



2024 Pan-Territorial Board Forum

Final Report

PREPARED FOR
Pan-Territorial Board Forum

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Photo credits: Joe Bailey at North Star Adventures.



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BACKGROUND

Since 2014, the Canadian Northern Economic Development Agency’s (CanNor) Northern Project Management Office (NPMO) has hosted the annual Pan-Territorial Environmental Assessment and Regulatory Board Forum (the Forum). In 2023-2024, support for the Forum was also provided by the Natural Resource and Environment Branch of Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC). This Forum brings together representatives of each of the impact assessment (IA) and licensing and permitting Boards across the Yukon, Northwest Territories (NWT), and Nunavut with the aim of facilitating discussion and initiatives on matters of common interest. Table 1 below included the participating Boards.

TABLE 1: PARTICIPATING BOARDS IN THE 2024 PTBF

Region	Assessment Boards	Licensing Boards
Yukon	<ul style="list-style-type: none"> Yukon Environmental and Socio-economic Assessment Board (YESAB) 	<ul style="list-style-type: none"> Yukon Water Board (YWB)
Mackenzie Valley	<ul style="list-style-type: none"> Mackenzie Valley Environmental Impact Review Board (MVEIRB) 	<ul style="list-style-type: none"> *Wek’èezhìi Land and Water Board (WLWB) *Mackenzie Valley Land and Water Board (MVLWB) *Gwich’in Land and Water Board (GLWB) *Sahtu Land and Water Board (SLWB)
Inuvialuit Settlement Region	<ul style="list-style-type: none"> Environmental Impact Steering Committee (EISC) Environmental Impact Review Board (EIRB) 	<ul style="list-style-type: none"> Inuvialuit Water Board (IWB)
Nunavut	<ul style="list-style-type: none"> Nunavut Impact Review Board (NIRB) 	<ul style="list-style-type: none"> Nunavut Water Board (NWB)

*The LWBs conduct preliminary screenings, which are part of the environmental impact assessment process under Part 5 of the *Mackenzie Valley Resource Management Act* (MVRMA).

The **objectives** of the annual Forum are to:

- Discuss and understand the key challenges with regulatory and impact assessment Boards operating in the three territories;
- Share best practices and success stories with respect to common operational challenges;
- Provide an opportunity for building relationships between the Boards that will allow for ongoing support and information sharing; and,
- Identify possible opportunities to collaborate on operational policies, processes and guidelines and develop more consistent approaches, as appropriate.

INTRODUCTION

The 2023-2024 Forum was hosted in February 2024 at the Explorer Hotel, in Yellowknife, NWT. Over thirty participants from seven Boards participated (see Appendix A for a list of participants). The Forum's Steering Committee – in collaboration with the meeting facilitators – guided the development of the Forum's final agenda (see Appendix B for the meeting agenda).

The Forum included presentations, plenary discussions, and small breakout groups to enable sharing across Boards. A discussion on Crown Consultation was held on the final day. Questions from that discussion are listed in Appendix C. Appendix D includes presentations shared during the Forum.

The Forum began with Adrian Paradis for the Northern Project Management Office (NPMO) of the Canadian Northern Economic Development Agency (CanNor), welcoming participants to the Forum. He emphasized the value of the Forum and expressed CanNor's ongoing support. Day two of the Forum was opened in a good way by the Yellowknives Dene First Nations drummers.

This report summarizes the rich discussions held over the 2.5 days of the Forum, capturing the main themes, questions, and opportunities for follow-up.

SUMMARY OF DISCUSSIONS

TAKING STOCK: COLLECTIVE PESTLE (POLITICAL, ECONOMIC, SOCIO-CULTURAL, TECHNOLOGICAL, LEGAL OR ENVIRONMENTAL) ANALYSIS

At the previous Forum (2022-23), Boards identified changes in the external context that are leading to greater complexity in the roles and responsibilities of northern Boards. At the 2023-2024 Forum, a similar exercise was conducted to take stock of how the context has evolved and to identify changes in the context for northern Boards. Table 2 captures the outputs of the discussions from the discussions at both the 2022 – 23 Forum and the 2023 – 2024 Forum.

TABLE 2: CHANGING CONTEXT FOR NORTHERN BOARDS

Factor	2022 – 23 Considerations	2023 – 2024 Considerations
Political	<ul style="list-style-type: none"> • Growing scrutiny on the recommendations that emerge from regulatory processes due to potentially opposing views from governments (i.e., Indigenous, Territorial, Federal) on project decision-making. 	<ul style="list-style-type: none"> • Increasing political pressures in Board processes due to questions of jurisdictional overlap (between Indigenous, Territorial, and Federal governments) and associated implications on project decision-making. • Changing political landscape (i.e., upcoming elections in US and Canada). • Increasing funding for critical minerals projects by the US government in response to international political and military pressures. • Signing of the Nunavut Lands and Resources Devolution Agreement will have implications for future decision making in the Territory.
Economic	<ul style="list-style-type: none"> • Increasing demand for low carbon economy transition (including through the federal government’s Critical Minerals Strategy) will result in increased development pressure. <ul style="list-style-type: none"> ◦ New projects will need to be assessed and licensed at the same time as a number of remediation projects, adding to Board workloads. • Evolving practices in security and bonding requirements for new projects due to increased attention by governments and communities has resulted in increased pressure on licensing Boards to set adequate securities. 	<ul style="list-style-type: none"> • Increasing economic pressure felt in Board processes, as Proponents emphasize urgency due to: <ul style="list-style-type: none"> ◦ Closure of existing projects and associated implications on jobs and communities (e.g., diamond mine economy in NWT, existing oil and gas projects in NWT) ◦ Policy and funding window under the Critical Minerals Strategy • Increasing attention to ESG by investors, with implications for project design (e.g., clean energy sources proposed). • Changing sources of economic pressures, due to changing attention / ownership of projects (i.e., increasing foreign investment / ownership of projects). • Increasing attention on financial security for projects given differences in securities between parties (e.g., governments).
Socio-cultural	<ul style="list-style-type: none"> • Indigenous interests in regulatory processes are driving Boards to increase attention on socio-economic and cultural factors; however, 	<ul style="list-style-type: none"> • Growing movement towards Indigenous-led impact assessment processes raises questions about how these assessments fit within northern Board processes and co-management frameworks.

	<ul style="list-style-type: none"> ○ These factors are difficult to quantify, assess and to develop effective mitigation measures through regulatory processes, and ○ It is challenging for Boards to effectively consider these for remediation / closure projects due to the existing impacts from these projects. • Increasing need to reflect Indigenous Knowledge / Traditional Knowledge (IK / TK) in regulatory processes, which increases the complexity of regulatory processes and results in greater effort for Boards. 	<ul style="list-style-type: none"> • Communities experiencing direct impacts of climate change (e.g., flooding, evacuation due to fire) which is causing effects on health and wellbeing and requires Boards to shift timing of engagements and visits with communities. • Land use planning in the Yukon is applying a holistic approach, with increased consideration for wildlife and other socio-cultural factors. Seeing increased attention on land use planning by rightsholders and stakeholders. Implementation of existing land use plans experiencing challenges related to conformity checks, with implications for Board processes.
Technological	<ul style="list-style-type: none"> • Increasing expectations post-COVID for virtual engagement, which increases the complexity of engagement activities and increases Board workloads. • Increasing expectations for remote work conditions which makes it challenging to recruit and retain local staff. • Increasing access to drone and satellite imagery for site assessments has improved understanding of environmental conditions and supported Board workloads for assessment and ongoing monitoring processes. 	<ul style="list-style-type: none"> • Applying virtual reality to support community engagement. Example provided of Tłıchǵ online tool which allows users to see the land and hear stories. Provides a tool for visualizing cumulative effects and bridges environmental data with virtual tools to help conceptualize potential futures. • Changing practices / evolutions in mine closure technology, which may not have been contemplated / proposed in initial EA. Raising considerations for scope and need for reconsideration and/or submission back to EA in preliminary screening. • Increasing opportunity for inclusion of Artificial Intelligence (AI) in Board processes including to: <ul style="list-style-type: none"> ○ Help address limited resources (e.g., through initial screening of a development assessment report to develop a summary). ○ Develop communication products (e.g., plain language summaries for community engagement). • Use of AI raises the following considerations: <ul style="list-style-type: none"> ○ How to measure accountability of proponents and other actors in the system if they are using AI. ○ Likely to increase the volume of materials submitted in Board processes with implications for Board capacity.
Legal	<ul style="list-style-type: none"> • Likely future implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and associated considerations for free, prior, and informed 	<ul style="list-style-type: none"> • Evolving case law and Government of Canada implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), <i>United Nations Declaration on the Rights of</i>

	<p>consent (FPIC) have shifted the landscape and increased requirements for Indigenous engagement, Consultation, and Accommodation in regulatory processes¹.</p> <ul style="list-style-type: none"> • Ongoing land claim negotiations with Indigenous governments, including with groups with 'transboundary' (i.e., NWT, Yukon and/or Nunavut) claims has increased expectations for engagement with a broader set of Indigenous communities. • The Blueberry River decision has increased attention to the consideration of cumulative effects on Indigenous rights in regulatory and environmental assessment processes. • The Vavilov decision has increased the need for robust reasoning in Board decisions and recommendations to decision-makers. • Evolving regulatory landscape (e.g., NWB Water Management Strategy, ongoing negotiations and preparation for devolution in Nunavut) has shifted or may be shifting requirements for regulatory Boards, resulting in increased workloads. • Government of Canada (GOC) reliance on the assessment process to satisfy in part the GOC's s.35 obligations (Duty to Consult) often add additional expectations to a Board's process. 	<p><i>Indigenous Peoples Act</i> (UNDRIPA) have shifted the landscape for engagement, consultation, and accommodation in Board processes.</p> <ul style="list-style-type: none"> • Increasing awareness of the gaps in securities due to the disconnect in mandates between EA and permitting for securities and monitoring (i.e., orphaning of responsibilities). Obligations during short-term closure may not be well enforced. In addition, closure and remediation costs may not be accurately calculated. • Lack of clarity on roles and authorities for managing financial securities is increasing attention on legal and legislative interpretations of these requirements as well as processes used by individual Boards in these circumstances. • Increasing likelihood of transboundary projects between NWT, Yukon and Nunavut which raises the need for enhanced cooperation between Boards and other actors within these jurisdictions. • Increasing attention and discussion of the Blueberry River decision by Indigenous groups in environmental assessment and regulatory processes, which has implications for Boards in their approach to considering cumulative effects. Growing application of regional strategic environmental assessment as a tool for managing cumulative effects. • Evolving regulatory landscape given review of legislation and potential for targeted amendments, including addition of Indigenous consent (Yukon) within environmental assessment legislation.
Environmental	<ul style="list-style-type: none"> • Ongoing and worsening impacts of climate change are increasing expectations for robust consideration of climate change scenarios and impacts in assessment and regulatory processes. • Ongoing, worsening, and evolving impact of climate change are making it increasingly difficult for Boards to effectively 	<ul style="list-style-type: none"> • Ongoing, worsening, and evolving impacts of climate change are making it increasingly difficult for Boards to effectively monitor and predict the effects of climate change, resulting in greater uncertainty and implications for projects (e.g., timing of ice breakup results in changes in operations at mine sites in Nunavut).

