



The Board's Vision: A healthy and diverse aquatic ecosystem for the benefit of present and future generations.

Mackenzie River Basin Board Secretariat

Mackenzie River Basin Board Meeting No. 70

November 3, 2021; 9:00 to 12:30 PST; 10:00 to 13:30 MST; 11 to 14:30 CST

Attendees

Nadine Stiller (chair)	Government Member	ECCC
Nicholas Mitchell	Alternate Member	CIRNAC
Carmen de la Chevrotière	Alternate Member	Alberta
Andrew Wilson	Government Member	Alberta
Corrine Porter	Indigenous Member	Yukon
Ted Zimmerman	Government Member	British Columbia
Jonah Mitchell	Government Member	PCA
Heather Jirousek	Government Member	Yukon
Chief Gerry Cheezie	Indigenous Member	Alberta
Vice Chief Tsannie (Nov 4)	Indigenous Member	Saskatchewan
Nathen Richea	Alternate Member	Northwest Territories
Patrick Cherneski	Alternate Member	ECCC
Ella Parker (Nov 4)	Alternate Member (interim)	Yukon

Secretariat

Paula Siwik	Executive Director	ECCC
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Guests

Meghan Beveridge	Northwest Territories
Sharon Reedyk (Nov 3)	ECCC
Prakash Diar (Nov 4)	Department of Justice
Kelly Munkittrick (Nov 4)	University of Calgary
Amelie Janin (Nov 4)	Yukon
Joseph Flesch	ECCC

70.1 Welcome and Agenda (Decision)

Motion to approve the agenda for Nov 3 and 4 (T. Zimmerman; A. Wilson; passed)

70.2 Membership (Goal 9)

- No change in membership.

70.3 Minutes of Meeting #69 and Activity Table (Goal 9)

- Meeting 69 minutes will be circulated soon.

70.4 Traditional Knowledge and Strengthening Partnerships Committee (Goal 5)

- P. Siwik reviewed membership on this committee. There will be room for 2 new members on the TKSP as of March 2022.
- On November 1, there was a joint meeting with WQTT. The main objectives of these meetings is to share information on the water quality pieces of the bilateral water management agreements and recent work of the WQTT. There was a lot of discussion around ways to challenge thinking, and hold knowledge. There is also interest in sharing the findings of the WQTT with community monitoring groups within the basin.
- Looking forward, TKSP members are interested in leading or contributing to evaluation of current SOAER and in planning for next SOAER. The TKSP committee will have a kick off meeting with Tracking Change on December 1st.
- Plan to have a student draft a newsletter for TKSP members to send to communities in the basin.

70.5 Annual Report (Goal 7)

- List of minor edits and changes are part of the meeting package. ECCC approval for release of the 2020-21 financial statements is in progress. The draft report has been updated with the minor edits on the list. If approved, the report will be distributed once we have final sign off from ECCC on the finances. P. Siwik will inform members before the report is sent to ministers.
- Noted that the Indigenous members do not have capacity to engage with communities in the basin and the amount of material to review is substantial. Members use ad-hoc opportunities to engage but would like to strengthen that aspect of the role. Additional capacity is required to do this job the properly.
- MRBB members acknowledge that this is a challenge. These are important points, and something to bring forward to the MRBB for consideration.

Motion to approve the 2020-2021 annual report (T. Zimmerman, N. Richea; passed).

70.6 Interim SP (Goal 9)

- The revised Interim Strategic Plan (SP) considers the comments shared at the June meeting. The link between Indigenous Knowledge and science has been strengthened, as have the commitments of the MRBB to reconciliation. Added additional context to ensure the thinking an intention behind the actions is clear.
- Added one action under “Reconciliation and the evolution of working relationships”: The MRBB will learn from organizations and governments that have adopted UNDRIP and started to implement changes.
- P. Siwik has drafted a table to document progress on action items. It will be shared at the spring meeting. The interim SP and progress on action items will be included in the 2021-22 annual report.
- The actions included in the interim SP will begin to address priority recommendations from the Strategic and Operational review and advance work on reconciliation. The foundation laid by this interim SP will support the MRBB when members can meet face to face and discuss a five-year plan.
- The language for the new action items to include actions that support reconciliation in different ways.

