

THE 26TH NWT BOARD FORUM

APPENDIX E - PRESENTATIONS

Submitted to: NWT Board Forum Steering Committee

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Submitted on: March 10, 2023

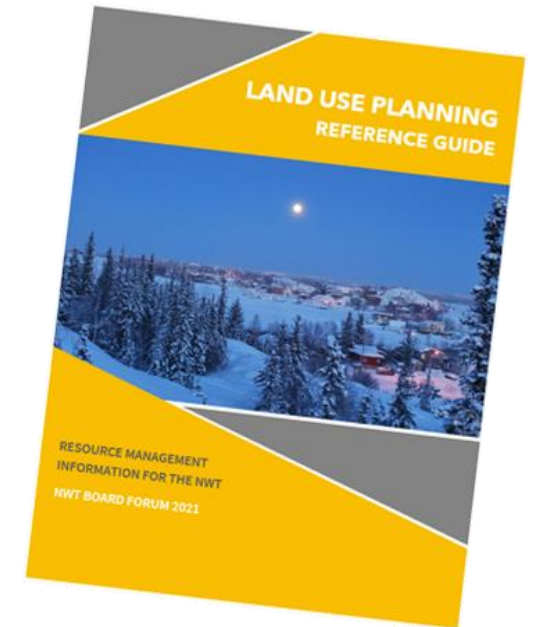
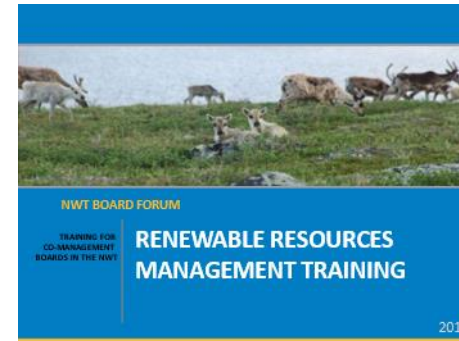
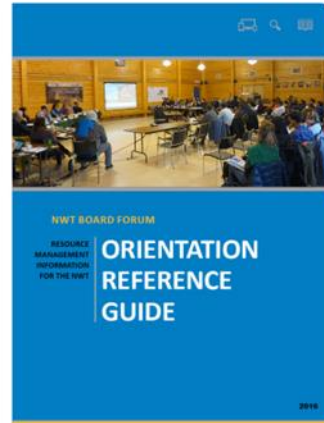
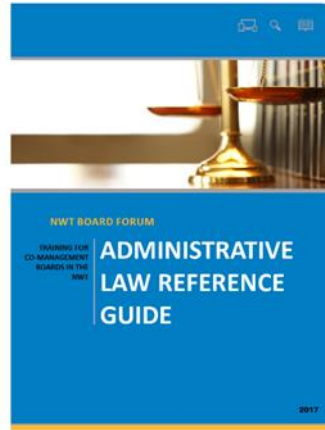
NWT Board Forum Training

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

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nwt board forum
Resource Management Information for the NWT

Suite of Courses



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

Recommendation

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

Overview of the Intergovernmental Council

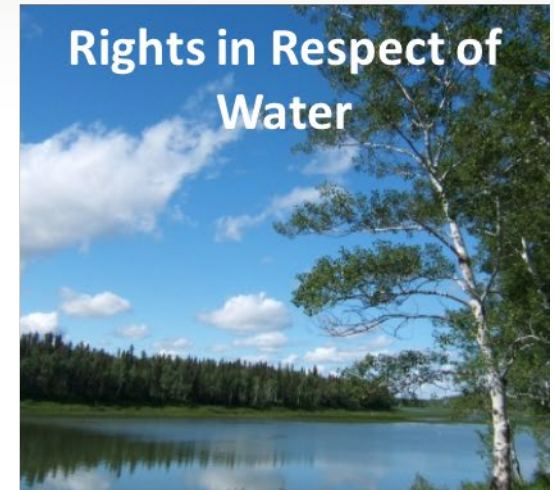
Board Forum



January 31, 2023

Devolution

In 2014 Canada transferred responsibility for managing...



