
**Mackenzie Valley Operational Dialogue:
Information Needed to Process Mineral
Exploration Applications**

March 10 – 12, 2020
Chateau Nova Hotel
Yellowknife, Northwest Territories

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MACKENZIE VALLEY OPERATIONAL DIALOGUE: INFORMATION NEEDED TO PROCESS MINERAL EXPLORATION APPLICATIONS

March 10-12, 2020

March 10 and 11 from 8:45 am to 5:00 pm

March 12 from 8:45 am to 12:15 pm

Caribou Room, Chateau Nova Hotel, 4571 48 Street, Yellowknife

BACKGROUND

Representatives from the resource co-management boards in the Mackenzie Valley (MVLWB, WLWB, SLWB, GLWB and MVRB), the Northwest Territories & Nunavut Chamber of Mines, the Government of the Northwest Territories (ITI, ENR and Lands), and the Government of Canada (CanNor and CIRNAC) are hosting a workshop on March 10 - 12, 2020 to **discuss information needed to process mineral exploration applications**. It will include a dialogue on the associated issues, challenges and potential solutions (excluding legislative amendments) that are achievable in the near term.

The development of this dialogue is in response to broad concerns raised during the review of Bill C-88. As part of the collaborative approach to better understand the perspectives of potential participants and to inform the planning and design of the March 2020 workshop, focus group sessions were held at the Yellowknife Geoscience Forum last November. Focus group sessions were initially held with the Boards (MVLWB, WLWB and MVRB), industry, GNWT and the Government of Canada (GoC).

In the spirit of commitment by the organizing sponsors to continuous understanding, improvement and cooperation in the regulatory process, the workshop will bring together key groups to explore strategies for operational improvements within the integrated resource co-management regime in the Mackenzie Valley and to make tangible and demonstrable progress on a specific topic of interest.

There is a hope that the workshop would serve as a 'pilot' and provide momentum for more regular engagement among parties to collaborate on specific and prioritized operational improvements (both in the Northwest Territories and with extension to Nunavut and Yukon), which may enable other topics to be addressed. This workshop represents a starting point for an evidence-based, respectful and purpose-driven *Mackenzie Valley Operational Dialogue*.

WORKSHOP OBJECTIVES

As an overview, the workshop will include two main sessions with different objectives.

- **Part 1** (Day 1 – full day): Will provide an overview of information needed to process mineral exploration applications in the Mackenzie Valley, with broader participation, to build common understanding and encourage knowledge-sharing.
- **Part 2 – Invite Only** (Day 2 – full day & Day 3 – half day): A small group of practitioners will be invited to discuss issues, identify options and potential solutions as it relates to operational details about information needed to process mineral exploration applications

The workshop objectives were identified through the November engagement process where the experience and interests of the participants resulted in setting pragmatic and targeted areas of focus for the workshop.

Overall, the workshop objectives are to:

1. **Build increased awareness and knowledge** by the workshop participants and pilot a process to strengthen understanding and knowledge-sharing related to information needed for processing mineral exploration applications.
2. **Issue identification** related to information needed for processing mineral exploration applications.
3. **Identification of options and potential solutions** to the current issues and challenges related to information needed for processing mineral exploration applications. The aim is to generate potential solutions that are within the respective operational and administrative mandates, processes and mechanisms, and that are achievable in the near term, without legislative amendments.
4. **Set out next steps and specific actions** (to further assess the impact and efficacy of implementing the potential solutions).

DAY 1: MARCH 10, 2020	
WORKSHOP: PART 1	
8:45 – 9:15 a.m.	<p>Welcome and Introductions</p> <p><i>Welcoming opening remarks by Lisa Dyer, Director General of Canadian Northern Economic Development Agency and Pamela Strand, Assistant Deputy Minister, Industry, Tourism and Investment, Government of Northwest Territories</i></p>
9:15 – 10:30 a.m.	<p>Agenda #1: Mackenzie Valley Licencing and Permitting – Background and Overview</p> <p><i>Background on the origin of the MVRMA and overview of the licencing and permitting process, including time for Q&A.</i></p> <p><i>Presenters:</i></p> <ul style="list-style-type: none"> - <i>Shelagh Montgomery, Mackenzie Land and Water Board</i> - <i>Ryan Fequet, Wek'eezhii Land and Water Board</i>
10:30 – 10:45 a.m.	Break
10:45 – 12:00 p.m.	<p>Agenda #2: Mineral Exploration – An Industry Perspective</p> <p><i>An overview exploration including types of exploration activities, role of exploration in resource development, risks and challenges, and the regulatory process – focusing on information needed, including time for Q+A.</i></p> <p><i>Presenter:</i></p> <ul style="list-style-type: none"> - <i>Gary Vivian, Aurora Geosciences</i>
12:00 – 1:00 p.m.	Lunch (provided)
1:00 – 2:00 p.m.	<p>Agenda #3: Panel: Regulatory Excellence and its Significance in Mineral Exploration</p>

DAY 1: MARCH 10, 2020

WORKSHOP: PART 1

	<p><i>Panel discussion to explore both the importance of and what ‘regulatory excellence’ looks like (from various perspectives) as it relates to mineral exploration.</i></p> <p>Working Definition: <i>‘Regulatory excellence’ considers both regulatory efficiency and effectiveness. ‘Regulatory excellence’ reduces compliance burden on business and regulators without compromising effectiveness, i.e. ensuring that key regulatory objectives continue to be met, and regulatory standards upheld, with the level of integrity and transparency expected by the public.</i></p> <p>Panelists:</p> <ul style="list-style-type: none">- <i>Mark Cliff-Phillips, Mackenzie Valley Environmental Impact Review Board</i>- <i>Kathy Racher, KRacher Consulting</i>- <i>Joe Campbell, Gold Terra Resources</i>- <i>Rebecca Chouinard, Crown-Indigenous Relations and Northern Affairs Canada</i>
2:00 – 3:15 p.m.	<p>Agenda #4: Small Group Activity: Regulatory Excellence and Mineral Exploration – Why Does It Matter?</p> <p><i>In groups, reflect on...</i></p> <p><i>How does regulatory excellence in mineral exploration relate to me, my organization and my constituents?</i></p> <ul style="list-style-type: none">- <i>Why is it important?</i>- <i>How does it impact my work / role / way of life?</i>- <i>What are my hopes for what can be achieved moving forward?</i>
3:15 – 3:30 p.m.	Break
3:30 – 4:45 p.m.	<p>Agenda #5: Small Group Activity: Guidance for Part 2 of the Workshop – Shaping the Conversation on Information Needed to Process Mineral Exploration Applications</p> <p><i>In groups, reflect on...</i></p> <ul style="list-style-type: none">- <i>What concerns do you have about information needed to process mineral exploration applications?</i>- <i>What opportunities, options and potential solutions do you see that could help to address these challenges?</i>- <i>What guidance do you have for participants on Days 2 and 3? What do you hope can be accomplished through the discussion?</i>
4:45 – 5:00 p.m.	<p>Wrap Up</p> <p><i>Review progress, actions and next steps.</i></p>

