NWT Board Forum Draft Summary Report

Tenth Board Forum Meeting Chief LaMalice Complex Hay River Reserve, NT

June 3-4, 2009

Prepared by Terriplan Consultants August 2009

Terriplan CONSULTANTS

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The Board Forum
Attendants at the
Hay Reserve
meeting on June 3,
2009.

Special thanks to photographer Bill Braden of Yellowknife.

1 Introduction

The 10th semi-annual meeting of the NWT Board Forum was held on the Hay River Reserve, NT, on June 3rd and 4th, 2009. The meeting was organized by the Board Forum Working Group. The NWT Board Forum is made up of the executive directors of the Mackenzie Valley Environmental Impact Review Board (MVEIRB), the Mackenzie Valley Land and Water Board (MVLWB), the Joint Secretariat, Inuvialuit Renewable Resource Committees (JSIRRC), the Gwich'in Renewable Resource Board (GRRB), the Assistant Deputy Minister of the GNWT Department of Environment and Natural Resources GNWT (ENR), and the Manager of the Board Relations Secretariat (BRS).

The co-hosts and chairs of this Board Forum were Willard Hagen, Chair of the Mackenzie Valley Land and Water Board (MVLWB), and Richard Edjericon, Chair of the Mackenzie Valley Environmental Impact Review Board (MVEIRB), and the meeting was facilitated by Ricki Hurst of Terriplan Consultants. The agenda for the meeting and a list of participants can be found in *Appendix A* and *Appendix B*, respectively.

1.1 Purpose and Objectives

The purposes of the 10th semi-annual meeting were to further discussions and provide updates to issues and concerns that were put forth at the 8th and 9th forum meetings in Calgary, AB and Inuvik, NT. The 10th Forum was largely an internal re-evaluation of the Board Forum, beginning with an introspective look at its vision, purpose, values, and its strategic plan for the future. Additional topics for discussion included: updates on the Board Forum Terms of Reference; a follow-up on the NWT Environmental Audit; an overview of the Land and Water Board working group; and finally an update on the status of Aboriginal Government participation at future Forum meetings.

1.2 Report Content

This summary is organized under the following headings:

Section 1: Introduction

Section 2: Opening Statements

Section 3: Strategic Planning Discussion

Section 4: Terms of Reference

Section 5: Board Forum Working Group Updates

Section 6: Day 1 – Closing Remarks **Section 7**: Facilitated Open Discussion **Section 8**: NWT Environmental Audit

Section 9: Land and Water Board Working Group Overview **Section 10**: Aboriginal Government Participation Update

Appendix A: Agenda

Appendix B: Participant List

Appendix C: Forum Presentations

2 OPENING STATEMENTS

Willard Hagen opened by thanking the generosity of the Hay River Reserve for their accommodations and photographer Bill Braden who graciously offered to take photographs throughout the 10th Forum meeting. Richard Edjericon welcomed all participants, reminding them of the evening social event to take place at the Chief LaMalice Complex.

Ricki Hurst ran through an outline of the two-day agenda, followed by an opening prayer by Walter Bayha.

Following the opening prayer, Willard Hagen provided participants with a brief history of the Board Forum, noting that its membership has expanded significantly since its inception in April 2004. The Forum began as a gathering of NWT management boards and has since included the National Energy Board (NEB) and Renewable Resource Boards (RRBs). The inclusive membership has strengthened the Forum, but has also led it in numerous, possibly diverging, directions. Mr. Hagen suggested that it's time to re-evaluate "who we are, what we are, and what our relationship is in the environmental world in the NWT and Canada." As a solution, the agenda calls for a Strategic Planning Discussion (see Section 7) to develop goals and strategies, both transparent and inclusive, in order to establish a road map to reestablish clarity in the process.

Mr. Hagen applauded the initiatives taken by the LWB various working group to ensure consistent policy across the NWT through the identification of road blocks, policy gaps and inconsistencies in process and delivery. The MGP is under an Environmental Impact Review and steps need to be taken to ensure consistency across regulators.

3 STRATEGIC PLANNING DISCUSSION

Gaétan Caron, Chair and CEO of NEB, thanked Mr. Hagen and Mr. Edjericon for co-hosting the 10th semi-annual Forum. He also appreciated the confidence shown towards the NEB in the forum process, adding that the NEB will continue to earn the forum's trust as it moves forward.

Mr. Caron noted that strategic planning first requires strategic thinking. A plan may not be developed by days-end; however, the strategic thinking process should conclude with a document. The document should communicate the common understanding as to why this group meets twice a year, as well as an understanding of the purposes being served in this process. Brevity and clarity are key components to strategic planning, and participants are not being asked to formulate a lengthy document. Mr. Caron added that if members genuinely listen to each other and express themselves clearly, than an explicit and meaningful product should follow.

Participants broke out into groups to think strategically about the future of the forum. The following (*Figure 3-1*) is a summary of their findings:

Figure 3-1: NWT Board Forum Goals and Strategies

Goal 1:

A coordinated/Sustainable publicly supported natural resource management system exists in the NWT.

STRATEGIES:

- a) Self-evaluate our processes, review our performance and document best practices.
- b) Identify gaps and opportunities for improvements in the system.
- c) Act on gaps and opportunities

Goal 2:

Member boards are knowledgeable and effective contributors to the system.

STRATEGIES:

- a) Identify gaps in knowledge
- b) Exchange information, share best-practices and act on joint work opportunities (for instance MOUs); leading to increased collective capacity.
- c) Implement a formal training program for staff and board members.

Goal 3:

Communities, constituents and clients are consulted and informed in the pursuit of our goals.

STRATEGIES:

- a) Devise and implement a (two-way) communication plan.
 - i. Devise a process to hear and respond to public concerns, and to improve public confidence.
 - ii. Issue an annual report to partners.
 - iii. Initiate face-to-face meetings with outside parties.

Members approved the Goals and Strategies and agreed that these compliment the NWT board Forum Terms of Reference. Members agreed that their Round Table presentations and discussions as well as other Board Forum projects and activities should consider these broad goals and strategies as they are developed. The Goals and Objectives will be included with the Terms of Reference in the next Board Forum binder meeting materials.

3.1 DISCUSSION AND COMMENTS

The following section is a summary of statements agreed in principle during the collective development of the NWT Board Forum Vision, Purpose and Values (*Figure 3-2*) summary.

