

nwt board forum

Resource Management information for the NWT



16TH BOARD FORUM MEETING SUMMARY REPORT

November 27-28, 2012
Norman Wells NT

NWT BOARD FORUM SUMMARY REPORT

16TH NWT BOARD FORUM MEETING NORMAN WELLS, NWT NOVEMBER 27 - 28, 2012

Prepared for:

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1.0 INTRODUCTION

1.1 PURPOSE AND OBJECTIVES OF THE BOARD FORUM MEETING

The 16th NWT Board Forum was held in Norman Wells, Northwest Territories on November 27-28, 2012. 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 regulatory integration and coordination. 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 16th NWT Board Forum meeting held in November 2012. 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
- Results and Discussion of NEB post-Arctic Review and engagement trips in the NWT and Nunavut
- Update Presentations
 - NPMO Presentation and Discussion
 - Wildlife Act Update and Discussion
 - Addressing Issues with Board Funding
 - Integration and Coordination Efforts Discussion: Working internally and with external partners to maximize the potential of the Northern Regulatory System
 - Integration of Review Board and Land and Water Board Activities and Processes
 - Devolution Implementation Planning and Potential Board Considerations
 - Fraser Institute Report and Board Forum Communication and Engagement Opportunities
 - Co-ordination of hydraulic fracturing regulation in the Sahtu
 - Water Strategy Update: Trans-boundary Negotiations with Alberta – GNWT
- Other Business
 - NEB Policy
- Date and Location of Next Meeting
- Closing Remarks
- Action Items
- Appendices

2.0 OPENING REMARKS

After a brief welcome by the host Chair Larry Wallace, an opening prayer was led by Joseph Judas.

3.0 COMMITTEE REPORTS AND PRIORITIES

3.1 GOVERNANCE UPDATE – CO-CHAIRS WILLARD HAGEN AND RICHARD EDJERICON

Eric Yaxley provided a brief update about ongoing work of the Governance Committee:

- At the November 2011 meeting a structure was developed for the Board Forum Committees and was distributed to members in January 2012. Eric identified this as something the Members may wish to review and approve, or amend as needed.
- The Governance Committee was identified as functioning well.

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 3.5.1).

3.2 BOARD TRAINING UPDATE – VERN CHRISTENSEN

The report back to the group on the Training Committee's activities and updates included the following:

- Committee focusing on four priorities based on its 2012/13 Training Plan
 - Board Orientation Course
 - Developed in 2009/10 (manual and 2-day course)
 - Most recent course given December 13-14, 2012 in Yellowknife
- Conducting Public Hearings
 - Pilot course given in March 2012
 - Now have curriculum for regular presentation
 - Next course is January 22-23, 2013 – to be delivered by John Donihee
 - Courses are geared for Board Members and staff
- Administrative Law
 - Course given November 6-7, 2012
 - Very well attended and identified as being popular with Board Members and staff
- Oil and Gas (technical training)
 - The Pembina Institute is currently developing a course for this area

The Training Committee update also highlighted some recent concerns:

- Individuals have appeared at courses without having registered. It is very important that Michelle Kelly at the Board Relations Secretariat (AANDC - (867) 669-2632) is advised in advance of participant registration.
- Individuals have registered but then not shown up; although, they may have travelled to the location of the course. This will need to be monitored to ensure travel costs are not being covered for those who do not actually attend.

As general information, it was stated that the budget of the Training Committee this fiscal year is \$200,000 and the budget is now being administered by the Mackenzie Valley Environmental Impact Review Board (MVEIRB); having previously been managed by the MVLWB. All invoices for approved Board training should be sent to MVEIRB.

Discussion:

There was a brief discussion about scheduling of the various courses and the need to try to minimize conflicts. For example, it was pointed out that the Public Hearing course in January 2013 is being given over the same days as CIMP workshops and a Water Strategy update.

In addition to possible overlap with other key events, it was also pointed out that the notice given to the boards for upcoming courses is often quite short; thereby, making scheduling staff or Board member participation a challenge.

Regarding, materials for the Board Orientation course, it was suggested that the materials from the GNWT online staff orientation be reviewed as possible additional resources (e.g., working with Aboriginal communities, land claims information).

Action Items:

- i. **The Training Committee should continue to vet course dates with Board/Council Executive Directors to determine possible conflicts.**
- ii. **The Training Committee may wish to review the GNWT staff orientation package to see if there are suitable materials online to augment the Board Orientation course.**

3.3 OUTREACH AND COMMUNICATIONS UPDATE – INTERIM CHAIR BRIAN CHAMBERS

In his report, the Interim Chair of the Outreach and Communications Committee (OCC) noted the need to identify a new Chair for the Committee and to review the Terms of Reference for the Committee during this meeting.

Eric Yaxley referenced the Status Summary of the OOC (provided in the participant binder) and highlighted the goals to get the Committee back on track; these being:

- Identify a Chair
- Discuss and approve the Committee's Terms of Reference
- Define membership on the Committee

There is also a need to identify easily achievable tasks.

Discussion:

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

- The Committee needs to focus on a few items, a manageable set of tasks for the future. These should include:
 - Outreach – information sharing (e.g., presentations at Aboriginal and local government meetings).
 - Invite NGOs to participate at a future Board Forum meeting.
 - Invite youth representatives to attend Board Forum meetings.
 - Consider developing and providing presentations for schools about the Board Forum and its member organisations.
- The remainder of the discussion focused on finding a new Chair and support for that person. The following decisions and actions arose from that discussion.

Action Items:

- i. **Violet Camsell-Blondin was nominated as Chair of the OCC by Mark Cliffe-Phillips – approved unanimously.**
- ii. **Mark Cliffe-Phillips and Brian Chambers committed to supporting Violet as an active member of the OCC.**

3.4 ADDITIONAL COMMITTEE ITEM

As a wrap-up to the Committee updates, there was a quick review of the November 29, 2011 document, *Interim Authority of Standing Committees*.

Action Item:

- i. **A motion to approve the *Interim Authority of Standing Committees* was moved by Gaétan Caron and seconded by Willard Hagen – approved unanimously.**

3.5 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.

3.5.1 Governance Committee

Participants:

Willard Hagen, Co-Chair
Gaétan Caron
Bob Simpson

Richard Edjericon, Co-Chair
Eric Yaxley
Zabey Nevitt

Eddie Dillon
Eugene Pascal
Scott Paszkiewicz
Heather Bourassa

Facilitator: Shelagh Montgomery

TABLE 1 – GOVERNANCE COMMITTEE ACTION ITEMS

ACTIVITY	LEAD	RESOURCES	RESULT
Develop reporting template for Committees; ensuring that reports link to the Strategic Plan	Eric, Zabey, Gaétan		Reporting template before next Board Forum meeting – by end of February 2013
Make recommendations to the Transition Team about possible themes for upcoming meetings	Committee brainstorm		See Section 3.5.1.1 for possible themes.
Letter to Minister Duncan inviting him to the next Board Forum in Yellowknife and a follow-up on honoraria agreed during a short informal Caucus	Host Board Chair to sign on behalf of Board Forum after consultation		Draft letters sent to Chairs and EDs before being finalized and sent to the Minister.
Invitation to GNWT/AANDC for presentation focused on Devolution (maybe panel discussion)			

3.5.1.1 Possible Themes for Board Forum Meetings

During the Governance Committee break-out session the following were discussed as possible themes for upcoming Board Forum meetings:

- Input to Devolution – how can Boards best engage in the Devolution process to ensure our advice about policy changes is heard and considered?
- Understanding the priorities of Aboriginal Governments with settled claims regarding the regulatory regime and their role as regulators (e.g., Gwich'in and Tłıchǫ land use plans)
- NGO, industry engagement

At the end of the discussion the Governance Committee felt that the overarching theme should be “deeper engagement”.

3.5.2 Training Committee

Participants:

Jody Snortland
Jason McNeill
Vern Christensen
Joanna Olender

Larry Wallace
Kathryn Bruce
Marie-Anick Elie

Amy Thompson
Bharat Dixit
Paul Dixon

Facilitator: Yolande Chapman

TABLE 2 – TRAINING COMMITTEE ACTION ITEMS

ACTIVITY	LEAD	RESOURCES	RESULT
Oil and Gas Regulatory System Inspector Training (NEB)	LWB NEB (Bharat) GNWT	Time and funding for members to attend	Informed members on compliance and operations
Revisit Wildlife Course next year.	Training Committee	Overall priorities and funding availability for course development (reviewed by GNWT, EC, DFO, HTC and RRC)	Wildlife Course development
Consultation on the Course Calendar	Training Committee	Time commitment to prepare course calendar	Member Boards advise what courses are wanted or needed early in the new fiscal year.
Creation of Terms of Reference	Training Committee	Committee time	Draft TOR available for review by June 2013 Board Forum meeting
Interactive online training – on demand and/or scheduled, webinar	Training Committee	Committee time and cost to develop online and/or video materials.	Alternate training delivery options and meeting the needs of members

Note: Liz Snider EIRB is the Chair of the Board Training Committee and Michelle Kelly, Board Relations Secretariat is the lead program operations coordinator.

Further questions and comments are documented below:

- Some Boards have their own training therefore it would be useful to coordinate/share schedules

3.5.3 Outreach and Communications Committee (OCC)

Participants:

Violet Camsell-Blondin, Chair	Mark Cliffe-Phillips	Brian Chambers
Mike Harlow	Richard Edjericon	Doris Eggers
Walter Bayha	Margaret Nazon	Joseph Judas
Susan Gudgeon		

Facilitator: Sandy Osborne

TABLE 3 – OUTREACH AND COMMUNICATIONS COMMITTEE ACTION ITEMS

ACTIVITY	LEAD	RESOURCES	RESULT
Outreach on the purpose and goals of the Board Forum to: 1. Other government 2. Industry 3. Youth	Mark Cliffe-Phillips (other governments and industry) and Brian Chambers (youth)	TBD	1. Generic presentation with consistent messaging and updates from each Board Forum meeting 2. Media Kit 3. Education Strategy
OCC Team: Chair: Violet Camsell-Blondin Support: Mark Cliffe-Phillips Members: Brian Chambers, Mike Harlow, Richard Edjericon, Walter Bayha, Margaret Nazon Board Relations Secretariat: Yolande Chapman. Communications Staff Support: MVEIRB, MVLWB			

Further questions and comments are documented below:

- OCC will review the draft Terms of Reference and bring forward for discussion and approval before the end of this meeting

4.0 PRESENTATIONS

4.1 WELCOME FROM GUEST SPEAKER – MARGARET MACDONALD, SSI

Margaret MacDonald, the Norman Wells representative on the Sahtu Secretariat Board welcomed the participants and provided some background about the Sahtu Secretariat Incorporated (SSI).

The office is in Déline and has four staff people. The Executive Director is Dave Little who can be reached at 867-589-4719. Responsibilities include involvement in:

- CIMP
- Oil and gas activity

- Northern contaminants program
- Port Radium remediation and monitoring
- Canol Trail assessment and remediation
- NWT Water Strategy
- Protected Areas Strategy
- Trustee of the Sahtu Master Land Agreement
- Amendments to the Wildlife Act

Discussion:

Following the presentation there was a question about the extent of involvement the SSI has in the ongoing regulatory reform and whether there has been reflection on the proposed changes or what is working well. In response, it was stated that there have been recent meetings with Federal and GNWT representatives. While the Board Chairs are really the spokespeople, there is a general desire to keep the Boards in tact.

4.2 RESULTS AND DISCUSSION OF NEB POST-ARCTIC REVIEW AND ENGAGEMENT TRIPS IN THE NWT AND NUNAVUT – GAÉTAN CARON, MARIE-ANICK ELIE, SUSAN GUDGEON AND BRIAN CHAMBERS

NEB staff highlighted recent and ongoing work to improve community engagement throughout the NWT and Nunavut.

Staff and some Board members travelled to all the communities in the ISR, with the exception of Sachs Harbour, as well as Baffin and Beaufort communities, and will continue in 2013. The focus is on building and maintaining trust with communities:

- Transparency
- Expertise
- Commitment
- Empathy

The principal concerns heard related to potential risks to land, water, and culture. Additionally, there was concern raised about the lack of infrastructure in many areas in the event of an emergency.

In terms of relationship building, the community tours heard that the NEB must work collaboratively with land claim organisations and co-management boards. This is happening through the ongoing negotiation and signing of various MOUs (e.g., signed with MVLWB, MVEIRB, NIRB, and the NWT and Nunavut Water Boards). The NEB has also worked with AANDC and the GNWT to provide information sessions in the Sahtu on hydraulic fracturing.

4.3 ENGAGEMENT BREAKOUT SESSIONS - BEST PRACTICES AND PITFALLS

BEST PRACTICES

Prior to Engagement:

- Understand the need to consult often and early (boards and proponents)
- Develop an engagement plan, with ongoing evaluation
- Have a purpose and reason for the meeting
- Prepare - do homework and research beforehand and engage elders and schools
- Piggy back on AGMs and other meetings
- Give enough lead time to announce the meeting, using community radio and social media
- Work with translators in advance
- Avoid conflict with local events e.g. hunting season, Bingo, deaths in community

During the Engagement:

Have the right information

- Share information with organizations and communities using simple (one page) briefing materials
- Have the right background information available
- Incorporate traditional knowledge
- Ensure communities are adequately resourced to engage
- Accessibility of agency staff (Public Relations, Trust Building)

Communicate clearly, simply and effectively

- Explain who, what, where, when, how – in simple terms
- Speak to the audience – not above or under (need materials that can be readily understood) and follow the KISS Principle (Keep it Simple Stupid)
- Have skilled presenters, translators, interpreters and sound systems
- Know that silence doesn't always mean "yes"

Build Relationships:

- Observe community and local protocols – opening prayer, closing prayer, etc.
- Stay overnight in the community
- Incorporate a social event in the community visit
- Tummies – offer KFC, traditional food, feast, prizes
- Be respectful and do your best

Post Engagement:

- Vet meeting notes to ensure information was recorded accurately
- Report back to communities on what was presented and heard – in a brief succinct document
- Get feedback from stakeholders at any later meetings
- Admit, identify and learn from mistakes

PITFALLS/MISTAKES

Lack of Consultation, Follow-up and Commitment

- Consultations are often not held before issuing right
- Process of paying community to be consulted and engaged occurs without clarity on expectations
- Confusion with engagement and consultation, i.e. understanding "engagement" vs. "consultation" vs. "crown consultation"

- Must differentiate between organizations, i.e. “proponent” vs. “regulator”
- The lack of long-term commitment and no follow-up on specific commitments

Lack of Appropriate Communication

- There is a need for two-way communications - can't be one sided; need to develop a communication protocol with the engaged party
- Failure to speak to community in plain English and non-technical communication
- Overall failure to communicate events and news with affected people

Lack of Understanding of Communities

- Avoid fly in – fly out and be aware of other activities and meetings
- Recognize impact of other events – e.g. Gulf oil spill
- Don't make assumptions
- Develop local contacts and partners

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

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

4.5 UPDATE PRESENTATION ON REGULATORY IMPROVEMENT – STEPHEN TRAYNOR, AANDC

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

4.6 NPMO PRESENTATION AND DISCUSSION – PATRICK BORBAY AND MATTHEW SPENCE, CANNOR

An overview of the Northern Projects Management Office was provided:

- Offices in Whitehorse, Yellowknife and Iqaluit
- In existence since early 2010
- Purpose is to help industry as they move through the regulatory processes
- Coordinating Federal participation in project reviews
- Aligning regulatory streamlining efforts – Territorial and Aboriginal Governments
- Crown consultations:
 - Ensure information exchange
 - Consultation of Boards can meet CCU needs
 - Importance of MVLWB engagement guidelines
- Observed challenges with the regulatory regime
 - Negatively impacting investment
 - Project and regulatory schedules are not aligned; therefore, companies may pull out
 - Referral of exploration projects to EA does not send the right signal to industry. Companies need to be able to get the information necessary to determine project feasibility; this can't be done with early referrals
- NPMO hasn't done any work in the Sahtu yet, but there is interest in this

Discussion:

- There was some discussion back and forth about timelines for project reviews and regulatory process, but with differing opinions as to where responsibility lies (e.g., due to complex regime/too many regulators; industry unaware of triggers and requirements).
- While seeking to improve engagement in communities is a good thing, there needs to be a realisation that the amount of material communities are being asked to comment on with very little time is not sustainable. There needs to be a coordinated approach to creating the “big picture” of what all the little projects mean.
 - NPMO recognises this. Communication of information is very important and also a serious challenge. The level of activity is unprecedented in the North – three times what it has been.
- Engaging communities doesn’t necessarily mean just going to visit, but keeping people informed. It’s fine for the NPMO to sit with Federal and GNWT departments, but must also include Aboriginal Governments and communities.
- Need to keep in mind that when there is a sense that there is misinformation in the communities, it may more likely be that people are still relying on old information/ways of doing things. There needs to be re-education about current/best practices.
- Getting mixed messages: heard in the presentation that exploration and development activity is very high at the moment and yet from Ottawa we hear that the NWT is the worst jurisdiction and nothing is happening.
- Some statistics were provided to help the NPMO “talk up the North”:
 - Preliminary screenings – there have been about 1500 since the MVRMA
 - Environmental Assessments (EAs) – there have been about 60
 - EAs in settled claim areas – there have been about 5 (out of the 60 total)
- Regulatory certainty can be achieved by completing the system created by the MVRMA (i.e., land use planning, settling claims); not by changing an unfinished system. The question was asked, “What momentum is there in the Federal Government to finish the system?”.

4.7 WILDLIFE ACT UPDATE AND DISCUSSION – LYNDY YONGE, ENR

The ongoing review of the NWT Wildlife Act and the proposed changes were presented. The highlights were as follows:

- GNWT working much more collaboratively to develop amended Act (e.g., with Renewable Resource Boards/Councils).
- Expected to be introduced in March 2013 and, if it passes, to have it come into force one year later.
- Purpose of the Act:
 - Protect and conserve wildlife in NWT
 - Recognize and support Aboriginal and treaty rights
 - Support wildlife management processes in land claim agreements
 - Promote co-operative management of shared wildlife

- Be respectful of wildlife
 - Manage activities that affect wildlife
 - Encourage continued wise use of wildlife
- Principles of the Act:
 - Conserve wildlife
 - Use ecosystem approach
 - Use collaborative management approach
 - Recognize and value traditional Aboriginal values and practices
 - Use best available information
 - Do not use lack of complete certainty to postpone reasonable conservation measures (i.e., precautionary principle)
- Recognition of Aboriginal and Treaty Rights – there is nothing in the Act that can impact these.
- Very few details set out in the Act; rather, it sets up a management framework, with details to come in the Regulations.
- Boards recognised as main instrument in wildlife management. The Minister must:
 - respond in a timely manner to a board request for information, decision or recommendation
 - take all reasonable measures to implement a decision, recommendation or determination in a timely manner
 - provide the board with written explanation for actions not fully implemented within one year
- There will be thresholds for commercial activities in the regulations – developed with input from renewable resource boards. The role of the boards with respect to commercial wildlife uses will be respected.
- One significant difference in the new Act will be the use of habitat conservation measures:
 - No one can destroy habitat without legal justification
 - Guidelines for land use activities to minimize impacts on wildlife and habitat
 - Recognise that these would not be legally binding but they could be used LWBs or the Review Board as “terms and conditions” in permits.
- New provision for Wildlife Management and Monitoring Plans to be required
 - For larger projects with significant impacts on wildlife or habitat (e.g., those resulting in an Environmental Agreement)
 - Enables ENR to enforce wildlife monitoring and mitigation conditions
 - Fills a regulatory gap
- Conservation areas may be established to protect wildlife and important wildlife habitat
 - Needs Cabinet approval
 - Must follow land claim agreements – renewable resource boards may need to approve
 - If on private lands must consult with owner, develop agreement, may be compensation for real economic loss
- The proposed Act lays out a process for when a wildlife management decision must be made on an emergency basis, and there isn't time to follow the normal process of

consultation laid out in the land claim agreements. In these instances the Minister must:

- Notify affected boards and Aboriginal organisations before taking action
- Provide reasons
- As soon as practicable after taking action, notify boards and Aboriginal organisations and then follow actions required under land claim agreements
- Notify the public and provide reasons
- Emergency measures are only interim.
- Enforcement and Compliance were completely overhauled:
 - Updated powers of inspection, search and seizure
 - Court actions are modernized
 - Alternative measures are enabled – terms and conditions can be recommended by local harvesting committee, renewable resource board or Aboriginal organisation

Discussion:

- Recognised that the proposed changes may help the regulators.
- Management and Monitoring Plan requirement fills a regulatory gap, but not clear how it is proposed that proponents be forced to do this?
 - Since it will be a provision in the Act, and the Act is law, anyone with a land use permit will be required to follow the law. The Act will outline the requirements and verification of compliance will fall to GNWT Wildlife Officers.