DAY 2: MARCH 11, 2020**WORKSHOP: PART 2**

8:45 – 9:15 a.m.	Welcome, Introductions and Ground Rules <ul style="list-style-type: none">- <i>Introductions</i>- <i>Reflections on Part 1</i>- <i>Review agenda and objectives</i>- <i>Ground rule setting</i>
9:15 – 10:30 a.m.	Agenda #6: Process Map Activity: Understanding the Flow and Sources of Information and Where Issues are Experienced <p><i>Walk through the regulatory process from pre-submission to completing the application to the public review, analysis and board decision and identify areas where issues are experienced.</i></p> <p><u><i>Part A – Understanding and validating the process map</i></u></p> <ul style="list-style-type: none">- <i>Do you have any questions or require any clarifications to understand components of the process map or sources of information needs?</i>- <i>Are there any critical steps missing or any inaccuracies?</i> <p><u><i>Part B – Examining where issues are experienced</i></u></p> <ul style="list-style-type: none">- <i>On the process map, identify areas where significant challenges and moderate-minor challenges are experienced</i>- <i>On the tables that describe ‘Information Needed’, identify the types of information where significant issues and moderate-minor issues are experienced</i>
10:30 – 10:45 a.m.	Break
10:45 – 12:00 p.m.	Agenda #7: Roundtable Discussion: Reflections on Key Issues Regarding Information Needed in Mineral Exploration Applications as Identified in PART 1 <p><i>Based on the issues identified in the process map exercise, please help to characterize each issue:</i></p> <ul style="list-style-type: none">- <i>What is making this a challenge?</i>- <i>Why? What are the underlying drivers?</i>
12:00 – 1:00 p.m.	Lunch (provided)
1:00 – 2:45 p.m.	Agenda #8: Case Study Exploration: Lessons Learned and Best Practices <ul style="list-style-type: none">- <i>Case Study 1: Engagement presented by Julian Morse, MVLWB</i>- <i>Case Study 2: Water source information presented by Joe Campbell, Gold Terra Resources</i>

DAY 2: MARCH 11, 2020**WORKSHOP: PART 2**

	<i>Q&A and Discussion</i>
2:45 – 3:00 p.m.	Break
3:00 – 4:30 p.m.	<p>Agenda #9: Panel: The Role of Expert Advice and Reviewers in Regulatory Information Needs Regarding Mineral Exploration</p> <p><i>Discussion to hear from various perspectives what information is asked for, how it is used, synergies, opportunities and challenges to process mineral exploration applications.</i></p> <p><i>Panelists:</i></p> <ul style="list-style-type: none">- <i>John Donihee, Willms & Shier Environmental Lawyers LLP</i>- <i>Rick Walbourne, Government of Northwest Territories</i>- <i>TBC, Department of Fisheries and Oceans</i>- <i>Clint Ambrose, Government of Northwest Territories</i>- <i>Violet Camsell-Blondin, Tłjchq Government</i>- <i>Ryan Fequet, Wek'eezhii Land and Water Board</i> <p><i>Q&A and Discussion</i></p> <ul style="list-style-type: none">- <i>What are the key challenge areas currently experienced through the process of providing/receiving reviewer input?</i>- <i>What key improvements could help to make this process smoother?</i>
4:30 – 4:55 p.m.	<p>Agenda #10: Roundtable Discussion: Positioning for Day 3 - What Priority Issues Have Emerged?</p> <p><i>Reflect on the list of specific priority issues related to information needed to process mineral exploration applications that will be addressed the following day.</i></p>
4:55 – 5:00 p.m.	<p>Wrap Up</p> <p><i>Review progress, actions and next steps.</i></p>

DAY 3: MARCH 12, 2020**WORKSHOP: PART 2**

8:45 – 9:00 a.m.	Welcome and Introductions <ul style="list-style-type: none">- <i>Reflect on Part 2 – Day 2</i>- <i>Review agenda and objectives</i>
9:00 – 10:00 a.m.	Agenda #11A: Activity: Issue Summary and Solution Area Prioritization <p><i>Confirm the priority issues list and identify solutions.</i></p> <p><u>Issues</u></p> <ul style="list-style-type: none">- <i>Are these the key issues ('problems to solve')?</i>- <i>What issues need amendment or are missing?</i> <p><u>Solutions</u></p> <p><i>Identify which solution areas and/or specific solutions can make the biggest positive impact. Consider:</i></p> <ul style="list-style-type: none">- <i>Degree of impact</i>- <i>Level of investment</i>- <i>Complexity / readiness to address</i>- <i>Timeframe required to address</i>
10:00 – 10:15 a.m.	Break
10:15 – 11:00 a.m.	Agenda #11B: Activity: Solution Area Definition <p><i>Based on the solution area prioritization...</i></p> <ul style="list-style-type: none">- <i>What specific solutions are needed?</i>- <i>What can be realistically tackled in the next 6 to 12 months?</i>- <i>What are the top priorities? (vs. items that should be noted and addressed at a later date)</i>
11:00 – 12:00 p.m.	Agenda #12: Action Planning for Solutions Plenary Discussion <p><i>Building on the solutions identified...</i></p> <ul style="list-style-type: none">- <i>How will these be carried forward? (What mechanism)</i>- <i>Who needs to be involved? (Who leads? Who supports?)</i>- <i>What is the timeframe? (For initiating? For completing?)</i>
12:00 – 12:15 p.m.	Workshop Wrap Up <p><i>Review progress, actions and next steps.</i></p>



**Information Gathering to Inform a Regulatory Workshop on
“Information Needed to Process Mineral Exploration Applications”
Summary of Findings**

DATE OF SUBMISSION:

December 20, 2019

PREPARED BY:

Stratos Inc.
1404-1 Nicholas Street
Ottawa, Ontario
K1N 7B7
Tel: 613 241 1001
Fax: 613 241 4758
www.stratos-sts.com

Our Vision

A healthy planet. A productive and engaged society. A clean, diversified and inclusive economy.

