

NWT BOARD FORUM

APRIL 6-8, 2004

SUMMARY REPORT

MAY 20, 2004

Terriplan
CONSULTANTS

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LIST OF ACRONYMS

BRS	Board Relations Secretariat
CAPP	Canadian Association of Petroleum Producers
CEAMF	Cumulative Effects Assessment and Management Framework
CIMP	Cumulative Impact Monitoring Program
CPAWS	Canadian Parks and Wilderness Society
DIAND	Department of Indian and Northern Affairs (Government of Canada)
EIRB	Environmental Impact Review Board (for the Inuvialuit Settlement Region)
EISC	Environmental Impact Screening Committee (for the Inuvialuit Settlement Region)
GLUPB	Gwich'in Land Use Planning Board
GLWB	Gwich'in Land and Water Board
GNWT	Government of the Northwest Territories
GTC	Gwich'in Tribal Council
IFA	<i>Inuvialuit Final Agreement</i>
IGC	Inuvialuit Game Council
IGOC	Industry Government Overview Committee
ILA	Inuvialuit Land Administration
ISR	Inuvialuit Settlement Region
MVEIRB	Mackenzie Valley Environmental Impact Review Board
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
NWT	Northwest Territories
NWTWB	Northwest Territories Water Board
PDAC	Prospectors and Developers Association of Canada
SLUPB	Sahtu Land Use Planning Board
SLWB	Sahtu Land and Water Board
SSI	Sahtu Secretariat Incorporated
TSM	Towards Sustainable Mining

1 INTRODUCTION

The inaugural NWT Board Forum was held in Yellowknife on April 6, 7, and 8, 2004. The meeting was organized by the Executive Directors of the Mackenzie Valley Environmental Impact Review Board (MVEIRB), the Mackenzie Valley Land and Water Board (MVLWB), and the Joint Secretariat, and by the Board Relations Secretariat (BRS). The agenda for the meeting and a list of participants can be found in Appendix A and Appendix B, respectively.

The Forum was well attended and well received by participants. It generated positive momentum towards addressing some priority areas of concern to all of the NWT resource co-management/public boards. The key outcomes of the Forum were:

- Agreement by all participants to continue to meet together on a regular basis as the NWT Board Forum
- Discussion and agreement on a revised Terms of Reference for the NWT Board Forum
- Development of an action plan to be implemented by the Working Group and reported on at the next meeting of the NWT Board Forum
- Specific actions to consider and report back on the concerns raised by industry during the inaugural meeting
- Agreement that the EISC will host the next meeting of the NWT Board Forum in mid-August 2004

This report summarizes the discussions that took place during the Board Forum, with a particular emphasis on the issues raised by participants and the action items that emerged from the discussion.

1.1 Purpose, Objectives, and Outcomes of the Board Forum

The purpose of the NWT Board Forum was to initiate the NWT Board Forum bringing together resource co-management/public boards to facilitate discussion and action on matters of common interest.

The objectives set out for the Board Forum were:

- To increase mutual awareness NWT resource co-management/public boards regarding their respective activities;
- To identify and develop collaborative approaches to resolve issues of common concern;
- To collaborate on strategic and operational planning initiatives where beneficial;
- To identify opportunities to share resources and expertise (e.g., cost sharing certain initiatives, sharing human resources and/or information technology, sharing “lessons learned” and “best practices”);

- To establish a coordinated venue for industry, government and other interest groups to meet with NWT resource co-management/public boards as a group to discuss resource management issues (mining, oil & gas, forestry, etc.) not specific to a development under active consideration by a co-management/public board;
- To pursue collaborative training and development initiatives where beneficial; and
- To agree and accept the terms of reference for the establishment of the NWT Board Forum.

1.2 Report Contents

This summary report is organized as follows:

Section 2 – Presentations by Board Forum Members – A brief overview of the presentations made by Board Forum members on Day One of the meeting.

Section 3 – Presentations by Government, First Nations, Industry, and Environmental Organizations – A brief overview of the presentations made by Government, First Nations, Industry, and Environmental Organizations on the afternoon of Day One and morning of Day Two of the meeting.

