



# Agency Report to the Mackenzie River Basin Board

Meeting #70 of the Mackenzie River Basin Board

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## 1 Bilateral Water Management Agreements

- Not applicable.

## 2 Water-Related Legislation / Policy / Regulations / Planning

***United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIP)***: On June 21, 2021, the *United Nations Declaration on the Rights of Indigenous Peoples Act* received Royal Assent and immediately came into force. This legislation advances the implementation of the Declaration as a key step in renewing the Government of Canada's relationship with Indigenous peoples.

The purpose of this Act is to affirm the Declaration as an international human rights instrument that can help interpret and apply Canadian law. It also provides a framework to advance implementation of the Declaration at the federal level.

This Act requires the Government of Canada, in consultation and cooperation with Indigenous peoples, to:

- take all measures necessary to ensure the laws of Canada are consistent with the Declaration
- prepare and implement an action plan to achieve the Declaration's objectives
- table an annual report on progress to align the laws of Canada and on the action plan

This Act requires that the action plan include measures:

- to address injustices, combat prejudice and eliminate all forms of violence, racism and discrimination against Indigenous peoples, including elders, youth, children, persons with disabilities, women, men and gender-diverse and two-spirit persons
- to promote mutual respect and understanding, as well as good relations, including through human rights education
- related to the monitoring, oversight, follow up, recourse or remedy or other accountability with respect to the implementation of the Declaration

This action plan must also include measures for monitoring the implementation of the plan itself and for reviewing and amending the plan.

### Next Steps

All federal departments will have important roles to play in implementing the Declaration.



As the next step, the Government of Canada will engage with Indigenous partners to understand their priorities for the action plan and to identify potential measures for aligning federal laws with the Declaration over time.

Engagement will be broad and inclusive and will include national and regional Indigenous organizations, Indigenous rights holders, modern treaty and self-governing nations, women's and youth organizations, 2SLGBTQQIA+ Indigenous persons, urban Indigenous people and other identified Indigenous groups.

The Act requires that the action plan be developed as soon as possible and no later than two years after it has come into force. Once completed, the plan must be tabled in Parliament and will be made available to the public. The action plan can then be renewed and updated as needed.

[Backgrounder: United Nations Declaration on the Rights of Indigenous Peoples Act](#)

[Read the Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#)

### **Amendments to the *Mackenzie Valley Resource Management Act***

**(MVRMA):** On June 19, 2019, Bill C-88, *An Act to amend the Mackenzie Valley Resource Management Act and the Canada Petroleum Resources Act and to make consequential amendments to other Acts*, was passed by Parliament.

In 2014, as part of a wider initiative to modernize and streamline northern regulatory regimes, changes were made to the Mackenzie Valley Resource Management Act (MVRMA). At the time, a number of Indigenous governments and organizations in the Northwest Territories raised concerns about the planned restructuring of the Mackenzie Valley Land and Water Board. The Tłı̨chǫ Government and Sahtu Secretariat Incorporated filed for an injunction with the Supreme Court of the Northwest Territories to suspend the related provisions, which was granted in February 2015. A consultation process was officially launched on September 23, 2016 with all relevant parties, including Indigenous governments and organizations in the Northwest Territories, the territorial government, and other stakeholders to discuss a way forward regarding the MVRMA.

Following consultations with territorial Indigenous governments and organizations and the Government of the Northwest Territories, the Government of Canada introduced a bill in the House of Commons in November 2018 to amend the MVRMA to address concerns with the 2014 amendments.

The new Act repeals provisions of the Northwest Territories Devolution Act that would have restructured the four land and water boards in the Mackenzie Valley, instead retaining the current board structure consisting of:

- Mackenzie Valley Land and Water Board;
- Gwich'in Land and Water Board;



- Sahtu Land and Water Board; and
- Wek'èezhii (Tłı̨chǫ) Land and Water Board.

The Sahtu, Gwich'in and Wek'èezhii boards will remain as panels of the Mackenzie Valley Land and Water Board. Jurisdiction for regulation of land and water in unsettled land claim areas of the Mackenzie Valley and for transboundary projects, including the issuance of land use permits and water licences, will also remain with the Mackenzie Valley Land and Water Board.