Our Mission

We work collaboratively with governments, Indigenous peoples, business and civil society to navigate complex challenges, develop integrated and practical solutions and support societal transitions that result in sustainable outcomes.

Stratos runs its business in an environmentally and socially sustainable way, one that contributes to the well-being of our stakeholders – clients, employees and the communities in which we operate. Reflecting this commitment, we have an active Corporate Social Responsibility program. For more information about our commitments and initiatives, please visit our Web page: www.stratos-sts.com/about/



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1 Background

Representatives from the resource co-management boards, NWT & Nunavut Chamber of Mines, the Government of the Northwest Territories, and the Government of Canada (CanNor and CIRNAC) are currently planning a workshop the week of March 9th, 2020 to discuss information needed to process mineral exploration applications.

In the spirit of continuous improvement and collaboration, the workshop will bring together key groups to explore strategies for operational improvements within the existing resource co-management regime in the Mackenzie Valley and to make tangible progress on this specific topic. There is a hope that the workshop in March 2020, if successful, could serve as a pilot for more regular engagement among parties to collaborate on specific and prioritized operational improvements (both in the Northwest Territories and with extension to Nunavut and Yukon), which could allow other topics to be addressed at future dates.

To better understand the perspectives of potential participants and to inform the design of the March 2020 workshop, focus group sessions were held at the Yellowknife Geoscience Forum in November 2019. Focus group sessions were held with four groups (with roles related to the proposed workshop topic): Boards, industry, GNWT and GoC. A fifth focus group was planned for IGOs, but no participants were available for this session. It was acknowledged that invitations for the focus group sessions did not provide a lot of lead time to participants. A list of the participants that attended each session is provided in the Appendix.

The purpose of this summary report is to share what was learned through the focus group sessions including:

- Some of the issues and challenges that are currently experienced with information needed to process mineral exploration applications; and
- Expectations and suggestions for how to design the March 2020 workshop.

This report will serve as an input to the multi-party planning committee, which is shaping the design of the workshop in collaboration with facilitators from Stratos Inc. and Gaea Consulting Ltd.

2 Information Gathering Findings

2.1 CONTEXT SHAPING FOCUS GROUP CONTRIBUTIONS

Through the focus group sessions, it was evident that there are **broader contextual factors that are strongly shaping people's perspectives and contributions** to the specific workshop topic (information needed to process mineral exploration applications). In particular, a number of participants shared concerns about the state of the NWT economy and investor confidence in the Mackenzie Valley regulatory regime. Participants also identified other topics (e.g., setting financial security) that are not directly related to the proposed workshop topic. There has been a growing set of issues and concerns for the resource development industry, amidst changing context and roles for governments (including through devolution and evolutions to Indigenous government roles), that currently do not have sufficient mechanisms to collaborate on to resolve issues. Consequently, all participants agreed that continuing the process of **educating each other to build understanding is**

an essential component of the workshop and that this step is necessary before options and solutions to issues can be identified.

Participants did express a willingness to collaborate and work through issues and one participant framed these efforts as a shared responsibility where “all parties have a role to play in operational improvements – this is not about the actions of any single party”.

2.2 WORKSHOP SCOPE

Preliminary scope: Information needed to process mineral exploration applications. (Informational needs include legislated requirements, alignment with policies and guidelines, and softer asks for information.)

All participants **are in agreement with the proposed workshop scope**, but the scope of issues that are important to some participants are much broader than the specific workshop topic. Therefore, it may be useful for some parties to engage through bilateral meetings outside of the workshop (either before or after the workshop) to exchange information and to strengthen understanding between parties, as part of a broader effort to address operational improvements on a range of issues.

One participant suggested that the “softer ask” part of the preliminary scope statement be removed, whereas another participant thought it was appropriate to leave it in. This may highlight that people think differently about information needs at the outset - some people viewing information needs as binary and others viewing information needs along a spectrum.

2.3 INITIAL ISSUE IDENTIFICATION STATEMENT

Based on the input from the focus group sessions we have drafted an initial issue identification statement (for testing), which may serve as a starting point for where to focus on building a mutual understanding among parties and examining issues in greater depth.

Issue Identification Statement: There is a belief that the information needed to process mineral exploration applications has been increasing over time and that what is asked for is not scaled to the level of potential impact / risk of exploration projects.

It should be noted that while many participants contributed to sharing issues that framed the issue identification statement, participants in the co-management Board session outlined a set of questions that could be asked of other groups (particularly industry) that would help them to better understand the concerns and issues of others. Some of these questions were:

- What information asks are seen as onerous?
 - Is it about what is required? How they are required? When they are required? Other?
- Is LWB guidance helpful? Do they add certainty?
- What topics or parts of the process would be useful to focus on?

Consequently, the issue identification statement and the factors that underlie it are more significantly shaped by participants in some focus group sessions, rather than from full contributions by all participants.

2.4 SOURCES OF INFORMATION NEEDS

Through the focus group sessions, we developed the following **preliminary picture about the origins of information needs**, which should be tested and elaborated as required to build understanding. While some participants believe that the origin of information needs are very clear and stem directly from legislation (or result from a legislated mandate), other participants are unclear about the source of information needs, which contribute to the perception that there are “softer asks” for information. In addition, there are a range of contextual factors that influence what information is asked for at a given time (e.g., departmental capacity) which can shape how people perceive information needs over time.

