



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. 72**  
***In person/virtual hybrid meeting***  
**Edmonton Federal Building, 9820 107 St. Edmonton, AB**  
**Mountbatten Room**  
**June 1 and 2 2022**

Participants

Nadine Stiller	Government Member	ECCC
Patrick Cherneski	Alternate Member	ECCC
Nick Mitchell (virtual participant)	Alternate Member	CIRNAC
Jonah Mitchell (virtual participant)	Government Member	PCA
Julian Kanigan	Government Member	Northwest Territories
Nathen Richea	Alternate Member	Northwest Territories
Leon Andrew	Indigenous Member	Northwest Territories
Corrine Porter (virtual participant)	Indigenous Member	Yukon
Heather Jirousek	Government Member	Yukon
Lana Lowe (virtual participant)	Indigenous Member	British Columbia
Ted Zimmerman	Government Member	British Columbia
Thon Phommavong	Government Member	Saskatchewan
VC Joseph Tsannie	Indigenous Member	Saskatchewan
Andrew Wilson	Government Member	Alberta
Carmen de la Chevrotière	Alternate Member	Alberta
Chief Gerry Cheezie (June 2)	Indigenous Member	Alberta

Secretariat

Paula Siwik	Executive Director	ECCC
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Guests June 1

Bradley Summerfield	SOAER Committee Chair	ECCC
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Guests June 2

Lorie Cummings (virtual participant)	ECCC
Melinda Lontoc-Roy (virtual participant)	ECCC
Charles Gauthier (virtual participant)	ECCC
Veronique Lacombe (virtual participant)	ECCC
Steve Wallace	Government of Alberta
Jaclyn Schmidt (virtual participant)	Government of Alberta
Meghan Beveridge (virtual participant)	Government of Northwest Territories
Kelly Munkittrick (virtual participant)	University of Calgary
Ashley Mahaffey (virtual participant)	University of Calgary

## **72.1 Welcome Roundtable**

- MRBB members introduced themselves and shared thoughts and reflections on attending an in-person MRBB meeting, and the in-person/virtual hybrid meeting format.

## **72.2 Agenda and Membership**

- Future meetings will open with a prayer. Local elders or leaders will be invited to open the meeting.
- Provincial and territorial government members will work with Indigenous members from their jurisdiction to identify who will be invited to open MRBB meetings and arrange for their participation.
- Future agendas will include a strategic overview from members. The Secretariat will support if there is the capacity to do so.

*Motion to approve the agenda for June 1 and 2 2022 (H. Jirousek, VC. Tsannie; passed)*

## **72.3 Approval of Minutes**

*Motion to approve the minutes for meeting # 69 (T Zimmerman, A Wilson; passed).*

*Motion to approve the minutes for meeting # 70 (T Zimmerman, A Wilson; passed).*

## **72.4 Update on BWMA discussions**

- Representatives from the Yukon, Northwest Territories and British Columbia met in May to discuss the Liard River. Meeting attendees saw a benefit to working together to develop a learning plan for the Liard River.
- Input and information on the value of water will be gathered prior to developing a learning plan for the Liard. A proposal that outlines next steps has been drafted.
- The Bilateral Water Management Agreements (BWMA) use a risk informed management approach to transboundary waters. In the case of rivers classified as level two, parties commit to developing a learning plan to ensure information gaps for that area are filled. There are existing criteria for learning plans, but, in this instance, parties will take a different approach to learning plan development.
- H. Jirousek: The BWMA for the Mackenzie delta and the Liard are final and awaiting signature. Currently planning a signing ceremony in August in conjunction with the CCME meeting in Whitehorse.
- C. de la Chevrotière: A work plan and budget for 2022-23 for the AB-NWT bilateral was approved in May. This included a project plan to develop a Traditional Knowledge Framework. Monitoring on the Slave and Hay Rivers is ongoing.
- T. Phommavong: The Government of Saskatchewan has been meeting with NWT and AB. Classification of rivers is being considered. The province of Saskatchewan touches a relatively small part of the basin and the development pressure may not be the same as other areas of the basin.
- Q: Can the BWMA include language broad enough to allow flexibility and/or changes to be incorporated in the appendices? Goal is to advance work on the BWMA and include sufficient flexibility to allow adaptation and change?
- A: Some BWMA components can be updated. For example, river classifications for the Yukon-BC agreement were revised and that did not require a Minister signature.