4.8 ADDRESSING ISSUES WITH BOARD FUNDING – KIMBERLY THOMPSON, AANDC

- The North is being opened up for business but core funding levels have not always kept up – AANDC recognises this
- Recent reports (McCrank and Pollard) acknowledged that the Boards are key regulators and need capacity.
- As part of support to the Boards, and as land claim funding renewals approach (within next three years), AANDC is looking to do a comprehensive analysis of boards, including capacity and funding.
- Given the timing of the renewals, AANDC hopes to engage in the upcoming months in a dialogue with treaty partners to seek their agreement of and participation in such an analysis.
- Need to look at a variety of options, for example, cost recovery from proponents

Discussion:

- Will the discussion also include Boards without direct land claim ties?
 - Yes
- How will we deal with funding constraints, as opposed to timing?
 - We will not look only at funding mechanisms but also levels; however, the analysis will include looking for efficiencies in Board operations.
- A major obstacle for hearings (and boards) is the lack of participant funding. This can create delays and result in not always having the right people at the table.

- Cost recovery might help cover this. This will be considered in the review.
- Why is flexible funding being removed?
 - Not entirely the case since contribution arrangements allow for carry-over in some cases. However, the fixed contribution agreement is not as “flexible” as we were led to believe. We’re working to clarify and improve this.

4.9 INTEGRATION AND COORDINATION EFFORTS WITHIN THE NORTHERN REGULATORY SYSTEM – ZABEY NEVITT, PAUL DIXON AND MARK CLIFFE—PHILLIPS

The presentation addressed ongoing outreach efforts to other organisations to improve upon integrated land and water management in the NWT. The highlights are presented below:

- Boards recognized some inconsistency in application of Acts and regulations in regulatory processes, and also recognized that there are not clear policies and procedures in place for all board operations.
- In order to address the above-noted, six internal working groups were formed to review issues and prepare products for implementation throughout the Mackenzie Valley:
 - Public Engagement and Board Consultation
 - Plan Review Process and Guidelines
 - Water/Effluent Quality Guidelines
 - Terms and Conditions
 - Data Resource Sharing and Standards
 - Application Processes
- Through the working groups a variety of guidance documents have been prepared:
 - Public Engagement and Consultation Guidance Document, including policy and supporting engagement guidelines
 - Draft Reference Bulletin on how Board carries out its duty to assess adequacy of crown consultation
 - Guidelines for Developing a Waste Management Plan
 - Water and Effluent Quality Policy
 - Prepared standard list of terms and conditions for water licences and land use permits
 - Complete valley-wide water licence applications process guidance document
 - Complete valley-wide land use permit applications process guidance document
- The shared online registry and website have been improved.
- Executive Directors Committee
 - Meets once/month
 - Work under approved Terms of Reference
 - Discusses and attempts to resolve issues; including any inconsistent practices or issues that arise in working groups
- Chairs Committee
 - Meets up to 4/year
 - General direction

- Issue resolution
- Jurisdictional Working Groups
 - Wildlife
 - Archaeology
 - Air Quality
 - Quarry Permit Issuances – with AANDC
 - Timber Authorization Issuance – with ENR Forest Management Division
- Coordination with the NEB
 - Discussions and workshops regarding regulation of oil and gas exploration in the Central Mackenzie Valley
- Coordination with CIMP
 - Participated in and co-facilitated Strategic Plan Development Workshop to develop research priorities (CIMP has adopted NWT Board Forum Research Priorities)
 - Participating in meetings and reviews of proposals for CIMP research
- Input to Land Use Planning Process – Deh Cho and Sahtu LUPs
- MOU with Parks Canada signed in March 2012 – specifically for Prairie Creek and Howards Pass Access Roads
- Coordination with MVEIRB
 - Developing linkages between EA and regulatory processes (e.g., water quality objectives)
 - Developing clarity for proponents on what is expected in EA versus regulatory phases
- LWB participates in meetings of the NPMO Project Management Committee and provides advice to proponents through NPMO coordinated project-specific meetings.
- Regional Coordination
 - Wek'èezhii Forum
 - working to integrate other boards and Aboriginal governments, including information sharing with Tłıchǫ Lands Department
 - linked to the NWT Water Strategy, the Forum is looking at community watersheds to best manage resources in a regional context. Working with CIMP, using their pathway approaches.
 - Sahtu Initiatives
 - visited all communities and spoke to youth in the schools
 - working with RRB and RRCs to integrate and share knowledge

Discussion:

- When working with youth need to keep it informal and integrate experiential learning exercises – get out of the classroom and onto the land.
- How much advance work is done with principals and teachers when planning school visits?
 - usually coordinate with schools and have partnered with mining companies and graduate students

- staff of the WLWB have done work for GNWT ECE to teach teachers about the regulatory regime, and have delivered modules to Resource Management students at Aurora College
- In the ISR school curricula have been developed and are being delivered. This is very important and could be improved upon by the creation of a course on co-management bodies. There needs to be an expansion of northern curricula. Follow-up on this with ECE would be a good idea.

4.10 INTEGRATION OF REVIEW BOARD AND LAND AND WATER BOARD ACTIVITIES AND PROCESSES - VERN CHRISTENSEN

- Through this work we are trying to communicate much more closely now than we have in the past.
- Ongoing collaboration on “reference bulletins” to clarify respective MVRMA and s.35 consultation obligations.
- Collaboration on revised Preliminary Screening Guidelines will be coming forward.
- Have developed Cultural Impact Assessment Guidelines.
- Guidance on project descriptions to accompany applications - to assist in minimizing/streamlining EA referrals.
- We’re seeking synergies in communications
 - getting messages out to the public
 - joint public education and awareness
- Collaboration on strategic planning and interpretation services
- We’re looking at ways to reduce costs through possible co-location of offices and subsequent economies of scale that would come with that.

Discussion:

- Proposed regulatory changes may introduce regional environmental assessments.

4.11 DEVOLUTION IMPLEMENTATION PLANNING AND POTENTIAL BOARD CONSIDERATIONS AND DISCUSSION - SHALEEN WOODWARD & KATE HEARN, GNWT

An overview of the devolution of lands and resources to the GNWT was provided.

- GNWT devolution team is responsible for making sure the system works on implementation day.
- We are interested in knowing what BF members want us to focus on to make sure the system works. We also have an interest in working with Aurora College to ensure northerners are being trained to fill the jobs that will result.
- Anticipated devolution effective date is April 1, 2014.
- Post-Devolution resource management
 - want to respect what is currently in place, don’t want to disrupt process
- Need to maintain and strengthen relationship with the boards.
- An implementation plan will be developed and should be available in June 2013.

- Devolution challenges
 - implementation with respect to AANDC and its role in the regulatory regime
 - still need to understand the business processes

The presenters engaged the Board Forum members in a consultation exercise where members were tasked with identifying key actions during different stages of the devolution; that is, on the transfer date, within the first week, within one month, and within six months. The priority actions were captured by the presenters and will help inform their implementation plans. The transcribed results of the exercise are captured below.

4.11.1 Board Forum Members' Views on GNWT Implementation Plan Priorities

The following sections were transcribed from the flip charts used during the input exercise.

On the transfer date GNWT will need to (fill in the blank) the Boards:

- Ensure Boards are well aware of right to access land – with/how to determine
- Ability to process financial/fees, securities etc.
- Board funding (clarify)
- Establish processes by which boards forward license & EAs to Ministers
- Ensure transitional /grandfathering provisions are in place
- Open and transparent lines of communication between boards and GNWT
- Establish roles responsibility regarding land use inspection
- How/what fines issued, financial ability to collect
- Transfer of existing environmental agreements
- Service agreements with NEB on technical expertise on O&G E&P activities
- Make sure environmental agreements are consistent with devolution realities
- Ensure land inspectors/water inspectors have adequate training and credentials
- Ensure existing EA/large license processes are not disturbed/effected by transfer
- GNWT must respect self government (Tłıchǫ) and their management authorities
- Responsible Ministers appointed
- Relationships with other lands managers (MOU's etc.) do they transfer?
- Don't forget ISR
- Implementation Plan with resources in place

Within the first week the GNWT will need to (fill in the blank) the Boards:

- Legal transfers all in order
- Ensure staff are available to deal with transition issues
- Emergency measures are established and clear
- Ensure admin transitioned – not in violation (proponents/industry) all in place
- Consider NWTWB in an appropriate way
- Annual funding in place
- Training and info process on O&G E&P activities with NEB →with Boards too
- Ensure staff capacity to support Boards/System/People/Offices

Within the first month the GNWT will need to (fill in the blank) the Boards:

- Make sure funding is in place
- Funding should be sufficient
- Finish putting the elements of an integrated system of resource management in place, e.g. Land Use Plans
- Implementation committee in place
- Transfer of files and information in NEB FIO NWT Wells
- Working relationship meetings with boards in a group or one on one
- Training of GNWT personnel for appointment processes, permit and license approvals

Within the first 6 months the GNWT will need to (fill in the blank) the Boards:

- Map out respective federal (residual AANDC, DOE, DFO, NEB etc. and devolved GNWT) authorities in the integrated resource management system
- Availability of O&G info electronically to potential users
- Start getting ready to evolve (start looking at system improvements)
- Audit/review implementation with respect to integrated resource management system and devolution
- A rational annual budget development and approval process
- Mechanism for period review (3-5 years?)
 - where is the system working well, where is the system working not so well, where can it be improved
- Work out a longer term relationship between boards, GNWT, LCO, AANDC (bilateral/multilateral agreements)

4.12 CO-ORDINATION OF HYDRAULIC FRACTURING REGULATION IN THE SAHTU – BHARAT DIXIT (NEB) AND PAUL DIXON (SLWB)

1) The following key messages were highlighted:

- NEB works cooperatively with Northern agencies – in particular with the land and water boards in the scoping of the project for environmental screening and AANDC in carrying out inspections
- NEB has listened to communities about their concerns
- Operators need to demonstrate that they can:
 - Can drill safely while protecting the environment – review of risk assessment, and safety, environmental protection, and contingency plans
 - Respond effectively when things go wrong – see implementation of these plans and emergency response exercises
- NEB will take all available action to protect the environment – through inspections, audits, compliance meeting, and will make enforcement actions public

2) Current Disposition of Lands in the Central Mackenzie Valley & Activity

- 11 parcels were allocated in 2011 for a work commitment of about \$537M
- An additional two parcels were allocated in June 2012 for about \$92M

- There are a total of 15 parcels covering about 12,261 km² (slightly less than half the size of Great Slave Lake). This represents a work commitment of about \$640M for about nine years since 2007 – to five companies (ConocoPhillips, Husky, Imperial, MGM, and Shell).
- These Exploration Licences are valid from 2016 to 2021, and require Authorizations and well approvals from the NEB to undertake oil and gas exploration and production work.
- Companies are in the early stage of exploration, having done seismic and initial drilling (only Husky so far). Lots of exploration drilling performed for evaluation and analysis before possibly moving on to development (which may be ~ 5 years away depending on what they find).
- Companies need to come to the regulator for Development Plan Approvals when they are ready to advance to the development stage.
- **Specific to 2012-2013:**
 - Drilling program for MGM, 2 oil wells and 3 ground water monitoring wells
 - Drilling program for Conoco, up to 3 wells and 15 ground water wells
 - Drilling program for Husky, re-entering 2 wells and 15 ground water wells
 - Husky is proposing an all-season private road (40km), airstrip (1.4km) and well pad (200m X 305m)
 - Explor's 2-D seismic program permitted to restart operations this winter with approx 500km
 - For the 2012/13 winter there will only be vertical holes drilled, no horizontal drilling
- **Geologic Formation of Interest:**
 - The focus of companies in the area is the Canol Shale Formation (approx. 1500-2000 m below surface and approx. 150 m thick.
 - the formations are well below any surface and sub-surface potable water

3) NEB Regulation from Start to Finish

- The NEB reviews applications; grants drilling authorizations and approvals; monitors company operations; and verifies company compliance.
- Once a company has acquired an Exploration Licence, they must apply to the NEB for an Operating Licence, an Operations Authorization, and a Well Approval before they can carry out any drilling-related activities. These requirements are laid out in COGOA. The Act promotes the:
 - Safety of the public and workers;
 - Protection of the environment; and
 - Conservation of oil and gas resources.
- NEB role includes a number of specific responsibilities such as overseeing:
 - Geophysical surveys (for example, seismic surveys);
 - Exploration wells to see if oil or gas is present;
 - Delineation wells to confirm the size of a potential oil or gas field;
 - Development wells for producing oil and gas;

- Building and operating production facilities and facilities for transporting oil and gas; and
 - Abandoning wells and facilities.
- Any company planning to drill must demonstrate to the NEB they have the procedures and capability to protect workers & communities and the environment.
- Operators must provide financial instruments in the amount and form the NEB determines to be appropriate before an Authorization is granted for the drilling activity. There is no upper limit to the proof of financial responsibility, which is determined on a case by case basis. If a company doesn't have these, they can't drill.
- An Exploration Licence does not permit a company to drill a well. They need an Authorization, and Well Approval for each well.

4) Concerns about Fracking and Level of Activity in the Sahtu

a) Community Concerns:

- Based upon community visits/information sessions, concerns were raised about the following:
 - Surface and sub-surface water quality
 - Disclosure of fracture fluid contents
 - Waste water disposal
 - Fracture propagation and induced seismicity
 - Air quality
 - Capacity to deal with possible activities

b) Development Concerns of the SWLB

- Given the level of activity the SLWB noted concerns in the following areas:
 - Infrastructure
 - Municipal services including waste disposal and health and social services
 - Transportation infrastructure and public safety
 - Industrial waste treatment and disposal
 - Spill cleanup and containment equipment
 - Baseline studies and local understanding
 - Water usage and sources
 - Air quality and wildlife disturbance
 - Capacity within the regulatory system

5) Basics of a Drilling and Production Location

- The pad is about 200 m by 200m, and a large part of this area is occupied with water storage and pumping equipment.
- Water and additives are stored in the tanks on the site – volume required in horizontal wells can vary greatly. The estimated range is about 10,000 to 25,000 m³ for Canol Shale (about 10 to 25 times the big water storage tank in Norman Wells).
- The fluid is pumped down hole. Following the fracturing, fluid flows back (about 30-40% of what was injected) and is captured and stored in tanks on site.

6) Fracking Fluid

- Fracking fluid is about 99% water (used for actual fracturing of the rock or shale); about 0.5% sand (used to keep the fractures open); and, 0.5% additives such as:
 - Surfactants – to increase the viscosity of the fracture fluid;
 - Gelling agents – to thicken water to suspend the sand;
 - Scale inhibitors – prevents scale deposit in the pipe;
 - Corrosion inhibitors – for stabilizing and winterization;
 - Biocides – to eliminate bacteria in the water that may produce corrosive by-products;
 - Acid – to help dissolve minerals and initiate cracks in the rock; and
 - Friction reducer – ‘slicks’ the water to minimize friction.
- BC best-practices requires companies to state what the make-up of the fracking fluid is.
- The NEB, here, requires that Material Safety Data Sheets (MSDSs) be provided.

7) NEB Activity Related to Information Sharing

- Staff had community meetings in / with:
 - Norman Wells, Tulita, and Fort Good Hope in February 2012
 - Sahtu Secretariat Inc. Annual General Meeting – August 2012
 - Fort Liard in December 2011
 - Inuvik Petroleum Show in June 2012
 - Calgary’s Arctic Gas Symposium in March 2012
- Requests from communities for further meetings. NEB will plan to go to communities as requested.
- Ongoing coordination and cooperation with regulators and government departments

Discussion

- 1) What is the focus of the monitoring wells; just ground water or formations below?
 - Focus is on drinking water quality
 - Operators will have 20-30 wells to ensure coverage and that they have a good handle on flows
- 2) Will the NEB continue community engagement on fracking?
 - Yes, we’ll be entering into another round of visits in the Sahtu in 2013
- 3) Once oil is flowing does the sand come back, and if so, can it be re-used?
 - Only a very small percentage is entrained in the water that comes back. Sand is key to keeping the fractures open therefore it stays below.
- 4) Concern raised about inadequate baseline data; e.g., have no idea of the current state of the groundwater. In other areas where fracking is happening what information was available or considered in order for regulators to give project approval?
 - Very important to consider cumulative effects. Considering the area of about 1,000,000 hectares in the Sahtu, there will be 6-10 wells drilled in the next 5 years.

- The exploration to production stage changes the scale of the project which changes how decisions are made – more rigorous process comes into effect.
- 5) Have difficulty with community engagement since amounts to giving technical information and telling people what you know, but people need to know about the experimental part of fracking in the Sahtu and what the timeline is for that.
 - NEB has working relationship with key Alberta organisations that have the fracking experience.
 - Regarding experimental aspect, the Canol Shale is different, therefore, companies are testing to know what is required to ensure fractures are not greater than necessary.
- 6) Regarding the regional study being undertaken under ESRF, this could provide a great opportunity for coordination and community engagement. Has the NEB given any thought to the intersection your engagement activities with the ESRF study; i.e., with respect to coordinating/integrating your engagement activities and the development of the regional study?
 - As part of the ESRF Northern Advisory Committee, we will be attending a meeting to discuss priorities for the 2014 levy.
 - With respect to 2013 funding, there will be a focus on a baseline determination of water quality and this will be done in such a way that companies will not do individual projects but they will combine their efforts to produce a regional evaluation. There is an opportunity for us to use ESRF funds to do a regional EA similar to what is being undertaken in the Beaufort Delta.
- 7) Is there a cooperation agreement between the NEB and SLWB?
 - No formal agreement, but hoping to have one in the future. Lack of MOU does not preclude us working together.
- 8) Will NEB be the same with devolution?
 - Not clear yet from GNWT; there may be a service agreement so that they can use our expertise.

4.13 FRASER INSTITUTE REPORT AND BOARD FORUM COMMUNICATION AND ENGAGEMENT OPPORTUNITIES DISCUSSION – VERN CHRISTENSEN

An overview of the 2011-2012 Fraser Institute Mining Report and presentation of possible means of responding by the Boards.

- Annual report ranks 93 jurisdictions in terms of attractiveness to mining investment and development based on responses to survey questions rated on a scale of 1 to 5
- Result is a composite index called the “Policy Potential Index” – ranges from 0 to 100 and reflects the effects on mining investment of:
 - uncertainty concerning the administration, interpretation and enforcement of existing regulations;
 - environmental regulations;
 - regulatory duplication;
 - political stability;
 - infrastructure;

- taxation;
 - aboriginal land claims;
 - protected areas;
 - socio-economic agreements;
 - labour issues;
 - the geological data base;
 - security; and
 - corruption.
- Surveys sent to 5000 exploration, development and other mining related companies around the world.
- Received 802 responses from executives and mining managers for the 2011 survey.
- Out of 93 jurisdictions the overall ranking for the North was as follows:
 - NWT – 48th
 - Nunavut – 36th
 - Yukon – 10th
- On corruption the NWT ranked 41st and Nunavut ranked 40th
- On uncertainty regarding environmental regulations:
 - NWT – 67th
 - Nunavut – 46th
 - Yukon – 18th
- These surveys draw on sensationalistic presentation – not helpful or fact based.
- How should Boards respond or what should the Boards' objectives be regarding responding to these reports?

Discussion:

- There was general agreement that there is not a lot of credibility in the Fraser Institute reports and that it is not worthwhile for the Boards to respond.
- Helpful for Boards to measure their own success and use that information to suppress negative perceptions.
- The Board Forum should come up with an accountability framework and publish results from time to time.
- There are opportunities here – we need to get the positive messaging out, but not necessarily respond to specific reports.

Action Item:

- i. **The Outreach and Communications Committee was tasked with preparing positive messaging for the June 2013 Board Forum meeting.**

4.14 WATER STRATEGY UPDATE: TRANS-BOUNDARY NEGOTIATIONS WITH ALBERTA – DORIS EGGERS, GNWT

- Transboundary discussions ongoing since 1997
- Currently following a three-phased approach in negotiations with Alberta
 - Phase 1 is information gathering and sharing.