¹ Cross-cutting theme across political, economic, socio-cultural, and legal factors

monitor and predict the effects of climate change, resulting in increased workloads.

- Adaptation needed to existing Board guidelines to reflect the realities of climate change and support Boards in conducting more accurate assessments.

- Boards are responding by adapting their processes and guidelines to reflect these realities.
- At the same time, project regulatory timeframes are extending due to other climate related uncertainties.
- Role of Boards in predicting effects is becoming increasingly challenging due to the pace of environmental change from climate change. Boards are identifying the need for adaptation in the process and implementation of regional or other scales or assessment to address these challenges.
- Ongoing, worsening, and evolving impacts of climate change are increasing the challenge of reflecting Traditional Knowledge in Board processes. At the same time, people are experiencing these changes firsthand and are bringing these experiences into Board processes.
- Challenging to implement climate change commitments when government is the developer. Raises questions on roles and responsibilities of government i.e., as the proponent, decision-maker, or mandate for environmental protection.
- Increasing activities within a project and/or competing proposals due to changing environmental conditions (e.g., remediation during exploration) which has implications for Board workloads. Challenging for boards to identify priorities and balance potential impacts (for example, need to build winter road since ice road is no longer viable option but will have impacts on caribou habitat).

SUMMARY FROM ENVIRONMENTAL ASSESSMENT IMPROVEMENT INITIATIVE (EAI) MEETING

Mark Cliffe-Phillips and Alan Ehrlich (MVEIRB) shared reflections from the Environmental Assessment Improvement Initiative (EAI) meeting held in Ottawa, in October 2023. The EAI working group provides a unique setting for representatives of leading EA organizations across Canada to interact and learn from, and with, each other. Participating organizations include the Impact Assessment Agency of Canada (IAAC), the British Columbia Environmental Assessment Office (BCEAO), MVEIRB, COFEX, COMEX, YESAB, and NIRB, and may include guests who join as well. The EAI was formed in response to proposed changes to federal EA legislation, which led to the *Impact Assessment Act*.

At the October meeting in Ottawa, topics discussed ranged from the Critical Minerals Strategy (CMS) to new guidance being proposed by EA organizations, to assessing 'the big picture' and social impacts, as well as new directions for EA and Indigenous involvement in EA. Key takeaways of interest to the PTBF included:

- **The CMS is an ambitious whole of government initiative, which increases focus on opportunities for regulatory efficiencies.** As identified in the PESTLE above, the CMS is likely to have implications for the work of northern Boards, including increasing attention on northern regulatory processes due to intensified investments in exploration and mining.
- **Many parallels identified across jurisdictions with associated opportunities to learn from one another.** Participating organizations identified similar challenges and opportunities, including lessons on Indigenous involvement and leadership in EA as well as updates to their guidance to support enhanced certainty of participants in their processes.

BOARD UPDATES

As in previous years, Boards provided updates on initiatives they are implementing. Each Board delivered a short update (Board presentations included in Appendix D). We noted the following key themes across presentations:

- **Boards are advancing organizational effectiveness initiatives in response to increasing project demands:** Many of the Boards identified a focus on organizational initiatives including:
 - **Strategic planning:** Updating their strategic plans, which set the future direction and values for the organization and supports collaboration between Boards (e.g., joint strategic planning between Land and Water Boards of the Mackenzie Valley).
 - **Capacity building:** Supporting Board and staff onboarding, hiring, professional development, and training through the advancement of orientation or task-specific manuals, reviewing organizational needs to support staff (including launching an HR department), developing HR policies and procedures.
 - **Internal processes:** Reviewing the work of the Board and supporting consistency of work through the development of tools such as governance policies, rules of procedure, and implementing new technologies to support effectiveness and efficiency (e.g., AI).

- **Boards are advancing efforts on relationship-building, outreach, and engagement with Indigenous organizations and communities and are developing guidelines and policies to support engagement in their processes.** Boards identified efforts to advance their own engagement with communities to enhance understanding of the work of the Boards, while also developing engagement guidelines and policies to support clarity, consistency, and certainty for participation in their processes.
- **Boards are updating other tools, guidelines, policies, and resources to support participation in their processes.** Many of the Boards are currently making updates to their resources to support clarity and consistency of participation in their processes. For example, the NIRB is developing Standard Impact Statement Guidelines and updating their Rules of Procedure, the LWBs of the Mackenzie Valley are working to update their Engagement Guidelines, Standard List of Permit Conditions, and Closure Guidelines, MVEIRB is launching their EA Initiation Guidelines for Major Projects, and YESAB recently published an assessment tool on Personal and Relational Safety and is preparing materials to support assessments by Panel Review.

CLIMATE CHANGE

At the 2022 – 23 Forum, Boards identified that they need tools and guidelines to support understanding of the effects of climate change on proposed or existing projects. The key takeaway from this discussion was that the pace of change due to shifting climate conditions is difficult to predict and will demand a new way of considering effects in regulatory processes. Boards identified climate change as an ongoing topic for discussion, including the opportunity for collaboration on climate change guidance. The purpose of this session was to learn from one another on current efforts to develop climate change guidance, and to advance thinking on the need for and elements of possible joint climate change guidance or tool.

To support learning from one another, the NIRB and MVEIRB shared reflections on current efforts to develop climate change guidance. These include:

- **NIRB Standard Impact Statement Guidelines:** The NIRB recognizes the impacts of climate change on Nunavut and Nunavummiut, including that it has added complexity and uncertainty to predicting future conditions, as well as uncertainty in the reliability of project design, infrastructure, and mitigation strategies. As a result, the Standard Impact Statement Guidelines require Proponents to provide a holistic discussion of climate change, including identifying GHG emissions and project impacts to climate change commitments, project impacts on valued components in the context of climate change, and assessing project climate change resilience. This discussion needs to reflect and be informed by Inuit Qaujimagajatuqangit and community knowledge.
- **MVEIRB Climate Change Guidance Development:** MVEIRB is including considerations for climate change in three ways: through the identification of emissions from the project; identification of potential accidents and malfunctions including their likelihood of occurrence and magnitude, and associated mitigation and management responses; and ongoing monitoring and adaptive management to confirm predictions established during EAs. These approaches are grounded in Traditional and Community Knowledge.

Boards identified the following elements of possible joint climate change guidance or tool:

- **Who is it for?** All participants in the regulatory process (i.e., Proponents, regulators, practitioners)
- **What gaps and/or problems might tools try to solve?**
 - Providing clear direction and guidance to Proponents, that is reflective of the project's impact, on the approach for determining contributions to climate change and effects of climate change on the project. Supporting Proponents in thinking of climate change in terms of risk and liability, which may resonate differently than language of environmental effects. Ensuring Proponents effectively plan for, and implement, monitoring and adaptive management.
 - Providing clear direction to Proponents through established thresholds for emissions and preferred models (i.e., credible future climate scenarios) to support climate change impacts. Applying a standard model across projects to support effect predictions.
 - Establishing clear baselines inclusive of current impacts from climate change informed by Western science, Indigenous Knowledge, and community knowledge. This would support regulators with making informed decisions and impact predictions.
 - Providing guidance to regulators on pathways for climate change in decisions (e.g., climate anxiety and associated impacts on health or social reductions in risk tolerances which results in Boards applying a more precautionary approach)
 - Supporting community participation in processes through tools to help them visualize the project (including likely extremes, range of possibilities, consequences of failure, adaptations to changing climate conditions), which informs their understanding of acceptable change.

The key takeaways from the discussion include:

- Meaningful engagement and reflection of Indigenous Knowledge are critical to supporting Board processes.
- Climate change and other cumulative effects are adding uncertainty and complexity to effects predictions as baselines change. As a result, there is a need for a more adaptive approach to handle this uncertainty and complexity.
- At the same time, there is additional pressure on Boards given the critical minerals strategy, which emphasizes regulatory efficiency and effectiveness.

PRACTICES FOR EFFECTIVE AND INTEGRATED MINE CLOSURE

At the 2022 – 23 Forum, Boards had a conversation on assessment of remediation projects and integration of planning for mine closure into assessments and licensing of new projects. The purpose of this agenda item was to continue the conversation, learn from one another on specific project examples, and reflect on similarities and differences across jurisdictions.

Integrated mine closure is a dynamic and iterative process that takes into account environmental, social, and economic considerations at an early stage of project development. Integrated mine closure is more than just closure planning but rather reflects considerations for closure throughout the full life of the project.

Key takeaways from the discussion of effective and integrated mine closure include:

- **Taking a proactive approach to plan for progressive rehabilitation and mine closure in regulatory processes requires greater integration across the regulatory framework:** Greater integration between the management regime for mine operations and closure (i.e., no start / stop of projects) may be required. This in turn may require changes to the regulatory framework between assessment and permitting, to require enhanced planning for closure from the start. However, the co-management systems for resource management across the territories provides the framework to support this type of integrated approach. There are opportunities for regulators to require monitoring and progress reports on progressive rehabilitation.
- **Requiring Proponents to plan for closure through early engagement on project development:** Proponents should be planning for closure at the earliest stages of the project, including having knowledge of communities desired social transition and end land use objectives. Having this knowledge from the start allows Proponents to build these considerations into project planning and design. It also includes benefits for risk identification (including due to climate change), setting securities and associated processes for securities relinquishment.
- **Including considerations of post-mining land use in project decision-making:** Planning for closure at the earliest stage of the project enables decision-makers and communities to decide on a project based on the post-mining uses, to reflect Indigenous Knowledge and to proactively include these during planning, construction, operations, and decommissioning. For example, establishing a post-mining land use based on Traditional Knowledge through the EA such as “we can drink tea there, the water doesn’t smell”. The Diavik diamond mine in the NWT is a strong example of progressive reclamation as it is including planning for closure throughout their operations, including plans for social transition (e.g., providing bridge funding for communities’ post-closure). Diavik is also a strong example of how integrated closure is built into the measures of success for their leadership team; it is embedded into the project’s operations.
- **Implementing monitoring and adaptive management for closure activities during mining operations and for abandoned mines:** Many Boards are having to address issues of historical environmental, socio-economic, and cultural impacts from abandoned mine projects currently undergoing assessment for remediation or exploration and/or active mining activities. The Keno Hill Silver District, on the traditional territory of the First Nation of Nacho Nyäk Dun (FNNND) in the Yukon is an example of a site with a history of active silver mining starting in the late 1800s as well as current active placer and hard rock mining, productive claims, reclamation claims and exploration. This case was shared as an example of the complexity Boards are having to navigate given historic and active mining activity and is an example of a region that would benefit from collaboration and working together across parties to support remediation. In these cases, Boards are having to navigate complex activities, values alignment, and sequencing of activities to support their processes and communities’ participation. These sites may also require perpetual care, which is further exacerbated by climate change. In these cases, Boards need to support and plan for long-term monitoring, management and planning for future generations while being adaptive to available future technologies.