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



Intergovernmental Agreement

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



Intergovernmental Council

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



Intergovernmental Council

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



Aboriginal and Treaty Rights

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

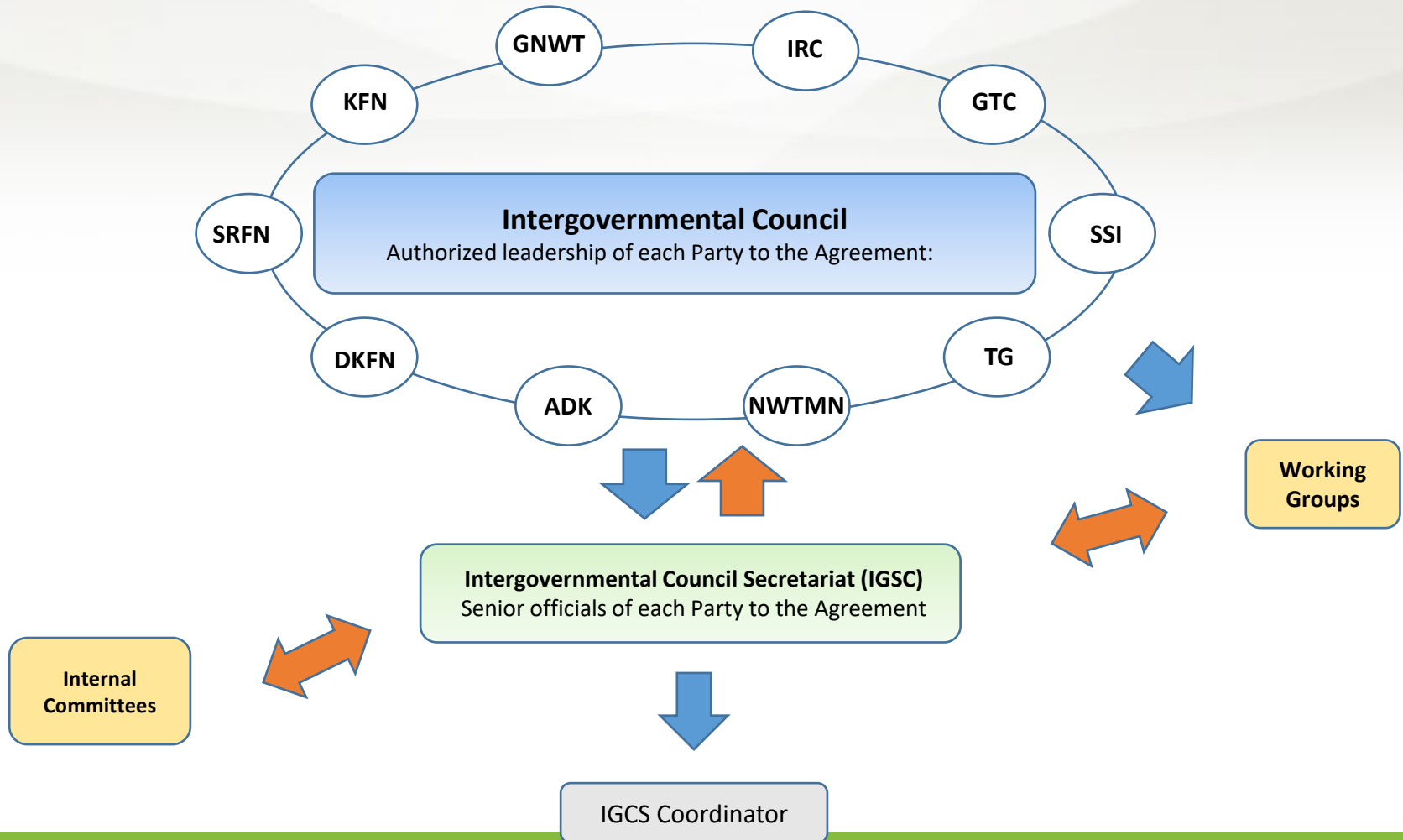


IGC Agreement Partner Governments

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



Structure of the Intergovernmental Council



Duties of the IGC as set out in the IGA

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



IGC Secretariat (IGCS)