- 2 meetings held between NWT and AB, one in September 2011 and the other in February 2012.
 - Traditional and local knowledge gathered in December 2011 and February 2012.
 - Aboriginal and public engagement on NWT principles and interests.
- Phase 2: negotiation of the Transboundary Water Management Bilateral Agreement by NWT and AB.
 - includes developing statements of interests, options scoping and narrowing down or elimination of options.
 - NWT preliminary interests shared with AB in April 2012.
 - Options to achieve NWT interests were explored in June 2012 and September 2012
 - Aboriginal consultation and public engagement on NWT options – consultation letter sent in March 2012 seeking input into negotiation principles and interests; and a consultation package sent to Aboriginal governments in August 2012 seeking input on negotiating positions.
- Phase 3 is the finalization of the bilateral agreement between NWT and AB
 - Aboriginal consultation and public engagement will be done on draft agreement.
- A broad range of options for surface water quality, surface water quantity, groundwater, air deposition into water, and how decisions are made about those options are being discussed.
- The next meeting in February 2013 will continue discussions about the range of options. Signing expected in 2013.
- What the Agreement will do:
 - Make sure the ecosystem stays healthy
 - Respect Aboriginal and Treaty rights (as stated in settled land claim agreements: "...waters which are on or flow through or are adjacent to lands remain substantially unaltered as to quality, quantity and rate of flow")
 - Adapt to change
 - Plan for the future
 - Make sure NWT is informed and that upstream development doesn't harm NWT ecosystems
 - Set water quality limits that make sense to protect northern waters
 - Set water quantity limits that protect Land Claim Agreements and ecosystems
 - Allow us to learn more so that we can prevent harm to the groundwater
 - Monitor pollutants in air that might get into our waters
 - Use fish and bugs to assess health of the aquatic ecosystem
- What the Agreement will not do:
 - Stop oil sands development
 - Stop proposed Site C hydroelectric development
 - Speak to water-related issues brought up inside the NWT (e.g., development)

Discussion:

- View raised regarding the Site C dam and other large developments; that being, that it is not good enough that this will not stop activities that will impact our water.
- The Peel River is also very important; therefore, there should be a transboundary agreement with Yukon as well.
- Request that Board Forum and Boards are part of distribution list when consultations resume.

5.0 OTHER BUSINESS

5.1 NEB POLICY CHANGES – GAÉTAN CARON, NEB

An overview of changes to the NEB Act stemming from Bill C-38 was provided.

- Lifted limit to number of Board members
- Duties of Chair and timeliness of process:
 - If the Chair is concerned that a hearing may take longer than intended he/she may take any measure that the Chair considers appropriate to ensure the time limit is met, including
 - removing any or all members of the panel authorized to deal with the application;
 - authorizing one or more members to deal with the application;
 - increasing or decreasing the number of members dealing with the application; and
 - specifying the manner in which section 55.2 (regarding who has standing) is to be applied in respect of the application.
 - Very important point with change of composition of a Panel – if new member brought in they are deemed to have heard all evidence presented to that point.
- Every application the Board deals with must be addressed as expeditiously as possible. There is now a spreadsheet with all projects before the Board and it is reviewed regularly.
- If the Board finds an application for a pipeline is complete, it now has to submit a report to Minister outlining:
 - its recommendation as to whether or not the certificate should be issued for all or any portion of the pipeline
 - all the terms and conditions that it considers necessary or desirable in the public interest to which the certificate will be subject if the Governor in Council were to direct the Board to issue the certificate
- If the 15-month time limit can't be met the Chair can make a request to the Minister for an extension of 3 months.
- If the proponent has to submit more information or conduct further studies, as required by the Board, then the clock stops. May also apply to interveners, but not typically.

- Overall, the NEB has not lost any independence other than with setting time limits. The NEB has 15 months and the government has 3 months to respond; therefore, the overall process is 18 months.

Discussion:

- Does the NEB have a checklist to determine the completeness of an application?
 - Yes, this is what starts the 15-month clock (clock starts when application is complete). The Board has a maximum of 21 days to make determination.
- Regarding the Board's determination of "directly" affected parties, how does the Board weigh TK versus science? For example, in the case of the MGP, it could be seen to affect everything all along the valley.
 - The Board embraces any knowledge. During the deliberations is when weight is assigned to evidence heard, and an expert report may be given less weight than the story of an Elder.
- Regarding the determination of "directly affected" party, does this limit the participation of special interest groups or NGOs?
 - Not necessarily – the groups may represent people who are directly affected or may produce reports with information directly related to the pipeline.
 - The determination of standing is made when the invitation to become an intervener is issued or when written comments are requested.
- If there are demonstrations/protests that prevent access to a community for a hearing does the clock stop?
 - No, since they are not part of the NEB process. From experience, have only ever seen a delay of a few hours; therefore, not significant.

5.2 INTRODUCTION OF NEW AANDC RDG – KATHRYN BRUCE

During the morning of the second day of the meeting, Kathryn Bruce, the new AANDC RDG, provided some introductory remarks and comments on the organisation of BF meetings.

- recognise that all regulators are front and centre during a time of change
- need to respect that there are limits to resources
- Boards have had to look to ways to be more cost effective
- want to work together to find solutions and efficiencies while respecting fiscal constraints
- as noted by, Kim Thompson earlier, we hope to have Board funding issues reviewed by September 2013
- regarding this meeting, it is always very useful to have materials ahead of time.
 - Suggestion – If presentation materials are not provided by a certain deadline then that item could be struck from the agenda.

Discussion:

In response to the suggestion of deadlines for materials, the discussion focused primarily on meeting-related issues such as timing of materials, form of the agenda package, and presentation format.

- There was a suggestion made to move from hardcopy meeting packages to an electronic format, with a binder made available upon request.
 - No decision was made on this point. (However, an option to not have a binder will be available for participants at the next Board Forum – Board Relations Secretariat note)
- Regarding timing of materials, it was pointed out that the deadline is usually two weeks prior to the meeting. For the next meeting, these deadlines will be kept. Notes will go to Board Chairs and EDs advising them of which presentations are not received by the due date for discussion and action.
- The importance of the Board Forum meetings as an opportunity to discuss issues was raised; however, it was noted by some that the majority of the time is filled with information presentations without enough discussion time.
- It was further acknowledged that more discussion time is needed and suggested that a template for presentations as well as a time limit might be useful.
 - presentations should focus on why the information is important to the BF
 - important to recognise the BF meetings are not about passively digesting information but discussing it and working to improve coordination.
 - It was agreed to work on a presentation template or outline.

Action Item:

- i. **The Governance Committee will work on a presentation template/outline to ensure information of key importance is provided to members.**

6.0 DATE AND LOCATION OF NEXT MEETING

The Chairs were in agreement to meet in Yellowknife on June 18 and 19, 2013. The host will be the MVEIRB and the MVLWB, with Willard Hagen and Richard Edjericon as the leads.

It was proposed that the theme of the June meeting be “engagement”, and that the meeting include a Panel Discussion with representatives from NGOs, Youth (High School), Industry and Governments (Aboriginal, etc.).

In addition, it was proposed that the June meeting include the following priority topics:

- Communicating with stakeholders on performance
- Devolution
- Completing roles and responsibility Terms of Reference for the Board Forum Committees

The Transition Team will consult with the OCC to plan the June meeting.

7.0 CLOSING REMARKS

Prior to the closing prayer, led by Joseph Judas, Larry Wallace addressed the Forum with closing remarks. He congratulated participants on a productive meeting, thanked everyone for their enthusiasm and professionalism, and highlighted the importance of working together on common issues.

8.0 ACTION ITEMS

The following action items emerged during the two-day meeting.

General:

- Interim Authority of Standing Committees was unanimously adopted.
- Governance Committee will work on a presentation template or outline to ensure information of key importance to members is provided at Board Forum meetings.
 - Lead: Zabey, Eric, Gaétan
- Time limit will be set for presentations made at BF meetings.
 - Lead: Board Forum Working Group, Transition Team and Facilitators.
- Board Forum members need to commit to staying for full period of BF meetings.
 - Leads: Board Forum Members commitment
- The Working Group and Transition Team will consult with the Outreach and Communications Committee to encourage youth participation at the June meeting.

Governance:

- Develop reporting template or outline for Committee reports and presentations; ensuring that they link to the Strategic Plan
 - Leads: Eric Yaxley, Zabey Nevitt, Gaétan Caron
- Letter of invitation to Minister Duncan as well as follow-up on honoraria rates for Board members - Host Chair on behalf of all Boards
 - Lead – Working Group of Governance Committee

Training:

- Training Committee to set course dates in consultation with Board/Council Executive Directors to avoid, where possible, timing conflicts.
 - Lead: Training Committee
- Review the GNWT staff orientation package to see if there are suitable materials to augment the Board Orientation course.
 - Lead: Training Committee
- Develop Oil and Gas Regulatory System Inspector Training to ensure informed members on compliance and operations – Leads: LWB, NEB (Bharat Dixit), GNWT
- Revisit and consider development of a Wildlife Course next fiscal year. Additional funding for course development to be reviewed by GNWT, EC, DFO, HTC and RRC
 - Lead: Training Committee

- Continue to consult members on the Course Calendar so that members can advise what courses are wanted or needed earlier in the year and be aware of their availability
 - Lead: Training Committee
- Develop a draft Terms of Reference for the Training Committee that provides guidance on activities
 - Lead: Training Committee
- Review and research interactive online training to see if resources are available to meet the needs of members. Online training may include a video, on demand and/or scheduled webinars
 - Lead: Training Committee

Outreach and Communications:

- Violet Camsell-Blondin unanimously approved as new Chair of the OCC.
- Mark Cliffe-Phillips and Brian Chambers committed to supporting Violet as an active member of the OCC.
- Engage in outreach activities with governments, industry and youth on the purpose and goals of the Board Forum. Longer term outreach products will include: a Generic Presentation with consistent messaging and updates by Boards at each Board Forum meeting, a Media Kit and an Education Strategy
 - Leads: Mark Cliffe-Phillips (other government and industry) and Brian Chambers (youth)
- Prepare positive messaging regarding Board performance and effectiveness of the regulatory regime for the June 2013 Board Forum meeting.
 - Lead: OCC

APPENDIX A

Meeting Agenda

Board Forum Agenda
November 27 - 28, 2012
Royal Canadian Legion Boardroom, Norman Wells, NT

DAY 1 – November 27th

- 8:30 Arrival – Coffee and Muffins
- 8:45 Welcome and Introduction – Host Chair Larry Wallace, Sahtu Land and Water Board
 Opening Prayer
 Introduction – Sandy Osborne, Facilitator
- 9:00 Committee Update Reports
 Governance Committee: Chairs Willard Hagen and Richard Edjericon
- Ratify draft committee governance structure – Eric Yaxley
- 9:15 Training Committee: Chair Liz Snider
- Overview of 2012/2013 Training and future course development and delivery– Liz Snider
- 9:30 Outreach and Communications Committee: Interim Chair Brian Chambers
- Identify Chair and reconfirm Committee's Terms of Reference, objectives and membership (Note: Working Committees are typically comprised of a Chair, Executive Directors and Board Relations staff – subject matter specialists can be volunteered and included from different Boards etc as required).
- 9:45 Break out for Committee Discussions - Accomplishments and Future Tasks
- 10:15 Health Break
- 10:30 Plenary follow up and agreement on specific tasks and activities for action by Board Forum
- 11:00 Results and Discussion of NEB post-Arctic Review and engagement trips in the NWT and Nunavut – Gaétan Caron, Susan Gudgeon and Brian Chambers
- 11:20 'Break out' - all Board Discussion on Engagement Opportunities – NEB continued lead
- 12:00 Lunch (provided)
- 1:00 Welcome and comments from Guest Speakers – Sahtu Secretariat Inc.
- 1:45 Economic update and Discussion – Minerals and Petroleum – Malcolm Robb, AANDC – deferred to next Board Forum meeting
- 2:30 Health Break

- 2:45 Update Presentation on Regulatory Improvement – Stephen Traynor, AANDC – deferred to next Board Forum meeting
- 3:30 NPMO Presentation and Discussion – Patrick Borbey and Matthew Spence, CanNor
- 4:00 Wildlife Act Update and Discussion – Lynda Yonge, ENR
- 4:30 Board Chair and Executive Director Caucus
- 6:00 Dinner

DAY 2 – November 28th

- 9:00 Arrival – Coffee and Muffins
- 9:15 Highlights from previous day – Host Larry Wallace, Sahtu Land and Water Board
- 9:30 Integration and Coordination Efforts Discussion: Working internally and with external partners to maximize the potential of the Northern Regulatory System – Zabey Nevitt, Paul Dixon and Mark Cliffe–Phillips
- Standard procedures initiative, MOU's and other co-ordination efforts
- 10:30 Health Break
- 10:45 Integration of Review Board and Land and Water Board Activities and Processes - Vern Christensen
- 11:15 Devolution Implementation Planning and Potential Board Considerations and Discussion - Shaleen Woodward, GNWT
- 12:00 Lunch (provided)
- 1:00 Co-ordination of hydraulic fracturing regulation in the Sahtu – Bharat Dixit and Paul Dixon
- 1:45 Water Strategy Update: Trans-boundary Negotiations with Alberta – GNWT
- 2:30 Health Break
- 2:45 Fraser Institute Report and Board Forum Communication and Engagement Opportunities Discussion – Vern Christensen
- 3:30 Addressing Issues with Board Funding – Kimberly Thompson, AANDC
- 4:30 Discussion - theme, date, location, host of next meeting and other business – Chairs
- 5:00 Closing remarks – Host Larry Wallace

APPENDIX B

Presentations



National Energy
Board

Office national
de l'énergie



In search of best practices for Northern engagement

National Energy Board 2012 Experience

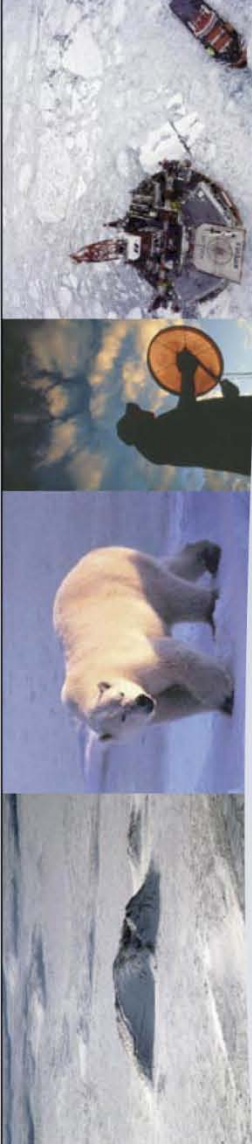


Canada



National Energy
Board

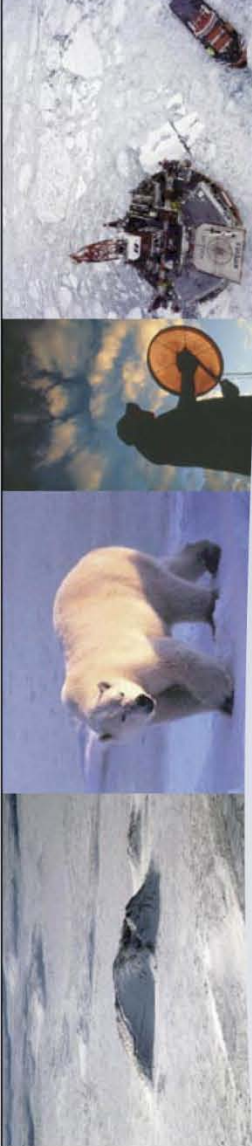
Office national
de l'énergie





National Energy
Board

Office national
de l'énergie

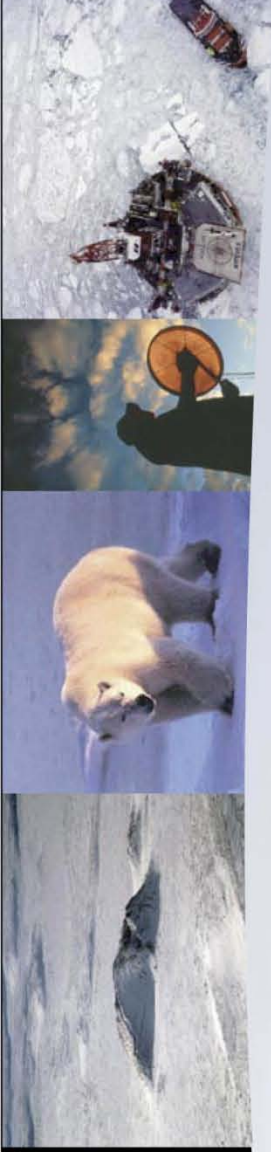


Canada



National Energy
Board

Office national
de l'énergie



The Four Factors of Trust

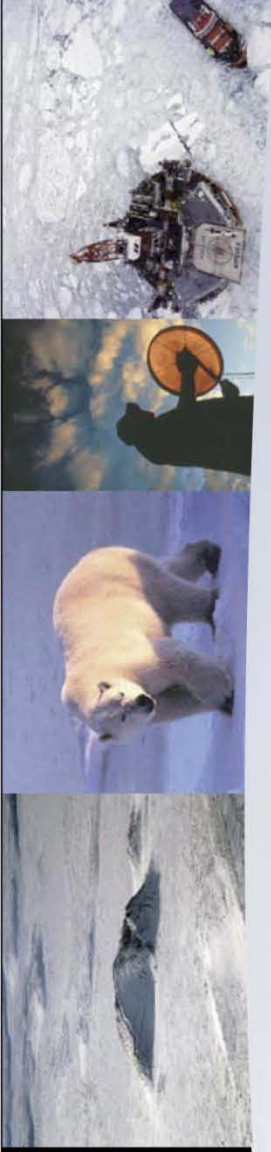
- Transparency
- Expertise
- Commitment
- Empathy





National Energy
Board

Office national
de l'énergie



Messages Heard

- Concerned about the risk to their land, water and culture
- Acknowledge the NEB as the watchdog
- Hydraulic fracturing and pipeline leaks are more immediate concerns in the NWT
- Appreciate that everything is connected



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Messages Heard

- Want to be involved in a meaningful way
- Appreciate the NEB visiting communities to build relationships

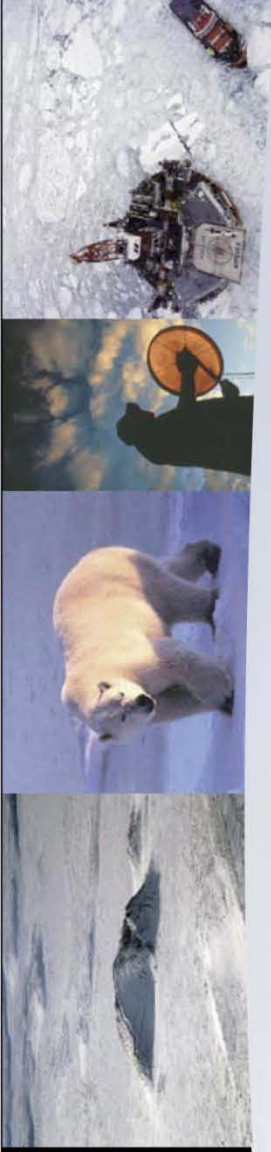


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Messages Heard

- Significant differences in how development is viewed between the regions
- Much misinformation at the community level
- Interested in possible benefits



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Messages Heard

- NEB is being held accountable

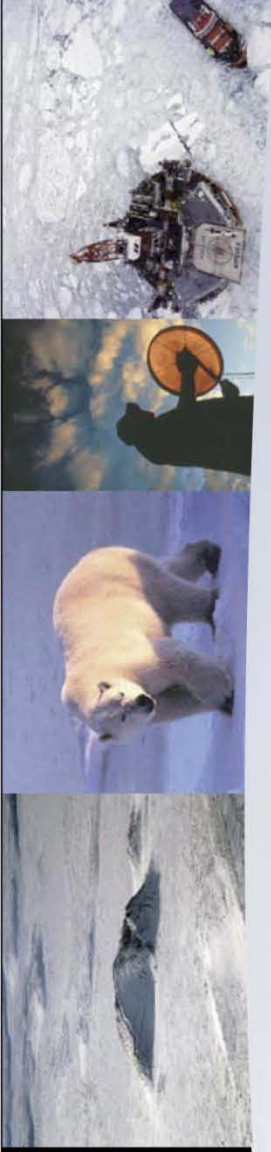


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Messages Provided

- Importance of working collaboratively with land claim organizations and co-management boards
- Encourage people to get involved in upcoming offshore drilling applications

