

nwt board forum

Resource Management information for the NWT



15TH BOARD FORUM MEETING SUMMARY REPORT

November 29-30, 2011
Inuvik NT

NWT BOARD FORUM SUMMARY REPORT

15TH NWT BOARD FORUM MEETING INUVIK, NWT

NOVEMBER 29-30, 2011

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1.0 INTRODUCTION

1.1 PURPOSE AND OBJECTIVES OF THE BOARD FORUM MEETING

The 15th NWT Board Forum was held in Inuvik, Northwest Territories on November 29-30, 2011. There were two key themes to this Forum: (i) to review the accomplishments of work completed by the three Board Forum committees and discuss future tasks and (ii) to have an informed discussion in the area of community and land use planning. The Board Forum was also an opportunity for members to advance the strategic plan, build partnerships and share knowledge.

1.2 REPORT STRUCTURE

This report presents a summary of the 15th NWT Board Forum meeting held in November 2011. Highlights and summaries provided below are presented based upon the agenda established for the meeting. The main sections are:

- Introduction
- Welcome and Opening Remarks
- Committee Reports
- Youth Representatives Presentation
- Governance Structure
- Update Presentations
 - NEB Engagement and Update on Arctic Offshore Drilling Review
 - CIMP update and discussion
 - NWT Environmental Audit overview
 - MVEIRB Environmental Assessment Process Review
- Land Use Planning in the NWT
 - Community Planning and the Regulatory Process in the ISR
 - The Gwich'in Land Use Plan as part of the Regulatory Process
 - Sahtu Land Use Planning
 - Other Land Use Planning Activities
 - Land Use Planning implications to regulatory boards in unsettled land claim areas
- Other Business
 - Overview of Hydraulic Fracturing
 - Board Forum letter to the AANDC Minister
- Date and Location of Next Meeting
- Closing Remarks
- Action Items
- Appendices

2.0 OPENING REMARKS

After a brief welcome by the host Chair Frank Pokiak, an opening prayer was led by Joseph Judas. Following this, Peter Clarkson, Regional Director of the Beaufort Delta and Sahtu, also welcomed everyone. He acknowledged all the great work of the Boards; highlighting, how well they are accomplishing the delicate balancing act associated with environmental management.

3.0 COMMITTEE REPORTS AND PRIORITIES

3.1 GOVERNANCE – CO-CHAIRS WILLARD HAGEN AND RICHARD EDJERICON

The report back to the Board Forum highlighted the following priorities and ongoing initiatives of the Governance Committee:

- One of the priority tasks is to increase work with and engagement of Aboriginal governments. At the June 2011 Board Forum meeting the Governance Committee was tasked with arranging for a presentation or information session at an upcoming Regional Aboriginal Leadership Meeting (RALM). This has not yet occurred as a result of the 2011 Territorial election; however, it remains an objective of the Committee.
- The Committee remains focused on the Federal Regulatory Improvement Initiative and possible amendments to the *Mackenzie Valley Resource Management Act (MVRMA)*. To this end, members attended a workshop organized by Aboriginal Affairs and Northern Development Canada (AANDC), to discuss *MVRMA* amendments. It was reported that this was a “watershed moment” in terms of dialogue between Boards and Aboriginal governments. The most prominent issue to arise was the question of what role Aboriginal governments would play in the regulatory and environmental protection regime; especially, where claims are already settled. Two other reported areas of concern relate to Section 35 Consultation requirements and Privacy Act implications. In the case of S. 35, there remains a need to clarify the process and responsibilities. Regarding the Privacy Act, maintaining a non-legislated Public registry may become onerous if permission needs to be granted by individuals mentioned in a letter before the document can be posted.
- At the June 2011 Board Forum meeting, the Committee was tasked with looking into a workshop for Boards to discuss their views on the Regulatory Improvement Initiative and follow-up to the Perspectives paper prepared by the MVLWB. It was reported that since the June meeting there have been many occasions for representatives to present the paper (e.g., Geoscience Forum) and discuss its conclusions. As such, it was felt that a workshop would not provide added benefit.
- As reported at the June 2011 meeting, the Boards continue to work on Public Engagement Guidelines. This initiative is nearing its end, with the final phase of going out communities set to occur over the coming months.
- As discussed at the June 2011 meeting, the Terms of Reference for the NWT Board Forum were amended to reflect, primarily, clarification and wording of various clauses. An overview of the changes was provided by Eric Yaxley (see Section 3.5 for details).

Discussion:

There was no significant discussion following the update. The break-out group later in the day resulted in discussion and priority- and task-setting (see Section 3.4.1).

3.2 BOARD TRAINING – CHAIR LIZ SNIDER

The Board Training Steering Committee identifies training priorities common to all the boards and develops and implements a plan for meeting those priorities. For the fiscal year 2011/2012, the Committee has identified the following priorities:

1. Board Orientation Course;
2. Public Hearing Curriculum Development and Teaching Guide - including delivery of a pilot course;
3. Administrative Law – The Board Decision-Making Process;
4. Oil and Gas Technical Training Course; and,
5. Wildlife Training Course.

Board Orientation Course: In 2009/10, a comprehensive orientation program was developed with an Orientation Manual. In 2012, two orientation courses will be delivered to provide the knowledge and flexibility that is essential to meet the needs of a diverse group of people with a variety of skills and backgrounds. The orientation course will be useful for both board members and staff.

Public Hearings Curriculum Development and Teaching Guide: In 2010/11, the NWT Board Forum hired Cambria Marshall Cote Ltd. to develop a teaching guide, a member guide, a course outline and presentation materials for public hearings. In March 2011, a draft course outline and guide were received. This fiscal year the NWT Board Forum will strive to complete the curriculum, including a teachers guide, and delivery of the pilot course.

Administrative Law: The Board Decision-Making Process: Understanding the legal, ethical and logistical aspects of good decision-making is fundamental to all of the NWT boards. This course will include an overview of administrative law principles of general application to the boards, with examples and cases used to underscore principles drawn from the northern context. Role playing situations designed from northern tribunal experiences will also be included. February 13-15, 2012 is the date for the next course.

Oil and Gas Technical Training: The NWT Board Forum plans to hire a contractor to deliver an Oil and Gas technical course tailored to the North if possible and may incorporate a site visit to give participants an interactive experience. This course would most likely take place in Hay River or Norman Wells.

Wildlife Training: A generic two-day course (NWT relevant) on Wildlife Survey Techniques and Analysis has been developed. This fiscal year the NWT Board Forum would like to deliver a pilot of the course.

It was noted that courses may change, depending on discussions with the contractors, costs, and board schedules, but will remain within budget. The NWT Board Forum Training Program will be administered by the MVLWB for the fiscal year 2011/12 and will be coordinated by the Board Relations Secretariat with assistance provided from MVEIRB or other boards as, circumstances allow.

The Committee Chair highlighted three main issue areas related to their training work:

1. Funding – the level of funding is adequate but challenges remain regarding the timing of funding confirmation. For example, for the 2011/12 fiscal year funding was not announced until September 30. The Committee sees the following as solutions:
 - i. Funding confirmation at the beginning of the fiscal year;
 - ii. Provision of multi-year funding (a good objective but recognised as unlikely in the short to medium term); and
 - iii. Ability to carry funding over into the next fiscal year (recognising that carry over would have to go through a Board that is funded through the Implementation Management Directorate).
2. Courses provided elsewhere – it was noted that other organizations/agencies (e.g., private companies) are developing and delivering courses similar to those “owned” by the Training Committee. This is not a bad thing, but the Committee needs to give thought to how best to work or coordinate to ensure focused cost effective training.

Discussion:

In response to the presentation the following questions and discussion arose:

- Gaétan Caron of the NEB asked if there is a role for the Committee in providing training or information on emerging issues (e.g., hydraulic fracturing¹ / “fracking”), whether there are opportunities for mutual education, and if it is possible for the Committee to quickly mobilize training on new topics. Liz Snider responded in the positive to the three points and stated that the Committee would be happy to work with NEB staff (or others) to put together information ‘courses’ as the need arises. It was identified that funding sources for the delivery of public information sessions is different from the delivery of courses for Board Forum members and probably a major hurdle. For topics specific to the NEB mandate, Gaétan Caron suggested it could be as easy as an NEB-prepared Powerpoint presentation that is distributed to identified groups or delivered, as needed, by an NEB staff person.
- The subject of “fracking”, was identified as an emerging issue and one for which a well-researched information package would be very helpful. Willard Hagen suggested that the NEB might take on this initiative. As noted in a presentation by Gaétan Caron at the end of Day 2, the NEB currently has staff working on the subject to provide the needed information.
- Eric Yaxley noted that the Board Forum website remains a repository for training materials as they become available. For example, the orientation course is posted, the administrative law materials will be uploaded once the course is given and the public hearing course will be posted once the pilot is given and the materials are approved by members.

¹ Hydraulic fracturing, commonly referred to as “fracking”, is an oil and natural gas extraction method in which a specially blended liquid is pumped down a well and into a formation under pressure high enough to cause the formation to crack open, forming passages through which oil or natural gas can flow into the wellbore.

- Regarding the Oil and Gas course, Eric Yaxley told members that proposals are being sought but the response thus far has been limited.

3.3 OUTREACH AND COMMUNICATIONS – CHAIR JOHN ONDRACK

In his report, the Chair of the Outreach and Communications Committee (OCC) noted that the Committee remains challenged to “operationalize” itself and find adequate volunteers to help with committee work. In order to get the committee up and running, the Chair spoke of the need to:

- develop a Terms of Reference (draft presented at this meeting) which links back to the overall Board Forum Strategic Plan;
- resource the committee, including adequate volunteer members and staff, facilities and funding; and
- establish a committee process whereby members can conduct business effectively.

A request from the Chair was for more direction from the Board Forum as a whole and, more specifically, from the Governance Committee. He noted the Board Forum’s Strategic Plan only provides general direction, not specific detail around communication objectives, strategies and programs.

The Chair of the OCC presented the committee draft Terms of Reference, which includes purpose, guiding principles, objectives, membership, meetings, committee role and structure and annual review of the terms of reference.

The Coordinator of the OCC presented a conceptual Board Forum Newsletter as a key communications vehicle/tool to engage target audiences in a variety of venues. It is anticipated that the Board Forum Newsletter will be web-based and also distributed electronically to key groups.

Discussion:

In response to the presentation the following questions and discussion arose:

- Similar to the initial discussion during the Training Committee update, the question was posed as to the OCC’s capacity to respond very quickly to emerging issues (e.g., fracking). The Chair said this is currently not possible due to lack of human and other resources. The Committee has only two significantly involved members; however, should resources increase, it could be possible to adequately respond to issues as they arise.
- One of the main tools for the OCC is the Board Forum website. The Chair identified the need for volunteers who have the ability to quickly update the website. Eric Yaxley stated that a contract (approximately \$5,000.00) is in place with Kellet Communication for website updating and that seed money can sometimes be provided for other initiatives but that a champion is needed to carry these types of projects forward.
- Mark Cliffe-Phillips spoke to the issue of human resources for the OCC. He said the Land and Water Boards have internal communications and outreach staff, and that they could look to supporting the Board Forum OCC. Similarly, it was suggested

during the Governance Structure presentation at the beginning of Day 2 that each Chair of Forum member boards should be expected to offer at least one person (self or staff) to at least one of the three committees (see Section 4.3 for further detail).

3.4 COMMITTEE FUTURE TASKS AND RESPONSIBILITIES

The three committees met as break-out groups in facilitated sessions. Each group was tasked with identifying at least three priorities they could work towards achieving by the next Board Forum meeting. The priorities for each group were presented to the Forum.

The following sections summarize the outcomes of each break-out group.

3.4.1 Governance Committee

Participants:

Willard Hagen, Co-Chair	Richard Edjericon, Co-Chair	Vern Christensen
Gaétan Caron	Eric Yaxley	Travis Schindel
Mark Cliffe-Phillips	Teresa Joudrie	Bob Simpson

Facilitator: Shelagh Montgomery

TABLE 1 – GOVERNANCE COMMITTEE ACTION ITEMS

ACTIVITY	LEAD	RESOURCES	RESULT
Letter to AANDC Minister re: Regulatory Amendment Process	Board Forum Caucus	None required	Board Forum approval of the letter to be sent in advance of a December 2011 meeting tentatively scheduled between the Minister and W. Hagen and R. Edjericon
Formalize governance committee – direction to committees	Gaétan Caron	None required	Result – Draft Governance Structure and Roles for presentation to Board Forum November 30 (completed Dec. 2011)
OUTSTANDING ITEMS FROM JUNE 2011			
Workshop follow-up to MVLWB Perspectives Paper	This task is no longer active as it was felt that numerous past and upcoming opportunities for Board representatives to present and discuss the paper in a variety of settings (e.g., Geoscience Forum) was adequate (see Section 3.1 for discussion).		
Aboriginal government engagement and participation. Provide information session at an upcoming Regional Aboriginal Leadership Meeting.	This task remains a priority for the Governance Committee. Due to the Fall 2011 Territorial election this item was deferred to 2012 (see Section 3.1 for discussion).		

Further questions and comments are documented below:

- One of the key principles to come out of the Governance Committee break-out group, and applicable to the other committees, is the need to take on tasks that provide value/benefit to the Board Forum members. The Committee recognized the need to always first ask, “What is the value-added?”
- Additional discussion arose on Day 2 when presentations on the two tasks identified in Table 1 were given (see Sections 4.3 and 6.2 for details).

3.4.2 Training Committee

Participants:

Liz Snider, Chair
Evan Walz
Paul Dixon
Frank Pokiak

Marie-Anick Elie
Judith Wright-Bird
Joseph Judas
Paul Sullivan

Jody Snortland
Amy Thompson
Yan Davies
Yolande Chapman

Facilitator: Liz Snider

TABLE 1 – TRAINING COMMITTEE ACTION ITEMS

ACTIVITY	LEAD	RESOURCES	RESULT
Funding continuity / carry over MVLWB may not be able to carry over funds, so may need to identify another board.	Committee to identify and/or find a volunteer claims Boards for funding administration (Training Committee and Board Forum Secretariat, Eric Yaxley)	None required	Continuity of funding and improved planning
Review the procedure to identify and develop a list of issues (learning priorities), and emerging issues. Facilitate transfer of information in a timely manner – determine best information provider and learning package	Training WG to develop procedure Training WG to coordinate issue identification input from Board Forum members	Issue/learning priority specific	Informed on emerging issues
Maintain core programs and keep up to date. Need to evaluate and update	Training WG	Annual funding – see Action Item above re: funding continuity	Informed members

Further questions and comments are documented below:

- Regarding the transfer of information, Bob Simpson suggested a “train the trainers” model, whereby community members are given the skills and tools to lead community information sessions/presentations.
- On the funding issue, Eric Yaxley committed the Board Forum Secretariat to explore and identify options; acknowledging that funding needs to be found for 2012/13 and that funds should be accessed early in the fiscal year.
- The use of webinars as another possible means of information transfer was discussed. While likely not appropriate for all community settings, it could be an inexpensive and simple means of initiating training and information sharing.
 - **Liz Snider agreed to go back to the Training Committee to look into the possibilities.**

3.4.3 Outreach and Communications Committee

Participants:

John Ondrack, Chair
Edna Tobac
Rudy Cockney

Violet Camsell-Blondin
Amy Thompson

Brian Chambers
Larry Wallace

Facilitator: Sandy Osborne

TABLE 3: OUTREACH AND COMMUNICATIONS COMMITTEE ACTION ITEMS

ACTIVITY	LEAD	RESOURCES	RESULT
Approved Terms of Reference	John Ondrack	1. Board Forum Membership 2. Board Forum Governance Committee	1. Understanding of committee scope. 2. Authority to do work.
Confirm and engage Secretariat	Brian Chambers	Communications specialists from 1. MVLWB 2. MVEIRB 3. NEB	1. Availability of expertise. 2. Initiate work plan development into a. logical objectives b. prioritization & c. strategies for achievement d. product demos
Establish messaging parameters for Newsletter	Brian Chambers	1. Committee Secretariat 2. Board Forum Membership	1. Release first Newsletter as product toward meeting BF Goal 3, to inform stakeholders. Value of output is the key. The decision of what to release is critically important as it is the first release, piques interest and sets expectations. 2. Looking for small good news bites that would be of interest to the target audience. 3. Target release date January 31, 2012
Premise of all work is value based – if no clear evidence then initiative not taken on or dropped.			

Further questions and comments are documented below:

- A discussion about various commonly used communications tools was initiated. Social media and electronic alerting tools could be used with the website (e.g., Twitter, Facebook, RSS Feeds). They provide an easy way to deliver information.
- On the OCC's newsletter initiative, **Willard Hagen suggested John Ondrack contact Jonathan Churcher, the MVLWB's communications staff person, for possible advice and support.**
- In response to the ongoing resource challenges faced by the OCC, Gaétan Caron suggested that every Chair of the Board Forum membership should commit at least one person to the various committees, adding that if we are serious about achieving value-added tasks then there needs to be commitment. Mark Cliffe-Phillips stated the Land and Water Boards are committed to providing bodies to the committees. **Richard Edjericon committed Travis Schindel to the OCC.**

3.5 REVIEW OF NWT BOARD FORUM TERMS OF REFERENCE – ERIC YAXLEY

The Terms of Reference includes an outline of the purpose of the NWT Board Forum, the objectives, a description of the membership, organizational responsibilities, the conduct of meetings, meeting schedules and locations, a description of the Forum Secretariat Working Group, and the review process of the Terms of Reference.

The revised Terms of Reference for the NWT Board Forum were reviewed. Key changes to the Terms were: Under 4) Organizational Responsibilities – Funding: the line was changed to: "Travel and accommodation costs will be covered by participants." Under 5) Conduct Meetings – the line was change to: "The Executive Director of the Board hosting the next meeting of the Board Forum shall Chair any special meetings that may be required by the Board Forum." Also, the line was added: Actions and decisions are generally consensual.

Under 6) Meetings, Schedules and Locations – a line was added: Standing Committees and Working Groups may be established by members and they will determine their structure and meeting requirements. Under 8) Review Terms of Reference – the line was modified: The Board Forum will review its Terms of Reference as a standard agenda item at its fall meeting and make modifications as deemed necessary by members.

As well, there were some changes regarding acronyms and the Board Forum Secretariat's responsibilities.

Discussion:

A motion to approve the amended Terms of Reference was moved by John Ondrack and Seconded by Gaétan Caron. The motion passed unanimously.