The Act also re-introduces provisions unrelated to restructuring that were included in the Northwest Territories Devolution Act but did not come into force following the court injunction. These include provisions related to cost recovery, administrative monetary penalties, and enforcement regimes for environmental impact assessment, consultation regulation-making authorities, and regional studies.

The Government of Canada is committed to work in partnership with Indigenous peoples, provincial and territorial governments, and Canadians to ensure that legislation is clear, fair and appropriate to Northerners and all Canadians.

<https://www.canada.ca/en/crown-indigenous-relations-northern-affairs/news/2019/06/bill-c-88--amendments-to-themackenzie-valley-resource-management-act-mvrma.html>

**Arctic and Northern Policy Framework (ANPF):** On September 10, 2019, the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations launched Canada's Arctic and Northern Policy Framework.

The Framework sets out a long-term, strategic vision that will guide the Government of Canada's activities and investments in the Arctic to 2030 and beyond and will better align Canada's national and international policy objectives with the priorities of Indigenous peoples and Arctic and Northern residents.

As the first policy framework of this scope to be co-developed with Indigenous, territorial, and provincial partners, the Arctic and Northern Policy Framework demonstrates Canada's commitment to working collaboratively. Co-development encompassed a broad spectrum of engagement and collaboration and enabled partners to contribute in varying ways, reflecting their own priorities and capacities. This inclusive approach will extend to implementation.

Through the Framework, Canada is also supporting international cooperation that strengthens the rules-based international order in the Arctic and addresses the key challenges and opportunities impacting the people, economy and environment of Canada's Arctic and North.

The Framework takes an inclusive approach to the northern region and reflects the unique interests, priorities and circumstances of its people. As part of this approach, provincial, territorial and Indigenous partners were invited to develop chapters to the Framework that lay out their respective visions, aspirations and priorities.



In order to respect and support Inuit self-determination, an Inuit Nunangat chapter was developed as an Inuit-Crown Partnership Committee deliverable. This chapter will guide how Arctic and Northern Policy Framework goals and objectives are implemented in Inuit Nunangat. In addition, Territorial governments have authored chapters setting out their priorities for new investments and approaches in areas such as economic development, infrastructure, and post-secondary education. Yukon, Northwest Territories, and Nunavut are also contributing a pan-territorial chapter that articulates their common challenges and opportunities.

The Framework and partner chapters will form the foundation for future discussions as work on the Framework enters its next phase, which focuses on co-development of implementation and governance moving towards more integrated federal-territorial-provincial and Indigenous approaches to challenges and opportunities in Canada's Arctic and North. Partner chapters will be integral to this next step towards improving the quality of life for our Arctic and Northern residents, especially for Indigenous people.

The Government of Canada will continue to build on these partnerships and investments to protect the land, support healthy communities, respect the rights and interests of Indigenous peoples, and nurture a strong, diversified, sustainable and dynamic economy in the Arctic and North.

- In December 2016, Prime Minister Trudeau committed to co-developing an Arctic Policy Framework, with Northerners, Territorial and Provincial governments, and Indigenous Peoples.
- The Framework replaces Canada's Northern Strategy (2009) and the Statement on Canada's Arctic Foreign Policy (2010).
- For the first time, the federal government worked collaboratively with Indigenous representatives, and six territorial and provincial governments to define and co-develop this long-term vision. The Framework was built with consideration of the priorities and perspectives of Arctic and Northern people.
- This collaborative work supports the Government's commitment to renewing Inuit-to-Crown, nation-to-nation and government-to-government relationships and ensuring that Northerners' needs are recognized, respected, and reflected.
- Budget 2019 proposed a number of new measures totaling more than \$700 million to support the Framework and complement existing efforts to strengthen Arctic and northern communities.
- This includes new funding to diversify post-secondary educational options in the territories, enhance infrastructure resources to connect Northern and remote communities and support clean energy production, increase economic development programming, enable critical Arctic research, and enhance Canada's global Arctic leadership.



