement from the federal government to support the Critical Mineral Strategy with \$3.8 billion in federal funding.<sup>2</sup>
- \$40 million is dedicated to support northern regulatory processes across all three territories over seven years.
- The MVOD workshop will dedicate time to discussing priority areas and how to move forward with this funding.

Rebecca noted that there are in-person and virtual opportunities to participate at MVOD and invited members to contact her with any outstanding comments or questions. A MVOD Summary Report will also be distributed following the workshop.

## Territorial and Indigenous Government Updates and the Intergovernmental Council (IGC)

To inform Board Forum members of the Intergovernmental Council (IGC), three Government of the Northwest Territories (GNWT) representatives and two Indigenous Government (IG) representatives provided an overview of the IGC and the process of co-development of legislation. The presenters also discussed the IGC Legislative Development Protocol and a high-level overview of changes to the *Public Land Act*, *Forest Act*, and *Mineral Resources Act* and how the experience for all parties has worked.

## Overview of the IGC

*Presenter: Peter Redvers, Director of Lands, Resources and Negotiations, Kát'odeeche First Nation (KFN)*

Peter Redvers described that following the Devolution Agreement signed in 2014 that Canada transferred responsibility for managing public lands, resources, and rights in respect of water to the NWT, formally recognizing the rights, titles, jurisdiction, and authority of the GNWT and IGs. Prior to the transfer, IGs and the GNWT established the NWT Intergovernmental Agreement on Lands and Resources Management (IGA). The purpose of the IGA was **to formalize government to government relationships** and allow the further development of agreements among the GNWT and IGs **for cooperative and coordinated management of lands and resources** and reflects Indigenous parties' decision-making.

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<sup>1</sup> Area in the eastern NWT and northwestern Nunavut covering approximately 190,000 square kilometres and considered rich in mineral deposits. ([Government of Canada](#))

<sup>2</sup> Minister Wilkinson releases Canada's \$3.8-billion Critical Minerals Strategy to seize generational opportunity for clean, inclusive growth. ([Government of Canada](#))

The engagement and collaboration required under the IGA is **operationalized through the Intergovernmental Council (IGC)**. Peter noted that individual IGs receive funding through the Devolution Agreement to participate in the IGC and emphasized that Aboriginal and treaty rights continue to apply as they did prior to Devolution.

The structure of the IGC is comprised of the following:

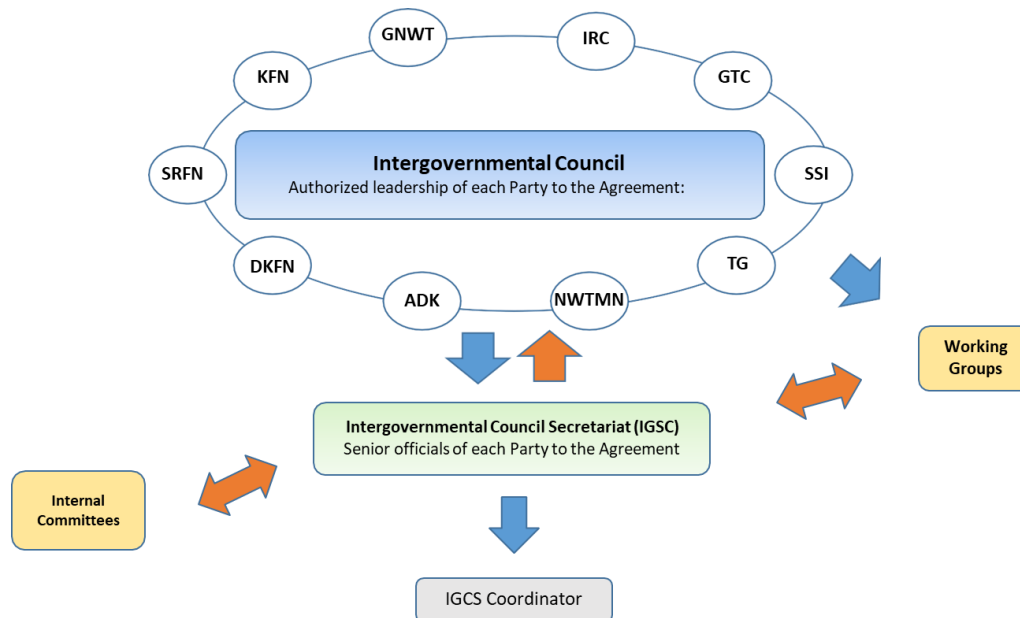


Figure 2: Structure of the Intergovernmental Council

**Duties of the IGC include:**

- Considering recommendation of the Council in each Party’s respective decision-making;
- Reviewing the land and resource management of each Party;
- Addressing legislative requirements for benefit agreements relating to resource development;
- Reviewing and developing any proposed changes to the legislation the GNWT is required to substantially mirror; and
- Developing protocols to ensure the management of public lands and resources and rights in respect of waters is consistent with the duties associated with the honour of the Crown.

Peter highlighted that the IGC has an IGC Secretariat (IGCS), comprised of senior officials of each Party to the IGA and IGC Working Groups, used to advance specific initiatives on behalf of the IGC. The IGCS is responsible for implementing the instructions and recommendations of the IGC. It includes an IGCS Coordinator to provide administration and coordinated functions as a neutral position. IGC Working Groups exist but they do not have decision-making authority, but are in place to advance specific initiatives and four working groups have been established, including:

1. Aboriginal Government Capacity Working Group
2. Impact Benefit Plans Working Group
3. Finance Working Group
4. IGC Legislative Development Protocol Working Group

Internal IGCS Committees are similar to the IGC Working Groups, however, they work under a Terms of Reference to facilitate timely action on issues and questions between full meetings.

Through the IGC, working relationships with the IGs continues to be strong through **the ability to find shared interests and sort out many challenges through their collective voice**. Peter concluded by stating that the opportunity for all other IGs to sign onto the Devolution and IGAs remains open for any who decide to do so.

## IGC Legislative Development Protocol

*Presenter: Brett Wheeler, Senior Policy Advisor, Sustainability and Resource Management, Tłı̨chǫ Government*

Brett described the Legislative Development Protocol, which was adopted by the GNWT and nine IGs to collaboratively develop Land and Natural Resource (LNR) legislation and regulations in the spirit of consensus.

Brett outlined the **seven steps of the Legislative Development Protocol**, including:

- A. GNWT invitation to participate**
  - GNWT invites all IGC members to participate in developing the substance of the legislative proposal.
- B. IGs determine level of engagement**
  - Each IGC member determines their level of involvement for a particular initiative, which can vary in nature.
- C. Engagement assessment and planning**
  - GNWT and IGs develop a workplan.
  - IGCS discuss potential involvement of other groups, such as non-IGC IGs and co-management boards – in all or part of the development process.
- D. Legislative proposal and regulation development**
  - Preliminary discussion leads to GNWT draft proposal and IG review. Amendments are made to finalize the proposal.
- E. Establish a Technical Working Group (TWG)**
  - The TWG is composed of officials appointed by the GNWT and participating IGs.
  - The TWG is responsible for developing technical and subject matter expert opinions, soliciting views of non-IGC IGs and co-management boards, and developing the proposed legislation.
- F. Collaborative development of draft legislation**
  - Reach consensus on draft legislation through the TWG.

### G. IGC Review

- Formal review of the legislation by the IGCS to reach final consensus and submit to the Minister to bring forward to the Assembly or Commissioner in Executive Council.

Brett concluded by emphasizing that the Legislative Development Protocol **builds on best practices of collaboration and further formalizes government-to-government relationships** through the IGC. The Protocol enables the IGC parties to **better achieve cooperative and coordinated management of lands and resources** under the IGA.

#### *Forest Act / Protected Areas Act and Regulations / Thaidene Nënë Regulations*

*Presenter: Christine Glowach, Manager Legislation and Legal Affairs, Department of Environment and Natural Resources (ENR), GNWT*

Christine provided a brief update on the *Forest Act*, which received consensus from the IGC in November 2022. The Renewable Resources Boards (RRBs) were engaged throughout the development of the bill and consultation concluded in January 2023. ENR will produce a “What We Heard Report” based on the public engagement and introduce the bill to the Legislative Assembly in February or March 2023.

Christine also spoke to the *Protected Areas Act* and Regulations, which is used for the establishment of the permanent protected areas to maintain biodiversity, ecological integrity, and cultural continuity of the NWT. The *Protected Areas Act* was developed prior to the IGCS protocol, however, a TWG was established with IGs and Indigenous representatives, and consultation with regulatory boards, stakeholders, and the public was completed.

Christine concluded by speaking to the Thaidene Nënë Regulations which reflect requirements set out in Establishment Agreements. The current regulations are being amended, which the IGCS TWG developed policy intentions to inform the draft amendments. IGC must reach consensus on the proposed final draft, which will be approved and brought into force in 2023.

#### *Public Land Act and Regulations*

*Presenter: Shauna Hamilton, Director of Policy, Legislation and Communications, Department of Lands, GNWT*

Shauna outlined the *Public Land Act*, which combines all GNWT land administered by the Department of Lands under one authority and eliminates the legislative division between Commissioner’s Land and Territorial Land. The key changes from existing legislation include:

- Consolidation of lands to public land;
- Removed mandatory restoration security provision to instead be a risk-based approach;
- Modernization of language, metric, removed outdated provisions;
- Defined ‘disposition’;
- Peace officer status can issue orders to come into compliance; and
- Non-compliance is an offence.

Shauna concluded by stating that Department of Lands will re-launch the Technical Advisory Panels (TAPs), including one with members of the LWBs, in Spring 2023 to help review proposed regulations.



## *Mineral Resources Act*

*Presenter: Julie Ward, Director of Mineral Resources Act Implementation, Department of Tourism and Investment (ITI), GNWT*

Julie described the *Mineral Resources Act* as a standalone mineral legislation that enables various new authorities and functions beyond current mining regulations. The key changes from existing legislation include:

- Modernized governance of exploration and mining;
- Shift from a temporal system to merit-based system for securing tenure for mineral claims and leases;
- Mineral claims no longer grant tenure to resources, instead a right to explore;
- Benefits are mandatory;
- Engagement requirements at decision points;
- Public registry;
- Increased enforcement ability;
- Creation of a Mineral Rights Review Board;
- Mandatory tracking of minerals removed from site; and
- Increased collection and publication of geological data.

Julie stated that they are currently working on follow up of feedback and additional discussions until the regulations are drafted. Discussions regarding implementation will continue to be ongoing.

## Q&A

**Question:** Are there any provisions for remediation under any of the legislations?

- **Response:** Remediation falls under the LWBs legislation and the *Public Land Act*. From a mineral perspective, a proponent is required to keep their tenure and reporting responsibilities. The GNWT's responsibility is to ensure proponents are continuing to report, however, the GNWT does not set out the terms for remedial efforts.
- **Response:** Most requirements for remediation are in the lease instruments. Many do not go through the Board process, so restoration requirements are needed in every disposition.

**Question:** In the case of disaster due to mineral exploration where there is lost land or the pollution of water, how will Indigenous people and Northerners be compensated?

- **Response:** Compensation provisions are typically found in individual Impact Benefit Agreements (IBAs), which are negotiated between IGs and the proponent. The GNWT is not responsible for these negotiations.



**Question:** When do mining rights come into operation and what instruments / authorizations are required?

- **Response:** Mineral resources are owned by the people of the NWT, until proponents reach the mineral rights lease stage where they acquire tenure. Proponents have the subsurface rights to explore, but not to mine until a mineral lease is acquired.

**Question:** How is the decision made to include outside parties in the IGC? Why doesn't the IGC consult directly with the outside parties? Boards are often lumped as stakeholders and without direct access to discuss legislative changes that fundamentally affect them, a frustrating process is created.

- **Response:** There are two spots in the Legislative Development Protocol to have the conversation to include others: Steps C and E. From the perspective of the Tłı̨ch̨ Government, the TWG in Step E should not be limited by the conversations that occurred in Step C. Whenever there is an interaction with operations with one of the Boards or a non-IGC member IG, there should be a level of engagement. Ideally, there should be as much time and space as needed during the collaborative process and legislative development in Step C, rather than waiting until Step E when there are shorter timelines.
- **Response:** The decision to include external parties is by consensus in Steps C and E. The Protocol is still so new, which results in a learning curve for all involved.
- **Response:** There was IGCS consensus for the Boards to not directly participate at the table, but regional IGs are strong advocates for the Boards and IGs are protecting the interests and rights of their citizens. The IGC is to ensure that there are no conflicts between the workings of the Acts and the workings of the Boards. Treaty rights are protected, which is partly the reason why consensus was reached. Boards can speak directly to the GNWT or the IGs if conflict arises. The IGC recognizes that the Boards need to be accommodated for the work they do and the regions they are responsible for.

**Comment:** The IGC is not involved at the community-level. Last Spring, people had cabins with letters on their door and notices that they would be charged for cutting wood. Indigenous people have no say – the process must change to have people at the community-level be part of the consensus discussion.

- **Response:** Rights-holders harvesting for traditional and personal use do not require permits. The KFN completed a full inventory of cabins and identified and mapped those that were owned by KFN members to share that information with the GNWT, so they do not post letters to those cabins.

**Question:** Can you speak to bulk sampling and how the *Mineral Resources Act* approaches regulation of it?

- **Response:** Bulk sampling can happen at any time in the mine lease for the purpose of testing the market, not for the purpose of selling. Every proponent that bulk samples without a lease is required to report it to the GNWT. If sold, the proceeds are recouped by the government. If a proponent has a production licence and they sell the minerals, proceeds will be subject to royalties, IBAs, and socio-economic agreements.

## 2.5 Northwest Territories Environmental Audit and Board Response

*Presenter: Lorraine Brekke, Manager, NWT Cumulative Impact Monitoring Program, Environmental Stewardship and Climate Change Division, ENR GNWT*

Lorraine provided a presentation on the 2020 NWT Environmental Audit to share a status update on key audit findings and recommendations, as well as tentative timelines for the 2025 NWT Environmental Audit.

### Background

- The purpose of the NWT Environmental Audit is to assess the quality of the environment and effectiveness of environmental management in the Mackenzie Valley.
- The 2020 NWT Environmental Audit made 40 recommendations; 11 were addressed to the co-management Boards.

### 2020 Recommendations for the Co-Management Boards *(classified thematically)*

- **Guidance for proponents**
  - Discuss opportunities and challenges with client groups.
  - Develop a standardized mineral exploration permitting bundle.
- **Board procedure**
  - Establish a TK Advisory Committee.
  - Re-examine the engagement process.
  - Develop monitoring and evaluation frameworks for all land use plans.
- **Increase capacity**
  - Address board capacity challenges.
  - Develop a participant funding program.
- **Inspection regime**
  - Establish a process to meet and discuss challenges and solutions.
- **Monitoring program design**
  - Ensure the adoption of consistent monitoring requirements for proponents.
- **Cumulative impact information needs**
  - Identify the specific information required from government that would aid in considering cumulative impacts in decisions.
  - Publish cumulative impact knowledge gaps.

### 2025 NWT Environmental Audit Process

- The 2025 NWT Environmental Audit process has begun, and the Terms of Reference are being finalized.
- Information collection by the Auditor is expected to be done in late 2023 to 2024.
- The NWT Environmental Audit will be released in 2025.

For more information about the NWT Environmental Audit, see the [NWT Environmental Audit](#)

## Roundtable on Board Response

Board Forum members provided brief updates on the key actions their organization have implemented in response to the 2020 NWT Environmental Audit recommendations.

**WLWB's response to increase capacity recommendation:** Participation funding is still a limiting factor for increasing capacity. The federal government has doubled participation funding from \$1 million to \$2 million, however, it only applies to environmental assessments, not licencing and permitting. The federal government needs to increase their support and provide adequate participation funding to ensure money is given to those that otherwise would not have the funds or resources to participate in important discussions. The WLWB has included some participant funding in our budget, however, there may be perception of bias if funding is provided from the Boards.

- **GNWT's Response:** The GNWT and Boards should respond with the same messaging to the federal government regarding participation funding. In response to the 2025 Audit, the GNWT and Boards should discuss recommendations and respond in a shared way.

**MVEIRB's response to board procedure recommendation:** MVEIRB was given three recommendations and a response for each can be found in Appendix D in MVEIRB's organizational update. The highlighted response was to:

- **Increase TK throughout the review process**
  - **Response:** MVEIRB had one of the earliest TK Guidelines and Policies of any Board. MVEIRB will dedicate more time developing project-specific approaches since context is critical. MVEIRB has used TK as an adequacy requirement for projects to determine their significance through community-based indicators of well-being.

**SLUPB's response to board procedure recommendation:** The biggest concern for the LUPBs is that the reviews of the land use plans take too long, which undermines the confidence of land use plans. The SLUPB is trying to work with approving parties to streamline the process, however, it is still requiring years for approval. Land use plans should be dynamic and updated frequently, which is not possible if the approval process stays inefficient.

## Environmental Audit Small Group Activity

Building upon the NWT Environmental Audit discussions, Forum members were invited to gather in small groups to reflect on four questions related to how the NWT Environmental Audit could be better utilized. The questions and some of the group responses include:

1. **What is the awareness of the NWT Environmental Audit recommendations across Boards, and how does it influence your work?**
  - a. Awareness is increasing, but it should be added to the Board Orientation training to create further awareness for all new Board Forum members.
  - b. Awareness is high across the LWBs – used Audit recommendations to align with the most recent strategic plan.
  - c. RRBs and LUPBs awareness is very low.

## 2. How could the NWT Environmental Audit methods and content be improved to be more useful for Boards?

- a. A webform could be created for tracking and accountability of responses to the Audit's recommendations.
- b. Make the scope more accessible and use case studies so people can see experiences and relate their own to it better.
- c. Make recommendations regionally-specific and process-specific for the different organizations involved in the regulatory system.
- d. Create a pointed system to highlight successes (i.e., a report card) to make the Audit more relevant to all organizations.

## 3. How could NWT Environmental Audit results be better communicated to Boards?

- a. Use existing workshops to present on the Audit and raise awareness.
- b. Celebrate successes where recommendations have been addressed.
- c. Create documents in the language of the region.
- d. Develop plain-language summaries.
- e. Use the NWT Board Forum as a space to discuss audit recommendations and verify results.

## 4. How could all Parties better monitor and communicate their activities to address NWT Environmental Audit recommendations?

- a. Ask all organizations with recommendations to report their progress on an annual basis in a tracking table.
- b. Annual check in at the NWT Board Forum to set priorities and discuss progress.
- c. Need better coordination between all organizations when addressing recommendations. It is important to remember that the work being done is for the communities.



Figure 3: Small group activity discussions.