Figure 3-2: NWT Board Forum Vision, Purpose and Values

VISION

- ...integrated...system...
- ...enabling of effective management of natural resources in the NWT...
- ...quality and timely EAs and regulatory outcomes...

PURPOSE

- ...we demonstrate that we carry out ways to increase our collective knowledge and understanding, improve our processes, and deliver continually improving results...
- ... our purpose is to educate people in communities about...
 - and vice-versa
- ...training and shared information...

VALUES

- Respect and understanding of others
- Balance/Fair/Impartial
- Embrace Diversity/Family/Interdependent
- Inclusive/Open to others

- Transparent
- Sensitivity to traditional and cultural elements
- ..

The Vision, Purpose and Values could also be included with the Goals and Strategies in the next meeting Binder.

3.1.1 **VISION**

Re: Timeframe - The timeline is up to the discretion of Forum members. However, the vision should encompass something that is difficult to achieve, a *stretched state* of what the forum would like to accomplish.

- It was suggested that a 1-5 year timeframe is a good frame to plug into. The McCrank report has been circulating, and the political will exists to make some dramatic changes.
- The vision needs to reflect that the Board Forum does not have an end result (i.e. on-going improvement)
- This is a great time to think critically about "how far" members want to take this Forum. Are members of the Forum prepared to achieve what legislation has provided an opportunity to do?

Re: Integration - A desired outcome would be to deliver on an 'integrated resource management system'

- What would the product look like? Everyone 'collectively' pursuing quality and timely resource management plans and decisions.
- The sharing of knowledge, challenges and achievements needs to be a strong component of this desired outcome.
- Some people feel that too many boards exist and that the system is too complicated; however, a worthwhile goal could be to demonstrate within the next 3-5 years that the current system can deliver quality environmental assessments and permitting licenses in a timely manner.
- Who is prepared to take the lead on the integration of unique processes each member organization brings to the table? Land and Water Boards have already begun to do so.

3.1.2 PURPOSE

Re: Training – Gathering knowledge from initiatives and projects put forth by groups within the NWT Board Forum is a strong motivation for a number of participants. Taking advantage of best-practices learned by other groups from experience is of mutual interest to all parties.

The Terms of Reference clearly state that the purpose of the NWT Board Forum is:

"To establish a forum of NWT resource co-management/public boards to facilitate discussion on matters of common interest"

Re: Communication – A high number of community members continue to be unaware of what the Boards or the NWT Board Forum does. Efforts also need to be made to understand communities and other organizations that may be participating at the Forum.

- Communities need to know what's happening at this Forum (and with the regulatory system in general).
- What avenues can the Forum tap into in order to get the word out (e.g. Quarterly Press Release, Radio, etc.)?
- Experiences need to be shared amongst members. An example is the restructuring and relocation of the NWTWB in the past year.
- *Knowledge Transferring* remains a component of the Forum but the practice is rarely mentioned by members.
- The interdependence of parties at this Forum cannot be denied. Each member offers something to the group, and the membership as a whole is stronger thanks to the collective it has formed.

3.1.3 VALUES

- Objectivity
- Teamwork/Cooperation/Collaboration
- Accountable

- Culturally-respectful culture
- Balance (between development and Environmental Protection)

4 BOARD FORUM - TERMS OF REFERENCE

The BRS brought attention to the latest version of the Terms of Reference (dated November 17, 2008) as revised at the ninth forum meeting in Inuvik, NT. Eric Yaxley stated that the changes to the Terms of Reference were due for some minor modifications, and the group unanimously accepted the revisions (i.e. semi- annual meeting).

DISCUSSION

It was suggested that the goals and strategies identified during the strategic planning discussion can be added onto the Terms of Reference; possibly linking them into a single 'governance reference document" if seen as beneficial.

5 BOARD FORUM WORKING GROUP - UPDATES

5.1 MACKENZIE VALLEY LAND AND WATER BOARD – MANIK DUGGAR

Manik Duggar mentioned the MVLWB currently has a number of applications for renewal in the upcoming months. However, the board is feeling the pressures of resource constraints due to the implication of budget reductions. The staff is working diligently to increase efficiencies whenever possible but limited funding cannot support the duties that need to be practiced. Mr. Duggar explained the MVLWB will not be hiring anyone but could use resource support from anyone able to provide it.

5.2 Mackenzie Valley Environmental Impact Review Board – Darryl Bohnet

Darryl Bohnet, Vice-Chair of the MVEIRB, updated the Forum on upcoming activities, including the management of 16 projects under different stages of environmental assessments and two on-going impact reviews. Currently, six EA are active into the 2009-10 fiscal year, and another six are awaiting a Ministerial decision. The largest of these assessments include the DeBeers Gahcho Kue diamond mine environmental impact review, the Deze Energy Taltson River Hydro Power Expansion and Transmission Line, the GIANT Mine Site Remediation and the Canadian Zinc Prairie Creek Mine EA.

The MVEIRB is keenly interested in actions the government will take in response to the Neil McCrank report. As other Boards practiced, the GLWB provided advice to Minister Strahl on the McCrank recommendations. Mr. Bohnet hopes the government will provide information during the course of this forum meeting.

The Review Board is also continuing to develop Cultural Impact Assessment (CIA) guidelines. The two-year project is currently in the information gathering phase, and a CIA Guidelines 'brochure' will be distributed shortly to the Boards and public, which describes progress to date. Furthermore, the MVEIRB is continuing to work on draft guidelines regarding the consideration of "Wildlife at Risk in EIA". The advice and comments received to date from Forum members has been greatly appreciated.

Lastly, the MVEIRB continues to place an emphasis on building cooperative relationships with its Board Forum partners, INAC, and other responsible Ministers and Land Claimant Organizations.

5.3 Wek'èezhìi Land and Water Board – Violet Camsell-Blondin

Violet Camsell-Blondin shared that a high level of activity is occurring in the region. In October 2008 the WLWB lost quorum while waiting for two Tåîchô representatives. The Tåîchô appointments arrived in December of 2008, though the GNWT still remains unrepresented. The WLWB has been heavily involved in the Board Forum training initiative, holding internal training sessions for new Board members. Mrs. Camsell-Blondin also noted that they also hold a semi-annual Wek'èezhìi Forum where a number of board members and the Tåîchô Assembly recently took part in a technical training course. The WLWB asked that a Masters student develop an introductory course to geology, mineral exploration and mineral process. The course contained very relevant material considering the mining that takes place in the region, and the feedback received has been positive to date.