- The 10 calls to action for natural scientists should be included in the preamble as they are very relevant to the board.
- Chief Cheezie noted that people living downstream of Fort McMurray region are concerned about the impact of toxic tailings ponds on water. There are reservations about the protection of the water and further oil sand development in the region. People are concerned that the oil sands industry will release effluent into the Athabasca River, and that could affect the whole Mackenzie System.
- The Truth and Reconciliation Commission (TRC) and UN Declaration on the Rights of indigenous People (UNDRIP) support reconciliation, and any SP plan going forward should recognize Indigenous communities' concerns about water quality.
- Noted that there is no support for Indigenous members to consult with communities and governments in their jurisdictions which imposes an additional challenge.
- Oil sand development has been tabled during discussion on the bilateral agreements between NT and AB. Many communities have raised concern about the potential release of effluent into the Athabasca. The government of NWT is engaging with the AB government to understand potential releases into the water system. Scientific research and policy development is ongoing.
- The MRBB could invite ECCC colleagues that are working on the proposed oil sand regulations to a future meeting. Section 36 (3) of the Fisheries Act prohibits release of deleterious substances into fish-bearing waters.

Motion to approve the interim Strategic Plan with additions proposed by A. Wilson and H. Jirousek (H. Jirousek, J. Mitchell; passed)

70.7 Management Response to the Strategic and Operational Review (Goal 9)

- The Management Response document is a summary of the process and the early work of MRBB members to prioritize SOR recommendations. It does not compel the MRBB to take certain actions or address specific gaps. P. Siwik plans to update the tables so that MRBB members can review activity and progress on priority items. Review of the table will be a standing agenda item at fall meetings. The summary document can be shared publically. The tables will be brought to the MRBB at fall meeting going forward.
- Some items stand as non-actioned but are actually deferrals. The document could highlight deliberate deferrals and explain decisions made by the MRBB to address some recommendations via other venues. This report is not an audit and the MRBB is not obliged to adopt all the recommendations made by the consultant. The interim SP will drive priority recommendations and set the stage for next steps.
- It is important to have a record of decision. The document requires some final changes to make sure that the record is clear as to what decisions were made and why.

70.8 Finance Updates (Goal 9)

- Update on 2021-22 forecast. Some of the budget allocated to travel has been reassigned to support MRBB work.
- Additional resources to support activity of Indigenous members was flagged as a need. The MRBB has agreed to review and consider proposals for funding and support. Each government contributes a fixed amount to the MRBB budget and that has not changed since 1997. If there is an opportunity for outreach, there may resources to support that activity. The work of the MRBB could be shared at tribal council and regional AGMs. It is

possible to get on the agenda, make a presentation, and elicit comments and responses about the work of the MRBB. Formal channels for First Nations to connect with the MRBB could be established. The MRBB will dedicate time and attention to this topic.

70.9 Map Project Team (Goal 2)

- S. Reedyk outlined the work of the proposed map task team. A task team is needed to:
 - i) develop the rationale to define the boundaries of the MRBB sub-basin planning units;
 - ii) develop a naming convention for those units;
 - iii) identify options for mapping tools that could support presenting spatial information for the SOAER and for the MRBB website;
 - and iv) develop a list of key base maps documenting natural and anthropogenic features of the Mackenzie River Basin in support of the SOAER and the MRBB website.
- The objectives of this map project are to address questions about how the sub-basins were defined. Generating a series of maps to ensure boundaries were consistent. Also have identified a number of products that could result from this work that could inform the SOAER or inform in a more visual manner. This would be an independent team with likely an 8-month lifespan.
- These maps would be the foundation for maps that could include information such as flow patterns and source of the rivers.