### 3. DAY 2 – FEBRUARY 1, 2023

#### 3.1 Engagement Icebreaker

Day 2 began with an engagement icebreaker to link to the Forum’s theme of renewing the Forum network and getting to know peers by connecting through the important work that is done by the participating organizations on a daily basis. Groups were invited to discuss their work in a general sense to come up with two similarities of the work they do; the type of projects they deal with; the expertise they have; and the gnarly challenges they may be facing, as well as one difference. Responses are summarized in the table below:

Table 1: Summary of Engagement Icebreaker Responses

Similarities	Differences
<b>Group 1: Members from GLWB, MVEIRB, EISC, EIRB, SLUPB</b>	
<ul style="list-style-type: none"> <li>• Under a Land Claim Agreement</li> <li>• Review land use plans and water licences</li> </ul>	<ul style="list-style-type: none"> <li>• Regional differences</li> <li>• Different land claim groups</li> </ul>
<b>Group 2: Members from EISC, GNWT, SLUPB</b>	
<ul style="list-style-type: none"> <li>• General opportunities within communities</li> <li>• Struggle with capacity</li> <li>• Struggle with the cost of business</li> <li>• Areas of interest are large and complex</li> </ul>	<ul style="list-style-type: none"> <li>• All bring a different lens within the same theme</li> </ul>
<b>Group 3: Members from GNWT, CER, MVEIRB</b>	
<ul style="list-style-type: none"> <li>• Rely on interactions and relationships with other organizations</li> <li>• Challenges with staffing, resources and expertise</li> <li>• Rely on scientific data and TK</li> <li>• Dealing with change (i.e., climate change, economics, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Mandate that is specific vs. a mandate that is broad</li> </ul>
<b>Group 4: Members from GNWT, SRB, MVLWB</b>	
<ul style="list-style-type: none"> <li>• Dealing with land in the co-management decision-making system</li> </ul>	<ul style="list-style-type: none"> <li>• Many active files vs. no active files yet</li> </ul>
<b>Group 5: Members from SLWB, MVEIRB, GLUPB, CER</b>	
<ul style="list-style-type: none"> <li>• Regulators</li> <li>• Facing challenges with recruitment and retention</li> </ul>	
<b>Group 6: Members from GRRB, SLWB, OROGO</b>	
<ul style="list-style-type: none"> <li>• Facing challenges with hiring and resourcing</li> <li>• Rely on each other for preliminary screening and application process</li> </ul>	<ul style="list-style-type: none"> <li>• Multiple preliminary screeners for individual projects</li> </ul>
<b>Group 7: Members from WLWB, WRRB, SRRB</b>	
<ul style="list-style-type: none"> <li>• Have experienced changes to the land firsthand</li> <li>• Experiencing challenges with changes to languages, inflation, pandemic, and climate</li> <li>• Cross-cultural awareness is a priority</li> </ul>	
<b>Group 8: Members from CER, EIRB, IWB</b>	
<ul style="list-style-type: none"> <li>• Issue permits</li> <li>• Funding is a challenge</li> <li>• Lack of clear responsibilities</li> <li>• Lack of honorarium funding</li> </ul>	<ul style="list-style-type: none"> <li>• Jurisdictional differences</li> <li>• Ways of performing impact assessments</li> </ul>





Figure 4: Board Forum members discussing the engagement icebreaker

### 3.2 Northwest Territories Cumulative Impact Monitoring Program (NWT CIMP)

*Presenter: Lorraine Brekke, Manager, NWT Cumulative Impact Monitoring Program, Environmental Stewardship and Climate Change Division, ENR GNWT*

Lorraine provided a presentation on the overview of the NWT Cumulative Impact Monitoring Program (NWT CIMP) research priorities and spoke to how the NWT CIMP works with and communicates with the Boards.

#### **Background**

- The NWT CIMP Steering Committee provides guidance to the program and project funding decisions.
- Key activity areas of the NWT CIMP include:
  - Monitoring
  - Communication
  - Audit
  - Priorities
- Input on the NWT CIMP Action Plan is obtained through annual workshops, surveys, and the Steering Committee.

#### **Monitoring and Research Priorities**

- Caribou, water, and fish monitoring blueprints.

- Collection of TK related to the valued monitoring and research priorities. The website includes a [TK Monitoring Ideas](#) section reflecting that TK must be driven at the community-level.
- Priorities were established from:
  - Partners in 2011 when NWT CIMP required a narrower focus to effectively monitor cumulative impacts;
  - 2016 and 2021 Action Plans; and
  - A series of virtual meetings in 2021 to rank priorities and identify research gaps on caribou, water, and fish.

### Working and Communicating with Boards

- MVEIRB and LWBs are observers on the NWT CIMP Steering Committee and contribute to funding decisions and monitoring blueprints.
- As part of the funding process, GNWT asks NWT CIMP project leads to work with the co-management boards to build projects that meet their needs.
- The GNWT and Boards have developed and released joint guidelines to create consistencies and clear expectations for proponents.
- The GNWT distributes program information and program results to the Boards intended to help or inform their decision-making – plain-language and technical versions available.
- GNWT hosts and provides spatial data to Boards (i.e., annual update to landscape disturbance map)
- CIMP produces plain-language bulletins of the work done throughout the year, annual reports, and five-year summaries to distribute to Boards and the public.

### Ongoing Work

- Developing a Cumulative Impact Monitoring Framework, which will include perspectives from TK and western science.
- Developing an approach to water quality monitoring that will allow all partners to contribute information through a publicly available site selection tool to coordinate efforts.
- Consideration of long-term monitoring, which is a topic to be discussed by the Steering Committee shortly.

For more information about the CIMP, see the [NWT CIMP](#) webpage.

### Q&A

**Question:** If Elders in the communities are interested in receiving the plain-language summaries in their language, is this something they could request from the GNWT?

- **Response:** The GNWT has received similar requests and have translated a summary of the five-year report. The GNWT is able to translate the summaries, however, the bottleneck is the availability of translators. We have heard that written translation is important, but audio translation is more accessible, so we've been looking into that service.

**Question:** Is there any research going on into determining the level of potable groundwater?

- **Response:** Currently, we do not have a lot of work happening that is focused on groundwater. It was just included in the latest update of the water monitoring blueprint.
- **Response:** The GNWT does have groundwater monitoring occurring in conjunction with other agreements with British Columbia. There is also work happening to delineate groundwater resources.

**Question:** There is a country in Europe that has a Cumulative Impact Monitoring Framework for the whole country to keep monitoring consistent. Is CIMP working towards a framework for all of NWT?

- **Response:** The Cumulative Impact Monitoring Framework is intended to help adaptively monitor and predict cumulative impacts with consistent methods and data aspects. There will be a lot of similarities, however, CIMP is not able to take on all the monitoring occurring across the NWT but could offer guidance and analysis of data.

**Question:** Follow up programs are required for most, if not all, environmental assessments going forward. There is a strong linkage between the Cumulative Impact Monitoring Framework and management to ensure data and analysis is going to look at the effectiveness of mitigation. There is a lot of success in the CIMP on the biological aspect of the definition of environment in the MVRMA, however, more focus must be dedicated to the socio-cultural aspect of the environment. The CIMP is missing out on a large portion of the intent of the programming. How will this be remedied?

- **Response:** There has been a lot of focus dedicated to trying to encourage the use of TK through a TK-specific funding proposal to make the CIMP more holistic through blueprint revisions. The TK Monitoring Ideas section of the website also provides space to look at the connections between humans and caribou, humans and fish, and humans and water.

**Comment:** CIMP funded a lot of the ILA's monitoring programs, which has been helpful to build capacity for local environmental monitors to collect data on their own, rather than with research programs. We are building the program to tie with our sump monitoring programs and we have seen positive results in our region.

**Question:** The Mackenzie River is an important area. There are concerns with the contaminants coming from Alberta. Is there anything being done about this issue? The GNWT needs to engage surrounding communities.

- **Response:** There is a part of GNWT ENR that deals with transboundary water agreements. There is one with Alberta that has a Bilateral Management Committee with several GNWT, IG, and community representatives that have committed to understanding the current quantity and quality of the water to maintain ecological integrity. Indicators and potential triggers for certain water quality parameters or levels of flow have been set and they are required to report annually on the status. There are concerns with respect to the plans the federal government and Government of Alberta have to develop regulations to allow the release of effluent from tailing



ponds. GNWT is not on board with these regulations unless it can be proven to be done safely and we are recommending they engage and consult with affected communities.

**Question:** Within the CIMP, it is important to see more effort in involving youth in monitoring to build capacity at the community-level. How much work is done on checking contaminants, diseases, etc. in the water? Release of water from the tar sands is impacting fish health and water quality.

- **Response:** There is a community-based monitoring program that started in the Slave River Delta and continued down the Mackenzie River. The goal of the program is to hand off as many field sampling aspects as possible to the community and summer students are hired to assist. They do sample for contaminants and long-term analysis did not find any in the sites in the NWT. The sites that water is collected from is based on the input from community members. All data collected is available on the [Mackenzie Data Stream](#).

**Question:** In the Gwich'in Land Claim, we have been seeing changes in the water system and flow for some time. What scientific data is the GNWT using? Today in the communities, everyone must buy water when before we used to stick our cup into the river to drink. If the GNWT is doing a lot of monitoring, what is the follow up action if something detrimental is found in the data?

- **Response:** The GNWT has some sites with longer-term records, so it is site-specific. The GNWT recently re-signed a bilateral agreement with the Yukon. In terms of fish, we have developed some expertise on how to communicate the information back to the communities. We have a good relationship with the Department of Health and Health Canada to take that information and develop materials to raise public knowledge.

### 3.3 Update from the MVRMA Workshop on Climate Change

*Presenter: Kate Mansfield, Manager of Environmental Assessment Policy and Planning, MVEIRB*

The co-management boards and the federal and territorial governments in the Mackenzie Valley hosted four virtual workshops on the *Mackenzie Valley Resource Management Act* (MVRMA) in 2022. Kate noted that the topics were decided through a feedback survey at the end of the 2021 workshop. The first three topics were an introduction to and overview of the co-management system, closure and reclamation, and consultation and engagement. The fourth and final workshop of the year was focused on climate change within the context of the MVRMA.

The goals of the Climate Change workshop were to:

- **Share information about how:**
  - The Mackenzie Valley and its regulatory regime are affected by climate change;
  - Climate change is currently considered in resource management decision-making processes; and
  - Industry is innovating to decarbonize and adapt to climate change.
- **Engage in dialogue about:**
  - How Indigenous science and western science inform and enhance decision-making related to climate change; and

- Ways to improve consideration of climate change in the Mackenzie Valley regulatory regime.

Panels and presentations at the workshop included:

- **Climate Change in MVRMA Decision Making Processes** with representatives from GNWT-ENR, Environment and Climate Change Canada (ECCC), MVEIRB, and LWBs to discuss how climate change is considered in decision processes.
- **Industry Innovations** with representatives from DeBeers and Cheetah Resources to highlight actions industry is taking to mitigate and adapt to climate change.
- **Emerging Leaders and Elders** with Indigenous Elders and youth to share their perspectives on what support is needed from decision-makers in the face of climate change.
- **Climate Change, Permafrost and Impact Assessment in the Mackenzie Valley and Western Arctic** with Dr. Chris Burns from Carleton University.
- **Summary of the Strategic Assessment of Climate Change** with Matthew Zeptelli from ECCC.
- **Weaving Indigenous Knowledge with Western Science** with Dieter Cazon from Łíídlıı Kúé First Nation.

Kate emphasized that planning objectives were applied to achieve broad, regional representation and respectful planning of the workshop.

**Key takeaways** from the workshop, included:

- **Impacts of climate change are real, profound, and already felt** throughout the Mackenzie Valley and Western Arctic;
- Co-management Boards and governments have been incorporating climate change into their decision-making processes but **more needs to be done to keep pace with the changes**;
- The Mackenzie Valley **needs active, ongoing, and respectful collaboration** between all partners in the co-management regime to work towards systemic change; and
- **Indigenous people, governments and knowledge systems** must be a cornerstone of any climate solution in the Mackenzie Valley.

To read the full MVRMA: Climate Change Workshop report, see the [MVRMA Workshop](#) webpage.

## Q&A

**Question:** EISC is struggling with understanding who the authority is to define minimum acceptable climate scenarios. Has the GNWT stepped forward as the authority? Are there different hierarchies within the territory (i.e., the high arctic, subarctic, etc.) with different climate change scenarios?

- **Response:** MVEIRB has been engaged to look at larger projects that may require larger modeling scenario requirements and see how ECCC could provide better advisory support. The GNWT is an authority within the NWT, but the expertise at the national level lies with ECCC. Any assistance from the GNWT and ECCC is helpful when assessing a project. MVEIRB has begun

writing letters to the specific expert departments within those organizations with expectations of how they may assist in the environmental assessment process.

- **Response:** A reasonable approach would be to look at a range of scenarios. It is tough with scenarios that have been completed at a large scale. The GNWT has downscaled some of those scenarios and can share some of the work that has been done for some communities and the nearby diamond mines. There is more work to be done and the GNWT needs to come to an agreement with the Boards to set expectations.

**Comment:** For a project with many uncertainties and high risk, Boards must use more precautionary approaches when decision-making; it is not always about modeling, but rather about understanding risks. Using an insurance-based approach focused on risk-based criteria may be an important lens to apply to the decision-making process.

## Plenary Discussion

To foster discussion, Board Forum members were asked to reflect on and share the **biggest risks affecting the work of their organization as it relates to climate change.**

**WLWB:** The Ray Rock site is expected to hold a licence from the Canadian Nuclear Safety Commission forever. We know the modeling is only reliable up to 100-150 more years in terms of the environment. It is becoming a challenge for regulators to determine requirements when we do not know how climate change will impact past the viable modeling scenarios (i.e., how do we hold nuclear waste safely in the long-term)?

**GRRB:** Challenges exist for our stakeholders and constituents, as it relates to the Delta River courses. Incursion of beavers into the Delta River is causing dramatic changes to the water courses. Many cabins that were once along the river are no longer and it is causing drastic risk to harvesters.

**GLUPB:** Climate change is occurring faster than we can review the land use plans. We are unable to keep the land use plans up to date and relevant when changes are happening so rapidly.

**WRRB:** We have seen steep declines of caribou populations over the past 20 years, and there is less time available to recover the herds. Climate change is impacting all wildlife, the water, habitat, etc. and will therefore make our work more complicated. Communities are seeing the changes on the land and there is great concern for what that means for their way of life.

## 3.4 Ministerial Decision Phase

*Presenters: Lorraine Seale, Director of Securities and Project Assessment, Department of Lands, GNWT & Jennifer Walsh, Senior Environmental Policy Analyst, CIRNAC*

Lorraine and Jennifer presented an overview of Ministerial decisions on Board recommendations:

### How the Process Works

- The details of the process may vary according to the provisions of legislation and land and resource agreements. Factors that may vary include guiding principles, which Ministers are involved, what decisions that can be made, factors that must be considered, and the time limits.

- In the internal process, staff provide the Minister with the background of the co-management system and the role of the Boards to provide context. The Minister then makes specific decisions from the recommendations that are provided.
- Ministers must exercise their discretion reasonably and fairly, to preserve integrity of the decision process.
- Ministers must consider the duty to consult, and where appropriate, accommodate.
- General considerations are made to ensure the process is followed and decisions are consistent with legislation.

## Cause of Delays/Challenges

- Questions about how a Board considered the evidence presented during the process;
- Questions about procedural matters;
- New information;
- Concerns raised during Aboriginal consultation; and
- Emergencies and community events.

## Lessons Learned

- Value of process discussions and relationship building initiatives (i.e., Board Forum, MVRMA workshops, etc.).
- Clear and organized plain language in decision reports and procedural documents.
- Learnings from case law.

Lorraine and Jennifer concluded their presentation by emphasizing **the importance of working together to identify and solve challenges to support integrated resource management**. The GNWT and CIRNAC are committed to developing and maintaining productive working relationships.

## Q&A

**Question:** Does the Vavilov Decision<sup>3</sup> affect reviews at the Ministerial level?

- **Response:** From an environmental assessment side, the Ministerial decision is already operating at a reasonable perspective. The Vavilov Decision is one of the reasons for emphasis on the importance of clear and organized plain language.

**Question:** Are there any observations historically from when a Minister took issue with a decision? Are there lessons learned on how to frame this?

- **Response:** There were four mineral projects being reviewed in the same area at the same time. The Minister had questions around evidence that resulted in sending an item back for consideration. In the environmental assessment realm, the Minister can decide to consult and

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<sup>3</sup> Landmark ruling on administrative law addressing selecting the standard of review and applying the reasonableness standard. ([Supreme Court of Canada](#))

modify the recommendations of the Board. It lends to building relationships and better understanding roles.

**Question:** Ministers need to understand who the decision-makers are and how we make the decisions. The LWBs are clear and transparent, so it makes for an uncomfortable situation when the Minister comes back to us with different recommendations, as we have done our research with the parties involved. The decision results in challenges for the proponent because they must wait for their licence to be processed. The GNWT needs to understand how our process works because we understand their process well. The delay from the Ministers causes our proponents to suffer, which impacts the economy in the NWT.

- **Response:** The GNWT respects the Boards' authority and understands what the roles are. The important part is that the Minister needs to make decisions with administrative law considerations. The GNWT participates with the Board processes and commits to bring all the evidence forward and tries to be transparent in the decision letter the Minister sends. The GNWT understands the impact to industry and is committed to continue discussions with Boards to implement improvements to the process moving forward.

**Comment:** RRBs are providing remediation recommendations to the Ministers. It is important for implementation of the recommendations to be done in a timely manner to be most effective. When we do receive rejection of a decision, the Minister's letter must provide a better rationale. The Boards put a lot of effort into providing both scientific and TK evidence, so when an adequate rationale is not provided, it defeats the purpose of the effort.

### 3.5 Communication, Regulatory Coordination, and Process Harmonization

To initiate conversation, Ryan Fequet, Executive Director of the WLWB provided a brief demonstration on the LWBs SharePoint website that is used to house and manage all LWB collected data and information. The SharePoint provides the opportunity to add subsites onto the main site, which allows other organizations to upload their data. CIMP, SLUPB, OROGO, and GNWT ENR have been given secure access to store and manage their data and information. Ryan extended the invitation to all NWT Board Forum organizations and invited members to reach out to him if interested.

Ryan also provided a demonstration to the [Online Review System](#) (ORS), which allows the public to provide real time comments and feedback to active reviews. Comments are live and allows the proponent to respond live, which ultimately helps to inform Board decisions. The ORS houses the active reviews of MVEIRB and the four Mackenzie Valley LWBs. Ryan stated that the ORS can be expanded to include other organizations and invited members to reach out to himself or Mark Cliffe-Phillips if interested.

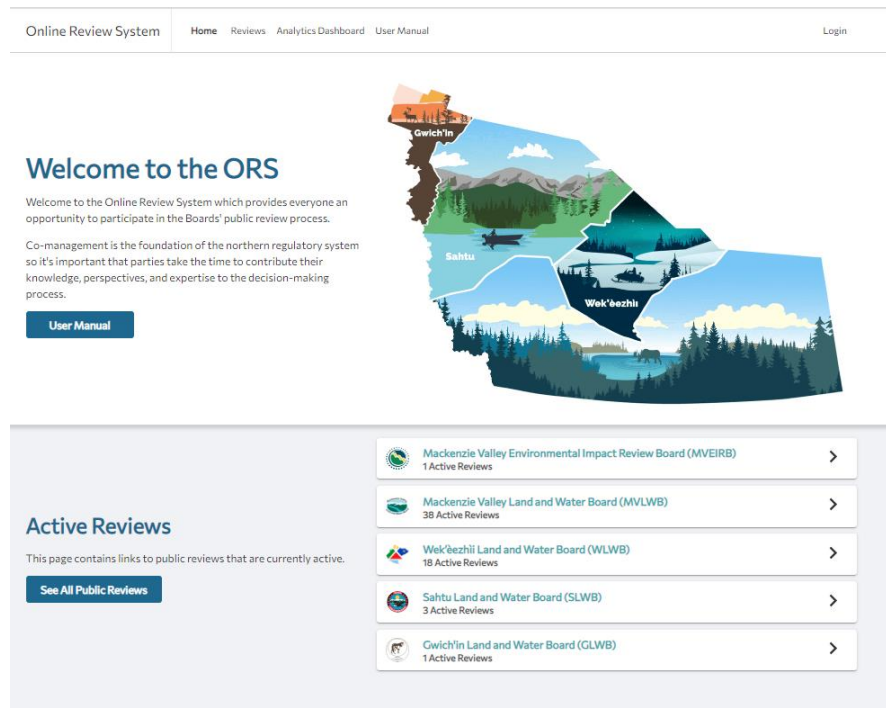


Figure 5: A snapshot of the Online Review System

## Plenary Discussion

Board Forum members were invited to share ideas regarding:

- The **coordination between regulatory and environmental assessment processes**, especially the link between measures, monitoring and enforcement; and
- **Interaction with other legislation**, such as the *Wildlife Act* and provisions, EA and water permitting.

