



MVOD Touchstone Meeting

NOVEMBER 29, 2023

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Objectives

The objectives of this virtual touchstone meeting are to:



Provide updates on:

- **Light Work Plans**
- **Northern Regulatory Initiative**
- **GNWT Critical Minerals Action Plan**
- **Board Initiatives**



Discuss MVOD priorities and interests



Initiate planning for the next MVOD hybrid session in May 2024

Background on MVOD and Light Work Plans

MVOD History

- MVOD was created in 2020 as an opportunity to learn about the perspectives and expertise of resource co-management partners, identify common challenges, and collectively work to develop operational work plans for regulatory topics
- This initiative brings together representatives from Indigenous governments and organizations, the minerals industry, co-management boards, GNWT, and the federal government to explore regulatory topics
- A pilot workshop was held in March 2020 (subsequent virtual meetings have been held in December 2020, May 2021, and June 2021) to help scope activities and identify priorities/work plans

MVOD Context

- MVOD was created in response to concerns raised by industry during the review of Bill C-88 (an Act to amend the Mackenzie Valley Resource Management Act, among other Acts). Preliminary discussions between the federal government, the territorial government, and the NWT & Nunavut Chamber of mines occurred in 2019 to follow up on the commitments made to engage in more regular discussions



MVOD Collective Goals and Objectives

Objective:

- **To advance regulatory operations using a dialogue-first approach by seeking to understand issues from various perspectives and collectively building solutions that do not require legislative amendments/change.**
- **To create a forum where resource co-management partners can meet (outside of specific projects) to provide updates on regulatory initiatives, ask questions, share knowledge, discuss challenges, and collaborate on work plans**

Goal: Maintain a regulatory regime in the Mackenzie Valley that is understood, trusted, effective, and efficient for all involved (including Indigenous Governments and Organizations, territorial and federal governments, resource co-management boards, and proponents).

Light Work Plans (LWP) Background

LWPs were developed and advanced based on feedback from the workshops and subsequent meetings with partners under the following themes:

- 1. Application Templates for Small-Scale Mineral Land Use Permits**
- 2. Education and Outreach**
- 3. Analytics Tracker (with visuals) for regulatory proceedings**
- 4. Communication Strategy**

Today we will focus on the status of the Light Work Plans + Q&A and Discussion

Light Work Plans (LWP) Updates and Discussion

Light Work Plan 1

APPLICATION TEMPLATES FOR SMALL-SCALE MINERAL LAND USE PERMITS

Update on MVOD Light Workplan 1

Kathy Racher, MVLWB

Benji Straker, GNWT

November 2023

Regulatory process - areas for improvement



DEFINITION OF
ICE-BRIDGE
WATER USE



INDIGENOUS
ENGAGEMENT



MANAGEMENT
PLANS



'SMALL SCALE
PROJECT'
DEFINITION

The definition of “water use” for ice-bridges



- ▶ In 2020, the Land and Water Boards (LWBs) were made aware that the way they were interpreting “water use” in the *Waters Regulations* was inconsistent with the practice of the Nunavut Water Board (even though the language in the regulations is the same).
 - ▶ Based on the information we had then, the LWBs decided to adopt Nunavut’s interpretation.
- ▶ The specific issue was whether the volume of water used for building ice-bridges should be factored into the determination of whether an applicant needed a type A or a type B water licence.
 - ▶ This matters because type A licences require a much longer time to process and issue than type B water licences.
- ▶ This has had the greatest effect on the mineral exploration industry.

Progress



- ▶ After discussions about this issue at the MVOD meetings, the LWBs decided to:
 - ▶ Write a full rationale for their interpretation of ice-bridge water use, and
 - ▶ Send it out for public review and comment in mid-2023.
- ▶ The LWBs received numerous comments from representatives of public and Indigenous governments as well as from industry at the end of October 2023.
 - ▶ These can be viewed on the LWB's Online Review System.
- ▶ The LWBs have asked their legal counsel to evaluate the alternative legal interpretations received from parties and then advise whether revisions to the LWBs' interpretation are needed.
 - ▶ This is a priority for the LWBs and they hope to have more information for everyone early in 2024.
- ▶ The long-term solution for this problem is to amend the regulations!!

Indigenous engagement



- ▶ Industry representatives have expressed that:
 - ▶ There is a general lack of clarity on engagement requirements (the who, when, and how) for regulatory processes.
 - ▶ There isn't a up to date engagement group contact list.
- ▶ These issues make it difficult for licence/permit applicants to engage properly prior to making their applications. This, in turn, can cause delays the regulatory process.