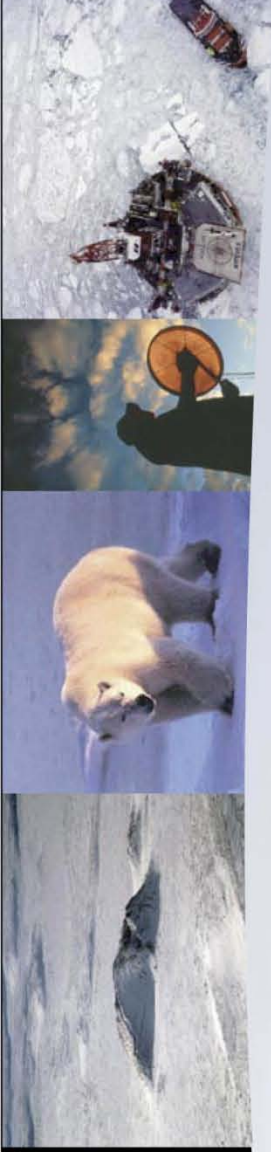


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Messages Provided

- Want to officially put into place MOUs for continued cooperation and sharing of information and expertise
- The NEB is always available to take calls and provide information and expertise

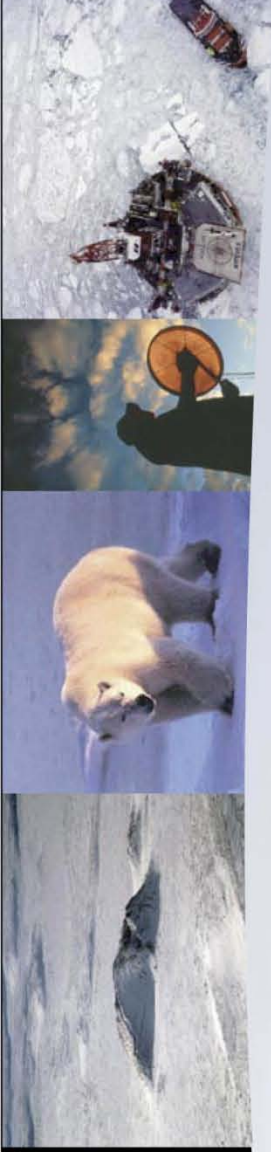


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Journey Continues

- Signing of MOUs:
 - Existing: MVEIRB (cooperative framework) and Northwest Territories Water Board – Cooperation (down-hole injection)
 - Recently Completed: NIRB and Nunavut Water Board
 - Pending: Nunavut Planning Commission, Mackenzie Valley Land and Water Board and Inuvialuit EISC & EIRB

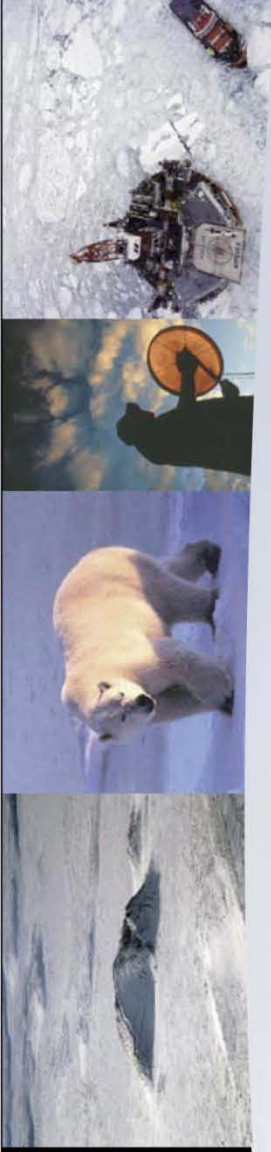


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Journey Continues

- Explore possibilities for a single process for offshore drilling (NEB and EIRB)
- Seek ways of having people involved
- Improve NEB processes to inform communities faster in cases of accidents
- Respond to people's needs for information on new energy development (e.g., shale oil)

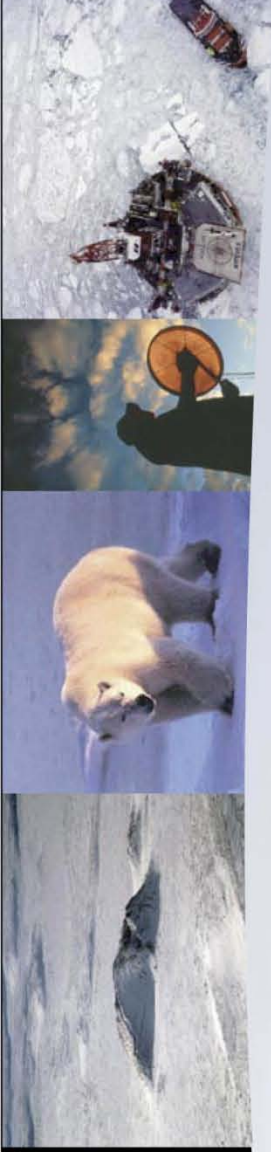


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Journey Continues

- Engaging Youth

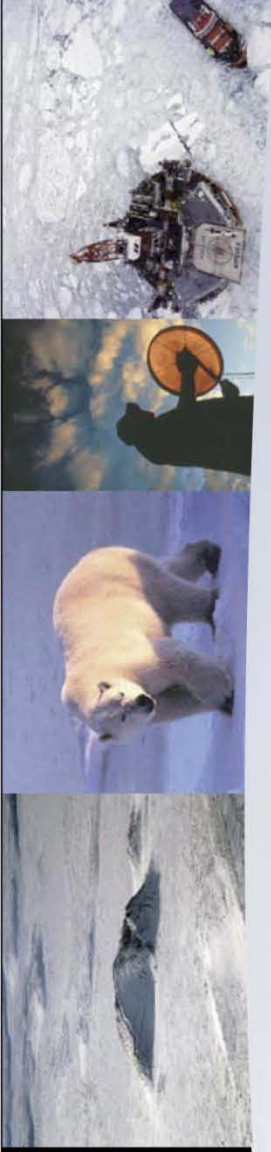


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Journey Continues

- Identify training opportunities and possible staff exchange with co-management boards
- Explore possible joint meeting with NEB/NWT/Nunavut Board Members – possibly February
- Learn from NWT Board experience in improving community engagement
- Continue the journey

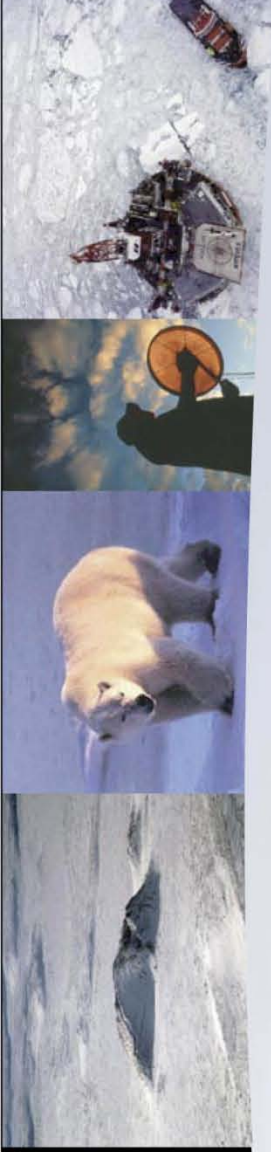


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Lessons Learned

- Importance of relationship building
- Building trust through respect, transparency, expertise, commitment and empathy



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The NEB's work in the North is based on:

- Clear legal mandate
- Trust and credibility with Northerners and Northern institutions
- Clear expectations of regulated companies
- Standardized oversight tools to verify and compel compliance



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The past is always present

REVIEW OF OFFSHORE DRILLING IN THE **CANADIAN ARCTIC**

Preparing for the future

December 2011

Canada



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The NEB will take all available actions to protect the environment and the public

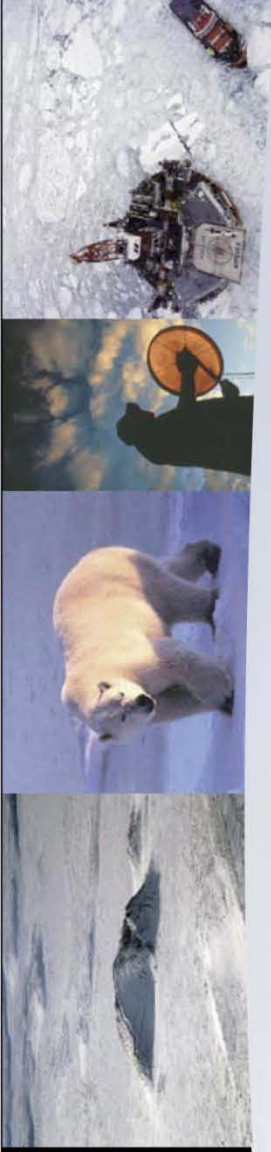


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Continual improvement



Grateful for NWT Board Forum views on engagement best practices as well as pitfalls or mistakes to avoid

Canada



Canadian Northern Economic
Development Agency

Agence canadienne de
développement économique du Nord

Northern Projects Management Office
Bureau de Gestion des Projets Nordiques

Northern Projects Management Office

NWT Board Forum

Presented by:

Patrick Borbey

November 27, 2012

Canada



Overview

Current context for Government action

Northern Projects Management Office

Suite of Activities:

- ✓ Project Coordination
- ✓ Service to Industry
- ✓ Crown Consultations
- ✓ Targeted Engagement Strategies
- ✓ Community Readiness

The next six months



The North's "Time has Come"

- Government's commitment to:
 - ...streamlining the regulatory processes required to get Northern resource projects up and running, and efforts to develop geological maps of the North to help prospectors find energy and minerals...*
- Responsible Resource Development
 - 2010 Action Plan to Improve Northern Regulatory Regimes
 - 'One project, One review'
 - Clear timelines
 - Simplification in permitting in areas including fisheries, navigable waters, and more to come...
- Multi-year investments in geoscience
- \$12.3 million over 2 years to continue to assess diamonds in the North
- \$47 million over 2 years to the Northern Pipeline Agency
- Amending Metal Mining Effluent Regulations
- Extend the 15% Mineral Exploration Tax Credit



Northern Projects Management Office

- CanNor's Northern Projects Management Office (NPMO) was created in 2010 to bring a whole-of-government approach to Canada's northern regulatory system.
- NPMO is a single-window for industry to navigate through northern processes – from exploration through to decommissioning – helping companies move more efficiently, and avoid and resolve issues.
- Additional suite of activities include:
 - Coordinating federal regulators to avoid issues, overlap, and speed up the process
 - Aligning regulatory streamlining efforts with territorial governments and Aboriginal organizations to set the stage for economic development – MOUs are being negotiated
 - Advancing regional and project specific economic and business development initiatives, with a focus on maximizing national economic return and benefits to Northerners from major projects
 - Addressing key issues and barriers: infrastructure, labour market



Project Coordination

Pre-Environmental Assessment	11	+	Environmental Assessment Phase	13	+	Regulatory Decision- Making Phase	1	=	Total Active NPMO Projects	25
	Projects			Projects			Project			Projects

Regulatory considerations

- Coordination of federal input – clarity, consistency and lack of duplication.
- Northern Project Agreements
 - Includes all federal regulators
 - Cradle-to-grave coordination including federal approval processes
 - Timelines
 - Project specific Aboriginal Crown consultation plan
- Regular project status updates for federal deputies (once a month)
- Quarterly NWT Project Committee meetings



Major Projects in Regulatory Approvals

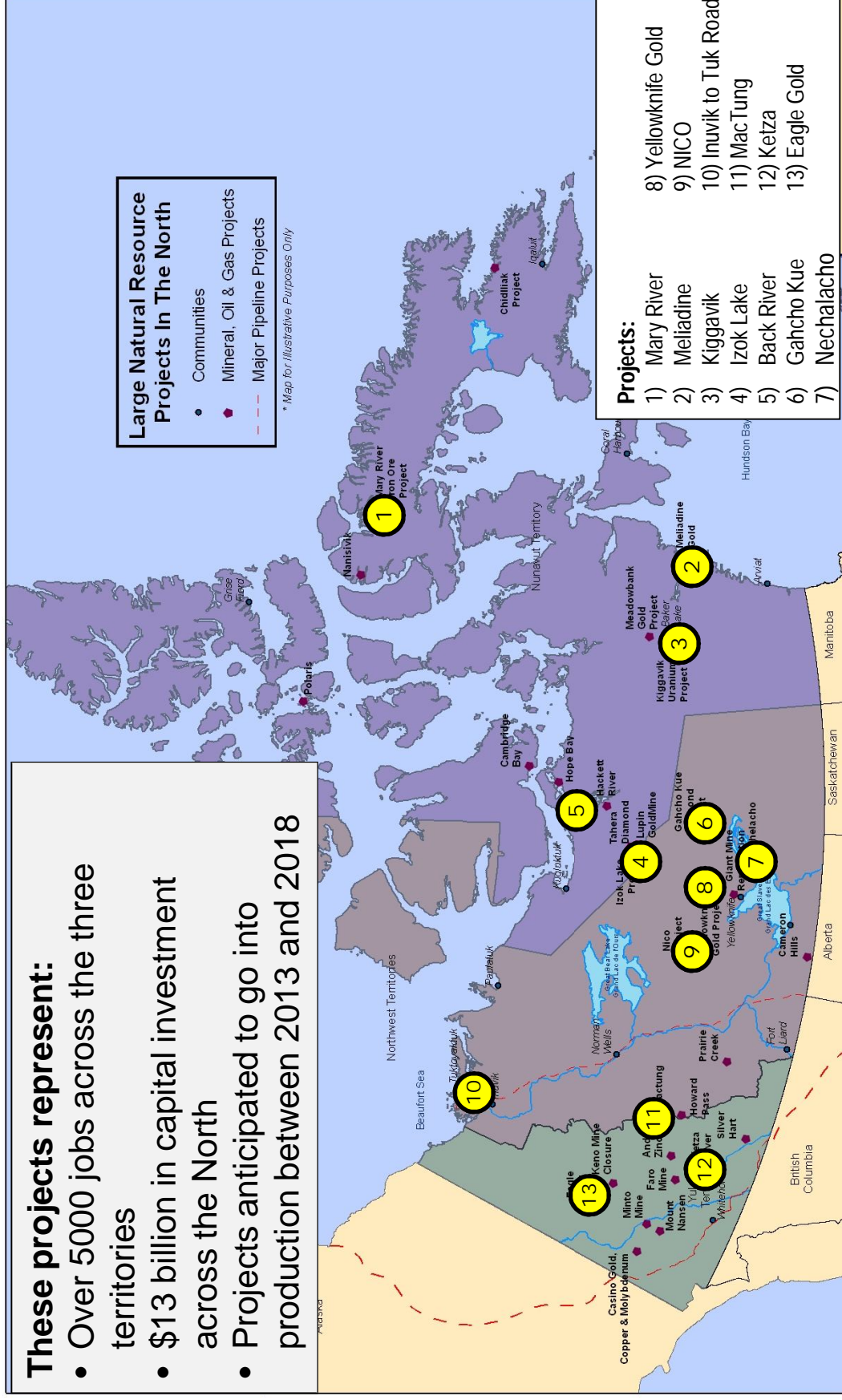
These projects represent:

- Over 5000 jobs across the three territories
- \$13 billion in capital investment across the North
- Projects anticipated to go into production between 2013 and 2018

Large Natural Resource Projects In The North

- Communities
- Mineral, Oil & Gas Projects
- Major Pipeline Projects

* Map for Illustrative Purposes Only





Service to Industry

- NPMO is currently working with 30 companies operating in the North – more companies being added to the portfolio each month.
- Engagement activities include:
 - Improvements in the timing of regulatory authorisations
 - Ensuring that public hearings schedules do not negatively impact on project schedules (seasonal resupply challenges)
 - Advice and support related to regulatory amendments for operating mines
- Dealing with these issues helps to ensure that they do not distract or delay the regulatory permitting process.



Crown Consultations

- CanNor's NPMO and Aboriginal Affairs and Northern Development have been developing a Government of Canada (GOC) approach to Crown Consultation.
- NPMO implementing its roles and responsibilities as Crown Consultation Coordinator for northern projects.
- Important linkages between the work of the GOC and other stakeholders.
 - Mackenzie Valley Land and Water Board draft engagement guidelines
 - Government of the NWT's role post devolution



Targeted Engagement Strategies

- Through the negotiation of Memoranda of Understanding, NPMO is fostering working relationships with:
 - The territorial governments of the Northwest Territories and Nunavut – intergovernmental coordination
 - Kitikmeot Inuit Association and the Qikiqṭani Inuit Association – collaboration on major resource development
 - Akaitcho Territory, NWT/NU Chamber of Mines – working together on major projects
- Looking to work with regulatory boards more closely to inform NPMO's coordination activities and seek opportunities to align efforts.



Community Readiness

- To help get communities prepared, NPMO is supporting:
 - Early stage facilitation of the exchange of information (e.g. workshops) between industry and communities on new developments – better informed decisions
 - Catalog business/economic opportunities associated with specific projects in “Opportunity Profiles”
 - Support the development of “Community Readiness Plans” that look at the socio-economic impacts and opportunities over the lifecycle of the project – maximize the positives and address the risks
- Informed, engaged and prepared communities have less concerns during EA and permitting phases, while also leading to better community outcomes.



Regulatory Challenges

Process concerns

- Delays in board processes can lead to the potential for significant delays in project schedules (Fortune Minerals)
 - Early referral of projects to EA create a risk of project proponents pulling out (MGM Energy)
 - Increased levels of project activity will impact on Boards' capacity

NPMO contribution

- Continued work to resolve issues outside of the review process
- Concurrent processes may help increase regulatory efficiencies
- Working with AANDC to facilitate resolution of funding issues in advance of devolution
- Resource Development Advisory Groups



What's Ahead: the Next Six Months

Increased Project Activities

- New projects entering the EA process: 3 in Nunavut
- Public hearings for 2 projects in the NWT (Avalon, Yellowknife Gold)
- Five projects to transition from EA to regulatory permitting (one in Yukon, three in the NWT and one in Nunavut)
- Water licence reviews for three projects (including public hearings for one in the NWT and one in Nunavut)

Industry Engagement

- Increased project portfolio – engaging with oil and gas companies, advanced exploration projects, operating mines
- Ongoing engagement at conferences and forums (i.e. Geoscience, Exploration Roundup, PDAC)
- Issues management – work with proponents, AANDC and others on how to better respond to development in central Mackenzie Valley



The next six months...con't

Targeted engagement strategies

- Complete and execute the proposed MOUs – the first signed on November 15, 2012
- Work with partners on an implementation plan for each MOU.
- Identify other potential partners

Community Preparedness

- Develop implementation plans targeting specific projects and specific regions
- Broaden engagement to key stakeholders: territorial governments, and Aboriginal governments and communities
- Within CanNor's suite of funding programs, looking to better align with major resource projects



Canadian Northern Economic
Development Agency

Agence canadienne de
développement économique du Nord

Northern Projects Management Office
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 Canada

Proposed New Wildlife Act

NWT Board Forum
November 27, 2012

Purpose

- **Protect and conserve wildlife in NWT**
- Recognize and support Aboriginal and treaty rights
- Support wildlife management processes in land claim agreements
- Promote co-operative management of shared wildlife
- Be respectful of wildlife
- Manage activities that affect wildlife
- Encourage continued wise use of wildlife

Principles

- Conserve wildlife
- Use ecosystem approach
- Use collaborative management approach
- Recognize and value traditional Aboriginal values and practices
- Use best available information
- Do not use lack of complete certainty to postpone reasonable conservation measures

Aboriginal and Treaty Rights

- Nothing in the Act abrogates or derogates from protection of Aboriginal or treaty rights provided by s.35
- Actions under the Act must be in accordance with Land Claim Agreements (LCAs)
- If there is a conflict or inconsistency, LCA provisions prevail

Minister

- shall develop and implement policies and programs in a manner that promotes a coordinated, collaborative and integrated approach to the conservation and management of wildlife and habitat

Collaborative approach to Wildlife Management

- Annual meeting of organizations responsible for wildlife management
 - to promote cooperative and collaborative working relationships
 - to address wildlife management issues of common interest such as management of migratory species, wildlife management plans, harvester education, conservation education and wildlife research

Board Involvement

Renewable Resources Boards

- Main instruments of wildlife management in areas of the NWT with settled land claim agreements
- Act recognizes authorities set out in the land claims agreement

Response to Boards:

The Minister must:

- respond in a timely manner to a board request for information, decision or recommendation
- take all reasonable measures to implement a decision, recommendation or determination in a timely manner
- provide the board with written explanation for actions not fully implemented within one year

Harvester Training

- Required for:
 - first time big game resident hunters
 - persons convicted of wildlife offence
- Others voluntary or through regulations
- Minister will ensure courses are developed and delivered
- Consultation with local harvesting committees, **renewable resources boards**, resident hunters