Origin	Description	Illustrative Examples (not exhaustive)
Existing Legislation	Existing active requirements (currently asked for)	<ul style="list-style-type: none"> Land Use/Water Regulations (Schedules cover applications for land use permits and water licences)
	Existing reactivated requirements (once asked for, temporarily inactive, then asked for again)	<ul style="list-style-type: none"> Bathymetry data (inactive with diminished DFO capacity in the North)
	Emerging (buried) requirements (emerge due to changes in societal values, political priorities, emphasis on legislative provisions that have not been previously tested, etc.)	<ul style="list-style-type: none"> Compensation (following the first compensation claim, this focused attention on information needed)
Amended / New Legislation	New requirements	<ul style="list-style-type: none"> NWT Wildlife Act monitoring and management plans (Future potential for UNDRIP)
Policies	Existing or new policies (linked to ability to deliver legislated mandate)	<ul style="list-style-type: none"> Consultation and Engagement Policy/Guidelines Water and Effluent Quality Policy/Guidelines Emerging DFO operational guidance (which will replace former 2012 operational statements)

2.5 FACTORS THAT UNDERLIE THE ISSUE IDENTIFICATION STATEMENT

There are a number of perspectives that underlie the issue identification statement, which contribute to how people view information needed to process mineral exploration applications. The following list is meant to highlight some of the initial perspectives shared during focus group sessions, which can inform the workshop. The list should not be viewed as comprehensive or as a substitute for building shared understanding when multiple parties discuss an issue together, but rather as a starting point from which discussion can take place.

- Some participants believe that **information needs have increased over time (legitimately)** due to new demands, legislation and requirements, but that these may not be well understood by all parties. The evolution of case law and engagement requirements were cited as an example of this.

- **Information needs are perceived as onerous and disproportionate to size/scale/scope/potential impacts of exploration projects.** A few topics were identified by various parties where information needs either feel onerous OR where the processes related to the exchange of this information have had negative consequences for proponents (e.g., delays in permitting). Closure guidelines, engagement guidelines (including when is enough and interactions with government responsibility for duty to consult), bathymetry data were all raised.
- **There is a desire for greater transparency and “right sizing” of information needs** to ensure that is what is asked for is indeed needed and is not disproportionate to the level of risk of exploration projects. Some participants believe that more details are being asked about projects, without actually being needed. Requests for information are expected to be accompanied by clear communication and rationale for why they are requested with defensible reasons for asking for them. In some cases, the timing of information requests may be important – perhaps not everything is needed at the same time.
- **The role of reviewers in providing expert advice** in the Mackenzie Valley regime **may not be well-understood by all parties** and **appears to be impacting processes and demands for information** to process mineral exploration applications. Many issues identified in focus group sessions were linked back to this theme, perhaps in part due to recent experiences with applications. It was also noted the Mackenzie Valley regime was designed with the explicit mechanism to rely on the technical advice from reviewers, which is different than how most southern regimes operate. The following items were noted in connection to this theme:
 - Reviewers are not “created equally” – some have their own instruments (e.g., DFO has the FAA) and some do not, which could influence what information is asked for and when it is needed.
 - A reviewer’s context (e.g., capacity, priorities) may influence what information is asked for at a given time.
 - Reviewers are perceived to ask questions that do not always relate to permits and licences (without clear rationale), which may not be vetted before posting to the online registry.
 - Reviewers sometimes have different views on the level of application “completeness”, which may link to what questions are asked.
 - LWBs have discretion in how they address expert advice from reviewers, but the decision criteria used are not clear to all parties.
 - Reviewers are required to do two separate things simultaneously when providing expert advice, which may impact a reviewer’s contributions: 1) determine whether an EA is required; and 2) inform what conditions will be required in a licence or permit.
 - The recent example where bathymetry data were asked for was linked back to this theme.
- **Risk aversion appears to shape behaviours in the system**, which may affect what information is requested. Examples were cited of parties relying on legal advice or referencing back to single events or historical “reprimands” where processes were not executed properly which are thought to contribute to more conservative organizational behaviours, with implications for what information is asked for.
- **Capacity (knowledge, expertise, experience) and personnel turnover (loss of institutional memory)** were cited as challenges in the regime that may lead to more onerous requests for information. When turnover occurs (or in absence of experience), individuals may be more risk adverse, asking for more information than required.
- **Land and Water Boards have developed common guidance documents** as a way to **provide clarity to industry** about information needs (among other things), but these tools

may not be reaching the audience for which they are intended. There are also differing views about whether the guidelines are voluntary or mandatory. Individual participants noted that:

- In addition to existing guidance documents, there are a number of guidance documents (drafted or with planned revisions) where Boards are collaborating to provide greater clarity to industry including: the Guide to the Water Licence Process (draft posted on online registry); the Guide to the Permitting Process (revisions planned for future); and standard conditions for permits (developed) and licences (planned).
 - Industry doesn't have time to review the guidance documents properly (when they are developed).
 - There are many guidance documents, which is difficult for industry to navigate.
 - The guidance documents are useful to consultants.
 - The timelines for obtaining licences (9 months) and permits (42 days) are legislated and outlined in guidance, and industry may not be allowing sufficient time to obtain licences and permits for field season work.
- **There are differing views about the role of inspectors in the field.** One view is that the responsibility of inspectors has been declining over time, which is seen as undesirable because it can prevent timely response to issues and may require more onerous process (e.g., an amendment). The other view is that very little can be delegated from Boards to inspectors.

2.6 WORKSHOP PARTICIPANTS

There was no consensus in the focus group sessions about who (and how many people) should attend the March 2020 workshop. There were two distinct views:

- Some participants would like to see **broad participation** (including various GNWT and GoC departments, IGOs and their Economic Development bodies, industry, Boards and consultants) to ensure effective information sharing across all parties and continuity in participation if workshops will take place more regularly and on different issues.
- Other participants would like more **focused participation**, limiting the workshop to only those with a role in information needed to process mineral exploration applications, so that efforts can be focused and solutions-oriented – by those that have a role to create change. Under a focused model, some participants did not view ITI as having a direct role in this specific workshop topic, although it may in future workshop topics.

2.7 WHAT DOES SUCCESS LOOK LIKE?

Creating the space and time to talk and build a shared understanding across parties (in pursuit of focused and mutual interest) was the most universal need identified for the workshop, which is seen as a precursor to identifying solutions to issues. One participant also stated that it would be useful to **identify specific actions that can be worked on immediately** (i.e., without requiring changes to regulations), but to also **note all actions that would be helpful**, so that these can be documented and acted on a later date. The use of a “parking lot” as a facilitation tool was raised in a few sessions – as a way to capture broader issues outside the scope of the workshop.