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



IGC Working Groups

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



Internal IGCS Committees

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



IGC Impact

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



Legislative and Regulatory Updates

Board Forum



January 31, 2023

Outline

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



IGC Legislative Development Protocol



Thursday, January 26, 2023

Legislative Development Protocol

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

Intergovernmental Council on Land and Resource Management: Legislative Development Protocol

Background & Purpose

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

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

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

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

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

Collaboration and Consensus

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



The Protocol: Steps A & B

A. GNWT INVITATION TO PARTICIPATE

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

B. IGs DETERMINE LEVEL OF ENGAGEMENT

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



The Protocol: Steps C & D

C. ENGAGEMENT ASSESSMENT AND PLANNING

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

D. LEGISLATIVE PROPOSAL AND REGULATION DEVELOPMENT

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

The Protocol: Step E

E. ESTABLISH A TECHNICAL WORKING GROUP (TWG)

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



The Protocol: Steps F & G

F. COLLABORATIVE DEVELOPMENT OF DRAFT LEGISLATION

- Reach consensus on draft legislation through the TWG

G. IGC REVIEW

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



Legislative Development Protocol

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

Forest Act

Department of Environment and Natural Resources



Thursday, January 26, 2023

Forest Act – Where are we now?

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



Forest Act – Next Steps?

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



Protected Areas Act and Regulations

Department of Environment and Natural Resources



Protected Areas Act and Regulations

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



Thaidene Nënë Regulations

Department of Environment and Natural Resources



Thursday, January 26, 2023

Thaidene Nënë Regulations – Where are we now?

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



Thaidene Nënë – Next Steps?