- N. Richea: The BWMAs include the establishment of a bilateral management committee (BMC) and the BMC can revisit the classifications each year.
- T. Zimmerman: Members were challenged to ensure that expectations were consistent, hence the adoption of a trilateral approach for the Liard basin. In this instance, changes to the learning plan were predicated on the notion that the criteria did not reflect an Indigenous view. There is plasticity to adapt and adjust.
- Partners have put in a lot of money to the implementation of the BWMA's and the development of learning plans. It is time to evaluate what we have achieved. Reflections could mirror the discussions happening at the trilateral meetings.

## **72.5 Review of Action Items not Addressed Elsewhere**

- N. Stiller reviewed outstanding action items. Members are comfortable removing action items that are captured in the interim Strategic Plan from the activity table.

## **72.6 Traditional Knowledge and Strengthening Partnerships Committee Update**

- Committee members have dedicated time to providing advice and feedback on the Tracking Change contract to enhance the Indigenous Knowledge in the State of the Aquatic Ecosystem Report (SOAER). The TKSP committee continues to consider options and ideas to increase outreach to people in the basin.
- The TKSP committee met on May 31 and discussed ideas that could support MRBB members in advancing reconciliation at the MRBB table. They include:
  - Enhance understanding of reconciliation and strive toward balanced partnership
  - Webinar series to inform on Treaties, Governance systems and more
  - Explore options within current Master Agreement – e.g. positional statement
- VC Tsannie: Would like people to think about how we can walk together in partnership. It is important to understand and honour the treaties. It is hard to work collaboratively when the importance of land and water is not understood. Discussions and decisions are a legacy for the future.
- L. Andrew: People in NWT depend on an Indigenous way of life. Water is life. Need to work towards solutions. Decisions that force communities to change their way of life are not appropriate.
- L. Lowe: This touches on how and if the Agreement can support Indigenous communities that are rebuilding their capacity to engage in environmental governance. A transformation on how water is governed is developing and we need to find ways to support that work. How we approach this is as important as the works that we do and the results. We are in an era of reconciliation and transformation.
- B. Summerfield: A positional statement could be a vehicle for advancing dialogue. A statement that outlines support and commitment to advancing this important work.
- The MRBB will consider and discuss a positional statement.

## **72.7 State of the Aquatic Ecosystem Report Committee Update**

- Work on foundational principles and an updated ToR for the committee are underway.
- Committee members see value in working together. MRBB members can support this committee by ensuring committee members have dedicated time for active participation.
- SOAER committee members are working towards developing a 5-year plan and have identified 8 priority and interconnected themes. SOAER committee members propose an in-person meeting in fall 2022 in order to advance discussion and agreement on a 5-year plan.
- N. Stiller: The 2021 SOAER is an evergreen product. MRBB members need to understand the resources the committee requires to advance pieces of work.

- A document that outlined options for ongoing work to fill data gaps and add to the information on the SOAER would be helpful. A long-term plan for sharing Indigenous Knowledge in the report is required.
- A. Wilson: Recommend development of a road map which is a living document that incorporates continuous improvement, and that can be linked to BWMA learning plans.
- The road map will replace the 5 year plan. Build toward an approach of continuous integration.

*Motion to support an in-person/virtual hybrid meeting of the SOAER committee to advance development of a road map, costing tables and ToR for MRBB review (H. Jirousek, A. Wilson; approved)*

## **72.8 Administrative Items**

Notifications Project – next steps

- Comments received from NWT and the product has been updated.

2021-22 Annual Report text – comments on draft text and timeline for approval

- Annual report text will be on the agenda for approval at the Fall meeting

Map project team – update

- Inaugural meeting of the project team set for June 13, 2022.

MRBB website

- A proposal to have students from the Northern Alberta Institute of Technology (NAIT) update the MRBB website as a capstone project has been submitted to the chair of the program. Confirmation of that work will come in September.

## **72.9 Strategic Plan**

Planning and Preparation for development of a 5-year plan in 2023.