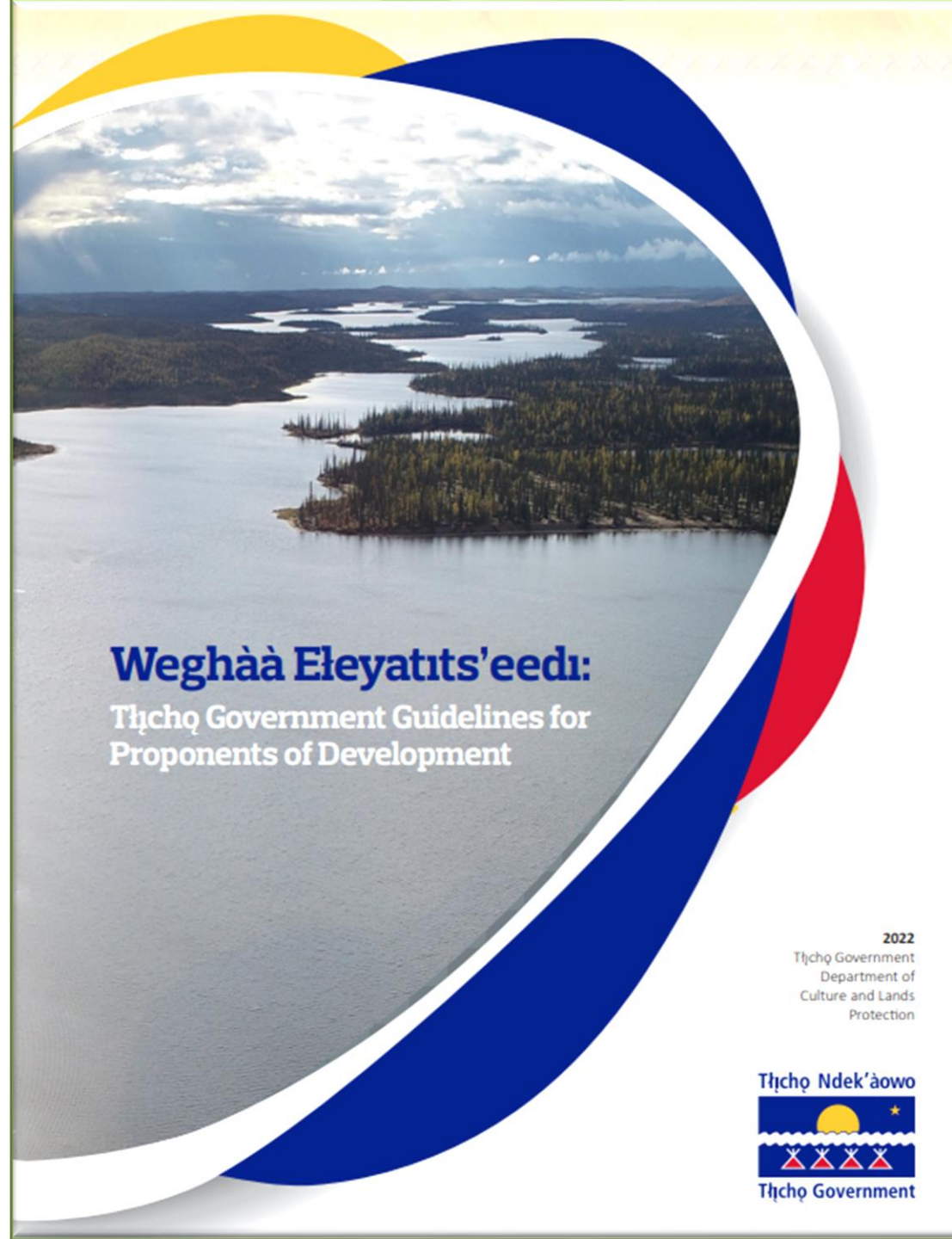
Progress



- ▶ This year, the LWBs started the process of updating its Engagement Guidelines (last published in 2018).
 - ▶ A meeting meant to bring together Indigenous communities with government and industry to discuss engagement practices was scheduled this summer, but had to be cancelled due to the wildfires.
 - ▶ A new meeting has not yet been scheduled and likely won't occur until the spring of 2024.
- ▶ The LWBs are planning to develop an interactive online engagement mapping tool starting in 2024. Once completed, it would be available to anyone on the LWBs' website.