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



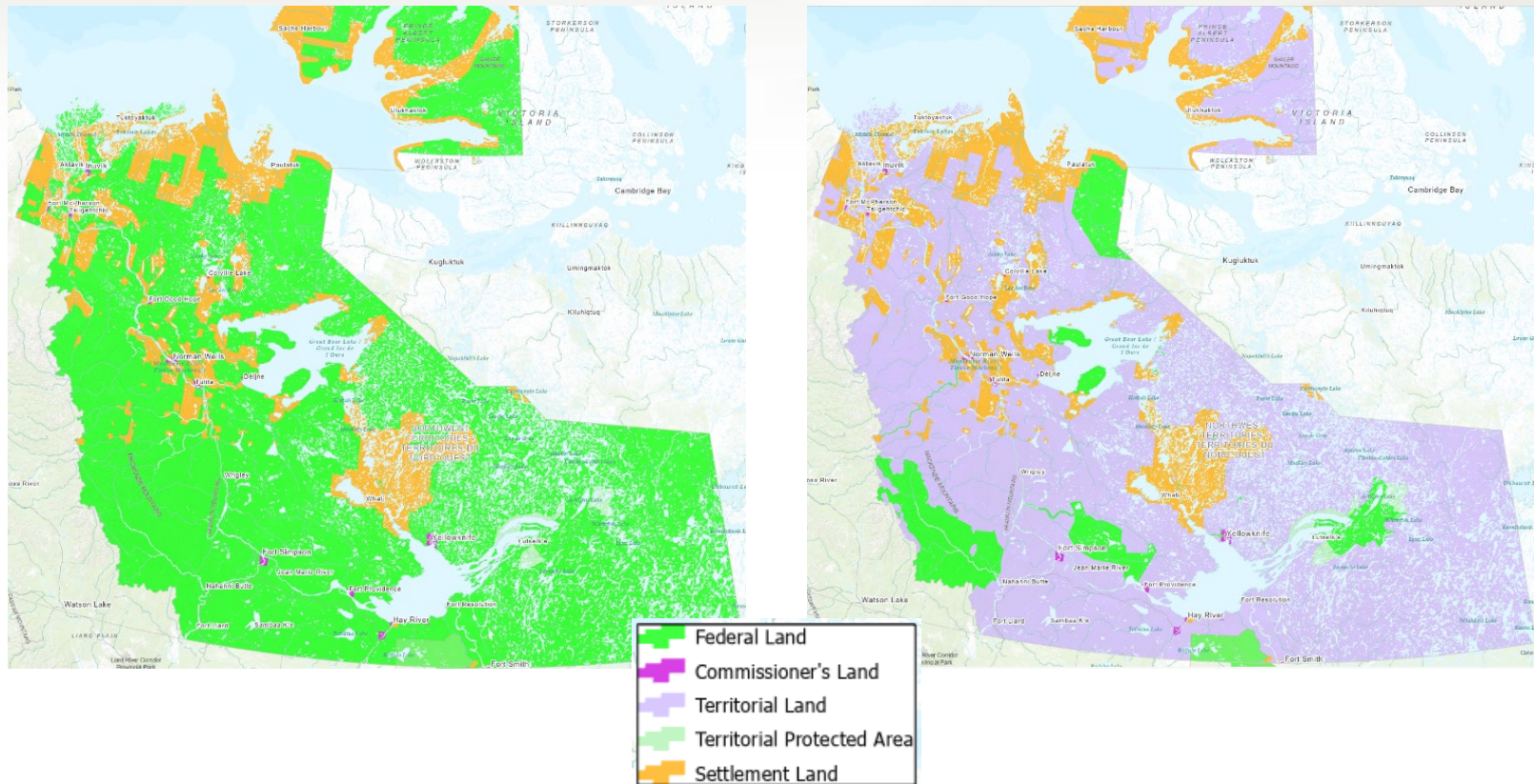
Public Land Act and Regulations

Department of Lands



Thursday, January 26, 2023

Public Land – Pre-Devolution vs. Current



Public Land Act

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

THIRD SESSION
THIRTIETH LEGISLATIVE ASSEMBLY
OF THE NORTHWEST TERRITORIES

TROISIÈME SESSION
TROISIÈME ASSEMBLÉE LÉGISLATIVE
DES TERRITOIRES DU NORD-OUEST

Bill 16

PROJET DE LOI 16

PUBLIC LAND ACT

LOI SUR LES TERRES PUBLIQUES

Summary

This Bill replaces the Commissioner's Land Act and the Northwest Territories Land Act and replaces them with a consolidated statute that comprehensively governs all public land within the Northwest Territories.

Résumé

Le présent projet de loi remplace la Loi sur les terres administrées et la Loi sur les terres des Territoires du Nord-Ouest. Il synthétise ces deux lois existantes afin de créer une loi unique qui régit toutes les terres publiques dans les Territoires du Nord-Ouest.

DISPOSITION

Date of Status Date de l'état	1st Reading 1 ^{re} lecture	2nd Reading 2 ^e lecture	In Committee Au Comité	Opposition Opposition	Revised Révisé	3rd Reading 3 ^e lecture	Date of Assent Date de sanction
March 5, 2019	March 11, 2019	March 12, 2019	Aug. 15, 2019	R.J. Stinson	Aug. 19, 2019	August 20, 2019	August 20, 2019

