

September 15, 2022

Critical Minerals Centre of Excellence
Natural Resources Canada

Sent via email

To whom it may concern,

RE: Canada's Critical Minerals Strategy: Discussion Paper

Thank you for the opportunity to provide comments on the Discussion Paper for Canada's Critical Minerals Strategy (Discussion Paper). The Land and Water Boards of the Mackenzie Valley (Gwich'in, Mackenzie Valley, Sahtu, and Wek'èezhii Land and Water Boards) (LWBs) would like to offer the following comments on the focus areas in the Discussion Paper that are relevant to the LWBs' mandates: Accelerate Project Development and Advance Indigenous Reconciliation.

ACCELERATE PROJECT DEVELOPMENT

On page 11 of the Discussion Paper, it states, "Furthermore, the meaningful participation of Indigenous peoples and organizations in regulatory processes is integral to ensuring that projects advance and that rights are upheld. Federal support for regulatory processes will reinforce partnerships and strive to ensure that meaningful participation and engagement occur throughout all phases of project approvals." In several circumstances, the LWBs have highlighted the need for federal support in this regard (e.g., see the LWBs' [request](#) to expand the Northern Participant Funding Program (NPPF)). The LWBs are pleased that it is being recognized as an important part of a critical minerals strategy and will also be considered during the renewal process of the NPPF.¹

Regarding the discussion question on page 11 ("How can we streamline the regulatory processes to better facilitate project development?"), the [2020 Northwest Territories Environmental Audit](#) (Audit) outlines efforts being made by the LWBs to improve consistency and certainty in the regulatory process in the Mackenzie Valley (please see pages 26-30 of the Audit). Since the release of the Audit, the LWBs have continued, on our own initiative and without supplemental funding, to develop and update guidance documents, developed standard water licence conditions, and updated standard land use permit conditions. Please see the LWBs' websites for the most recent [policies and guidelines](#) and [reference bulletins](#). Over 25 guidance documents have been produced without additional funding, and the LWBs note that additional documents and process improvements could be

¹ According to Crown-Indigenous Relations and Northern Affairs Canada's "What we heard about the Northern Participant Funding Program from the January-March, 2022 virtual engagement sessions" Summary Report.

undertaken and are one of the key drivers to an effective co-management system. It is unclear why a portion of the funds that have been allocated to implement the Critical Minerals Strategy has not been set aside for such critical initiatives that are directly related to addressing the challenges expressed by industry.

The LWBs also recommend that the title and discussion question of this focus area be renamed, as the wording doesn't align with other concepts that are in the Discussion Paper (e.g., environmental protection and stewardship). More importantly, it doesn't seem to reflect the unique integrated system of land and water management of the Mackenzie Valley. Born from negotiated comprehensive land claim agreements, the regulatory system is different by design. Therefore, the focus should shift to preparing applicants for the regulatory process rather than streamlining the process. As noted above, the LWBs have been developing and updating guidance documents to help applicants and parties that are involved in the regulatory process. The LWBs recommend that the focus title could be "Effective and Efficient Project Development" and the discussion question could be "How can we support the regulatory process to facilitate better project development?".

ADVANCE INDIGENOUS RECONCILIATION

Regarding the discussion questions on page 13 ("How can Indigenous governments and organizations, communities, and individuals partner and participate in critical mineral value chains (including regulatory processes)? How can government and non-Indigenous industry proponents support this effort?"), the LWBs wish to re-iterate that federal funding is key for Indigenous governments and organizations to be able to build capacity to collaborate and partner with project developers and to also meaningfully participate in the regulatory process.

Regarding the LWBs' efforts to enhance participation in the regulatory process, the LWBs are:

- Updating the LWBs' *Consultation and Engagement Policy*, in which one of the key proposed updates is more emphasis on the concept of relationship-building – this update in particular underscores the importance of early and meaningful engagement for good relationships, which are fundamental to well-planned projects and efficient regulatory processes;
- Following completion of the *Consultation and Engagement Policy*, the LWBs will work to update the associated *Consultation and Engagement Guidelines*; and
- Seeking to "increase effort on outreach and relationship building with parties, applicants, and the public to support collaboration and effective implementation of an integrated co-management system" – a goal that is embedded in the [Strategic Plan for the Land and Water Boards of the Mackenzie Valley 2022-2026](#) (Strategic Plan). The LWBs share a Community Outreach Coordinator who primarily conducts this important work; although unfortunately,

with very limited resources. A portion of the funding allocated to the implementation of the Critical Minerals Strategy could significantly help to expand these efforts.

Should you have any questions about this submission, please contact [Angela Plautz](#) via email or at 867-766-7461.

Sincerely,



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