Motion to approve the formation of a map project team to lay the foundation for technical decisions and future work (A. Wilson, H. Jirousek; passed)

70.10 Committee Champion and Chair (Goal 9)

- Documents were shared with MRBB members that summarize decisions and expectations made by past MRBB members about committee leadership (Champion and Chair) and committee members. Current practice does not follow this model. Committee chairs and MRBB Secretariat fill some of the roles originally assigned to Champions. The Secretariat in its current form cannot fill those roles.
- The MRBB Secretariat has implemented an ad-hoc approach to committee and task team leadership. Appointment of a neutral chair for each committee, supported by the Secretariat, has been an effective option. Secretariat has a full workload and cannot add chairing committees and task teams to the list of duties.
- Important to have clarity and proper documentation around the idea and role of a champion. The neutral chair model has worked really well so far. Chairs do the work required to advance the work of the committee but are not expected to do the work of a committee member. Committee chairs work closely with the Secretariat to develop agendas, meet goals and objectives and ensure that MRBB members are updated at MRBB meetings.
- A work planning aspect could be included in the role. The MRBB should move away from an ad-hoc approach and towards something iterative and reflective.
- Provincial and territorial members have dedicated resources to negotiation and implementation of the bilateral agreements. There may not be resources to allocate to chair.
- ECCC has augmented the Secretariat with a project-based approach focussed on adding temporary capacity (students and casuals). This does not relieve the administrative work carried out by the Executive Director.
- Committee chair carries out a different role compared to a committee member. More oversight and project management. A facilitation skill set is different than a technical

skillset. However the chair of these committees does need to have a technical background. The MRBB could consider bringing in outside contractors to fill the need. Do not want to preclude the notion of finding someone in government from a different group.

- Consider different models including the possibility of rotating chairs.

70.11 Roles and Responsibilities of the Secretariat (Goal 9)

- The work associated with the priorities for the MRBB Secretariat is heavy. The MRBB Executive Director has taken the approach of addressing priorities when and as able. The Secretariat would appreciate high level direction and discussion on the options below:
 - Status Quo: maintain current work and level of support; adjust effort on priorities as needed and as able
 - Re-prioritize: identify key priorities and acknowledge that other work may need to be deferred or put aside
 - Add capacity : options include Committee Champions, “as needed” admin support such as a contract with a virtual assistant, term/part-time hires, permanent hire, Interchange opportunities
- Questions for MRBB members to consider: If Indigenous members wanted to do more external consultation, how much would this cost? Is the status quo OK? Do we have the correct formula and balance for the work of the Secretariat? Do MRBB members need to re-prioritize anything?
- Secretariat has kept the MRBB on track. Trusts that additional support is required. That will require resources, and some strategic leadership.
- It is important to continue to flag decision points and action items before they are due. This is the most up to date the MRBB has been. MRBB members need to help support and ensure balance for the Secretariat. No shifting needed in the immediate concern.
- Consider the link between resources dedicated to the BWMA's and the MRBB Secretariat.

Mackenzie River Basin Board Meeting No. 70

November 4, 2021; 9:00 to 12:30 PST; 10:00 to 13:30 MST; 11 to 14:30 CST

70.12 25th anniversary (Information/Decision)

- Revisited the list shared at Meeting #69 and included the possibility of working with Northern Alberta Institute of Technology (NAIT) to update the MRBB website and brand.
- Map project team, could advance some of the work around legacy maps.
- MRBB members asked for details of costs and resources needed to plan a tour.
- NAIT could put a team of students together and design a new website. If the MRBB doesn't like what is designed, no responsibility to use it. Potential to start in January or September and be completed 4 to 8 months later.
- MRBB members will look for opportunities for MRBB to support existing photo or art contest in the MRB. Developing one for the MRBB will be a lot of work.

- Consider producing a short video on the MRBB website that can explain what is going on in the basin. This could support cohesion and the MRBB model going forward.
- Good to support local artists in the basin. This could help highlight and support the talents of the basin. Consider a children's book or photo-book that could be used to educate younger people, raise some awareness to the basin?
- Story maps and other story telling tools are being explored. Yukon government hired an illustrator to produce stories in a more cartoonish way. Whatever we end up doing needs to represent all of the different regions. Maybe artwork from each region or jurisdiction.
- The Secretariat is constrained with core responsibilities. This is all over and above the Secretariat's work load. Secretariat should not be left to work through this alone.