4.0 Presentations

4.1 YOUTH REPRESENTATIVES PRESENTATION – LAND MANAGEMENT IN THE NWT - AMIE CHARLIE AND ALLISON BAETZ

At the end of Day 1 of the meeting, students Amie Charlie and Allison Baetz from Samuel Hearne Secondary School gave an excellent presentation about their understanding of and recommendations for land management in the NWT. In introducing Allison and Amie, Brian Chambers noted that one of the target audiences of the Outreach and Communications Committee was youth, and that they had been asked by the Committee to make this presentation to the Board Forum. Brian also noted that Allison and Amie had made a presentation at the NEB's Arctic Review Roundtable meeting in Inuvik in September, and that their presentation had been very well received. Allison and Amie identified the following items as key aspects and considerations of an adequate land management regime:

- communication between the various Boards and affected communities;
- sustainable economic growth
 - don't take all the resources at once; extending the life of an extractive industry provides long-term jobs;
- people and the environment must be protected; and
- long-term prosperity and health are very important.

Their presentation concluded by raising questions and concerns about "fracking", a method of extracting oil and natural gas that may be used in the NWT.

Discussion:

- The ensuing discussion focused primarily on youth engagement in environmental management in the NWT, including the potential of becoming Board members down the road. Amie and Allison said the best way to engage youth is to visit students in schools on a regular basis and let them know what is going on. To this end, Richard Edjericon said he would be happy to visit the Inuvik high school to discuss issues.
- Mark Cliffe-Phillips suggested that if the Board Forum wants to further youth engagement and increase participation, then it would be a good idea to provide input and push for continual curriculum development to promote northern studies in the schools (especially in areas such as land claims, the regulatory regime and land management).

4.2 ECONOMIC UPDATE – MINERALS, OIL AND GAS SECTOR OUTLOOK – MALCOLM ROBB

This presentation was cancelled as the presenter was unable to attend the meeting.

4.3 REPORT ON GOVERNANCE STRUCTURE – GAÉTAN CARON

In response to discussion arising during the Governance Committee break-out group, the first presentation of Day 2 was a first draft outlining a Board Forum governance structure and authority of committees. The presentation touched on the following four main areas:

1. Governance Committee – The Governance Committee is the Committee of the Board Forum with the authority to recommend to the Forum its overall priorities and, in keeping with the priorities adopted by the Forum, provide general direction to the Training Committee and the Outreach and Communications Committee on their respective work plans. The Governance Committee should provide risk-informed advice to the Board Forum - that is, build a risk assessment process into decision-making (what are the risks of proceeding versus the risks of not going ahead?). The Governance Committee is responsible to promote the basic principle that work done by the Committees should be work which is demonstrably of net value to the members of the Forum, and resourced on the basis of support provided by the Board Relations Secretariat and the in-kind contribution of Forum members' Chairs and staff. Value is to be assessed against the Vision of the Forum.
2. Training Committee - The Training Committee, under the general direction of the Forum sitting in plenary, and in keeping with the overall priorities set by the Governance Committee, has the authority to take the action it deems necessary to achieve Goal 2 of the Forum's Strategic Plan, "Members of the Board Forum are knowledgeable and effective contributors to the resource management regime."
3. Outreach and Communications Committee – The OCC, under the general direction of the Forum sitting in plenary, and in keeping with the overall priorities set by the Governance Committee, has the authority to take the action it deems necessary to achieve Goal 3 of the Forum's Strategic Plan, "Communities, constituents and clients are informed and engaged in the pursuit of our goals".
4. Membership of Committees - Membership and leadership of the three committees is determined on a voluntary basis by member Boards when they meet twice a year as a Forum. Each Chair of a Forum member board is expected to offer at least one person (self or staff) to at least one of the three committees. The Governance Committee, and the Chairs of the two other Standing Committees, define their available resources twice a year on the basis of the resources volunteered to their Committee twice a year. Their work plans reflect these available resources.

Discussion:

- **A motion to adopt the Interim Board Forum Committee structure as a working document to be reviewed at the June 2012 Board Forum meeting was moved by Willard Hagen and seconded by Liz Snider. The motion passed unanimously.**
- **Eric Yaxley committed to format the draft and distribute it to the Board Chairs and Executive Directors in December 2011.**

4.4 NEB ENGAGEMENT: NORMAN WELLS PIPELINE SPILL INCIDENT AND UPDATE ON ARCTIC OFFSHORE DRILLING REVIEW – GAÉTAN CARON

This presentation was given in two parts; firstly, an overview and update on the Enbridge pipeline incident and, secondly, a summary of the recent Arctic offshore drilling review.

Regarding the pipeline spill, the clean-up is expected to be completed around the end of January 2012, subject to ice bridge and road conditions. The NEB has been very involved in the site remediation by providing direction for the operations.

The main message and lesson learned by the spill incident was that the NEB realized it and the operator could do a better job at communicating what is happening and respond more quickly and clearly to community concerns. Communities should not find it difficult to receive clear information, and people should not have to look for information; it should simply be available. From the NEB's perspective, through the experience of the Enbridge pipeline spill, when a community's quality of life is impacted there is no case of too much information being shared; that is, until the community says it is enough.

On the NEB's recent Arctic offshore drilling review, the Board Forum learned that the Review was triggered by the Gulf of Mexico incident. That incident was a very important reminder that accidents do happen and that with Arctic offshore development potential, initiating a dialogue on the subject would be beneficial. To this end, in May 2010 the NEB initiated a review of the safety and environmental requirements for offshore drilling in Canada's Arctic environment. Through the Arctic Review, the NEB examined the best information available on the hazards, risks and safety measures associated with offshore drilling in the Canadian Arctic. The Review entailed extensive community visits and meetings to ask people what information they would need if an application for offshore exploration is submitted. The Review culminated with a week-long Roundtable in Inuvik in September 2011².

Discussion:

- Questions were asked about the causes of the Enbridge pipeline spill, what requirements companies have for replacing old pipes and the lifespan of pipelines. It was noted that the spill was the result of a very small hole, the cause of which was still under investigation. There is no clear answer to the question of lifespan since there are many very old pipelines in Canada. The most important point is that the company is focused on safety and inspections.
- The important role for follow-up monitoring and enforcement was raised by Edna Tobac and she suggested that resources in the NWT are limited to fulfill these requirements. This led to Liz Snider asking if the Gulf of Mexico and Enbridge incidents have ramped up requirements for monitoring and inspections, and if monitoring and inspections findings are fed back to the regulators and communities

² The Review Report and filing requirements for Arctic offshore drilling were released December 15, 2011 and are available from the NEB's website: www.neb.gc.ca/clf-nsi/rthnb/pplctnsbfrthnb/rctcfffshdrllngrvw/rctcfffshdrllngrvw-eng.html

to provide advice for future Terms and Conditions. Gaétan Caron responded that the NEB finds that communication is often the weak link and not so much the conduct of monitoring and inspection activities. Lessons learned exercises are important to continual improvement.

4.5 CIMP UPDATE AND NWT ENVIRONMENTAL AUDIT OVERVIEW – MARC LANGE

The presentation highlighted the work of the NWT CIMP:

- Five-year Strategic Plan
 - expected to be released by mid-December 2011
 - sets achievable, measurable goals for the next five years and incorporates lessons learned
 - CIMP funding coming from the Regulatory Improvement Initiative
 - need to focus/prioritize activities for the next five years and align with our partners to ensure data collected can be compared and analyzed
 - focusing on 4 key activity areas:
 - i. Facilitating governance and partnerships (e.g., MOUs)
 - ii. Facilitating the collection, analysis and synthesis of data and information
 - iii. Develop and maintain an information management system
 - iv. Report and Communicate
- Decision-Makers Needs Assessment
 - Identify decision-makers' priorities on monitoring – questionnaire sent Boards and other agencies for input
 - intend to produce an NWT-specific monitoring needs assessment report, and update every 1-2 years
 - the results of this work are still being analyzed and will be made available shortly
- Decision-Makers Toolset
 - focus is a web-based atlas to facilitate the transfer of environmental monitoring information to northern decision-makers
 - intended to be developed for a variety of specific regions or themes
 - a working draft focusing on Geoscience data will be shared as a pilot
- Discovery Portal & Information Management Strategy
- NWT Environmental Audit & Status of the Environment Report
 - the 2nd Audit was submitted to the AANDC Minister in March 2011
 - 13 recommendations and opportunities for improvement – directed at AANDC and other directly affected parties (e.g., Boards)
 - AANDC is currently developing a response to the Audit (expected to be more timely than the 2005 Audit)
 - plan to hold a workshop with directly affected parties in the new year to discuss the recommendations and possibly develop joint responses
- Audit Recommendations:
 - i. Outstanding recommendations from 2005 NWT Audit

- ii. AANDC should implement legislative changes specifying maximum timelines within which to make ministerial decisions.
- iii. AANDC identify 1) stable & long-term funding, and 2) mechanism for timely & flexible funding for fluctuations in capacity
- iv. Boards should formalize core training requirements for members & staff
- v. Enhance trust by abandoning request for multiple nominees
- vi. MVEIRB develop guidelines on application of “public concern”
- vii. AANDC align “economic well-being” principle with definition of “impact on the environment”
- viii. MVEIRB complete cooperative agreements for transregional EAs
- ix. Resolve issues with EAs & regulatory reviews in reserves
- x. Government provide long term funding to Aboriginal organizations for traditional knowledge research
- xi. Prince of Wales heritage & Aboriginal peoples develop partnership for database
- xii. Aboriginal groups deliver training on TK
- xiii. AANDC & Boards review merits of joint consultation resources

Discussion:

- CIMP:
 - the need for transboundary collaboration was identified and Marc Lange said that through the Nunavut General Monitoring Plan (NGMP), the NWT and Nunavut work well together; however, this is not yet the case with the Yukon.
 - Marc was asked for examples of MOUs. There are currently none in place but the intent is to have agreement on joint monitoring protocols between agencies (e.g., currently talking with a couple Boards)
 - it was acknowledged that the five year plan is a great step forward for the CIMP and that focusing activities is long overdue. Concern, however, was raised about the lack of the human/socio-economic component in what is coming out of the needs assessment. It was not a top-three priority during a recent workshop – will need to wait for final report.
- Audit:
 - regarding Recommendation 10, Jody Snortland pointed out that CIMP could provide funding but needs to realize that meaningful Traditional Knowledge (TK) research is expensive and cannot be simply equated with biophysical monitoring. She also pointed out that the Discovery Portal (Atlas) is not likely to be well viewed as a repository for TK data due to privacy concerns. Marc Lange acknowledged the challenges related to TK. Violet Camsell-Blondin reminded everyone of the existing protocols and agreements created during the time of the WKSS – they should be reviewed.
 - regarding Recommendation 5, Eric Yaxley acknowledged there are challenges with the Board appointment process but said the arms length between nominating bodies and the Minister’s office is necessary, and that there are informal means for Boards to discuss amongst themselves concerns regarding appointees

4.6 ENVIRONMENTAL ASSESSMENT PROCESS REVIEW – VERN CHRISTENSEN

As part of MVEIRB's 2011/12 – 2013/14 Strategic Plan, one of the goals identified was, “a timely EA process”. In response to this the Board contracted Stantec to conduct an external review of the EA process. The Review found the following:

- EA process in the NWT is typically one of the lengthier processes in the Canadian jurisdictions examined
- Development-specific approach to EA processes increases uncertainty to developers and parties to an EA
- Length of scoping process variable and lengthy
- Conformity review period usually efficient and similar in length to other jurisdictions
- Technical review phase typically lengthier and subject to “extensions”
- Report of EA is typically completed efficiently
- Ministerial decision process lengthy, the MVEIRB has some influence on this phase
- Linkage to permitting by land and water boards limited
- Preliminary screening contributes little to EA process efficiency
- Tendency toward broad scoping of EA issues
- A very inclusive process with numerous opportunities for public involvement
- Capacity is an issue for many parties
- Review Board has implemented a development-specific approach to EAs
- The development specific processes and lack of formal timelines results in considerable uncertainty to developers and parties to an EA

The Stantec report proposes the following recommendations:

- Within the Review Board's authority
 - Improved scoping of EA issues
 - Two level EA/EIR processes
 - Additional procedural guidance
 - Project descriptions
 - Issues scoping process
 - Draft DAR terms of reference
 - Formal submissions
 - Preliminary Screening Determination of public concern
 - Rules prescribing timelines
 - Formal submissions
 - DAR conformity
 - Technical reviews
 - Public comment periods
 - Reports of EA
 - Process for efficient referral to EIR
 - Reassignment of Roles in EA
 - Capacity development
- Requires cooperation with MVRMA partners
 - Improved preliminary screening
 - Increased identification of issues

- Referral to EA without full PS process
- Ministerial decisions
 - Consider steps that would assist responsible Ministers in their review of REAs
 - Clarify responsibility for aboriginal rights consultation within an EIA process
- Coordination with permitting and licensing
 - LWBs should participate in EAs to ensure there is sufficient direction in an REA to be able to implement measures directly; minimizing the length of the permitting and licensing process
- Initiatives beyond MVEIRB authority
 - Legislative Amendments
 - Amend the Exemption List Regulations to specify which projects are subject to PS, which projects proceed directly to EA and possible EIR
 - Prescribe time limits for specific activities in an EA or EIR such as comment periods, DAR conformity, REAs and Ministerial decisions
 - Implement Policies which support efficient EIAs, including
 - Completion of Land Use Plans
 - Establishment of an intervener funding program

The Board is reviewing the recommendations and conducting an internal analysis. They will develop a short-term and longer-term implementation plan. The Board plans to implement some smaller changes right away and will consult stakeholders on bigger possible changes. Finally, they are working on an internal options paper that they expect to share by mid-December.

Discussion:

- Liz Snider asked that if timelines are going to be set does that mean extensions will not be possible? Vern Christensen indicated that extensions would likely still be granted in certain instances but it is not yet clear how that would work. Liz also asked if Stantec looked at the Board's Terms and Conditions and whether or not they're more onerous than other jurisdictions. Vern said they were not looked at specifically, but that the Review found EAs to be generally scoped too broadly.
- Regarding screening and direct referrals, Mark Cliffe-Phillips said that the WLWB looked into this for a particular project. They found merit in it, however, it needs to be further assessed.

5.0 Land Use Planning in the NWT

5.1 COMMUNITY PLANNING AND THE REGULATORY PROCESS IN THE ISR

Steve Baryluk provided an overview of Community Conservation Plans in the ISR. They are guides for researchers, proponents and regulators. Each community has a Plan and each Plan has the following five goals:

1. Identify important areas
2. Describe community process
3. Identify educational initiatives
4. Describe general system of wildlife management
5. Enhance local economy

All Plans share the following common community values:

- Conservation is First Priority
- Integrated Management
- Maximize Community Benefit
- Protect Priority Community Activities
- Cooperative Management of Shared Resources
- Maintain Healthy Environment
- Consistency with Inuvialuit Final Agreement and conservation plans and agreements endorsed by the communities

The Plans identify special areas and set out land use guidelines and species conservation summaries. Progress reviews are conducted every two years by the community working group, and every 4-5 years a complete review is undertaken.

Discussion:

- There was no discussion specific to the Plans, but Willard Hagen did ask for clarification of the role of the Inuvialuit Joint Secretariat. Steve Baryluk explained that it is a coordinating body to provide technical and administrative support to four of the five co-management bodies as well as to the Inuvialuit Game Council. The Joint Secretariat houses all the resource management staff.

5.2 THE GWICH'IN LAND USE PLAN AS PART OF THE REGULATORY PROCESS

Bob Simpson and Sue Mackenzie presented an overview of the Gwich'in Land Use Plan. The Plan for the Gwich'in Settlement Area (GSA), covering approximately 57,000 km², was developed using best available information and sets out three tiered zoning:

- General Use Zones (57% of the Gwich'in Settlement Area (GSA))
- Special Management Zones (33% of the GSA)
- Conservation and Heritage Conservation Zones (10% of the GSA)

The Plan requires a comprehensive review every five years; one is being completed now and is expected to be released by mid-December, 2011. There is also a requirement to monitor implementation of the Plan; for example, by reviewing decisions of regulators and enforcement of Terms and Conditions of development permits and licences.

In addition to developing and overseeing the Land Use Plan, the Gwich'in Land Use Planning Board has been very proactive in the areas of education and community activities. For example, funding has been directed to the publishing of children's books, developing curriculum, and they are hoping to create an atlas.

Discussion:

- Mark Cliffe-Phillips pointed out that the WLWB has been reviewing Terms and Conditions of permits and licences and has begun to strike external working groups. They will be sending out letters of invitation and requested that the GLUPB consider participating when the time comes.

5.3 SAHTU LAND USE PLANNING

Heidi Wiebe and Edna Tobac presented an update on the Sahtu Land Use Plan. They acknowledged that much of the work that has gone into the Sahtu Plan is based on the work of the GLUPB. The process has been very community focused and community driven. They have paid particular attention to recognizing claimant rights.

The Plan has been under development for about 15 years and is now almost complete. Technical workshops were held in Fall 2011 and final revisions are expected in Winter/Spring 2012. The Plan sets out three categories of conformity requirements: ecological; socio-cultural; and economic. The rules of the Plan that must be followed once the Plan is approved (i.e., those that are legally binding) are being carefully scrutinized right now. A workshop in January 2011 is designed to test the Plan by conducting a role play exercise.

There is flexibility and adaptability built into the Plan through the following:

- 5-Year Review
- Amendments
- Exceptions
- Flexible Language in Conformity Requirements
- Access across zones
- Implementation Guide
- Learn as we go

The next steps in the approval process are expected to be:

- February 2012 - Meet with Approving Parties
- Spring 2012 – Final Revisions
- Summer 2012 – Begin Approval (Sahtu Secretariat Incorporated, GNWT, AANDC)

Discussion: There were no questions or comments for the presenters.

5.4 OTHER LAND USE PLANNING ACTIVITIES

Marc Lange gave a brief update on planning activities in the Dehcho and Thelon basin area.

- Dehcho Land Use Plan
 - the draft Plan is expected to be discussed at the Dehcho process negotiations table very soon.
- Thelon Plan
 - 1st draft was completed and input sought from many parties. A 2nd draft is underway.
 - there are a number of implementation challenges to consider:
 - unsettled land claim area
 - ad hoc plans are difficult to fund

Discussion:

- Mark Cliffe-Phillips asked the AANDC representatives if there was any intention on the Federal government's part to initiate planning in the Wek'éezhii area, outside of Tłı̄chǫ settlement lands. **Teresa Joudrie committed to get back to Mark with a response.**
 - **AANDC Response:** At this time Canada is not considering initiating land use planning in the Wek'éezhii area. If in the future Canada was to initiate land use planning outside of Tłı̄chǫ settlement lands in the Wek'éezhii area, the Tłı̄chǫ Agreement (S. 22.5) sets out provisions that would guide land use planning, including a requirement for government, the Tłı̄chǫ government and community governments to consult with one another during the preparation of a land use plan.
- Jody Snortland of the WRRB noted that the Tłı̄chǫ Government Lands department is working on their first draft of a land use plan and hope to have it out early in 2012.