Section 4 – Issues Raised – A summary of the issues raised by participants during the meeting, including an agreed-upon list of issues or opportunities common to all of the Boards.

Section 5 – Priority Areas and Action Items – A summary of the action items agreed to by participants during the meeting.

Section 6 – Next Steps – The immediate follow-up activities agreed to by participants.

Appendix A – NWT Board Forum Agenda

Appendix B – NWT Board Forum Participants

Appendix C – Presentations by Board Forum Members – Copies of the presentations made by Board Forum members (where available) on CD-ROM.

Appendix D – Presentations by Government, First Nations, Industry, and Environmental Organizations – Copies of the presentations (where available) on CD-ROM.

Appendix E – Summary of Specific Industry Issues – A summary of specific issues raised by industry representatives during the Board Forum.

Appendix F – Revised Board Forum Terms of Reference

2 PRESENTATIONS BY BOARD FORUM MEMBERS

During the first day of the Board Forum, participants gave brief presentations introducing their organizations in terms of their mandates, basis in legislation, activities, successes, and challenges. After each presentation, there was an opportunity to ask questions and discuss issues of common interest.

This section summarizes the key points made by each of the Board Forum participants, in the order of presentation. Where the presentations are available electronically, they have been included in Appendix C (the attached CD-ROM).

Joint Secretariat

- The Joint Secretariat provides administrative and technical support to the Inuvialuit Game Council (IGC) and the co-management boards established under the *Inuvialuit Final Agreement*, including the Hunters and Trappers Committees.
- The Joint Secretariat coordinates several research and monitoring programs, including the Beluga Monitoring Program and the Inuvialuit Harvest Study.
- The Joint Secretariat also provides technical support services, such as GIS mapping.

Environmental Impact Screening Committee (EISC) (for the ISR)

- The EISC carries out the preliminary screening portion of environmental impact assessment in the Inuvialuit Settlement Region (ISR).
- The EISC is an advisory, not regulatory, body.
- The IGC, Government of Canada, Government of the NWT, and Yukon government are represented on the EISC.

Environmental Impact Review Board (EIRB) (for the ISR)

- The EIRB carries out the environmental assessment portion of environmental impact assessment in the ISR, made up of representatives of the same constituent groups as the EISC.
- The EIRB has conducted six public reviews since 1986.
- The EIRB uses a standard public review case as the basis for its process, but has also developed a small-scale development case and variations of procedures in order to be responsive to the differing sizes and scopes of projects under assessment.

Inuvialuit Land Administration (ILA)

- The ILA is a regulatory agency that issues land use permits for developments taking place on Inuvialuit lands.

Northwest Territories Water Board (NWTWB)

- The NWTWB is a regulatory agency that issues water licenses for developments in the ISR.
- The NWTWB is currently facing several challenges associated with the *NWT Waters Act* (the legislation establishing the Board). In particular, the Act dictates the location of the NWTWB's office (in Yellowknife) and its staffing model (through DIAND).
- The NWTWB is preparing to separate itself from DIAND and establish its main office in the ISR, which would require amendments to the *NWT Waters Act*.

At this point in the meeting, there was some discussion among participants about integration of the land use permitting and water licensing processes in the ISR and about the use of technical expertise (through Technical Advisory Committees and other means).

Mackenzie Valley Environmental Impact Review Board (MVEIRB)

- The MVEIRB conducts environmental assessments under the *Mackenzie Valley Resource Management Act* (MVRMA).
- The MVEIRB is in the process of reorganizing its staff to better reflect community needs and concerns and is particularly concerned with securing adequate and on-going core funding.
- The MVEIRB was interested in using the meeting as an opportunity to learn more about the work of the BRS and to discuss the terms of reference for the NWT Board Forum.

At this point in the meeting, there was some discussion around the screening of research projects and concerns that some activities are now being characterized as research to avoid the environmental impact assessment process. This theme was raised several times during the meeting. There was also discussion around the assessment of cumulative effects and the workload pressures on part-time Board members.