Progress

- ▶ Note that the Tlicho Government released their own engagement guidelines in late 2022.
- ▶ It would be helpful if other Indigenous governments and/or communities had the capacity to write their own guidelines as well.



“Small-scale project” definition



- ▶ Industry representatives feel that although the current regulatory process works well for large projects (e.g., mines), it does not work well for small-scale projects (e.g., mineral exploration). Perceptions include:
 - ▶ That the thresholds/triggers for authorizations or management plans is getting lower over time.
 - ▶ That LWB staff don't understand what small-scale projects are all about, so these projects get the same requirements as larger projects.
 - ▶ Although regulations have not changed in decades, there seems to be more and more information requirements.
- ▶ All of these things mean that applicants have to do much more work than they think is warranted by the environmental impacts of these small projects.

Ideas to address this issue



- ▶ Unfortunately, the current legislation does not contain a definition of “small-scale”; also, the *Waters Regulations* are silent on mineral exploration projects.
- ▶ However, representatives of the LWBs have suggested setting up a meeting with operators that identify themselves as having small-scale projects.
 - ▶ The purpose of this meeting would be to identify specific management plans, information requirements, or permit/licence conditions that are causing regulatory bottlenecks (or just big headaches) for small-scale operators.
 - ▶ In advance of this meeting, the MVLWB Executive Director has begun to reach out to individual operators to better understand the specific issues.
- ▶ Another idea is to organize small-scale project field trips for LWB staff, Board members, and MVOD members with the goal of giving them a realistic perspective on small exploration project scales, risks, and potential impacts.

Management Plans



- ▶ Industry representatives perceive management plan requirements as onerous and as significant hurdles to the application process.
- ▶ Would like the LWBs to consider replacing at least some management plans with simple requirements within the terms and conditions of licences/permits.

Ideas



- ▶ The planned meeting of LWB staff with operators of small-scale projects should provide more specific ideas of which management plans could be either:
 - ▶ replaced by standard licence/permit condition, or
 - ▶ have templates made for them.

Light Work Plan 4

COMMUNICATION STRATEGY

Light Work Plan 4

COMMUNICATION STRATEGY

MVOD 2023

WHAT IS IN THE COMMUNICATION STRATEGY?

- Defines the objectives and goals of MVOD, and the approach to advance these objectives and goals
- Establishment and role* of an Organizing Committee (open to all)
 - **Others continue to be welcome on the Organizing Committee**
- Commitment to an informal dialogue approach on an “as-needed” basis
- Track LWP updates & NWT Audit regulatory recommendations
- Commitment to meet every 12-18 months to provide updates on LWPs and other regulatory initiatives, discuss new operational LWPs/priorities, and receive questions/feedback on operational regulatory initiatives. A touchstone meeting will be planned every 6-8 months.



*The Organizing Committee's role is coordination and logistics only, they do not make decisions on how and what MVOD focuses on

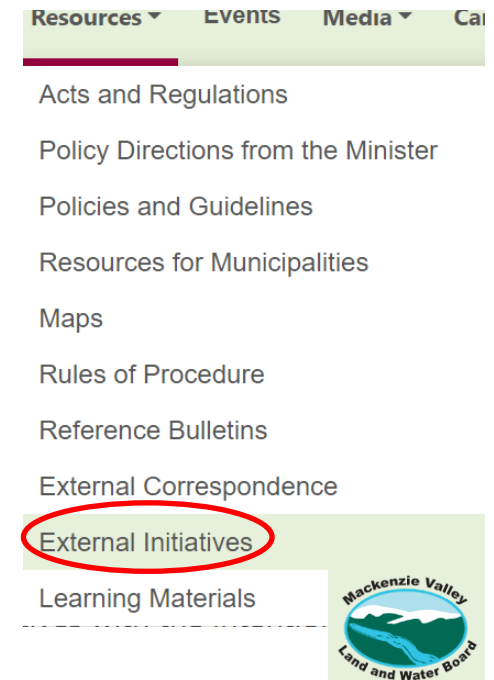
WHERE TO FIND MVOD INFORMATION?

All MVOD-related material will be published to the Mackenzie Valley Land and Water Board website, under "[External Initiatives](#)."

This will include:

- MVOD Workshop/touch-base reports and presentations
- MVOD Progress Tracker – priority topics identified by partners, external initiatives, and audit regulatory items
- LWPs

Workshop and meeting reports will be uploaded to the MVLWB website as soon as available. All other ongoing tracked information will be updated and uploaded to the website prior to MVOD workshops/touch-base meetings.