Respect for Wildlife

- Defence big game kills must be reported.
- Vehicle accidents involving big game must be reported
- Officers will report to local harvesting committees and **renewable resource boards** for the area

Regulations for commercial wildlife uses:

- Harvesting
- Buying, selling, trading wildlife, parts or derivatives.
- Buying pelts or hides in excess of prescribed quantity
- Tanning, dying, preserving pelts
- Taxidermy
- Fur farming
- Game ranching
- Outfitting and guiding
- Other prescribed activities

Regulations for commercial wildlife uses:

- Thresholds for commercial activities in regulations with input from **renewable resource boards**
- Role of the boards with respect to commercial wildlife uses will be respected

Permits for Other Activities

- Disease testing, import and possession of certain live animals
- Import of certain dead animals or parts
- Commercial export
- Wildlife research and collection
- Non-consumptive commercial activities involving wildlife (wildlife safaris, film making)
- Some permits or exemptions **require consultation or reporting to the boards**

Habitat Conservation Measures

- No one can destroy habitat without legal justification
- Guidelines for land use activities to minimize impacts on wildlife and habitat

Development Activities

- Minister must make a submission in the environmental screening, environmental assessment and land use permitting process when game or prescribed wildlife may be affected

Wildlife Management and Monitoring Plans

- Wildlife management and monitoring plans required for land use activities with significant impacts on wildlife or habitat
- Enables ENR to enforce wildlife monitoring and mitigation conditions
- Fills a regulatory gap

Conservation Areas

- To protect wildlife and important wildlife habitat
 - Needs Cabinet approval
 - Must follow land claim agreements – **renewable resource boards may need to approve**
 - If on private lands must consult with owner, develop agreement, may be compensation for real economic loss

Emergency Actions

- Minister can take emergency actions for wildlife or habitat conservation but must:
 - Notify affected boards and Aboriginal orgs before taking action
 - Provide reasons
 - As soon as practicable after taking action, notify boards and Aboriginal orgs and then follow actions required under land claim agreements
 - Notify the public and provide reasons

Emergency Actions

- Emergency actions are interim measures:
 - As soon as practicable ask the affected boards to review and consult with affected Aboriginal orgs

Enforcement

- Updated powers of inspection, search and seizure
- Court actions are modernized
- Alternative measures are enabled
 - Terms and conditions can be recommended by local harvesting committee, renewable resource board or Aboriginal organization

Penalties

Maximum fines increased to

\$50,000 (person)/1 year prison

\$100,000 (corporation)

\$250,000 (commercial)/1 year prison

\$250,000/1 year prison (person) – SAR

\$1,000,000 (corporation) – SAR

\$1,000,000/1 year prison (commercial) – SAR

General

- Extensive regulation making authority for tools for wildlife management (quotas, seasons, allocation, tags)
- Limits to disclosure of information to protect species, and traditional knowledge if requested by a board or Aboriginal organization

Part 8 - General

- Review after 5 years, then every 7 years



**Affaires autochtones et
Développement du Nord Canada**

**Aboriginal Affairs and
Northern Development Canada**



Addressing Issues with Board Funding

Kimberly Thompson, Implementation Branch

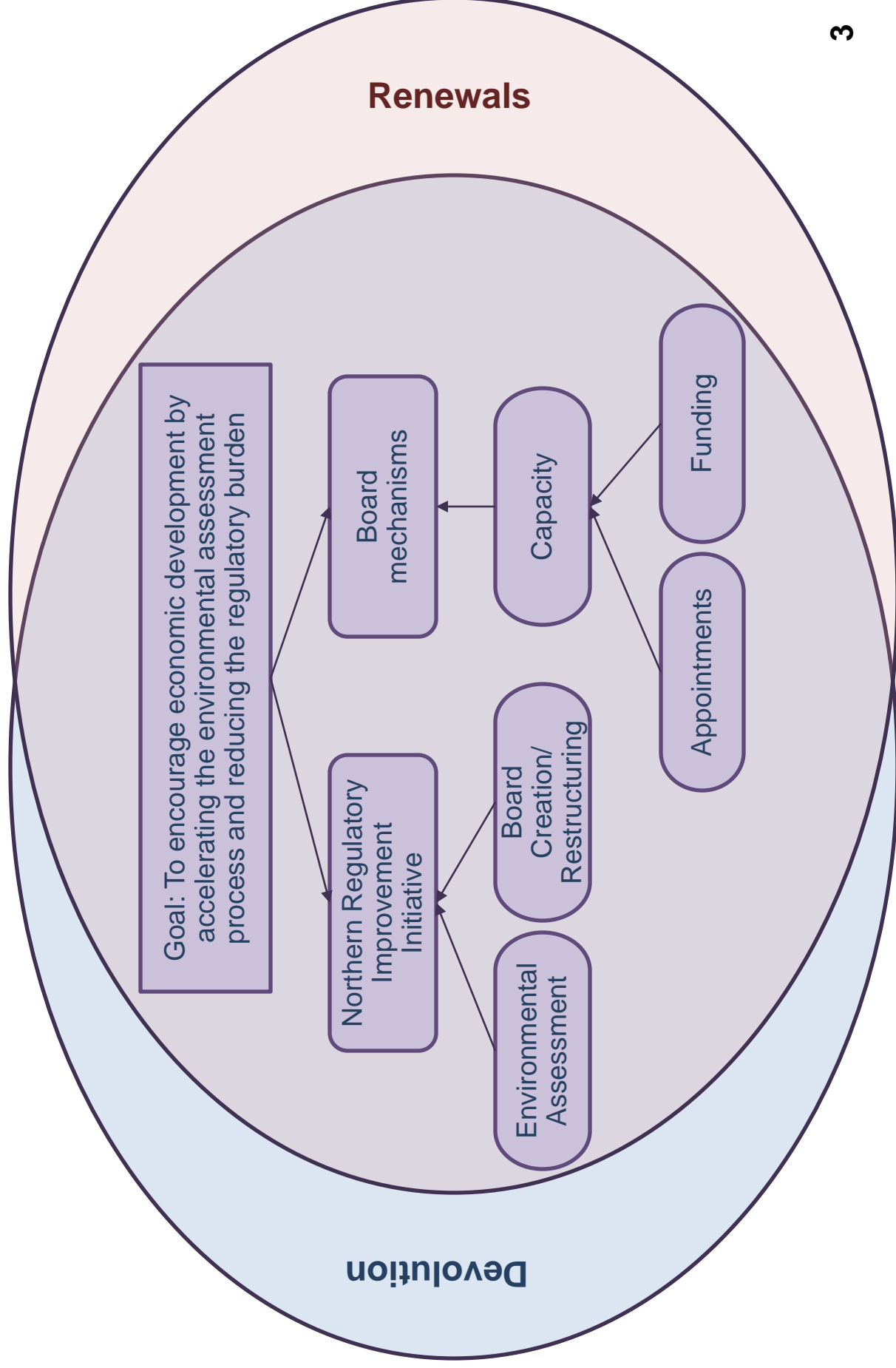
Treaties and Aboriginal Government

November 28, 2012

Government of Canada Vision for Boards in the NWT

- Overall objective:
 - Creating efficient and effective regulatory processes that will realize the economic potential of the North for the benefit of Aboriginal peoples, Northerners, and all Canadians
- Canada remains committed to honouring its obligations under Comprehensive Land Claims and Self-Government Agreements and will continue to work with its treaty partners to implement these Agreements
- Currently, there are several AANDC led processes that support this objective, including:
 - Regulatory Reform: Creating efficient and effective regulatory processes
 - Devolution: Decision-making over land and resources and the resulting financial benefits placed in the hands of the territorial government
 - Treaty Implementation:
 - A) Supporting our Aboriginal partners' strong voices in their regions and in the NWT through:
 - Ensuring obligations are respected by all partners and
 - Providing funding support to treaty partners and co-management organizations
 - B) Renewals of implementation funding for Comprehensive Land Claims and Self-Government Agreements
 - Negotiations: Certainty supports economic development ; moving toward a results-based approach to accelerate progress in negotiations

Current Key AANDC Initiatives Linked to Objectives



The Regulatory Regime

- As noted in the diagram, central to the objective of encouraging economic development is the creation and maintenance of an efficient and effective regulatory system
- AANDC has made significant progress through the work surrounding the Northern Jobs and Growth Act
- Also central to this objective is ensuring that the organizations that have a role in the regulatory regime have the capacity and support required to effect their mandate
- In past years, Canada has been criticized on its approach to Northern regulatory regimes
 - Several of these reports and recommendations have noted the ad-hoc approach to funding boards is unsustainable and hinders the ability of the bodies to carry out their mandated work
- Boards face many challenges that put financial strain on them:
 - Increased economic development
 - Cost of doing business in the North
 - Core funding levels are 8-10 years old
 - Incremental pressures are, in part, volume driven with no guarantee of funding
 - Other capacity issues (such as attraction/retention of staff)
 - Introduction of new legislation and other government department initiatives (e.g. SARA)
- Improvements to the regulatory system will ensure that boards are able to respond to challenges and capitalize on the economic development potential in the North

Renewals

- All Claims-related funding arrangements in the Northwest Territories (Gwich'in/Sahtu/Tlicho Implementation Plans, Inuvialuit implementation funding, Tlicho Financing Agreement) are due for renewal in the next 3 years
- Traditionally, the Department negotiates funding for boards on behalf of Canada with its treaty partners, based on information presented to the parties by board members
 - Funding levels are negotiated for a 10 year horizon, with the Federal Domestic Demand Implicit Price Index (FDDIPI) being the only built-in mechanism to adjust funding amounts
- This approach has forced many boards to seek supplemental funding from AANDC, which is problematic as the funding is not guaranteed nor is it always provided in a timely manner (it may take several months for the Department to secure a source of funds)
- The current approach is also inflexible in meeting changing demands/board workloads due to external pressures
- Before we renew funding for boards in the North, Canada has concluded that a comprehensive analysis of boards, including capacity and funding, is warranted
- Given the timing of their renewals, we hope to engage in the upcoming months in a dialogue with our treaty partners to seek their agreement of and participation in such an analysis

Going Forward

- Through the opportunity presented by renewals and with the agreement of our treaty partners, Canada hopes to do this analysis as soon as possible
- Together, with the Northern Jobs and Growth Act and related regulatory improvement work, this will support a strong regulatory system in the NWT
- In turn, this will support development overall and, in part, ensure that the territorial government receives a comprehensive, strong and effective regulatory regime
- Once we have secured the support of our treaty partners, we will, of course, seek your engagement to draw on your unique operational perspective



Comments/Questions?

Please contact:

Kimberly Thompson, Director, Treaty Management-West
Implementation Branch, Treaties and Aboriginal Government
Aboriginal Affairs and Northern Development Canada

Kimberly.Thompson@aadnc-aandc.gc.ca
(819) 953-1732

Integration and Coordination Efforts within the Northern Regulatory System **NWT Board Forum** November 2012



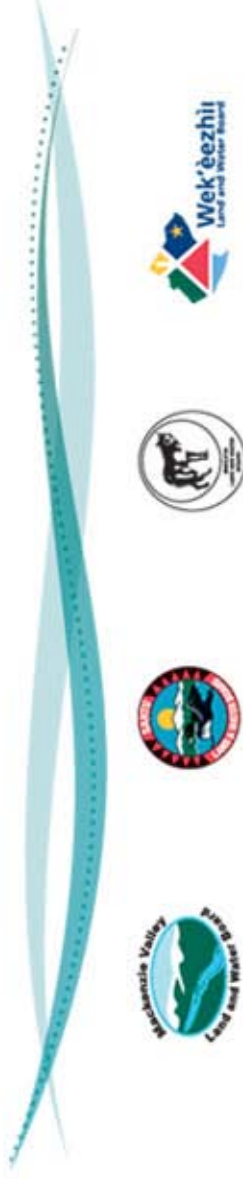
Areas of Coordination and Cooperation

- Land and Water Board Working Groups
- Chairs and Executive Director Committees
- Jurisdiction Working Groups (with AANDC/ENR)
- Coordination with National Energy Board
- Coordination with Cumulative Impact Monitoring Program
- Coordination with Land Use Planning Processes
- MOU with Parks Canada
- Coordination with MVEIRB
- NPMO - Project Management Committee
- Regional Coordination (ie Wekeezhii Forum)



Integrated and Coordinated MVRMA

- “An Act to provide for an integrated system of land and water management in the Mackenzie Valley”
- “the Agreements require that those boards be established. . . . within an integrated and coordinated system of land and water management in the Mackenzie Valley”



Land and Water Board Working Groups



What we heard and did.....

- Boards recognized some inconsistency in application of Acts and regulations in our processes
- Recognized did not have clear policies and procedures in place for all of our operations
- Struck six internal working groups to review issues and prepare products for implementation throughout Mackenzie Valley



Standard Procedures and Consistency

Working Groups

- Public Engagement and Board Consultation
- Plan Review Process and Guidelines
- Water/Effluent Quality Guidelines
- Terms and Conditions
- Data Resource Sharing and Standards
- Application Processes



Public Engagement and Consultation

- **Public Engagement and Consultation Guidance Document** including policy and supporting engagement guidelines
- **Draft Reference Bulletin** on how Board carries out its duty to assess adequacy of crown consultation



Engagement Policy

DRAFT



Mackenzie Valley Land and Water Board
Gwich'in Land and Water Board
Sahtu Land and Water Board
Wek'èezhii Land and Water Board

February 24, 2012

Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits

DRAFT

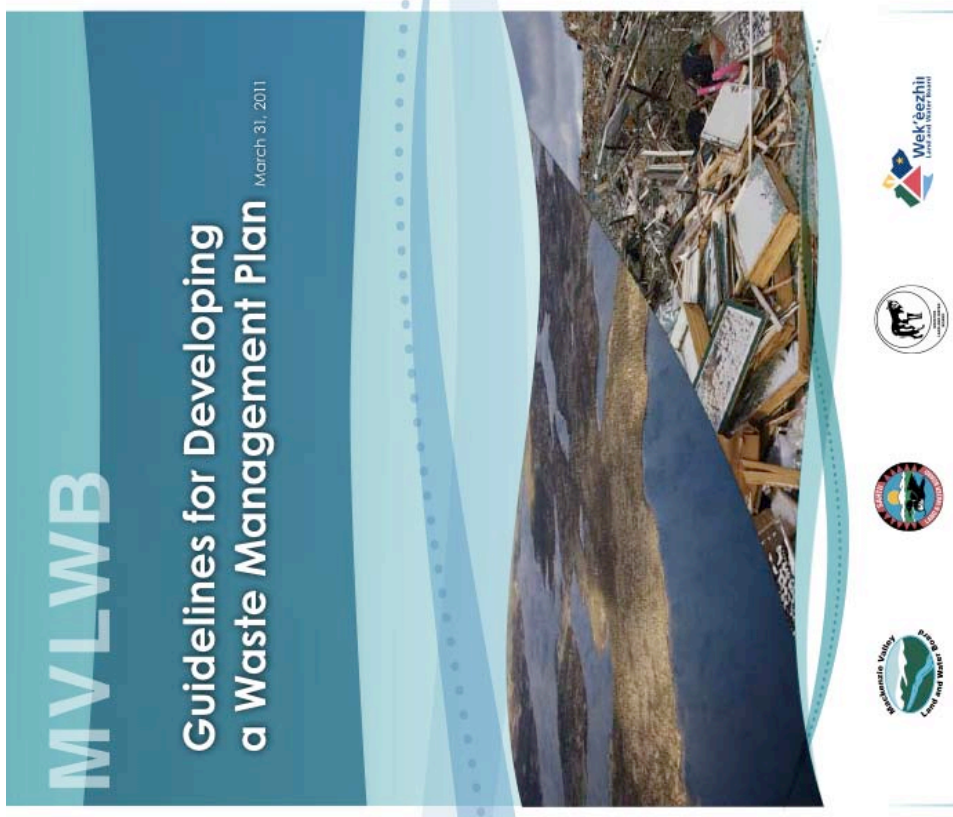
Mackenzie Valley Land and Water Board
Gwich'in Land and Water Board
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Wek'èezhii Land and Water Board

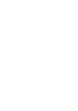
February 24, 2012



Plan Review and Process

- **Waste Management Guidelines**
- Finalize closure and reclamation guidelines in collaboration with AANDC and interested landowners

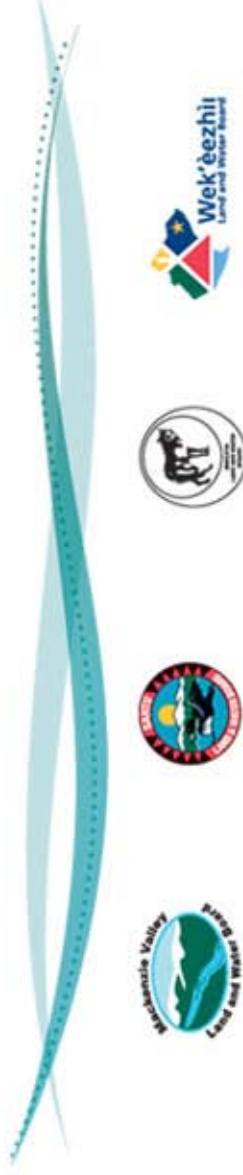




- # Water/ Effluent Quality Water and Effluent Quality Policy (i.e., how to set EQCs)
- Development of guidelines and procedures that support the policy
 - Implemented Policy in several recent Water Licence renewals and new applications

Terms and Conditions

- Prepared **standard list of terms and conditions** for water licences and land use permits
- Develop procedures for writing new terms and conditions for land use permits and water licences



Data Resources Sharing

- Improved **shared online registry and website**
- GIS Standards
- Document Submission Standards



Application Processes

- Complete valley-wide **water licence applications process guidance document**
- Complete valley-wide **land use permit applications process guidance document**



Chairs and Executive Directors

Committees

- ED Committee
 - Meets once/month
 - Work under approved Terms of Reference
 - Discusses and attempts to resolve issues; including any inconsistent practices or issues that arise in working groups
- Chairs Committee
 - Meets up to 4/year
 - General direction
 - Issue resolution



Jurisdictional Working Groups

- Wildlife
- Archaeology
- Air Quality
- With AANDC re: Quarry Permit Issuances
- With ENR – Forest Management Division re: Timber Authorization Issuance



Coordination with National Energy Board

- Discussions and workshops regarding regulation of Oil and Gas exploration in Central Mackenzie Valley
- Development of process mapping for concurrent processes
- Development of MOU
 - Capacity
 - Communication
 - Coordination of process



Coordination with Cumulative Impact Monitoring Program

- Participated in and co-facilitated Strategic Plan Development Workshop to develop research priorities (note CIMP has adopted NWT Board Forum Research Priorities)
- Participating in meetings and reviews of proposals for CIMP research
- Proposed as observer to CIMP working group
- Exploring other ways of linking CIMP research and results to regulatory decision making



Input to Land Use Planning Process

- Deh Cho Plan
 - Review of Plan Participation in Resource Managers Meeting
 - Ongoing discussions on how conformity decisions will be made and role of LWB v Land Use Planning Committee



Input to Land Use Planning Process

- Sahtu Plan
 - Review of Plan
 - Participation in Workshops



MOU with Parks Canada

- Signed March 27 2012
- Encourage and assist the Parties, to work together cooperatively in the exercise of their respective legislative duties and powers
- Specifically for Prairie Creek and Howards Pass Access Roads

COOPERATING MEMORANDUM of
UNDERSTANDING

Between

The Mackenzie Valley Land and Water Board

- and -

Parks Canada Agency
(Hereinafter the "Parties")



MOU with Parks Canada

- Foster coordination and communication
- Allows for specific agreements with respect to the preliminary screening and regulatory processes of the projects
- Contribute to the timely and effective consideration of applications for licences, permits or authorizations
- Facilitate ease of participation by proponents and stakeholders.



Coordination with MVEIRB

- Capacity Sharing
- Defining linkages between Environmental Assessment Process and the regulatory process
 - For example water quality objectives v EQC
- What happens when – developing clarity for proponents on what is expected in EA vs Regulatory phase
- Identifying process overlap possibilities



NPMO - Project Management Committee

- LWB participates in meetings of the NPMO Project Management Committee
- Provides advice to proponents through NPMO coordinated specific project meetings



Regional Coordination

- Wekeezhii Forum
- Sahtu Initiatives



Statistics

2011 - Spending

\$93.8 million **NWT**

\$537.7 million NT

\$331.7 million YT

2012 – Spending Intentions

\$135.5 million **NWT Increased 44%**

\$426.5 million NT Reduced 20%

\$291.7 million YT Reduced 12%



Integrating Review Board & Land and Water Board Activities and Processes

– “Fertile ground to be plowed.”