5.5 DISCUSSION – IMPLICATIONS OF LAND USE PLANNING TO BOARDS

A plenary discussion was held to gather input on the following question: What are the implications for regulatory boards in areas with settled or unsettled claims and with or without land use plans?

The discussion took on two main themes: (i) unsettled claims and (ii) planning in unsettled areas. Regarding point (i), it was felt that the lack of settled claims in parts of the NWT is a source of greater uncertainty for the regulatory regime and developers than the lack of land use plans in settled regions. However, it was noted that approved land use plans in settled areas vastly improve certainty.

As identified in Section 5.4, the second discussion area focused on working on land use plans in unsettled and the possible challenges associated with that. It was noted that the

absence of a settled claim should not impede planning; however, the process needs to be established under a legally binding agreement that sets out such things as membership, funding, roles and schedule, and prevents a party from simply walking away if not satisfied. One important question was: what would happen if a claim is settled where an approved plan exists and the boundaries of the claim area and land use plan do not match up? Clearly, a comprehensive claim approach or settling claims first may be the preferred approach.

6.0 OTHER BUSINESS

6.1 DISCUSSION OF HYDRAULIC FRACTURING – GAÉTAN CARON

In response to media stories about “fracking” in the NWT, meeting participants asked Gaétan Caron to provide an update from the NEB perspective. Fracking was identified as an emerging issue and in need of sound information. Gaétan recognized that community information is the most important aspect and stated that NEB is working on the subject. He informed the audience that there is currently no fracking happening in the NWT and there are presently no applications under review. However, the NEB sees the need to be prepared and is committed to working with the boards to ensure the best information is available and that media information is sound.

6.2 LETTER TO AANDC MINISTER – MARK CLIFFE-PHILLIPS

Following the discussion on Day 1, during the Governance Committee break-out group, it was decided that a letter to the AANDC Minister should be sent to express the Board Forum’s concerns with the process that is being used to conduct the Regulatory Improvement Initiative. To this end, a draft letter was presented in plenary. The letter will be signed by the meeting Chair, Frank Pokiak, and be accompanied by the previous letter from the Board Forum and AANDC responses. The letter was sent January 3, 2012 (see Appendix D for a copy and related correspondence).

Discussion:

- **A motion to approve the letter, subject to minor edits to be completed by Mark Cliffe-Phillips, was moved by Gaétan Caron and seconded by John Ondrack. The motion passed unanimously.**

7.0 DATE AND LOCATION OF NEXT MEETING

The Chairs were in agreement to meet in **Norman Wells on June 12-13, 2012**. The host will be the Sahtu Land and Water Board, with Larry Wallace as the lead.

8.0 CLOSING REMARKS

Prior to the closing prayer, led by Joseph Judas, Frank Pokiak addressed the Forum with closing remarks. Frank said it was great to see people working together and noted how much can be accomplished through cooperation.

9.0 ACTION ITEMS

The following action items emerged during the two-day meeting, with leads identified. The list includes outstanding items from June 2011.

General:

- Letter to be prepared and sent to AANDC Minister regarding the Regulatory Amendment Initiative process – Lead: Mark Cliffe-Phillips (Letter sent January 3, 2012, see Appendix D).
- Engaging our youth by visiting students in schools on a regular basis and let them know what is going on. Richard Edjericon said he would be happy to visit the Inuvik high school to discuss issues.
- Mark Cliffe-Phillips asked the AANDC representatives if there was any intention on the Federal government's part to initiate land use planning in the Wek'éezhí area, outside of Tłı̄chǫ settlement lands. Teresa Joudrie committed to get back to Mark with a response – Lead: Teresa Joudrie (Response provided – see S. 5.4 of this report).

Governance:

- One of the priority tasks is to increase work with and engagement of Aboriginal governments. At the June 2011 Board Forum meeting the Governance Committee was tasked with arranging for a presentation or information session at an upcoming Regional Aboriginal Leadership Meeting (RALM). This has not yet occurred as a result of the 2011 Territorial election; however, it remains a commitment of the Committee – Lead: Zabey Nevitt
- Formalize governance structure for the Board Forum committees - the draft Governance Structure and Authority of Committees, approved as a working document, will be formatted and distributed to the Board Chairs in early December 2011 for comment – Lead: Eric Yaxley
- In response to the ongoing resource challenges faced by the OCC, Gaétan Caron suggested that every Chair of the Board Forum membership should commit at least one person to the various committees. There was general agreement for this suggestion – Lead: Board Chairs

Training:

- Funding Continuity - Determine if there is a need to identify another board to carry over funding, as Water Board may not be able to carry over funds – Lead: Board Relations Secretariat (Eric Yaxley) to identify possible Claims Boards for funding.
- Review the procedure to identify and develop a list of issues (learning priorities), and emerging issues. Find best information provider and learning package and identify issues for Board Forum members – Lead: Training Working Group to initiate email to Board Forum.
- Maintain core training programs and keep current with emerging issues. Include evaluations, updates and secure annual funding – Lead: Training Committee

Outreach and Communications:

- Approve Terms of Reference for Outreach and Communications Committee, with understanding of committee scope and authority to do work – Lead: John Ondrack
- Confirm and engage OCC Secretariat, with Communications specialists from key boards. Initiate work plan development into logical objectives, prioritization and strategies for achievement and product demos – Lead: Brian Chambers
- Establish messaging parameters and content for Newsletter and release first Newsletter as product toward meeting NWT Board Forum Goal 3: to inform stakeholders. Target release date January 31, 2012 – Lead: Brian Chambers
- OCC's newsletter initiative - Willard Hagen suggested John Ondrack contact Jonathan Churcher, the MVLWB's communications staff person, for possible advice and support – Lead: John Ondrack
- Richard Edjericon committed Travis Schindel to the OCC – Lead: John Ondrack

APPENDIX A

Meeting Agenda

**Board Forum Agenda
November 29 - 30, 2011
Ingamo Hall Friendship Centre, Inuvik, NT**

DAY 1 – November 29

- 8:30 Arrival – Coffee and Muffins
- 8:45 Welcome Board Forum members – Frank Pokiak, Host
- Opening Prayer and Introduction – Sandy Osborne, Facilitator
- 9:00 Committee Reports
- Governance Committee: Chairs Willard Hagen and Richard Edjericon
- Draft amendments to the Board Forum Terms of Reference – Eric Yaxley
 - Aboriginal Government Participation Update – Zabey Nevitt
 - Follow-up to MVLWB perspectives paper and MVRMA amendments process – Zabey Nevitt and Vern Christensen
- Training Committee: Chair Liz Snider
- Develop Business Planning Process – Liz Snider
 - Course materials on website – Eric Yaxley
- Outreach and Communications Committee: Chair John Ondrack
- Operationalize Committee and Terms of Reference – John Ondrack
 - Key Communication Messages – overarching/basic/foundational for the NWT Board Forum – Brian Chambers and John Ondrack
 - Communications Plan including feasibility of a newsletter – Brian Chambers
- 10:30 Health Break
- 10:45 Committee Break out Groups – Review accomplishments and prioritise, determine next tasks and responsibilities
- 12:00 Lunch (not provided)
- 1:00 Welcome and comments from Guest Speakers (TBC)
- 2:00 Committee Plenary – Committee groups report back and recommend new tasks & activities – Sandy Osborne and Shelagh Montgomery
- 3:00 Health Break
- 3:15 Youth Representatives Presentation
- 4:30 Board Chair and Executive Director Caucus, if required
- 6:00 Dinner – Rec Complex, Community Lounge upstairs

DAY 2 – November 30

- 8:30 Arrival – Coffee and Muffins
- 8:45 Highlights from previous day – Frank Pokiak, Host
- 9:00 Economic update – Minerals, Oil and Gas Sector outlook – Malcolm Robb
CANCELLED
- 9:30 1) NEB engagement and Norman Wells Pipeline Spill Incident, and 2) Update on Arctic Offshore Drilling Review – Gaétan Caron
- 10:00 Health Break
- 10:15 CIMP update and discussion – Marc Lange
- 11:00 NWT Environmental Audit overview and discussion - Marc Lange
- 11:30 Environmental Assessment Process Review – Vern Christensen
- 12:00 Lunch (not provided)
- 1:00 The Gwich'in Land Use Plan as part of the Regulatory Process – Sue McKenzie and Bob Simpson
- An overview of how the Gwich'in Land Use Plan is implemented. Roles and responsibilities in the regulatory system related to determining conformity, timelines of exceptions and amendments, etc.
- 1:30 Community Planning and the Regulatory Process in the ISR – Christine Inglanguak, EISC
- 2:00 Sahtu Land Use planning – Heidi Wiebe
- 2:30 Other Planning Activities i.e. Thelon/Dehcho – Marc Lange
- 3:00 Health Break
- 3:15 Discussion on lack of Land Use Planning and implications to regulatory boards in unsettled land claim areas – Facilitator Sandy Osborne/Shelagh Montgomery
- 4:00 Theme, date, location and host of next meeting – Chairs
- 4:15 Closing remarks – Frank Pokiak Host
- 4:30 Board and Executive Director Caucus (TBC)

APPENDIX B

Presentations

LAND MANAGEMENT IN THE NWT

By Amie Charlie and Allison Baetz

WHAT WE UNDERSTAND

- ◉ The different roles that each board plays in their own settlement region
- ◉ Communication between the different boards and the people of the north is key
- ◉ Sustainable economic growth would be the best for the North (in the long run)

WHAT WE WANT FOR THE NORTH

- ◉ Clear defined jurisdiction and roles and responsibilities in the NWT
- ◉ The people are protected
- ◉ The environment is protected
- ◉ Good communication between all of the different boards throughout the regulatory process
- ◉ Prosperity and economic growth for the north
- ◉ HOPE for future generations

FRACTING

- ◉ Fracturing Process(using hydraulic pressure to take out resources from subsurface) is one of the main issues at the moment.
- ◉ Recommend: Single Window Approach
- ◉ After math of Fracturing (the residue left over)
- ◉ Clean Water in = Dirty mix out
- ◉ Common approach is needed so that everyone in different jurisdictions knows what's going on. Use the same approach for all the other future processes.

THANK YOU !



National Energy
Board

Office national
de l'énergie



Northern Engagement Activities

Norman Wells Pipeline incident
Arctic Offshore Drilling Review

Gaétan Caron, Chair and CEO
National Energy Board

NWT Board Forum

Inuvik, NWT

29-30 November, 2011

Canada



National Energy
Board

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Enbridge NW Pipeline incident



Canada



National Energy
Board

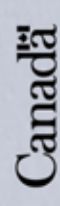
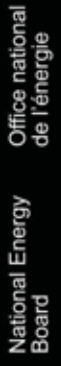
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Enbridge NW Pipeline incident



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Enbridge NW Pipeline incident



Canada

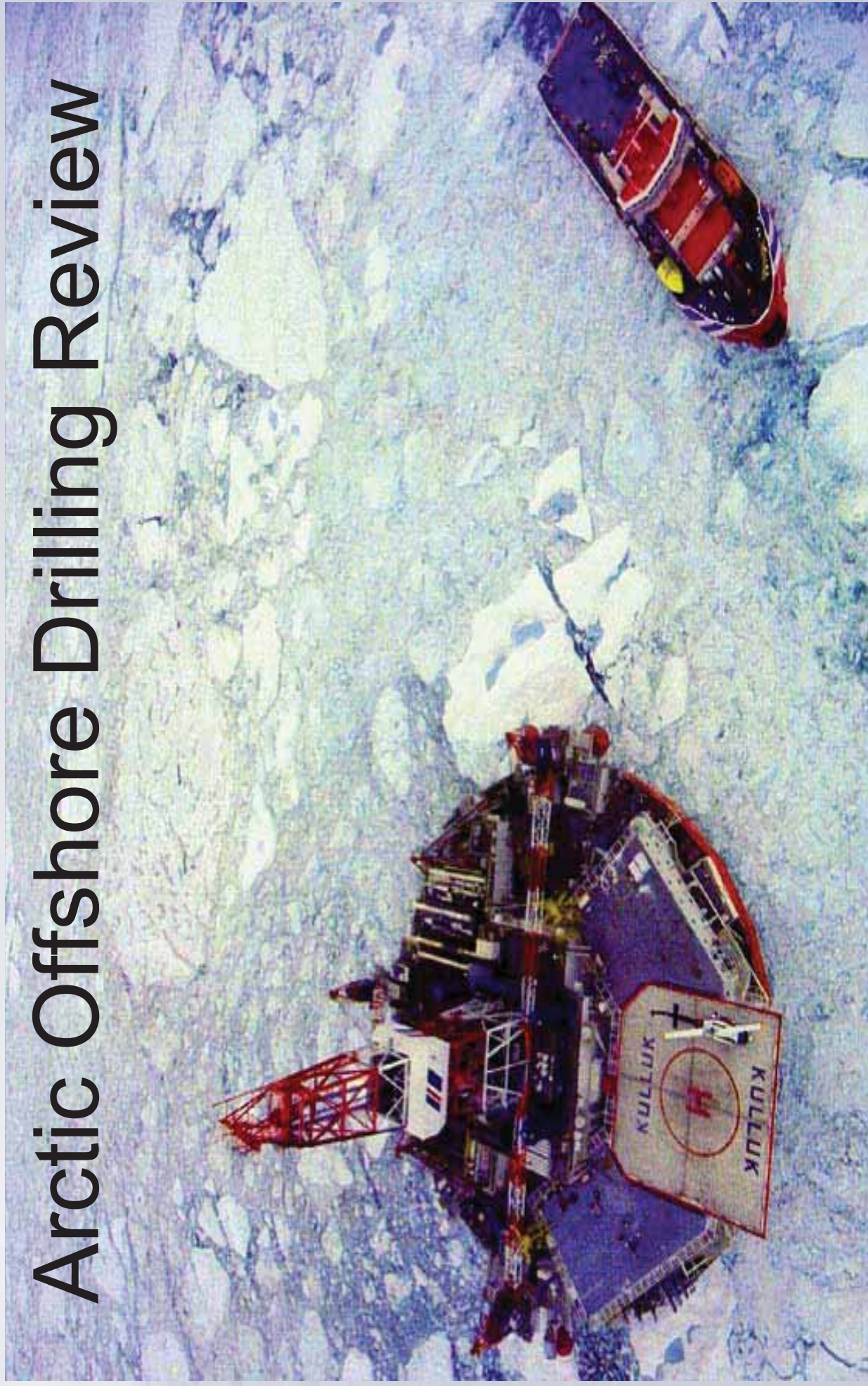


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Arctic Offshore Drilling Review





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Arctic Offshore Drilling Review



Rod Maier, Chevron: “...one of the key things that I found this week is we’ve probably incorporated about multiple years of consultations in one week this week in terms of what we’ve learned, what we’ve understood and how we’ve shared knowledge together collectively and having everybody within this room to hear it together and to share their views. I mean, it’s gotten us to a place that would have taken possibly decades to get through in conventional means.”

Canada

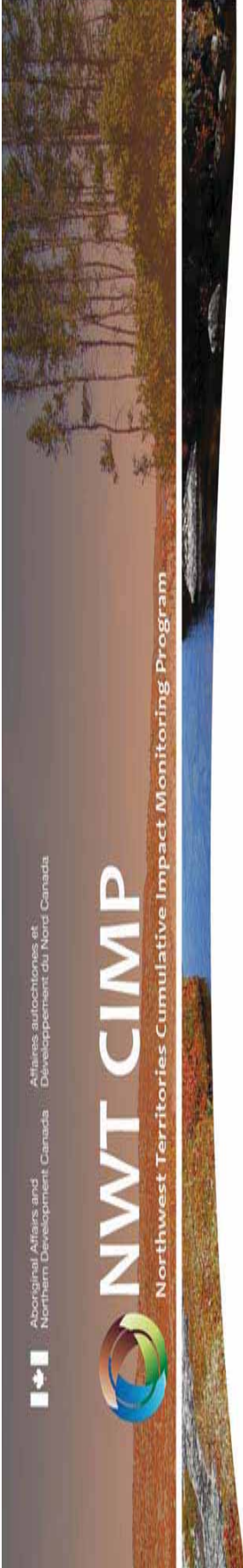


Aboriginal Affairs and Northern Development Canada
Affaires autochtones et Développement du Nord Canada



NWT CIMP

Northwest Territories Cumulative Impact Monitoring Program



Canada

Cumulative Impact Monitoring Program Updates

Marc Lange

**Aboriginal Affairs & Northern Development Canada
November 2011**



CIMP Work Plan 2010/11

- **5-year Strategic Plan**
- **Decision-Makers Needs Assessment**
- **Decision-Makers Toolset**
 - Protocol Development (in-field methods, analysis, reporting)
 - Atlas Concept
 - CIMP Results Workshop
 - Development & Natural Disturbance Inventory
- **Discovery Portal & Information Management Strategy**
- **Audit & SoE**
- **Memorandums of Understanding with Decision Makers**
 - Board staff involved in designing the above
 - Regular updates to Decision-makers



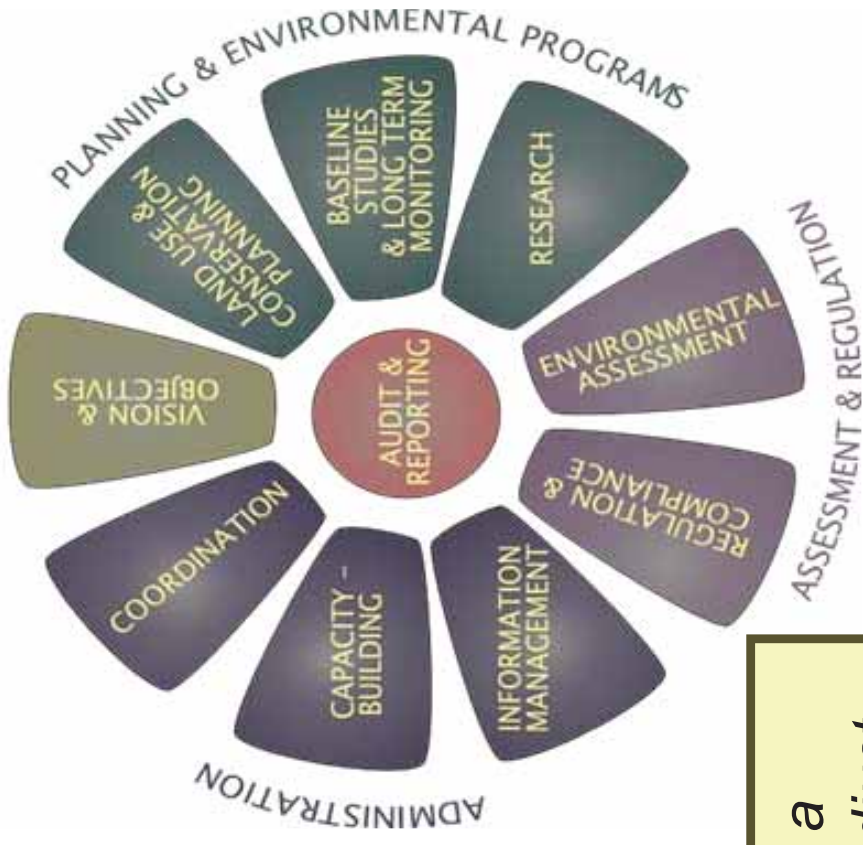
What is the purpose of the Draft CIMP Strategic Plan?