Responses are listed below:

**WLWB:** There are many people involved in the co-management system and often things are happening to a good standard. Often struggles that organizations are having, have solutions, but they are not widely communicated. Organizations must ask questions and express concerns amongst one another so that answers can be communicated, and coordination can be improved.

**OROGO:** Operations that we are responsible for overseeing likely have a water licence or land use permit associated with them. We are trying to better coordinate with inspectors who are responsible for the water licence and land use permit, which has been successful in a practical way. We have implemented pre-season meetings to talk about the plan for the season and during the season, we have weekly meetings to talk about the status of operations and coordinate inspection visits. It has streamlined our processes drastically.

**MVEIRB:** There is coordination of the decision-making process amongst various organization, however, follow-up is important. Coordination needs to be applied to not only implementation, but also the follow-up to ensure that the suite of mitigation efforts is effective. MVEIRB has an Impact Assessment Improvement Working Group, but we do not know how to coordinate on transboundary issues. The benefit of the federal system is that there is a single body performing the decision-making and have compliance enforcement within the same body. MVEIRB has no compliance and enforcement authority in-house, which makes the process difficult for the Review Board and the developers, as well.

**EISC:** One concern is the growing tourism footprint in the North, which is a regulatory gap. Recommendations and conditions on the approval of projects in terms of tourism are not being followed by some proponents and there is very little recourse for non-compliance. The physical distance of those with enforcement authority is causing challenges, however, it is very costly to re-locate them somewhere closer. We need those with authority to start paying closer attention to the compliance of proponents.

**EIRB:** We make our decisions based on our community members. They tell us how major projects are going to affect them, especially when it comes to the land and their harvesting abilities. We make the decisions but cannot enforce them. It is important to move the Coast Guard from Yellowknife to Tuktoyaktuk where the coast is to increase proper enforcement. The lack of enforcement can cause tension between the Board and the community because it reflects poorly on the Board in the eyes of the community if the project is not being enforced by the appropriate authority.

**SLUPB:** We have completed a monitoring and evaluation report to review how regulators are interpreting the plan to inform land use plan revisions to improve interpretation of the various rules. We are working with regulators; however, some are not willing to review the plan and it makes it difficult for our small Board to coordinate with government departments who are not willing to reciprocate the efforts.

**NWT SRB:** It appears that the Board Forum is focusing on the mechanics of the Boards' work. Decision makers ultimately take all this information and then ask, "so what." Mechanics are critical – we need an effective machine to do your work – but how are we using the information to inform Board Members so we can make the best decisions possible, and shouldn't they be informed by sustainability?

**EISC:** We need to build community capacity to review applications and understand how important their voice is within the regulatory process. Without community input, we are missing a big piece in the decision-making process. We need community members doing the Board Forum training and participating in Board Forum because all the work we do is for the communities.

Board Forum members were also asked to reflect on and share any **novel ideas** their organization is using **to improve coordination and harmonization** within their processes. Responses include:

**CER:** We have developed online tools to foster better coordination. We have updated pipeline profiles with overlaid treaty and reserve information to inform which communities are located along the pipeline. Information about the elected leaders and who to contact within the provincial and federal governments is also provided. We also hold approximately 60 years' worth of data, so we created a



search tool called [BERDI](#) (Biophysical, Socio-Economic, and Regional Data and Information) to help adjudicators make informed decisions.

**MVEIRB:** We are developing public education outreach tools to help ensure that residents in the Mackenzie Valley have a voice in resource management. We are finding ways to leverage collective outreach tools and coordinate with other organizations. The Board Forum website renewal may help us build public outreach tools under the Board Forum umbrella.

**OROGO:** A Memorandum of Understanding (MOU) is a great step to formalize coordination, but we have experienced varying levels of success with MOUs in improving the process. Both parties must be willing and able to dedicate time and effort into implementing the MOU and making personal connections to experience success.

**WRRB:** We call community members directly to build relationships. We do not require MOUs to do so with the community members, only at the higher level with government, etc. With communities, the less formal the relationship, the more comfortable they will feel. We share information with other RRBs to prevent duplicative efforts.



Figure 6: Board Forum members sharing thoughts in plenary discussion.

### 3.6 Updates on Board Appointments and Honoraria Review

Andrew Webster, Senior Policy Advisor with CIRNAC provided an update on Board appointments and honoraria review.

The **Board appointments process** now has new procedures for advertising Board positions that require criminal record checks that lengthen the process. There has been discussion about converting appointments to Ministerial appointments, which may be quicker and less complicated when it comes time for an honoraria review. Some organizations would like to see direct appointments. Andrew emphasized that Boards should think about this as it could set a precedence across the regulatory



system, which is currently relatively free of nepotism and corruption. Note that Boards are encouraged to reach out to Andrew with their thoughts on the idea of direct appointments.

Andrew is still working on getting the **revised funding and honoraria processes approved**. The process was put on hold and is now being resumed under the supervision of a colleague. A Request for Proposal (RFP) will be released in search of a consultant to analyze Board honoraria to make recommendations on how to proceed. Note that a decision should be expected in a year or two.

**Permanent funding for Board Forum and Board Forum training has been approved.** Andrew noted that to help achieve greater participant funding, members are invited to send him rate comparisons, so further analysis can take place.

### 3.7 Board Priorities and Action Items

Below are the priorities and associated action items that were identified throughout the session. Where participants identified a willingness to lead an action area, this has been noted. If you or an organization you know is interested in leading and/or supporting any of the items, please reach out to Michelle Lewis of CIRNAC at [michelle.lewis@rcaanc-cirnac.gc.ca](mailto:michelle.lewis@rcaanc-cirnac.gc.ca).

Table 2: Summary of Board Priorities, Action Items and Accountable Parties

Priority	Action Item(s)	Accountable
<b>Board Appointments</b>	Develop a letter to CIRNAC on behalf of the Board Forum expressing thoughts on issues surrounding Board appointments	Leads: Paul Dixon, SLWB Mark Cliffe-Phillip, MVEIRB
	Provide thoughts on direct Board appointments to Andrew Webster	All
<b>Honoraria Review</b>	Develop a letter to CIRNAC on behalf of the Board Forum expressing concerns and need for increased remuneration	Leads: Paul Dixon, SLWB Mark Cliffe-Phillip, MVEIRB
<b>Implementation Funding from CIRNAC</b>	Develop a letter on behalf of the select Board Forum members that receive federal funding and follow federal policy to address needed changes for better distribution and coverage across the Boards	Leads: Paul Dixon, SLWB Mark Cliffe-Phillip, MVEIRB
<b>Board Forum Training</b>	Update and deliver in-person core training courses on Board Orientation and Administrative Law	Lead: MVEIRB Support: Louie Azzolini, SRB
	Develop Public Hearing Training course with mock hearing element	
	Re-establish Board Forum Training Committee	

# nwt board forum

## Resource Management Information for the NWT

Priority	Action Item(s)	Accountable
<b>Employee Salary Analysis</b>	Coordinate and review pay scale grid across all the Boards to look for an equal way to classify staff and engage government so Boards can pay competitive salaries to other agencies	Lead: Mark Cliffe-Phillips, MVEIRB Support: LWBs and ISR Boards
<b>Continued Emphasis on Incorporation of TK</b>	No specific action item, rather a principle for Boards to employ	All
<b>Future Leader-Focused Initiatives</b>	Create space and funding for Future Leader ambassador(s) at future Board Fora	Leads: Tanya MacIntosh, SLWB Yvonne Nakimayak, MVEIRB Justin Stoyko, SLUPB Tracey Sletto, CER
	Reach out to Future Leaders directly to consult on how they would like to be engaged and actively involved as decision-makers in the regulatory system	
<b>Expand Regulatory Pathways Initiative</b>	Integrate all project activities and ISR processes into the Regulatory Pathways Initiative	Lead: MVEIRB Support: Pauline De Jong, OROGO Lorraine Seale to delegate a GNWT staff member
<b>Educational Materials on the Regulatory System</b>	Inventory educational tools and templates and integrate into Board Forum website	Lead: Michelle Lewis to delegate a CIRNAC staff member
	Re-establish the Communications & Outreach Committee to support educational tool development and Board Forum website re-build	Lead: Michelle Lewis to delegate a CIRNAC staff member Support: Lorraine Seale to delegate a GNWT Communications staff member
<b>Improve Access to Experts / Data</b>	Update and integrate the technical list of experts to the Board Forum website	Leads: WLWB to update the list CIRNAC delegate to add to the website
<b>Research Priorities List</b>	Collate a list of previous research priorities and identify research / cumulative effect gaps to distribute to Board Forum members	Lead: MVEIRB

## 3.8 Next Meeting

The Gwich'in Boards, including the GRRB, GLUPB, and GLWB volunteered to co-host the 2024 Board Forum with support from the Board Forum Steering Committee.

**When:** June or early December 2024 (majority suggested June, but dates will be polled)

**Location:** Inuvik

During discussion, a few **potential themes** were identified for next year's NWT Board Forum meeting:

- Future Leader involvement
- Climate change focus to encourage Future Leader participation
- Progress on identified action items

## 3.9 Closing Remarks

The Forum closed with a roundtable of final remarks. The participants thanked the host organization (MVEIRB), the facilitators, and other organizers, as well as the presenters for their knowledge sharing. A few common highlights were described in the roundtable.

- **Passionate Atmosphere:** Participants expressed that the tone of the meeting was very positive. They enjoyed experiencing the passion of fellow Board Forum members and left inspired to do right by their communities.
- **Exploring Commonalities:** There was an appreciation of the fact that each member organization could speak to common challenges and leverage the venue to share and develop coordinated solutions.
- **Learning Roles and Coordinated Responsibilities:** Reconnecting the Board Forum network was a reminder of the processes each organization is responsible for to increase overall understanding of the regulatory system. Interactions amongst the Boards and regions created more connections for support.

Yvonne Nakimayak offered closing remarks, thanking all members for participating with their full hearts on the table. George Barnaby, Acting Chair of the SRRB closed the meeting with a prayer.

**APPENDIX A – AGENDA**

January 31<sup>st</sup>, & February 1<sup>st</sup>, 2023  
Explorer Hotel, Katimavik DE

**Reconnecting and renewing the NWT Board Forum network**

The Objectives of the 26<sup>th</sup> NWT Board Forum are to:

- reconnect the NWT Board Forum network across the Mackenzie Valley and the Inuvialuit Settlement Regions,
- acknowledge the accomplishments, where we are at with collective concerns and reset priorities,
- give administrative direction and initiatives direction to work towards better integration of the co-management system.

<b>Day 1: Tuesday, January 31<sup>st</sup>, 2023</b>	
<b>8:45 am-9:00 am</b>	<b>Welcome</b>
<b>9:00 am-9:30 am</b>	<b>Forum Opening</b> <ul style="list-style-type: none"> <li>• Opening prayer– Yellowknives Dene First Nation Drummers</li> <li>• Opening remarks – Board Member, Yvonne Nakimayak, Mackenzie Valley Review Board</li> <li>• Context and Background of the NWT Board Forum – Mark Cliffe-Phillips, Mackenzie Valley Review Board</li> </ul>
<b>9:30 am-9:40 am</b>	<b>Board Forum Objectives and Agenda Overview</b>
<b>9:40 am-10:00 am</b>	<b>Engagement Icebreaker</b> <ul style="list-style-type: none"> <li>• Introductions and engagement activity to connect new Forum members and reconnect others</li> </ul>
<b>10:00 am-10:30 am</b>	<b>NWT Board Forum Update</b> <ul style="list-style-type: none"> <li>• Action items from 2019 – Julie Pezzack, Stratos</li> <li>• Re-establishment of the NWT Board Forum network – Mark Cliffe-Phillips, Mackenzie Valley Review Board</li> <li>• NWT Board Forum website and training courses – Michelle Lewis, CIRNAC and Stacey Menzies, Mackenzie Valley Review Board</li> <li>• Regulatory Pathways update – Mark Cliffe-Phillips, Mackenzie Valley Review Board</li> </ul>
<b>10:30 am-11:15 am</b>	<b>What has happened since 2019!</b> <ul style="list-style-type: none"> <li>• Roundtable on NWT Board Updates – All <ul style="list-style-type: none"> <li>○ Representative from each Board provides <u>one</u> brief highlight of something they would like to share with Forum participants</li> </ul> </li> </ul>
<b>11:15 am-11:30 am</b>	<b>Health Break</b>
<b>11:30 am-12:15 pm</b>	<b>Regulatory and Legislative Updates</b> <ul style="list-style-type: none"> <li>• Federal Updates – Rebecca Chouinard, CIRNAC <ul style="list-style-type: none"> <li>○ Regulatory update</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Development Certificates and monetary penalties</li> <li>● Territorial and Indigenous Government Updates – Shauna Hamilton, GNWT Lands, Christine Glowach, GNWT ENR, Julie Ward, GNWT ITI, Brett Wheler, Tłı̨ch̨ Government and Peter Redvers, Kátł’odeeche First Nation:             <ul style="list-style-type: none"> <li>○ Overview on the Intergovernmental Council (IGC) and co-development of legislation                 <ul style="list-style-type: none"> <li>▪ What does the IGC do?</li> <li>▪ How is it structured (i.e., Council, IGC Secretariat)?</li> </ul> </li> <li>○ IGC Legislative Development Protocol</li> <li>○ High-level overview of changes to <i>Public Land Act</i>, <i>Forest Act</i>, <i>Mineral Resources Act</i></li> </ul> </li> <li>● Q &amp; A</li> </ul>
<b>12:15 pm-1:15 pm</b>	<b>Lunch provided</b>
<b>1:15 pm-2:15 pm</b>	<b>Intergovernmental Council (IGC)</b> <ul style="list-style-type: none"> <li>● Continued presentation and discussion on the IGC and co-development of legislation:             <ul style="list-style-type: none"> <li>○ Legislative overview (continued)</li> <li>○ How does the Protocol affect the involvement of Boards in the legislative process?</li> <li>○ What has the experience been in the Technical Working Groups on legislative updates?</li> </ul> </li> <li>● Q&amp;A</li> </ul>
<b>2:15 pm-2:30 pm</b>	<b>Health Break</b>
<b>2:30 pm-3:45 pm</b>	<b>NWT Environmental Audit and Board Response</b> <ul style="list-style-type: none"> <li>● Presentation on NWT environmental audit – Lorraine Brekke, GNWT             <ul style="list-style-type: none"> <li>○ Status update on key audit findings and recommendations</li> <li>○ Timelines for 2025 Audit</li> </ul> </li> <li>● Roundtable on key actions Boards have taken in response to the NWT environmental audit findings and recommendations – All</li> <li>● Small Group Activity:             <ul style="list-style-type: none"> <li>○ Breakout group discussions on the awareness of the Audit recommendations across Boards, and how the Audit influences your work; ways the Audit methods and content could be improved to be more useful for Boards; how Audit results can be better communicated to Boards; and how activities to address recommendations can be better monitored and communicated by all Parties</li> <li>○ Plenary report back</li> </ul> </li> </ul>
<b>3:45 pm-4:00 pm</b>	<b>Closing</b> <ul style="list-style-type: none"> <li>● Feedback Activity – reflections on:             <ul style="list-style-type: none"> <li>○ What was positive about the day?</li> <li>○ What would you change for tomorrow?</li> </ul> </li> </ul>
<b>4:00 pm-4:30 pm</b>	<b>Chairs’ Caucus</b>

<b>Day 2: Wednesday, February 1<sup>st</sup>, 2023</b>	
<b>8:45 am-9:00 am</b>	<b>Welcome</b>
<b>9:00 am-9:15 am</b>	<b>Forum Opening</b> <ul style="list-style-type: none"> <li>• Recap and overview of today’s agenda</li> <li>• Review of content from Day 1 identified for follow-up</li> </ul>
<b>9:15 am-9:45 am</b>	<b>Engagement Icebreaker</b> <ul style="list-style-type: none"> <li>• Engagement activity “connecting to work”</li> </ul>
<b>9:45 am-11:00 am</b>	<b>NWT Cumulative Impact Monitoring Program (NWT CIMP) and Climate Change:</b> <ul style="list-style-type: none"> <li>• Presentation on CIMP – Lorraine Brekke, GNWT <ul style="list-style-type: none"> <li>○ Overview of CIMP programs/research priorities</li> <li>○ How CIMP works with and communicates with the Boards</li> </ul> </li> <li>• Discussion – All <ul style="list-style-type: none"> <li>○ What can the Boards do to inform CIMP’s programs/research priorities?</li> <li>○ Are there opportunities for Boards to better integrate the information from CIMP programs/research into Board decision-making processes?</li> </ul> </li> <li>• Update from <i>MVRMA</i> Workshop on Climate Change – Kate Mansfield, Mackenzie Valley Review Board</li> <li>• Discussion – All <ul style="list-style-type: none"> <li>○ What are the biggest risks affecting the work of your organization as it relates to climate change?</li> </ul> </li> </ul>
<b>11:00 am-11:15 am</b>	<b>Health Break</b>
<b>11:15 am-12:00 pm</b>	<b>Ministerial Decision Phase</b> <ul style="list-style-type: none"> <li>• Overview presentation on Ministerial Decision phase – Lorraine Seale, GNWT and Jennifer Walsh, CIRNAC <ul style="list-style-type: none"> <li>○ How the process works</li> <li>○ What might cause delays/challenges</li> <li>○ Lessons learned/best practices for Board’s to consider in making their recommendations</li> </ul> </li> <li>• Q &amp; A</li> </ul>
<b>12:00 pm-1:00 pm</b>	<b>Lunch provided</b>
<b>1:00 pm-2:45 pm</b>	<b>Communication, Regulatory Coordination, and Process Harmonization</b> <ul style="list-style-type: none"> <li>• Discussion – All <ul style="list-style-type: none"> <li>○ Discussion on the coordination between regulatory and environmental assessment processes, especially the link between measures, monitoring and enforcement</li> <li>○ Interaction with other legislation, such as the <i>Wildlife Act</i> and provisions, EA and water permitting</li> </ul> </li> <li>• Small Group Activity:</li> </ul>

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	<ul style="list-style-type: none"> <li>○ How could communication, regulatory coordination or process harmonization be improved?</li> <li>○ Are you applying any novel ideas between Boards that you can share (e.g., EA Improvement Initiative, MOUs, etc.)?</li> <li>○ Plenary report back</li> <li>● Discussion of Board priorities and governance issues from a collective perspective             <ul style="list-style-type: none"> <li>○ Flip charts and vote using a dotmocracy exercise on which items Forum members feel: 1) are most pressing, 2) are most excited about acting on, and 3) will have the most impact?</li> <li>○ Use this to inform dialogue space discussion in the next agenda item</li> </ul> </li> </ul>
<b>2:45 pm – 3:00 pm</b>	<b>Health Break</b>
<b>3:00 pm-3:45 pm</b>	<b>Dialogue space for follow-up or outstanding topic(s)</b> <ul style="list-style-type: none"> <li>● Further discussion of Board priorities and governance issues from previous agenda item</li> <li>● Address any parking lot items for group discussion – outstanding questions, comments, and concerns (i.e., Board appointments and honoraria, implementation funding from CIRNAC, etc.)</li> </ul>
<b>3:45 pm-4:15 pm</b>	<b>Moving Ahead</b> <ul style="list-style-type: none"> <li>● Consensus on future direction/initiatives/priorities</li> <li>● Action items for subsequent meeting/interim action items</li> <li>● Next host and location</li> <li>● NWT Board Forum Report review and posting</li> </ul>
<b>4:15 pm-4:30 pm</b>	<b>Closing</b> <ul style="list-style-type: none"> <li>● Feedback Activity</li> <li>● Closing Prayer</li> </ul>