2.8 POTENTIAL INPUTS

To the extent possible, participants identified the need for **data that illustrate how things are working in practice** (e.g., completeness of applications) to help build an understanding of issues that would enable participants to move beyond perceptions.

2.9 SHAPING THE EXAMINATION OF ISSUES

Many participants **like the idea of using case studies** as a way to examine issues – particularly drawing on both those deemed successful and those that experienced challenges. Participants identified several different ways to approach discussing issues including:

- **Picking a few topic areas** that are illustrative of larger issues / concerns (e.g., water use; engagement; closure; archaeology; wildlife monitoring; Traditional Knowledge)
- **Working through an application process** to look at the information needs across phases, from pre-submission to reasons for decision using a recent example
- **Splitting the examination** between 1) projects that only require a permit and 2) project that require both a permit and licence
- **Using a project lifecycle (potentially in combination with a regulatory lifecycle) flowchart** to identify problem areas for discussion

3 Workshop Design: Initial Recommendations

Based on the information gathering phase, we offer these **initial recommendations** on workshop design, for discussion and decision by the multi-party planning group.

1. **Proceed with the preliminary scope with minor wording changes:** Information needed to process mineral exploration applications. (Informational needs include legislated requirements, alignment with policies and guidelines, and supplementary asks for information.)
2. The workshop should have **three key objectives**:
 - a. Awareness / knowledge building of parties (can be broader than workshop scope, but should situate workshop scope)
 - b. Issue identification related to the workshop scope
 - c. Solution identification related to the issues (noting actions, responsibility and timelines)
3. Given the differing views on broad versus focused participation (and the potential for future workshops on different issues), we suggest **breaking the workshop into two parts to accommodate both audiences**. We also highly recommend that **the component with focused participation be kept to less than 20 people** to accommodate roundtable discussion where everyone can hear first-hand from other participants to advance collective understanding of issues and potential solutions.
 - a. **Part 1 (1 day)** would focus on building a shared understanding with broad participation. The format could be presentation-based and accommodate about 30-50 people.
 - b. **Part 2 (1.5 days)** would focus on examining issues and identifying solutions with more focused participation. I.e., participation would include a targeted sample from those parties with a direct role in the workshop scope (aiming for 12-20 people,

roundtable format). In addition, participants with the following characteristics would be desirable:

- i. Direct experience with the workshop topic
 - ii. Ability to influence / support solutions within own organization
 - iii. Solution and problem-solving orientation and/or ability to provide relevant examples or lessons in support issue / solution identification
 - iv. Ability to stay focused on workshop topic (while understanding linkages to broader issues, but not focusing on broader issues)
4. Based on the information shared during focus group sessions, the following potential **topics might be useful for Part 1** (building a shared understanding):
- a. Mineral exploration 101
 - b. Mackenzie Valley regulatory regime 101 (with a focus on the “expert advice” function)
 - c. Tracing back where information needs come from
 - d. Sharing process maps that highlight what information is needed at points in the licencing and permitting process
 - e. Lessons from best practices in regulatory excellence (for effective and efficient systems)
5. **Use case studies of applications** (with names of applicants removed) to identify issues and solutions (based on case studies that both worked well and didn’t work well), with a goal of identifying and highlighting best practices in support of risk-based regulation.
6. Consider whether to look **specifically at the interplay between the role of reviewers** providing expert advice **and information needs**, given the preliminary set of issues raised during focus groups.
7. Due to the fact that there are broader contextual factors shaping participant’s views, the **facilitators propose to**:
- a. Allow these views to be shared through Part 1
 - b. Use a parking lot to capture these issues in Part 2
 - c. Develop (and enforce) a set of ground rules that help to keep participants focused and contribute constructively
8. Where possible, **any broader (but related issues) that can be addressed outside of the workshop** and in advance of the workshop, will help to keep the workshop focused on the identified scope.
9. To the extent that **data can be pulled together** to support examination of specific cases or broader topics, this will benefit workshop discussions.
10. **Establish a small Task Group** (approximately 5 people) to work with the facilitators on the detailed design of the workshop.
11. **Develop a reference document** (E-binder format) with key resource information and discussion pieces that can be circulated in advance of the workshop.

Appendix: Focus Group Participants

Industry

1. Alan Sexton – TerraX
2. Ken Armstrong – North Arrow Minerals
3. Gary Vivian – Aurora Geosciences
4. Lou Covello – Independent Geologist
5. David Connelly – Ile Royale Enterprises
6. Kenny Ruptash – Nahanni Construction
7. Glen Koropchuk – Fortune Minerals
8. Brent Murphy – Seabridge Resources
9. Toby Kruger – Lawson Lundell
10. Leni Keough – Olivut Resources
11. Damian Panayi – Golder Associates (in place of a participant from Nighthawk Gold Corp.)
12. Mike MacMillan – North Arrow
13. Tom Hofer – NWT & NU Chamber of Mines