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

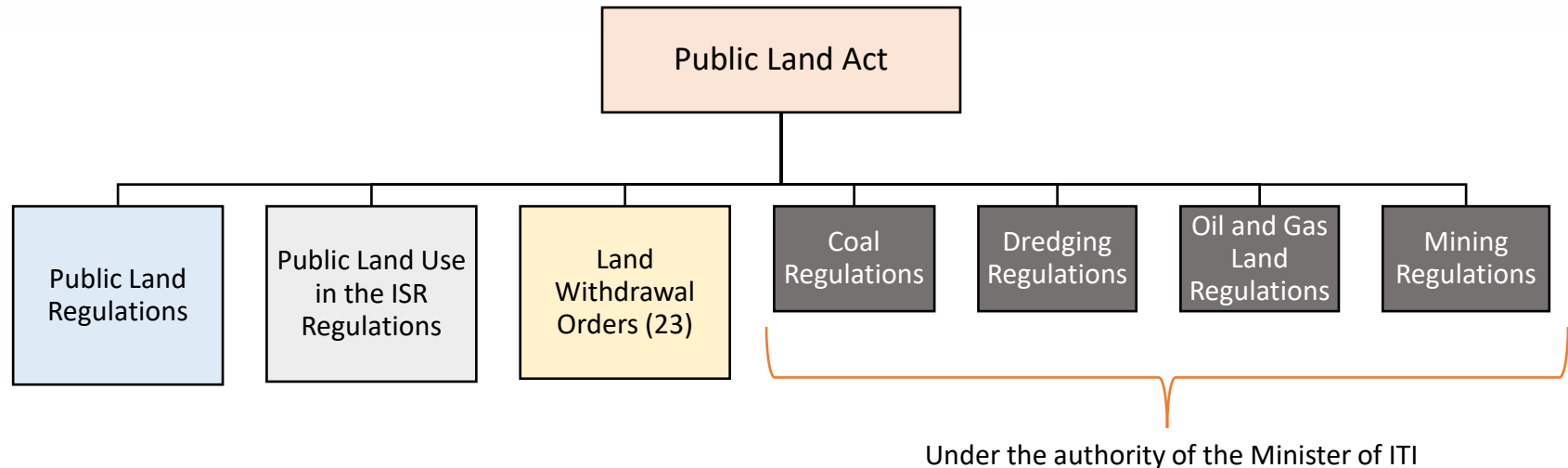


Key Changes from existing legislation

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



Proposed PLA Regulations Structure



LWBs Engagement

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

Mineral Resources Act

Department of
Industry, Tourism, and Investment



Intergovernmental
Council of the Northwest
Territories

Thursday, January 26, 2023

Mineral Resources Act

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

THIRD SESSION
EIGHTEENTH LEGISLATIVE ASSEMBLY
OF THE NORTHWEST TERRITORIES

BILL 34

MINERAL RESOURCES ACT

TROISIÈME SESSION
DIX-HUITIÈME ASSEMBLÉE LÉGISLATIVE
DES TERRITOIRES DU NORD-OUEST

PROJET DE LOI 34

LOI SUR LES RESSOURCES MINÉRALES

DISPOSITION

Date of Notice Date de l'avis	1st Reading 1 ^{re} lecture	2nd Reading 2 ^e lecture	To Committee Au Comité	Chairperson Président	Reported Rapport	3rd Reading 3 ^e lecture	Date of Assent Date de sanction
February 7, 2019	February 11, 2019	February 12, 2019	August 20, 2019	R.J. Simpson	August 20, 2019	August 21, 2019	August 21, 2019