Ms. Camsell-Blondin added that forty new applications have been received in 2009 alone. An emerging trend in smaller companies consolidating with others, to cope with the pressure of current economic constraints, is making its presence felt in the NWT. Fortune Minerals filed an application in late 2008 and may go ahead with the project in lieu of rising gold prices. Moreover, Ekati and Diavik continue to occupy a significant amount of WLWB resources. A public hearing is scheduled for July 15th, 2009 to identify and conflicts or arguments with regards to the proposed closure and reclamation plan for the Ekati Diamond Mine site.

Ms. Camsell-Blondin took occasion to humbly thank INAC for their continual support of WLWB work.

5.4 GWICH'IN RENEWABLE RESOURCES BOARD – AMY THOMPSON

Amy Thompson, Executive Director, of the GRRB explained that this is her first Forum meeting. Prior to becoming Executive Director, Ms. Thompson was involved with the GRRB for a number of years as a Biologist. Ms. Thompson stressed the issue of board appointments, noting that the GRRB continues to be forced to look beyond the Gwich'in region to fill seats. However, since expanding their parameters they have filled all but one appointment.

The GRRB remains on the committee for the Bluenose Caribou and is starting to re-establish their resource management plan. Consultation on the Dall Sheep plan began in 2008, and the northern Dolly Varden is to be listed under the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). The GRRB also met with its counterparts in the Yukon in December 2008 regarding Porcupine Caribou Management. As a result, a workshop was held to provide updates to roles and procedures regarding public meetings. The first draft of the document has been released, and the deadline for feedback is scheduled for this week.

5.5 ENVIRONMENTAL IMPACT REVIEW BOARD — ELIZABETH SNIDER

Elizabeth Snider offered her regrets on behalf of her fellow EIRB representatives that could not attend, and reported that their office has been taking full advantage of limited activities in the ISR. Updates to the operating procedures of the EIRB are currently underway to connect to other boards. The EIRB/IGC has now completed their Strategic Plans with support from members of the Board Relations Secretariat (BRS).

The EIRB has also taken full advantage of the training initiative. In closing, Ms. Snider thanked the GNWT for seeking her input on their board appointment, adding that their consideration was very much appreciated.

5.6 GOVERNMENT OF THE NORTHWEST TERRITORIES – DORIS EGGERS

Doris Eggers, Director of Policy and Strategic Planning, shared that ADM of ENR Mark Warren sent his regrets and that this is her first time attending a Board Forum meeting. She described how the GNWT is in the practice of seeking input from Chairs and MLAs when advertising for Board membership. As a government the GNWT is extremely interested in Board activities, as much of the work we do involves the boards. As the public government that will eventually inherit regulatory responsibilities from the Federal government, the GNWT has a strong and on-going interest in ensuring it is effective, efficient and meets the current and future needs of NWT residents. Ms. Eggers noted that in March 2009, the GNWT publicly released a document online¹ in response to the McCrank report, which has since received some positive feedback.

Significant progress has been made on the NWT Water Stewardship Strategy. The draft report is scheduled to be released in the fall of 2009, with the final strategy scheduled for release in spring 2010. Stephen Kakfwi and François Paulette were contracted over the fall and winter to engage as many communities as possible to raise awareness of the Water Resources Strategy Discussion Paper and seek input. The partners are preparing for consultation efforts in the fall/winter of 2009/10. Updates were also given for progress on the following initiatives: the *NWT Species at Risk Act*, a new *Wildlife Act*, Waste Recovery and Recycling programs, climate change initiatives, forest fire suppression program review, forest legislation and policy review, and application of Firesmart Principles.

5.7 National Energy Board – Gaétan Caron

Gaétan Caron opened by noting the first part of his update will speak towards knowledge sharing, and afterwards about improving the system as a whole. First, Mr. Caron shared that BP has submitted an application for 3 D marine seismic work in the Beaufort Sea and that GXT is expected to submit an application for coastal marine seismic work this fall (or early 2010) using an ocean bottom cable as a receiver of reflected seismic energy. Secondly, the NEB is anticipating and preparing itself to receive applications to conduct deepwater exploratory drilling in the Beaufort Sea, the target timeline for this to occur is by 2013. Third, the NEB has resolved to continue to implement a goal-oriented, risk-based philosophy of the full regulatory life-cycle.

In regards to improving the system, Mr. Caron explained the NEB will resume MGP headings to conduct its final argument by May 2010; assuming the JRP submits its final report by December 2009.

Deputy Ministers and the NEB Chair continue to meet monthly regarding the Major Projects Management Office (MPMO) to determine if all contributing member organizations are meeting their agreed upon timelines for projects South of 60 degrees North. Mr. Caron shared that this process has

¹ The GNWT response to the McCrank report can be found here: http://www.executive.gov.nt.ca/regulatoryimprovement/

been positive and encouraging, as each member at the table is a believer and supporter of this single-window directive for major projects in the north.

5.8 SAHTU RENEWABLE RESOURCES BOARD – WALTER BAYHA

Walter Bayha shared that the Caribou Management Plan in the NWT is consuming a majority of his time these days. The SRRB has recommended regulations as part of the process, to mitigate the declining number of Caribou after processing the 2005 and 2007 Bluenose Caribou censuses. Mr. Bayha questioned if the GNWT legislated any of their recommendations. Mr. Bayha was supportive of the current process for developing a new Wildlife Act, noting that previous attempts to amend the Wildlife Act did not succeed because all the affected parties were not involved.

Mr. Bayha noted that Boards have an obligation to make recommendations to amending Acts whenever there is a risk to public health, safety and conservation.

5.9 SAHTU LAND USE PLANNING BOARD – JUDITH WRIGHT-BIRD

Judith Wright-Bird proudly noted that the SLUPB is fully staffed at the moment. The Board has recently moved to a new office space in Fort Good Hope, taking over the newly renovated Ramparts Hotel building. Funding remains the most consistent ongoing challenge the Board faces. Ms. Wright-Bird is concerned that if additional funding is not received, plan development will stall following upcoming consultations. The Sahtu Land Use Plan released its second draft on May 6th, and can be found online.² The deadline for feedback on the plan is July 31st, 2009. The 3rd draft will be produced following summer community consultations to allow for a fuller review of the plan.