GNWT

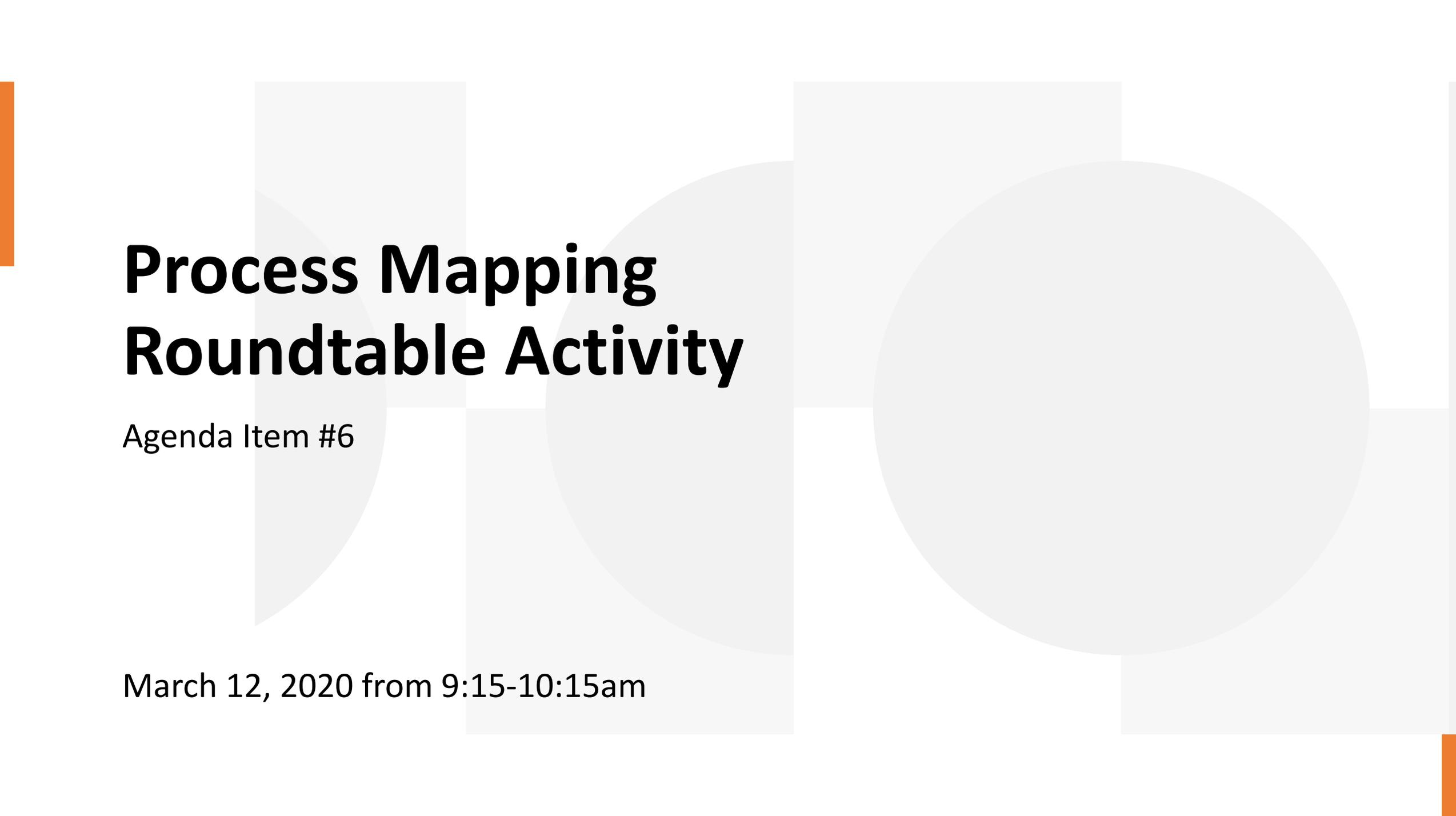
1. Kate Hearn – GNWT / Lands
2. Lorraine Seale – GNWT / Lands
3. Melissa Pink – GNWT / Lands
4. Melanie Williams – GNWT / Lands
5. Nathen Richea – GNWT / ENR
6. Rick Walbourne – GNWT / ENR
7. Loretta Ranson – GNWT / ENR
8. Menzie McEachern – GNWT / ITI
9. Mike Byrne – GNWT / ITI

Federal

1. Laura Watkinson – DFO
2. Alexandra Sorckoff – DFO
3. Dinah Elliot – CIRNAC
4. Rebecca Chouinard – CIRNAC
5. Manik Duggar – CANNOR
6. Adrian Paradis – CANNOR

Co-Management Boards

1. Shelagh Montgomery – MVLWB
2. Angela Plautz - MVLWB
3. Ryan Fequet - WLWB
4. Mark Cliffe-Philips – MVEIRB
5. Brett Wheler - MVEIRB



Process Mapping Roundtable Activity

Agenda Item #6

March 12, 2020 from 9:15-10:15am

Introduction and Purpose

- Representatives from the resource co-management boards in the Mackenzie Valley (MVLWB, WLWB, SLWB, GLWB and MVRB), the Northwest Territories & Nunavut Chamber of Mines, the Government of the Northwest Territories (ITI, ENR and Lands), and the Government of Canada (CanNor and CIRNAC) are hosting a workshop on March 10 - 12, 2020 to **discuss information needed to process mineral exploration applications**. It will include a dialogue on the associated issues, challenges and potential solutions (excluding legislative amendments) that are achievable in the near term.
- A process map (draft/working version) has been developed specifically for the workshop and is not a formal product endorsed by any specific party. The purpose of the process map, as part of agenda item #6 from of the workshop, is to:
 - Help build a common understanding of process, flow of information (including timing and sequencing), and origins of information sources
 - Identify areas where issues are experienced (and why) and potential solutions
- As context, land use permits are the most commonly required authorization for mineral exploration and a Type B Water License may be required as exploration advances (with changes to activities or their scale)

Process Overview

Phases applicable to workshop scope
(information needed for mineral exploration applications)

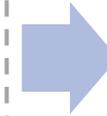
1. Pre-submission



2. Application



3. Public Review,
Analysis &
Board Decision



4. Post Issuance

Management Plan
Submission, Inspection, etc.



Amendments /
Extensions



New
Applications

1. Pre-Submission

45 day public review
of GNWT leases



Proponent Seek Eligibility
Required

Eligibility information from the landowner is required for completeness. As this may take some time, this should start as far in advance as possible.

**Proponent Preliminary Call
With LWBs**
Optional but recommended

LWB provides guidance on type of authorization and what information will be needed to support application in line with the scale of the undertaking.

**Proponent Use of Government
“Advisory” Service**
Optional

Through Pathfinder function, government units may play an advisory role on what information is needed (connecting proponents to SMEs, Resource Development Advisory meeting).

Proponent Early Engagement
Required

MVLWB Engagement and Consultation Policy (which further elaborates MVRMA requirements) establishes requirements for information required to assess application completeness.