<https://www.canada.ca/en/crown-indigenous-relations-northern-affairs/news/2019/09/the-government-of-canada-launches-co-developed-arctic-and-northern-policy-framework.html>

The Arctic & Northern Policy Framework can be found at:

<https://www.rcaanc-cirnac.gc.ca/eng/1560523306861/1560523330587>

## **CIRNAC Policy on Scientific and Indigenous Knowledge Integrity:**

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) works to renew nation-to-nation, Inuit-Crown, and government-to-government relationships between Canada and First Nations, Inuit and Métis; modernize Government of Canada structures to enable Indigenous peoples to build capacity and support their vision of self-determination; and, leads the Government of Canada's work in the North.

In working to fulfill the department's mandate, CIRNAC will strive to safeguard, incorporate, and respect the multitude of perspectives Indigenous knowledge and culture provides to science and decision-making.

As such, this policy speaks to scientific integrity, while acknowledging the need for, and importance of Indigenous voices, including First Nations, Métis, and Inuit. Implementation of this policy will include a companion document, focused on Indigenous Knowledge, that is broadly consulted and based on best practices established by Indigenous partners. This policy and the companion document will be evergreen. As starting points for addressing scientific and Indigenous Knowledge integrity, advice and feedback for incorporation into next iterations is encouraged and appreciated.

This policy takes effect on September 4, 2019.

<https://www.rcaanc-cirnac.gc.ca/eng/1575567784632/1575567805298>

### **3 Science, Monitoring and Information**

**CIRNAC's Northern Contaminated Sites Program:** The Government of Canada is responsible for the management of a portfolio of contaminated sites in the Yukon, Northwest Territories and Nunavut. The contamination of these properties is the result of private sector mining and oil and gas activities and government military activity that occurred more than 50 years ago, when environmental impacts were not fully understood.

The objective of the Northern Contaminated Sites Program is to manage contaminated sites in a cost-effective and consistent manner. The program aims to reduce or eliminate, where possible, risks to human and environmental health, and to decrease



the federal environmental liability associated with contaminated sites in the North. Priority is given to those sites posing the highest risks.

The 8 largest abandoned mine projects in the Yukon and the Northwest Territories are administered through the new **Northern Abandoned Mine Reclamation Program**, announced in Budget 2019 (see 4. Major Projects below).

The remaining sites in the North continue to be managed under the Northern Contaminated Sites Program and are funded through Environment and Climate Change Canada's Federal Contaminated Sites Action Plan.

<https://www.rcaanc-cirnac.gc.ca/eng/1100100035301/1537371472183>

**CIRNAC's Northern Contaminants Program (NCP):** The Northern Contaminants Program co-ordinates Canada's action on northern contaminants, including Persistent Organic Pollutants (POPs) and mercury, both nationally and internationally. The NCP is a multidisciplinary initiative, funded by the Government of Canada, addressing health, science, and communications issues related to contaminants in Canada's Arctic. It was established in 1991 through the Government of Canada's Green Plan and Arctic Environmental Strategy (AES).

The NCP secretariat is part of Crown-Indigenous Relations & Northern Affairs Canada (CIRNAC). It is managed by a committee chaired by CIRNAC and consists of four federal government departments (CIRNAC, Health Canada, Environment Canada, Fisheries and Oceans Canada), the territorial governments (Nunavut, Northwest Territories, the Yukon) and representatives of Northern Aboriginal organizations including Inuit Tapiriit Kanatami (ITK), Inuit Circumpolar Council – Canada (ICC), Dene Nation and the Council of Yukon First Nations.

The overall objective of the Northern Contaminants Program (NCP) is to reduce and, where possible, eliminate contaminants from the Arctic environment while providing information to Northerners about contaminants in traditional/country foods to make informed decisions about their food use.

The NCP is working towards achieving this objective through world-class scientific research and monitoring. This work is used to influence the development and implementation of international/global agreements to reduce and/or eliminate the production, use and release of contaminating substances into the environment. The results of this research and monitoring also form the basis for assessing risks to human health associated with contaminants in traditional/country foods. This information is used by national and regional health authorities to develop dietary advice to northerners, particularly those who are dependent on marine mammals and fish as an important part of their diets.

