



Tłıchǫ Government

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October 30, 2023

Kathy Racher
Executive Director
Mackenzie Valley Land and Water Board
Yellowknife, NT
Submitted via Online Review System

Re: Ice Bridge Water Use

Tłıchǫ Government thanks the Land and Water Boards of the Mackenzie Valley (the “Boards”) for inviting comments and recommendations on issues of legal interpretation regarding the regulation of ice bridge water use.

We have reviewed the Boards’ Reference Bulletin on water use and its Annex and take the position that **the Board’s interpretations** of the Waters Regulations, the Mackenzie Valley Federal Areas Waters Regulations, and their enabling statutes with respect to ice bridge water use **are reasonable and respect the modern principle of statutory interpretation.**

We acknowledge, **however**, and take seriously the concerns of the Government of the Northwest Territories (“GNWT”) that flow from these interpretations, namely, the risk of certain proponents facing longer regulatory timelines, additional costs and delays, as well as negative industry perceptions and potential impacts for industry and the economy as a whole.

While these concerns have merit, we must work with the regulations we have been dealt. Tłıchǫ Government notes that regulatory interpretation with respect to ice bridges is only one of several tools at our disposal to address these concerns. We are of the opinion that regulatory amendments are the most appropriate way to address these concerns directly.

We call on GNWT and the federal government to take a proactive approach and to come together with Indigenous Government partners to review and, where necessary and appropriate, amend existing regulations. Regulatory clarity, consistency, and effectiveness are concerns that are shared by all Northern governments. Undertaking a regulatory review and amendment process provides a means to address legitimate industry concerns while enabling the Boards to exercise their management authority more effectively, for the optimum benefit of the residents of the Mackenzie Valley and of all Canadians.

We have a world-class regulatory system established through modern treaties and based on principles of co-management and reconciliation. Updating regulatory requirements and adapting them to better meet the needs of our communities as well as those of industry can facilitate the conservation, development, and use of land and water in the Mackenzie Valley in a manner that will drive investment in our region while protecting our resources for present and future generations.

We believe there are practical regulatory adjustments that would have broad support and move forward efficiently. Tłıchq Government is ready to collaborate on this important work.

In Tłıchq Unity,



Brett Wheler
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A/Director of Culture and Lands Protection
Tłıchq Government

cc. Ryan Fequet, Executive Director, Wek'èezhìi Land and Water Board

Erin Kelly, Deputy Minister, GNWT-ECC

Pamela Strand, Deputy Minister, GNWT-ITI

Rebecca Chouinard, Acting Director, Resource Policy and Programs Directorate, Crown-Indigenous Relations and Northern Affairs Canada

Kenny Ruptash, President, NWT & Nunavut Chamber of Mines