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



Key Changes

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



Regulator Engagement

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

Q & A

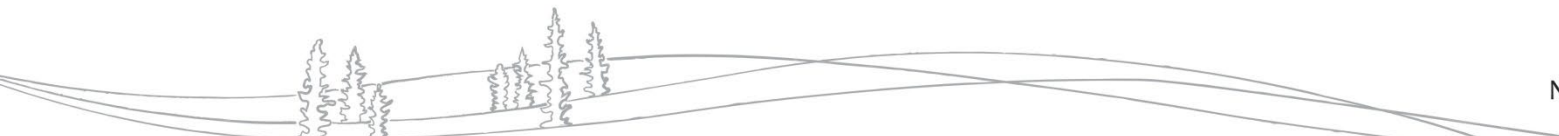




2020 NWT Environmental Audit

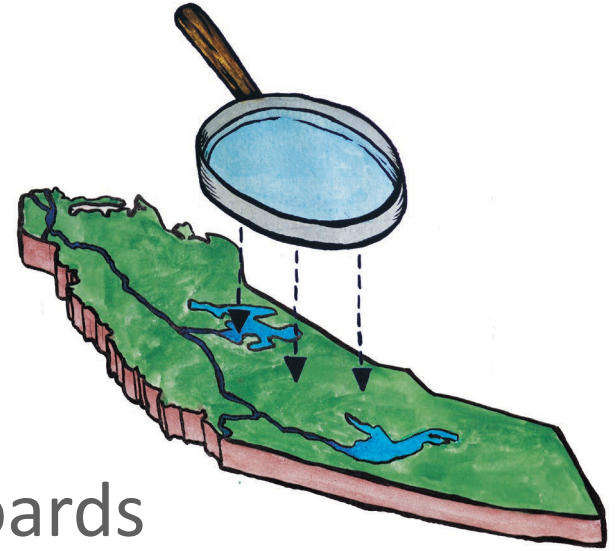
Recommendations to co-management boards

January 31, 2023



Outline

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



Introduction of the Audit



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

Background

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



Background

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



Background cont'd

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



2020 Recommendations

1. Guidance for proponents

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

2. Board procedure

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



2020 Recommendations

3. Increase capacity

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

4. Inspection regime

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

5. Monitoring program design

- Ensure the adoption of consistent monitoring requirements for proponents.