70.13 Presentation on the Principles Respecting Canada's Relationship with Indigenous Peoples (Goal 5)

- CIRNAC is taking the lead on implementing Bill –C 15, the *United Nations Declaration of the Rights of Indigenous Peoples Act* (Bill C-15). The federal government's 10 Principles Respecting Canada's Relationship with Indigenous Peoples are an important starting point. P. Diar works in the Reconciliation Secretariat, for the Department of Justice. He will present on the 10 Principles Respecting Canada's Relationship with Indigenous Peoples
- Truth and facts are so important, as the truth comes before reconciliation. Many people may not be familiar with the true history of Canada. It is very important to move ahead in good faith and collectively, put our heads together towards thing called reconciliation. At the end of the day, we need to change the relationship that has existed in the past 150 years of history. It has taken many generations to get here, and it will take many generations to address the situation we are in today.
- Indigenous law is multi-faceted, and is grounded in a complex web of constitutional provisions, colonial laws, provincial and territorial law, and in Indigenous law.
- Section 35 of the Canadian Charter of Rights and Freedoms (Section 35) is very important, as it provides constitutional protection of Indigenous rights. Supreme Court has sent a consistent message about Indigenous rights.
- Constitutional rights are protected, but are not absolute. They can be infringed on by government if infringement is justified through a stringent legal test. Through case law, the legal framework has continued to evolve, and Section 35 now places the onus on the government as to why an infringement can occur and why it can be justified.
- Case law has been based on facts and past policy. The Crown-Indigenous relationship is changing, and society has to change with it. UNDRIP will breathe new life into the principles and into Section 35. This will become broader, and we will start looking at Section 35 as the floor, not the ceiling.
- Need to continue the work to shift the relationship to one of recognition of rights. The Indian Act will be reviewed as per Bill C-15, however, it is so woven into the Canadian legal system that it will take a very long time to replace this act.
- MRBB members appreciated the presentation. MRBB could lead and not simply support the status quo. MRBB should be accountable for decisions that we can make together. Can encourage Indigenous students to occupy the fields that have traditionally oppressed Indigenous groups.
- Treaty 8 and 11 are particularly relevant to the Mackenzie River Basin. The treaties are the relationship between Indigenous peoples and Canada, and ancestors to this day note their importance. The laws of Canada are based on doctrine of discovery and gave moral and legal obligation to colonizers. That doctrine gave permission to colonizers to

occupy the lands and waters in North America. The doctrine of discovery suggests no one occupied the land even though Indigenous peoples have been here for thousands of years. There is now a rejection of those doctrines. They have no place in current law. When Bill C-15 received royal assent in Canada, the preamble rejected the doctrine of discovery and terra nullius. They no longer have basis in law or in fact.

70.14 Northern Rivers Workshop (Goal 1)

- Update on thinking and planning for the Northern Rivers Workshop discussed at the spring meeting.
- Northern Rivers Basin Study (NRBS) findings were fundamental to the development of the MRBB. K. Munkittrick and F. Wrona propose a couple of workshops to revisit the findings of the initial NRBS report. Could align this work to the needs of the MRBB in terms of basin-wide indicator development, and to align Indigenous Knowledge and Indigenous concerns into these indicators. There would be a Challenge to the younger scientists to repeat this process again in 25 years time. Hope to build this as a mechanism to ensure that knowledge is transferred and compared. The workshop would need:
 - People to support work and planning;
 - A plan to facilitate a coordinated approach
- Organization of the western science component is well in hand. Scoping the Indigenous knowledge and science component might have some budgetary requirements, and would benefit from MRBB input.
- Q: Will there be a portion looking at what has changed over the past 25 years?
- A: Focus would be on current indicators. Could take the form of 1) Workshop on the history and current initiative 2) Data gathering by partners and participants 3) Subsequent workshops looking at historical and current information.
- MRBB members were supportive of the idea overall. There is a lot of merit in the ideas proposed but more details and information is required. Interested in suggestions of young scientists and Indigenous scientists who could be involved. The link to the SOAER is also valuable.