- to clarify who, when, why and how of the program for the next 5 years
 - Includes goals, timelines, milestones and performance indicators to ensure that we remain on track
- To fulfill the requirements of ongoing program funding
 - Final plan to be approved by Minister of AANDC



How was the Draft Strategic Plan developed?

- Consistent with legislation, land claims and the Environmental Stewardship Framework
- Based on what was already known about what was and was not working with CIMP to date
- Influenced by the Regulatory Improvement Initiative



This draft plan was developed by AANDC as a “straw dog” for all of us to comment on and adjust so that, ultimately, all parties will participate in and support CIMP going forward.

CIMP Vision and Outcomes

Vision

- *To watch and understand the land and use it respectfully forever*

Outcomes

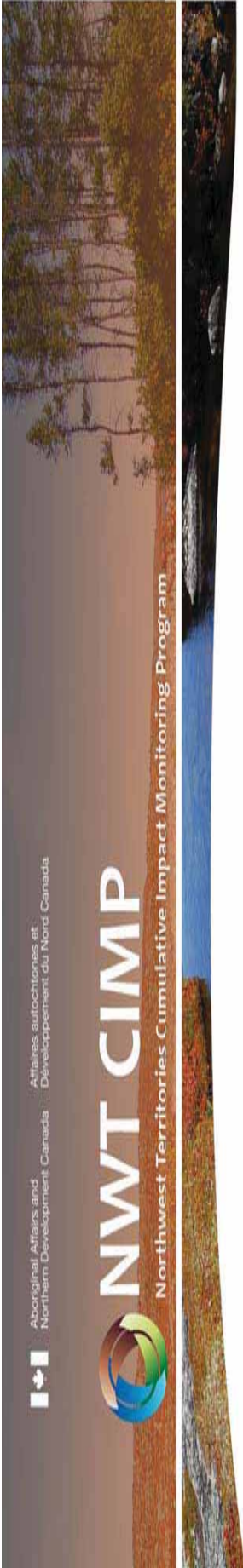
- Standardized and consolidated environmental monitoring data and information
- An accessible monitoring knowledge base that informs and supports decision-making



To achieve those outcomes, CIMP cannot monitor everything all the time and we cannot do this alone...

- We need **FOCUS** - therefore we must prioritize
- We need to fully **ALIGN** with our partners – therefore ensure that monitoring is coordinated and we are all pulling in the same direction





To achieve the desired outcomes, four key areas of activity

- These will be described in the following slides
- Some of these activities involve something “new” about how CIMP wants to work in the future



Activity Area 1: Facilitating governance and partnerships



Involves:

- Establishing governance and partner networks, defining the framework for monitoring

What's new:

- Increased collaboration with decision-makers at all levels to identify key questions and monitoring priorities
- Clear accountability between CIMP partners



Activity Area 2: Facilitating the collection, analysis and synthesis of data and information



Involves:

- Providing targeted funding through annual request for proposals

What's new:

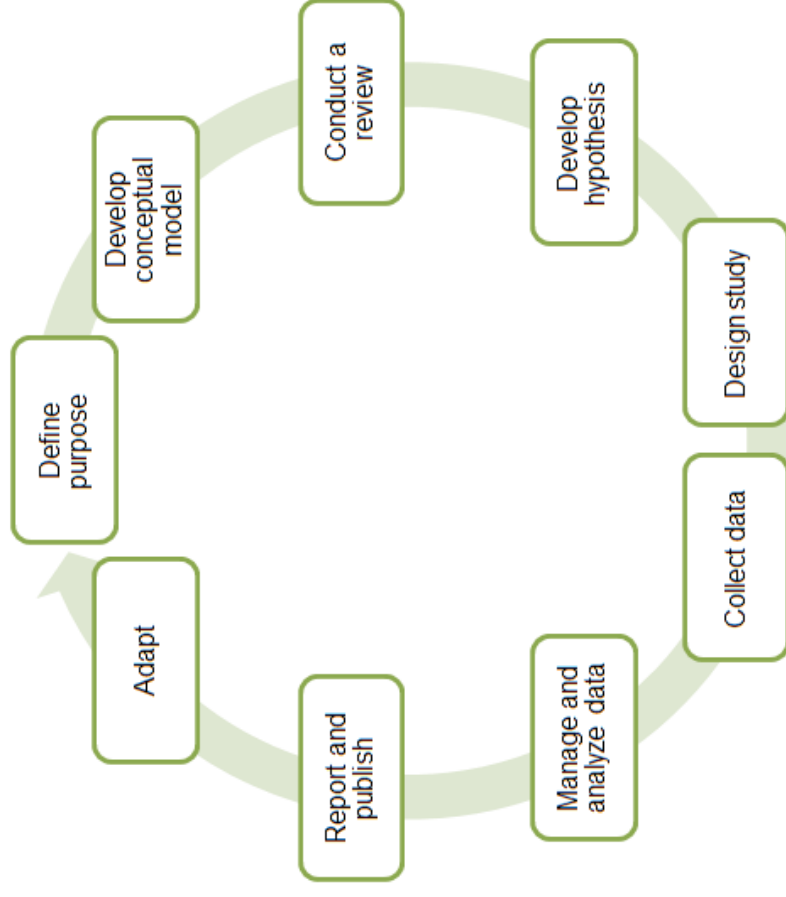
- RFP process will be targeted to:
 - Address monitoring priorities that were established collaboratively in advance
 - Require more data analysis and synthesis

Continued....

Activity Area 2 : Facilitating the collection, analysis and synthesis of data and information

What's new, Continued:

- Advocating the use of a common platform for developing monitoring programs (e.g., Pathways Approach)



Continued....



Activity Area 2: Facilitating the collection, analysis and synthesis of data and information

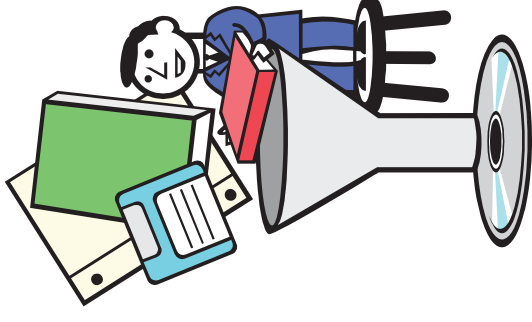


What's new, Continued:

- Will undertake protocol development in alignment with identified monitoring priorities
- Will develop monitoring protocols collaboratively and ensure there is commitment for all partners to use these protocols



Activity Area 3: Develop and maintain an information management system (IMS)

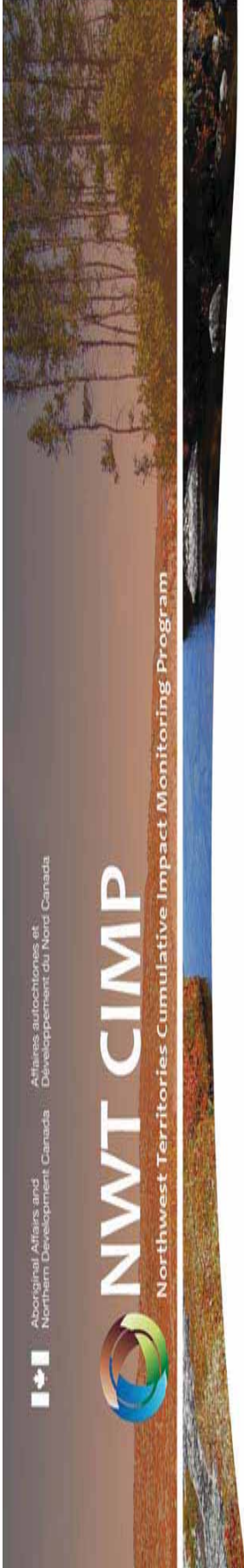


Involves:

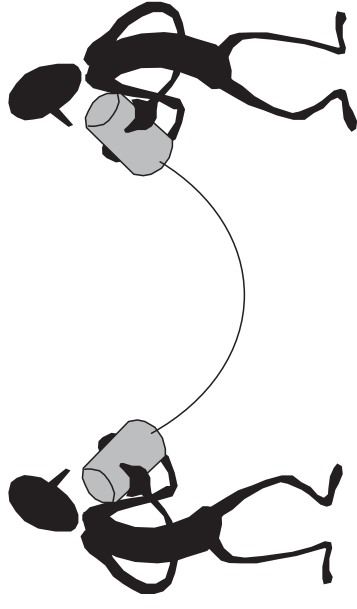
- Collaboratively consolidating information and analysis and then making it accessible through a central IMS

What's new:

- Focus on greater standardization of data inputs



Activity Area 4: Report and communicate



Involves:

- Developing and distributing reports and publications

What's new:

- Engaging more with decision-makers to ensure that monitoring information is available to inform decision making

Key Messages of CIMP 5-Year Strategy

- CIMP role to improve coordination, alignment, and accessibility of environmental monitoring activities
- Success of CIMP dependent on collaboration (*proposed roles and responsibilities of collaborators are detailed in draft Strategy*)
- CIMP has limited funding for targeted monitoring, not all monitoring
- CIMP is an information provider, not a decision-maker
- Monitoring to focus on key monitoring questions, VCs, and regions “Hot-Spots” in first 5-year period

Decision-Makers Needs Assessment

- Identify decision-makers' priorities on monitoring
- Analyze all priorities & validate findings at a workshop
- Identify gaps
- Produce a NWT-specific monitoring needs assessment report
- Repeat frequently (every 1-2 yrs)
- Goal: Focus CIMP projects & funding on priorities
- Results (draft...still analyzing)
- **What:** Water quality/quantity, fish & fish habitat, caribou
- **Where:** Communities, Slave R, Great Slave L, Mack R, Nahanni, LacDeGras, Drybones, Thelon, etc...

Search, Discover, Share

NWT Discovery Portal

A Source for Environmental Monitoring Knowledge

[Home](#)
[Search](#)
[Map](#)
[Links](#)

[Register](#)
[Login](#)

[Help](#)

Spatial Search

Min X:
Max X:

Min Y:
Max Y:

Select an area to define:

Results 1-10 of 64 record(s)
12345 > Last

Northern Water Quality Manual
 Printing of additional copies of the Northwest Territories Cumulative Impacts Monitoring Program - 2005/06 Project Reporting - NORTHERN WATER QUALITY MANUAL
[Open](#)
[Website](#)

Peel River
 Highlights from
[Open](#)
[Website](#)

Georeferencing Water Quality
 The Mackenzie Valley Cumulative Impacts Monitoring Program
[Open](#)
[Website](#)

Monitoring in Northern Canada
 This manual is designed to assist with water quality and aquatic system studies in northern Canada. It provides key information that most northern personnel require to answer questions on water quality issues and to design water quality monitoring and assessment programs.
[Open](#)
[Website](#)
[Metadata](#)
[XML](#)
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Decision Makers Atlas

- **Bridges data and decision making**
 - Tool to facilitate the transfer of environmental information to northern decision makers
- **Plain language narrative, backed by raw data**
- **Accessible**
- **Developed for specific regions or themes**
- **Chapters include:**
 - Brief introduction to the data collected
 - Summary of relevance to decision makers
 - Figures and tables to summarize data
 - Some analysis of the data - Telling the story
 - References
 - Links to databases
- **Interactive maps and figures**

Decision Makers Atlas

NWT CIMP
Northwest Territories Cumulative Impact Monitoring Program

CHAPTER 2: PERMAFROST TEMPERATURES ACROSS TREE LINE

The spatial variation in physical and biological characteristics of the tree line transition zone play a critical role in determining the distribution and properties of permafrost. Climate warming in northern Canada may lead to northward migration of tree line and an increase in shrubness of the arctic tundra, with accompanying consequences for the temperature of permafrost (Lundquist and Wein 1999; Sturm et al. 2001; Mackay and Burn 2011). Understanding how physical and biological components of the environment interact to influence permafrost conditions across a tree line is central to anticipating future changes in permafrost conditions, and critical to planning and managing infrastructure across this dynamic zone.

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CHAPTER 3: GROUNDWATER CONDITIONS IN THE UPLANDS EAST OF THE MACKENZIE DELTA AREA

Water table groundwater levels collected at 37 sites throughout the Mackenzie Delta area. Information was collected in disturbed and undisturbed locations throughout the area. Information on the study design and methods for instrument installation are available in the NISOWay database (<http://www.nisoway.com/ndn/ndn.html>) and from the CIMP website (<http://www.cimp.gc.ca>). This data has been reported in peer reviewed journal articles (SIC-MNOC Open File Reports and has been used in the Government of Canada Interim Report on the Mackenzie Gas Project. See references at the end of the chapter for a complete list.

Figure 14: Hypothesis of interglacial stream channel, Mackenzie Delta, Thelon River, Thelon River, Thelon River

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CHAPTER 5: UNDERSTANDING NATURAL TERRAIN DISTURBANCE

Real surface ground temperatures were collected at 37 sites throughout the Mackenzie Delta area. Information was collected in disturbed and undisturbed locations throughout the area. Information on the study design and methods for instrument installation are available in the NISOWay database (<http://www.nisoway.com/ndn/ndn.html>) and from the CIMP website (<http://www.cimp.gc.ca>). This data has been reported in peer reviewed journal articles (SIC-MNOC Open File Reports and has been used in the Government of Canada Interim Report on the Mackenzie Gas Project. See references at the end of the chapter for a complete list.

Figure 21: Three days, Mackenzie Delta

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Decision Makers Atlas – where to now?

- Complete draft of pilot Decision Makers Atlas
- Share pilot concept with decision makers and researchers – seek input
- Expand atlas concept for other valued components or themes
- Build generic process to develop future atlases

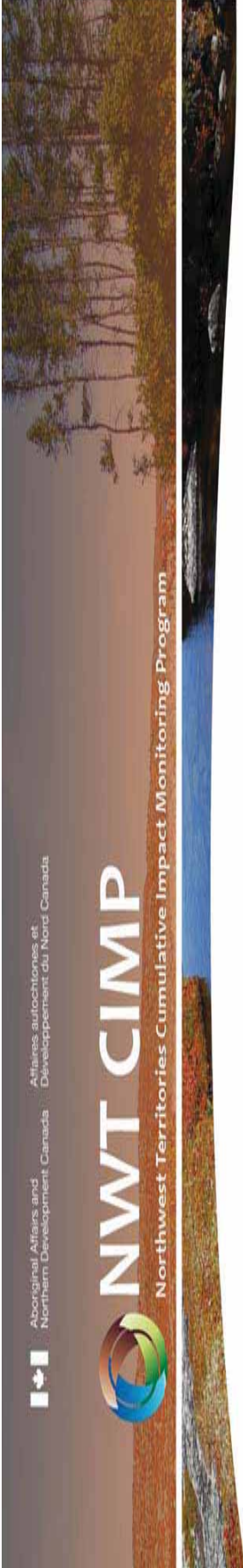


Aboriginal Affairs and Northern Development Canada
Affaires autochtones et Développement du Nord Canada



NWT CIMP

Northwest Territories Cumulative Impact Monitoring Program



Canada

2nd NWT Environmental Audit Update

Marc Lange
Aboriginal Affairs & Northern Development Canada
November 2011



2nd NWT Environmental Audit - Update

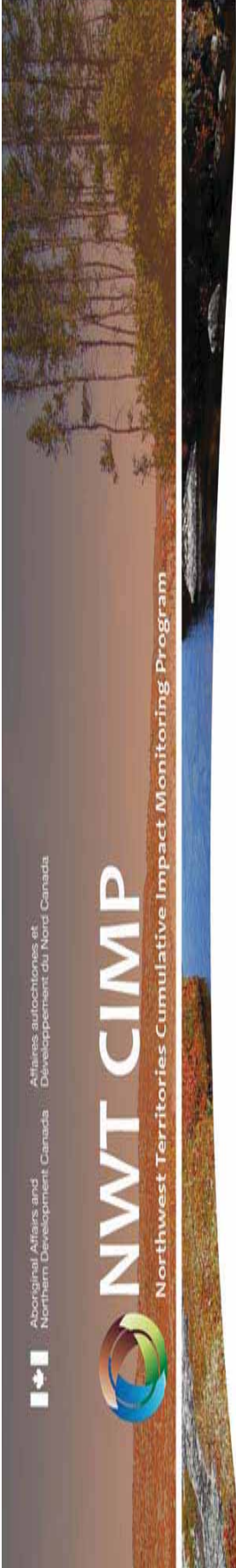
- **2nd Environmental Audit assessed 3 key areas:**
 - the NWT regulatory regime,
 - the monitoring of cumulative impacts, and
 - trend in the environment
 - builds on the findings of the recommendations set out in the first (2005) Audit.
- **Audit Received by AANDC (March)**
 - 13 recommendations and opportunities for improvement
 - Recommendations to INAC & other Directly Affected Parties (Boards)
 - AANDC translated & public release in October (NWT Discovery Portal)
- **Status & Next Steps**
 - INAC developing its response
 - DAPs are encouraged to take a similar approach
 - Proposed DAP meeting to discuss recommendations, expectations, responsibilities, and collaboration



2nd NWT Environmental Audit - Update

Auditor Recommendations

1. Outstanding recommendations from 2005 NWT Audit
2. AANDC should implement legislative changes specifying maximum timelines within which to make ministerial decisions.
3. AANDC identify 1) stable & long-term funding, and 2) mechanism for timely & flexible funding for fluctuations in capacity
4. Boards should formalize core training requirements for members & staff
5. Enhance trust by abandoning request for multiple nominees