Mackenzie Valley Land and Water Board (MVLWB)

- The MVLWB is a regulatory agency that issues land use permits and water licenses under the MVRMA. It is made up of the Sahtu Land and Water Board (SLWB), the Gwich'in Land and Water Board (GLWB) and six members from outside the settled areas.
- The MVLWB echoed the concerns raised around the assessment of cumulative effects and the pressures associated with part-time Board membership.

- The MVLWB was interested in using the NWT Board Forum as a means of considering cooperative processes between the various co-management/public boards (without compromising the independence of the individual boards).

At this point in the meeting there was some discussion around ways of incorporating recommendations into permits and licenses that would support or enhance the enforcement process.

Sahtu Land and Water Board (SLWB)

- The SLWB is a regulatory agency that issues land use permits and water licenses in the Sahtu Settlement Area.
- The SLWB emphasized the need to maintain the confidence of applicants, the public, and beneficiaries in the regulatory process and to ensure that the claim is being implemented as intended. This requires professionalism and accountability on the part of the Board.
- The SLWB was interested in meeting with other northern boards to discuss common issues on various levels, including technical or operational concerns, and working towards a consistent process for permit and license applications.

At this point in the meeting there was further discussion on the review of research projects, as well as some questions on the regulation of sumps.

Gwich'in Land and Water Board (GLWB)

- The GLWB is a regulatory agency that issues land use permits and water licenses in the Gwich'in Settlement Area.
- The GLWB emphasized the pressures on part-time board members, particularly when a board is operating below full capacity (the GLWB operated with only three board members for two years), and the resulting need for an efficient and timely board appointment process.
- The GLWB shares a GIS support position with other Gwich'in resource co-management boards and public entities and processes between 15 and 20 applications per year (although this number is expected to increase as many permits and licenses expire in the next two years).
- The key challenges identified by the GLWB were the need to educate members of the public on the differences between the various Gwich'in organizations (in particular the Gwich'in Tribal Council) and the need to address over-consultation in the communities.

At this point in the meeting there was a discussion on the number and type of licenses and permits that will be required by the proponents of the Mackenzie Gas Project, followed by a discussion on the impact of access to land on the ability of regulators to process an application.

Gwich'in Land Use Planning Board (GLUPB)

- The GLUPB was established by the *Gwich'in Comprehensive Land Claim Agreement* to develop a land use plan for the Gwich'in Settlement Area.
- The GLUPB is celebrating the approval of the Gwich'in Land Use Plan and working on the associated implementation plan.

At this point in the meeting there was discussion around the implications of an approved land use plan for the regulatory process, as conformity with the land use plan is a regulatory requirement, and the processes in place for granting exceptions and/or amending an approved plan.

Sahtu Land Use Planning Board (SLUPB)¹

- The SLUPB is working on the second draft of its land use plan, after which it expects to go through another round of stakeholder consultation.
- The SLUPB is also undergoing an internal operational review, as part of the process of reestablishing the Board's human resource capacity.
- The SLUPB is particularly concerned about the permits and licenses that are being issued now, while the land use plan is not finalized, and the extent to which the contents of the draft land use plan are being taken into consideration by the regulatory agencies.

¹ The SLUPB presented on Day Two of the Board Forum.

3 PRESENTATIONS BY GOVERNMENT, FIRST NATIONS, INDUSTRY, AND ENVIRONMENTAL ORGANIZATIONS

During the afternoon of the first day of the Board Forum and morning of the second, representatives from government, First Nations, industry, and environmental organizations gave brief presentations outlining some of their issues and concerns related to resource management in the NWT and identifying areas where they felt the Board Forum could play a role. After each presentation, there was an opportunity to ask questions and follow up on the issues raised.