## APPENDIX B – PARTICIPANTS LIST

Participant	Title	Board/Department
Yvonne Nakimayak	Board Member	Mackenzie Valley Environmental Impact Review Board (MVEIRB) (Host)
Mark Cliffe-Phillips	Executive Director	
Stacey Menzies	Policy and Planning Advisor (Board Forum support staff)	
Mavis Cli-Michaud	Chair	Mackenzie Valley Land and Water Board (MVLWB)
Shelagh Montgomery	Executive Director	
Robert Charlie-Tetlich	Chair	Gwich'in Renewable Resources Board (GRRB)
Doug Doan	Board Member	
Grant Gowans	Board Member	Gwich'in Land Use Planning Board (GLUPB)
Elizabeth Wright	Chair	
Leonard DeBastien	Executive Director	Gwich'in Land and Water Board (GLWB)
George Barnaby	A/ Chair	
Catarina Owen	A/ Executive Director	Sahtú Renewable Resources Board (SRRB)
Heather Bourassa	Chair	
Justin Stoyko	Executive Director	Sahtú Land Use Planning Board (SLUPB)
Tanya MacIntosh	Chair	
Paul Dixon	Executive Director	Sahtú Land and Water Board (SLWB)
Jody Pellissey	Executive Director	
Mike Nitsiza	Board Member	Wek'èezhii Renewable Resources Board (WRRB)
Ryan Fequet	Executive Director	
Catherine Cockney	Chair	Wek'èezhii Land and Water Board (WLWB)
Alice Lutaladio	Resource Coordinator	
Todd Slack	Board Member	Environmental Impact Review Board (EIRB)
Shannon O'Hara	Board Member	
Herbert Felix	Board Member	Environmental Impact Screening Committee (EISC)
Mardy Semmler	Executive Director	
Charles Klengenber	Executive Director	Inuvialuit Water Board (IWB)
Louie Azzolini	Chair	
Doug Rankin	Executive Director	Inuvialuit Land Administration (ILA)
Pauline De Jong	Executive Director	
Gitane Da Silva	Chief Executive Officer	NWT Surface Rights Board (SRB)
Tracey Sletto	Executive Vice President, People, Innovation, and Results	
Michelle Lewis	Program Manager Resources and Land Management, Governance and	The Office of the Regulator of Oil and Gas Operations (OROGO)
		Canadian Energy Regulator (CER)
		Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)



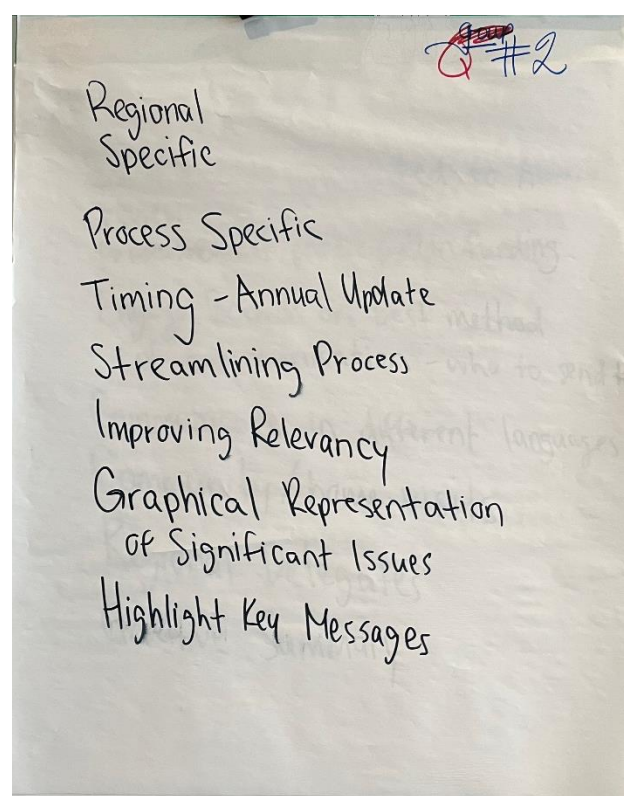
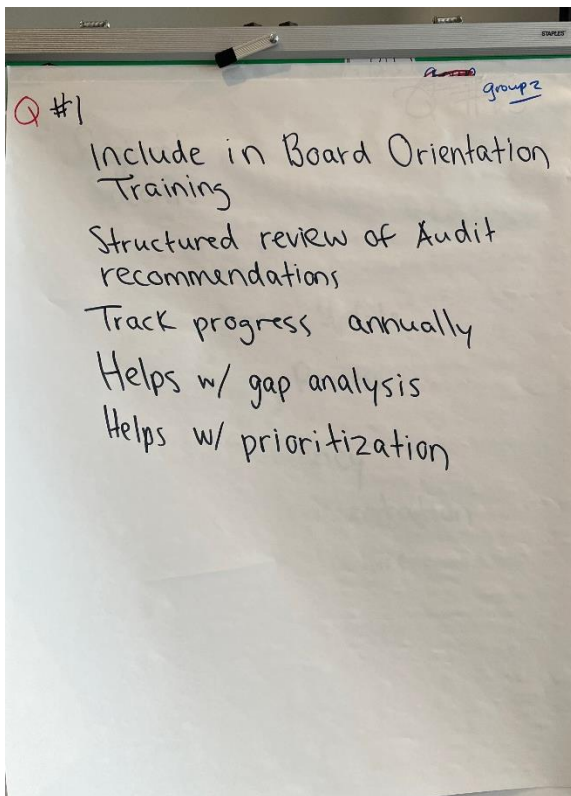
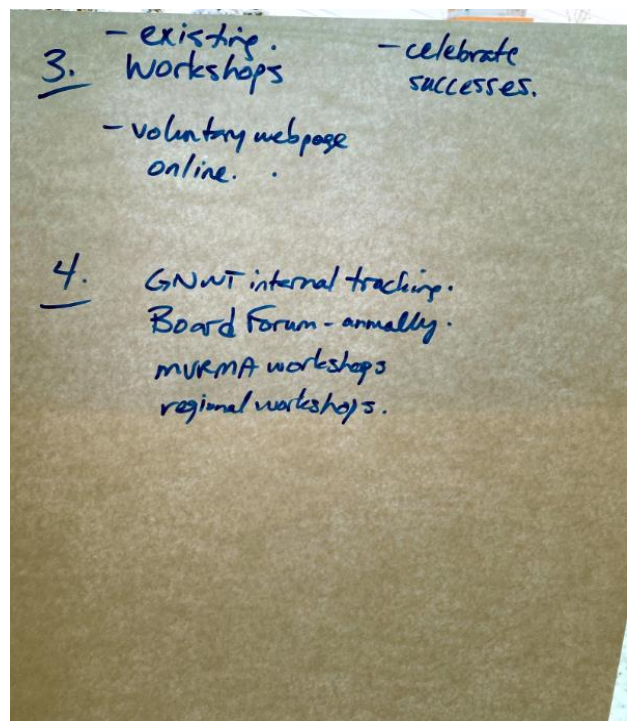
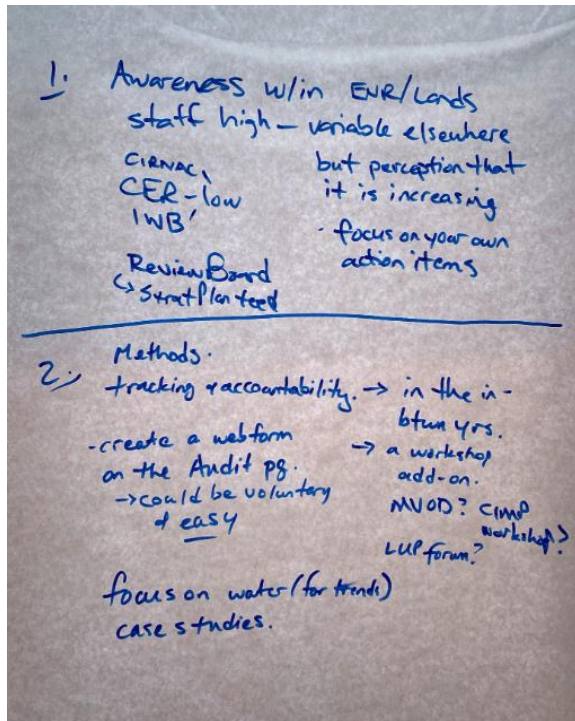
# nwt board forum

Resource Management Information for the NWT

Participant	Title	Board/Department
	Partnerships Directorate (Support Staff)	
Julian Kanigan	Assistant Deputy Minister, Environment and Climate Change	GNWT – Department of Environment and Natural Resources (ENR)
Lorraine Brekke	Manager, NWT Cumulative Impact Monitoring Program (NWT CIMP), Environmental Stewardship and Climate Change Division	
Jayleen Robertson	Assistant Deputy Minister	GNWT – Department of Lands
Lorraine Seale	Director, Securities and Project Assessment	
Julie Pezzack	Facilitator	Stratos, an ERM Group Company
Julia Ierullo	Note-taker/report writer	
<b>Observers</b>		
Ron Allen	Alternative Board Member	Gwich'in Renewable Resources Board (GRRB)
Jim Edmondson	Board Member	Mackenzie Valley Environmental Impact Review Board (MVEIRB)
Brian Chambers	Board Member	Canada Energy Regulator (CER)

## APPENDIX C – FLIPCHART PHOTOS

### Environmental Audit and Board Response Breakouts



#3  
Board Forum dedicated to Audit  
review  
↳ ~~was to~~ ~~over~~ participation funding  
Engage Boards on best method  
of communication - who to send to  
Communicate in different languages  
Community/home visits  
Regional Delegates  
Executive Summary

④ Recommendations on how to better integrate  
ALL Boards in the regulatory process  
→ better coordination between ALL  
→ need to empower communities in each Region  
→ improve quality of life

① NO AWARENESS !!  
-RRBs, LUPBs, SRB do not have specific  
recommendations to address  
② Plain language document  
→ broken out by REGIONS (context is important!)  
→ government transparency ALSO required, NOT  
just regulatory system in NWT  
i.e. Board completes its part → send to govt, slowed  
at this  
→ Report Card to determine ~~the~~ successes process  
of RRBs, LUPBs, + SRB  
→ Who are auditors discussing actions with?  
-Community involvement at appropriate times  
+ understanding/interpreting context  
→ How material are the actions/policies ~~implemented~~  
by Boards to sustainability? implemented



## Positives and Changes to Day 2

+ve	Δ
<ul style="list-style-type: none"><li>- pleased w/ conversations</li><li>- windows!!</li></ul>	<ul style="list-style-type: none"><li>- put mat'ls in pre-package (eg Audit)</li><li>- more space</li></ul>

## Engagement Icebreaker

Make decisions on projects  
  
(similarities)

Major challenges

- funding - red tape / access to \$, timing
- lack of clear roles / responsibilities, lack of coordination + lots of players
- honorariums, support for most vulnerable (elders, women, youth)

(IIRB, CER, EIRB)

- issue permits
- make decisions on projects

(similarities)

• ~~Other~~ : impact assessments

(CER → environmental, socio-economic, economic / tolls + traffic)

(IWB → NO impact assessments)

(EIRB → environmental impact assessment wildlife)

(differences)

Breaking the ice  
with a chisel.

- water
- \* Wild life is similar
- fishery too
- \* dog team transportation
- 5 to 22 dogs

\* lots of traditional  
knowledge, experience +  
knowledge ~~to~~ learned over  
time

\* BUT Keen in business  
+ education

- \* translator for the elders
- elders know when things  
are changing right away
- know ~~how~~ what to expect  
for the year ahead (weather)
- adaptable

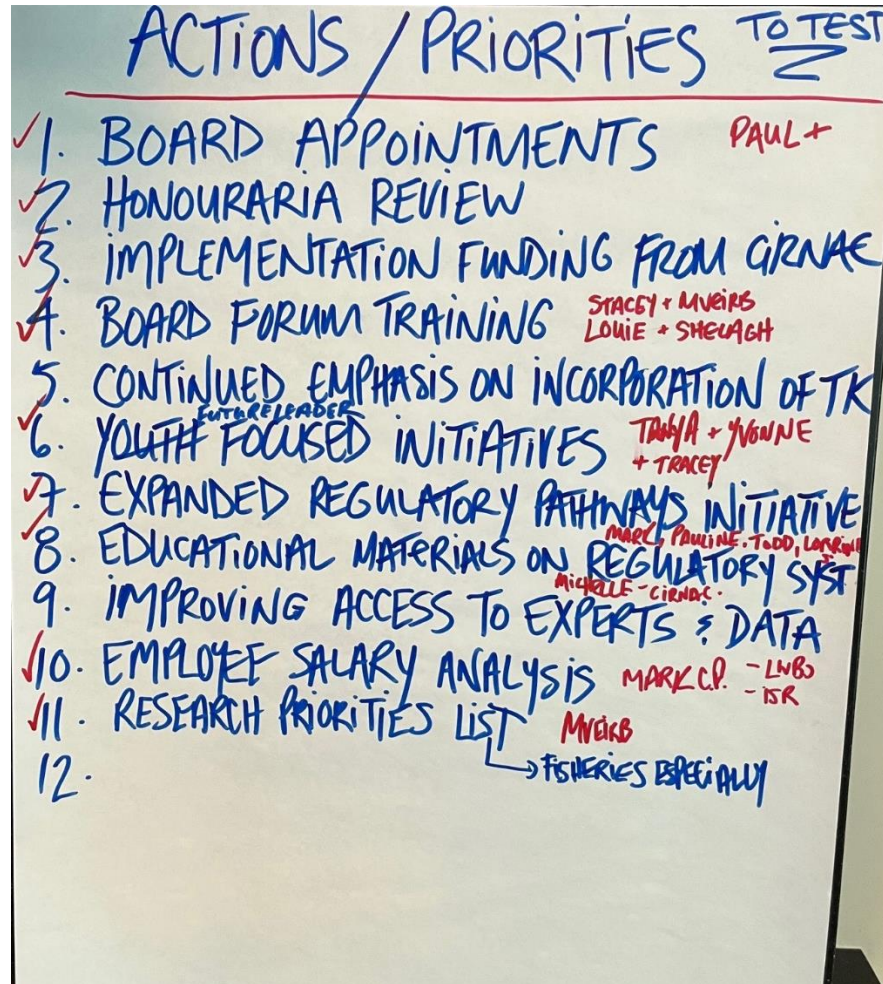
### Challenges

- \* changes in language
- inflation too
- TK learning happens on the  
land, takes time
- cross cultural ~~and~~ awareness
- Priority #1 - MUST BE  
DONE!!
- pandemic
- climate change

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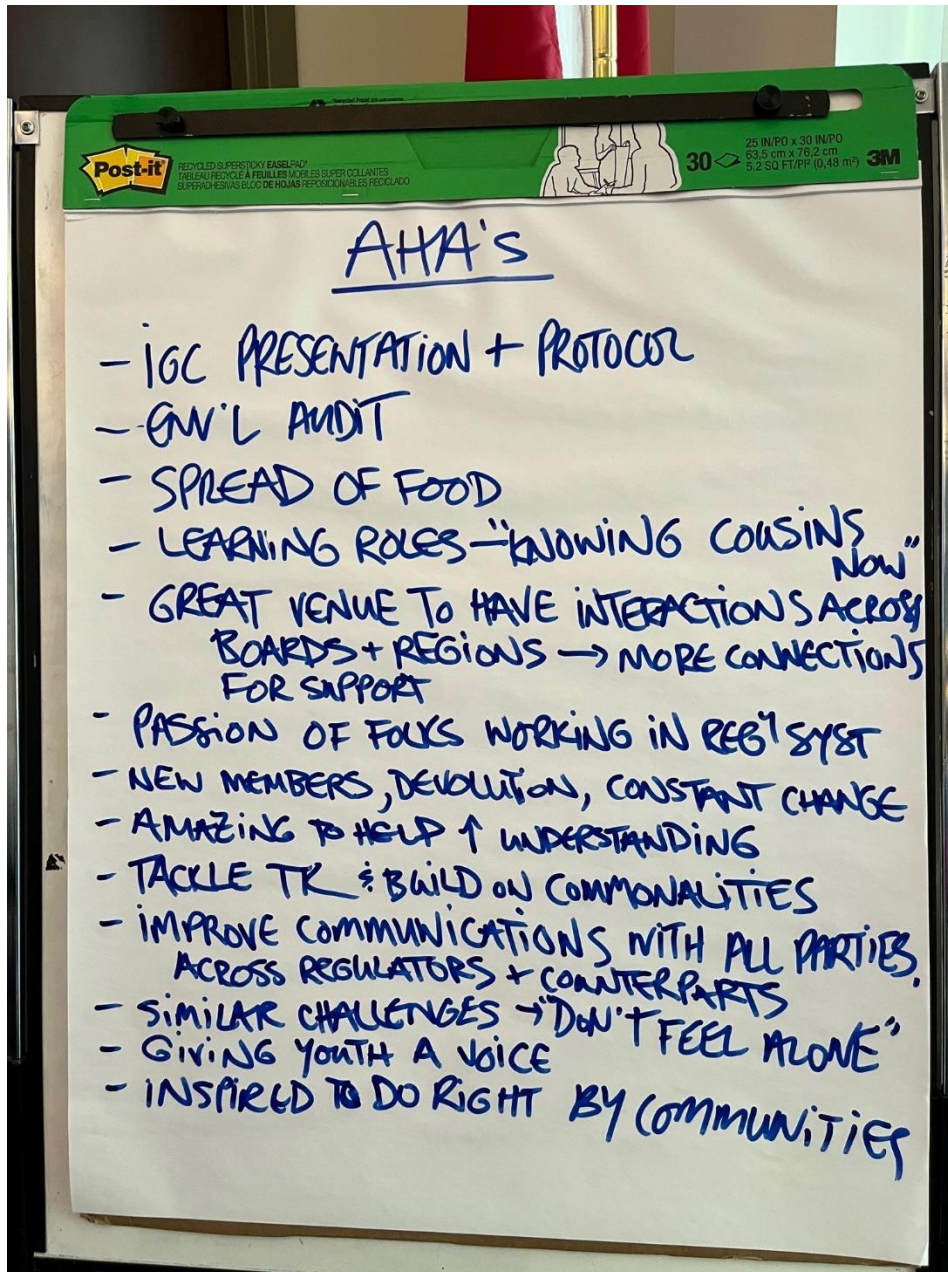
Resource Management Information for the NWT

## Priorities and Actions





## AHA Moments





## APPENDIX D – ORGANIZATIONAL UPDATES

### Environmental Impact Review Board (EIRB)



#### ***Agenda Item: Roundtable Activity***

- **Key Initiatives**
  - New initiatives our organization is exploring / implementing are:
    - EIRB Website Redesign
    - Community tour
    - An introduction to TK Policy
- **Vacancies**
  - Current Board and Committee member vacancies at our organization:
    - Inuvialuit Game Council Vacancy

#### ***Agenda Item: Informing Various Discussions***

- **Regulatory Coordination and Process Harmonization**
  - Approaches our organization is taking to increase regulatory coordination and process harmonization with other Boards/organizations:
    - Updated our Guidelines and Rules of Procedures
    - The EIRB intends to set up a meeting with the Impact Assessment Agency of Canada



## Environmental Impact Screening Committee (EISC)

### ***Agenda Item: Roundtable Activity***

- **Key Initiatives**
  - Updated Guidelines
    - Revision aimed to address:
      - Effects of Climate Change on a Project
      - Green House Gas Emissions Generated by a Project
  - New EISC Online Registry went live October 2021
    - Key features of the revised Online Registry include:
      - Public accessibility to project information
      - Integration of map feature
      - Automated notification system
      - Ability to submit online comments and/or information requests
- **Vacancies**
  - There are currently no vacant positions on the EISC

The EISC Online Registry can be found through our website  
[www.screeningcommittee.ca](http://www.screeningcommittee.ca)

### ***Agenda Item: Informing Various Discussions***

- **Regulatory Coordination and Process Harmonization**
  - Approaches our organization is taking to increase regulatory coordination and process harmonization with other Boards/organizations:
    - The EISC uses a grassroots approach when coordinating with regulatory bodies or when harmonizing processes with other Boards or organizations to the degree that the procedures can be aligned. This includes regular phone calls, e-mails, and scheduled meetings.
      - Benefits to using this approach: establish good working rapport, quick responses, and better understanding of the respective Board/Regulatory body/organization mandates and authorities.
      - Drawbacks to this approach: does not work seamlessly when regulatory bodies or organizations use generic contact information, and the point of contact is always changing.