ENGAGEMENT AND CONSULTATION

Since the last Forum, Boards have been advancing practices related to engagement and consultation. The purpose of this session was to learn from one another and to share resources to inform processes going forward. Boards are conducting community engagement and consultation, strengthening accessibility and participation in their processes, developing / updating policies, bulletins, and guidance documents to provide Proponents with more concrete guidance on expectations for engagement within their processes, and enhancing transparency on how input is used in Board processes.

Key takeaways from the discussion on engagement and consultation include:

- **Boards emphasized the importance of engaging in community outreach to build awareness and participation in their processes:** Boards highlighted efforts to engage regionally to build relationships between staff, Board members, and communities or governments (e.g., community 'tea and talks' to inform LWBs engagement guidelines, connecting with youth through school visits). They also highlighted the importance of establishing a community liaison role and supporting staff with establishing or leveraging their community networks. The purpose of this outreach is to enhance awareness of their processes, including the history (i.e., established through land claims), and to enhance participation in their processes. A key consideration raised through this discussion was the need to define and apply terms appropriately i.e., outreach vs. engagement vs. consultation.
- **Boards are increasing accessibility to support participation in their processes:** Boards highlighted efforts to remove barriers and implement solutions to increase community participation in their processes. This includes efforts to increase accessibility by engaging through means alternative to written text (e.g., graphic facilitation, use of videos, and online mapping tools). Boards also identified efforts to Indigenize their offices, to create safer spaces for staff, support recruitment (e.g., through internship programs with Indigenous governments) and enhance inclusivity.
- **Boards have been developing / updating policies, bulletins, and guidance to provide more concrete guidance to Proponents and other actors in the resource management system:** Boards are developing these tools through engagement with communities to clarify expectations and approaches. This includes the roles of various actors as it relates to reliance on Board processes for fulfilling the Crown's duty to consult. Boards recognize a need for these tools to be adaptive to changing expectations but noted that this poses challenges for translating documents. These tools focus on clarifying the process, including guidance on validating what was heard from communities, and navigating unwritten community-specific protocols.
- **Boards are encouraging early and collaborative project planning to support relationship building and enhance regulatory efficiencies:** Boards are shifting language from early engagement to relationship building and collaborative project design with communities. There is a recognition that regulatory processes may move quicker if trusted relationships are established between Proponents and communities. Boards have seen projects come into the system with fewer or no outstanding issues if the relationships and trust are established in advance. When that is not the case, these processes are often delayed and parties end up positioning on technical issues, which places Boards as mediator, which is not within their mandate.

- **Boards are enhancing transparency of their decision-making processes:** Boards are finding opportunities to show communities how their input is being used to inform decision-making, and to demonstrate that the Board has heard and considered the input provided (e.g., the Mackenzie Valley Environmental Impact Review Board is preparing for the coming into force of development certificate provisions under the *Mackenzie Valley Resource Management Act*).

CONSIDERATION FOR INDIGENOUS KNOWLEDGE

Boards are advancing practices for considering and reflecting Indigenous Knowledge in assessment and regulatory processes. The purpose of this session was to learn from one another on work that has advanced since the last Forum, and to share resources to inform processes going forward.

Key takeaways from the discussion on the consideration of Indigenous Knowledge include:

- **Boards highlighted the critical importance of values and language when working with Indigenous (and all types) of Knowledge:** Boards have advanced efforts to increase the use of Indigenous languages in their work, including Board staff taking Indigenous language courses, hosting terminology workshops, working with interpreters to use appropriate language for technical terms (including youth participation), and developing Indigenous language policies and procedures, including requirements for including Indigenous languages in decisions and processes (e.g., LWB requirement in application for inclusion of traditional place names). Boards have also been hosting on the land Indigenous Knowledge workshops, which support community outreach and/or Board and staff engagement.
- **Boards emphasized the need to take time to work with communities in advance of Board processes to support meaningful consideration of Indigenous Knowledge:** Boards shared examples of Proponents working with communities to identify Valued Components, which may not otherwise have been identified but were of importance for Indigenous rights and interests (e.g., Ptarmigan as food source in Nunavut).
- **Boards emphasized the role of Indigenous Knowledge and values informing Board decisions:** There is a recognition that knowledge builds upon knowledge (i.e., Western science and Indigenous Knowledge are not competing knowledge systems but can co-exist and support one another). Communities trust and have confidence in Board processes when they see that Board decisions reflect their knowledge. Lastly, Board members bring forward their own Indigenous Knowledge to support decision-making which enhances community trust in the process.
- **Boards are actively reaching out to Indigenous governments to increase their participation, rather than waiting for Indigenous governments to bring information into Board processes:** Boards are actively contacting Indigenous governments on projects within their traditional territories and are seeking ways to increase accessibility of their processes, including enhancing the visual appeal of their tools and materials to support awareness of projects, and creating space for oral submissions to project registries.

- **Boards are developing or adopting standalone guidance on Indigenous Knowledge or finding ways to integrate guidance into all Board documents:** For example, the LWBs are updating their standard conditions to reflect the inclusion of Indigenous Knowledge and updating applicant materials to require applicants to include traditional place names within their submission. Boards identified opportunities for regional sharing and collaboration on these guidance processes.

GOVERNMENT OF CANADA CROWN CONSULTATION PROCESSES

The Government of Canada has a duty to consult, and where appropriate, accommodate Indigenous groups when it considers conduct that might adversely impact potential or established Aboriginal or treaty rights. In northern regulatory frameworks, the duty to consult and accommodate applies to a range of activities (e.g., major project approvals).

CIRNAC's Northern Affairs Organization (NAO) and CanNor Northern Projects Management Office (NPMO), with the assistance of CIRNAC's Consultation and Accommodation Unit (CAU), have been gathering internal and external input on challenges and opportunities to support meaningful engagement through Crown Consultation. The purpose of this session was for representatives from CIRNAC's NAO and CAU, as well as CanNor, to share what they are learning, hear from Boards on how government-led Crown Consultation processes interact with Board processes, and identify opportunities to support meaningful engagement through Crown Consultation.

CIRNAC NAO kicked off the discussion with a presentation on the need and status of the Northern Regulatory Initiative (NRI) under the Critical Minerals Strategy (CMS), including work on Crown Consultation clarity and coordination. NAO is leading a scan to examine current processes across the territories, and to identify gaps and opportunities to inform next steps. CIRNAC via the CAU is working on the renewal and update of the federal consultation guidelines which also includes a fulsome Indigenous Engagement Process. Boards will also likely be engaged by the fall of 2024.

The CAU shared how they support a whole of government approach to Crown Consultation, focusing on their support for implementation in the North. This includes the development of consultation tools (consultation protocols with Indigenous groups, Indigenous consultation resource centres), systems (the Aboriginal and Treaty Rights Information System (ATRIS) which includes both internal and external versions), guidance (legal and policy, guidelines for federal officials, training for federal officials, and single-window services), and coordination (coordination for major projects south of 60, consultation advice on north of 60 major projects for federal officials, regional partnerships teams, NCR and Regional interdepartmental consultation networks, and federal/provincial/territorial working groups).

Lastly, NPMO within CanNor presented on their role for Crown Consultation. NPMO acts as a federal Crown Consultation Coordinator for northern major projects that undergo an IA. They coordinate federal participation on Major Projects once a project enters the assessment process. This includes identifying Indigenous parties, tracking and monitoring correspondence, and coordinating participation of decision-bodies.

These presentations generated many questions and significant discussion (see questions in Appendix C). It was clear throughout this discussion that:

- Crown consultation is a complex topic and that there remains confusion around Government of Canada processes, roles and responsibilities, and participation in Board processes.
- Boards identified further opportunities for discussion to continue exploring this complex topic.

Key takeaways from the discussion on Crown Consultation include:

- **Boards identified a clear link between Board processes and Crown Consultation processes:** The discussion at the Forum was a good first step as it highlighted interactions between the Government of Canada and Board processes, but greater clarity and enhanced coordination, collaboration and communication are needed. Enhanced coordination and collaboration are also needed to enhance transparency of the process for triggering the duty to consult and determining adequacy of consultation. Boards suggested that the Government of Canada share their consultation record with decision-makers and Board members to support understanding and reasons for decisions.
- **Boards identified a need for Crown Consultation support for non-major projects:** A gap was identified in the federal government’s participation for non-major projects (e.g., exploration or Type B water license applications in the Mackenzie Valley) given the issues that are being raised by Indigenous governments and communities, including cumulative effects. Boards raised that coordination, federal resources and participant funding would have been helpful to support participation of Indigenous governments in some of these projects. Boards also raised the example of Type A Water license applications that do not go to environmental assessment, as participant funding is not available for parties to participate in these proceedings. These Type A licence application proceedings involve technical sessions and hearings and would greatly benefit from participant funding support to participating parties.
- **Boards emphasized the need to take a relationship-based approach to engagement with Indigenous governments and communities:** The duty to consult is a very specific and complex legal requirement. The duty to consult may not align with communities’ approach to involvement in Board processes or communities’ perceptions for roles and responsibilities between Boards, federal or territorial governments. Boards emphasized the need for coordinated Government of Canada participation in their processes because the public doesn’t differentiate between departmental roles and mandates.
- **Boards identified challenges in their processes due to past infringements on rights being brought forward into current processes:** Boards identified that several projects in their processes are grappling with legacy impacts on rights, without adequate processes to address these concerns given the forward-looking focus of compensation and other duty to consult and accommodate processes.

The following items were identified as follow-ups for ongoing dialogue and issues related to Crown consultation:

- **Boards identified a need for regional discussions on Crown Consultation:** Given the range of responsibilities between the government of Canada and territorial

governments in northern regulatory frameworks as well as region specific context considerations (e.g., groups asserting rights in Nunavut), Boards identified the need for follow up conversations with territorial governments to unpack roles and responsibilities for Crown Consultation.