The presentations were given in the following order:

- Board Relations Secretariat (BRS) – Presentation by Jim Martin.
- Cumulative Effects Assessment and Management Framework (CEAMF), Cumulative Impact Monitoring Program (CIMP), and NWT Environmental Audit – Presentation by David Livingstone.
- DIAND Consultation Strategy – Presentation by Bernie Hughes.
- DIAND Northern Development Framework – Presentation by Rhian Christie.
- Gwich'in Tribal Council (GTC) – Presentation by Deb Bisson.
- Sahtu Secretariat Incorporated (SSI) – Presentation by Larry Hutchinson and Patrick Cleary.
- DIAND Enforcement Activities – Presentation by Ed Hornby.
- Mining Industry – Presentations by Tony Andrews (Prospectors and Developers Association of Canada) and Pierre Gratton (Mining Association of Canada – on presentation on the Industry Government Overview Committee (IGOC) and one presentation on Towards Sustainable Mining (TSM)). Introduced by Mike Vaydik (NWT/Nunavut Chamber of Mines).
- Petroleum Industry – Presentation by Ian Scott (Canadian Association of Petroleum Producers).
- Minerals Update – Presentation by Malcolm Robb.
- Canadian Parks and Wilderness Society – Presentation by Greg Yeoman.
- Resources, Wildlife, and Economic Development, Government of the NWT – Presentation by Jane McMullen.

Where presentations are available electronically, they have been included in Appendix D (the attached CD-ROM). A summary of the specific issues raised by industry during the Board Forum is included in Appendix E.

4 ISSUES RAISED

Over the course of the Board Forum, a number of issues were raised and discussed by participants. Some of these issues were of common interest, while others were the concerns of particular Boards. These issues are captured in this section of the summary report.

4.1 Issues and/or Opportunities of Common Interest

Several issues and/or opportunities of common interest to all of the Boards emerged during the Board Forum. These were captured by the facilitators and reported back at the end of the second day for further discussion and validation. The agreed-upon list of common issues and/or opportunities also served as the basis for the discussion of priority areas and action items (see Section 5).

4.1.1 Technical Issues/Opportunities

The following common technical issues and/or opportunities were raised during the Board Forum:

- Technical information regarding new subjects (e.g. oil and gas, sumps, waste water and sewage management)
- Consideration and/or application of Traditional Knowledge
- Consideration and/or application of Cumulative Environmental Effects
- Inspection and enforcement of conditions of approval (e.g. recommendations made, content of permits/licenses, follow-up, reporting, effectiveness)
- Consideration of research programs
- Use of technical experts (options include in-house, consultants, TACs, etc)
- Clarify the role of the Boards and the Crown in consultation
- Coordinating the review process for transboundary projects
- Coordinating the processes of different Boards when dealing with the same project application (in response to community capacity and time constraints)
- Security deposits
- Addressing land issues and water issues in a common process
- Addressing issues with legislation
- Addressing issues raised by industry (at the Board Forum)

4.1.2 Capacity Issues/Opportunities

The following common capacity-related issues and/or opportunities were raised during the Board Forum:

- Development and sharing of guidelines and/or manuals
 - Technical
 - Procedural
 - Consultation
 - Administrative
- Funding
- Developing capacity to meet increasing workload (new members)
- Impact of part-time Board membership
- Potential for shared training for staff
- Potential for cost sharing in some areas (e.g. office management, administration, technical support)
- Forecasting of future workload
- Capacity of communities to participate

4.1.3 Public Education Issues/Opportunities

The following common issues and/or opportunities related to public education and awareness were raised during the Board Forum:

- The role, responsibilities, process of the Boards
- The relationships between the Boards and with other institutions

4.1.4 Administration and Management Issues/Opportunities

The following common administrative and management-related issues and/or opportunities were raised during the Board Forum:

- Timely and efficient appointments process
- Reporting of Minister's decisions to First Nations
- Information management and exchange
- Shared new member orientation (in some areas)

4.2 Other Issues and Concerns

Some participants raised a number of other issues and concerns during the Board Forum. These issues were not common to all of the Boards, but are captured here for further discussion by the involved organizations, as desired.