## Inuvialuit Water Board (IWB)

**2020 - 2021**

### Other Initiatives:

- Meetings with Stakeholders:
  - Inuvialuit Petroleum Corporation – Inuvialuit Energy Securities Project (IESP)
  - ECCC – Mould Bay
  - Canada Energy Regulator (CER)
  - Department of Fisheries and Oceans (DFO) – Gunghi Creek
- Mack Travel Building – GNWT Employees Meeting - Return to work directives
- Critical Infrastructure Security Briefings
- Mack Travel Building Risk Assessments – Return to work planning
- Mack Travel Building – 2<sup>nd</sup> Floor COVID-19 Guidelines
- Discussion of *Access to Information and the Protection of Privacy (ATIPP)* Act amendments
- Inuvialuit Regional Corporation – ISR Waste Sites and Sumps
- The IWB engaged in a partnership with Parks Canada who hosted a World Water Day 2021 open house event with the staff and students at the Angik School in Paulatuk. The IWB assisted Parks Canada by providing Hazardous Waste Management and World Water Day pamphlets, Inuvialuit Water Board information and fact sheets for the students and to participants during the community open house event.
- Hamlet of Ulukhaktok meeting with Mayor, Council and Staff to go over the Municipal Water Licence prior to expiry to discuss issues and concerns and clarifications of the standard terms and conditions.

### **2021 – 2022**

The categories of active licences include:

- Municipal: 5
- Industrial: 6
- Miscellaneous: 3

### Other Initiatives:

- Meetings with Stakeholders:
  - Inuvialuit Petroleum Corporation – Inuvialuit Energy Securities Project (IESP)
  - Fisheries and Oceans Canada – M18 and Gunghi Creek Bridge Construction
  - Imperial Oil Resources – Tununuk Point / Bar C Dock Removal activities
- GNWT INF – ITH Working Group
- GNWT Finance – Fibre Optics line expansion to Tuktoyaktuk
- Arctic Energy and Resource Symposium
- The IWB engaged in a partnership with Helen Kalvak School who hosted a World Water Day 2022 event with the staff and students in Ulukhaktok. The IWB assisted Helen Kalvak staff by providing Hazardous Waste Management and World Water Day pamphlets, Inuvialuit Water

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## Resource Management Information for the NWT

Board information and fact sheets for the students, staff, and participants during the event. The IWB also provided reusable water bottles and reusable shopping bags to each of the students.

- Hamlet of Sachs Harbour meeting with Mayor, Council and Staff to go over the Municipal Water Licence prior to expiry to discuss issues and concerns and clarifications of the standard terms and conditions.

## Mackenzie Valley Environmental Impact Review Board (MVEIRB)

### **Agenda Item: Roundtable Activity**

- **Key Initiatives**

- Updated and are currently consulting on the draft [Guidelines for Major Projects to go Directly to Environmental Assessment](#).
  - The draft Guideline describes an optional, direct pathway to environmental assessment (EA) for major projects and the information developers must provide for the Review Board to consider ordering a project directly to EA,
  - Promotes early, ongoing, respectful engagement and collaboration between developers, affected communities, and Indigenous Governments and Organizations,
  - Gets major projects into the EA process earlier and can help reduce regulatory and administrative burden on developers and preliminary screeners, and
  - Ensures that the Review Board gets the information it needs to order a project directly to EA.
- Completed and issued the [Guideline for Preliminary Screeners](#)
  - The Guideline provides assistance to preliminary screeners on how to conduct effective preliminary screenings by:
    - describing the purpose of preliminary screenings,
    - discussing key considerations in preliminary screenings,
    - providing instructions for conducting the “might test”, and
    - providing recommendations on how to write Reasons for Decision on a screening.
- Developing a Reference Bulletin on a process for shorter Environmental assessments that meet the 9 month legislated timelines. This will eventually result in the updating of our Environmental Impact Assessment Guidelines. The Review Board has undertaken several environmental assessments that have varied from the typical process described in our current guidelines to adapt to the smaller scale or scope of issues of certain projects. This reference bulletin will be the first step to updating our guidelines to describe a shorter and more efficient process when appropriate.
- The Review Board is developing an engagement strategy to assist on how the Review Board will engage and consult with Indigenous Governments, Communities, Federal and Territorial Departments and others, during EA’s, policy and guideline development and other Board initiatives.
- The Review Board will be reviewing and updating its [Strategic Plan](#) in February 2023,

which will be followed by an updated strategic operational plan.

- **Vacancies**
  - We currently have only once vacancy, which is the Tłıchq Government nominated member.

Name	Appointment Date	Expiry Date	Position	Nominated by
Joanne Deneron	03-Apr-20	03-Apr-23	Chairperson	Review Board
Jim Edmondson	06-Jan-21	06-Jan-24	Board Member	Federal
David Krutko	13-Jul-20	13-Jul-23	Board Member	Gwich'in
Sunny Munroe	20-Feb-20	20-Feb-23	Board Member	Federal
Yvonne Nakimayak	24-Nov-20	24-Nov-23	Board Member	Sahtu
Harvey Pierrot	04-Aug-21	04-Aug-24	Board Member	GNWT
Brenda Gauthier	24-Mar-22	24-Mar-25	Board Member	Dehcho
Kate Hearn	19-Dec-22	19-Dec-25	Board Member	GNWT

**Agenda Item: Informing Various Discussions**

- **Regulatory Coordination and Process Harmonization**
  - Approaches our organization is taking to increase regulatory coordination and process harmonization with other Boards/organizations, include:
    - Development of new co-developed Guidelines for Preliminary Screeners Guidelines to assist screeners undertaking screenings, while helping to provide consistency in approach and outcomes of screening determinations. The development of the guidelines included working group discussions with preliminary screeners, including the land and water boards, GNWT and Federal departments with screening responsibilities and First Nation Governments.
    - Participate in regular update and coordination meetings with Land and Water Boards and additional meetings with the LWB's and the Federal and Territorial Governments.
    - The Review Board co-hosts MVRMA resource co-management workshops along with the Land and Water Boards, GNWT and CIRNAC to help educate and inform participants about our processes and to assist them in participating more effectively. The host organizations receive useful feedback that assists in improving various process initiatives as well.
    - The Review Board participates in the Mackenzie Valley Operational Dialogue that was initiated to bring parties with mutual interest in improving specific operational issues related to the regulating of mineral development projects in the Mackenzie Valley.

- Co-founded and participate in a Canada wide Environmental Assessment Improvement Initiative with technical staff from the Impact Assessment Agency of Canada, BC Environmental Assessment Office, EIRB, EISC, Nunavut Impact Review Board, YESAB and others. Hosted virtually quarterly and generally meet once a year in person.
  - The Review Board has been reviewing and updating its memorandum of understandings or cooperation agreements with adjacent transboundary organizations with similar impact assessment roles. The Board recently finalized and signed an updated MoU with the Nunavut Impact Review Board in September 2022 and will be finalizing and signing an updated MoU with the Canadian Energy Regulator at the end of this Board Forum meeting.  
[https://reviewboard.ca/reference\\_material/coop\\_agreements\\_and\\_mous](https://reviewboard.ca/reference_material/coop_agreements_and_mous)
  - The Review Board participates in the Pan-Territorial Environmental Assessment and Regulatory Board Forum. This Forum brings together representatives of each of the Boards responsible for environmental assessment and licencing and permitting Boards across the Yukon, NWT, and Nunavut with the aim of facilitating discussion and initiatives on matters of common interest. This initiative has been taking place annually since 2014 and supported by NPMO.
- **Environmental Audit and Response**
    - Actions our organization has taken in response to the environmental audit findings and recommendations:
      - There were three specific recommendations directed towards the Review Board in the last NWT Environmental Audit.
      - Recommendation 1-9 was centered on improving the meaningful consideration of Indigenous Knowledge throughout the life of a project.
        - The Review Board has and follows its Guidelines for [Incorporating Traditional Knowledge in Environmental Impact Assessments](#).
        - The Review Board ensures that Indigenous Knowledge is required to inform project, monitoring and mitigation design through the terms of reference for each environmental assessment.
        - The Review Board regularly includes additional TK to be used to improve measures of an EA, as well as in the now required follow-up monitoring programs for projects.
        - The Review Board continues to engage communities and First Nations Governments on how TK can best be collected and used most



effectively in each EA at all stages of the process, which may include the use of a TK Advisory Panel, as was suggested in the Audit.

- Recommendation 3-4 focussed on improving the consistency of monitoring requirements that result from EA's and other resource management processes to improve understanding of environmental trends and cumulative effects.
  - The Review Board has regularly recommended measures that require specific monitoring programs to understand project and cumulative effects that are intended to inform adaptive management and actions to mitigate significant adverse effects. We rely on the LWBs, GNWT and other regulators with the expertise to set out much of the specific requirements of the monitoring programs.
  - Some specific measures for socio, cultural and economic community specific indicators of well-being have been directed at GNWT to assist in the development of more consistent monitoring of impacts on communities and people, which has been a long-standing gap.
  - The Review Board continues to support CIMP and others in the development of monitoring protocols and procedures.
- Recommendation 4-1 looked to the Review Board to improve the direction provided to Government on what information it may need to provide to assist the Review Board in understanding cumulative effects.
  - The Review Board continues to engage government departments throughout the EA process to ensure adequate information is provided not only by the developer, but by expert departments.
  - The Review Board is looking at improving the timeliness of information coming into the EA process through its new draft Guidelines for Projects to go Directly to Environmental Assessment. These guidelines outline an approach for more collaboration between the developer and government departments earlier in the design phase of the project to improve the availability of the right type of information earlier in the EA.
- **Cumulative Impact Monitoring Program (CIMP)**
  - Initiatives our organization is involved with as it relates to CIMP:
    - The Review Board actively participates as an observer on the Steering Committee to CIMP.
    - Review Board staff review and provide comments to CIMP on specific project proposals.
    - The Review Board provides support to specific projects that can help in future

EA decisions.

- As part of the NWT Board Forum initiative, research priorities are provided to CIMP that can assist in filling current information gaps about cumulative effects.
- Review Board members and staff have participated in CIMP annual and regional reporting workshops and other CIMP workshops.

## Land and Water Boards of the Mackenzie Valley (GLWB, SLWB, WLWB, MVLWB)

### **Agenda Item: Roundtable Activity**

- **Key Initiatives and Achievements**

- 2022-2026 Strategic Plan for the Land and Water Boards was approved by the Board in June 2021. The Plan sets out where the Boards will focus efforts and what collective work we will prioritize over the five-year period. In association with the Strategic Plan and work underway while the Plan was being developed the Land and Water Boards (LWBs) have updated, released, or are working on the following:
  - MVLWB/GNWT/CIRNAC Guidelines for Closure and Reclamation Cost Estimates for Mines (January 2022)
  - MVLWB Guide to the Water Licensing Process (August 2021)
  - MVLWB Guide to the Land Use Permitting Process (August 2021)
  - MVLWB Guideline for the Design, Operation, Monitoring, Maintenance and Closure of Petroleum Hydrocarbon-Contaminated Soil Treatment Facilities in the Northwest Territories (January 2020)
  - MVLWB Geospatial Data Submission Standards (July 2021).
  - MVLWB Method for Determining Winter Water Source Capacity for Small-Scale Developments (April 2021)
  - MVLWB Technical Reference Document for the Method for Determining Available Winter Water Volumes for Small-Scale Developments (April 2021)
  - MVLWB Standard Outline for Management Plans (June 2021)
  - MVLWB Standard Land Use Permit Conditions Template - Version 2.3 (August 2020)
  - MVLWB Standard Water Licence Conditions and Schedules - Version 2.0 (February 2022)
  - MVLWB Water Use Fee Policy (July 2021)
  - Closure Cost Estimator for Projects with Land Use Permits (June 2022)
    - The estimator is not currently in use while the LWBs develop a Policy for the Implementation of the Closure Cost Estimator
  - Engagement and Consultation Policy Version 3 (approved by the Board December 2022, soon to be released)
    - Board staff are now working on an update to Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits
  - Waste and Wastewater Management Policy (approved by the Board December 2022, soon to be released)
  - Guidelines for Municipal Sludge Management for Passive Sewage Treatment Systems (approved by the Board December 2022, soon to be released)
  - The LWBs' Online Review System was overhauled in June 2021 to provide greater functionality for our public reviews.

- **Status of Board Appointments**

The LWBs continue to experience some challenges with the federal appointments process, such as, the length of time it appears to take to gather nominations and make appointments. Below is the current status of Board appointments for the four LWBs. The highlighted items indicate

pending vacancies. In addition to several terms expiring in 2023 there are many more in 2024 (e.g., the entire WLWB). A means of staggering terms for Board members could improve succession planning on the Boards.

## **GLWB**

Elizabeth Wright (Chair) – Expires March 12, 2024

William Koe (GNWT nominee, federal appointee) – Expires September 19, 2023

Gerald Kisoun (Federal nominee & appointee) – Expires April 22, 2024

Roger Fraser (GTC nominee, federal appointee) – Expires July 17, 2024

Deanna Smith (GTC nominee, federal appointee) – Expires November 28, 2025

## **SLWB**

Tanya MacIntosh (Chair) – Expires May 31, 2024

George Barnaby (First Nation nominee, federal appointee) – Expires February 19, 2023

Gina Dolphus, (First Nation nominee, federal appointee) – Expires April 13, 2025

Philippe di Pizzo, (GNWT nominee, federal appointee) – Expires April 23, 2023

Violet Doolittle, (Federal nominee & appointee) – Expires March 21, 2024

## **WLWB**

Mason Mantla (Chair, Tłıchq and federal appointee) – Expires December 14, 2024

Alex Nitsiza (Tłıchq appointee) – Expires December 20, 2024

Jocelyn Zoe (Tłıchq appointee) – Expires December 20, 2024

Rachel Crapeau (Federal nominee & appointee) – Expires June 16, 2024

Mike Nitsiza (GNWT nominee, federal appointee) – Expires February 25, 2024

## **MVLWB**

Mavis Cli-Michaud, (Chair) – Expires May 3, 2023

Camilia Zoe-Chocolate (GNWT nominee, federal appointee) – Expires August 29, 2023

Lesley Allen (Federal nominee & appointee) – Expires February 21, 2024

Debbie Watsyk (Dehcho nominee, federal appointee) – Expires January 11, 2025

Cathie Bolstad (Federal nominee & appointee, in consultation with First Nations) – Expires November 27, 2025

**Agenda Item: Informing Various Discussions**

- **Regulatory Coordination and Process Harmonization**
  - The LWBs have regular meetings with various parties intended to improve regulatory coordination, process harmonization and operational improvements. Examples include:
    - Compliance Conversations with GNWT Lands and ENR
    - Joint meetings with GNWT (Lands and ENR), CIRNAC, CanNor, and MVEIRB
    - Mackenzie Valley Operational Dialogue (see Environmental Audit item below)
    - Pan-Territorial Board Forum
  
- **Environmental Audit and Response**
  - The Land and Water Boards continue to participate in the Mackenzie Valley Operational Dialogue (MVOD) with GNWT, CIRNAC, the Chamber of Mines, and Indigenous governments. The MVOD was established to create space for discussion among parties to collaborate on specific and prioritized operational improvements related to the northern regulatory regime for mineral development.
  - The LWBs are part of the organizing committee for the ongoing Resource Co-management Workshops. Since 2020 the workshops have focused on the following:
    - 2022 – a series of four virtual half-day workshops were held:
      - The Co-Management System and Ongoing Initiatives (March 30 and 31)
      - Closure and Reclamation (June 8 and 9)
      - Engagement and Consultation (Sept. 28 and 29)
      - Climate Change (Dec. 15 and 16)
    - 2021 – an online workshop with in-person hubs in several communities was held March 9-11 with the theme, “Well-being: making good co-management decisions in the Mackenzie Valley”.
    - 2020 – the workshop was held in-person in Yellowknife February 4-6 and focused on Engagement & Consultation.
  
- **Cumulative Impact Monitoring Program (CIMP)**
  - The LWBs have staff who participate with CIMP for the annual review of funding proposals and results workshops.



***Agenda Item: Roundtable Activity***

- **Key Initiatives**
  - New initiatives our organization is exploring / implementing are:
    - Started work on 5-year Strategic Plan and Research Interests, but meetings have been postponed until we hire staff
    - Possibility of Climate Change Biologist position (or expanding current Environmental Coordinator position duties)
    - Salary review / supplemental funding application to CIRNAC
- **Vacancies**
  - Current Board and Committee member vacancies at our organization:
    - Staff vacancies – Executive Director, Fisheries Biologist, Environmental Coordinator
    - Board vacancies – GTC full member (with second GTC member expiring Feb 5<sup>th</sup>), 3 GTC alternates.

***Agenda Item: Informing Various Discussions***

- **Regulatory Coordination and Process Harmonization**
  - Approaches our organization is taking to increase regulatory coordination and process harmonization with other Boards/organizations:
    - We share office space with GLWB and GLUPB
    - Regularly attend Board Forum meetings
    - The staff position that performs these regulatory duties is currently vacant (Environmental Coordinator)
- **Cumulative Impact Monitoring Program (CIMP)**
  - Initiatives our organization is involved with as it relates to CIMP:
    - Most projects are on hold / we have limited involvement due to staff vacancies
    - Whitefish TK – Impacts of permafrost degradation on luk dagaii habitat in the Peel Watershed. Compiling TK and SK about critical habitat, and modelling and mapping the potential impacts of permafrost thaw on these critical habitat areas.
    - GNWT's CIMP application – Collaboratively forecasting landscape change and population dynamics of the Cape Bathurst, Tuktoyaktuk Peninsular, Bluenose – West, Bluenose-East, and Bathurst Herds of Barren-ground Caribou
    - DFO CIMP funding application: Documenting Gwich'in and Inuvialuit Dolly Varden management history and contemporary community fisheries objectives.



## Sahtú Renewable Resources Board (SRRB)

### ***Agenda Item: Roundtable Activity***

- **Key Initiatives**
  - New initiatives our organization is exploring / implementing are:
    - Community Conservation Planning Initiatives
    - Food security programs
    - Public Listening Series (series of public hearings)
      - Colville 2019 PLS
      - Déljne 2020 PLS
      - 3 more to come
- **Vacancies**
  - Current Board and Committee member vacancies at our organization, if applicable:
    - 2 GNWT appointments
    - 2 Canada appointments
    - Board Chair

### ***Agenda Item: Informing Various Discussions***

- **Regulatory Coordination and Process Harmonization**
  - Approaches our organization is taking to increase regulatory coordination and process harmonization with other Boards/organizations:
    - Nę K'ə Dene Ts'jł Forum Meetings
- **Cumulative Impact Monitoring Program (CIMP)**
  - Initiatives our organization is involved with as it relates to CIMP:
    - A Century of petroleum history extraction
    - Contaminants in the Mackenzie River and fish health
    - Hydrocarbon-derived compounds in water bodies





## Sahtú Land Use Planning Board (SLUPB)

### ***Agenda Item: Roundtable Activity***

- **Key Initiatives**

- New initiatives our organization is exploring / implementing are:
  - Annual outreach and engagement in Sahtú communities in coordination with other Sahtú co-management Boards – help people understand what the different Boards do as well as to be updated on present concerns in the communities. This includes school visits with activities for high school students to understand the co-management boards and encourage them to get involved.
  - Will start exploring how to better address climate change in the plan through risk assessments, using prepared data from external sources, while informing it with traditional knowledge from community members. This will be part of the information that will inform the Plan's 5-year review.
  - Continue refining the land use plan's Monitoring & Evaluation. The first component is being implemented, evaluating how Regulators are interpreting and implementing the land use plan when evaluating authorizations and dispositions. The second component is to evaluate how the land use plan is achieving its vision and goals, with this work planned for the next years. The results of this will help determine what amendments are necessary in a 5-year review of the land use plan.
  - Better use of communications, including use of social media to target a different audience, plain language summaries with graphic design, online registry with similar feel to other co-management board.