A Presentation to the NWT Board Forum –
Norman Wells, NT
November 27-28, 2012



Why integrate activities and processes?

- The purpose of the MVRMA - “An Act to provide for an integrated system of land and water management in the Mackenzie Valley...”
- To improve process timeliness
- To maximize operational synergies
- To reduce costs



Improving Process Timeliness

- Process integration proposals under current consideration include:
 - Vetting DAR terms of reference with LWBs
 - LWB staff participating in EAs as technical advisors and process advisors (e.g. WLWB and Fortune Minerals NICO EA)
 - Clarification of “significance thresholds” in REAs/REIRs (narrative or numerical)
 - Vetting draft measures for REAs or REIRs

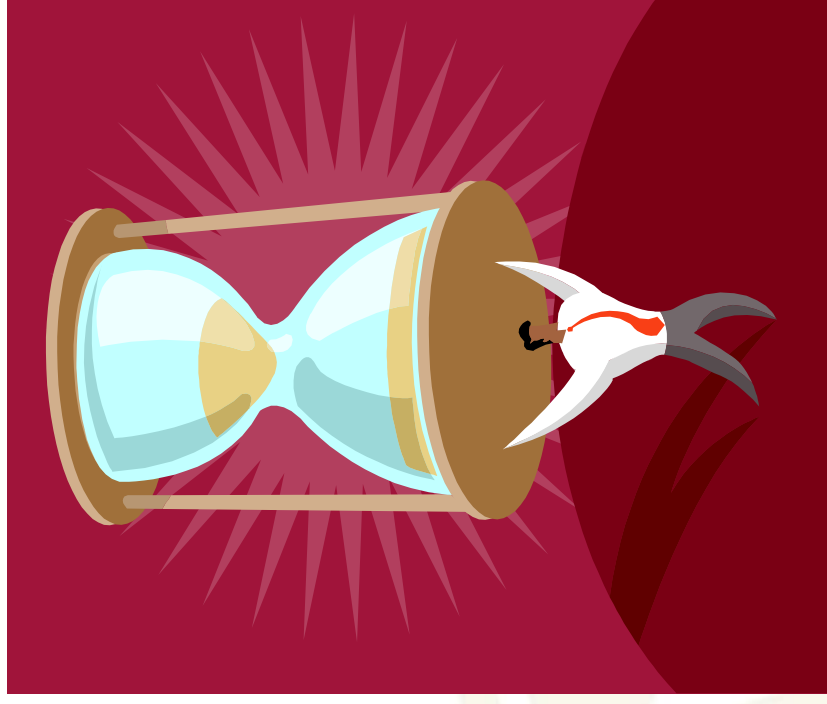
Improving Process Timeliness

- Collaboration on “reference bulletins” to clarify respective MVRMA and s.35 consultation obligations (on-going)
- Collaboration on revised Preliminary Screening Guidelines (future)
- Guidance on project descriptions to accompany applications - to assist in minimizing/streamlining EA referrals (future)

Improving Process Timeliness

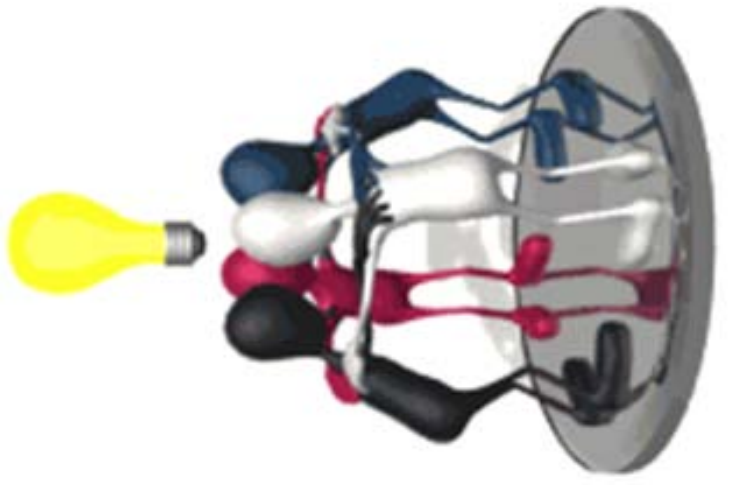
- future considerations

- Further research on integration ideas
 - pursuing opportunities for concurrent review cycles for EA and Pre-licensing processes - some Nunavut examples



Maximizing operational synergies *-future considerations*

- Common communication strategies and messaging to stakeholders
- Joint public education and awareness activities
- Collaboration on
 - Strategic planning
 - Implementation of Privacy Act provisions
 - Standard interpreter/translator services and glossaries
 - Policy development – various



Reducing Costs

Co-location of
MVEIRB
and MVLWB
Operations
– a future
consideration
(2015)

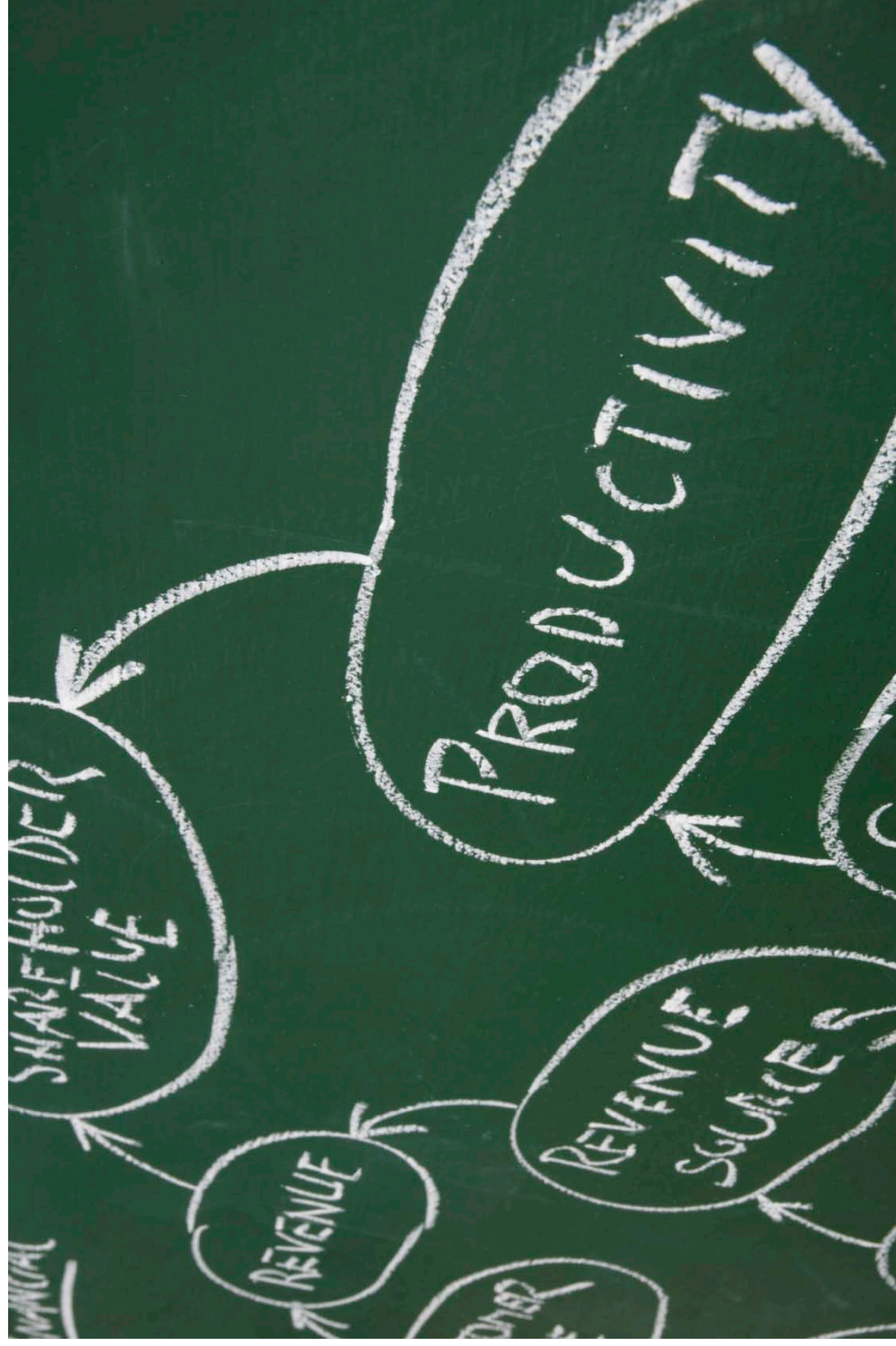


Reducing costs

– *future considerations*

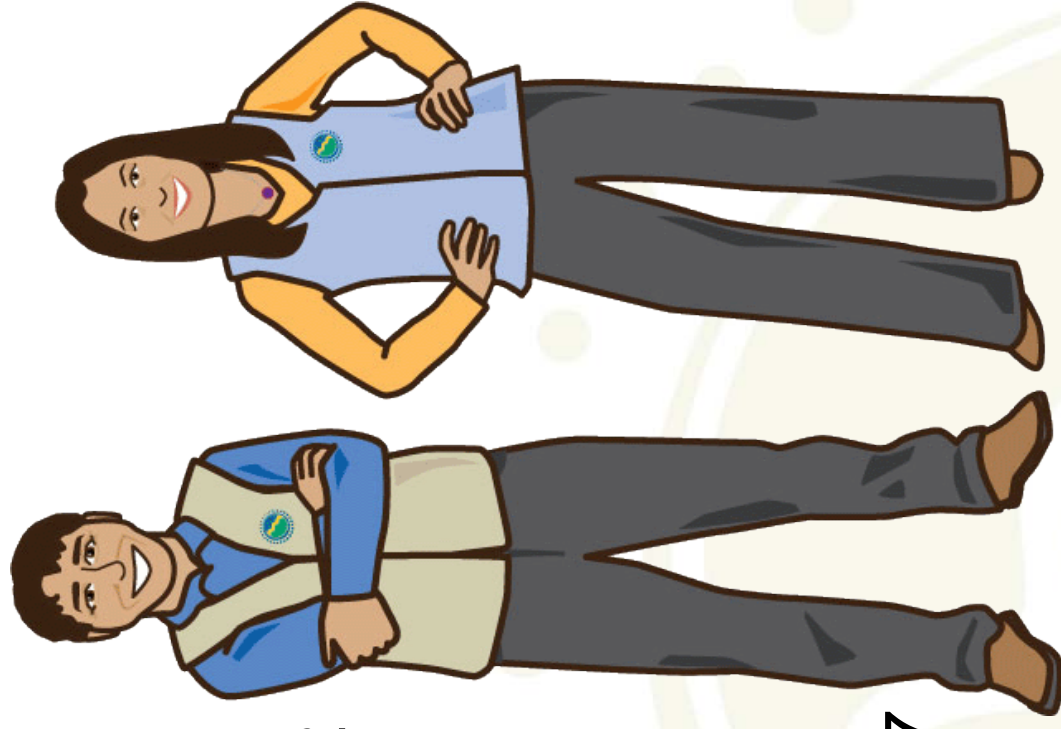
- Consider co-location of MVEIRB and MVLWB operations when office leases next expire (2015)
 - Economies of scale through shared office lease, office supplies, reception, IT, storage and Board room costs
 - Efficiencies through more readily shared technical resources (water quality expertise, GIS) reference materials etc.
 - Outreach/accessibility costs reduced by common “storefront”.
 - Improved day-to-day communication/efficiencies by closer proximity

New ideas always welcome!



Contact

- Tel: (867) 766-7050
- Toll free: 1-866-912-3472
- Fax: (867) 766-7074
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- Box 938
- 2nd Floor, Scotia Centre
- Yellowknife, NT X1A 2N7



DEVOLUTION OF LANDS AND RESOURCES

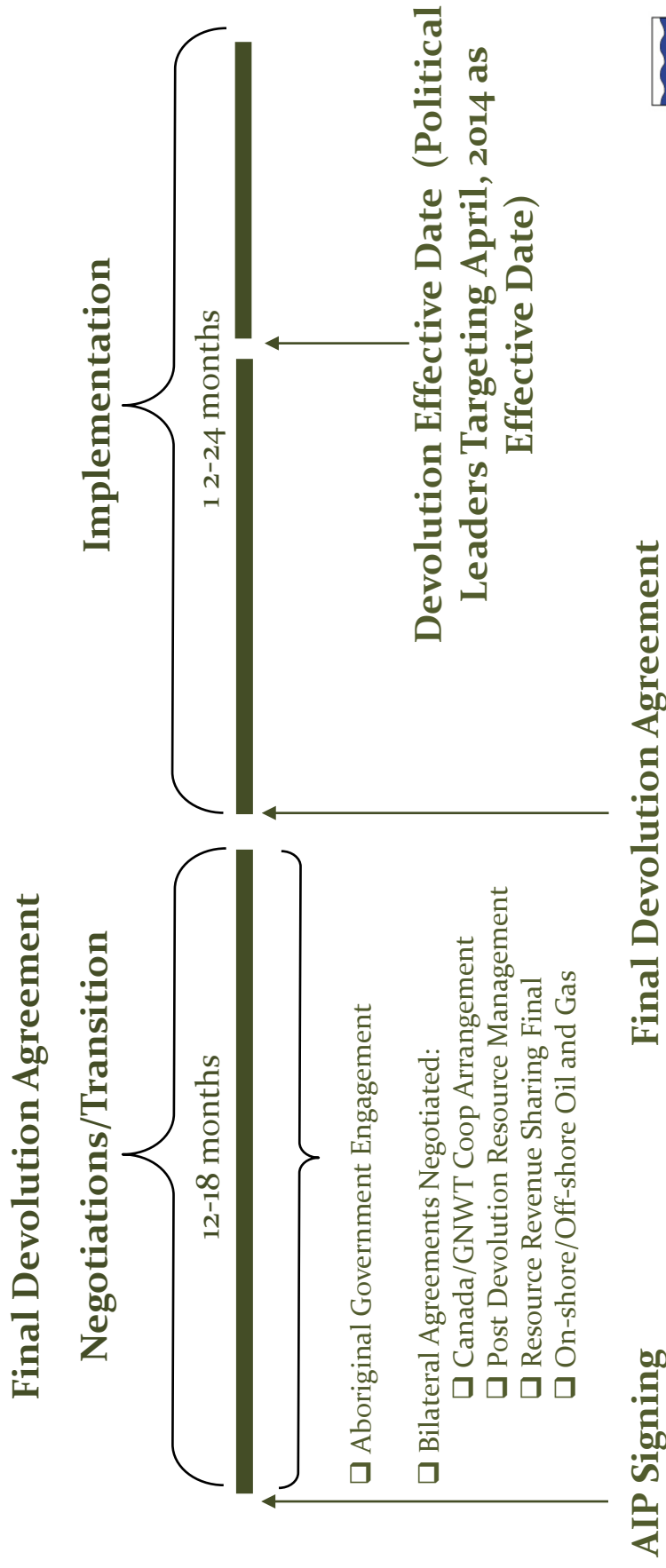


NWT Board Forum
November 28, 2012

What is Devolution?

- **NWT Devolution** is the transfer of administrative power and responsibilities over Crown (public) lands, resources and rights in respect of water, from one public government (Canada) to another public government (GNWT)

The Process: AiP to Final Agreement and Implementation



Post-Devolution in the NWT

After the transfer the GNWT will have:

- Legislative powers over lands and resources and rights in respect of water
- Decision-making authority over resource development
- Control over program delivery
- Rights to collect and keep a share of resource royalties

Post-Devolution Resource Management

– GNWT and the Boards

- Devolution will be done in a manner that respects existing land, water and resource rights and minimizes disruption of programs and services
- Business continuity is an overarching objective
- GNWT wants to maintain and strengthen effective working relationships between board staff and GNWT staff in transferred programs
- GNWT recognizes the skills, knowledge and experience of AANDC staff will be a significant asset in implementing the devolution agreement and is hopeful that many will accept job offers with the GNWT (which will then help maintain relationships)

Devolution Implementation Matters

- The Parties have established an Implementation Planning Committee under the AiP
- The AiP calls for development of a Devolution Implementation Plan which will be appended to the Final Agreement which shall identify:
 - Responsibilities and activities to implement the final agreement including legislative requirements arising from provisions of the final agreement
 - Responsibilities of Parties under the final agreement, and timelines and activities necessary to fulfill those responsibilities
 - Communications and information strategies respecting implementation of the final agreement
 - A process to facilitate coordination and cooperation among the parties to the devolution agreement to carry out the Implementation Plan, including a process to determine that responsibilities have been fulfilled.

GNWT Implementation Planning

- Devolution creates a unique planning challenge as expertise on the transferring programs that GNWT will administer post-devolution is largely in another organization
- Implementation planning emphasizes providing for business continuity, certainty and predictability at transfer date BUT
 - Changes are proposed and underway for elements of the regulatory regime in the NWT that GNWT will be mirroring
 - Land Claims implementation plans (which include funding for Boards) are in the process of being renewed
- GNWT is interested in working with key partners in the system, to manage challenges and provide for an effective and seamless transfer

Thoughts and Suggestions?

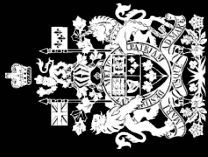
- The Implementation Plan will be a high level document for Parties to the Agreement
- The GNWT, as a Party is interested in your views as we work on our planning considerations for the Implementation Plan and our own business planning
- As part of our ongoing engagement with the boards, we would like to take advantage of the rest of our allocated time to quickly find out some of your thoughts on priorities

Questions for you:

- Please think about the most important aspects and interactions of the post-devolution relationship between GNWT and the boards that GNWT will need to build into its planning.
- Help us shape our planning and prioritizing by (on the flip charts around the room) completing the following:
 1. On transfer date, the GNWT will need to _____ the boards.
 2. Within the first week following transfer date, the GNWT will need to _____ the boards.
 3. Within the first month following transfer date, the GNWT will need to _____ the boards.
 4. Within the first six months following transfer date, the GNWT will need to _____ the boards.
 - For example:
 - “On transfer date, the GNWT will need to **ensure that relevant funding agreements are in place** with the boards.
 - “Within the first week following transfer date, the GNWT will need to **ensure that names and contact information for key GNWT leads on active applications** have been submitted to the boards”.
Or
 - “Within the first month following transfer date, the GNWT will need to **establish its financial management procedures around securities management for the boards**”.
 - Within the first six months following transfer date, the GNWT will need to **confirm that its board appointment processes are running smooth** for the boards.
- Please include your email address in your comment if you'd like us to follow up with you.

Thank you (Questions for Us?)

Contacts:			
Shaleen Woodward	Executive Director, Devolution Implementation and Planning	873-7288	shaleen_woodward@gov.nt.ca
Kate Hearn	Director, Land and Water Management Planning	873-7454	kate_hearn@gov.nt.ca
devolution.gov.nt.ca			



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Regulation of Shale Oil & Gas Activities

Bharat Dixit

Technical Leader – E&P
National Energy Board



National
Energy Board

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Paul Dixon

Executive Director

Sahtu Land and Water Board



Northwest Territories Board Forum

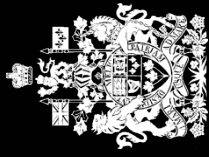
Norman Wells, NT

28 November 2012



Overview

- Overview Sahtu Land and Water Board
- Recent and anticipated activities
- Overview of hydraulic fracturing
- Regulating shale oil and gas activities
- Community Concerns
- Discussion



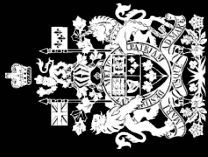
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Key Messages

- Northern agencies work cooperatively
- Listened to community concerns
- Operators need to demonstrate that they:
 - Can drill safely while protecting the environment
 - Respond effectively when things go wrong
 - Have proof of financial responsibility
- We will take all available action to protect the environment



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Sahtu Land and Water Board

Overview

- Review the establishment of the SLWB
- Current Oil and Gas exploration in the Sahtu 2009-present
- Development concerns for the SLWB





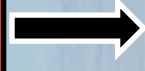
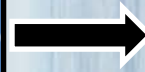
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Sahtu Dene and Metis
Comprehensive Land Claim
Agreement 1993

Mackenzie Valley Resource
Management Act (MVRMA)
1998



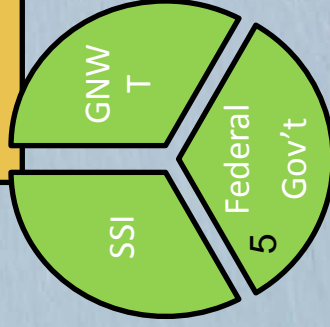
Sahtu Renewable
Resources Board
(SRRB)

Sahtu Land Use Planning
Board
(SLUPB)

Sahtu Land and Water
Board
(SLWB)



Members on Each Board: 50% nominated by Sahtu Secretariat
Incorporated (SSI), 50% Government nominated. Chair of each Board
appointed by nominated members.