- Discussion on planning and preparation for development of 5-year plan in 2023 will be deferred to the fall meeting. Statement of Work (SoW) documents included in the meeting materials are contracts that could support MRBB members in approaching the 2023-28 Strategic Plan.

Contracts

- SOW #1 – Report on Advancing an Understanding of the Current Water Governance Landscape in the Mackenzie River Basin.
- The intent of the contract is to develop a plain language background report on the current water governance landscape in the Mackenzie River Basin with a consideration of the changing federal, provincial and territorial legislative landscape, recommendations from the Truth and Reconciliation Commission, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- This contract is an opportunity to benchmark against ongoing work and understand where MRBB members are coming from. The MRB is co-governed in many respects. This is an opportunity to develop a better understanding of the challenges faced by each jurisdiction.

- SOW #2: Develop validated background materials on Indigenous peoples in the Mackenzie River Basin and the cultural importance of water to support the work of the Mackenzie River Basin Board (MRBB).
- Some of the work outlined in this SOW is similar to work proposed at the trilateral discussions occurring in the Liard.
- L. Lowe: Nations have come together and explored where there are shared values and approaches to governance. Work has started in some parts of the Mackenzie River Basin and needs to advance in others regions.
- Concern that the MRBB could do a dis-service by taking an important question and answering it the wrong way.
- The trilateral work starts to advance work in this area. The MRBB could learn from that work.
- SOW #3: Develop a report and hold a workshop aimed at advancing reconciliation at the MRBB table. This is an opportunity to learn from ongoing efforts, as MRBB members consider what reconciliation means at the MRBB table.
- T. Zimmerman: The government of BC is embarking on multiple scales of collaborative governance. This multi jurisdictional table provides an opportunity to learn from each other without judgement.

*Motion to approve \$45,000 for a contract that will advance an understanding of the current water governance landscape in the Mackenzie River Basin (SOW #1) (T. Zimmerman, VC Tsannie; passed)*

- The other proposals will be revised and discussed in the future. In some cases, specific components of different SOWs will be advanced through other work.

#### **72.10 Response to the Strategic and Operational Review**

- MRBB members reviewed the material shared in the meeting package.
- Appreciate the need to document action on recommendations, but looking for a different product.

#### **72.11 Secretariat: Roles, Responsibilities and Enhancement**

- The Secretariat is under resourced. Currently a second full time position is not sustainable in the long term.
- An Interchange position, staffed from interested organizations in the Mackenzie River Basin for a one-year determinate position was discussed. Propose to recruit Program Administration (PM) 04 for one year. Emphasis on recruiting from organizations within the basin.

*Motion: P. Siwik to proceed with development of Interchange position (T. Phommavog, J. Kanigan; passed)*

#### **72.12 MRBB committees: membership and champions**

- Material summarizing the role of Committee Champion and the evolution of the position was reviewed.
- Many of the members are investing time and resources into BWMA work and that has taken away the capacity of members to support the duties of champion. The work of the MRBB is important, as is the role of committee champion. Jurisdictions are challenged to

dedicate resources. A rotating chair/champion could be a model for some committees going forward.

- A. Wilson: Agree that the work of the MRBB is important, and that there are resource pressures. Some BWMA concerns and interests are also taking up time and space at the MRBB Secretariat. Jurisdictions could consider using resources dedicated to supporting BWMA to advance that work.
- The MRBB needs to modernize the champion role.