**Proponent Seek Feedback on
Draft Application**
Optional but Recommended

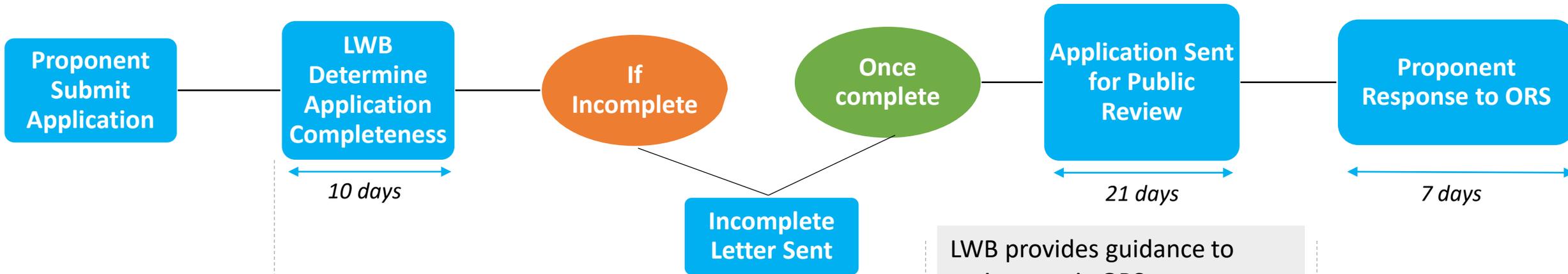
Proponent can use this step to determine if there are gaps in information in application (outside of formal timelines for application review and response).

Steps can occur
concurrently or in
parallel

[MVLWB Engagement and Consultation Policy \(2018\)](#) & [MVLWB Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits \(2018\)](#) & [Information for Proponents on the MVLWB's Engagement Requirements \(2014\)](#)

2. Application

Guide to the LUP Process – DRAFT (2019) & Guide to the WL Process – DRAFT (2019)



Information required are outlined in the LUP and WL guidance documents and elaborates on requirements in regulation & schedules

Application Package Checklist (in [LUP](#) and [WL](#) Process Guidance Documents) & [MVLWB Standard Outline for Management Plans \(2013\)](#)

Process guided by internal LWB manual that guides staff to consistently assess application completeness. Board staff work with applicants on application completeness. Results of the completeness check are provided to the proponent within 10 days of receiving the application.

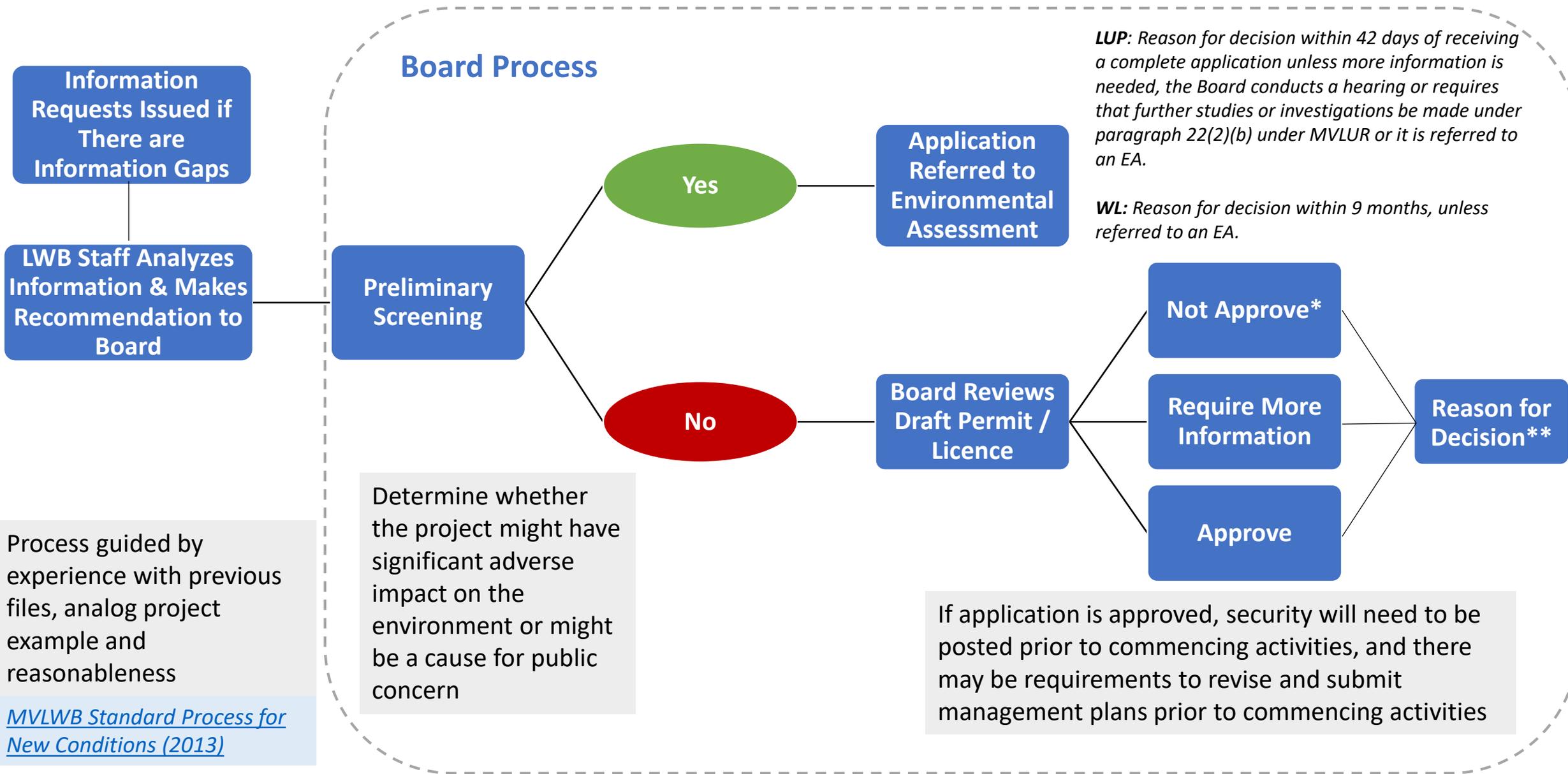
LWB provides guidance to reviewers via ORS. Draft permit / licence includes inclusive set of conditions. Reviewers identify impacts, concerns and/or issues related to the project or application. Reviewers may be anyone (including public, expert reviewers, inspectors and industry).

[Standard LUP Conditions Template \(2019\)](#) & [Draft Standard Water License Conditions \(2019\)](#)

Proponents responses range from responding to all, some or none of the comments

3. Public Review, Analysis & Board Decision

*As of amendments last summer, there is a 10-day pause period following any preliminary screening decision (if the Board doesn't refer a project to EA). Therefore a land use permit where there has been a screening technically takes another 10 days before it can be issued.