2nd NWT Environmental Audit - Update

Auditor Recommendations & AANDC considerations

6. MVEIRB develop guidelines on application of “*public concern*”
7. AANDC align “economic well-being” principle with definition of “impact on the environment”
8. MVEIRB complete cooperative agreements for transregional EAs
9. Resolve issues with EAs & regulatory reviews in reserves
10. Government provide long term funding to Aboriginal organizations for traditional knowledge research



2nd NWT Environmental Audit - Update

Auditor Recommendations & AANDC considerations

- 11. Prince of Wales heritage & Aboriginal peoples develop partnership for database**
- 12. Aboriginal groups deliver training on TK**
- 13. AANDC & Boards review merits of joint consultation resources**

In Pursuit of Timeliness

*The results of an external review of the
environmental assessment process...*

A presentation to the NWT Board Forum by:
Vern Christensen; Executive Director, MVEIRB
Inuvik, NT November 29-30, 2011

The Review Board



Board members have heard stakeholders concerns loud and clear

- Industry concerns about the length and complexity of the EA process
- Similar concerns expressed by senior government officials
- Fraser Institute surveys
- Process uncertainty is also a common concern

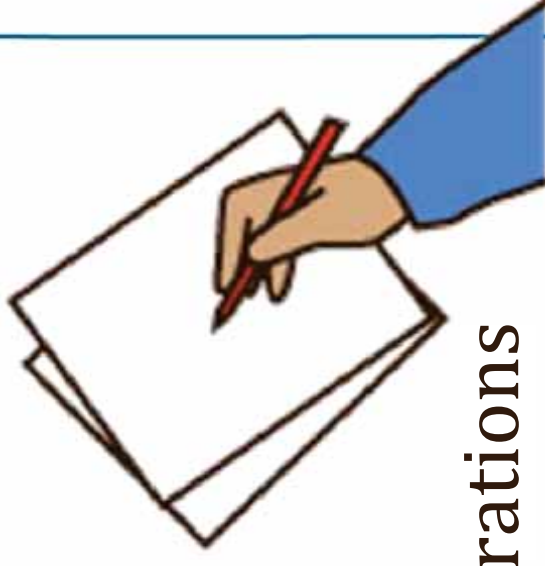


2011/12 – 2013/14 Strategic Plan

• 4 Goals

—A timely EA process

- Effective and efficient Board operations
- Public and stakeholder needs are met
- An effective role within an integrated resource management system



The Challenge

The Review Board can only be accountable for that part of the EA process it has control over

The EA Process involves 3 primary parties;

Review Board

The Developer

Government

Context



- s.115 requires the Board's processes to be "expeditious and timely"
- Process also needs to be fair and produce quality EAs

An External Review of the EA Process

- Review Board wanted an external review of its processes – through “new eyes”
- Stantec Consulting Ltd. was hired to undertake an external review



Stantec

**Review of the Environmental
Assessment Process in the
Mackenzie Valley**

Study Methodology

Examine

- Previous reports
- Legislative basis for EA in the MV
- Processes established by the Review Board
- Operational constraints affecting timeliness
- EA processes and timelines in other jurisdictions
- Identify and evaluate opportunities to improve timeliness
- Make recommendations

Stantec Observations

- Most developments in MV potentially subject to 3 levels of EA
- Limited exemptions and no direct route to higher level of assessment
- As a result MVERIB must assess a wide range of projects
- More than 50% of the projects referred to EA in MV would not be referred in other jurisdictions

Stantec Observations

- The Review Board relies on a number of parties to complete the EA
- MVRMA directs EA process to provide for the concerns of Aboriginal people and the public to be considered
- Where time limits are set the process is more expedient
- Many groups find the EA process to be a very meaningful vehicle to participate in resource development decisions

Stantec Findings

- EA Process is typically one of the lengthier processes in the Canadian jurisdictions examined
- Development-specific approach to EA processes increases uncertainty to developers and parties to an EA



Stantec Findings

- Length of scoping process variable and lengthy
- Conformity review usually period efficient and similar in length to other jurisdictions
- Technical review phase typically lengthier and subject to “extensions”



Stantec Findings

- Report of EA is typically completed efficiently
- Ministerial decision process lengthy, the MVEIRB has some influence on this phase
- Linkage to permitting by land and water boards limited

Stantec Findings

- Preliminary screening contributes little to EA process efficiency
- Tendency toward broad scoping of EA issues
- A very inclusive process with numerous opportunities for public involvement
- Capacity is an issue for many parties



Mackenzie Valley
Review Board

Stantec Findings

- Board has implemented a development-specific approach to EAs
- The development specific processes and lack of formal timelines results in considerable uncertainty to developers and parties to an EA



Mackenzie Valley
Review Board

Stantec Recommendations

- Recommendations organized according to authority
 - Within the Review Board's authority
 - Requires cooperation with MVRMA partners
 - Requires legislative change

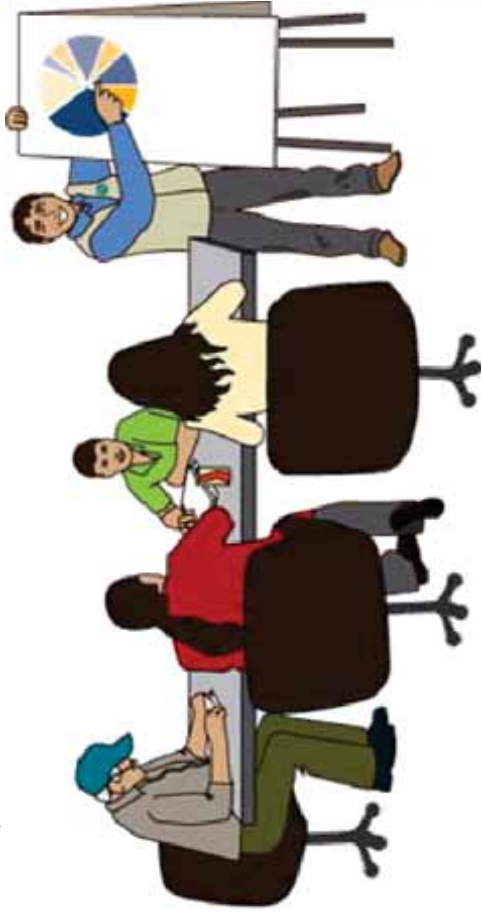
Initiatives Within MVEIRB's Authority

- Improved scoping of EA issues
- Two level EA/EIR processes
- Additional procedural guidance
 - Project descriptions
 - Issues scoping process
 - Draft DAR terms of reference
 - Formal submissions
 - Preliminary Screening Determination of public concern



Initiatives Within MVEIRB's Authority

(cont'd)



- Rules prescribing timelines
 - Formal submissions
 - DAR conformity
 - Technical reviews
 - Public comment periods
 - Reports of EA
- Process for efficient referral to EIR
- Reassignment of Roles in EA
- Capacity development

Initiatives Requiring Cooperation



- Improved preliminary screening
 - Increased identification of issues
 - Referral to EA without full PS process
- Ministerial decisions
 - Consider steps that would assist responsible Ministers in their review of REAs
 - Clarify responsibility for aboriginal rights consultation within an EIA process

Initiatives Requiring Cooperation (cont'd)

- Coordination with permitting and licensing
 - LWBs should participate in EAs to ensure there is sufficient direction in an REA to be able to implement measures directly; minimizing the length of the permitting and licensing process

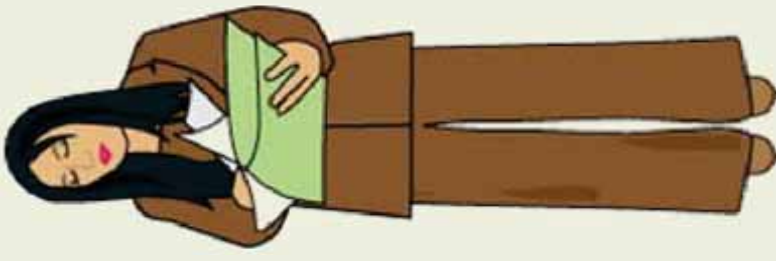


Initiatives Beyond MVEIRB Authority

- Legislative Amendments
 - Amend the Exemption List Regulations to specify which projects are subject to PS, which projects proceed directly to EA and possible EIR
 - Prescribe time limits for specific activities in an EA or EIR such as comment periods, DAR conformity, REAs and Ministerial decisions

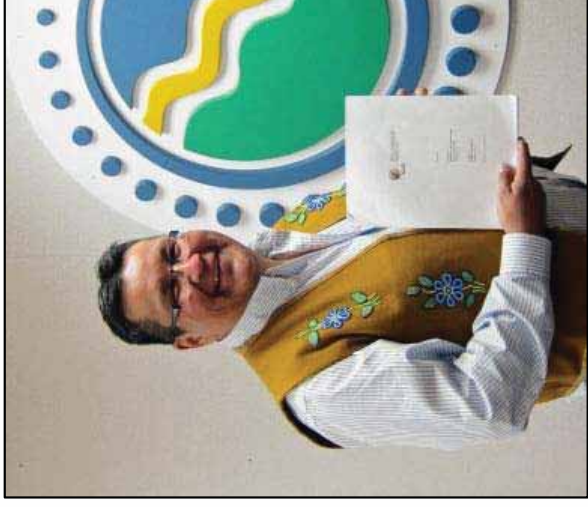
Initiatives Beyond MVEIRB Authority (cont'd)

- Implement Policies which support efficient EIAs, including
 - Completion of Land Use Plans
 - Establishment of an intervener funding program



Next Steps

- Plans are being developed by the Review Board based on the recently completed Stantec report
- Copy available at **www.reviewboard.ca**



Next Steps (cont'd)

- Consider the Stantec report together with own internal analysis
- Will be initiating improvements within its authority
- Will develop a short term and longer term action plan

Next Steps (cont'd)

- Stakeholders will be consulted on major changes. Minor improvements may be implemented directly.



Next Steps (cont'd)

- In the immediate term the Board will be considering improvements to the “front end” of the EA process – which includes the issues scoping phase
- More information to be shared in the coming weeks

Our contact information

Box 938

#200 Scotia Centre, 5102-50th Ave

Yellowknife, NT. X1A 2N7

Phone (867) 766-7050

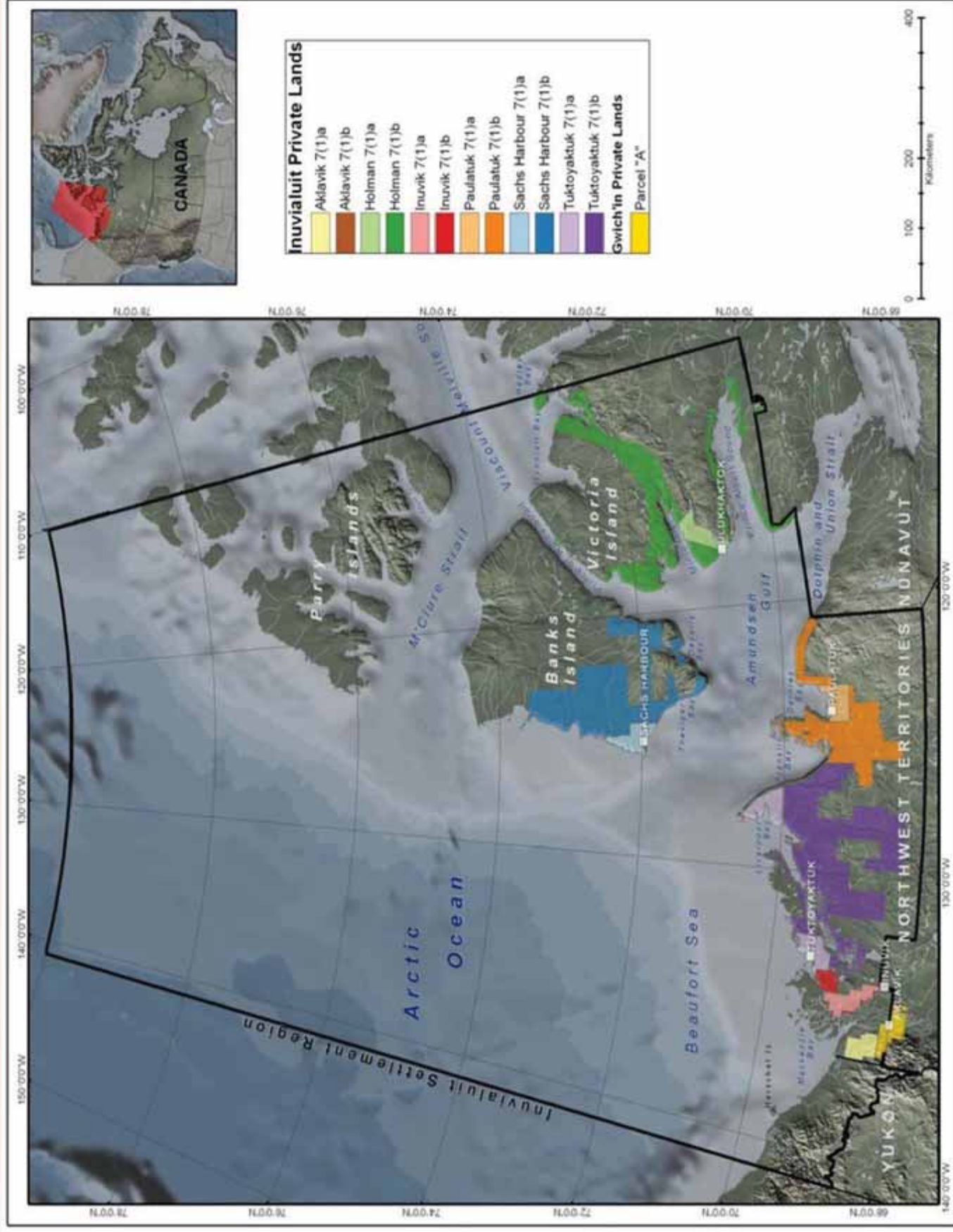
Toll Free: 1-866-912-3472

Fax (867) 766-7074

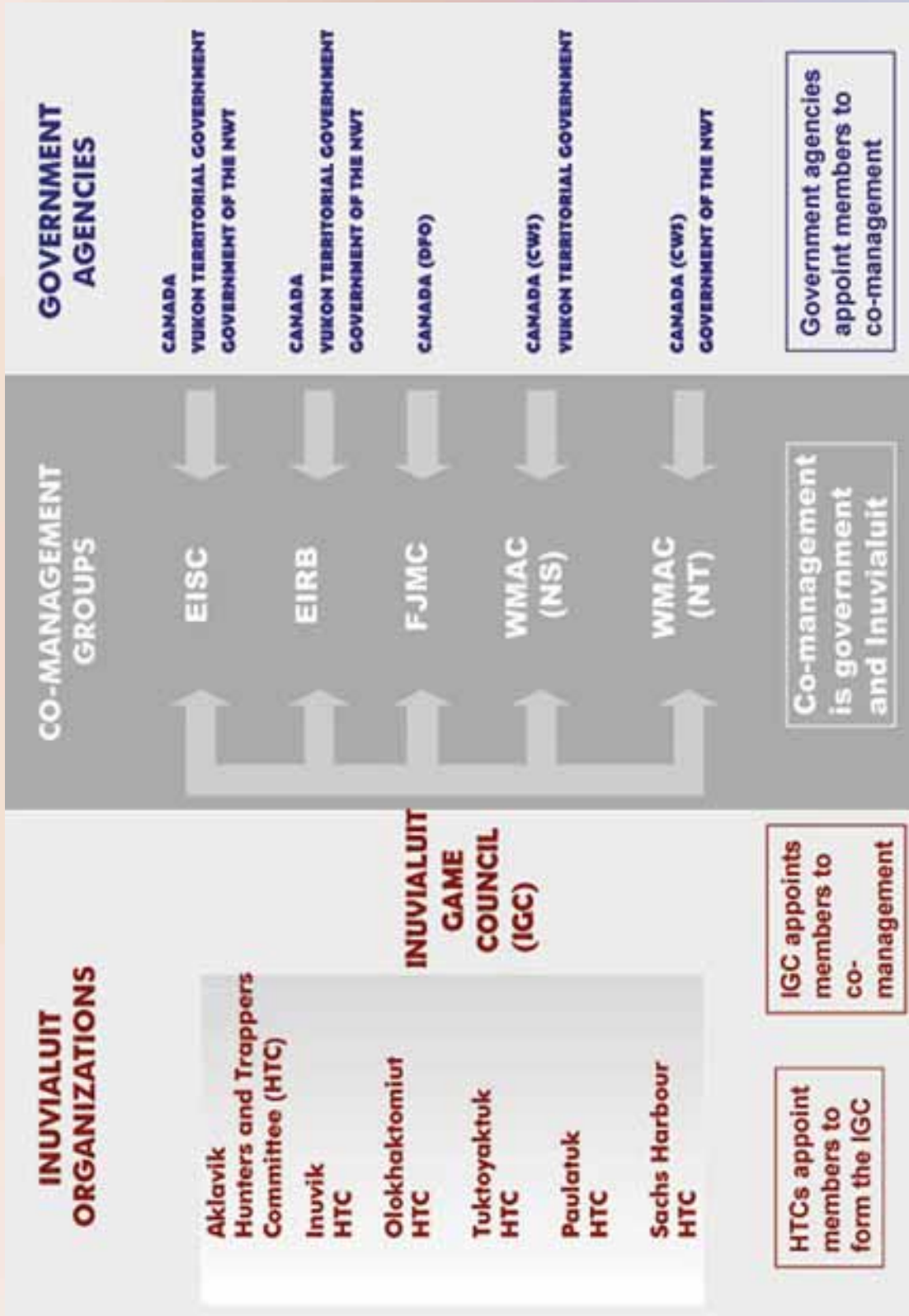
reviewboard.ca

Community Conservation Plans

NWT Board Forum
November 30, 2011
Inuvik, NWT
Christine Inglangasuk



Map 1: Inuvialuit Settlement Region and Private lands.