## 72.13 Meeting Close

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June 2, 2022

## 72.14 Welcome and Recap of Day 1

### 72.15 Proposed oil sands regulations - Federal

- M. Lontoc-Roy presented an update from ECCC on proposed oil sands mine water effluent regulations
- Q: Are there technical solutions that could avoid the need to release water?
- A: An “alternative to release” study has been initiated. Some possible technological solutions being investigated related to the release of effluent include filtration, membrane technology, absorption, desalination and biological treatment options. There are several specific technologies within each category. Given that the mixture could include upwards of 150 substances, a “technology train” may be part of the solution.
- Q: Please speak to *Fisheries Act* protections and the focus of that Act. The mandate of the MRBB jurisdictions and focus of the Master Agreement is ecological integrity while the mandate of the federal Fisheries Act is restricted to fish and fish habitat.
- A: The *Fisheries Act* prohibits the deposit of deleterious substances. Industry specific regulations permit the deposit of deleterious substances under specific conditions.
- Q: The presentation referenced composite samples. Please explain whether they are site specific or combined from many sites?
- A: Composite samples are representative samples taken from many oil sands facilities. These samples are used for regulation development purposes.
- Q: Are the samples being used for toxicity tests composites or taken from single sites?
- A: The samples are taken from multiple facilities but will confirm with ECCC researchers from the Science and Technology Branch.
- Q: Has there been consultation with Indigenous groups and communities beyond those that are members of the Crown-Indigenous Working Group?
- A: Not to date. A strategy for additional outreach is being developed.
- Q: What mechanism will be used for consultation? Online forums?
- A: Those details have yet to be worked out. Online consultation sessions were held in the past. Many types of discourse are possible and written feedback is also considered.
- J. Kanigan: This topic and membership on the CIWG is of interest to Indigenous governments in the NWT and to the government of NWT.
- Q: Are treatment options being considered for both “no release” and “low release” scenarios?

- A: Technologies and options are being looked at for “treatment and release” of effluent. We are also looking at alternatives to release to see if a regulation is needed.
- Q: Is there still an intent to have a plan in place by 2025?
- A: There is a plan to release a discussion paper in 2022 and then consult and gather information. 2025 is the current target for a regulation. These timelines, along with the need for a regulation, will be assessed as work unfolds.
- Q: Curious about the process that led to this current discussion? Was the development of a discharge strategy always an option?
- A: Regulating this sector is not the sole responsibility of ECCC. The Government of Alberta has legislation that governs industrial development in the province. Any deposit is governed by the *Fisheries Act*.

#### **72.16 Current regulation of oil sands activity- Provincial**

- S. Wallace presented an update from the Government of Alberta on potential oil sands mine water effluent regulations.
- Currently all oil sands companies submit a Tailings Management Plan every 5 years. Regulated release of process waste water requires additional considerations and work.
- VC Tsannie: communities in Saskatchewan, such as Fond du Lac and Black Lake, are downstream of the oil sands and have not been engaged.
- The TRC Calls to Action and the 10 calls to Action for Natural Scientists are important guiding pieces. Inclusive and meaningful engagement is important for accountability. The treaties include a shared responsibility.
- Q: How is the TRC Calls to Action, Natural Resources Transfer Act and Treaties being reconciled in this work?
- A: Currently there is engagement with the Oil Sands Reclamation Interest Group. This group includes Indigenous communities from Alberta. Information sharing supports the spirit of cooperative transboundary water management. Alberta Environment and Parks (AEP) will continue to share information with the MRBB.
- A. Wilson: The Bilateral Water Management Agreement has provided an opportunity for discussion. AEP will continue to share information with the MRBB.
- J. Schmidt: There is a commitment to transparency as discussions continue.
- C Cheezie: Born on the land on the shores of Lake Athabasca and is a residential school survivor. Lived on both the Peace River and the Slave River and been involved in discussions around governance since the 1970’s.
- Indigenous People from what is now Northern Alberta entered into treaty in 1899. Indigenous people were excluded from the National Resources Transfer Agreement. Policies and permits have changed the relationship to the land and changed conservation. Land was given away.
- Indigenous people have not seen the benefit of resources extraction. There are differences between Indigenous and non-Indigenous communities.
- Indigenous people have abided by treaty.
- Where is UNDRIP in this discussion about treatment and release? Does the power of provinces supersede the power of Treaty?
- Archeological studies have found evidence of people on this land for 10,000 years before present. When oil sands companies leave Treaty 8, Indigenous People will still be there. Do not want polluted air or polluted water.

- Every option has to be investigated to address the issue of oil sands tailings water.
- The treatment and release option is not supported.
- Mackenzie River system is the 5<sup>th</sup> largest in the world. Membership on this board is a responsibility to be taken seriously.
- Others have reviewed the BWMA between AB and NWT and highlighted that there are no parameters that protect water, and no mention of treaty or inherent rights in the current version of the BWMA.
- Treaty 8 chiefs have used a variety of forums to share their views on this issue. Some feel protections for water have been lacking in the past. Do not support the deposit of deleterious substances into the river. Indigenous people will participate in this process because they have to.
- There are other examples of legacy industrial sites that are not reclaimed (i.e. Giant Mine and Grassy narrows). Industry needs to be accountable.
- These are legitimate concerns. Elders are the experts for the community, not the consultants.