[http://www.science.gc.ca/eic/site/063.nsf/eng/h\\_7A463DBA.html](http://www.science.gc.ca/eic/site/063.nsf/eng/h_7A463DBA.html)





## **CIRNAC's Climate Change in Indigenous & Northern Communities**

**Programs:** Indigenous and northern communities face many challenges including managing the impacts of a changing climate, including impacts on health, addressing the high and often fluctuating costs of energy, and promoting sustainable development that balances consideration of environmental, social and economic well-being. Indigenous and northern communities in Canada are particularly vulnerable due to factors such as remoteness and inaccessibility, cold climate, aging and inefficient infrastructure, and reliance on diesel for electricity generation and space heating.

Many Indigenous and northern communities are monitoring and addressing the effects of climate change. They are increasing their resilience and adaptive capacities to the changing climate and are developing and implementing renewable energy projects to reduce their reliance on diesel. Since 2001, the Government of Canada has worked with Indigenous and northern communities through climate change programs to address both short-term and long-term climate change adaptation and energy-related issues.

[https://www.aadnc-aandc.gc.ca/eng/1100100034249/1100100034253?utm\\_source=climate&utm\\_medium=url](https://www.aadnc-aandc.gc.ca/eng/1100100034249/1100100034253?utm_source=climate&utm_medium=url)

**1.Climate Change and Health Adaptation Program:** This program is designed to build capacity for climate change adaptation by funding community-designed and driven projects. This program funds First Nations and Inuit communities' efforts to build capacity to adapt to the health impacts of climate change. There are 2 streams for the program:

- Climate Change and Health Adaptation Program North
- Climate Change and Health Adaptation Program South for First Nations South of 60°N

Supporting projects focusing on human health and a changing climate, the program enables communities to:

- develop and implement health-related adaptation or action plans
- develop knowledge-building and communication materials
- support adaptation decision-making at the local, regional and national levels

Some of the areas of adaptation and research that past projects have examined include:

- traditional food security and access to country food
- documentation of traditional medicines
- engagement with Elders and youth
- safety while on the land
- impacts of extreme weather events
- emergency preparedness
- access to safe drinking water
- mental health impacts of climate change on youth

<https://www.sac-isc.gc.ca/eng/1536238477403/1536780059794>



**2.Northern REACHE Program:** The Northern Responsible Energy Approach for Community Heat and Electricity program, also called the Northern REACHE program, funds renewable energy and energy efficiency projects, and related capacity building and planning in: Yukon, Northwest Territories, Nunavut, Nunavik, and Nunatsiavut.

The program objective is to reduce Northern communities' reliance on diesel for heating and electricity by increasing the use of local renewable energy sources and energy efficiency. This will result in environmental, social and economic benefits to support developing healthier, more sustainable Northern communities. Eligible projects will focus on proven technologies such as:

- solar
- wind
- energy storage
- hydro
- biomass heating
- residual heat recovery
- LED lighting

Priority is given to projects that:

- have a higher likelihood of being built and becoming operational
- include strong Indigenous or community leadership, engagement, or partnerships

The program works closely with regional stakeholders to identify, prioritize and fund projects. Budget 2016 announced, starting in 2016-2017: \$10.7 million over two years to implement renewable energy projects in off-grid Indigenous and northern communities that rely on diesel and other fossil fuels to generate heat and power. Budget 2017 announced, starting in 2018-2019: \$53.5 million over ten years to implement renewable energy projects in off-grid Indigenous and northern communities that rely on diesel and other fossil fuels to generate heat and power.

<https://www.rcaanc-cirnac.gc.ca/eng/1481305379258/1594737453888>

**3.Climate Change Preparedness in the North Program:** This program funds climate change adaptation projects in Yukon, Northwest Territories, Nunavut, Nunavik and Nunatsiavut. The program works with Indigenous and northern communities, territorial and regional governments and other stakeholders to identify priorities for climate change adaptation in the North. The program provides support to northern communities and organizations to help them adapt to climate change impacts by funding the following types of projects:

- vulnerability and risk assessment of climate change impacts
- development of hazard maps and adaptation plans
- development of adaptation options
- implementation of non-structural and structural adaptation measures

Examples of non-structural include:



- development of new bylaws for land management or community development plans that take into account climate change
- revision of procedures for proper drainage, snow build-up removal along homes or roads
- creation of a guide or best practices document related to climate change adaptation

Examples of structural measures include:

- redesign, retrofit or upgrade of vulnerable or at risk infrastructure assets (such as community building, community housing, and water and wastewater facilities) in areas effected by permafrost degradation
- implementation of flood-proof standards for communities in flood risk areas
- implementation of coastal erosion prevention measures for infrastructure at risk

Budget 2016 announced, starting in 2016-2017: \$3.8 million per year to support the assessment of climate change impacts and adaptation planning in northern Canada.