CURRENT STATUS

Status:

- Feedback will be incorporated regulatory
- LWP Tracker will be updated before upcoming workshops and touchstone sessions

- LWP 4 is now complete



Updates on External Initiatives

External Initiative Updates

Federal
Initiatives

GNWT Critical
Minerals
Action Plan

Board
Initiatives

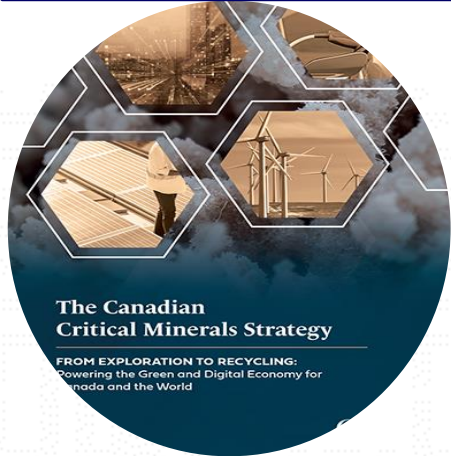


Canada's Critical Minerals Strategy – Northern Regulatory Initiative

MVOD Touchstone – November 29, 2023



The Northern Regulatory Initiative (NRI) under the Critical Minerals Strategy aims to advance key elements of the systems that have been identified as regulatory challenges



The Northern Regulatory Initiative

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

Objective: support efficient, effective, and inclusive northern regulatory regimes.

To accomplish the objectives of the CMS and NRI, resources will be used to support:



Work with governments, partners, rights holders, and stakeholders in each of the three territories to advance these four areas where challenges exist.





Northern Regulatory Initiative Current Status



Participation in Impact Assessment and Land Use Planning processes

- Supporting Indigenous participation in pre- and post-stages of impact assessments, e.g., development of consultation protocols, facilitating post-approval Indigenous oversight and monitoring.
- Supporting Indigenous governments and organizations to review land use plans submitted for approval and will support Indigenous participation in ongoing and future land use planning processes.



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.
- Next steps will involve work with partners.





Northern Regulatory Initiative: Current Status



Regional Studies

- A Regional Study in the Slave Geological Province (NWT) was requested by the Tłı̨chǫ Government. The study governance structure is in development.
- The study is expected to start in the new year and be conducted over 2-3 years.



Regulatory Dialogues

- Leveraging the Mackenzie Valley Operational Dialogue (MVOD) in NWT to discuss operational components of small-scale exploration. Four co-developed action plans are underway.
- Interest in discussing the ongoing scope of MVOD as it relates to the NRI and MVOD LWPs – specifically, participation.





Thank You





Priorities for Critical Minerals in the Northwest Territories

Mackenzie Valley Operational Dialogue

Benji Straker

Director, Strategic Initiatives – ITI, GNWT

Background

- Critical Mineral development crucial for future resource industry and economy in the NWT
- Opportunity for NWT to contribute to growing worldwide supply chains
- NWT has the resources needed to attract investment
- The NWT currently has advanced CM projects
 - NICO, Nechalacho, Pine Point, Cantung, Mactung, Prairie Creek



What NWT Critical Minerals work has been done so far?

- Critical Minerals workshop – November 2021
 - What We Heard Report
- Canada's CM Discussion Paper & CM Strategy
- Priorities for Critical Minerals in the NWT: Released October 2023