Note: For more complicated or transboundary projects,
assessment or regulatory approval may be done by the
Mackenzie Valley Land and Water Board (MVLWB) or the
Mackenzie Valley Environmental Impact Review Board
(MVEIRB)



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Co-management Boards Roles and Responsibilities in the Sahtu Settlement Area

Wildlife and Forestry		Sahtu Renewable Resources Board
Fisheries		Sahtu Renewable Resources Board
Environmental Assessment		Mackenzie Valley Environmental Impact Review Board
Water Licences		Sahtu Land and Water Board
Land Use Permits		Sahtu Land and Water Board
Land Use Planning		Sahtu Land Use Planning Board





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Regulatory Authority

Authority is granted to the SLWB to issue, amend, renew, or cancel Land Use Permits and Water Licences on Crown, Private, and Settlement Lands.

Land Use Permitting

- ❖ *Mackenzie Valley Resource Management Act*
- ❖ *Mackenzie Valley Land Use Regulations*

Water Licencing

- ❖ *Northwest Territories Waters Act*
- ❖ *Northwest Territories Waters Regulations*





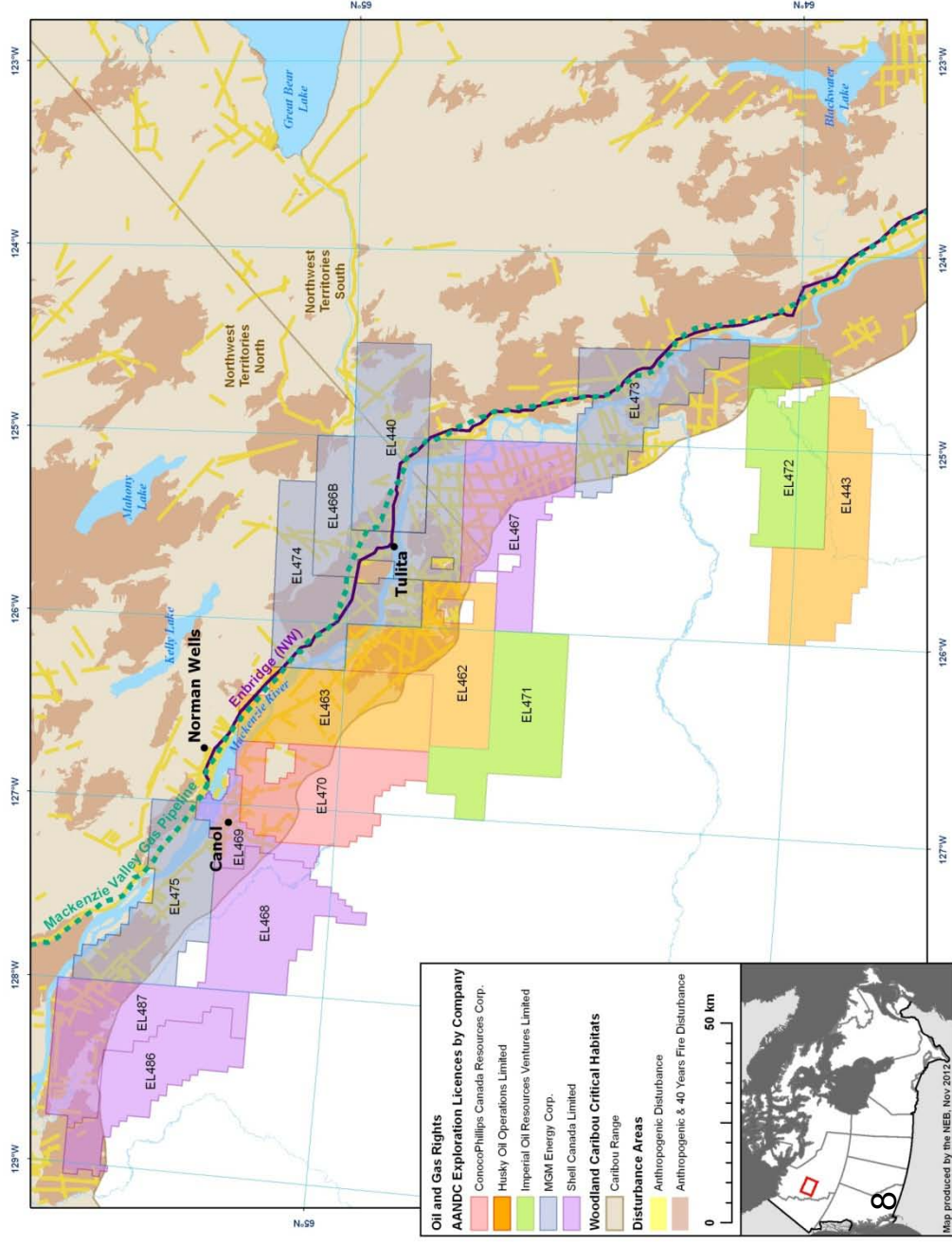
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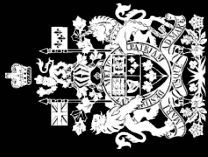
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Central Mackenzie Valley Blocks

Year Parcels
2007 - 1
2008 - 1
2011 - 11
2012 - 2





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Development in the Sahtu CMV Permits 2009-2011

- MGM Windy Island drilling program
- Husky Energy's 3-D seismic and drilling program
- Explor's 2-D seismic program





Sahtu Oil & Gas Activity and Exploration Overview Map 2009-2012





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CMV Permits and Applications 2012-2013

- Drilling program for MGM, 2 oil wells and 3 ground water monitoring wells
- Drilling program for Conoco, up to 3 wells and 15 ground water wells
- Drilling program for Husky, re-entering 2 wells and 15 ground water wells
- Husky is proposing an all-season private road (40km), airstrip (1.4km) and well pad(200m X 305m)
- Explorer's 2-D seismic program permitted to restart operations this winter with approx 500km





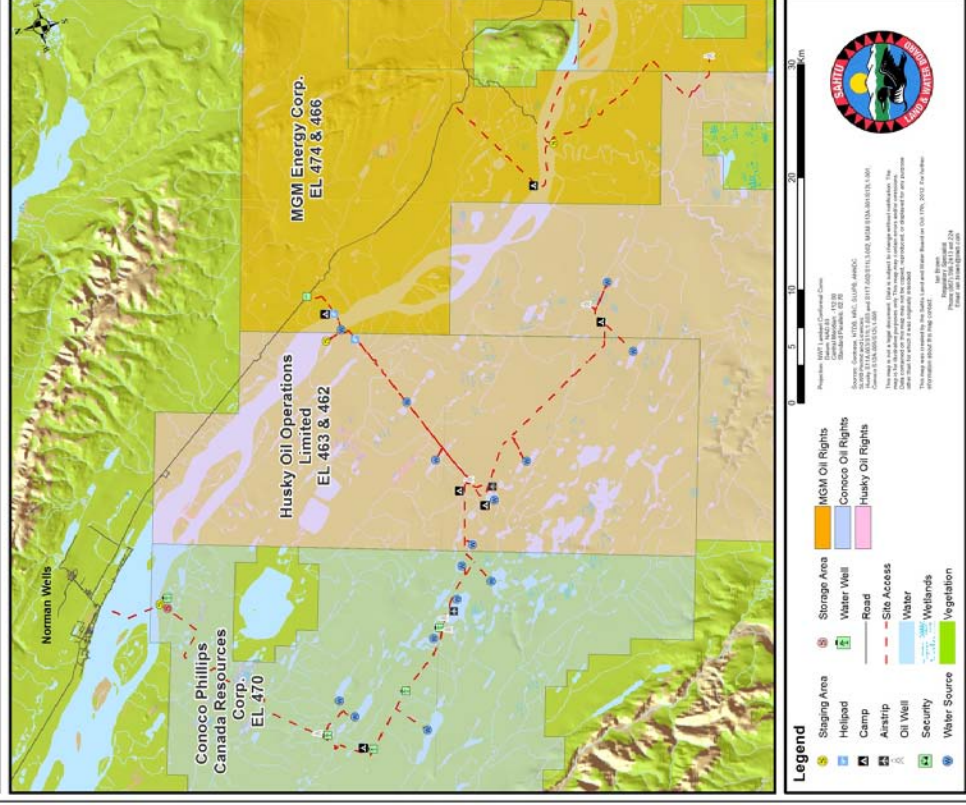
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Overview Map


Sahtu Proposed Winter 2012 Oil and Gas Operations

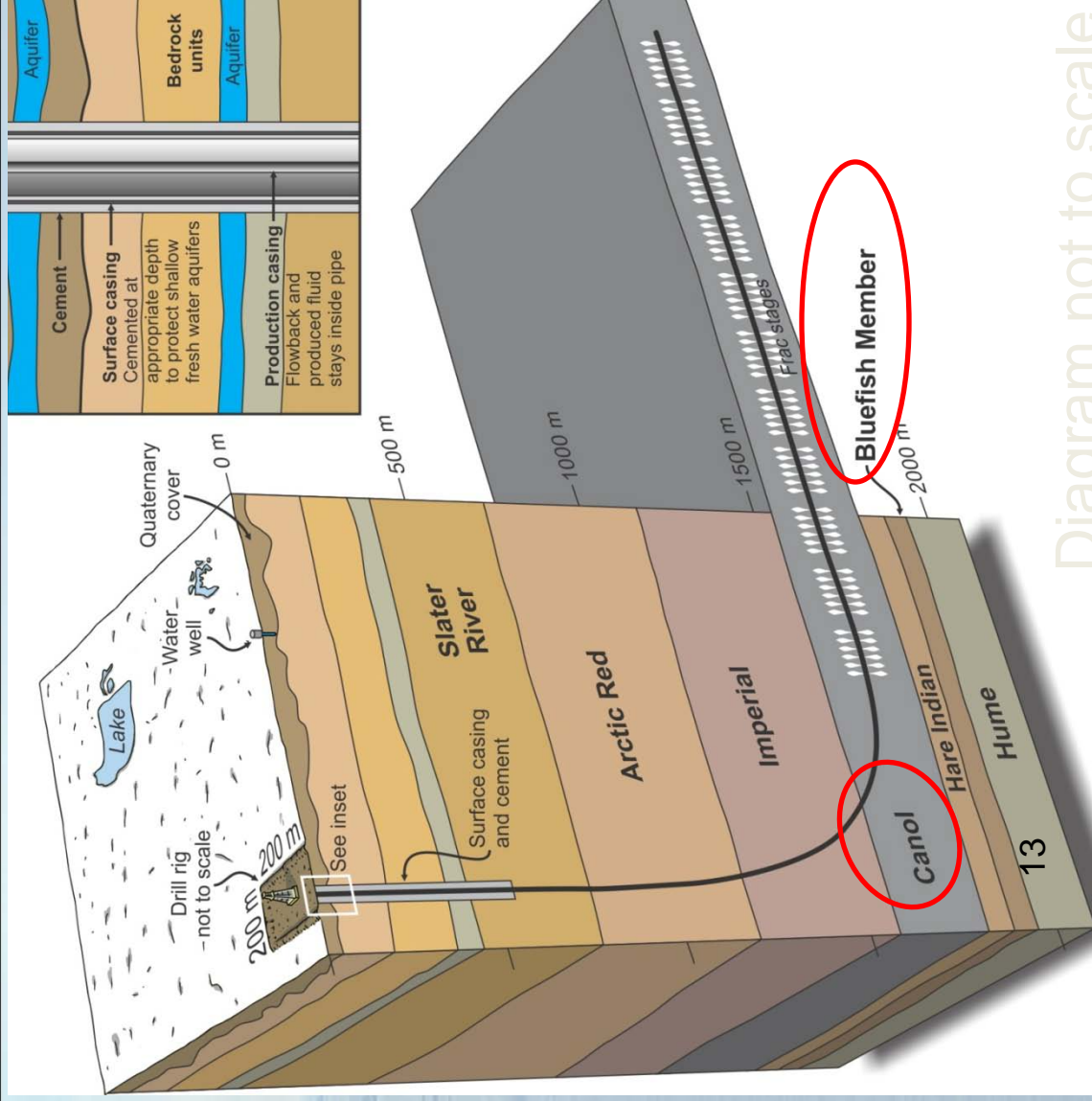




GEOLOGICAL OVERVIEW

- Deep target formations
- Shallow non-saline aquifers vertically separated from target zones by 100's of meters of strata

 = target formations



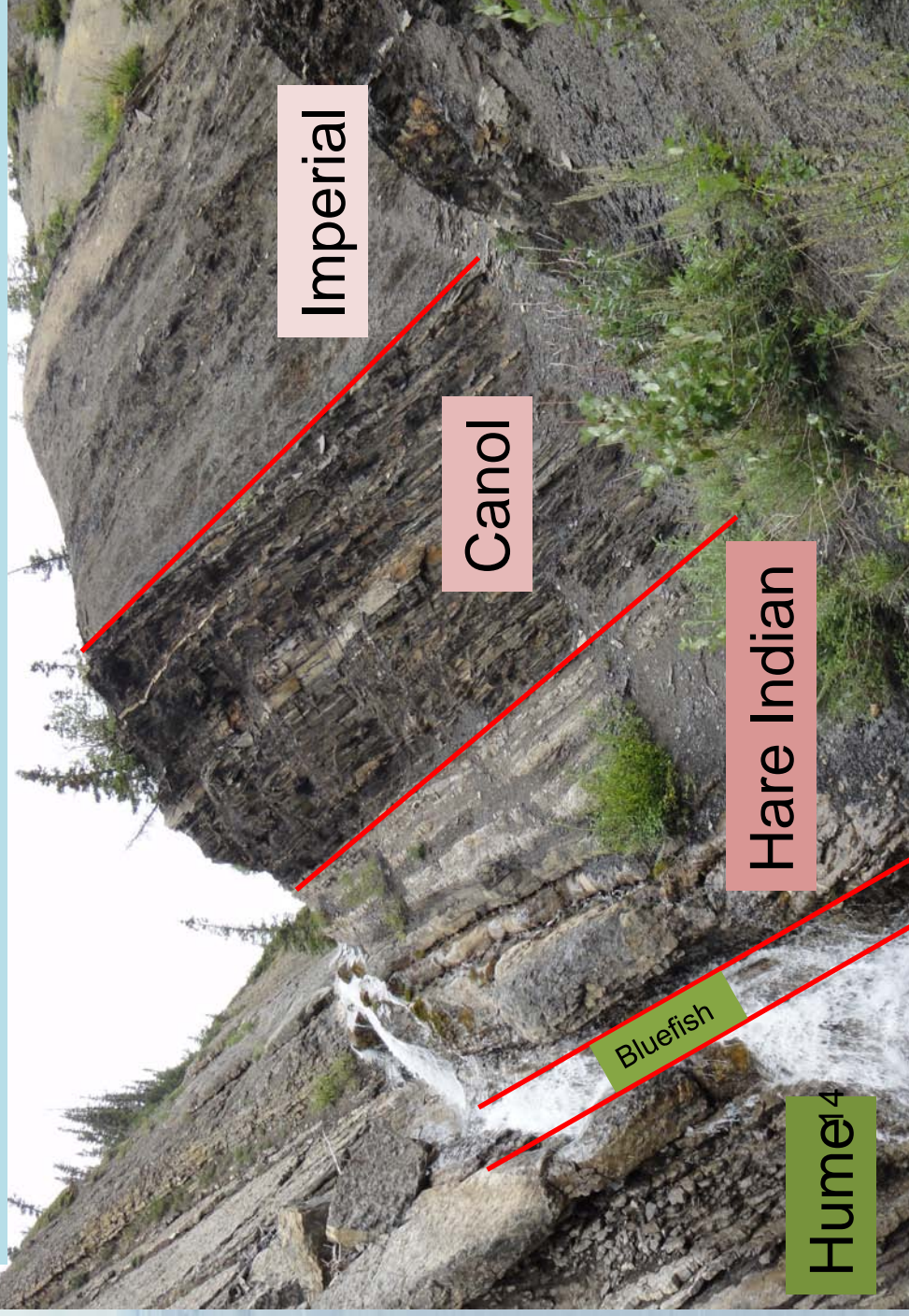


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Middle Devonian Section at headwaters of unnamed tributary on Mountain River



Imperial

Canol

Hare Indian

Bluefish

Hume

Photo and interpretation
by Paul R. Price P.Geol
MGM Energy Corp

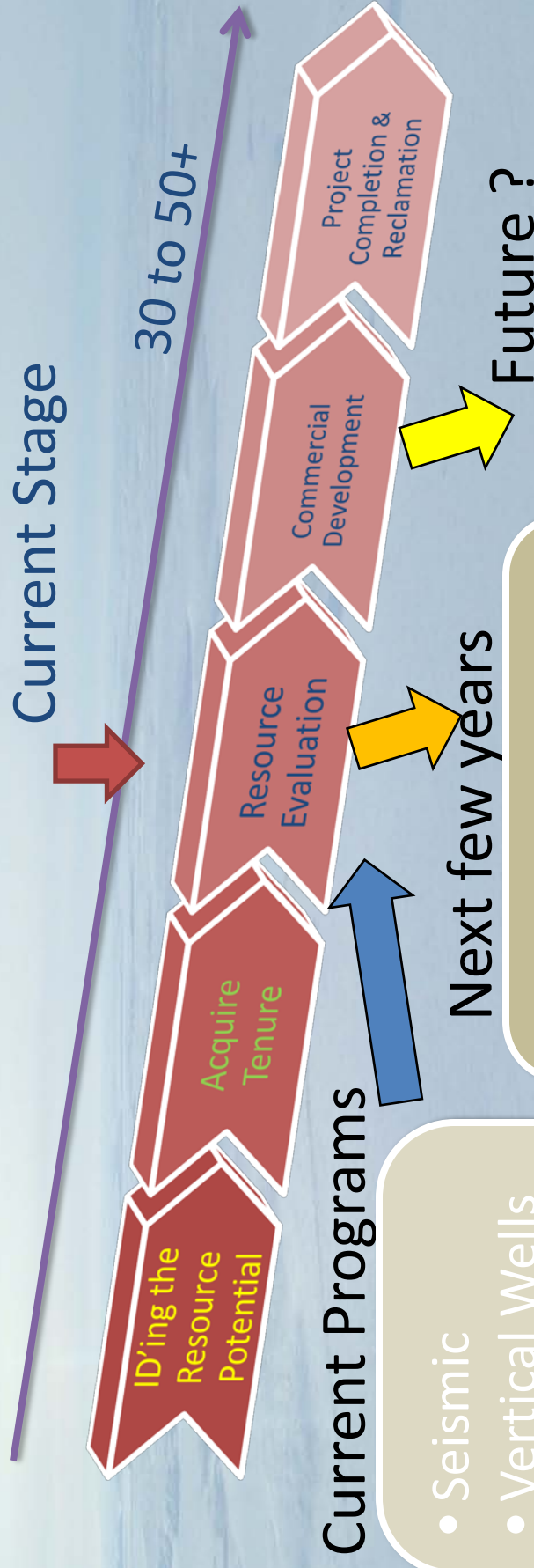


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Stages of exploration & development

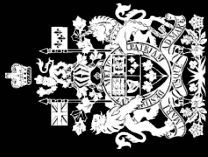


- Seismic
 - Vertical Wells
 - Core Sampling
 - Hydraulic fracturing
- 15 proposals

- Horizontal Wells
- Multi-stage frac'ing
- Pilot Projects
- Seismic (2D & 3D)

- Pad Drilling
- Multi-well frac'ing

Canada



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The NEB regulates a project from start to finish:

Environmental Screening

Application
Phase

Decision
Process

Operations
Phase

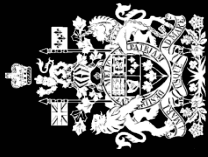
Compliance
Verification

Abandonment
Phase

Benefits Plan

Financial Responsibility

16

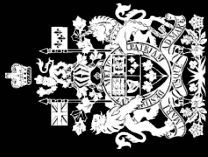


Compliance Oversight

Compliance Tools

- Inspections
- Compliance Meetings
- Audits – Management Systems
- Incident Investigation
- Emergency Response Exercise
- Reporting





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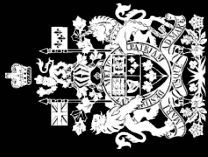
Drilling Operations



Demonstrated ability to:

- Work safely while protecting the environment
- Respond effectively when things go wrong
- Proof of Financial Responsibility

If a company doesn't have these, it cannot drill.