Budget 2017 announced, starting in 2017-2018: additional \$5 million per year to support the implementation of climate change adaptation measures in northern Canada.

<https://www.rcaanc-cirnac.gc.ca/eng/1481305554936/1594738066665>

**4.First Nation Adapt Program:** This program provides funding to First Nation communities located below the 60th parallel to assess and respond to climate change impacts on community infrastructure and emergency management. The program works with First Nation communities to identify region-specific priorities, impacts, and opportunities for climate change projects. The program prioritizes First Nation communities most impacted by climate change related to sea level rise, flooding, forest fires, drought, fisheries and winter road failures. These disruptive and costly impacts present significant challenges to meeting First Nation communities' infrastructure needs.

The program provides support for communities to address one or more of the following types of projects:

- risk assessments of climate change impacts on community infrastructure or emergency management
- development and assessment of adaptation options
- cost benefit analysis of adaptation options

The additional funding from Budget 2017 will support climate impact assessments and adaptation planning efforts in communities at significant risk of flooding. The program will work closely with communities to integrate the best scientific and Indigenous Knowledge on climate indicators, flooding exposure and future climate projections.

The floodplain mapping portion of the program provides support for communities to:

- participate in regional watershed management processes
- collect and share regional watershed data
- develop floodplain maps on a smaller scale in order to identify flood risks to local infrastructure



- develop best practices, tools and adaptation options for flood management

Budget 2016 announced, starting in the 2016 to 2017 fiscal year: \$20 million over 5 years (\$4 million per year) to identify and address climate change related impacts on infrastructure in First Nation communities on reserve. Budget 2017 announced, starting in the 2017 to 2018 fiscal year: \$25 million over 5 years (\$5 million per year) to support efforts to effectively reduce long-term flood risk for First Nation communities.

<https://www.rcaanc-cirnac.gc.ca/eng/1481305681144/1594738692193>

**5. Indigenous Community-Based Climate Monitoring Program:** This program provides funding to support Indigenous peoples in the design, implementation, or expansion of long-term community-based climate monitoring projects. Specifically, the program supports community-led projects to monitor climate and the environmental effects of climate change on communities and traditional territories. The program also facilitates access to tools and best practices, enhances collaboration and coordination among initiatives, and supports Indigenous participation in program oversight.

Examples of eligible activities for funding include:

- community engagement
- developing a monitoring plan
- hiring and training of community members to work on the project
- rental or purchase of monitoring equipment
- monitoring key climate indicators
- assessing and managing Indigenous Knowledge and science-based data
- communicating climate monitoring results
- networking

The information gathered through community-based climate monitoring initiatives can be used to inform Indigenous community adaptation actions and address climate data gaps. These initiatives also provide local skill development and employment opportunities for youth and others and promote knowledge transfer between generations.

<https://www.rcaanc-cirnac.gc.ca/eng/1509728370447/1594738205979>

## 4 Major Projects

**CIRNAC's Northern Abandoned Mine Reclamation Program:** On August 19, 2019, Minister Bennett announced a new Budget 2019 investment of \$49.9 million over 15 years (\$2.2 billion on a cash basis), starting in 2020–21 to create the Northern Abandoned Mine Reclamation Program. The program will exclusively address the largest and highest-risk abandoned mines in the Yukon and the Northwest Territories.

At the end of the 15-year program, active remediation is expected to be complete at seven of the eight mine sites. However, all sites will likely require ongoing care and



monitoring to ensure the remediation measures continue working as planned. The remediation of the other smaller mines or contaminated sites in the North under the responsibility of Crown-Indigenous Relations and Northern Affairs Canada will continue to be funded through Environment and Climate Change Canada's Federal Contaminated Sites Action Plan.