- Ensuring that the land claim(s) provisions with respect to resource management are implemented with professionalism and accountability.
- Addressing the question of access to the land as a pre-requisite for an application for water license or land use permit to be accepted. Some organizations require access to be established up front, others do not. The issue has an impact on the access negotiations of other organizations (for example, the GTC).
- Incorporating a conformity check with the Land Use Plan (and possibly the need for an exception or amendment to the Plan) into the permitting/licensing process, where a Plan is in place (currently only in the Gwich'in Settlement Area).
- Addressing unlisted and/or un-regulated fuel storage sites.
- Reviewing DIAND's Risk Assessment Policy (Ed Hornby, South Mackenzie District, agreed to provide a copy of the Risk Assessment Policy for enforcement to those interested in a follow-up to the Forum).
- Updating GNWT regulations, such as the Territorial Camp regulations, to ensure that they reflect current best practices for waste management and other issues.

5 PRIORITY AREAS AND ACTION ITEMS

On the afternoon of Day Two and the morning of Day Three, participants in the NWT Board Forum discussed the issues and/or opportunities of common interest (see Section 4.1) and identified priority areas for immediate attention by the Working Group (made up of the Executive Directors of the MVLWB, MVEIRB, and Joint Secretariat) and the BRS.

The priority areas identified are shown in the following table (grouped according to the common issues and/or opportunities).

Table 1: Priority Areas by Common Issue/Opportunity

	Priority Areas
Technical Issues/Opportunities	<ul style="list-style-type: none"> • Cumulative effects • Traditional Knowledge • Federal consultation • Inspection and enforcement • Ensuring consistency in technical information received
Capacity Issues/Opportunities	<ul style="list-style-type: none"> • Forecasting workload • Community capacity
Public Education Issues/Opportunities	<ul style="list-style-type: none"> • Public education
Administration and Management Issues/Opportunities	<ul style="list-style-type: none"> • Board appointments

Action items and leads were assigned to each priority area, as shown in the table below.

Table 2: Priority Areas and Action Items

Priority Areas	Action Items	Lead
Technical Issues/Opportunities		
Cumulative effects	<ul style="list-style-type: none"> • Provide an update at the next meeting on CIMP, CEAM, and the Environmental Audit • Discuss and identify the responsibility for addressing cumulative effects. 	<ul style="list-style-type: none"> • DIAND • Working Group
Traditional knowledge	<ul style="list-style-type: none"> • MVEIRB to seek feedback from the other Boards on their draft Traditional Knowledge Guidelines. 	<ul style="list-style-type: none"> • MVEIRB (lead) / Working Group
Federal consultation	<ul style="list-style-type: none"> • Provide an update on initiatives and research associated with federal consultation obligations. • Each Board to share its position or policies on federal consultation prior to a discussion on the issue. 	<ul style="list-style-type: none"> • DIAND • All Boards
Inspection and enforcement	<ul style="list-style-type: none"> • MVLWB to report on its work to date with respect to inspection and enforcement issues. 	<ul style="list-style-type: none"> • MVLWB (lead) / Working Group

Priority Areas	Action Items	Lead
Ensuring consistency in technical information received	<ul style="list-style-type: none"> Each Board to share the information it is receiving with the other Boards. Invite technical experts (e.g. on sumps or on the RECLAIM model for security deposits) to present their views to the Board Forum. 	<ul style="list-style-type: none"> All Boards Working Group
Addressing industry issues	<ul style="list-style-type: none"> Two sub-groups of the Chairs and the Working Group (one for the MVRMA Boards and one for the IFA Boards) to follow up on issues raised by the industry sectors and report back on potential responses/actions (including potential for formal written responses)². 	<ul style="list-style-type: none"> Board Chairs/ ARDG/ Working Group
Capacity Issues/Opportunities		
Forecasting workload	<ul style="list-style-type: none"> Develop a forecast of future workload for each Board in relation to the MGP, secondary oil and gas activities, and other, non-oil and gas activities (e.g. mining). 	<ul style="list-style-type: none"> Working Group
Community capacity	<ul style="list-style-type: none"> DIAND to provide an update at the next meeting on existing research/efforts related to community capacity. Explore a broader definition of capacity (beyond money to include people, time, training, etc.) Provide an opportunity for Boards to hear from local resource management organizations about capacity constraints and needs. 	<ul style="list-style-type: none"> DIAND Working Group Working Group
Public Education Issues/Opportunities		
Public education	<ul style="list-style-type: none"> BRS to distribute a proposal on communications products for comment by the Chairs (through the Working Group) (DONE) 	<ul style="list-style-type: none"> Working Group
Administration and Management Issues/Opportunities		
Board appointments	<ul style="list-style-type: none"> DIAND to update the Board Forum on its efforts to date with respect to the appointment process 	<ul style="list-style-type: none"> DIAND
General		
<p>The Working Group will document and elaborate upon the issues identified during the Board Forum as follows:</p> <ul style="list-style-type: none"> To fully describe each issue and its significance and/or relevance to the Boards. To analyze and report on current activities or initiatives associated with the issue, including who is responsible for carrying them out. To identify opportunities and/or potential actions for consideration by the Forum of Boards. 		