Background on Community Conservation Plans (CCP)

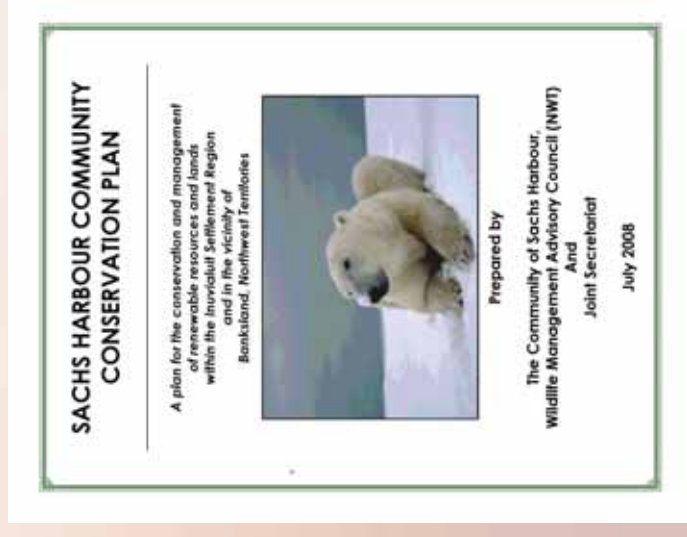
- Guide for researcher, proponents, regulators
- Inuvialuit Renewable Resource Conservation and Management Plan
- Community and government involvement



CCP Goals

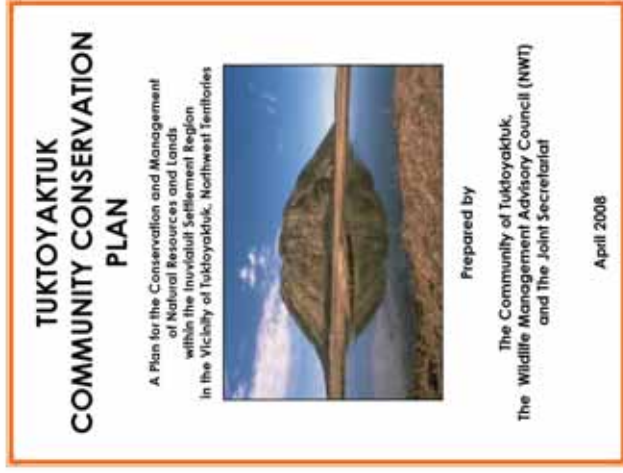
5 main goals:

- Identify important areas
- Describe community process
- Identify educational initiatives
- Describe general system of wildlife management
- Enhance local economy

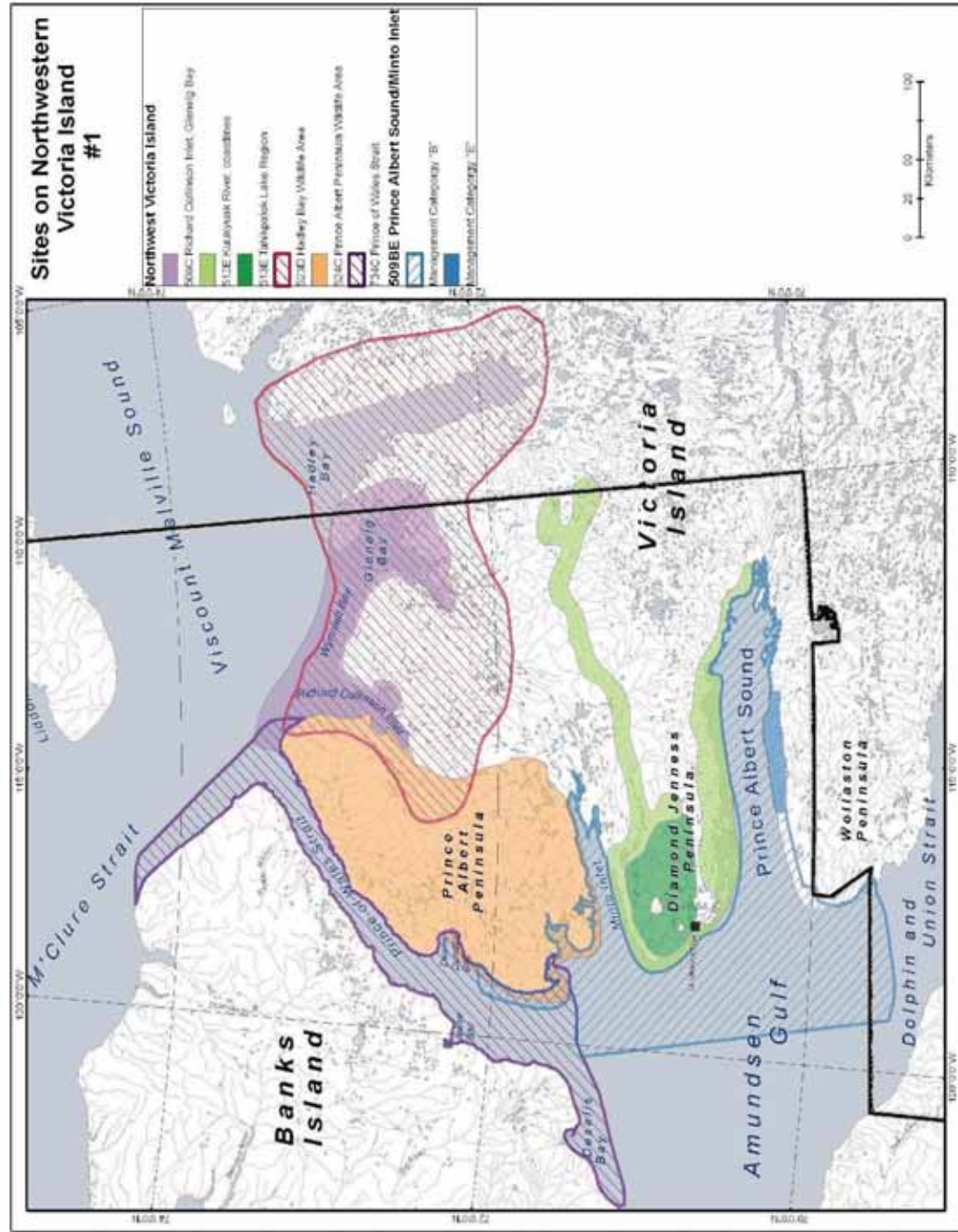


Community Values

- Conservation is First Priority
- Integrated Management
- Maximize Community Benefit
- Protect Priority Community Activities
- Cooperative Management of Shared Resources
- Maintain Healthy Environment
- Consistency – with IFA and conservation plans and agreements endorsed by the communities



Special Areas and Land Use Guidelines



Map 5. Northwestern Victoria Island - #1

Species Conservation Summaries

Aklavik Inuvialuit Community Conservation Plan - June 2008

67

BLACK BEAR (*Ursus americanus*) / IGGARLIK

Biology

Black bears den from October to May. Black bear numbers or densities are unknown in the ISR. Occur in forested areas. Breeding peaks in June and July. 2-3 cubs are born toward end of January, early February. Cubs tend to leave mother in second year of life. Females mature at 3-5 years of age and have an average of 2 cubs per litter every 3 years. Most northern black bear population in Canada occurs in ISR. May live to 20 years of age though average maximum age about 10. Average weights for females 40-70 kg (88-154 pounds), males 60-140 kg (132-308 pounds). Feed on wide variety of plants and animals, primarily herbivorous.



Robert McCaw

Important Habitat

Mackenzie River valley, treed areas, creeks and river valleys with trees and Bell River drainage.

Management Plans/Agreements

No management plans specifically for black bears; managed under general hunting and trapping regulations.

Recent Research

Barichello, N. 1998. Status report on the American black bear, *Ursus americanus*, in Canada. COSEWIC.

Clarkson, P. 1987. Collect baseline information on brown bear movements and numbers to assist in future management decisions. RWED.

Research Priority

Low.

Population Status

Fairly common.

Population Goal

Maintain natural densities, adequate supply at present.

Conservation Measures

- Keep camps clean, properly dispose of garbage.
- Identify and protect important habitats from disruptive land uses.
- Reduce bear-people conflict situations and the number of bears destroyed in problem bear situations.

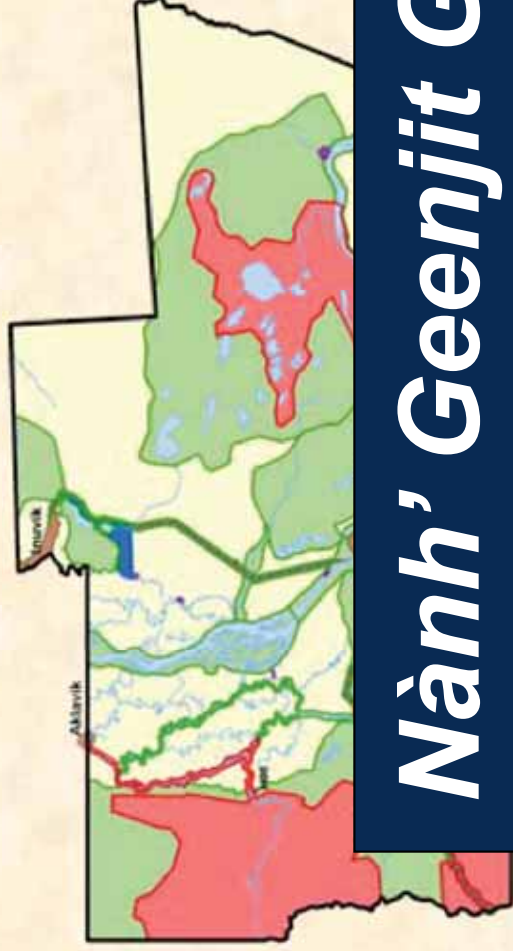
Review Process

- Progress review every 2 years
- HTC's responsible for initiating review
- Species Conservation Summaries review
- Complete review every 4 years



Thank You!





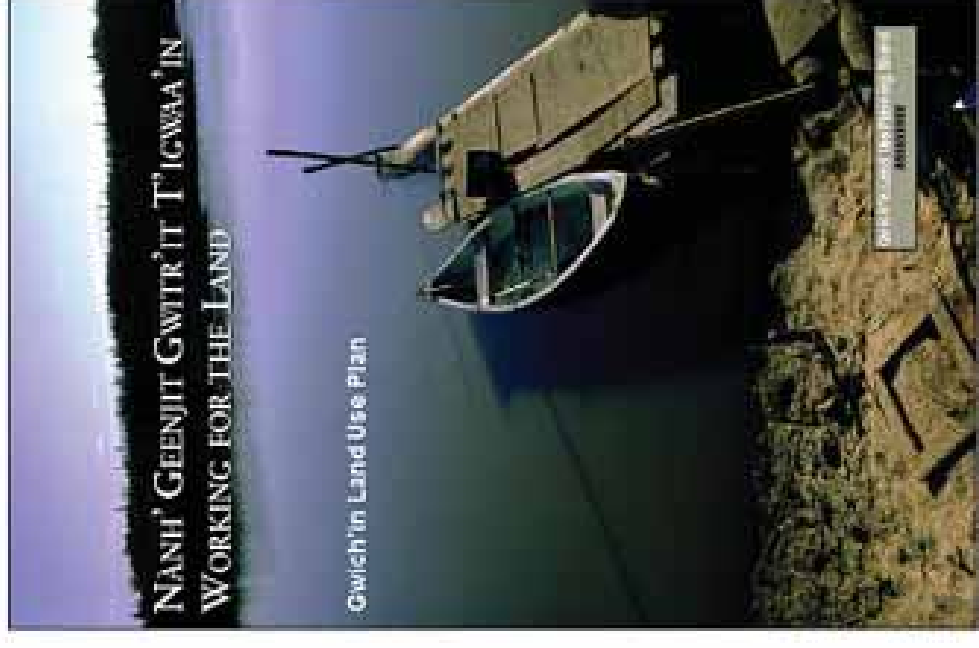
Nành' Geenjít Gwitr'it T'igwaa'in *- Working for the Land*

The Gwich'in Land Use Plan as Part of the Regulatory Process

Gwich'in Land Use Planning Board
November 30, 2011

Exploring How the Gwich'in Land Use Plan Works...

- What the Gwich'in Land Use Plan looks like
- How it fits in the regulatory system
- Adaptability - responding to circumstance and keeping it effective over time



What Went Into the Plan?

- The best available information was gathered in each of the categories to the right.
- Communities mapped out areas of significant value and/or use.
- The Board ranked natural and cultural values of the areas with the potential for development.
- Areas that were given protection share the highest cultural and natural values

- **Forestry/Plants**
- **Water**
- **Fish/Wildlife**
- **Heritage/Culture**
- **Tourism**
- **Sand and Gravel**
- **Oil and Gas**
- **Minerals**
- **Transportation**
- **Communication and Utilities**
- **Waste Management**
- **Military Activities**

Responsibility to Implement

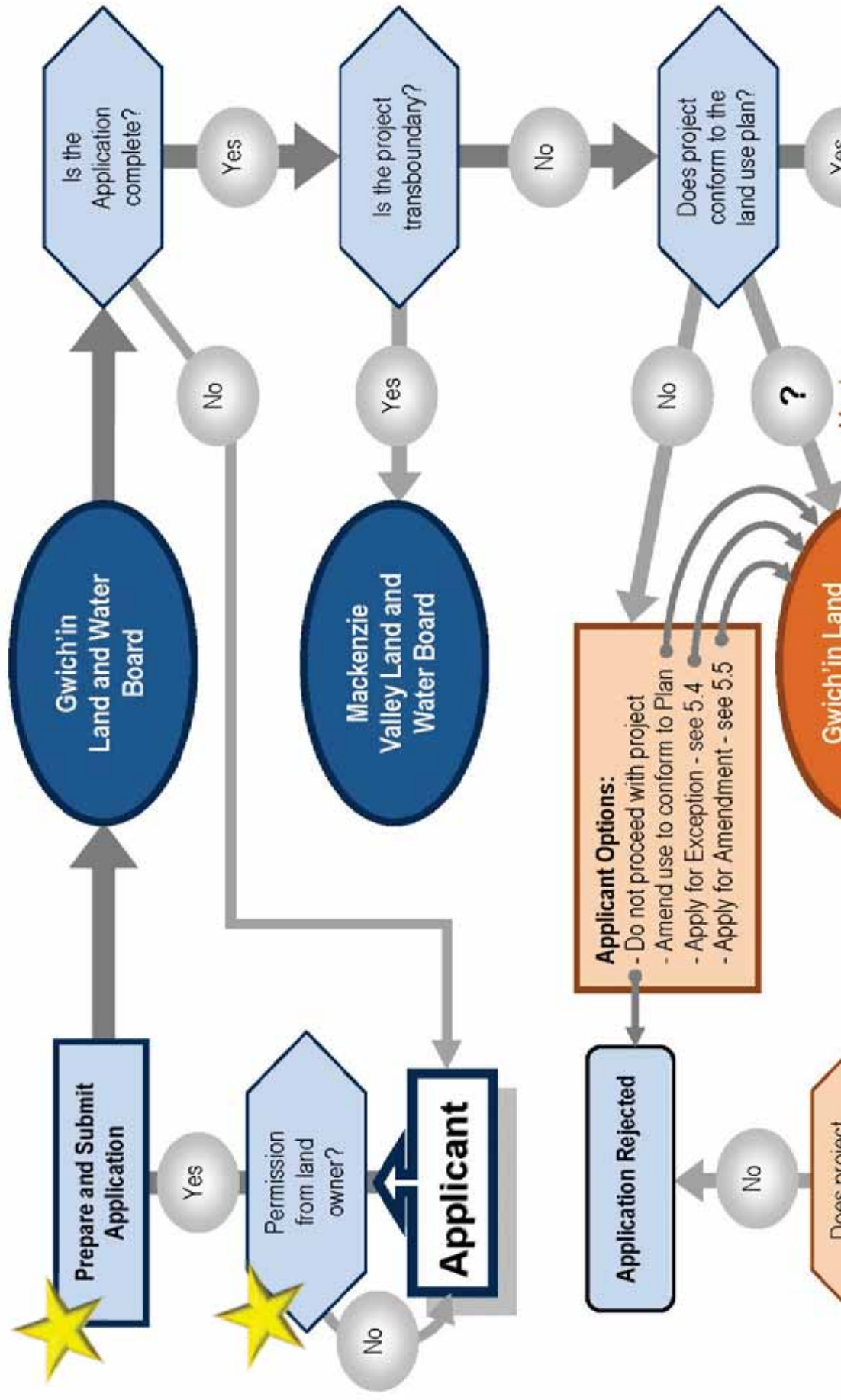
- 46. (1) The Gwich'in and Sahtu First Nations, departments and agencies of the federal and territorial governments, and every body having authority under any federal or territorial law to issue licences, permits or other authorizations relating to the use of land or waters or the deposit of waste, shall carry out their powers in accordance with the land use plan applicable in a settlement area.

Further clarity on responsibilities

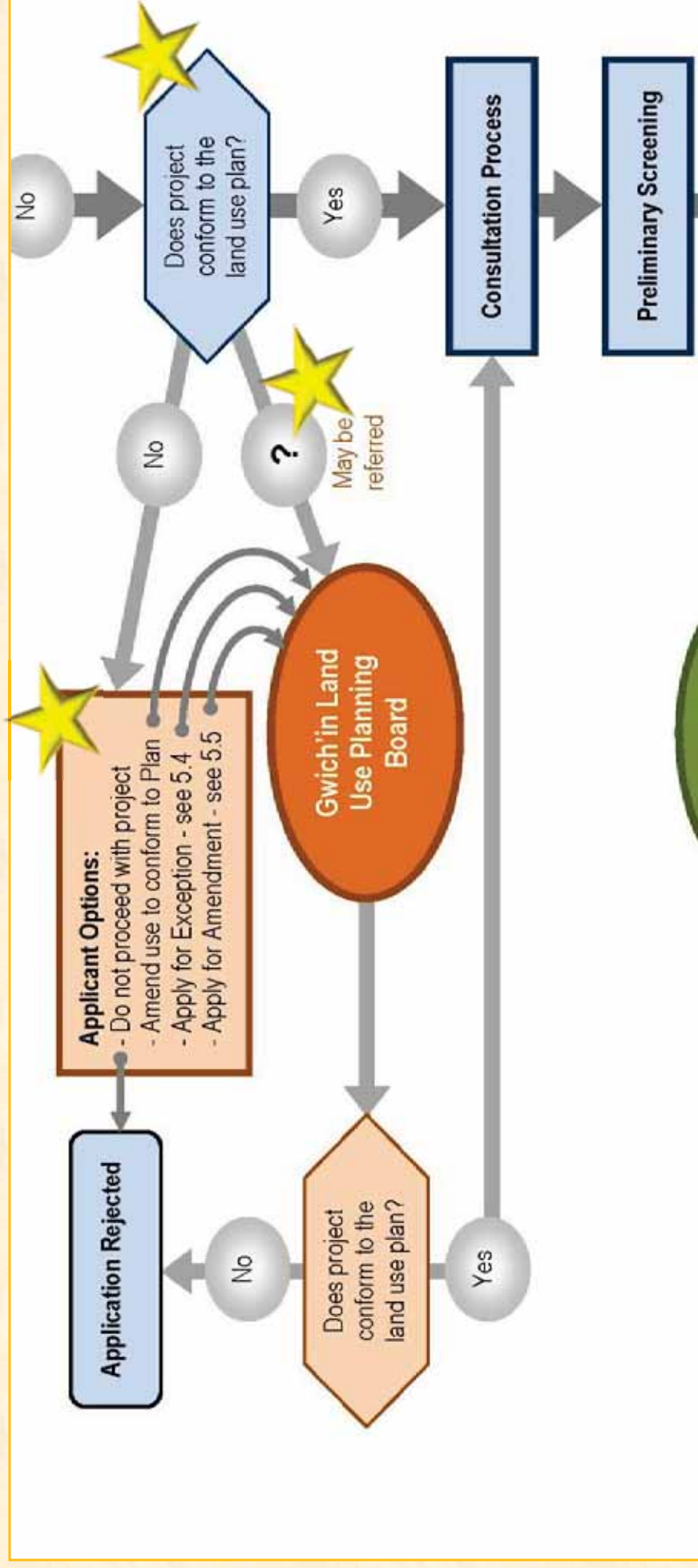
Section 24.2.10 GCLCA

Upon approval of a land use plan, those authorities with jurisdiction to grant licences, permits, leases or interests relating to the use of land and water in the settlement area shall conduct their activities and operations in accordance with the plan.