This program manages the remediation of 8 abandoned mines in the Yukon and Northwest Territories. Abandoned mines present risks to the environment and human health and safety but these are currently being managed through ongoing care and maintenance activities at the sites. Budget 2019 allocated \$2.2 billion over 15 years to create the program, starting in 2020–21. The program will remediate the largest, most complex contaminated sites in the North:

### **Yukon**

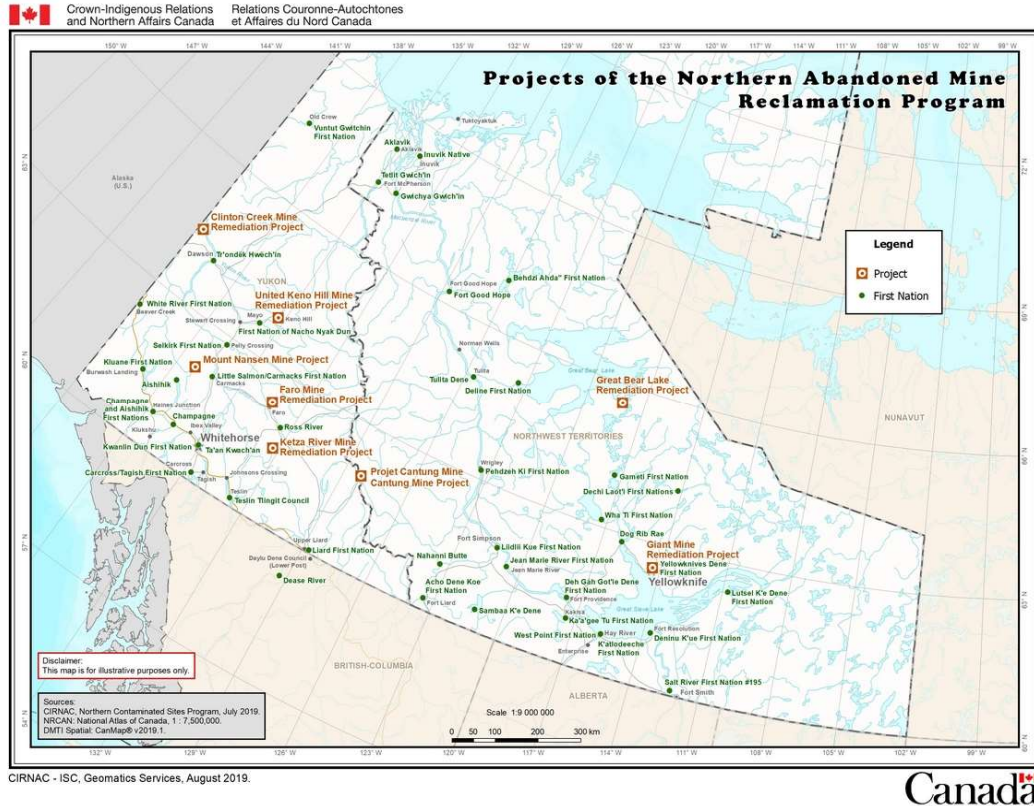
- [Faro Mine Remediation Project](#)
- United Keno Hill Mine Remediation Project
- Mount Nansen Mine Project
- Ketzia River Mine Remediation Project
- Clinton Creek Mine Remediation Project

### **Northwest Territories**

- [Giant Mine Remediation Project](#)
- Cantung Mine Project
- Great Bear Lake Remediation Project (The Great Bear Lake project consists of multiple smaller-scale sites in close proximity to each other).



## Map of Northern Abandoned Mine Reclamation Program



**Responsibility for the sites:** Most of these northern contaminated sites originate from private-sector mining exploration and development activities that were abandoned by their former operators when they became insolvent. Crown-Indigenous Relations and Northern Affairs Canada inherited these sites as manager of public lands and "owner of last resort" in the territories.

Under the Yukon and Northwest Territories Devolution Agreements, which transferred administration and control of most public lands to the territorial governments, the Government of Canada has accepted responsibility for the historical contamination and continues to be legally obligated to manage the sites.

**Remediation and site management:** Remediation projects are conducted in collaboration with territorial and Indigenous governments and other partners. The Government of Canada supports the access of Indigenous and Northern communities impacted by each site to the employment and business opportunities associated with its clean up.

<https://www.rcaanc-cirnac.gc.ca/eng/1565968579558/1565968604553>



## 5. Events, Conferences and Seminars

- To be Developed

## 6. Other

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