² An initial summary of the specific issues raised by industry during the Board Forum is provided in Appendix E.

6 NEXT STEPS

Participants agreed on a number of immediate next steps to follow up on the Board Forum:

1. BRS to revise the Terms of Reference for the Board Forum as discussed during the meeting (see Appendix F for the revised version).
2. BRS and Working Group to follow up on the action items identified in Section 5 by:
 - a. Preparing a detailed action plan for the endorsement of the Board Forum at its next meeting, including leads, suggested timelines, anticipated outcomes and results, and, where necessary, a stakeholder engagement plan.
 - b. Preparing a scoping paper on the other, lower priority issues identified by participants (see Section 4).
3. EIRB to host the next meeting of the Board Forum, to be held in mid-August, 2004. The location of the meeting will be determined by the host organization.

APPENDIX A: NWT BOARD FORUM AGENDA

The agenda for the NWT Board Forum, April 6-8, 2004, is on the following pages.

APPENDIX B: NWT BOARD FORUM PARTICIPANTS

The participants in the NWT Board Forum are shown in the following tables, one for each day of the meeting, as attendance varied depending on the agenda item.

Table 3: Attendance on Day One – April 6, 2004

Individual	Organization
Bernie Hughes*	Policy and Planning (DIAND)
Bill Klassen	Environmental Impact Screening Committee
Bob Wooley	Mackenzie Valley Land and Water Board
Charlie Snowshoe	Gwich'in Land Use Planning Board
Darren Campbell	Gwich'in Land and Water Board
David Livingstone*	Renewable Resources and Environment (DIAND)
Deb Bisson	Gwich'in Tribal Council
George Govier	Sahtu Land and Water Board
Gordon Wray	NWT Water Board
Jim Martin	Board Relations Secretariat (DIAND)
Karen Legresley-Hamre	Gwich'in Land Use Planning Board
Larry Wallace	Sahtu Land and Water Board
Lorne Tricoteux	DIAND
Melody McLeod	Mackenzie Valley Land and Water Board
Norm Snow	Joint Secretariat
Patrick Cleary	Sahtu Secretariat Incorporated
Randy Cleveland*	Policy and Planning (DIAND)
Rhian Christie*	Policy and Planning (DIAND)
Robert Alexie	Gwich'in Land and Water Board
Robert Horal	Environmental Impact Review Board
Sue McKenzie	Gwich'in Land Use Planning Board
Todd Burlingame	Mackenzie Valley Environmental Impact Review Board
Vern Christensen	Mackenzie Valley Environmental Impact Review Board
Vicki Losier	NWT Water Board

* were in attendance as presenters only for Agenda Item 4.