- **Yukon:** Recommended continued check-ins with Canada on what projects trigger the duty to consult (i.e., when, where, and why), discussions to enhance transparency for process that is being relied upon to discharge the duty to consult, sharing summaries of consultation.
- **Yukon:** Raised issues related to participation of Canada in Designated Office (DO) level assessments (i.e., not major projects but can still be large projects). Recently, issues of historical impacts on rights and interests being raised at DO level on projects e.g., hydro relicensing (Aishihik Generating Station, Whitehorse Rapids Generating Station).
- **Nunavut:** Recommended ongoing dialogue with Canada and proposed Crown Consultation be a recurring agenda item for future Forums, given evolving context on critical minerals in the coming years.
- **Nunavut:** Raised challenges related to participation of Indigenous groups asserting rights in Nunavut and associated implications for NIRB processes including Board capacity. Seeking support to coordinate direction of EA Boards and Government of Canada participation.
- **Mackenzie Valley:** The LWBs recommended follow up conversations with Canada on participant funding for non-major projects, input to inform their updated engagement guidelines, and to share records of engagement with Boards. MVEIRB recommended follow up conversations with Canada on regulatory efficiency, adaptations to facilitate Crown decision making, and additional discussions with GNWT and Canada.
- **Boards recommended including discussions of Crown Consultation in ongoing initiatives between Forums:** Boards recommended the Government of Canada leverage existing processes (e.g., Mackenzie Valley Operational Dialogue, YESAA Forum, NIRB Board meetings) to support clarity and understanding of the Crown's duty to consult in northern regulatory processes. Boards also emphasized the importance of the Government of Canada building relationships with communities and being present at regular meetings of Indigenous governments or regional assemblies.

CLOSING

In closing, participants provided key reflections on the 2023 – 2024 Forum. These included reflections on what worked well about the planning and delivery of the 2023-24 Forum, what could be improved in the future and future topics for discussion.

Feedback on what worked well included:

- Participants highlighted the importance of the Forum as it provides an opportunity to reflect on their roles and to refocus on the impact of their work.
- Building time for opportunities to listen to presentations, share feedback and discuss within the agenda. The agenda including time for networking and building relationships.
- Leveraging discussions from previous years (e.g., the PESTLE and inclusion of Board processes in pre-read) and other Forums (e.g., EAI).
- Sharing summaries of key themes throughout Forum discussions to support reflection.

Feedback on opportunities for improvement included:

- Extending the invitation to a broader audience (including community members) on certain topics (e.g., engagement and consultation).
- Finding 'fall back' meeting locations and dates i.e., back up options to support planning (given the change from hosting in Cambridge Bay to Yellowknife).
- Planning to ensure representatives from all Boards are available to participate.
- Reviewing meeting health & safety protocols at the start of each day, recognizing that different Board representatives may participate on different days.
- Ensuring all cords are taped down in the meeting room.

Suggested future topics for discussion included:

- Further discussions on shared responsibilities for Crown Consultation in Board processes.
- Discussions on decolonizing processes and organizations, including reflecting Indigenous worldviews in Board processes and implementation of UNDRIP and UNDRIPA.
- Effective and efficient processes (considering legislated timelines) including lessons on pre-regulatory process improvements.
- Best practices and lessons learned on organizational effectiveness (i.e., HR and other organizational practices).
- Lessons learned from regional collaboration (i.e., between assessment and regulatory agencies).
- Coordination and collaboration across Boards, including lessons learned from existing mechanisms (e.g., MVEIRB MOUs / implementation plans with NIRB, MOU with CER) and supporting engagement across Indigenous territories (which may not follow territorial / international borders).
- Approaches for considering legacy and historical impacts in Board processes.
- Processes for addressing questions of legal interpretation.

- Implications of BC Court ruling on free entry.
- Regional and strategic assessment approaches.
- Implications of the Supreme Court ruling on the *Impact Assessment Act* and next steps.

Lastly, YESAB offered to host the 2024 – 2025 Forum in Whitehorse, Yukon. The weeks of October 21st or 28th were floated as potential dates for the next Forum.

APPENDIX A: PARTICIPANT LIST

Region	Participating Boards – EA	Participating Boards – LWB
Mackenzie Valley	<ol style="list-style-type: none"> 1. Mark Cliffe-Phillips (MVEIRB) 2. Kate Mansfield (MVEIRB) 3. Stacey Menzies (MVEIRB) 4. Leila Cai (MVEIRB) 5. Donna Schear (MVEIRB) 6. Malorey Nirlungayuk (MVEIRB) 	<ol style="list-style-type: none"> 7. Kathy Racher (MVLWB) 8. Angela Plautz (MVLWB) 9. Chris Hotson (MVLWB) 10. Camilia Zoe-Chocolate (MVLWB) 11. Tanya Lantz (MVLWB) 12. Leonard DeBastien (GLWB) 13. Gerry Kisoun (GLWB) 14. Sarah Elsasser (WLWB) 15. Ryan Fequet (WLWB) 16. Anneli Jokela (WLWB) 17. Cassandra DeFrancis (WLWB) 18. Meghan Schnurr (WLWB)
Nunavut	<ol style="list-style-type: none"> 19. Robbin Sinclair (NIRB) 20. Tara Arko (NIRB) 	<ol style="list-style-type: none"> 21. Karén Kharatyan (NWB)
Yukon	<ol style="list-style-type: none"> 22. Kent Bretzlaff (YESAB) 23. Rose Sellars (YESAB) 24. Erin Spiewak (YESAB) 	
CanNor	<ol style="list-style-type: none"> 25. Manik Duggar 26. Shannon Allerston 27. Chantal Grey 28. Adrian Paradis 29. Alain Gagnon 	
CIRNAC	<ol style="list-style-type: none"> 30. Emma Pike 31. Tyla Ahluwalia 32. Rebeca Chouinard (Day 3 – virtual participation) 33. Kim Pawley (Day 3 – virtual participation) 34. Jessica Newcombe (CAU) (Day 3) 35. Jenel Larocque (Day 3 - virtual participation) 	
ERM	<ol style="list-style-type: none"> 36. Vicky Weekes 37. Emily Caddell 	

APPENDIX B: FORUM AGENDA

DAY 1: MONDAY, FEBRUARY 5TH

Location: Kat A, Explorer Hotel (4825 49th Ave, Yellowknife)

No.	Timing	Agenda Item
	8:00 – 8:30am	Settling In <i>*Coffee and snacks served</i>
•	8:30 – 9:00am 30 minutes	Welcome and Roundtable Introductions <ul style="list-style-type: none"> • Cultural opening / welcome • Welcome from CanNor/CIRNAC (5 mins) • Roundtable introductions (10 mins) • Review of the PTBF objectives and agenda for the Forum / housekeeping (5 mins)
•	9:00 – 10:00am 60 minutes	Collective PESTLE (political, economic, socio-cultural, technological, legal, or environmental) Analysis: Taking Stock Purpose: <i>At the 2022-23 Forum, Boards identified changes in the external context which are leading to greater complexity in the roles and responsibilities of northern Boards. The purpose of this agenda item is to take stock of how the context has evolved since the last Forum, to identify changes in the context for northern Boards.</i> <ul style="list-style-type: none"> • Recap of political, economic, socio-cultural, technological, legal, or environmental factors (PESTLE) identified at the 2022-23 Forum (5 mins) • Updates from Environmental Assessment Improvement Initiative (EAII) (MVEIRB) (10 mins) • Breakout group discussion: Brainstorm on changes in context facing northern Boards (building from the political, economic, socio-cultural, technological, legal, or environmental factors (PESTLE) identified at the 2022-23 Forum). (15 mins) • Plenary discussion: Sharing reflections on changes in context facing northern Boards.
	10:00 – 10:15am 15 minutes	Break <i>*Coffee and snacks served</i>
•	10:15 – 12:00pm 105 minutes	Internal Board Updates

		<p>Purpose: This session is an opportunity for Boards to share updates on initiatives they are implementing. (Note: We will have a dedicated agenda item for updates on engagement and Indigenous Knowledge initiatives on Day 2.) At the 2022-23 Forum, participants identified that it would be helpful to provide background information on each of the Board’s context, legislation, and unique circumstances to increase understanding of areas of alignment between jurisdictions. In 2016, Pan-Territorial Process maps were created to illustrate differences and similarities between regions. These maps have been included in this booklet for information. Boards may wish to comment on evolutions during their updates.</p> <ul style="list-style-type: none"> • Presentations by 7 boards (10 mins each + 5 mins Q&A) (template provided)
	12:00 – 1:00pm	<p>Lunch *Buffet lunch served</p>
•	1:00 – 2:30pm 90 minutes	<p>Collective Planning on Climate Change Guidance Purpose: At the 2022-23 Forum, Boards discussed climate change considerations related to impact assessment and regulatory processes. The key takeaway from this discussion was that the pace of change due to shifting climate conditions is difficult to predict and will demand a new way of considering effects in assessment and regulatory processes. Boards identified climate change as an ongoing topic for discussion, including the opportunity to collaborate on climate change guidance. The purpose of this session is to advance thinking on the elements of possible joint climate change guidance.</p> <ul style="list-style-type: none"> • Part 1: Scoping <ul style="list-style-type: none"> ○ Sharing on current efforts to develop climate change guidance (sharing by NIRB and MVEIRB) <ul style="list-style-type: none"> ▪ 5 mins / presentation + 5 mins Q&A (15 mins) ○ Partner brainstorm: (10 mins) <ul style="list-style-type: none"> ▪ What do Boards need from climate change guidance? <ul style="list-style-type: none"> • What problem is guidance trying to solve? • What change should guidance bring about? • Who is it for? ▪ As a result, what elements should be included in the guidance? ○ Plenary report back on partner brainstorm to define the need / scope for guidance (20 mins) • Part 2: Framing <ul style="list-style-type: none"> ○ Small group brainstorm: (20 mins) <ul style="list-style-type: none"> ▪ What elements should be included in the guidance? ○ Plenary report back on scope and opportunities for collaboration (25 mins)
	2:30 – 2:45	<p>Break</p>

	15 minutes	*Coffee and snacks served
•	2:45 – 4:15 90 minutes	<p>Practices for Effective and Integrated Mine Closure</p> <p>Purpose: <i>At the 2022-23 Forum, boards had a conversation on assessment of remediation projects and integration of planning for mine closure into assessments and licensing of new projects. The purpose of this agenda item is to continue the conversation, learn from one another on specific project examples, and reflect on similarities and differences across jurisdictions.</i></p> <ul style="list-style-type: none"> • Profiling a specific project case study by region to describe the context, characterize challenges, and share practices and/or ideas on the path forward (NIRB, MVEIRB, YESAB, LWBs on the MV) <ul style="list-style-type: none"> ○ 10 mins / presentation + 5 mins Q&A (60 mins) • Plenary group discussion (30 mins) <ul style="list-style-type: none"> ○ Based on these case studies, what common themes, issues, or challenges do you observe? ○ What are the practices or solutions needed moving forward?
	4:15 – 4:30pm 15 minutes	<p>Day 1 Wrap Up</p> <ul style="list-style-type: none"> • Identification of emerging topics for discussion • Summary of Day 1 • Reminder of evening social and outdoor activity on Day 2
	6:00pm	Optional Social Event (reservation for 20 people at Boston Pizza)