2020 Recommendations

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



Responses to the recommendations

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



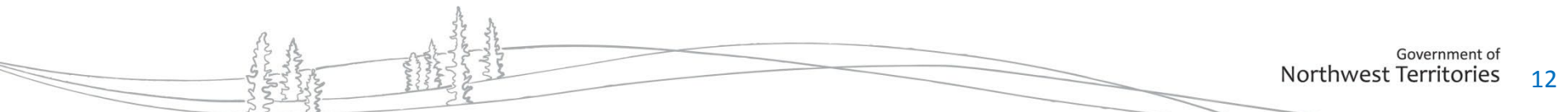
2025 Audit Process

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



Thank you

Full report and plain language summary at nwtcimp.ca





Northwest Territories Cumulative Impact Monitoring Program

Board Forum

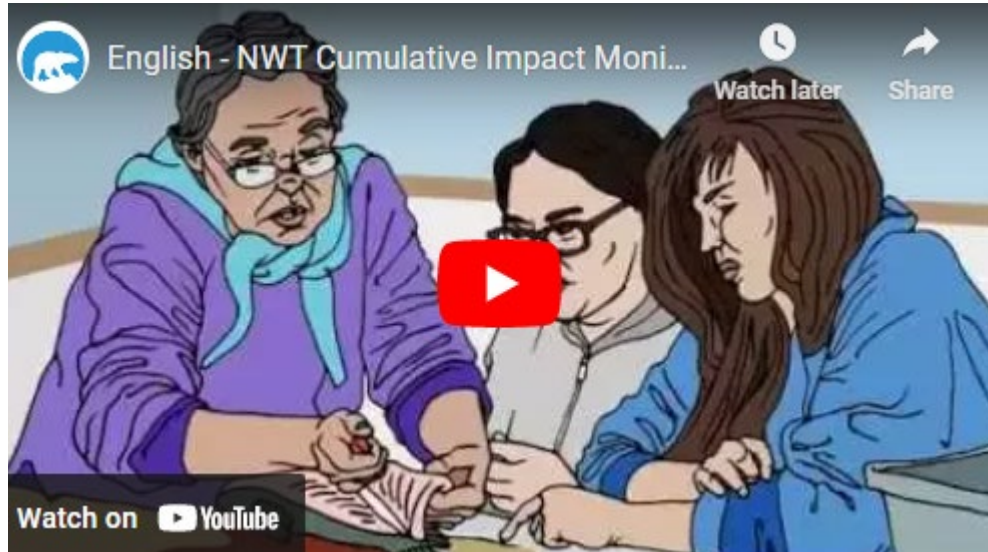
February 1, 2023

Outline

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



NWT CIMP Introduction



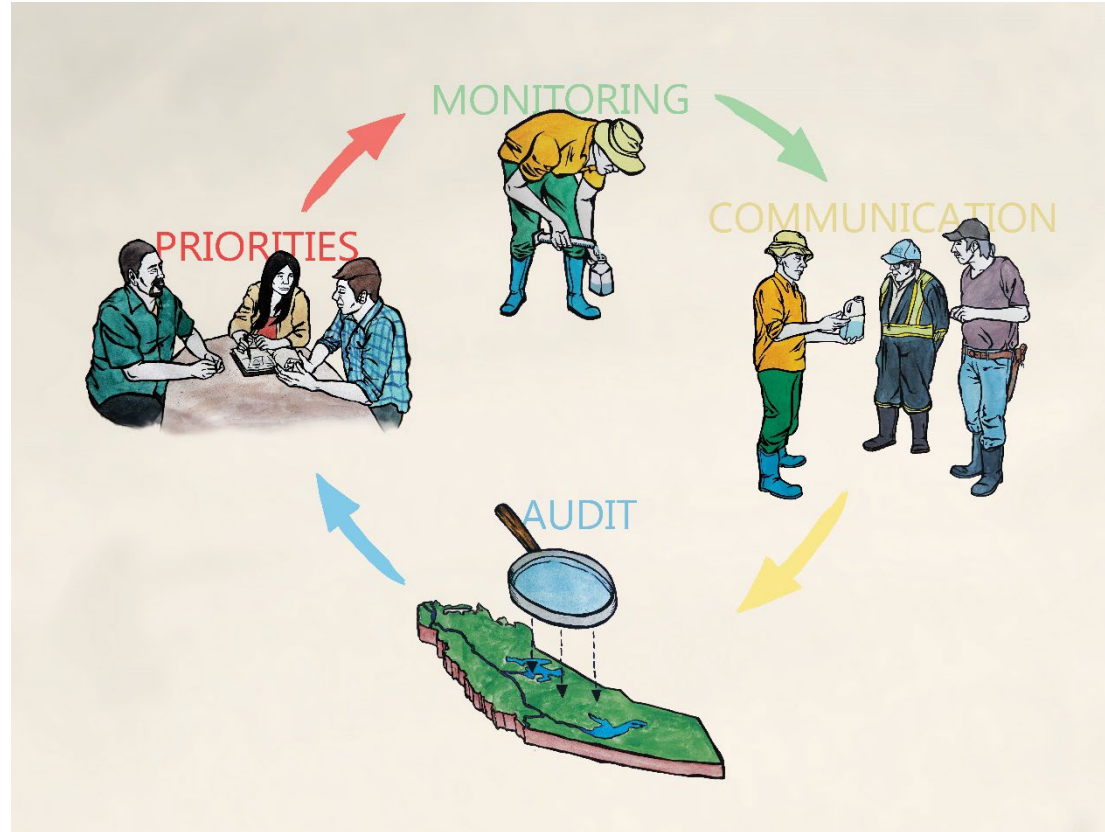
https://www.youtube.com/watch?v=T9hu_I2TU48&t=150s

Introduction - Steering Committee

- Provides guidance to the program
- Provides project funding decisions
- Members and observers are listed on www.nwtcimp.ca



Introduction - Key Activity Areas



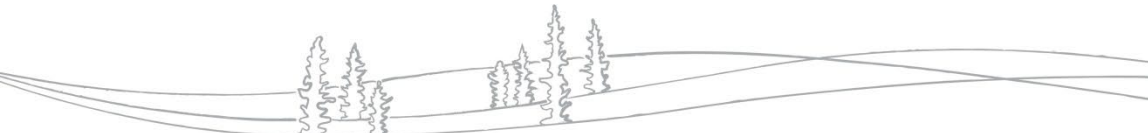
Monitoring and Research Priorities

- **Caribou, water and fish monitoring**
Blueprints
- **Traditional knowledge** is a program
priority
- www.nwtcimp.ca



Working with Boards

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



Communicating with the Boards

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





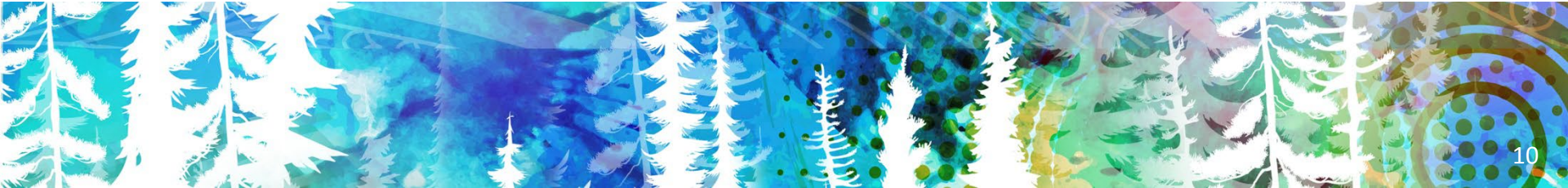
Ongoing work

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

Questions?