Table 4: Attendance on Day Two – April 7, 2004

Individual	Organization
Bill Klassen	Environmental Impact Screening Committee
Bob Wooley	Mackenzie Valley Land and Water Board
Charlie Snowshoe	Gwich'in Land Use Planning Board
Darren Campbell	Gwich'in Land and Water Board
Deb Bisson	Gwich'in Tribal Council
Ed Hornby*	South Mackenzie District (DIAND)
George Govier	Sahtu Land and Water Board
Gordon Wray	NWT Water Board
Greg Yeoman*	Canadian Parks and Wilderness Society
Ian Scott*	Canadian Association of Petroleum Producers
Jane McMullen*	Resources, Wildlife, and Economic Development (GNWT)
Jim Martin	Board Relations Secretariat (DIAND)
Karen Legresley-Hamre	Gwich'in Land Use Planning Board
Kate Hearn*	Mineral and Petroleum Resources (DIAND)
Larry Hutchinson	Sahtu Secretariat Incorporated
Larry Wallace	Sahtu Land and Water Board
Lorne Tricoteux	DIAND
Malcolm Robb*	Mineral Development (DIAND)
Melody McLeod	Mackenzie Valley Land and Water Board
Mike Vaydik*	NWT / Nunavut Chamber of Mines
Norm Snow	Joint Secretariat
Patrick Cleary	Sahtu Secretariat Incorporated
Pierre Gratton*	Mining Association of Canada
Raymond Taniton	Sahtu Land Use Planning Board
Rhian Christie*	Policy and Planning (DIAND)
Robert Alexie	Gwich'in Land and Water Board
Robert Horal	Environmental Impact Review Board
Rudy Cockney*	North Mackenzie District (DIAND)
Sue McKenzie	Gwich'in Land Use Planning Board
Todd Burlingame	Mackenzie Valley Environmental Impact Review Board
Tony Andrews*	Prospectors and Developers Association of Canada
Vern Christensen	Mackenzie Valley Environmental Impact Review Board
Vicki Losier	NWT Water Board

* were in attendance as presenters only for Agenda Item 4.

Table 5: Attendance on Day Three – April 8, 2004

Individual	Organization
Bill Klassen	Environmental Impact Screening Committee
Bob Wooley	Mackenzie Valley Land and Water Board
Charlie Snowshoe	Gwich'in Land Use Planning Board
George Govier	Sahtu Land and Water Board
Gordon Wray	NWT Water Board
Jim Martin	Board Relations Secretariat (DIAND)
Larry Wallace	Sahtu Land and Water Board
Lorne Tricoteux	DIAND
Melody McLeod	Mackenzie Valley Land and Water Board
Norm Snow	Joint Secretariat
Robert Hornal	Environmental Impact Review Board
Sue McKenzie	Gwich'in Land Use Planning Board
Todd Burlingame	Mackenzie Valley Environmental Impact Review Board
Vern Christensen	Mackenzie Valley Environmental Impact Review Board

APPENDIX C: PRESENTATIONS BY BOARD FORUM MEMBERS

Board Forum members made several presentations during the Board Forum. The following presentations were made available electronically and are included on the accompanying CD-ROM:

- Environmental Impact Screening Committee (EISC) – Presented by Bill Klassen.
- Environmental Impact Review Board (EIRB) – Presented by Robert Horal.
- Mackenzie Valley Land and Water Board (MVLWB) – Presented by Melody McLeod.
- Sahtu Land and Water Board (SLWB) – Presented by Larry Wallace and George Govier.
- Gwich'in Land Use Planning Board (GLUPB) – Presented by Sue McKenzie.

APPENDIX D: PRESENTATIONS BY GOVERNMENT, FIRST NATIONS, INDUSTRY, AND ENVIRONMENTAL ORGANIZATIONS

Representatives from government, First Nations, industry, and environmental organizations made several presentations during the Board Forum. The following presentations were made available electronically and are included on the accompanying CD-ROM:

- Board Relations Secretariat (BRS) – Presentation by Jim Martin.
- Cumulative Effects Assessment and Management Framework (CEAMF), Cumulative Impact Monitoring Program (CIMP), and NWT Environmental Audit – Presentation by David Livingstone.
- DIAND Consultation Strategy – Presentation by Bernie Hughes.
- DIAND Northern Development Framework – Presentation by Rhian Christie.
- DIAND Enforcement – Presentation by Ed Hornby.
- Prospectors and Developers Association of Canada – Presentation by Tony Andrews.
- Mining Association of Canada on IGOC – Presentation by Pierre Gratton.
- Mining Association of Canada on “Towards Sustainable Mining” (TSM) – Presentation by Pierre Gratton.
- Canadian Association of Petroleum Producers – Presentation by Ian Scott.
- Minerals Update – Presentation by Malcolm Robb.
- Canadian Parks and Wilderness Society – Presentation by Greg Yeoman.
- Resources, Wildlife, and Economic Development, Government of the NWT – Presentation by Jane McMullen.