5.10 Sahtu Land and Water Board – Larry Wallace and George Govier

Larry Wallace began his update of the SLWB by stating that oil and gas activity has slowed down in the Sahtu, as well as the rest of the Territory, and no new applications have been submitted. Financial constraints are of concern and staff members had to be laid-off for a couple of months in order to keep the Board within its budget. Mr. Wallace added that fortunately nobody resigned during this difficult period. Applications have been submitted for supplementary funding, and the BRS has been providing assistance.

George Govier provided an update on technical training by sharing that the SLWB intends to hold a session similar to the one held in Tulita on November 14th and 15th. Feedback regarding course content has been very positive to date and the clarity it provides to the permit and licensing process is evident. Mr. Govier advised Mr. Eric Yaxley that the Sahtu LWB would be making an application for special funding to support a technical training session for the next fiscal year.

The SLWB participated in the MVLWB Working Group for standard procedures and consistency. Mr. Govier stated he is prepared to make a progress report for each SLWB meeting on the work of these Working Groups. The next meeting will be held in Yellowknife on June 5th in Yellowknife, NT. He noted

² The SLUPB Draft LUP can be found here: www.sahtulanduseplan.org



that a great deal of anticipation and pride is building within these working groups, and it is only a matter of time before it can be shared with the public.

In closing, Mr. Govier took a moment to thank the BRS for their support in developing their electronic public registry in the form of software, hardware and staff training. High-speed internet remains a limiting factor to the registry, but arrangements have been made to install it as early as July 2009.

5.11 NWT WATER BOARD - MIKE HARLOW

Mike Harlow, Executive Director, offered his regrets for Eddie Dillon who was unable to attend the Forum due to weather. The NWTWB has undergone some significant changes over the past six months, and has yet to miss quorum in that period. The Board is still waiting for an appointment from Health and Environment Canada.

A very successful *Guide to Water Licensing* workshop was held last December in the ISR, from which a few initiatives were developed in regards to municipal water licensing for the boards. Mr. Harlow thanked the BRS for providing funding in order to host the workshop; adding that these initiatives have come at a great time, as all five communities have their licenses up for renewal this year.

The board is currently redrafting policies and procedures. On the 8th and 9th of June the NWTWB will be hosting a workshop and information session with the ILA and other Board Forum members to discuss the proper disposal of drilling waste.

In closing, Mr. Harlow thanked INAC District Offices, Corporate Services, the NEB, NGPS and BRS for their continual guidance and support.

5.12 GWICH'IN LAND USE PLANNING BOARD — BOB SIMPSON

Bob Simpson reported on the Gwich'in Land Use Plan, which he noted is the only approved LUP in the NWT. The GLUPB is currently within their 5-year review process, where the plan is explored to identify potential conflict that may have risen and changes in possible future uses. Extensive research and information gathering has taken place in preparation for the review.

Mr. Simpson mentioned that mining regulations have been changed to recognize the LUP, which is a major achievement for the GLUPB. Next week the board will be going through the content of the final LUP with the hope of acquiring approval on its revisions. The board is also pursuing some transboundary plans with the Yukon, whose plan should be drafted in the near future and promises to be more integrated.

Funding from the International Polar Year (IPY) allowed the GLUPB to begin drafting a Gwich'in atlas. Mr. Simpson looks forward to this project as it fits in well with their strategic approach which focuses on education; releasing documents to the public always aids in the effort. The map will provide a solid history base of the region as well as an overview of the regions topography, settlement areas, and land use projection/planning.

5.13 Indian and Northern Affairs Canada - Kate Hearn

The Associate RDG, Kate Hearn, reported that Trish Merrithew-Mercredi sends her regrets, as she had to attend to the Assistant Deputy Minister of INAC who is visiting Yellowknife this week and stated that she looks forward to the next two days of discussions.

Ms. Hearn thanked Richard Edjericon of Mackenzie Valley Environmental Impact Review Board and Willard Hagen of Mackenzie Valley Land and Water Board for hosting this meeting and the staff at both Boards for organizing the logistics and ensuring that everything ran smoothly. Ms. Hearn also thanked the Board Relations Secretariat for their support to the Board Forum.

In the 2009 Federal Budget, the Government of Canada committed \$50 million over five years to support economic development in the North through the creation of a new regional economic development agency for the North and \$90 million over five years for a renewed Strategic Initiative for Northern Economic Development;

As you may be aware, after the release of Neil McCrank's report last summer, INAC initially focused on reviewing the report and developing advice to Minister Strahl. The Department has recently been focused on supporting Minister Strahl as he works with his Cabinet colleagues on a proposal for action.

We recognize that it has been almost a year since Neil McCrank's report was released to the public and that you are looking for a response. You are not alone; we hear from industry, from Aboriginal organizations, from the territorial government, looking for action. We are working with Minister Strahl and with our colleagues in Ottawa to be in a position to share information and next steps with you shortly.

We can confirm to you, though, that northern regulatory improvement is a priority, both for the Government of Canada, as well as for Minister Strahl individually.

As we have said before, we are looking to long-term regulatory improvement. It is our intention to use Neil McCrank's report as a starting point; however the report itself will not form the action plan. Instead, any plan of action that we develop will pull together INAC's approach to regulatory improvement across the North, addressing the recommendations contained within the Neil McCrank report, but also including other important issues.

We intend to continue using a two-stream approach to regulatory improvement, looking at both:

- Operational Change: focusing on concrete operational—level improvements, such as changes to the Exemption List Regulations
- Long-term Strategic Change: engaging key partners on some of the over-arching challenges to the regulatory regime that require more fundamental change

We are very hopeful that we will be in a position to start external consultation, related to moving forward with regulatory improvement, sometime in the early fall.

We will continue to work on operational changes in collaboration with Boards, organizations, Aboriginal Organizations and industry to improve the northern regulatory systems.

Since the last Board Forum, the Forum members and the Board Forum Working Group have been busy working closely together on many positive initiatives.

Progress has been made on several important initiatives, including Strategic and Business Planning, the Northern Board Training Program and the Board Forum website. The Board Forum Working Group continues to build upon this strong foundation to create useful public information materials that the Board Forum can call their own.

Ms. Hearn stated that she looked forward to further discussion and building on the strategic planning initiatives that were led by Willard and Gaétan.