DAY 2: TUESDAY, FEBRUARY 6TH

Location: Kat A, Explorer Hotel (4825 49th Ave, Yellowknife)

No.	Timing	Agenda Item
	8:00 – 8:30am	Settling In *Coffee and snacks served
•	8:30 – 8:45am 15 minutes	Welcome Back and Day 2 Introduction <ul style="list-style-type: none"> • Quick recap of the previous day’s discussions (10 mins) • Review agenda for today’s session (5 mins)
•	8:45 – 10:00am 75 minutes	Development of Engagement and Consultation Policies and Guidelines <i>Purpose: Since the last Forum, Boards have been advancing the development of engagement and consultation guidance or policies to provide guidance to proponents and other actors within the resource management systems on what is expected of them to support meaningful engagement. The purpose of this session is to learn from one another and to share resources to inform processes going forward.</i> <ul style="list-style-type: none"> • Highlighting work on the development of engagement and consultation policies and guidelines (sharing by YESAB on implications and evolutions in practice given the Kudz Ze Kayah Yukon Supreme Court decision; LWBs of the Mackenzie Valley on Engagement and Consultation Policy, NIRB Public Engagement Guidance) <ul style="list-style-type: none"> ○ 10 mins / presentation + 5 mins (Q&A) (45 mins) (template provided) • Breakout group discussion (15 mins): <ul style="list-style-type: none"> ○ How does your Board define ‘meaningful engagement’? How have Board practices evolved to align with this definition? What are your expectations for actors in your processes to conduct meaningful engagement? • Plenary report back on breakout group discussion (15 mins)
	10:00 – 10:15am	Break *Coffee and snacks served
•	10:15 – 11:15am 60 minutes	Considerations for Indigenous Knowledge <i>Purpose: Boards are advancing practices for considering and reflecting Indigenous Knowledge in assessment and regulatory processes. The purpose of this session is to learn from one another on work that has advanced since the last Forum, and to share resources to inform processes going forward.</i>

		<ul style="list-style-type: none"> • Highlighting work by the NIRB on Inuit Qaujimagatuqangit Guidance and MVEIRB Traditional Knowledge Guidelines <ul style="list-style-type: none"> ○ 15 mins / presentation (30 mins) (template provided) ○ Q&A, reflections, and discussion (30 mins)
•	11:15am – 12:00pm 45 minutes	Discussion on Emerging Topic <i>Time held for discussion of topic(s) identified during previous sessions</i>
	12:00 – 1:15pm	Lunch / Time to Prepare for Outing *Buffet lunch served *Please meet in the Explorer Front Lobby at 1:15pm
•	1:15 – 4:30pm	Scenic Drive and Nature Hike Tour (North Star Adventures) <i>Purpose:</i> Dene guide, Joe the Aurora Hunter, will be taking us on a 3-hour scenic drive while sharing personal stories about his Indigenous culture, about the lessons taught to him by his grandparents and about the Dene people’s special relationships and connections to the land. <ul style="list-style-type: none"> • Pick-up and drop-off location: The Explorer Hotel – Front Lobby • Please come prepared / dressed for time outdoors. Should you require winter clothing, it can be rented through North Star Adventures: Winter Clothing Rental – North Star Adventures • Please note: We have reserved 25 spots for the tour.
	6:00pm -	Optional Social Event (reservation for 20 people at Copperhouse)

DAY 3: WEDNESDAY, FEBRUARY 7TH

Location: Kat A, Explorer Hotel (4825 49th Ave, Yellowknife)

No.	Timing	Agenda Item
	8:00 – 8:30am	Settling In *Coffee and snacks served
•	8:30 – 8:45am 15 minutes	Welcome Back and Day 3 Introduction <ul style="list-style-type: none"> • Quick recap of the discussion to date (10 mins) • Review agenda for Day 3 (5 mins)
•	8:45 – 10:05am 80 minutes	Government of Canada Crown Consultation Processes <i>Purpose: The Government of Canada has a duty to consult, and where appropriate, accommodate Indigenous groups when it considers conduct that might adversely impact potential or established Aboriginal or treaty rights. In northern regulatory frameworks, the duty to consult and accommodate applies to a range of activities including major project approvals, issuance of licenses and permits as well as other activities. CIRNAC's Northern Affairs Organization (NAO) and CanNor have been gathering internal and external input on challenges and opportunities to support meaningful engagement through Crown Consultation. The purpose of this session is for representatives from CIRNAC NAO and CanNor to share what they are learning, hear from Boards on how government-led Crown Consultation processes interact with Board processes, and identify opportunities to support meaningful engagement through Crown Consultation.</i> <ul style="list-style-type: none"> • Sharing from CIRNAC NAO and CanNor on initiatives under the CMS and what they are learning on Crown Consultation (presentation/20 mins) • Plenary discussion and Q&A for CIRNAC NAO: Boards to share how Crown Consultation interacts with their processes, considering both opportunities and challenges (60 mins)
	10:05 – 10:15am	Break *Coffee and snacks served
•	10:15 – 11:00am 45 minutes	Government of Canada Crown Consultation Processes (continued) <ul style="list-style-type: none"> • Plenary discussion: Identifying opportunities for improvement to support meaningful engagement through Crown Consultation (45 mins)

•	11:00am – 12:00pm 60 minutes	<p>Wrap up and next steps</p> <ul style="list-style-type: none"> • Wrap up of 2024 PTBF <ul style="list-style-type: none"> ○ Feedback on Forum format ○ Closing roundtable ○ Discussion for the Forum <ul style="list-style-type: none"> ▪ Plans for the next gathering ▪ Ongoing initiatives
	12:00 – 1:00	<p>Lunch</p> <p>*Buffet lunch served</p>

APPENDIX C: QUESTIONS RAISED ON GOVERNMENT OF CANADA CROWN CONSULTATION PROCESSES

During the Government of Canada's presentation on Crown Consultation, the following questions were raised:

- Communities may find it challenging to follow differences in roles and responsibilities between departments and organizations. Who is the audience for federal Crown Consultation efforts?
- Are the requirements from Crown Consultation as set out in legislation and case law available publicly?
- Who is responsible for Crown Consultation – is it Government or a Proponent?
- What is the definition of Major Projects?
- How does the Government of Canada and/or NPMO decide which projects to participate in / support with coordination efforts?
- How would the Government of Canada participate in a non-major project that may open a region to future development activities (e.g., Grays Bay Port and Road)?
- What department within the Government of Canada plays a role in assessing adequacy in meeting Crown Consultation obligations? What informs the responsible Minister's decision on adequacy of consultation?
- How is the Crown's plan for consultation shared with Indigenous organizations?
- Are there any examples of projects where the CAU used Crown Consultation or any issues raised in Board processes ahead of EA as accommodation?
- How is federal family participation coordinated when there's a role for a consultation agency within an agency of government (e.g., CER)?
- How accurate is the information in ATRIS for the North (i.e., does it include information on northern Indigenous communities, land claims, surface and subsurface rights)? Does it include caribou ranges?

In addition to the questions identified above, the following Mackenzie Valley specific questions were raised:

- Example of a project on federal lands that are co-managed by Boards which included involvement of CER and CNSC and included coordination by NPMO. When would CAU play a role?
- Does NPMO have an MOU with the GNWT?
- The LWBs rely on the NWT NFT with land claims and overlap areas to identify participants in their processes. Will the federal consultation guidelines update include updates to maps?
 - Could parties request participant funding for a Type A Water Use License that extends from EA into the regulatory process? What is the process for Indigenous parties to access funding?

APPENDIX D: FORUM PRESENTATIONS



2024

Pan-Territorial Assessment & Regulatory Board Forum

FEBRUARY 5 – 7, 2024

YELLOWKNIFE, NWT

Sustainability is our business

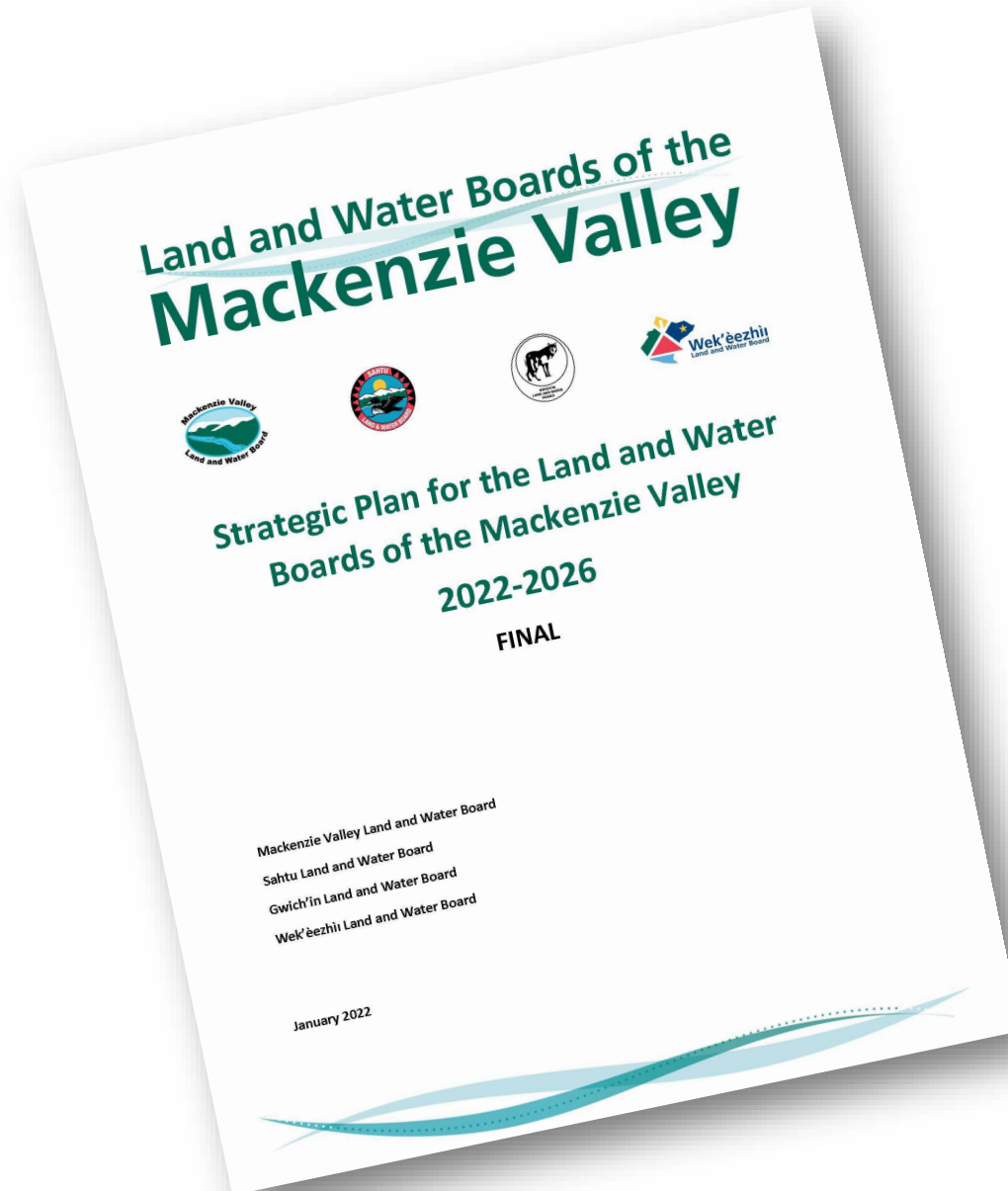
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Internal Board Updates