Local youth from the Sahtu Region participating in aquatic monitoring



Summary of the MVRMA workshop on climate change

Presentation to the NWT Board Forum

February 1, 2023

Kate Mansfield

Manager of EA Policy and Planning; MVEIRB



Overview of the 2022 MVRMA Workshop series

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

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



Goals of the climate change workshop

Share information about how:

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

Engage in dialogue about:

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



Overview of agenda

Panels:

1. Climate Change in MVRMA Decision Making Processes

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

2. Industry Innovations

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

3. Emerging Leaders and Elders

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



Overview of agenda

Presentations:

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



CLIMATE CHANGE, PERMAFROST & IMPACT ASSESSMENT

20 YEARS AGO:

IS CLIMATE
CHANGE
REAL?

NOW: **YES**. IN FACT,

THE ACTUAL RECORDS HAVE
OUTPERFORMED
OUR WORST-CASE SCENARIO.

HOW MUCH TIME
DO WE HAVE?

WE HAVE TO ASSESS WITHIN THE
CONTEXT OF

CLIMATE CHANGE.

THIS MEANS:

UP TO DATE
BASELINES

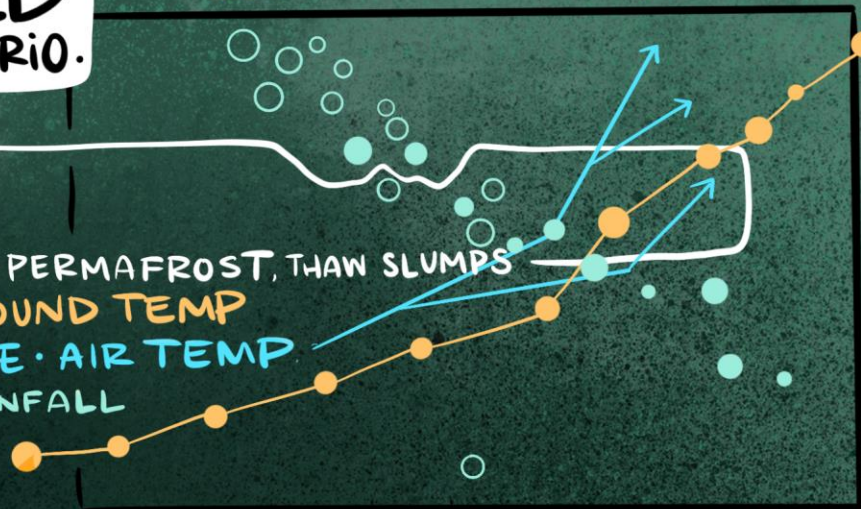
PROJECT
TIMESCALE

GROUND ICE
CONDITIONS

WATER
MANAGEMENT

HOW DO WE KNOW?

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



a "KNOWN UNKNOWN":

THERE IS
IN THE 1500 BILLION TONNES OF CARBON CAPTURED
PERMAFROST (1000 B IN THE TOP 3M) THAT IS NOT INCLUDED
IN GLOBAL CLIMATE BUDGETS.

A LOT IN
RUSSIA = NO ACCESS TO
MEASURE OR MONITOR.

ACTIVE LAYER : FREEZES & THAWS EVERY YEAR

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

Planning objectives

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



Key Takeaways

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





NWT Board Forum #26

Ministerial Decision Processes

February 1, 2023

Government of
Northwest Territories

Context

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



Which decisions? (1)

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



Which decisions? (2)

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



How the processes work (1)

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



How the processes work (2)

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



General considerations

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



Duty to consult and where appropriate, accommodate

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



Lessons learned and considerations

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



What could cause delays and/or challenges?

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



Conclusions/Discussion

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