6 DAY 1 CLOSING REMARKS

Willard Hagen thanked all participants for their thoughtful contributions throughout the strategic planning discussion, and looks forward to the presentations and updates to be provided on Day 2. Richard Edjericon also shared his appreciation for the effort put forth and reminded members that all participants are invited to an evening reception including live traditional music and dancing at the Chief LaMalice Complex.

7 FACILITATED OPEN DISCUSSION

Mr. Hurst explained that during this agenda item participants would choose any of the three NWT Board Forum 'goals' approved during day 1 (*Figure 3-1*) and discuss how best to act upon these goals to achieve positive outcomes over the next year. The forum was then divided into 3 sub-groups to discuss, and this was followed by an opportunity to present the findings to the plenary group for comments and feedback. A summary of the three group presentations were presented by Gaétan Caron, Ricki Hurst and George Govier and are noted below:

7.1 GOAL 1 – A COORDINATED/SUSTAINABLE PUBLICLY SUPPORTED NATURAL RESOURCE MANAGEMENT SYSTEM EXISTS IN THE NWT

ACTION ITEM	DESCRIPTION	LEAD/TIMELINE
	NWT Board Forum Message/Communication	
1	 1(a) Draft an early prototype document of concept key messages that ought to be conveyed to those outside the forum. Messages to include are: evolving improvements that are taking place within the system the Board Forum welcomes feedback with the aim of continual improvement (Note: Key messages from 1a to be considered and incorporated into Action Item 1b and 1c as appropriate) 	Lead(Action Item 1a): Gaétan Caron and Manik Duggar Lead (Action Item 1b): Terriplan
_	 1(b) Create a PowerPoint presentation on NWT Board Forum communication, which identifies the Forums vision, purpose, value, strategy and goals related to communication efforts 1(c) Develop a short draft or concept Communication Strategy - devise a method, objective, and technique in drafting such a strategy (i.e. NWT Board Forum web site initiative) Note: the message can also be incorporated into the Board Forum website: http://nwtboardforum.com/ 	Lead (Action Item 1c): Communications Working Group Timeline (TL): November 2009
	NWT BOARD FORUM REFERENCE MATERIALS	
	2(a) Collate and develop an inventory or list of titles of existing policies, procedures, and guidelines from the membership of the Board Forum to identify what exists as a collective, and subsequently, where gaps may exist.	Lead(Action Item 2a and 2b): Board Relations
2	2(b) It was agreed that it would be useful to canvass the membership (<i>e.g. via e-mail</i>) of the NWT Board Forum to list existing policies and procedures in regards to Traditional Knowledge (TK). It may be beneficial to take stock of those findings at the next meeting.	Secretariat (BRS) TL: November 2009

3

Note: more needs to be known about the methodology of capturing and translating TK from its language of origin

COMMITMENTS TO WORK TOGETHER

3(a) Lead a review and discussion with support from Executive Directors and Board Chairs on the key components of an approach to an MOU (or related document) for consideration at the next forum meeting. The intention of this document is to formally commit Board Forum members to develop an ongoing relationship between meetings. This relationship could involve sharing materials and information such as administrative guidelines, policies and best practices in order to facilitate collaboration, increase communication and enhance efficiency.

3(b) A working group be formed to identify various linkages and relationships (from least to most formal) that exist between Forum members and to prepare a presentation of this in the form of a table or web-diagram

• In addition to MoU and Service Agreements consider the entire spectrum of arrangements for cooperation and collaboration (e.g., IT sharing between MVLWB & SLWB)

• A future step would involve evaluating these relations to determine which are the most effective and efficient, and what other practices are transferable and on what basis.

Note: In regards to Action Item #3, the issue should not be limited to just formal arrangements, but to also include the identification of initiatives being undertaken by individual Boards who may not have any external channels of communication at this time.

Lead(s): Paul Sullivan (with support from Mike Harlow, Zabey Nevitt and Bharat Dixit)

TL: November 2009

7.2 GOAL 2 – MEMBER BOARDS ARE KNOWLEDGEABLE AND EFFECTIVE CONTRIBUTORS TO THE SYSTEM

ACTION ITEM	DESCRIPTION	LEAD/TIMELINE
	BOARD FORUM TRAINING	
	Prepare and share a summary report that defines and shows the actions being undertaken by the Board Forum Training Working Group (BFTWG).	Lead(s): BFTWF and
4	To ensure the report isn't limited to simply information sharing, a commitment was made to: Potentially expand the BRS training survey that Casey Adlem of BRS prepares to include an evaluation of the	Elizabeth Snider (with support from BRS)
	generic orientation package To better define the Working Group itself and the work it is responsible for, and report this back to the	TL: November 2009

Forum in part through preparation of Working Group Terms of Reference.

• Develop a schematic on how different training sessions link to one another.

7.3 GOAL 3 – COMMUNITIES, CONSTITUENTS AND CLIENTS ARE CONSULTED AND INFORMED IN THE PURSUIT OF OUR GOALS.

ACTION ITEM	DESCRIPTION	LEAD/TIMELINE
	PARTICIPATION	
	Invite Aboriginal organizations and relevant land corporations to the next Board Forum (i.e., those invitees would be representatives First Nations as they are defined, and land corporations).	Lead(s): Sahtu Land and
	 Unanimous that the appropriate Regional Aboriginal governments and/or organizations in the area of the meeting continue to be invited to future Forums by the host Board(s) 	Water Board (SLWB), Sahtu Land Use Planning
5	 Note: Bob Simpson and Zabey Nevitt later spoke to this issue and other recommendations (see Section 10) Requests have been received from other organizations (e.g., industry and NGOs) interested in attending the NWT Board Forum. It was agreed that the Chairs and Working Group will continue to explore opportunities and determine if and when individual groups may attend specific meetings. 	Board (SLUPB), and Sahtu Renewable Resource Board (SRRB). TL: October 2009

Finally, there was agreement that the strategic approach developed at this forum be carried forward and used to help inform the agenda and the meeting of the next Board Forum scheduled for November 2009.

8 NWT Environmental Audit – Follow up and Next Audit Plans

David Livingstone presented an update on the status of the NWT Environmental Audit, and began by noting the audit is a requirement under Part VI of the MVRMA. Under the Act and audit is required at least once every 5-years and addresses the following three factors:

- the state of the environment,
- the state of environmental management, and
- the state of cumulative impact monitoring programs (CIMP)

Assessing the state of environmental management will be different this time around, as the independent auditor is charged with measuring how well recommendations from the previous audit have been implemented. Mr. Livingstone added that the work performed by members of the Board Forum will be a strong component of the environmental management factor. In regards to CIMP, audit findings will be similar to the previous assessment, because CIMP has yet to be fully implemented in the NWT.