General Updates

Land and Water Boards of the Mackenzie Valley



General Updates



Key initiatives our Board is implementing are:

- Updating Governance Policies
- Updating Rules of Procedure
- Developing Community Outreach Strategy
- Developing an implementation plan for updated securities worksheet
- Updated Engagement Policy and updating Engagement Guidelines (to be discussed Day 2)
- Developing Compensation Guidelines



Key initiatives our Board is implementing are:

- Re-consideration of LWB Reference Bulletin for Water Use (questions of legal interpretation)
- Updating Standard list of Land Use Permit Conditions (Standard Water Licence conditions updated in 2023, available online)
- Developing Orientation Guide for new Board members and staff
- Updating Employee Policies and Procedures Manual
- Updating Regulatory Staff Manual

General Updates

Key initiatives our Board is implementing are:

- **Regional Strategic EA of the Slave Geological Province:** supporting federal, territorial and Indigenous Governments' governance discussions and work planning for the Regional Strategic EA of the Slave Geological Province
- **Mackenzie Valley Highway:** Conducting an environmental assessment on the proposed highway-- Completed a conformity check of the Developer's Assessment Report, visiting communities about the process, and preparing information requests.
- **EA Initiation Guidelines:** Finalizing guidelines for major projects to start EAs at the Board's discretion before completing preliminary screenings
- **Measures workshop;** Conducted a two-day practitioners' workshop on measure implementation and effectiveness, with
 - an overview of how measures are developed and implemented (including regulatory linkages), and
 - challenges and opportunities for future cooperation.
- **Measures tracking:** Developing internal database on measures implementation
- **Open Science and Data Platform integration:** Seeking data sharing agreements to share digital data from EAs on our public registry



Updates from EA & Land and Water Boards

NUNAVUT IMPACT REVIEW BOARD
INTRODUCTORY PRESENTATION TO THE 2022 PAN-TERRITORIAL BOARD FORUM
FEBRUARY 5 -7, 2024
YELLOWKNIFE, NWT

Sustainability is our business

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General Updates

Nunavut Impact Review Board

Key initiatives our Board is implementing are:

- **Staffing updates** – changes to key positions, focus on hiring HR manager, implementing organization re-structure
- **Updating resources for Parties** – Preparing for further changes to legislation, Rules of Procedure, issuing Standardized Guidelines
- **Major Project and monitoring obligations:** monitor 8 major projects and issue all annual reports for each project following October NIRB Board meeting
 - 1 Reconsideration with Minister, 1 preparing for Public Hearing
- **Ongoing Assessments:** 1 active Review, preparing for second, number of 45-day screening assessments back to ‘average’
- **New strategic plan to inform our work**

Nunavut Water Board

Key initiatives our Board is implementing are:

- Development of Nunavut Water Management Strategy
 - Meetings with the Regional Inuit Associations are being planned for late March and early April. The purpose of meetings: to identify how the RIA's and their respective constituents want to be engaged, and to offer an open house information session for the host community regarding the NWMS and hear from people how they wish to be engaged.
- Updating its public guides, updating / developing technical guides

Yukon Environmental and Socio-economic Assessment Board

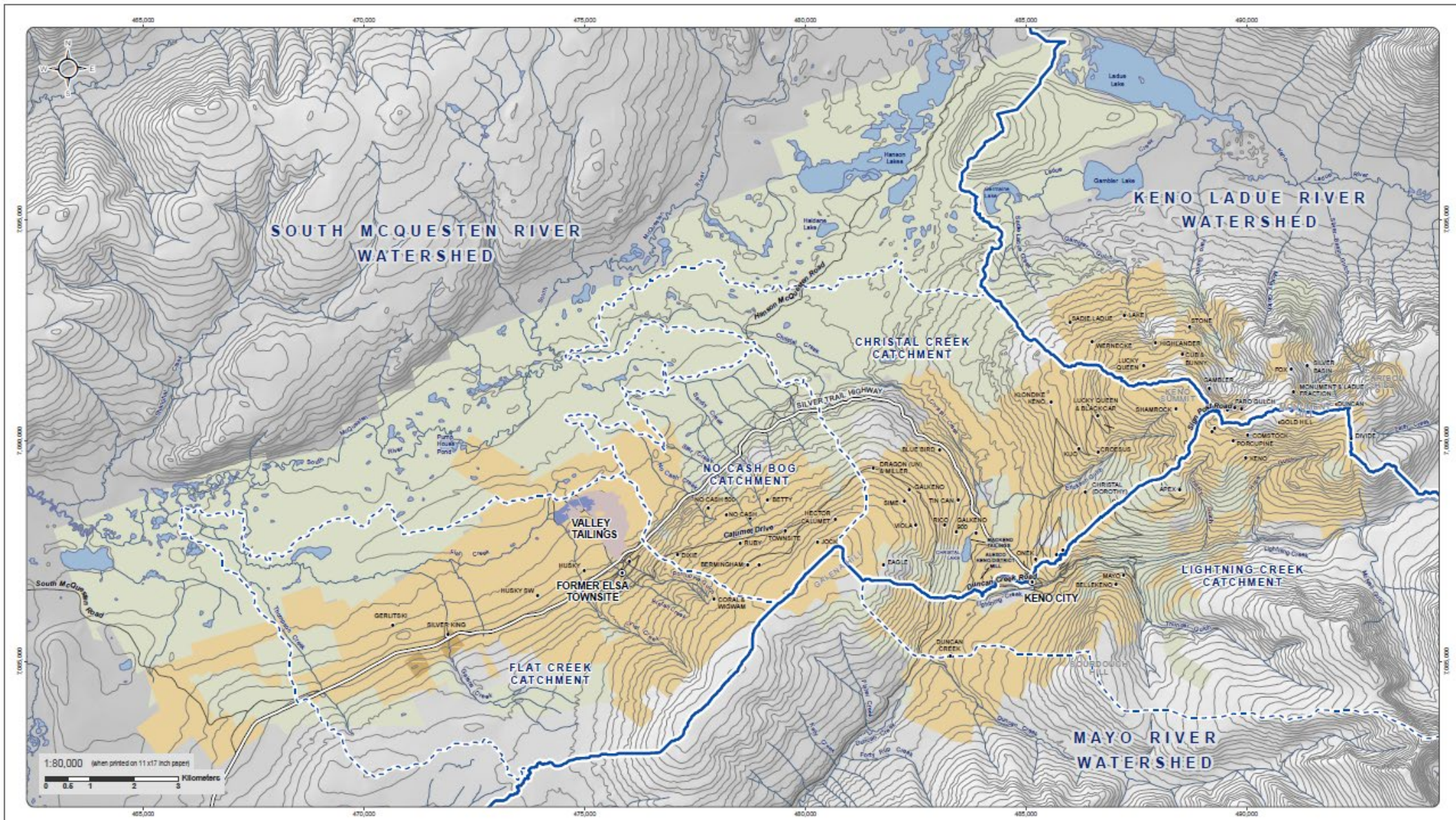
Key initiatives our Board is implementing are:

- **Board and Staffing Update**
 - Chair position vacant (6 months)
 - Purpose and Core Values
 - Communication Officer, Policy Manager, Community Liaison and Assessment staff
- **New Board Priorities**
 - Addressing organizational capacity
 - Advancing First Nations relations and consideration of rights
- **Personal and Relational Safety**
- **Panel Review**
 - Integration on YESAB Online Registry
 - Issuance of Environmental and Socio-economic Effects Statement Guidelines for the proposed Casino Mine Project
- **Land Use Planning Conformity Checks**
 - Wetlands Mapping Layer

Keno Hill

INTERPLAY BETWEEN ASSESSMENT, LICENSING,
ACTIVE MINING, EXPLORATION AND LONG-TERM
CLOSURE





Topographic Data (CANMET) data at a scale of 1:50,000 and crown grant (land parcels and mineral survey details) data compiled by the Department of Natural Resources Canada. Quartz claim boundaries and ownership are current as of March 2017, obtained from Geomatics Yukon, Government of Yukon. Satellite imagery obtained from Yukon Geomatics map service <http://mapservices.gov.yk.ca/NoCServices> on March 2017.

Datum: NAD 83, Map Projection: UTM Zone 18N

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• Mine Site	ERDC Owned Quartz claims	Tailings	— Watercourse
⊙ Community	Alexco Keno Hill Mining Corp. Owned Quartz Claims	Waterbody	== Silver Trail Highway
▭ Watershed	Crown Grant		— Other Road
- - - Catchment			— Contours (100 ft Intervals)



KENO HILL SILVER DISTRICT

FIGURE 1-1

PROPERTY OVERVIEW

JANUARY 2021

Erco\Projects\Keno Hill Silver District\Map\Property_Overview\Keno_Hill_Silver_District_20191017.mxd
Last updated: 2019-10-17 10:00:00 AM



Development of Engagement and Consultation Policies and Guidelines

Yukon Environmental and Socio-economic Assessment Board

Key initiatives our Board is implementing are:

- We hired a Community Liaison Advisor in April 2023. Work completed since:
 - Improved the reception area of the Head Office by having more comfortable chairs, adding Indigenous artwork and encouraged the district offices to do the same
 - Created guidelines for land acknowledgments for our email signature blocks and land acknowledgments at the beginning of meetings
 - Starting the relationship building process. All 14 of the Yukon First Nations are invited to a conference on March 18th to start us off with that movement going forward
 - Workshops, formal and informal lunch and learns for reconciliation and educational purposes for staff
- YESAB engaged with both Government of Canada and Government of Yukon to understand how the YESAB process is relied upon for Crown Consultation
- For the next year, YESAB is planning:
 - An on-the-land gathering in the summer;
 - Individual community engagement for YESAB awareness and project specific engagement

Development of Engagement and Consultation Policies and Guidelines



Key initiatives our Board is implementing are:

- Updated Engagement Policy: January 2023 (available on website)
- Updating Engagement Guidelines: currently underway (update anticipated 2025)



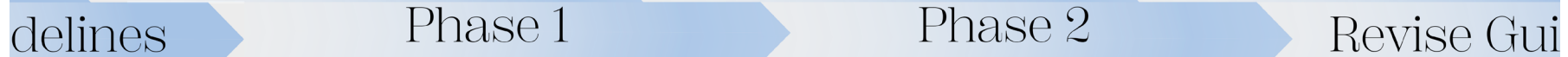
Main changes:

- Updates to further explain the collaborative system of land and water management in the Mackenzie Valley, and the roles that all parties play in it, as well as the goal of furthering reconciliation.
- More emphasis on the concept of relationship-building and collaboration, underscoring the importance of early and meaningful engagement to good relationships, which is key for well-planned projects and efficient regulatory processes.
- Further clarification surrounding the roles and responsibilities of the various parties: applicant, affected parties, Board, and the federal and territorial governments.
- Addition of information about considerations regarding Traditional Knowledge in project planning and Board processes.
- More explanation about capacity challenges and potential solutions to help address identified issues.
- New figures and tables to communicate the above concepts.