70.15 First Nations and Water: Support to enhance relationships and understanding of Indigenous ways of knowing (Goal 5 and 6)

- Water Resources Branch, Department of Environment, Government of Yukon wanted to strengthen water monitoring partnerships and improve the understanding of diverse knowledge systems. Hope to understand and adopt approaches of weaving Indigenous and western knowledge into decision-making processes. Truth and Reconciliation Calls to Action and 10 Calls to Action for Natural Scientists Working in Canada are starting points.
- Staff are both excited and daunted by the idea of working with Indigenous ways of knowing. Storytelling is important. Investigating whether tools like story maps can help make different worldviews more accessible to different audiences. Trying to use traditional place names in field work but that is contingent on knowing what they are. Have broadened the assessment to look beyond the numbers and develop a sense of the place and its well being. Hope to foster good relationships and use communication opportunities to talk with community and cooperate in field work.

- Water is a unifier, a great entry point to come together. There is a history of distrust and building relationships with Indigenous communities could repair some of this distrust. Smith's Landing has developed an assessment tool that will guide and support decision making so that they can assess how proposals and decisions impact treaty and Indigenous rights. Encouraging other communities to do the same. The idea of using traditional names is also good as it can help reclaim the past.
- Government of Yukon, Water Resources Branch staff have adopted a circular thinking approach. It is a more holistic approach that takes an ecosystem perspective instead of looking at only the individual pieces. The approach includes: 1) Gather to acknowledge feelings-based responses to the conflict 2) Expect there to be a period of discomfort and stay with it 3) Humanize the process 4) Listen carefully for the underlying meanings and concerns 5) Find ways to say "yes, and, both" to what is meaningful.
- Consider a horse vs. a car. A car may have more speed and power, but thinking linearly doesn't capture the advantages that a horse can provide, such as the connection to the rider, and the fact that the horse brings its own understanding of the terrain. If we employ a circular way of thinking, we can see the value of both, but in linear thinking, car is the only valuable item.

70.16 Agency Reports and Roundtable (Goal 8)

- Insufficient time to review the agency reports. They are available on the website. MRBB may host an issues-based meeting to address some more major concerns.

70.17 Special session in Jan/Feb on reconciliation

- Propose a special ½ day session in late Jan/Feb. Members can learn from each other and start work on reconciliation.
- Ethel Blondin-Andrew has agreed to speak to the MRBB. She will share her work and experiences and, using the MRBB mandate and goals, offer insight as to how the MRBB could advance work on reconciliation. T. Zimmerman and N. Mitchell have offered to arrange for speakers to present the Federal and BC UN Declaration legislation. H. Jirousek reached out to the authors of the 10 calls to action to natural scientists working in Canada. P. Siwik will connect with those authors.
- It is important that we learn from each other. Western institutions are interfacing with Indigenous laws, knowledge, etc., and it may help to understand each others approach, and how this can affect the approach to water governance. We should strive for a shared and common understanding of the manifestation of the legal framework, and its impact on governments and bureaucracies.
- We need to make sure that people can survive and thrive on these water systems for as long as possible. Reconciliation is important, but we need to tear down the old stuff and rebuild institutions to benefit everyone. Indigenous rights are constitutionally protected and Indigenous people will continue to use this instrument to protect the water.
- Q: This is a huge topic. It is not going to happen quickly and is not going to be simple. What is the capacity of board to address this, and to recognize the resources required for reconciliation?
- Q: Curious as to the overall vision and approach? This is gathering steam.
- A: a three hour session is not going to allow us to address everything adequately. We do not want to forgo the opportunity to hear Ethel's wisdom. This will be an incremental process that will happen over time. We are at the information sharing stage. We need to

gather an understanding of members. The MRBB will start by learning from Ethel Blondin-Andrew and then organize a series of follow up meetings.

Goal 1: Evaluate the health of the whole basin

Goal 2: Investigate matters concerning the ecological health of the whole basin

Goal 3: Advocate for the maintenance and improvement of the ecological health of the whole basin

Goal 4. Educate the public, share information, and learn from others about matters concerning the ecological health of the whole basin

Goal 5. Support and facilitate the increased participation of Aboriginal Peoples in MRBB activities

Goal 6. Encourage the development and implementation of bilateral water management agreements

Goal 7. Ministers, Aboriginal leaders and appropriate staff of jurisdictions are informed of and engaged in MRBB activities

Goal 8. Information, knowledge and research are shared among jurisdictions – written reports

Goal 9. MRBB affairs are administered effectively.