- **Vacancies**

- Currently no vacancies on the Board.

### ***Agenda Item: Informing Various Discussions***

- **Regulatory Coordination and Process Harmonization**

- Approaches our organization is taking to increase regulatory coordination and process harmonization with other Boards/organizations:
  - Work more collaboratively with the other co-management boards, sharing resources and coordinating projects together, including organizing joint community engagement meetings.

- **Environmental Audit and Response**

- Actions our organization has taken in response to the environmental audit findings and recommendations:

- The Board was chronically underfunded, as indicated in the environmental audit. The Board worked on providing its funders with a business case as to why more funding is required, answering questions as they arose. The funding review was completed as of December 2022, with very good news communicated to the Board.
  - While the Board’s funding has been reviewed, honoraria rates are still chronically low and have not been reviewed since 2004, currently set by the Minister at \$225/day for Members and \$325/day for the Chairperson. The Board looks forward to serious discussion around increasing these rates.
- Community well-being not always being addressed in decisions, where there is a need to understand what the community issues are. This requires further engagement on topics unrelated to land use plan amendments. As mentioned above, annual community tours are part of the solution to have community voices heard and integrated in Board processes.
- Review of land use plans taking too long, undermining confidence in land use plans as something that is meant to be dynamic and change over time. The Board’s strategy was to hash out all the touch points with parties prior to submittal of a final amendment and looks forward to working with Approving Parties to find a process that does not undermine the Board’s engagement on Plan amendments while speeding up their approvals.
- **Cumulative Impact Monitoring Program (CIMP)**
  - Initiatives our organization is involved with as it relates to CIMP:
    - The Board looks forward to using information in CIMP’s new Landscape Change viewer to inform how to address climate change in the Plan. Slumping caused by climate change is at the forefront of community concerns, where mitigation measures are necessary in areas identified as being prone to this.

## Wek'èezhì Renewable Resources Board (WRRB)

### OPERATIONS

#### A) Board

- Joseph Judas is the current WRRB Chair; however, he is on a medical leave.
- In June 2022, Eddie Chocolate, Travis Washie, and Janelle Nitsiza were appointed by the Tłı̨chǫ Government. There is currently a vacancy to be filled by the Tłı̨chǫ Government due to the passing of Eddie Erasmus.
- In 2019, Isabelle Duclos and Stu Niven were appointed by ECCC and DFO, respectively. In 2021, Steve Matthews was appointed by GNWT. There is currently a vacancy to be filled by the GNWT due to the recent end of term for Suzanne Carriere.

#### B) Staff

- Current staff include Laura Meinert, Wildlife Management Biologist, Aimee Guile, Conservation Biologist, Simon Whitehouse, Communications Officer, and Jody Pellsissey, Executive Director.
- The Communications Officer, a shared position between the WRRB and WLWB, provides support and information on renewable resource management and land and water regulation issues to Tłı̨chǫ communities.

### WILDLIFE AND HABITAT MANAGEMENT

#### A) Management Proposals

- Ongoing implementation of determinations and recommendations related to the 2022 Bathurst and Bluenose-East Caribou Herds Proceedings.
- Ongoing implementation of recommendations related to the 2020 Wolf Management Proceeding.
- Ongoing review of wildlife research permit, timber cutting permit, and scientific licence applications as well as land use permit and water licence applications.

#### B) Management Plans

- Participation on the Wek'èezhì Boreal Caribou Range Plan Working Group.
- Membership on the Bathurst Caribou Advisory Committee; determine annual status of the Bathurst caribou herd in January 2023.
- Membership on the Advisory Committee for Cooperation of Wildlife Management; hosting the 7th Annual Status Meeting (November 2023) to determine status of the Cape Bathurst, Bluenose-West, and Bluenose-East caribou herds.
- Membership on the Barren-ground Caribou Technical Working Group.

### C) Species at Risk (NWT & Federal)

- WRRB and TG recently conducted joint consultations on the proposed relisting of t̄qdzı (boreal caribou) in all Tłıch̄q communities in fall 2022.
- Ongoing review of assessments, listings, and recovery documents for species in both territorial and federal processes.

## The Office of the Regulator of Oil and Gas Operations (OROGO)

### ***Agenda Item: Roundtable Activity***

- **Key Initiatives**
  - In the 2023 winter season, OROGO expects over 50 well abandonments will be completed. All suspended wells in OROGO's jurisdiction (approx. 85 wells) are scheduled to be abandoned by March 31, 2025.
  - Since 2019, OROGO has issued:
    - Public Access to Information Guidelines and Interpretation Notes
    - Public Hearing Guidelines and Interpretation Notes
    - Contingency Plan Guidelines and Interpretation Notes
    - Application Guidelines and Interpretation Notes – Well Suspension and Abandonment
    - Proof of Financial Responsibility Guidelines and Interpretation Notes
    - Revised Document Submission Guidelines
    - Revised Well Suspension and Abandonment Guidelines and Interpretation Notes
    - A Safety Bulletin on Shallow Wellbore Plugs
- **Vacancies**
  - OROGO is fully staffed.

### ***Agenda Item: Informing Various Discussions***

- **Regulatory Coordination and Process Harmonization**
  - Approaches our organization is taking to increase regulatory coordination and process harmonization with other Boards/organizations:
    - Pre-operations meetings with operators and inspectors from OROGO and the MV Land and Water Boards.
    - Weekly meetings with operators and inspectors from all regulators (OROGO, MV Land and Water Boards, WSCC) during the winter work season to address questions and coordinate activities, including joint inspections.
    - Participating in the MV Land and Water Boards' public registry.
    - Memoranda of Understanding with other regulators (MVLWB, CER, WSCC, Government of Yukon).

## Canadian Energy Regulator (CER)

### **Agenda Item: Roundtable Activity**

- **Key Initiatives**

- New initiatives our organization is exploring / implementing are:
  - Renewal of the MOU with the Mackenzie Valley Environmental Impact Review Board (MVEIRB). The MOU encourages and sets out a framework for coordination between the Review Board’s environmental assessment processes and the CER’s application review processes for proposed developments. Staff at both organizations are also working on developing process maps for CER applications that require an environmental assessment.
  - Establishment of a Crown Consultation Coordinator – in 2019 with the coming-into-force of the CER Act, the CER was established as an agent of the Crown with Crown consultation responsibilities. We consult with Indigenous peoples early and throughout our review process.
  - Indigenous Advisory Committee (IAC) – established in 2020 the IAC is an integral part of the CER’s governance structure. and provides advice to the CER’s Board of Directors. Their key mandate is to advise the organization on how the CER can build a renewed relationship with Indigenous peoples.
  - Indigenous Advisory and Monitoring Committees (IAMCs) – Created by Indigenous peoples, the Government of Canada and the CER. The CER is a member of two IAMCs: the Transmountain Pipeline Expansion (TMX) and Enbridge Line 3 Replacement Program (Line 3)
  - Co-development of a collaborative mechanism with Indigenous Peoples relating to pipeline compliance over the NOVA Gas Transmission Ltd. System (NGLT system).
  - Creation of Professional Leader, Reconciliation. This position plays a key role in providing professional leadership at the CER, focusing on Reconciliation and what it means for the CER as a regulator. Michelle Wilsdon took on this role in September 2022. Michelle is from the Enoch Cree Nation, located just west of Edmonton in the heart of Treaty Six Territory.

- **Vacancies**

- Current Board and Committee member vacancies at our organization, if applicable:
  - A recruitment process is underway, led by the federal government, to recruit additional members for the CER’s Board of Directors.

***Agenda Item: Informing Various Discussions***

- **Regulatory Coordination and Process Harmonization**
  - Approaches our organization is taking to increase regulatory coordination and process harmonization with other Boards/organizations:
    - Revision of the MOU with Mackenzie Valley Environmental Impact Review Board
      - Process mapping of MVEIRB environmental assessments and CER application hearings
    - Regular meetings with Co-Management Boards, OROGO and GNWT Departments
    - The CER also has MOUs and/service agreements with the:
      - Environmental Impact Review Board and Environmental Impact Screening Committee
      - Mackenzie Valley Land and Water Board (includes all the LWBs)
      - Government of the Northwest Territories Office of the Regulator of Oil and Gas Operations
      - Northern Projects Management Office (and Federal partners)
      - Northwest Territories Water Board
    - The CER is also an active member of the Western Regulators Forum



## APPENDIX E – PRESENTATIONS

The PowerPoint presentations are provided in a separate PDF document for ease of sharing the report in areas with limited Internet bandwidth.

# THE 26<sup>TH</sup> NWT BOARD FORUM

## APPENDIX E - PRESENTATIONS

Submitted to: NWT Board Forum Steering Committee

Submitted by: Stratos, an ERM Group Company  
1404-1 Nicholas Street  
Ottawa, Ontario  
K1N 7B7

Submitted on: March 10, 2023

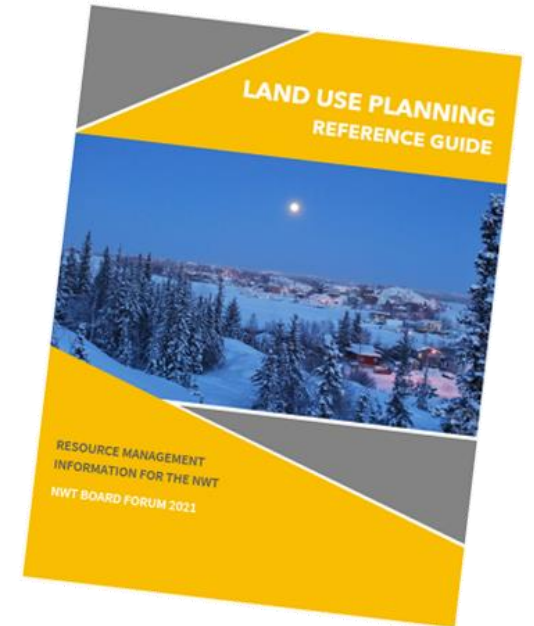
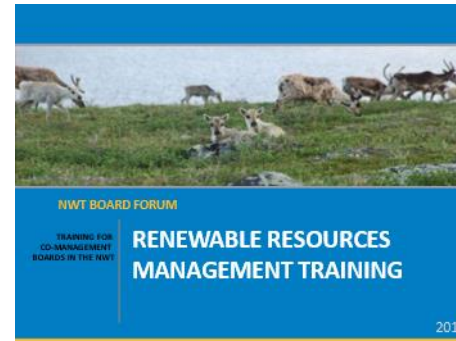
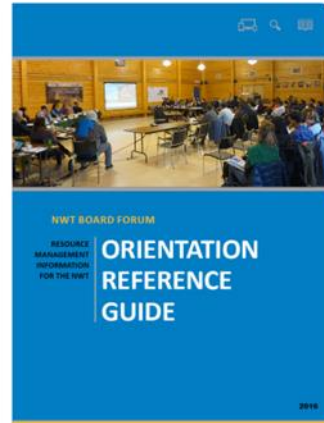
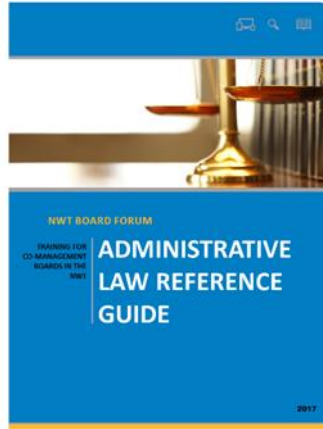
# NWT Board Forum Training

- Funded by CIRNAC
- Implemented by a volunteer Board
- Courses are available on-line and open to the public and require signing up
- Housed through the Forum website

A white circle with a blue border containing the logo for the NWT Board Forum. The logo consists of the text 'nwt board forum' in a bold, blue, sans-serif font, with the tagline 'Resource Management Information for the NWT' in a smaller, grey, sans-serif font below it.

**nwt board forum**  
Resource Management Information for the NWT

# Suite of Courses



- 2018- Admin Law and Board Orientation (in-person)
- 2019- Renewable Resources Management (in-person)
- 2021- Land Use Planning (virtual)

# Recommendation

- Upcoming fiscal 2023-2024
- Run in-person foundational courses
  - Admin Law and Board Orientation

# Overview of the Intergovernmental Council

## Board Forum



**Intergovernmental  
Council** of the Northwest  
Territories

January 31, 2023



# Devolution

In 2014 Canada transferred responsibility for managing...



...to the NWT, recognizing the rights, titles, jurisdiction, and authority of the GNWT and Indigenous Governments



# Intergovernmental Agreement

- Prior to the transfer, Indigenous Governments (IGs) & the GNWT established the ***NWT Intergovernmental Agreement on Lands and Resources Management (IGA)***
- Purpose: to formalize government to government relationships and allow the further development of agreements or arrangements among the GNWT and Indigenous governments for cooperative and coordinated Management of Lands and Resources



# Intergovernmental Council

- The IGA recognizes that land & resources should be managed
  - in accordance with land claim & self-government agreements and the honor of the crown;
  - under a system of policies and legislation that reflects regional Indigenous Parties' approaches to decision-making; and
  - in an integrated, cooperative, and coordinated manner.
- The engagement and collaboration required under the IGA is operationalized through the **Intergovernmental Council (IGC)**



# Intergovernmental Council

- The IGC “recognizes the rights, titles, jurisdiction and authority of each Party” and does not give anyone veto power
- The IGC provides for meaningful participation in decision-making in the management of lands and resources, including the development of lands and resources legislation
- Individual IGs receive funding through the Devolution Agreement to participate in the IGC and other lands and resources matters
- Indigenous governments were able to give early input on the 2016-2019 GNWT legislative development processes and were fully engaged up until introduction to the Legislative Assembly



# Aboriginal and Treaty Rights

- Aboriginal and treaty rights continue to apply just as they did prior to Devolution in 2014
- Public Lands are part of negotiated historic and modern treaties, and all existing obligations of government continue to apply



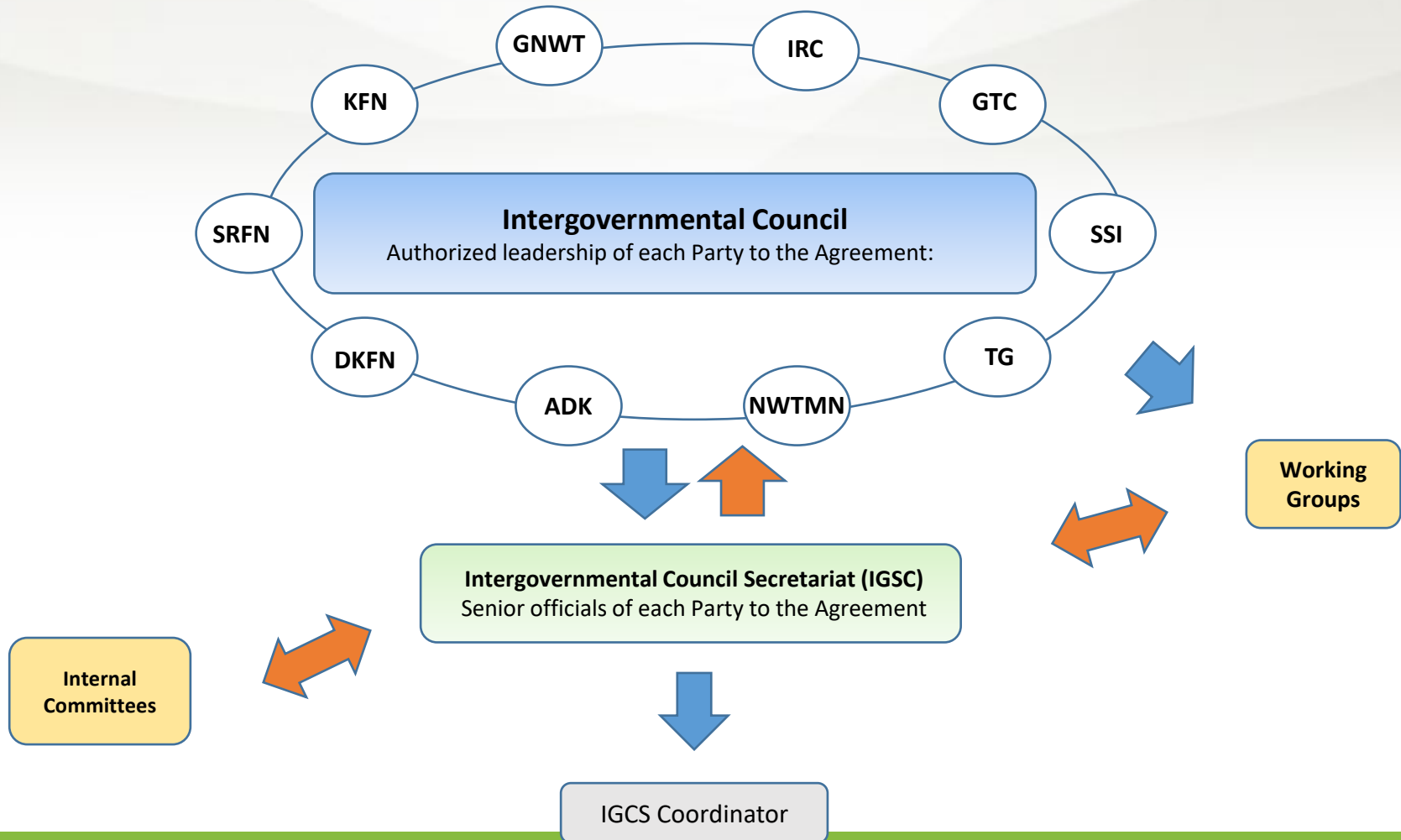
# IGC Agreement Partner Governments

- Government of the Northwest Territories
- Inuvialuit Regional Corporation
- Northwest Territory Métis Nation
- Sahtu Secretariat Incorporated
- Gwich'in Tribal Council
- Tłıchǫ Government
- Salt River First Nation
- Denínu Kúé First Nation
- Acho Dene Koe First Nation
- Kátł'odeeche First Nation





# Structure of the Intergovernmental Council



# Duties of the IGC as set out in the IGA

- Each Party shall “consider recommendation of the Council in its respective decision-making”
- Review the land and resource management systems of each Party
- Address legislative requirements for benefit agreements relating to resource development
- Review and develop any proposed changes to the legislation the GNWT is required to substantially mirror
- Develop protocols to ensure the management of public lands and resources and rights in respect of waters is consistent with the duties associated with the honour of the Crown, including duty to consult and, where appropriate, accommodate



# IGC Secretariat (IGCS)

- Comprised of senior officials of each Party to the Agreement
- Operates under a Terms of Reference
- Responsible for implementing the instructions and recommendations of the IGC
- IGCS Coordinator position resides in EIA-IIA and provides administration and coordination functions
  - This is a neutral and balanced position, since it relates to duties both internal to the GNWT as well as to duties on behalf of the Secretariat



# IGC Working Groups

- Section 4.6 of the IGA allows the IGC to create working groups to advance specific initiatives on behalf of the IGC
- Every working group is accountable to the IGC
- Working groups do not have decision-making authority
- The Secretariat provides direction and guidance to the working groups
- Four working groups have been established:
  - Aboriginal Government Capacity Working Group
  - Impact Benefit Plans Working Group
  - Finance Working Group (IRRSA)
  - Intergovernmental Council Working Group for Consultation on Lands and Resources Legislation Development” Working Group (IGC Legislative Development Protocol)



# Internal IGCS Committees

- Like the working groups, but are instead struck by the IGCS through the IGCS Terms of Reference
- Established to facilitate timely action on issues and questions between full meetings
- Typically, a small group (2-3) of IGCS senior officials



# IGC Impact

- While it remains a work in progress, the Inter-governmental Agreement and establishment of the IGC and IGCS has created a formal forum and process for ongoing cooperative and coordinated management for lands, resources, and waters within the NWT.
- The door remains open for other IGs to sign on to the Devolution and Inter-governmental agreements when they decide to do so.