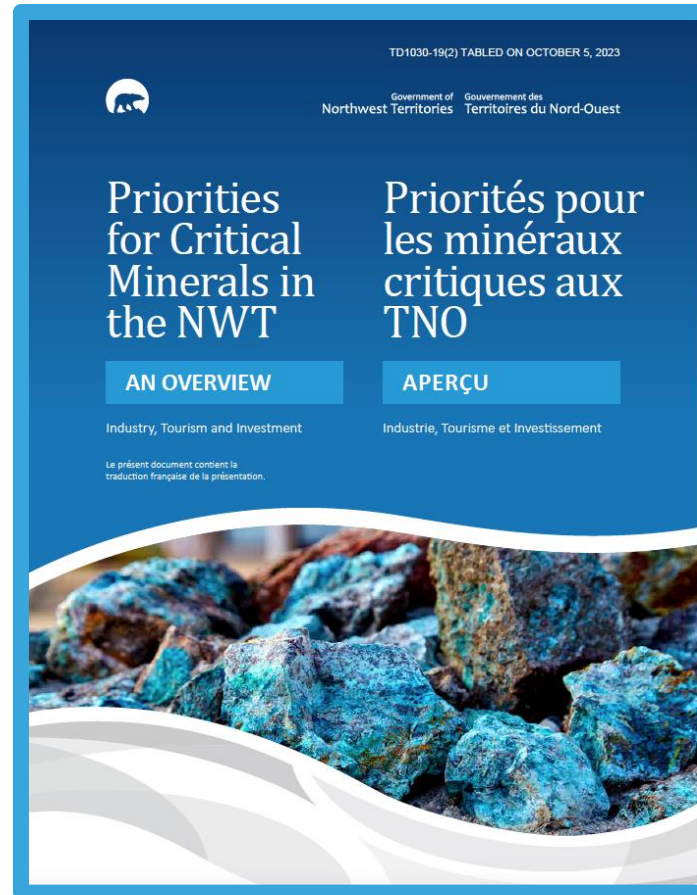


Canada's Critical Mineral Strategy

- GNWT participates on FTP working groups on Critical Minerals
- Canada's Critical Minerals Discussion Paper
 - GNWT response emphasized need for increased Indigenous participation and engagement, and infrastructure investments
- Canada's Critical Minerals Strategy (December 2022)
 - Increase the supply of responsibly sourced critical minerals
 - Support development of domestic and global value chains



Priorities for Critical Minerals in the NWT: An Overview



CM Pillars

1. Increasing awareness and understanding of CM opportunities in NWT governments and among residents
 - Incorporating CM focus into our programs and partnered promotion of the NWT
2. Marketing and Promoting the NWT's Critical Minerals Potential
 - Highlight the NWT advantage



CM Pillars

3. Investing in our own knowledge of, and approach to, mining and CM in the NWT
 - Enhanced geoscience and future Mineral Development Strategy renewal
4. Building on the relationships around CM
 - Strengthen partnership on collaborative CM development between GNWT, Indigenous Governments, and Canada



Current Critical Minerals Priorities

- Regional Energy Resource Tables (RERTs)
 - Established in each province and territory to build FTP collaboration and Indigenous partnerships to advance and accelerate Canada's economic growth and energy transformation.
 - Align resources and timelines across all levels of government
 - NWT Table:
 - Critical Minerals
 - Electrification
 - Indigenous Capacity and Leadership



Current Critical Minerals Priorities

- Mackenzie Valley Operational Dialogue
 - The Mackenzie Valley Operational Dialogue (MVOD) is a dialogue-first approach to discussing regulatory topics
 - Objective: Advance regulatory operations & Create collaborative forum for stakeholders
 - Light Work Plans (LWPs)
 - Critical Mineral regulatory improvement for the north
 - Federal Budget
 - Canada's Critical Minerals Strategy



THANK YOU



Potential changes to the NWT/Federal Areas Waters Regulations

Ideas from staff of Land and Water Boards of the Mackenzie Valley
(LWBs) - for discussion

November 2023



This presentation is meant to begin a discussion about amending water regulations in the NWT