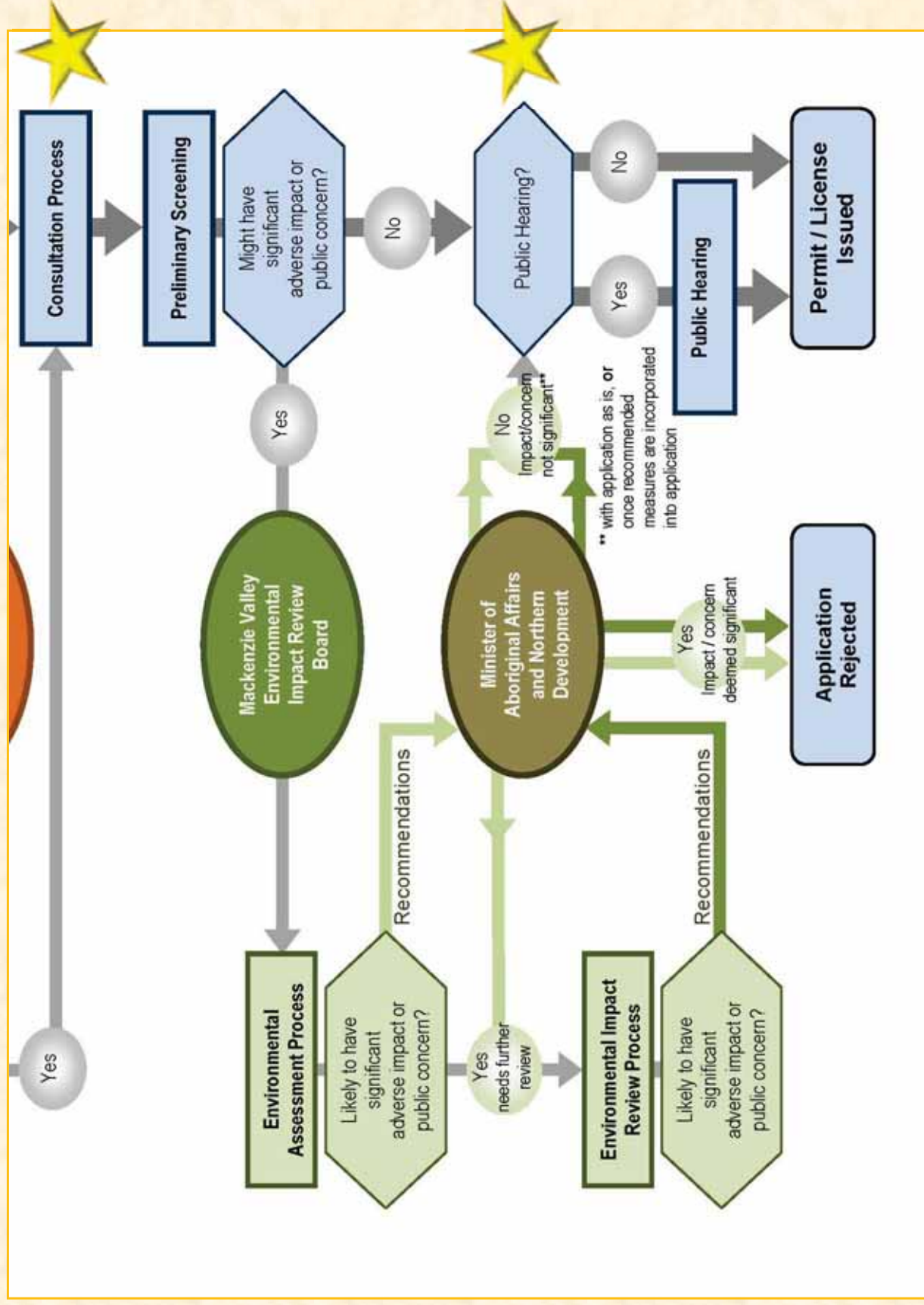
Process Chart Insights...



Process Chart Insights...



Process Chart Insights...



Long Term Adaptability of the Plan

Comprehensive Review

- Once every 5 years
- Begins by gathering updated regional information
- Involves intensive consultation
- Ensures the Plan is relevant and effective over time.
- Any proposed changes receive approval through the amendment process

Wrapping things up...



Feel free to contact the Board at
any time for more information

P.O. Box 2478
Inuvik, NT X0E 0T0
Phone: (867) 777-3506
Fax: (867) 777-7970
E-mail: planner@gwichinplanning.nt.ca

Mahsi Cho
(Thank you)



SAHTU LAND USE PLAN: UPDATE & IMPLEMENTATION OVERVIEW

NWT Board Forum

November 29-30, 2011

Inuvik



SLUPB - What We Do

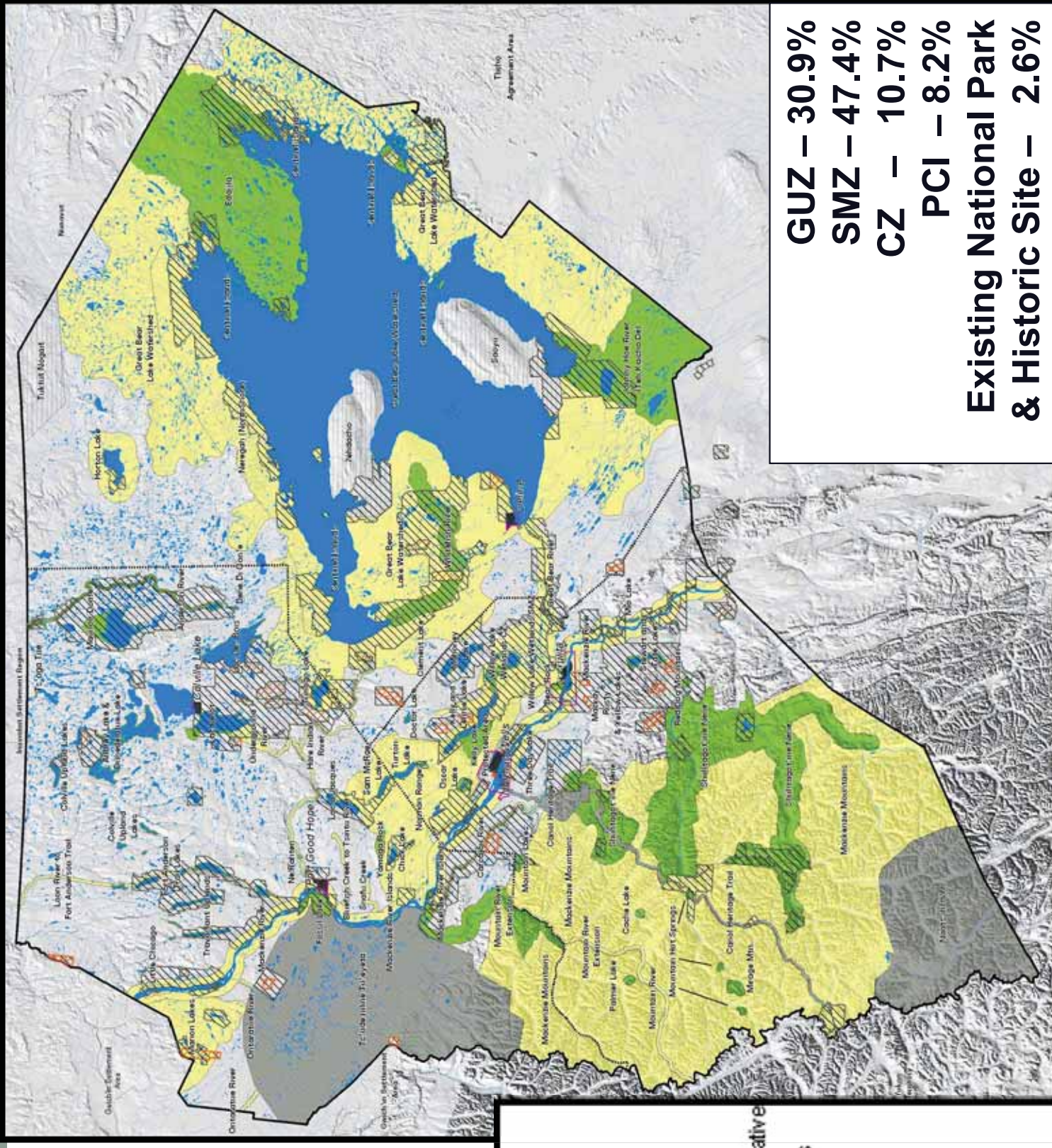
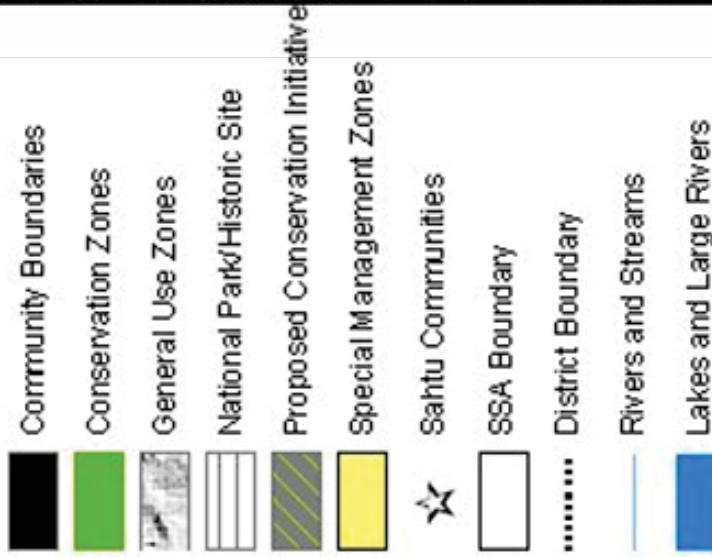
- Develop a land use plan that provides for the conservation, development and use of land, waters and other resources.
- **Protect and promote the social, cultural and economic well-being of residents and communities in the settlement area, having regard to the interests of all Canadians.”**
- Devote special attention to participant rights under land claim, and lands used by them for wildlife harvesting and other resource uses





Interim Zoning Aug-11

DRAFT 3 Zoning



GUZ – 30.9%
SMZ – 47.4%
CZ – 10.7%
PCI – 8.2%
**Existing National Park
& Historic Site – 2.6%**

Conformity Requirements



Ecological

- Wildlife
- Water
- Permafrost
- Sensitive Features



Socio-Cultural

- Community engagement,
- Traditional Knowledge
- Historic Sites and Burial Sites



Economic

- Community Benefits
- Financial Security



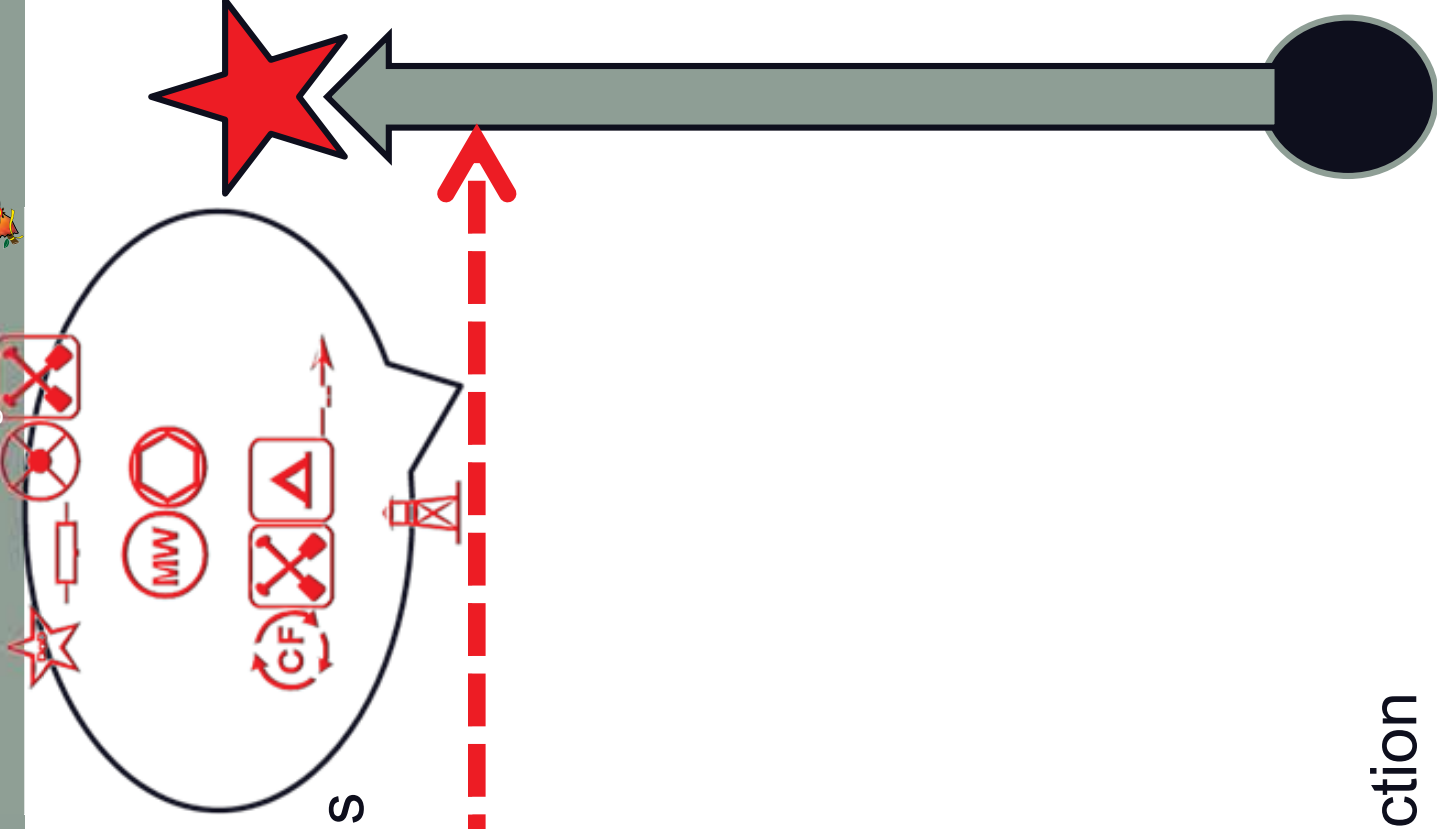
Actions and Recommendations

- Sahtu Working Group
 - Information Gaps
 - Wildlife, resource assessments, mapping
 - Economic Issues:
 - Participant funding, Inspections, Capacity building
- Cumulative effects and monitoring
- Guidelines
 - Traditional Knowledge, Community Engagement
- Cultural Well-Being



Milestones

- Winter/Spring 2012 – Final Revisions
- Fall 2011 – Technical Workshops
- May 2011 – Public Hearing
- July 2010 – Draft 3
- May 2009 – Draft 2
- Aug 2007 – Working Draft 2
- Feb 2007 – Draft 1
- 2003 – Preliminary Draft
- 1998 – 2001: Issues and Data Collection