#### **72.17 Northern Rivers Workshop**

- A. Mahaffey is a PhD student enrolled at U of Calgary. Her research will focus on best practices for recognizing and braiding multiple ways of knowing in State of the Environment reporting and adaptive monitoring approaches. Her thesis will include an international perspective.
- The PhD project also includes workshop coordination and data analyses for an updated Northern Rivers Basin Study “state of the environment” assessment. Results and data generated from the workshop and updated assessment are intended to help inform and align current and future state of the environment initiatives.
- A. Mahaffey shared a proposal with MRBB members for a workshop that would include participants that contributed to the 2021 SOAER to document the process, lessons learned, and provide advice on best practises available from other experiences across the globe.
- N. Stiller will work with A. Mahaffey and K. Munkittrick to see what is possible and share updates with MRBB members. The evergreen nature of the report will be communicated.
- C. de la Chevrotière noted that governments were involved in the original Northern Rivers Basin Study and that it was a large, complex venture.

#### **72.18 Enhanced capacity and support for Indigenous members**

- There has been discussion at recent MRBB meetings on: a) engagement with Indigenous communities in the basin, and b) the time commitment required to effectively participate in MRBB meetings and discussions.
- Nothing precludes the MRBB from including Indigenous alternate members. Discussion and clarity required around when MRBB resources would extend to main member or the alternate.
- Alternate Indigenous members would allow for mentorship, succession planning, and sharing the work. It is a capacity building opportunity.
- Consideration needs to be given to whether an alternate is needed in all cases and ensuring that an orientation available for any new member or alternate member.



- It is important to align expectations of members and alternates. Emphasis on individual accountability and looking to the Agreement for clarity on role and representation.

### **72.19 Strategic science committee: The MRBB will advance discussion on formation of a science committee**

- N. Stiller: A draft ToR for a strategic science committee was discussed in 2018. This discussion is to reaffirm whether MRBB members still want to consider that model. The WQTT is one way to promote consistency in basin wide concerns. The intent is to avoid duplication.
- A. Wilson: The possibility of a basin wide approach to climate change was discussed with colleagues. Climate change is not constrained and is an appropriate topic for a basin wide approach.
- N. Richea: The MRBB lends itself well to cross boundary issues An open forum to communicate and share would be useful.
- T. Zimmerman: This has implications for capacity of member organizations. Is it best to leverage academics to support this?
- N. Stiller: This links to the earlier discussion about looking externally for resources to support and augment. A committee structure should be nimble and adaptable. Science priorities direct teams that come together and the dissolve.
- H. Jirousek: Different experts will be required as needs and questions change.
- A. Wilson: Note that there is interest in including colleagues on presentations. An initial assessment of experts that members have connections with, and topics of focus, could be useful.
- T. Zimmerman: This will be an iterative discussion.
- VC Tsannie: Climate is the measuring stick. How do we measure change and consider information from land users that are on the land. There are people collecting data on the land and we need to talk to them. Adaptation is important. What are some of the threats to communities? Are we setting ourselves up to adapt properly? Forest fires and extreme weather conditions are increasing. This is hard but need to tackle it. People in communities know the land and have knowledge. Need to consider how we design and present information.
- C Cheezie: Reminded about navigation. Historically there was no access to maps or navigation tools. People used the stars to navigate. One aspect of the MRBB is to recognize and put value on Indigenous Knowledge. We cannot rely only on science to guide us. It is not the final say. A lot of the information understood by elders is valuable. Spanish flu wiped out a generation of people and many knowledge holders. Have to start by giving Indigenous Knowledge the support it needs. Historically, impact assessments relied on science and TK was considered to be lesser. There should be space and acceptance of both of them.
- L. Andrew: Things are opening up again and we need to be prepared. Climate change is happening. There is an increase in landslides and slumps and that can lead to a release in contaminants. The Keele River is vulnerable. The Mackenzie River is sandy and risks washing away. Downstream communities would feel better with more connection and communications to upstream communities.

### **72.20 Roundtable and Meeting Close**

**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.**