Board Process

Information Requests Issued if There are Information Gaps

LWB Staff Analyzes Information & Makes Recommendation to Board

Preliminary Screening

Yes

Application Referred to Environmental Assessment

No

Board Reviews Draft Permit / Licence

Not Approve*

Require More Information

Approve

Reason for Decision**

LUP: Reason for decision within 42 days of receiving a complete application unless more information is needed, the Board conducts a hearing or requires that further studies or investigations be made under paragraph 22(2)(b) under MVLUR or it is referred to an EA.

WL: Reason for decision within 9 months, unless referred to an EA.

Determine whether the project might have significant adverse impact on the environment or might be a cause for public concern

If application is approved, security will need to be posted prior to commencing activities, and there may be requirements to revise and submit management plans prior to commencing activities

Process guided by experience with previous files, analog project example and reasonableness

[MVLWB Standard Process for New Conditions \(2013\)](#)

** An application can be denied but it is a rare occurrence

Information Needed

LWB Guidance Provided

	Information Needed		LWB Guidance Provided
Pre-Submission	Proponent Preliminary Call with LWBs	<ul style="list-style-type: none"> Understanding of project scope and potential impacts 	
	Proponent Early Engagement	<ul style="list-style-type: none"> Engagement Record Engagement Plan 	<ul style="list-style-type: none"> LWBs of the Mackenzie Valley Engagement and Consultation Policy (2018) Information for Proponents on the MVLWB's Engagement Requirements (2018) LWBs of the Mackenzie Valley Engagement Guidelines (2018)
	Proponent Seek Eligibility	<ul style="list-style-type: none"> Mineral licence / lease 	
Application	LWB Determine Application Completeness – Land Use Permit	<p>Required:</p> <ul style="list-style-type: none"> Application form Proof of registration or incorporation (for companies) Environmental impacts and mitigation measures Maps Fees Engagement Record and Plan Waste Management Plan Spill Contingency Plan <p>May Be Required Depending On Project Size, Scale And Nature:</p> <ul style="list-style-type: none"> GIS data Draft Closure & Reclamation Plan Additional Management Plans specific to proposed activities (ie. Explosives Management) <p>Recommended:</p> <ul style="list-style-type: none"> Draft security estimate 	<ul style="list-style-type: none"> DRAFT - MVLWB Guide to the Land Use Permitting Process (2019)

Application	LWB Determine Application Completeness – Water Licence	Required:	May Not Be Required:	LWB Guidance Provided
		<ul style="list-style-type: none"> • Application form • Maps • GIS data • Questionnaire/project-specific info • Waste Management Plan • Aquatic Effects Monitoring Program Design Plan (Type A) • Spill Contingency Plan • Engagement Plan and record • Authorization from landowner • Closure and Reclamation Plan • Closure cost estimate • Financial information • Application fees • Water use fees 	<ul style="list-style-type: none"> • Proof of registration • Water And Wastewater Management Plan • Rock Management Plan • Tailings Management Plan • Landfill Management Plan • Hydrocarbon-contaminated Soil Treatment Facility Management Plan • Operations And Maintenance Plans • Effluent Quality Criteria Report • Mixing zone information • Off-site disposal agreement • Aquatic Effects Monitoring Program Design Plan (Type B) • Erosion And Sediment Control Plan • Dust Monitoring And Management Plan • Geochemical Characterization And Management Plan • Explosives Management Plan • Emergency Management Plan • Emergency Response Plan • Studies Undertaken to Date • Other Authorizations • Land Use Plan Conformity Table / Statement 	<ul style="list-style-type: none"> • DRAFT - MVLWB Guide to the Water Licensing Process (2019)

**MACKENZIE VALLEY OPERATIONAL DIALOGUE:
INFORMATION NEEDED TO PROCESS MINERAL EXPLORATION APPLICATIONS**

PARTICIPANTS LIST

ID	Name	Organization
1	Gary Vivian	Aurora Geosciences
2	Lisa Dyer	CanNor
3	Manik Duggar	CanNor
4	Tom Hoefer	Chamber of Mines
5	Dinah Elliot	CIRNAC
6	Rebecca Chouinard	CIRNAC
7	Tim Morton	CIRNAC
8	Tyla Ahluwalia	CIRNAC
9	Carrie Brenneman	Dehcho First Nations
10	Dahti Tsetso	Dehcho First Nations
11	Alasdair Beattie	DFO
12	Claire Salvador	DFO
13	Dan Coombs	DFO
14	Hilary Oakman	DFO
15	Andrea McLandress	ECCC
16	Gabriel Bernard-Lacaille	ECCC
17	Rick Walbourne	ENR, GNWT
18	Glen Koropchuk	Fortune
19	Andy Swiderski	Gaea Consulting
20	Joe Campbell	Gold Terra Resources
21	Damian Panayi	Golder Associates
22	April Hayward	Hayward CSR Strategies LLC
23	David Connelly	Isle Royale
24	Angela Norris	ITI, GNWT
25	Benji Straker	ITI, GNWT
26	Mike Byrne	ITI, GNWT
27	Kathy Racher	KRacher Consulting
28	Clint Ambrose	Lands, GNWT
29	Lorraine Seale	Lands, GNWT
30	Melissa Bard	Lands, GNWT
31	Melissa Pink	Lands, GNWT

32	Scott Stewart	Lands, GNWT
33	Angela Plautz	MVLWB
34	Chris Hotson	MVLWB
35	Julian Morse	MVLWB
36	Lindsey Cymbalisky	MVLWB
37	Shelagh Montgomery	MVLWB
38	Mark Cliffe-Phillips	MVRB
39	Kenny Ruptash	Nahanni
40	Rosy Bjornson	Ni Hadi Xa
41	Brent Murphy	Seabridge Gold
42	Julie Nguyen	Stratos Inc.
43	Vicky Weekes	Stratos Inc.
44	Violet Camsell-Blondin	Tlicho Government
45	John Donihee	Willms & Shier Environmental Lawyers LLP
46	Anneli Jokela	WLWB
47	Ryan Fequet	WLWB
48	Johanne Black	Yellowknives Dene First Nation
49	Mark Bell	Yellowknives Dene First Nation