8.1.1 TOR AND UPCOMING AUDIT

Mr. Livingstone mentioned the Terms of Reference (ToR) for the upcoming audit is complete, and that the Request for Proposal) RFP will be posted next week on MERX for bidding for 40 days. At that time the Audit Sub-Committee Working Group will review submissions and award a contract within 3 weeks of the closing date. In summary, the contractor will realistically be identified by September 2009. The audit is scheduled to be completed by March 31st, 2010. The resulting timeline for the auditor is very tight, and Mr. Livingstone stressed that the contractor acts independently throughout the process, and will receive no pressure or direction from INAC or any other government agency, regulatory body, or community.

8.1.2 HISTORY OF NWT ENVIRONMENTAL AUDIT

The past NWT Environmental Audit yielded 50 categorized recommendations, many of which overlapped or reinforced recommendations from other audits of various form (i.e., McCrank report). The auditor should have no problem retrieving documentation to support their assessment efforts.

The first audit performed in 2005 was very broad in scope. As a result, the NWT now has some key issues that can afford a closer look; however, that decision is the responsibility of the independent auditor.

8.1.3 FUTURE - HOW THE PAST FITS INTO UPCOMING AUDIT

Mr. Livingstone drew attention to the INAC and GNWT status table on the recommendations provided from the previous NWT Environmental Audit (*Participant Binder – Tab 6*); asking participants for any comments or feedback that might aid the Audit Sub-Committee Working Group. Specifically, recommendation #19 is of particular interest to all board members by stating:

19. The MVEIRB should have direct access to relevant government expertise at all stages of the EIA process.

Mr. Livingstone asked board members for a sense of consultation they would like to see in the future. If the situation does not change, the boards will be very disappointed with the outcome. INAC will continue to offer advice and support whenever possible, but they are not going to be able to hire outside experts as was done in the past. The result of these shortcomings will likely cause increased capacity issues and associated resource challenges shared by all board staff. In response, Mr. Livingstone stated that "...we're all going to have to do the best we can under this context".

8.2 QUESTIONS AND COMMENTS

In regards to the financial capacity issues, it's troublesome to read that the 'lead agency' (INAC in this case) also shares the same budget constraints.

The auditor may want to take a look at capacity issues. The situation the NWT finds itself in is very much out of sync with the McCrank report, and we run the risk of undermining the current operational practices and making more mistakes and having crises of the past rematerialize.

The GNWT response to the recommendations mentions (under #5) the need to reach an understanding regarding air quality. The Land and Water Boards are included here, but have no jurisdiction over air quality. Enforcement would have to be a cooperative effort if they are to remain a participant in implementing a response to the recommendation.

Furthermore, the GNWTs response to recommendation #8 that deals with the consistency of Terms and Conditions with legislative authorities and compliance enforcement practices. The Land and Water Boards are regulatory authorities, but do not have the regulatory authority for inspections or to issue stop-work orders. The broad brush of recommendation #8 does not fairly represent the limited authority boards have when it comes to enforcement.

Honouring David Livingstone

Members of the NWT Board Forum graciously presented Mr. David Livingstone with a plaque commemorating his tireless contributions on behalf of regulatory boards and the protection of the northern environment over his long 33 year career with INAC. His dedication, tenacity and passion for the north have been to the benefit of countless projects and initiatives; his presence will be missed. Members wished him the best in his retirement and new endeavors.

9 LAND AND WATER BOARD WORKING GROUPS OVERVIEW

Dr. Kathleen Racher, Regulatory Director for the Wek'èezhìi Land and Water Board, provided an update on the various Land and Water Board Working Groups that she began working with on her assignment to the WLWB in January 2008.

The six inter-board working groups are collectively working on an important initiative aimed at creating greater clarity, certainty and consistency in land and water Board processes up and down the Mackenzie Valley. The regulatory system has endured criticism for being both confusing and inconsistent, and although the land and water Boards do not constitute the entire regulatory system, they are committed to improving their piece of the puzzle.

Dr. Racher explained that land and water Boards regulate the use of land and water, based on relevant legislation and through the issuance of permits and licenses. There are four boards in the Mackenzie Valley that issue permits and licenses, and they are the:

- Gwich'in Land and Water
- Wek'èezhìi Land and Water Board

Board

- Mackenzie Valley Land and Water
- Sahtu Land and Water Board
- Board

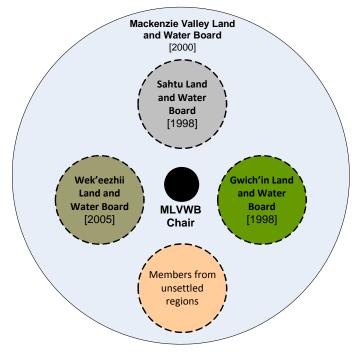
These Boards do not act completely independent of one another; in fact, board members of each of the regional Boards are also on the MVLWB (Figure # 9.1), along with members appointed from the unsettled Akaitcho and Deh Cho regions, and a chair person. The MVRMA provides for a system that recognizes and strives to balance the

following factors:

Figure 9-1: Land and Water Boards under the MVRMA

- The rights of the regions to regulate the use of land and water and the deposit of waste in each of their respective management areas; and
- 2) The need for coordination within the Mackenzie Valley to ensure a fair mechanism to handle developments that are transboundary or that occur within an unsettled land claim area.

The diagram to the right (Figure 9.1) shows that these Boards were not established at the same time, leading to issues of consistency and clarity that are being discussed. Dr. Racher explained that inconsistent policy and procedures stem from two places. The first is a result of Boards being formed independently at



different points in history. Secondly, they may be intentionally in place due to differences in value systems in different regions when considering land and water use. There may be a number of ways of fixing un-intentional inconsistencies, but the Boards have chosen to use a clause of the MVRMA itself to remedy the problem (i.e. Section 106 of the MVRMA).

"The Board may issue directions on general policy matters or on matters concerning the use of land or waters or the deposit of waste that, in the Board's opinion, require consistent application throughout the Mackenzie Valley."

Note that the Board in this case is the MVLWB which consists of members of all of the regional boards.