Engagement Guidelines



Overview



Options could be
seen throughout the process.

Community "Tea & Talks" & Panels

Phase 2 will be shared by updates by

Guideline revisions
evergreen

Proposed updates to the guidelines
and feedback can be reflected in
'prototype' revisions throughout
Phase 1.

Government Engagement?

"What We Heard"
in Phase 1

Suggest

What

Industry Engagement?

All groups could be invited to a
larger 'Tea and Talk'

S

Phase 2: Review and discuss
suggested changes as a group.

'What We Heard Report' reports to review and discuss what was

was discovered a
'sticky points'.

Updates on considerations for Indigenous Knowledge



Key initiatives our Board is implementing are:

- Adopted Review Board TK Guidelines
- Inclusion of TK requirements in standard conditions
- Host Virtual TK Panels
- Prepare and create opportunity for feedback on an internal discussion paper on TK
- Developing Community Outreach Strategy

NIRB: Development of Engagement and Consultation Policies and Guidelines

Key initiatives our Board is implementing are:

- Revised Draft IS Guidelines
 - Currently with translation, expected to be released for public comment March, 2024
 - Requested comments on focused sections, including: impact assessment approach and inclusion of collective impacts/systems analysis; climate change, cumulative impacts, public engagement, Inuit Qaujimajatuqangit, and socio-economics
 - Process taken to develop Revised Draft:
 - Focused in-person consultation: proponents, intervenors, government, DIOs, transboundary groups, select Nunavut communities
 - Focused feedback on specific sections
 - Hired ERM (previously Stratos) for work on amending the climate change and cumulative impacts section as well as whole of document review

NIRB: Consultation and Engagement Update

- Proponent Guidance Documents: Socio-Economic Toolkit (Firelight), Public Engagement (ERM), Inuit Qaujimagatungit (Firelight)
 - Public RFP process and working with external consultants to develop
 - Topics based on need identified during project-specific processes
 - Informed by directed engagement undertaken by the NIRB and the external contractors within the limited budget and time constraints that the available funding allowed for
 - Currently no plans to seek additional engagement/feedback on these items specifically however it might be possible for the NIRB to engage directly with organizations following release to discuss whether updates should be contemplated in future.
 - Evergreen documents that will be amended as needed
 - Expected to be released spring 2024

Development of Engagement and Consultation Policies and Guidelines

Key initiatives our Board is implementing are:



1. Reference bulletin on consultation and engagement in EIA (released January 2024)

- outlines the Review Board's unique mandate, roles, and responsibilities as it relates to consultation and engagement
- defines the Review Board's statutory consultative requirements and describes how we'll fulfill those requirements
- distinguishes the Review Board's statutory consultative requirements from the Crown's duty to consult

2. Engagement Framework (internal document; approved by the Board in summer of 2023)

- prioritizes and lays out a process for co-developing project and community specific engagement plans between the Review Board and IGs/communities

3. EA Initiation Guideline (to be released late Q1/early Q2 of 2024)

- incentivizes and describes processes and best practice for early engagement and collaborative project planning
- applies to major projects that are likely to come to EA

4. Strategic Plan Action items (Strategic Plan for 2023-2027 released in Summer of 2024)

- some designed to increase public participation (for example: designing an Inclusive EA toolkit, identifying options for demonstrating how community concerns and ITK were incorporated into Board decisions)
- some designed to increase staff and Board member capacities for engagement and outreach (training resources for staff, Board member training plans)

Considerations for Indigenous Knowledge

NIRB: Updates on considerations for Indigenous Knowledge

- NIRB developed descriptions of Inuit Qaujimajatuqangit, Indigenous Knowledge, and Community Knowledge

Based on factors including: no singular description, ever-evolving nature of Inuit Qaujimajatuqangit, Indigenous Knowledge, and Community Knowledge; need to balance information requirements for parties to NIRB's processes while respecting Inuit and not placing a description in a 'southern box'

- Additional and focused requirements for collection, protection and use of Inuit Qaujimajatuqangit, Indigenous Knowledge, and Community Knowledge in the Revised Draft IS Guidelines

- Additional guidance in the Inuit Qaujimajatuqangit Guidance Document (focused on Review, but includes guidance for screening and monitoring processes)

- Working with Designated Inuit Organizations on the collection, protection, and use of Inuit Qaujimajatuqangit (includes storage and sharing of information);
- Integrating Inuit Qaujimajatuqangit with scientific approaches and information.
- Demonstrating Inuit-led protocols have been followed;
- Using Inuit Qaujimajatuqangit to develop Valued Components; determine the level of significance of identified impacts; inform project monitoring methods
- Verification that conclusions have been captured correctly; and
- Expected practices when collecting, gathering, and recording Inuit Qaujimajatuqangit, including: Free, Prior, and Informed Consent from all participants; ownership, management, storage, and access to Inuit Qaujimajatuqangit; analyzing and interpreting Inuit Qaujimajatuqangit; and attending to differences in information between and within communities

Updates on considerations for Indigenous Knowledge



1. Indigenous Language Policy and Procedures (ongoing in 2024)

- describes our requirements, and ways that we will meet these requirements, to including Indigenous Languages into our proceedings.

2. Updated Rules of Procedure (January 2024)

- new and updated rules to:
 - reduce administrative barriers to participation for IGs and communities
 - give Review Board a more active role in seeking out Indigenous Knowledge (rather than passively accepting it)

3. Strategic Plan Action items (Strategic Plan for 2023-2027 released in Summer of 2024)

- **TK workshop** with elders, knowledge holders and experts to examine Review Board processes and identify areas of improvement
- Review of our suite of guidelines to assess how well ITK is represented and considered in our guidance materials

Yukon Environmental and Socio-economic Assessment Board

- We continue to incorporate First Nation comments with greater emphasis within our assessments and encourage to support comment submissions from Yukon First Nation Governments
 - YESAB offices attempt to reach out to provide education and training to First Nation Governments to help allow for more comment submissions
 - Outcome of consideration tables within major assessment deliverables attempt to clearly articulate how First Nation comments were considered
- Yukon Online Registry (YOR) was updated for the Panel to include more ways of obtaining information, including Traditional Knowledge. Information can be provided in a written or audio format.
- To inform and break down barriers, YESAB is issuing new guidance specific to the use of confidential information submissions.
- We are re-imagining how to present recommendations to Indigenous and non-Indigenous groups.
 - E.g. Exploring the development of an Ecosystem Services toolkit for staff



Crown-Indigenous Relations
and Northern Affairs Canada

Relations Couronne-Autochtones
et Affaires du Nord Canada

Northern Regulatory Initiative Pan-territorial Board Forum

February 7, 2024



Canada



What We've Heard

We have heard that there is a need for:

- Indigenous capacity to meaningfully participate in resource management processes;
- Finalizing land use plans to provide clarity on areas open/closed to development;
- Clarified and coordinated Crown consultation processes;
- Regional approaches that consider cumulative effects; and
- Venues to work together to identify and discuss challenges, opportunities, and actions outside of project-specific proceedings.

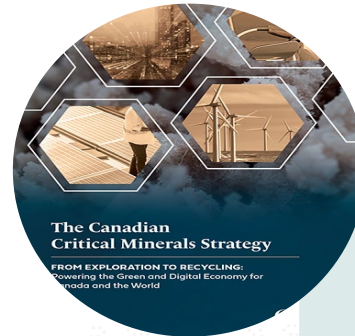


The *Northern Regulatory Initiative* is designed to respond to these needs by helping to advance more clear, trusted, and functional regulatory systems in each of the three territories.





The Northern Regulatory Initiative



includes \$40 million over 7 years to support northern regulatory processes

The Northern Regulatory Initiative

Objective: clear, trusted, and functional regulatory systems that reflect and respect the contexts in each territory.

Indigenous participation in resource management processes (IA and LUP)

Crown consultation clarity and coordination

Regional/Cumulative Effects Studies

Multi-party Regulatory Dialogues

Work with governments, partners, rights holders, and stakeholders in each of the three territories to advance these four areas, further identify and refine priorities, and design and implement actions is ongoing.





Northern Regulatory Initiative: Current Status



Regional Studies

- Early stages of a regional study are underway in the Slave Geological Province (NWT), as requested by the Tłı̨chǫ Government.
- The study is expected to be conducted over 2-3 years.



Regulatory Dialogues

- Continued preliminary discussions with partners in each of the three territories to support ongoing and future collaborative dialogues.
- For example, the Mackenzie Valley Operational Dialogue (MVOD) is being leveraged in NWT to discuss operational components of small-scale exploration.





Northern Regulatory Initiative: Current Status



Participation in Impact Assessment and Land Use Planning Processes

- Developing processes to support Indigenous participation in pre-submission and post-decision stages of impact assessments and land use planning initiatives.



Crown consultation clarity and coordination

- A scan is underway to examine current processes across the territories, and to identify gaps and opportunities that will help to inform next steps.





Crown Consultation



Objectives:

- To identify challenges and gaps - what consultation processes are currently in place for the three territories (what is happening now)
- Clarify roles and responsibilities, and crown conduct points spanning the regulatory systems
- Clearly communicate Crown obligations and practices
- Improve Crown coordination



NAO contracted ERM to interview key partners and regulators as part of a pan-northern diagnostic (scan) to:



document existing information on NAO's Crown Consultation obligations, roles and responsibilities;



seek input on challenges/ opportunities, risk sources and potential mitigation measures





Diagnostique – What Have We Learned?