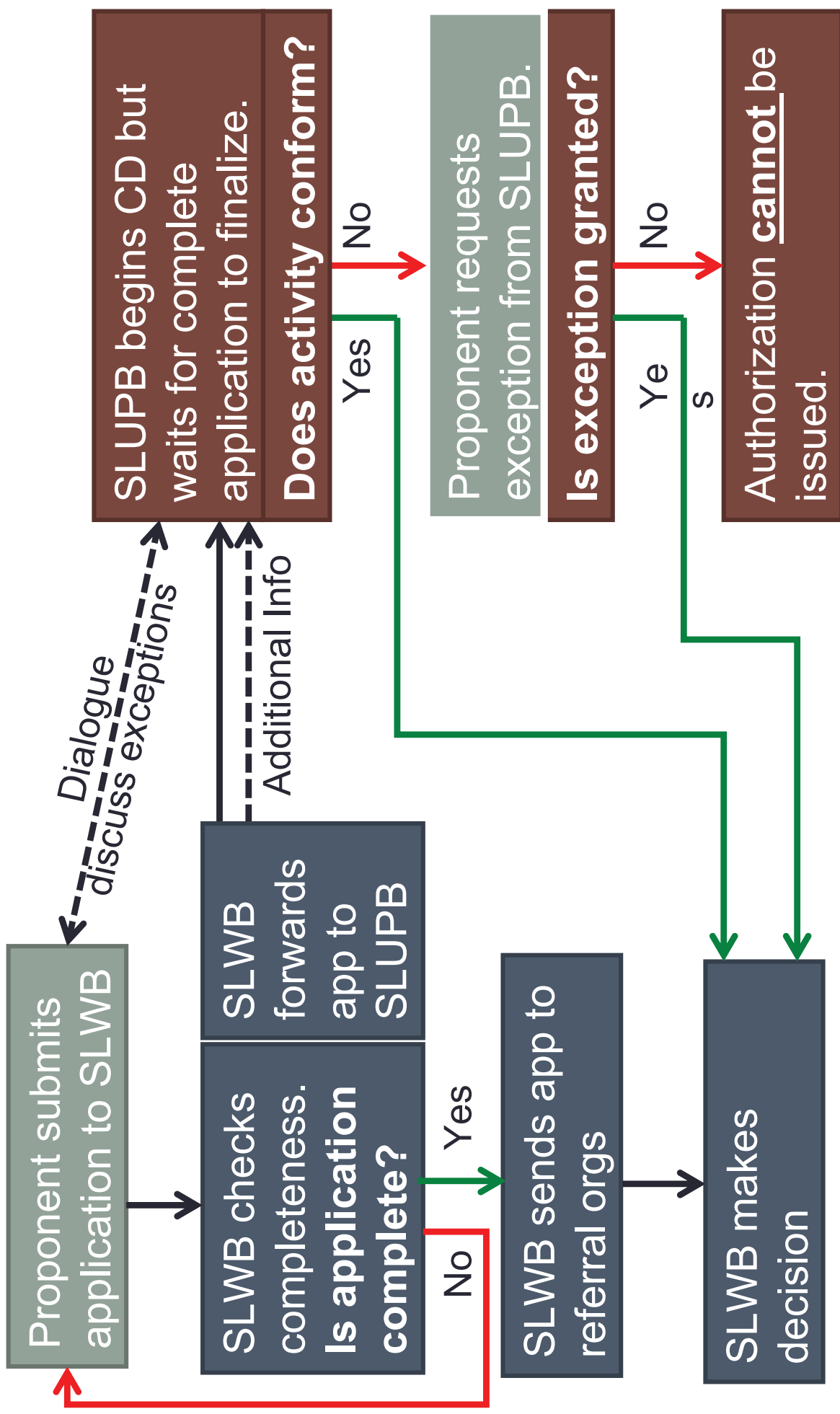


Fall Technical Meetings

- Workshop 1: Oct 4-5 – Scope of Authorizations, Grandfathering, Conformity Determination Process
- Workshop 2: Nov 1-3 – Conformity Requirements, Actions and Recommendations
- **Workshop 3: January – Kick the Tires!**

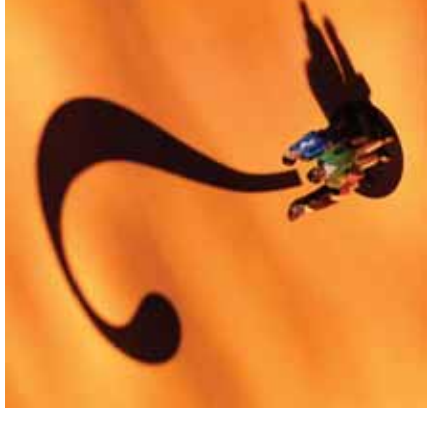
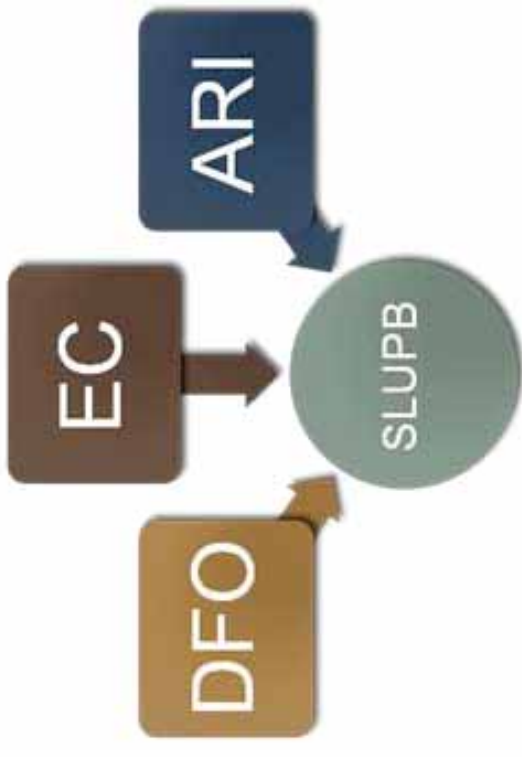


Conformity Determination Process



Conformity Determination Process

- If SLWB is NOT involved – direct referral
- Process questions:
 - Issuance of rights
 - Sahtu settlement lands
- Scope of authorizations and minimum thresholds



Achieving Clarity & Understanding

- Workshop 2: CR Goals, expectations, interpretation
- Workshop 3: Test applications – Role Play
 - Information requirements
 - Interpretation
 - Harmonizing processes across multiple authorizations
 - Timing questions
- Legal Drafter



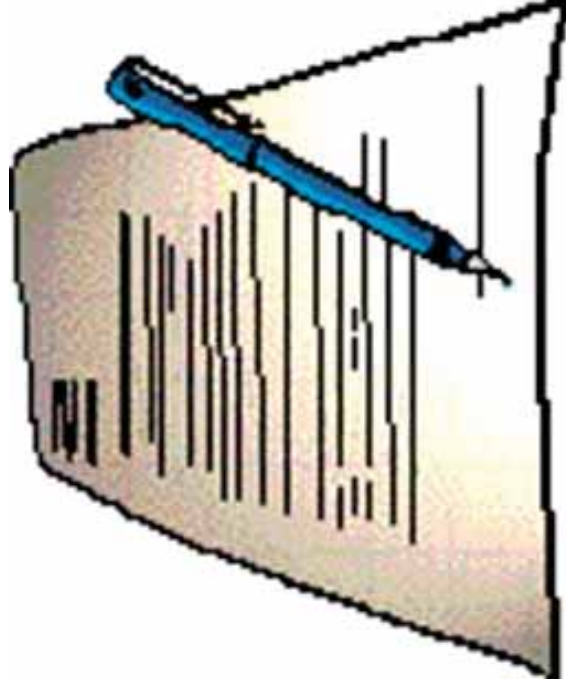
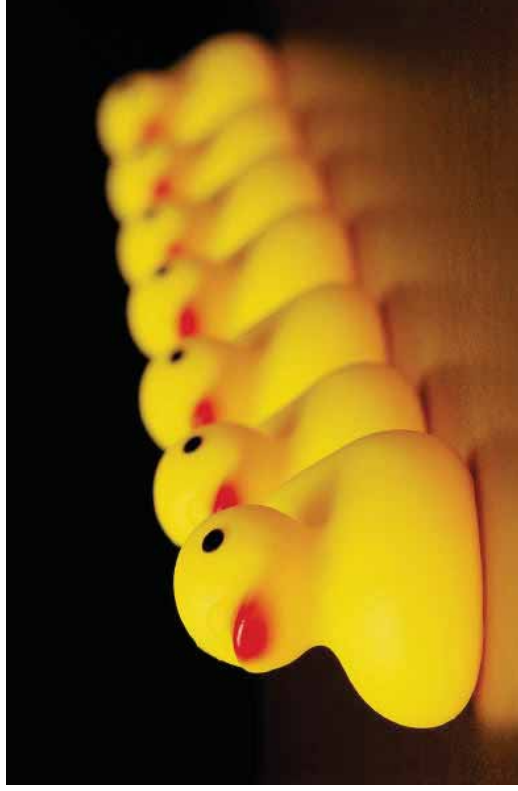
Flexibility & Adaptation

- 5-Year Review
- Amendments
- Exceptions
- Flexible Language in CRs
- Access across zones
- Implementation Guide
- Learn as we go



Next Steps

- Feb 2012 - Meet with Approving Parties
 - Spring 2012 – Final Revisions
 - Summer 2012 – Begin Approval
- SSI → GNWT → AANDC



APPENDIX C

Meeting Evaluation - Summary of Responses

Meeting Evaluation - Summary of Responses

Number of evaluations completed: 15

Below is a summary of the responses, as well as logistics notes for BRS, the next host and the facilitators.

1. What worked well?

Key point: More interaction and keep theme approach

- Smaller breakout groups continue to be noted as a key success.
- Having a theme was appreciated, yet it is advised that this segment should be earlier on the agenda when people are fresher.
- Interactive discussion with presenters, such as student groups, worked well.

2. What didn't work so well?

Key point: Too many PowerPoint presentations

- Similar to the evaluation from the June 2011 meeting, many felt there were too many back to back PowerPoint presentations. As well, the benefit or "value added" of a presentation was not always clear.
- Although the venue was good for most, some felt they needed more elbow room around the table and larger projection image on the screen.
- Lunches should be provided to encourage people to interact more.

Logistics Notes for BRS and next host:

- Need to try to get materials out earlier
- Make sure participants have elbow room around the table
- Have good sized overhead projection image
- Provide lunch

3. What do you suggest we do differently next time?

Key point: More interaction and discussion among members

- Many participants are asking for more breakout groups to help engagement and interactive discussion between members.
- Relate presentations to theme, determine "net benefit" and introduce a facilitated, creative session, around the theme selected by the transition team.
- Provide a SHORT summary after completion of main items.
- Invite outside guests such as the Premier, ENGOs or youth.

4. Please outline strengths of the facilitator -- and/or areas where she might improve.

Key Point: Facilitator to provide summary at end

- Do a wrap up at end, setting out follow up items even if they had just been discussed
- Overall, organized and provided good facilitation

Logistics Notes for BRS and facilitator:

- Ensure electronic copies of all presentations. Note: these are included in the final report.

5. Other comments?

- Overall, a good meeting
- Focus on themes which should improve results

APPENDIX D

January 3, 2012 Letter to AANDC Minister



INUVIALUIT GAME COUNCIL

January 3, 2012

Honourable John Duncan
Minister of Aboriginal Affairs and Northern Development Canada
10 Wellington Street
Gatineau, Quebec K1A 0H4
Canada

Dear Minister Duncan:

Re: NWT Board Forum Response to the *Action Plan to Improve the Northern Regulatory Regimes*

As the Chair of the host organization of the recent NWT Board Forum meeting held on November 29-30 in Inuvik, I am writing to you on behalf of the members of the NWT Board Forum (See attached).

In June of 2010, the NWT Board Forum had written to the previous Minister identifying our support and willingness to assist your department in their Regulatory Improvement Initiatives for the NWT. We anticipate that you will be making decisions in the near future on specific regulatory improvement initiatives, which includes amendments to legislation and potential structural changes to the regulatory regime. We believe that the NWT Board Forum can provide invaluable expertise and advice that can help ensure that any potential changes are as effective as possible and implementation risks are minimized.

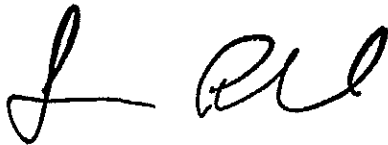
The NWT Board Forum membership is comprised of all resource co-management organizations in the NWT, including: Environmental Assessment, Land Use Planning, Land and Water, and Renewable Resource Boards/Committees/Councils. Our collective experiences regulating or managing resources in the NWT since the signing of the first Comprehensive Land Claim in the NWT in 1984 has given us a unique understanding of the Northern Regulatory Regime. The NWT Board Forum has received updates on the Regulatory Improvement Initiative process that AANDC has developed, but to date the NWT Board Forum has not been engaged as a group to provide their input on any specific regulatory improvements. Engaging directly with the NWT

Board Forum members prior to developing the specific amendments to legislation or other initiatives can contribute to improving the Regulatory System in the most practical and efficient manner.

The NWT Board Forum would like to invite your department to engage directly with the Forum members as soon as possible so we can assist you and your department in making the most informed decisions possible on any potential changes to the Northern Regulatory Regime. We are aware that you will be meeting in the near future with two NWT Board Forum members, Mr. Willard Hagen and Mr. Richard Edjericon, Chairs of the Mackenzie Valley Land and Water Board and Mackenzie Valley Environmental Impact Review Board, respectively. This would be a good opportunity to discuss how best to engage collectively with members of the NWT Board Forum. In addition, we would like to formally invite you to our next meeting of the NWT Board Forum on June 12-13, 2012, in Norman Wells

The NWT Board Forum members look forward to continuing to work together with you and your department to improve the Northern Regulatory Regime.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Pokiak', written in a cursive style.

Frank Pokiak
Chair
Inuvialuit Game Council

Enclosure: NWT Board Forum Membership List
Attach original Letter

NWT Board Forum

c/o Board Relations Secretariat
6th Floor Bellanca Building
4914-50th Street
P.O. Box 1500
Yellowknife, NT X1A 2R3

9 March 2011

The Honourable John Duncan, P.C., M.P.
Minister of Indian and Northern Affairs Canada
10 Wellington Street
Gatineau, QC K1A 0H4

Dear Minister:

NWT Board Forum taking action to improve NWT Regulatory System

In my role as hosting Chair of the NWT Board Forum (Board Forum) session held in Calgary, Alberta on 30 November and 1 December 2010, I am pleased to announce the completion of the NWT Board Forum Strategic Plan and describe the action we will be taking to achieve our goals.

As described in our Strategic Plan (attached), the vision of the NWT Board Forum is to create:

“An integrated co-management system enabling effective management of natural resources in the NWT”.

In order to achieve this vision, the Board Forum has developed a number of specific action items. The Board Forum wishes to bring to your attention some of the key action items as they will support your vision to complete and improve the Northern regulatory system.

The NWT Board Forum will carry out a review of the northern regulatory system, initially focusing on the Mackenzie Valley, with the intent of taking concrete action to increase clarity, consistency, and certainty for development in the Northwest Territories within the legislative mandates that have been provided to us. As we undertake this work, we may identify opportunities for improved legislative provisions defining our mandates and would be pleased to share our thoughts in that regard if this would be of assistance to you.

Another action item includes continuing work on the Board Forum training initiative that is supported by your department. Training activities will continue to be a priority for Board Forum members to further increase Board member and organizational capacity.

During the NWT Board Forum, we met with representatives from Industry groups, including the Mining Association of Canada, the Prospectors and Developers Association of Canada, the NWT and Nunavut Mining Association, and the Canadian Association of Petroleum Producers. We had a very productive and open dialogue on issues and potential solutions to real and perceived concerns with the northern regulatory system. Their input will be considered part of our review of the northern regulatory system.

.../2

A reoccurring and significant theme for both industry and Board Forum members is the need for increasing clarity on how Crown consultation is carried out effectively. A number of recent decisions on this matter from the Federal and Supreme Courts of Canada provide useful guidance which we will, of course, incorporate into our thinking.

Industry representatives expressed frustration with the lack of clarity and consistency in expectations regarding consultations with aboriginal organizations, and with their ongoing work with regulatory boards, environmental assessment offices and governments. We will promote best practices among members of the NWT Board Forum. We recognize the excellent work carried out in this area by your department to date. We would be prepared to give you more specific recommendations, if this were of assistance to you. We intend to explore this important issue further at the next Board Forum scheduled for June 2011. We will be inviting representatives from your department to meet and discuss with us how we can work together to promote effective consultation with the people of the north.

We were very pleased that the Northern Project Management Office was able to meet with us and present an update on the work currently being done. We wish to emphasize our commitment to working with this office in the future. We appreciated receiving an update from your department on the Action Plan for Regulatory Improvement, and assure you of our commitment to work with all stakeholders to achieve the Plan's objective of a strengthened and improved regulatory regime in the NWT.

Yours sincerely,



Gaétan Caron
Host Chair
NWT Board Forum

Attachment: NWT Board Forum Strategic Plan

c.c.: NWT Board Forum Chairs and Executive Directors
Michael Wernick, Deputy Minister, INAC

vision

An integrated co-management system enabling effective management of natural resources in the NWT.

purpose

We demonstrate ways to increase our collective knowledge and understanding, to deliver a continually improving process that produces effective environmental and regulatory outcomes.

values

- Show respect and understanding of others
- Achieve Balance/Fairness/Impartiality
- Embrace change, diversity and interdependence
- Be inclusive, transparent and open in engaging others
- Show sensitivity to traditional and cultural elements
- Demonstrate quality and timeliness of action
- Respect the quality of the environment

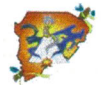
goals

Goal 1: A coordinated, sustainable, continually improving and publicly supported natural resource management system exists in the NWT.

Goal 2: Members of the Board Forum are knowledgeable and effective contributors to the resource management regime.

Goal 3: Communities, constituents and clients are consulted and informed in the pursuit of our goals.

STRATEGIC PLAN



Mackenzie Valley Review Board





Affaires indiennes
et du Nord Canada

Indian and Northern
Affairs Canada

www.ainc-inac.gc.ca



Votre référence - Your file

Notre référence - Our file

March 14, 2011

Mr. Gaétan Caron
Host Chair
NWT Board Forum
c/o Board Relations Secretariat
PO Box 1500
YELLOWKNIFE NT X1A 2R3

Dear Mr. Caron:

On behalf of the Honourable John Duncan, Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency, I wish to acknowledge receipt of your letter dated March 9, 2011, concerning the NWT Board Forum Strategic Plan and upcoming review of the northern regulatory system.

Thank you for taking the time to write to the Minister. Your letter will receive careful consideration.

Yours sincerely,

Suzanne Desrochers
Acting/Team Leader
Ministerial Correspondence Directorate



Affaires indiennes
et du Nord Canada

Indian and Northern
Affairs Canada

Sous-ministre

Deputy Minister

Ottawa, Canada
K1A 0H4

AVR 29 2011
APR 29 2011

Mr. Gaétan Caron
Host Chair
NWT Board Forum
c/o Board Relations Secretariat
PO Box 1500
YELLOWKNIFE NT X1A 2R3

Dear Mr. Caron: *Gaétan*

On behalf of the Honourable John Duncan, Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, I would like to thank you for your letter of March 9, 2011, and for providing a copy of the NWT Board Forum Strategic Plan. It is encouraging to learn of the actions taken by the boards in support of Canada's Action Plan to Improve Northern Regulatory Regimes. Certainly, the members of the NWT Board Forum are well placed and informed to assist in providing excellent and knowledgeable advice as we proceed on implementing the Action Plan.

In that context, the Department looks forward to hearing from the boards with respect to the opportunities that you identify for improvements. Regarding the legislative initiatives that Indian and Northern Affairs Canada is undertaking, I would recommend that the boards continue to engage, as you have, with officials responsible for the Action Plan, specifically those officials responsible for the various ongoing legislative projects.

A number of senior staff are scheduled to attend the June 7-8, 2011 NWT Board Forum to discuss both the evolving consultation and regulatory issues that you mention in your letter. I trust that you will have a productive meeting and that the boards will continue to work toward an effective and efficient regulatory system in the Northwest Territories in partnership with governments and Aboriginal organizations.

Yours sincerely,

Michael Wernick

Canada