Dr. Racher introduced the topic of clarity, which in her opinion is a bigger issue than consistency. The various Land and Water Boards have developed business processes, based on the legislation, in order to fulfill their duties of issuing land use permits and water licenses. Developing these processes required some interpretation of relevant legislation. The moment "interpretation" is required is also the moment a spectrum of possible answers begin to develop. To compound this problem, various Boards have yet to formally record their processes or share them widely with clients. This leaves industry, various levels of government and stakeholders to interpret the legislation themselves and as a consequence form unique expectations on how processes should run; likely based on experiences in other jurisdictions.

In response to these problems, the full Board agreed that the best way to address these issues would be to establish six Working Groups. Each group consists of a total of 8 members (2 members from each of the four Boards. The Working Groups and their respective initiatives are as follows:

Figure 9-2: Working Groups and Initiatives

Public Engagement and Consultation Working Group - will provide guidance on requirements for stakeholder engagement preapplication as well as for the submission of other major documents.

Plan Review Process and Guideline Working Group- has identified a series of common plans that are required by many permits and is working on guidelines and/or templates for plan content. In some cases, we are endeavoring to create our own guidelines and in other cases we are considering adopting guidelines created by other agencies if they are applicable.

Water/Effluent Quality Working Group- is drafting a Water Quality Policy that will define the guiding principles and specific procedures the Board will use when determining discharge limits or effluent quality criteria – i.e., the concentrations of contaminants permitted in waste deposited to water.

Terms and Conditions Working Group- has drafted a list of all the terms and conditions used in permits in the NWT and has gone through them all with the INAC inspectors to develop rationales for each, including when they should apply or not. Further work will include refining the list and developing a process for when and how new terms and conditions should be created.

Data-Resource Sharing Working Group- is busy trying to standardize both the requirements for electronic data submission as well as data sharing. A standard "one-window" website for all the Boards is almost complete.

Application Processes Working Group- is charged with developing and describing common processes for things like application questionnaires, processes for requesting amendments or renewals of licenses, how to get your security deposit back etc.

A clearer perspective on the responsibilities of these working groups can be provided when considering the life-cycle of a permit/license. The following diagram (*Figure 9-3*) depicts how certain Working Group responsibilities will require a coordinated effort due to overlapping and shared issues. The Boards have assigned one staff member (Patty Ewaschuk) to coordinate the Working Group efforts and to ensure communication and consistency between groups is established and maintained.

Figure 9-3: Working Group Context

LIFE-CYCLE STAGE	ISSUES AND CONCERNS	WORKING GROUP
Pre-Application	What type of info?How much info is needed?Public engagement?	•WG# 3, 5, 6 •WG# 3, 5, 6 •WG# 1
Application/Permit Granting	Format? Data?How will discharge limits be set?What will the conditions be?	•WG# 5, 6 •WG# 3 •WG# 4
Administration of Permit	 Content and format of management plans? Permit amendment process? Compliance? 	•WG# 2, 5 •WG# 6 •WG# 4
Closure	Closure plan?Security deposit return?	•WG# 2 •WG# 6

The working groups have been very busy in the past year. The first step was to research and examine current practices up and down the Mackenzie Valley, and then to prioritize a host of products. Dr. Racher shared that a distribution list has been developed to solicit input from interested parties on many of the draft procedures or policies to be developed in the near future. In many cases, the work will require input from other parties. Once the draft policies/procedures are presented and approved by the Board a thorough communication initiative will begin, the purpose of which will be to notify concerned parties of the new policies and procedures that the Boards are working with.

The overall idea of streamlining policies and procedures is that proponents should know, before they submit an application, how their application will be considered and what specific processes they will have to follow. By the end of 2009, several Working Group products will be completed. In the meantime, the establishment of the Working Groups has fostered an unprecedented amount of communication and understanding between all regional panels; each of which are firmly in the mind set of creating clarity and consistency.

In closing, Dr. Racher noted that if anyone is interested in being on a distribution list for a particular Working Group they should contact Patty Ewaschuk (pewaschuk@wlwb.ca). Also, for the full Terms of Reference for each of the Working Groups, please visit the MVLWB website (http://www.mvlwb.ca/groups/default.aspx).

9.1 Discussion

Is the Terms and Conditions Working Group dealing with the issue of compliance?

Yes, what has happened is Boards and inspectors have sat down together to address each Term and Condition to licenses and permits to identify: a) What can be enforced, and b) What cannot be enforced. When the latter instance is identified, a thoughtful discussion is encouraged to clarify what the Board is trying to enforce, then what needs to be amended and revised to reach a common understanding. Conversations of this nature have never occurred before, and they're proving to be very helpful to both parties.

10 ABORIGINAL GOVERNMENT PARTICIPATION UPDATE

Bob Simpson presented an options proposal documenting the value added by involving the expansion of the Board Forum membership to include Aboriginal government. Mr. Simpson was seeking input on whether the Forum recognizes the presence of Aboriginal governments in the NWT and which of the three options below, if any, would be most agreeable to all members in moving forward. Although the scenarios are not limited to the following, the approaches presented were as follows:

- **Inclusive Approach** by including all Boards and Parties to the Land Claim Agreements this may diminish the independent and objective nature of the Boards;
- **Exclusive Approach** by including all Boards but excluding the Parties to the Land Claim Agreements this *may diminish establishing good working relationships*;
- Working Relationship Approach by including all Boards and inviting the Parties to the Agreements to become special members that would participate in portions of an overall Board Forum agenda and in the implementation of any strategies parties to the Agreement may view that their participation is not as effective as it could be.

Points of added value to Aboriginal government participation include the increased assurance of consistency and integration of resource management procedures. Participants agreed upon the importance of inviting Aboriginal governments, but wanted more clarity as to how their membership will be defined in the forum process.

10.1 Discussion

Zabey Nevitt mentioned that the Forum session yesterday underwent a strategic planning discussion to avoid reaching what some believed to be a 'status-quo'; adding that today we might have to consider the notion of evolving as a Forum. During the discussions a number of key terms were used; including

integrated, transparent and inclusive. The Forum is not going to decide upon the details of Aboriginal government membership this afternoon, the solution might be to approach them and simply ask:

- 1. Do you want to be involved? If so, how do you want to be involved?
- 2. What approach to you believe will benefit you?