# Legislative and Regulatory Updates

## Board Forum



**Intergovernmental  
Council** of the Northwest  
Territories

January 31, 2023



# Outline

- IGC Legislative Development Protocol
- *Forest Act* – ENR
- *Protected Areas Act* and Regulations – ENR
- *Public Land Act* and Regulations – Lands
- *Mineral Resources Act* and Regulations – ITI
- Q&A



# IGC Legislative Development Protocol



**Intergovernmental  
Council** of the Northwest  
Territories

Thursday, January 26, 2023

# Legislative Development Protocol

- GNWT and 9 IGs - unanimously agreed to adopt
- Developed in part based on lessons learned in 18<sup>th</sup>
- Consistent with NWT Intergovernmental Agreement on Land and Natural Resource (LNR) Management (2014), respects jurisdictions and authorities of IGs and the GNWT
- Represents a progressive and forward-looking step in the development of LNR legislation.
- Recognizes that it is necessary to collaboratively develop LNR legislation & regulations in spirit of consensus

Intergovernmental Council on Land and Resource Management:  
Legislative Development Protocol

*Background & Purpose*

The Northwest Territories Intergovernmental Agreement on Lands and Resources Management ("IGA") formalizes government-to-government relationships and allows for the further development of agreements or other arrangements among the Parties for cooperative and coordinated management of lands and resources, recognizing the rights, titles, jurisdiction, and authority of each Party. The engagement and collaboration required under the IGA is operationalized through the Intergovernmental Council ("IGC") and any subgroups mandated by the IGC.

The IGA recognizes that the management of lands and resources in the Northwest Territories is fundamentally important to the people of the Northwest Territories and should be managed: (i) in accordance with settlement and self-government agreements and in keeping with the honour of the Crown; (ii) under a system of policies and legislation that reflects regional and Indigenous Parties' approaches to decision-making; and (iii) in an integrated, cooperative, and coordinated manner.

The above principles are critical to the success of any legislative initiatives developed through this process, and are expressed in the IGA. The IGA provides that the Parties will "review and develop ... any associated legislative, policy or organizational changes that are necessary to further the purpose and objectives" of the IGA and "any proposed changes to the legislation that the GNWT is required to substantially mirror on the Transfer Date pursuant to the Devolution Agreement, including the development of new resource management legislation."

In developing new resource management legislation (including regulations and amendments to existing legislation) pursuant to the IGA, IGC members recognize that it is necessary for them to work collaboratively to identify legislative priorities and to collaboratively develop legislation, including regulations, with respect to the management of lands and resources in the Northwest Territories in a spirit of consensus.

The Parties have further agreed that it is appropriate and desirable to establish a process whereby each Indigenous government organization ("IGO") that is an IGC member will notify other IGC members when they intend to proceed with the introduction or amendment of any IGO laws related to the Management of Lands and Resources. If appropriate, this notification would allow for cooperative engagement, in a non-prescriptive manner, that would not diminish the authorities of the IGO IGC member.

*Collaboration and Consensus*

Consistent with the commitments in the IGA, and building on the successful legislative collaborative development processes undertaken to date—which the parties acknowledge is a progressive and forward-looking step in the development of Northwest Territories legislation—



# The Protocol: Steps A & B

## A. GNWT INVITATION TO PARTICIPATE

- GNWT invites all IGC members to participate in developing substance of legislative proposal for amendment or creation of any NWT statute or regulation

## B. IGS DETERMINE LEVEL OF ENGAGEMENT

- Each IGC member determines their level of involvement for a particular initiative



# The Protocol: Steps C & D

## C. ENGAGEMENT ASSESSMENT AND PLANNING

- GNWT & IGs develop a workplan and timeline
- IGCS discusses potential involvement of other groups, such as non-IGC IGOs and co-management bodies created pursuant to the land claim agreements and/or under the MVRMA – in all or part of the development process

## D. LEGISLATIVE PROPOSAL AND REGULATION DEVELOPMENT

- Preliminary discussion; GNWT develops and shares proposal; IG review/comments/amendments; final proposal



# The Protocol: Step E

## E. ESTABLISH A TECHNICAL WORKING GROUP (TWG)

- IGCS determines when a TWG is required. Composed of officials appointed by GNWT and participating IGs.
- Some tasks of TWG include collaboratively:
  - developing technical and subject matter expert opinions on policy intentions;
  - soliciting views of non-IGC IGOs, & where necessary, co-management boards, NGOs, and other stakeholders as part of the drafting process
  - developing proposed statutes, regs, amendments etc.



# The Protocol: Steps F & G

## F. COLLABORATIVE DEVELOPMENT OF DRAFT LEGISLATION

- Reach consensus on draft legislation through the TWG

## G. IGC REVIEW

- Final stage of collaborative development process
- Formal review by the IGCS with view of achieving final consensus on any outstanding matters before submitting to the Minister to bring forward to the Assembly or the Commissioner in Executive Council.





# Legislative Development Protocol

- The above process:
  - builds on the experiences and best practices in collaboratively developing legislation between the IGOs and the GNWT,
  - further formalizes government-to-government relationships through the IGC, and
  - enables the IGC parties to better achieve the cooperative and coordinated management of lands and resources contemplated under the Devolution Agreement.



# *Forest Act*

**Department of Environment and Natural Resources**



**Intergovernmental  
Council** of the Northwest  
Territories

Thursday, January 26, 2023

# Forest Act – Where are we now?

- ENR has worked with an IGC Technical Working Group to develop the Forest Act Bill, and the IGC reached consensus on the Bill in November 2022.
- Renewable Resources Boards were engaged during the development of the bill and had the opportunity to review drafts prior to Consultation.
- Consultation was carried out from November 2022 to January 2023.
- Public engagement occurred in December 2022.



# Forest Act – Next Steps?

- ENR will produce a “What We Heard Report” based on public engagement.
- Introduction to the Legislative Assembly in February/March 2023.
  - SCEDE Review



# *Protected Areas Act and Regulations*

**Department of Environment and Natural Resources**



**Intergovernmental  
Council** of the Northwest  
Territories

Thursday, January 26, 2023

# *Protected Areas Act and Regulations*

- Passed in the 18<sup>th</sup> Legislative Assembly, and came into force in June 2019.
- Created with Indigenous governments and organizations, regulatory boards, stakeholders and the public.
- The Act provides the legislative framework for protecting, conserving and maintaining biodiversity, ecological integrity and cultural continuity of the NWT through the creation of permanent protected areas.



# Thaidene Nënë Regulations

Department of Environment and Natural Resources



Intergovernmental  
Council of the Northwest  
Territories

Thursday, January 26, 2023



# Thaidene Nënë Regulations – Where are we now?

- Current regulations being amended.
- New regulations: comprehensive version that reflect requirements set out in Establishment Agreements.
- IGCS Technical Working Group developed policy intentions document to inform drafting.



# Thaidene Nënë – Next Steps?

- TWG review of draft regulations
- IGC consensus on proposed final draft
- Minister to bring forward to the Commissioner in Executive Council & Coming into Force in 2023



# *Public Land Act* and Regulations

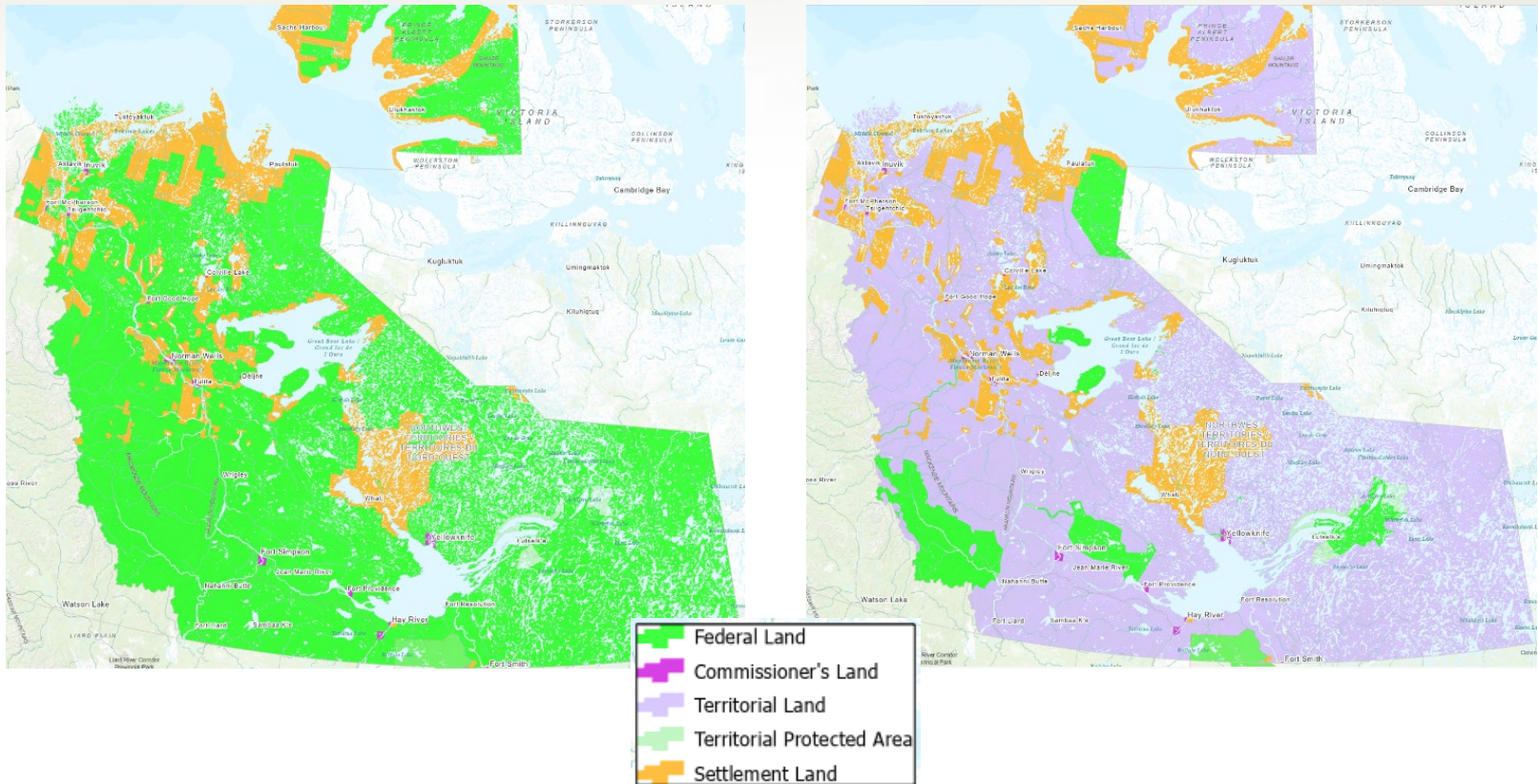
Department of Lands



Intergovernmental  
Council of the Northwest  
Territories

Thursday, January 26, 2023

# Public Land – Pre-Devolution vs. Current



# Public Land Act

- Passed by the 18th Legislative Assembly in 2019 but awaits completion of regulations before coming into force
- Combines all the GNWT land administered by the Department of Lands under one authority
- Eliminates legislative division between Commissioner's Land and Territorial Land

THIRD SESSION EIGHTEENTH LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES				TROISIÈME SESSION DIX-HUITIÈME ASSEMBLÉE LEGISLATIVE DES TERRITOIRES DU NORD-OUEST			
B.I.L. 46				PROJET DE LOI 46			
PUBLIC LAND ACT				LOI SUR LES TERRES PUBLIQUES			
<u>Summary</u>				<u>Résumé</u>			
This Bill repeals the Commissioner's Land Act and the Northwest Territories Land Act and replaces them with a consolidated statute that comprehensively governs all public land within the Northwest Territories.				Le présent projet de loi abroge la Loi sur les terres administrées et la Loi sur les terres des Territoires du Nord-Ouest. Il remplace ces deux lois existantes par une seule loi qui régit de manière exhaustive toutes les terres publiques dans les Territoires du Nord-Ouest.			
DEPOSITION							
Date of Notice Date de l'avis	1st Reading 1 <sup>re</sup> lecture	2nd Reading 2 <sup>e</sup> lecture	In Committee Au Comité	Opposition Travaux	Revised Révisé	3rd Reading 3 <sup>e</sup> lecture	Date of Assent Date de sanction
March 5, 2019	March 11, 2019	March 12, 2019	April 15, 2019	E.J. Skippen	April 19, 2019	April 26, 2019	June 27, 2019
Margaret Thew Commissioner of the Northwest Territories Commissaire des Territoires du Nord-Ouest							

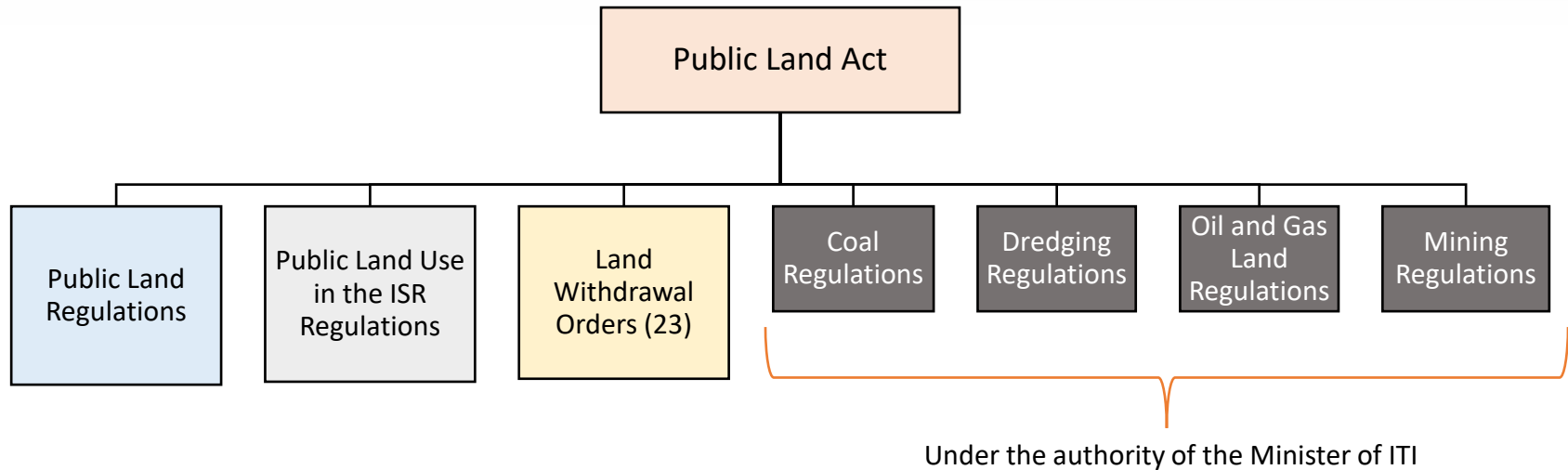


# Key Changes from existing legislation

- Consolidation: Commissioner's land and Territorial lands will no longer exist - just public land
- Restoration security: removed mandatory provisions from CLA
  - Regulations need to integrate with Land and Water Board securities and include a mandatory risk assessment for all other dispositions to determine if securities are needed while ensuring small business is not impeded
- Modernization: metric, drafting language, removed outdated provisions
- Defined 'disposition', which is both the conveyance of an interest in public land and an instrument of rights and interests that is less than fee simple title
- Inspectors: Peace officer status (ticketing) and can issue orders to come into compliance with the terms of a disposition
- Enforcement: Non-compliance is an offence and new prohibition where "No one shall use, possess or occupy public land without lawful authority."



# Proposed PLA Regulations Structure





# LWBs Engagement

- LANDS will re-launch the Technical Advisory Panels (TAPs) in Spring 2023, including the one with members of the land and water boards, to review proposed regulations.
- On April 8, 2022, LANDS held a Technical Information Session and discussed TAP Terms of Reference with LWB members
- TAPs are intended to efficiently support the development of the regulations by having TAP members:
  - Share expert knowledge in a dedicated ‘focus group’ forum
  - Bring valuable experience to NWT land administration by providing advice and guidance
  - Review, consider and provide feedback on the proposed regulations
  - Identify and seek ways to resolve potential issues



# *Mineral Resources Act*

**Department of  
Industry, Tourism, and Investment**



**Intergovernmental  
Council** of the Northwest  
Territories

Thursday, January 26, 2023

# Mineral Resources Act

- Received assent in August 2019, a stand-alone mineral legislation that enables various new authorities and functions beyond current Mining Regulations.
- Extensive new regulations and business processes are required, to meet the needs of the NWT, prior to it coming into force.

THIRD SESSION, EIGHTEENTH LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES				TROISIÈME SESSION, DIX-HUITIÈME ASSEMBLÉE LÉGISLATIVE DES TERRITOIRES DU NORD-OUEST			
BILL 34				PROJET DE LOI 34			
MINERAL RESOURCES ACT				LOI SUR LES RESSOURCES MINÉRALES			
DISPOSITION							
Date of Notice Date de l'avis	1st Reading 1 <sup>re</sup> lecture	2nd Reading 2 <sup>e</sup> lecture	To Committee Au Comité	Chairperson Président	Reported Rapport	3rd Reading 3 <sup>e</sup> lecture	Date of Assent Date de sanction
February 7, 2019	February 11, 2019	February 12, 2019	August 20, 2019	R.J. Hoggson	August 20, 2019	August 21, 2019	August 21, 2019

Margaret Thom  
Commissioner of the Northwest Territories  
Commissaire des Territoires du Nord-Ouest



# Key Changes

- Governance of exploration and mining in the NWT is modernized to be aligned with best practices in Canada
- Securing tenure for mineral claims and leases move from a temporal system to a merit based system
- Mineral claims no longer grant tenure to resources, but are a right to explore.
- Benefits are mandatory
- Engagement requirements at decision points are incorporated
- Public registry
- Increased enforcement ability for non-compliances
- Creation of a Mineral Rights Review Board
- Mandatory tracking of minerals removed from site
- Increased collection and publication of geological data



# Regulator Engagement

- Initial information sharing on the MRA policy intentions occurred with all regulators interested on January 12th 2023
- Follow-up on feedback and additional discussions from January until Regulations are drafted
- Review of proposed regulations – TBD
- Ongoing discussions regarding implementation



# Q & A



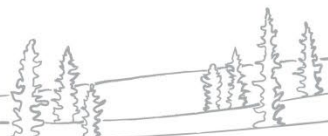
**Intergovernmental  
Council** of the Northwest  
Territories



# 2020 NWT Environmental Audit

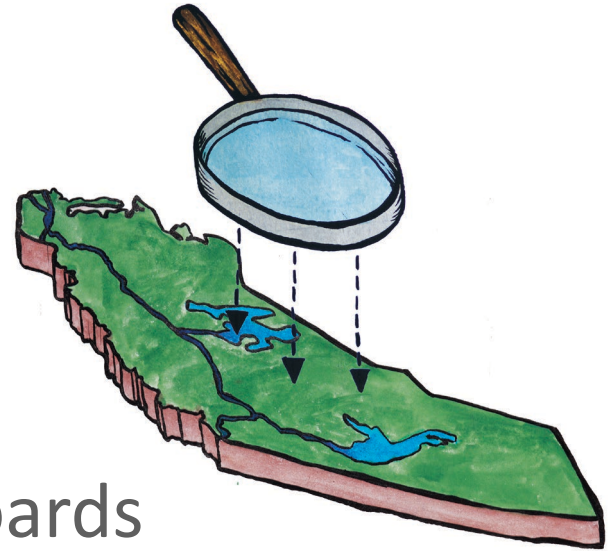
## Recommendations to co-management boards

January 31, 2023



# Outline

- Introduction (video)
- Background
- 2020 Audit Recommendations directed to co-management boards
- 2025 Audit process





# Introduction of the Audit

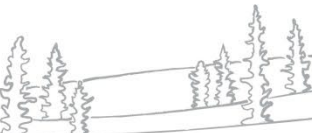


<https://youtu.be/4rXzlp0MeVo>



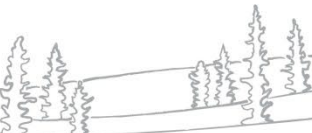
# Background

- The Mackenzie Valley Resource Management Act requires an independent Environmental Audit be conducted every 5 years.
- Purpose:
  - to assess the quality of the environment and effectiveness of environmental management in the Mackenzie Valley.