Much focus has been given to Crown's involvement in major project assessments but there is still uncertainty concerning CIRNAC's (and other regulators') consultation obligations and processes outside of major projects

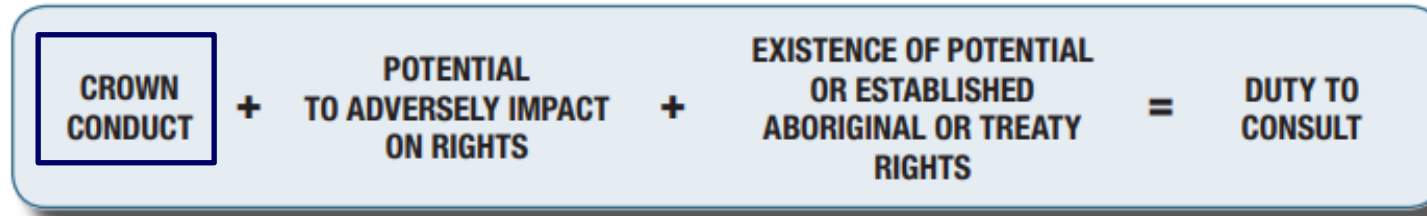
CIRNAC's approach to Crown Consultation including reliance on Board processes is not well documented

There is a need for a deeper dive and documentation of NAO's responsibilities and associated consultation processes – and identify which conduct triggers what consultation processes





Crown Consultation



- Key areas of NAO's responsibilities generally include:
 - Legislation & regulations (development & amendment)
 - Policy development
 - Federal land and resource administration
 - Land use planning
 - Impact assessment
 - Licensing and permitting (including enforcement)
- Responsibilities differ across the three territories and amongst the areas identified above
- In some instances, the Crown relies on board processes to fulfill its duty to consult (e.g. licensing and permitting)





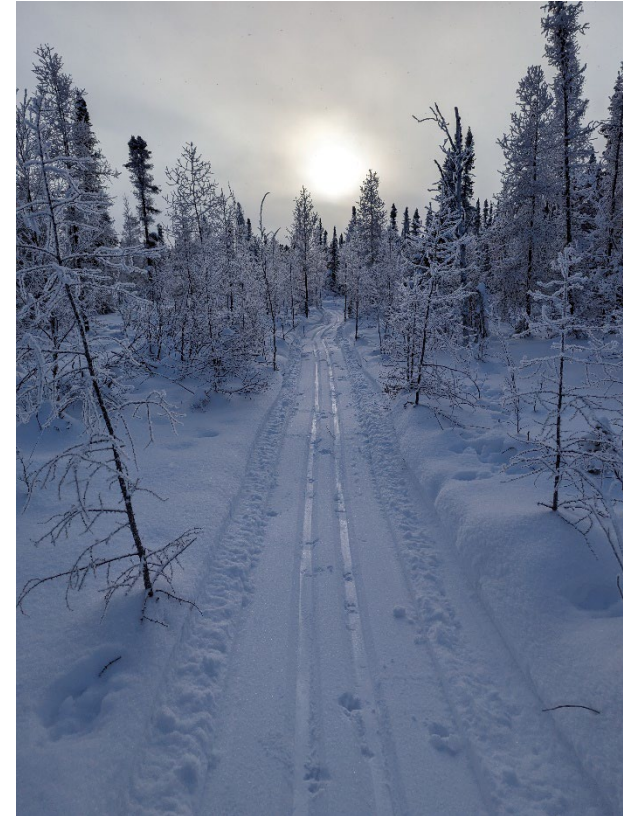
Next Steps

Near Term

- NAO with the help of ERM will complete the assessment of the Sector's current consultation practices

Outstanding and Ongoing

- Consideration of gaps and opportunities to clarify and coordinate processes where NAO has the duty to consult
- Clarification is needed on Crown responsibility and coordination for processes where the board and other federal/territorial governments are involved
- Discussions on the challenges, perspectives, and ideas of partners to identify and collaborate on improvements (e.g. Pan Territorial Forum, Regulatory Dialogue tables, etc.)





Consultation – Broader landscape



We continue to work with:

The federal Consultation and Accommodation Unit, CIRNAC (CAU) on

- Renewal of federal consultation guidelines
- Development of accommodation guidance

The Northern Projects Management Office (NPMO)

- Coordinate Crown Consultation efforts for Major Projects
- Work with communities to develop consultation protocols

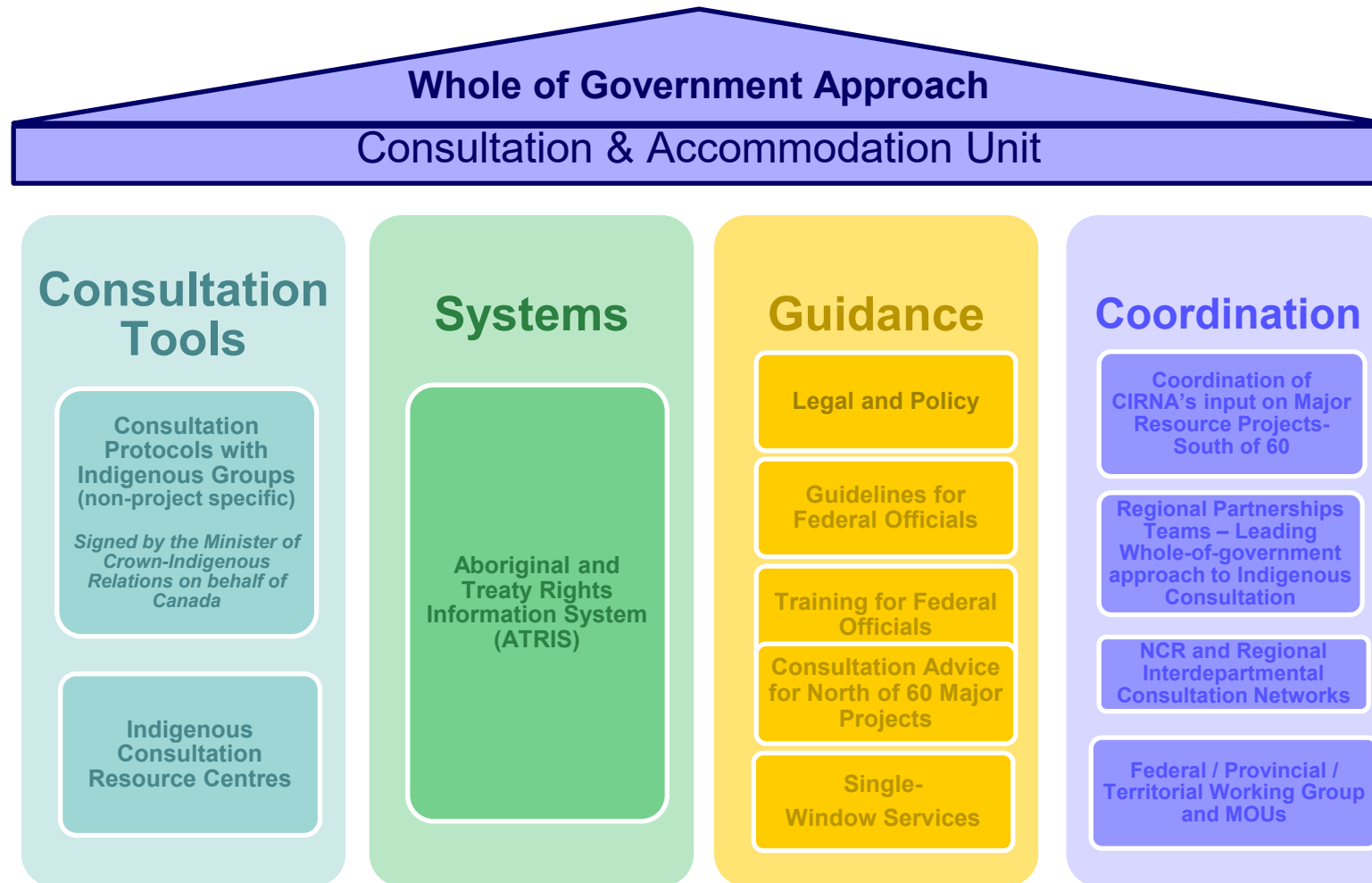


This forum is an opportunity to gain further insights and understanding around the challenges boards are facing when it comes to engagement and consultation that we might be able to address through our work and continued collaboration





Consultation and Accommodation Unit: Canada's Approach to the Duty to Consult





Canada's Whole of Government Approach

Strengthening Partnerships

- CAU recently restructured to help better deliver its mandate.
 - Part of that was creation of Regional Partnership Teams across the country (North, West and East) each being led by a manager with Senior Consultation Advisors and Program Officers supporting them.
 - Before 2023 – 1 CAU Regional Senior Consultation Advisor existed in south of 60 regions and in Yukon
 - While all northern regions did have access to CAU assistance, starting fall of 2023, more CAU support to the North provided with creation of Partnerships-North team with additional context specific resources being developed.
- The CAU Regional Partnerships teams (North, West & East) are charged with leading a whole-of- government approach to consultation and accommodation in their respective regions.
 - These teams work with all other teams in CAU and keeps close connections with Regional CIRNAC/ISC and all federal departments and agency officials who consult/engage with Indigenous Groups - collaboration and information sharing is key!





CAU Partnerships- North Team: Do vs Don't

What CAU does:	What CAU does not do:
Improves efficiency of C & A processes	Coordinate all federal consultation activities within their respective regions
Fosters ongoing information exchange: Regional Federal Indigenous Consultation Network(s)	Provide oversight on federal consultation activities or assessments (including CIRNACs)
Provides advice and guidance on the federal C&A approach: relying on Northern Impact Assessment processes/regimes	Plan, coordinate, conduct or participate in federal consultations with/on behalf of any federal department
Facilitates partnerships and relationships	Evaluate scope, nature and sufficiency of all Crown consultation efforts
Develops consistent C & A approaches	Undertake Strength of Claim assessments
Provides regionally tailored expert advice, guidance and training to all federal departments and agencies.	Develop, lead or implement every federal department/agency's consultation policy/practices/tools.
Negotiates collaborative agreements (MOU's with P/Ts and Consultation Protocols with Indigenous Groups)	Develop, lead or implement "project-specific" consultation protocols





NPMO – Crown Consultation Coordinator

Lessons learned, considerations and proposed actions:

- Crown consultations need to be planned ahead of board processes and co-developed with federal, territorial and Indigenous partners.
 - ✓ NPMO is developing a pilot to test this approach.
- NPMO is developing a MOU, with CIRNAC CAU's support, with the Yukon Government on Crown Consultation to ensure a common understanding of roles and responsibilities
- NPMO, with CIRNAC CAU's support, is conducting a review of Crown Consultation Coordination approach on North of 60 major projects.





What now?

This forum is an opportunity for us to hear directly from the Boards.

- What are the **challenges** Boards are facing around engagement and consultation?
- What are the possible **opportunities** for collaboration through NRI and other federal initiatives?