George Govier pointed out that the term Aboriginal Government isn't mentioned in the document, and he suggested that the only Aboriginal Government Mr. Govier could identify was the Tåîchô Government. Mr. Simpson replied by stating that Land Claimant groups have the authority to make resource management decisions in their respective claimant areas.

The majority of Board Forum members agreed more with approach #3 – the Working Relationship Approach than with the other options but there was no vote or consensus. Specific details would need further discussion and approval by all members. Further clarification on the purpose of invitations as they relate to Board Forum Goals and Objectives was mentioned as one consideration. Kate Hearn of INAC thanked Mr. Simpson for writing such a thought provoking paper. She noted that she was not a subject matter expert but would take it back to INAC for a review and comments. She also stated that there were different ways of recognizing Aboriginal governments and INAC has a number of ways of doing that, including through land claim and self government agreements. As a point of caution, Ms. Hearn expressed some concern, from a logistical perspective, of increasing the burden on communities by extending this invitation.

The discussion concluded with the understanding that there is merit to extending an invitation, and that it's ultimately not up to the Board Forum to decide who would like to attend and who would not. Some organizations and groups will show interest, and others will not; however, out of respect it is important that everyone receives the same opportunity to attend and participate in these meetings and that the host should consider extending regional invitations. Consideration could also be given by boards to initiating meetings with regional Aboriginal governments and/or organizations similarly to those held by the WLWB. The suggestion of inviting all regional and territorial Aboriginal governments and groups to all Board Forum meetings was not endorsed.

11 DATE OF NEXT MEETING

Willard Hagen thanked participants for a wonderful two days. The accomplishments achieved during the 10^{th} NWT Board Forum will be felt long into the future, particularly as headway is made on the initiatives participants identified and committed to undertaking.

Violet Camsell-Blondin shared that she found this particular Forum meeting encouraging. The Forum was beginning to become stagnant and believes new life has been given to what has become a more meaningful Forum. Lastly, on behalf of the WLWB, Ms. Camsell-Blondin thanked INAC for the support on developing the Forum and supporting Tåîchô.

Richard Edjericon thanked all the Board members for attending this Forum, Mr. Hagen and his staff for helping to coordinate the logistics and co-hosting the meeting, Mr. Hurst for facilitating the work, and lastly Eric Yaxley and his BRS office for helping with their administrative and financial contributions to the meeting. Mr. Edjericon applauded participants for trying something new yesterday; the Strategic

Planning Discussion could have been a frustrating failure, but it was a great success because members approached it with passion, humility, and an open mind.

In closing, the next NWT Board Forum is scheduled to take place in Norman Wells. At this time the tentative date is scheduled to be on November 25th-26th, 2009 but this will be confirmed at a later date.

APPENDIX A: AGENDA

Board Forum Agenda

June 3 – 4, 2009 Chief LaMalice Complex Hay River Reserve, NT

DAY 1 – June 3

8:30	Arrival – Coffee & Muffins
9:00	Welcome – Co-hosts Willard Hagen, MVLWB and Richard Edjericon, MVEIRB
	Opening Prayer
	Introductions – Facilitator, Ricki Hurst
9:30	Strategic Planning discussion – Gaétan Caron & Willard Hagen
10:15	Health Break
10:30	Strategic Planning discussion (cont'd)
12:00	Lunch (provided)
1:00	Welcome & Comments from Guest Speaker(s) - TBC
1:30	Opening Remarks, Round Table – Chairs
3:00	Health Break
3:15	Opening Remarks, Round Table cont'd – Chairs
4:00	Board Forum – Terms of Reference
4:15	Board Forum Working Group - updates
5:00	Board Chair Caucus Hay River Reserve
6:00	Evening event – Community Feast Chief LaMalice Complex Hay River Reserve

Board Forum Agenda

June 3 – 4, 2009 Chief LaMalice Complex Hay River Reserve, NT

DAY 2 – June 4

8:30	Arrival – Coffee & Muffins
8:45	Highlights from previous day –Willard Hagen and Richard Edjericon, co-hosts
9:30	Facilitated Open Discussion
10:15	Health Break
10:30	Facilitated Open Discussion (cont'd)
12:00	Lunch (provided)
1:00	NWT Environment Audit follow up and next Audit Plans – David Livingstone
1:30	Land & Water Board Working Groups Overview – Manik Duggar & Kathleen Racher
2:00	Aboriginal Governments participation update – Zabey Nevitt & Bob Simpson
3:00	Health Break
3:15	Date of Next Meeting
3:30	closing remarks – Willard Hagen and Richard Edjericon, co-hosts
4:00	Board Chair Caucus
	Hay River Reserve
6:25	Departure of Delegates (First Air flight 125)

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APPENDIX	B:	Participant I	LIST

NWT BOARD FORUM - SIGN IN SHEET

NAME	Board / role
Willard Hagen	Chair, MVLWB
Manik Duggar	A/Exec. Director, MVLWB
Violet Camsell-Blondin	Chair, WLWB
Zabey Nevitt	Exec. Director, WLWB
Paul Sullivan	Chair, GLWB
Robert Alexie	Exec. Director, GLWB
Larry Wallace	Chair, SLWB
George Govier	Exec. Director, SLWB
Mike Harlow	Exec. Director, NWT Water Board
Richard Edjericon	Chair, MVEIRB
Vern Christensen	Exec. Director, MVEIRB
Elizabeth Snider	Chair, EIRB
Bob Simpson	Chair, GLUPB
Sue McKenzie	Planner, GLUPB
Judith Wright-Bird	Chair, SLUPB
Edna Tobac	Exec. Director, SLUPB
Gaétan Caron	Chair & CEO, NEB
Kate Hearn	A/Associate Regional Director General
Eric Yaxley	Manager, Board Relations Secretariat
Yolande Chapman	Senior Analyst, BRS
Doris Eggers	Director, ENR, GNWT
Walter Bayha	Consultant, SRRB
Amy Thompson	Exec. Director, GRRB
Darryl Bohnet	Vice-Chair, MVEIRB
Bharat Dixit	Team Leader- Exploration & Production, NEB
Kathleen Racher(presenter)	Regulatory Director, WLWB
Casey Adlem	Board Relations Secretariat
David Livingstone (presenter)	INAC
Ricki Hurst	Terriplan Consultants
Nathan Towsley	Terriplan Consultants

NWT BOARD FORUM - SIGN IN SHEET

APPENDIX C: FORUM	PRESENTATIONS
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