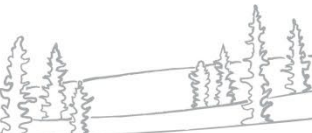
# Background

1. The availability of environmental trend information in the NWT required to make decisions
2. The effectiveness of the regulatory system in the Mackenzie Valley
3. The effectiveness of cumulative impact monitoring in the NWT
4. The responsiveness of parties to previous Audit recommendations



# Background cont'd

- The 2020 Audit found the environmental regulatory system in the NWT has continued to improve since the last audit in 2015.
- The 2020 Audit made 40 recommendations; 11 were addressed to co-management Boards.



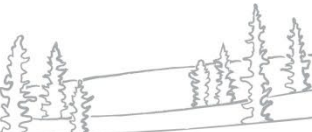
# 2020 Recommendations

## 1. Guidance for proponents

- Discuss opportunities and challenges with client groups.
- Develop a standardized mineral exploration permitting bundle.

## 2. Board procedure

- Establish a Traditional Knowledge Advisory Committee.
- Re-examine the engagement process.
- Develop monitoring and evaluation frameworks for all land use plans.



# 2020 Recommendations

## 3. Increase capacity

- Address board capacity challenges.
- Develop a participant funding program.

## 4. Inspection regime

- Establish a process to meet and discuss challenges and solutions.

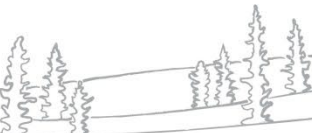
## 5. Monitoring program design

- Ensure the adoption of consistent monitoring requirements for proponents.



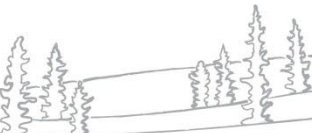
# 2020 Recommendations

6. Cumulative impact information needs
  - Identify the specific information required from government that would aid in considering cumulative impacts in decisions.
  - Publish cumulative impact knowledge gaps.



# Responses to the recommendations

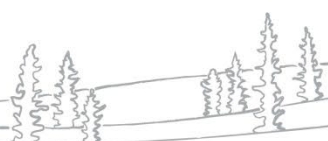
- Responses to the recommendations were published within the 2020 Audit Report.
- The 2025 Audit will assess progress on previous recommendations.





# 2025 Audit Process

- The 2025 Audit process has begun:
  - Currently finalizing Terms of Reference;
  - Information collection by the Auditor expected late 2023 to 2024;
  - Audit will be released in 2025.



# Thank you

Full report and plain language summary at [nwtcimp.ca](https://nwtcimp.ca)





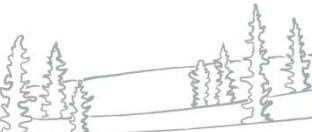
# Northwest Territories Cumulative Impact Monitoring Program

Board Forum

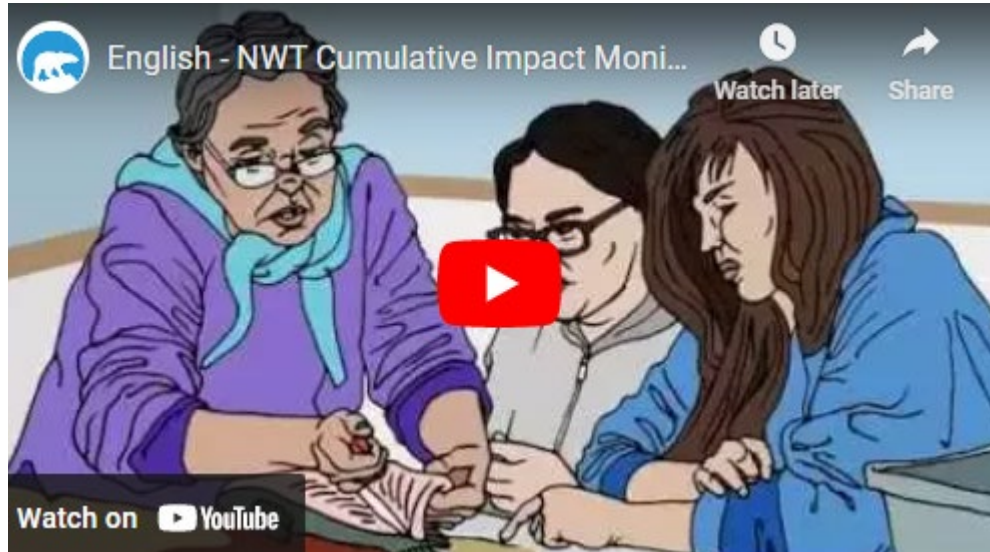
February 1, 2023

# Outline

- Introduction to NWT CIMP
- Monitoring and Research Priorities
- Working and Communicating with the Boards



# NWT CIMP Introduction



[https://www.youtube.com/watch?v=T9hu\\_l2TU48&t=150s](https://www.youtube.com/watch?v=T9hu_l2TU48&t=150s)

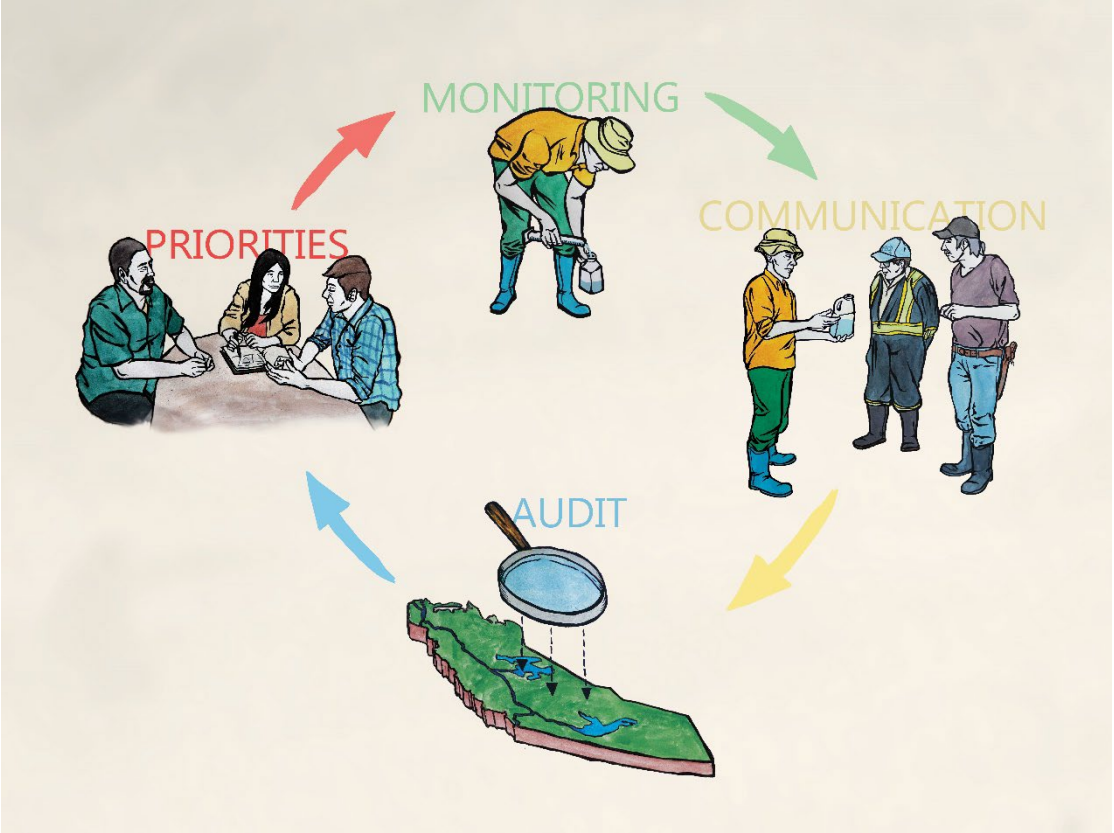
# Introduction - Steering Committee

- Provides guidance to the program
- Provides project funding decisions
- Members and observers are listed on [www.nwtcimp.ca](http://www.nwtcimp.ca)



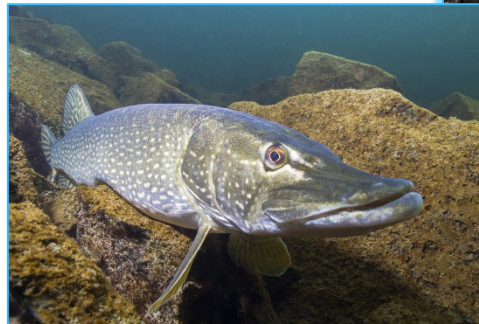


# Introduction - Key Activity Areas



# Monitoring and Research Priorities

- **Caribou, water and fish monitoring Blueprints**
- **Traditional knowledge is a program priority**
- [www.nwtcimp.ca](http://www.nwtcimp.ca)





# Working with Boards

- Observers on the NWT CIMP Steering Committee
- Input on monitoring blueprints/priorities
- Comments on applications
- Guideline development



# Communicating with the Boards

- Distribute information
- Host/provide datasets
- Participation in project reviews



## Ongoing work

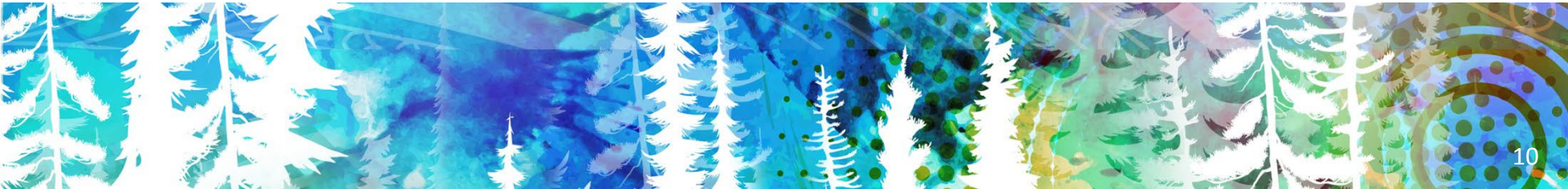
- Developing a cumulative impact monitoring framework.
- Developing an approach to water quality monitoring that will allow all partners to contribute information.
- Consideration of long-term monitoring.



# Questions?



Local youth from the Sahtu Region participating in aquatic monitoring



# Summary of the MVRMA workshop on climate change

Presentation to the NWT Board Forum

February 1, 2023

Kate Mansfield

Manager of EA Policy and Planning; MVEIRB





# Overview of the 2022 MVRMA Workshop series

Due to uncertainties around COVID-19, the 2022 MVRMA workshop was hosted as a series of 4 virtual workshops

- Introduction to and overview of the co-management system (March)
- Closure and reclamation (June)
- Consultation and Engagement (September)
- **Climate Change (December)**



# Goals of the climate change workshop

## Share information about how:

- the Mackenzie Valley and its regulatory regime are affected by climate change
- how climate change is currently considered in resource management decision-making processes
- industry is innovating to decarbonize and adapt to climate change

## Engage in dialogue about:

- how Indigenous science and western science inform and enhance decision-making related to climate change
- ways to improve consideration of climate change in the Mackenzie Valley regulatory regime



# Overview of agenda

## Panels:

### 1. Climate Change in MVRMA Decision Making Processes

- Representatives from GNWT-ENR, Environment and Climate Change Canada, Mackenzie Valley Environmental Impact Review Board and land and water boards discuss how climate change is considered in decision processes

### 2. Industry Innovations

- Representatives from Industry (DeBeers Canada Inc and Cheetah Resources) highlight actions industry is taking to mitigate and adapt to climate change

### 3. Emerging Leaders and Elders

- Indigenous Elders and youth share their perspectives on what support is needed from decision-makers in the face of climate change impacts and what we should be striving for as we adapt to a future with climate change.





# Overview of agenda

## Presentations:

- Dr. Chris Burn (Carleton University): Climate change, permafrost and impact assessment in the Mackenzie Valley and Western Arctic)
- Matthew Zeppetelli (ECCC): Summary of the *Strategic Assessment of Climate Change*
- Dieter Cazon (Łíídlı́ Kúé First Nation): Weaving Indigenous Knowledge with western science





# CLIMATE CHANGE, PERMAFROST & IMPACT ASSESSMENT

HOW MUCH TIME DO WE HAVE?

# CLIMATE CHANGE.

20 YEARS AGO:

IS CLIMATE CHANGE REAL?

NOW: **YES**. IN FACT, THE ACTUAL RECORDS HAVE OUTPERFORMED OUR WORST-CASE SCENARIO.

WE HAVE TO ASSESS WITHIN THE CONTEXT OF

HOW DO WE KNOW?

THIS MEANS:

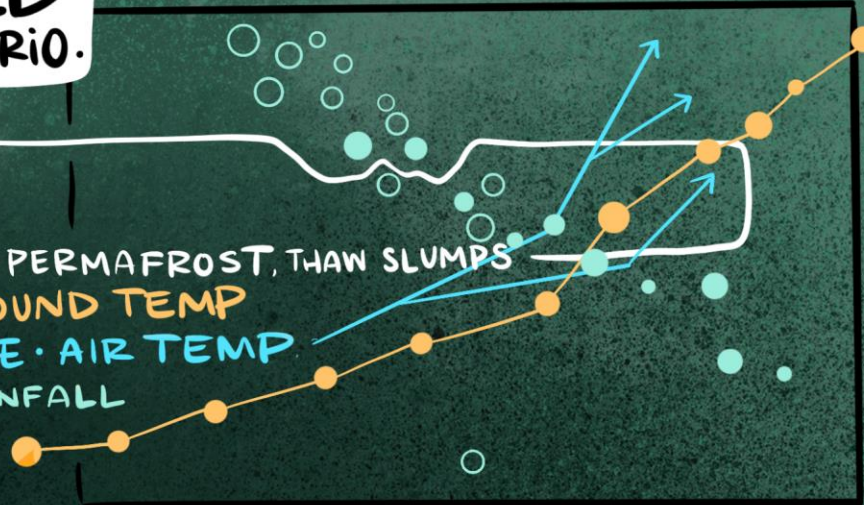
UP TO DATE BASELINES

PROJECT TIMESCALE

GROUND ICE CONDITIONS

WATER MANAGEMENT

EQUILIBRIUM DISRUPTION · PERMAFROST, THAW SLUMPS  
GRADUAL CHANGE · GROUND TEMP  
ACCELERATING CHANGE · AIR TEMP  
EXTREME EVENTS · RAINFALL



a "KNOWN UNKNOWN":

ACTIVE LAYER: Freezes & THAWS EVERY YEAR

PERMAFROST: FROZEN FOR MORE THAN 2 YEARS (but really, for a LONG TIME)

THERE IS IN THE 1500 BILLION TONNES OF CARBON CAPTURED PERMAFROST (1000B IN THE TOP 3M) THAT IS NOT INCLUDED IN GLOBAL CLIMATE BUDGETS. A LOT IN RUSSIA = NO ACCESS TO MEASURE OR MONITOR.



# Planning objectives

- Broad, regional representation
  - participants from all 5 regions within the Mackenzie Valley, 9 other provinces/territories
  - participants from 14 Indigenous Governments in the Mackenzie Valley
  - participant funding from GNWT
- Respectful planning
  - Yellowknife Drummers
  - opening and closing prayers
  - gifts
  - prompt payment of honoraria for elders and panelists



# Key Takeaways

- impacts of climate change are real, profound and already felt throughout the Mackenzie Valley and Western Arctic
- co-management Boards and governments have been incorporating climate change into their decision-making processes but more needs to be done to keep pace with the changes
- we need active, ongoing and respectful collaboration between all partners in the co-management regime to work towards systemic change
- Indigenous people, governments and knowledge systems must be a cornerstone of any climate solution in the Mackenzie Valley





# NWT Board Forum #26

## Ministerial Decision Processes

February 1, 2023

Government of  
Northwest Territories

# Context

- Board Forum requested a discussion of Ministerial decisions on Board recommendations, including:
  - How the processes work
  - What might cause delays or challenges
  - Lessons learned/best practices for Boards to consider in making their recommendations



# Which decisions? (1)

- *Mackenzie Valley Resource Management Act*
  - Approvals of and amendments to Gwich'in and Sahtu Land Use Plans
  - Environmental assessments and environmental impact reviews
- Inuvialuit Final Agreement
  - Environmental impact assessments and reviews



# Which decisions? (2)

- *Waters Act*
  - Type A water licences
  - Type B water licences with public hearings
- *Wildlife Act*
  - Wildlife decision or recommendation from a Renewable Resources Board
- *Species at Risk (NWT) Act*
  - Several actions required under Conference of Management Authorities processes





# How the processes work (1)

- Vary according to the provisions of legislation (if any) and land and resource agreements
  - Guiding principles
  - Which Minister or Ministers
  - What decisions can be made in response to a Board recommendation
  - Factors that must or may be considered
  - Time limits



# How the processes work (2)

- Ministers, supported by officials and legal counsel, must exercise their discretion reasonably and fairly, to preserve the integrity of the decision process
  - Administrative law considerations
- Ministers and officials must consider the duty to consult and, where appropriate, accommodate



# General considerations

- Have the Board and the Ministers followed due process?
- Are the Board's conclusions reasonable and supported by the evidence presented, including scientific and Indigenous knowledge?
- Is the Board's decision consistent with legislation?
- Implementation considerations



# Duty to consult and where appropriate, accommodate

- Details of how the duty is considered vary with the process
- Is the duty triggered?
- Could the decision have adverse impacts on asserted or established Aboriginal and/or Treaty rights?
- How have concerns been addressed and, if appropriate, accommodated?
- Has the duty been fulfilled?



# Lessons learned and considerations

- Value of process discussions and relationship-building initiatives (e.g. Board Forum, MVRMA workshops, Water Stewardship Strategy workshops, wildlife workshops, etc.)
- Clear and plain language
  - Reports and decisions
  - Procedural documents
- Learnings from case law



# What could cause delays and/or challenges?

- Questions about how a Board considered the evidence presented during the process
- Questions about procedural matters
- New information (some processes explicitly allow for consideration of new information)
- Concerns raised during Aboriginal consultation
- Emergencies and community events – e.g. public health considerations, flooding



# Conclusions/Discussion

- Important to work together to identify and solve challenges, to support integrated resource management
- The GNWT and CIRNAC are committed to developing and maintaining productive working relationships