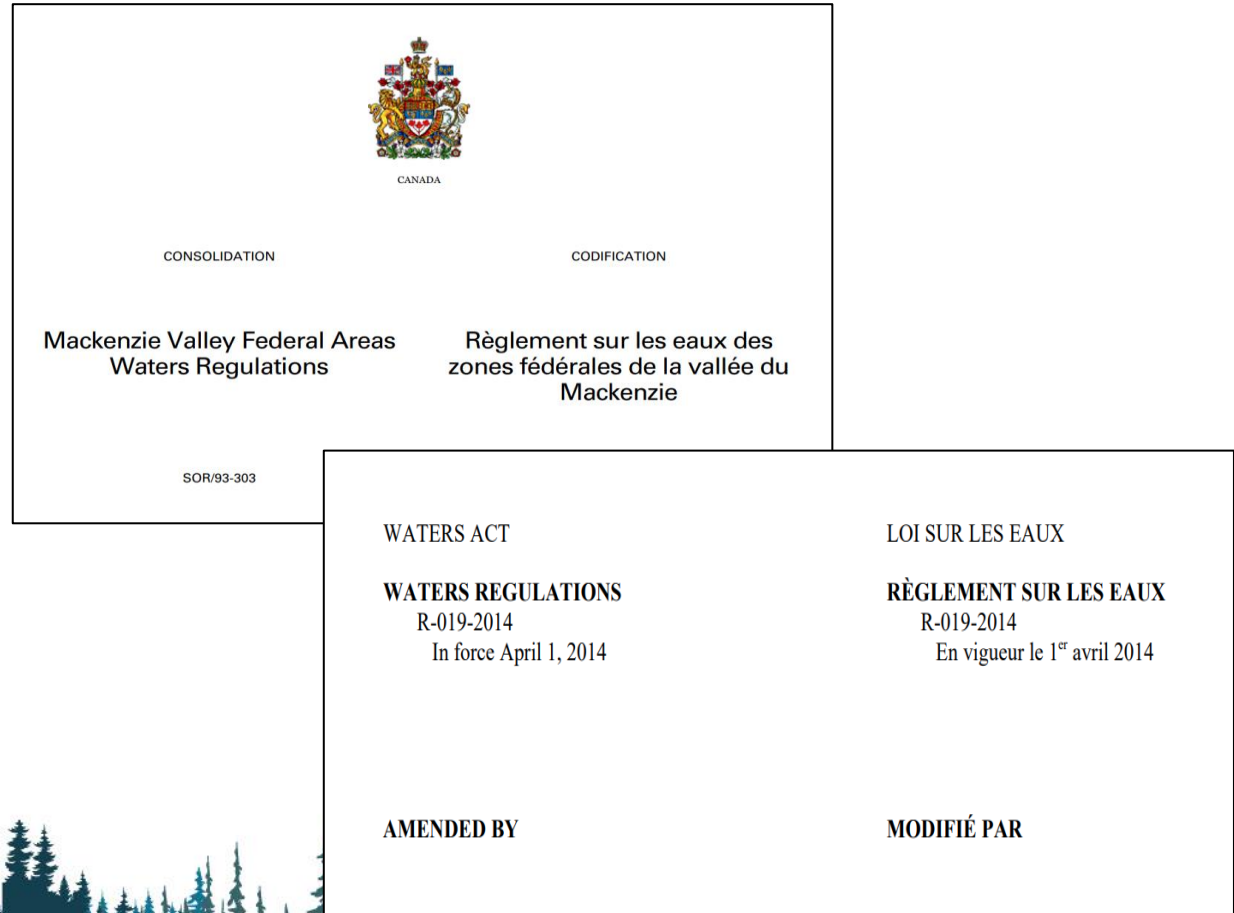
The ideas presented here were generated by LWB staff.

Before discussing our ideas, we want to note the following:

- The LWBs do not write the legislation, we only implement it.
 - This means that although we have identified issues with the legislation, we do not have an opinion on how best to resolve those issues – that is up to the treaty partners, not the LWBs.
- What we want overall are water use regulations that are clear, consistent, and that accurately reflect the values and needs of the people of the NWT.

Our focus is on the federal and territorial waters regulations, not on the *Waters Act* or the water licensing provisions in the MVRMA

- The process for amending regulations is less onerous than making amendments to the Acts.
- Making even a handful of changes to the Regulations would improve the regulatory process for water licences – so we believe this is the best place to start.



Summary of issues identified



There are several issues with water regulations that, in our opinion, continuously contribute to regulatory inefficiencies

These issues fall into one or more of three broad categories:



Project types not contemplated in the regulations



Apparent disconnect between the amount of regulatory process required and the potential impacts of some regulated activities



Unclear language used for some provisions

Project types not contemplated in the Regulations



- Diamond mining
- Abandoned mine-site remediation projects
- Mineral exploration

- Each of these project types have unique water uses/waste deposits that the Regulations are silent on.
- There is continued debate as to how to regulate aspects of these projects leading to unclear, inconsistent, and/or changing expectations for applicants.

Disconnect between required process and potential impacts



Examples:

- Small mineral exploration projects that need a lot of water to build ice-bridges may need to go through the same amount of regulatory process as a full-scale mine – even though the scale of environmental impacts is very different.
- There is no clear process for reducing a water licence from a type A to a type B even as a project moves from peak activity to reclamation to closure to post-closure monitoring. This means that the amount of regulatory process does not match the scale of impacts for every stage of a project.



Unclear language used for some provisions



- Many provisions in the Regulations (including the Schedules) are not written clearly.
- As a result, there is constant debate on the correct interpretation of aspects of the Regulations – this can lead to unnecessary tension between parties.
- Clear language ensures that the LWBs can implement the legislation in the way that the drafters intended.



LWB staff believe that an update of the water Regulations in the NWT is long overdue

- Since the LWBs cannot do this, we ask other parties to encourage all levels of government – Indigenous, federal, territorial – to begin an amendment process.
- Although we know there are many who want to update the *Waters Act*, we do not think that must happen before making some focused amendments to the Regulations.



Thank you