APPENDIX E: SUMMARY OF SPECIFIC INDUSTRY ISSUES

Industry representatives raised a number of issues during their presentations to the NWT Board Forum. The following points have been summarized from these presentations under the following headings:

- Licensing/Permitting Requirements
- Transitional Issues
- Adherence to Guidelines
- Duplicative Reviews of “Activities”
- Capacity of Review Boards
- Community Consultation
- Certainty

Licensing/Permitting Requirements

- There are no provisions (except as extended by federal Minister) under legislation to extend the time frame for an exploration license (typically 8-9 years) when regulatory approvals or land access delays exploration.
- There are delays in obtaining surface access agreements (e.g. in the Deh Cho)
- Land use permits expire after 5 years, are needlessly complicated, and the time period for renewal is unreasonable. A new application required upon expiry regardless of whether any changes made to an activity.
- The ability of first nations to request environmental review at any time for any reason adds to the complexity of the process and can even have an impact after the permit is approved or while operations are underway.
- Too many regulators are involved and recycle the same points and concerns that have been previously dealt with. A new application should only focus on items that have not been previously addressed or need updating.

Transitional Issues

- There is no guarantee that existing rights and provisions will be preserved. When the MVRMA was enacted, changes had to be made to the wording of existing Federal Surface Leases and some companies had to re-apply, which entailed also applying for a land use permit.
- The devolution of authority from Federal to Territorial jurisdictions is resulting in redundant guidelines and reviewing agencies attempting to exercise influence through the regulatory process.

- A protracted land claims process is resulting in access and benefit negotiations with multiple parties.

Adherence to Guidelines

- Proponents are required to exceed requirements established in guidelines in some cases (e.g. Environment Canada) without a scientific basis. The use of guidelines is not consistent.
- New guidelines are developed unilaterally, with insufficient notice to industry.
- First Nations and the Territorial government expect Impact Benefit / Socio-Economic Agreements which are not required by legislation.
- The guidelines created by the Federal, Territorial, and Aboriginal governments conflict.

Duplicative Reviews of “Activities”

- Environmental reviews of activities should be commensurate with scope of activity and nature of project (for example, the need for a research permit).
- Need to clarify “amendment of a project” - minor revisions to a project often require a new EA.
- Currently reviews are activity driven, i.e. seismic, drilling, pipelines or other facilities. Each activity requires a new environmental review. There is no consistency between environmental assessments. There is no certainty about what will trigger an EA.
- The increasing number of reviews affects industry and government from a human and financial resource perspective.
- Redundant environmental reviews add little to existing knowledge or environmental protection. Rather, “affected parties” use them to negotiate a better economic deal from the proponent.

Capacity of Review Boards

- Ability of Review Boards to meet increased oil and gas activity.
- Need to set out expectations for Board members, respect and enforce existing timelines for regulatory processes, consider concurrent reviews versus sequential reviews.
- Boards lack technical expertise and need to build capacity (at all levels) to ensure consistency of application and experience with regulatory processes.
- Proliferation of Boards

Community Consultation

- Consultation should be commensurate with magnitude of project as it is costly and communities suffer from information overload.
- Consider the co-ordination of community meetings

Certainty

- Legislation – need assurances on consistent application and understanding of the legislation.
- Developers need certainty with respect to:
 - Access – need assurances that companies can access mineral rights
 - The stakeholders to deal with – Federal, Territorial, Aboriginal or communities (too many organizations “want a piece of the pie”)
 - Timing and timelines for regulatory decisions (timely approvals are critical given the short operating window)
- Industry and regulators face increasing burdens and would like to see a “One-window” with multiple panes approach.

APPENDIX F: REVISED BOARD FORUM TERMS OF REFERENCE

The Terms of Reference for the Board Forum were revised based on the discussion during the April 6-8, 2004, meeting. The revised version is on the following pages.