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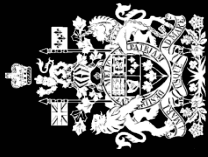
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NEB's Key Considerations

- Drilling Operations
- Well Integrity
- Material Handling
- Fluid Management
- Waste Management





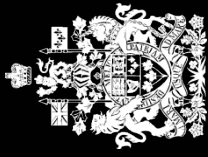
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Key Community Concerns

- Surface and sub-surface water quality
- Disclosure of fracture fluid contents
- Waste water disposal
- Fracture propagation and induced seismicity
- Air quality
- Capacity to deal with possible activities



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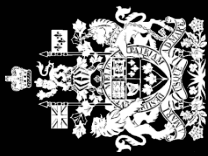
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Development concerns for the SLWB

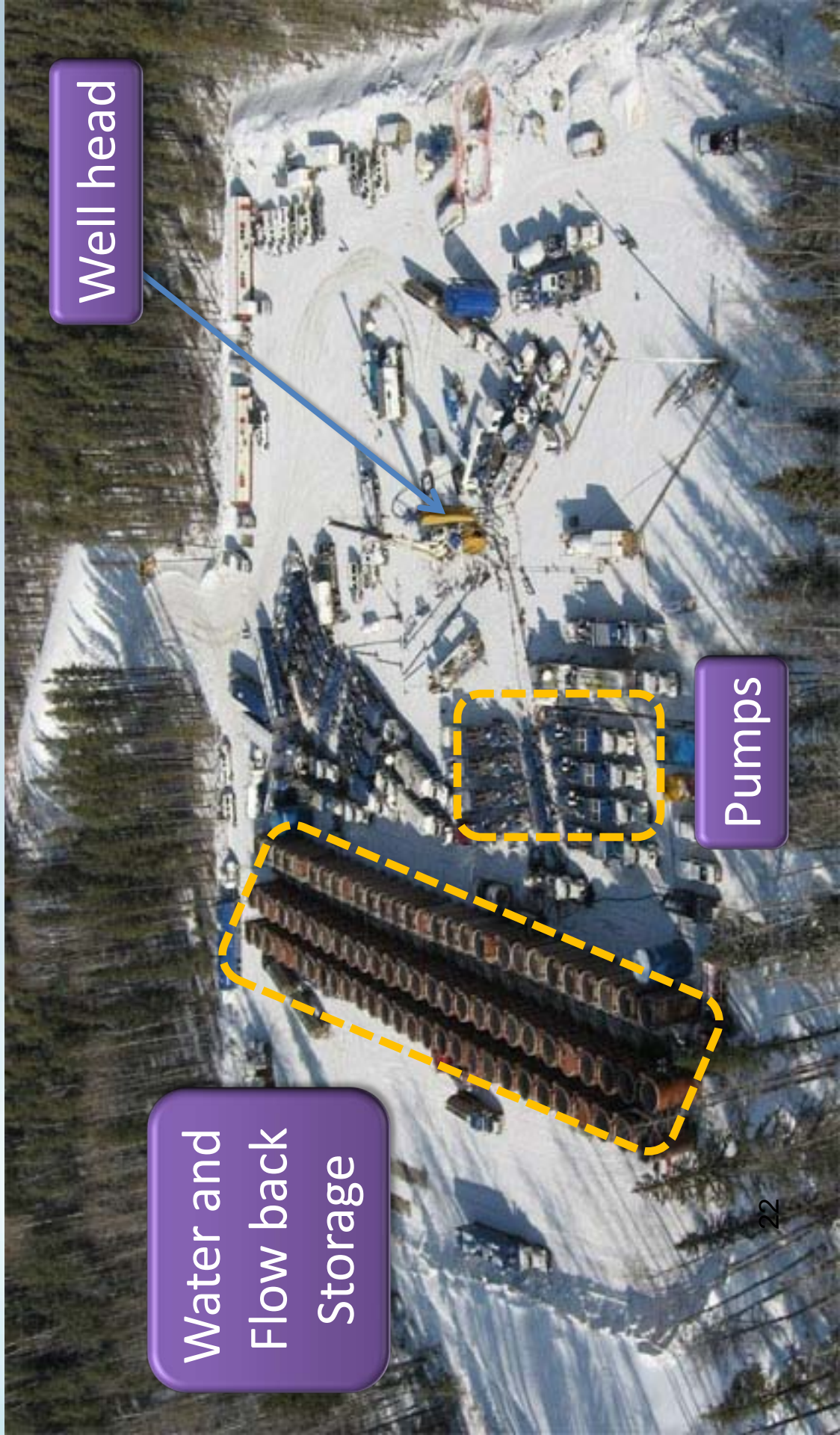
- Infrastructure
 - Municipal services including waste disposal and health and social services
 - Transportation infrastructure and public safety
 - Industrial waste treatment and disposal
 - Baseline studies and local understanding
 - Water usage and sources
 - Spill cleanup and containment equipment
 - Air quality and wildlife disturbance
 - Capacity within the regulatory system





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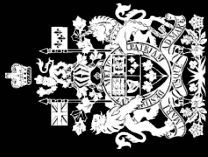
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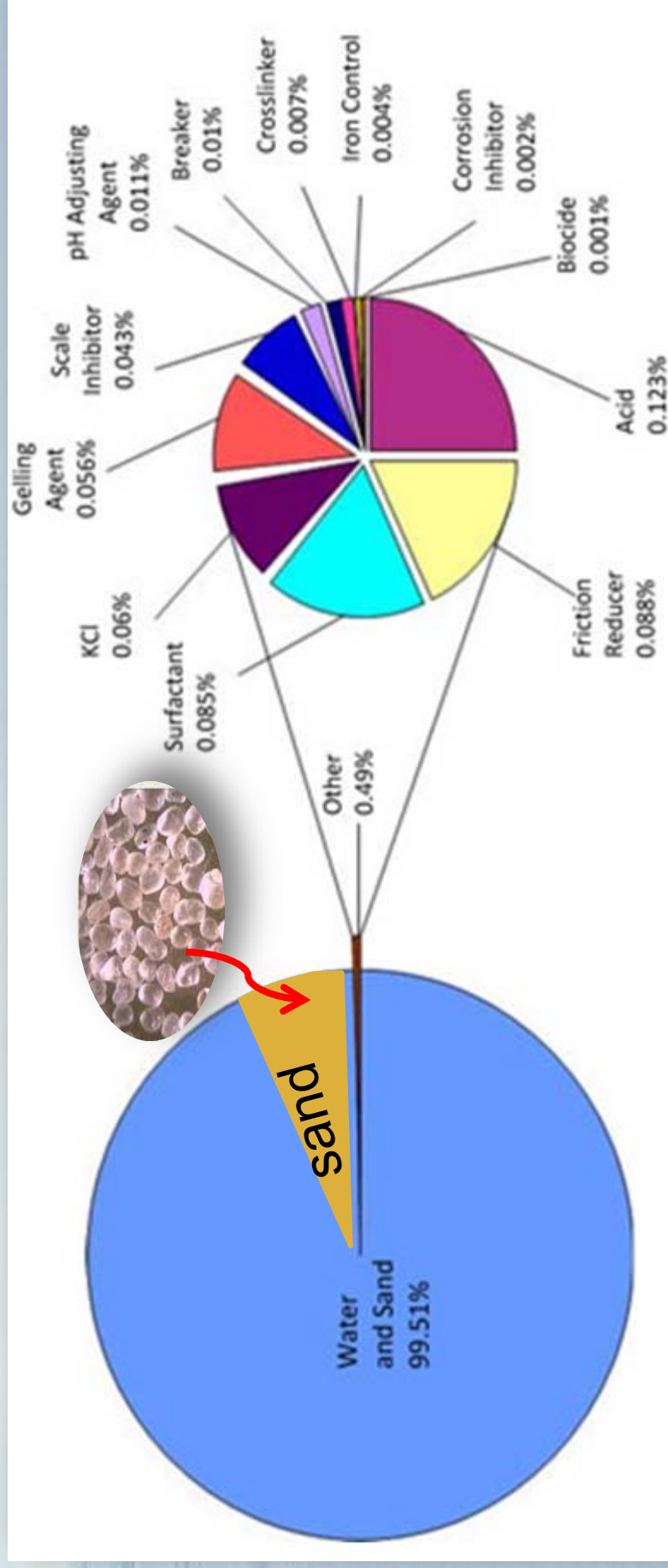
Well head

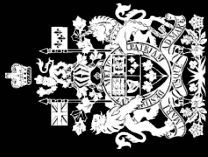
Water and
Flow back
Storage

Pumps



Fracture Fluid Composition for Slick water Frac





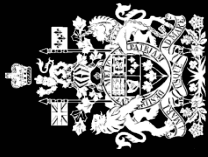
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Where do Frac fluids go?

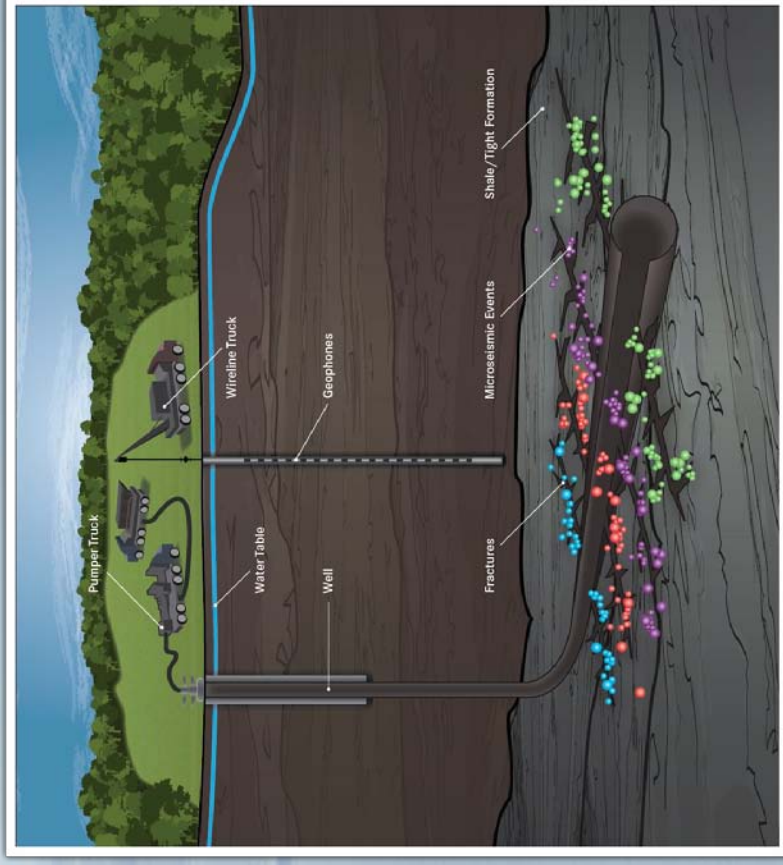
- Some fluids “flow back” to wellhead during flow testing & early production
- Flow back fluid is collected in tanks (or lined pits)
- Months later fluid coming to well head is called “produced fluid”
- A small percentage of frac fluid may remain in producing formation
- Flow back and produced fluids can be re-used for another frac job (after conditioning)
- Waste fluids disposal options

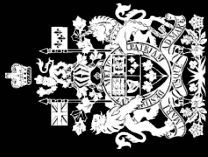


Where do fractures go?

Mapping fractures – microseismic data

- Passive seismic technique (no shots)
- Real time – listening to cracks forming
- Allows imaging of frac'ing stages
- Provides information about fractures
- Induced seismicity





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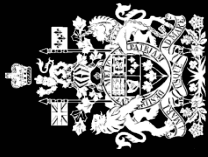
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NEB Activity to Date

Community Engagement is a Priority

- Community meetings include:
 - Norman Wells, Tulita, Fort Good Hope
 - Norman Wells – Chapter 9 and Sahtu Secretariat
 - Fort Liard
 - Tuktoyaktuk, Inuvik
- Future meetings
 - Overarching concerns
 - Project specific concerns



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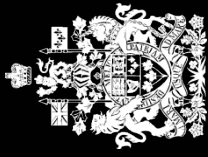


NEB Activity to Date

Coordinated Approach with Regulators and Government Departments

- Regulatory coordination and cooperation
- Further clarify roles and responsibilities
- Look for opportunities to work together
- Ensure understanding of shale oil and gas resource development





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Coordinated Regulatory Approach

- With land & water boards and AANDC
- Regulatory oversight for all aspects of the program
- Sharing of technical knowledge



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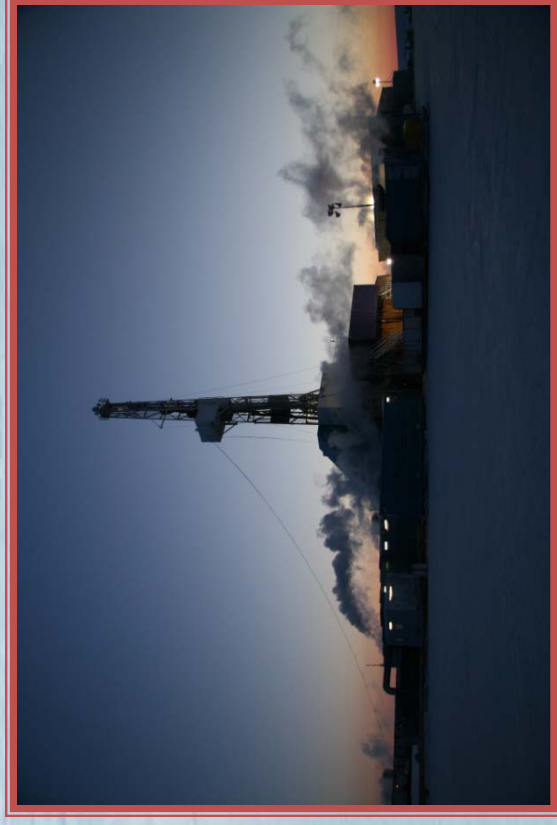


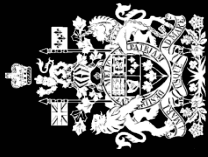
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Discussion





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Contact Information

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**Technical Leader, Exploration and Production
Operations Business Unit**

**National Energy Board
444 Seventh Avenue SW
Calgary, Alberta, T2P 0X8**

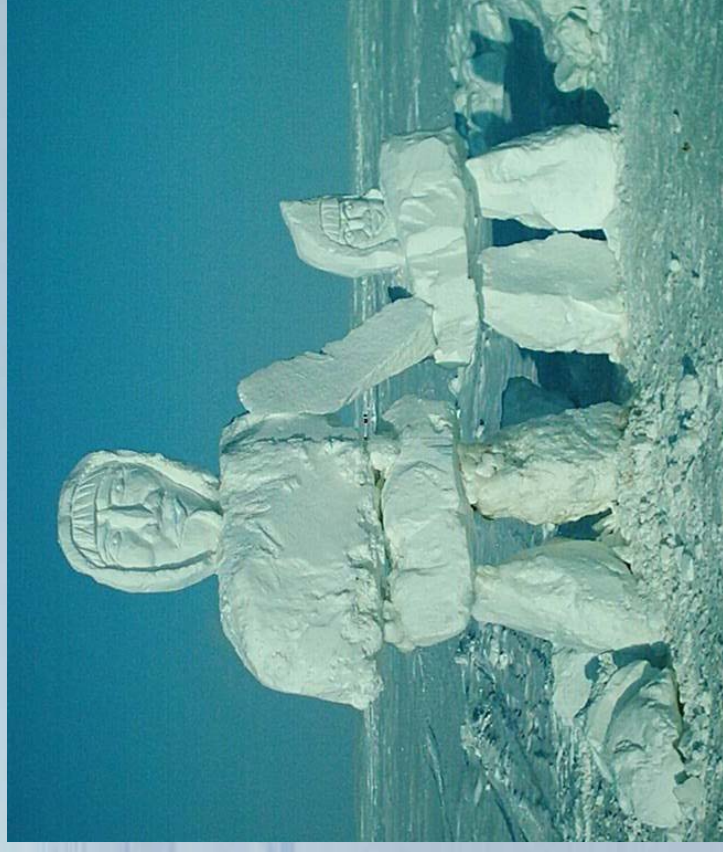
Phone: 403 299 2792

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Cell: 403 617 3887

E-mail: bharat.dixit@neb-one.gc.ca

url: <http://www.neb-one.gc.ca>



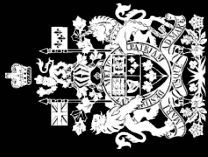


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Supplemental Slides



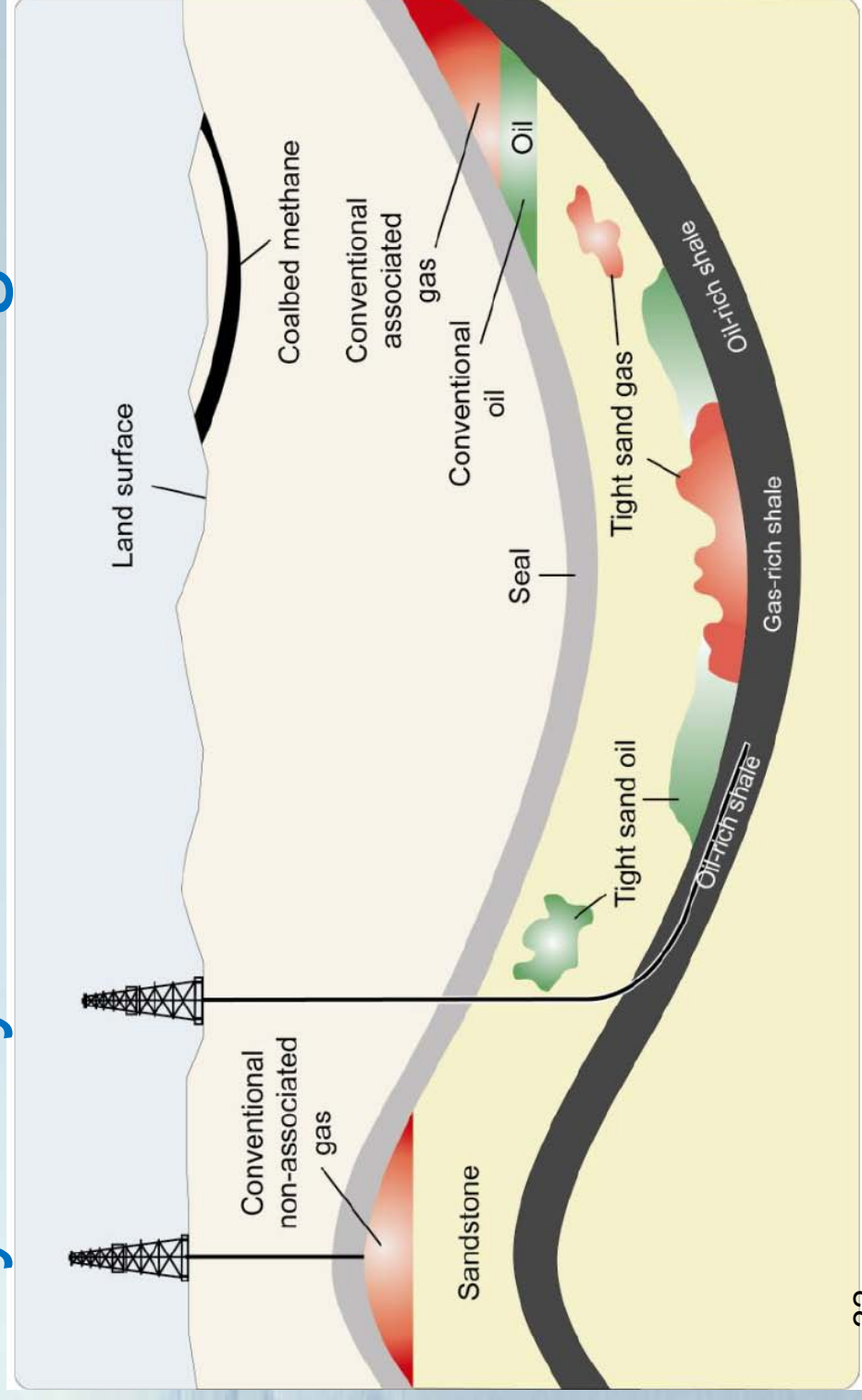


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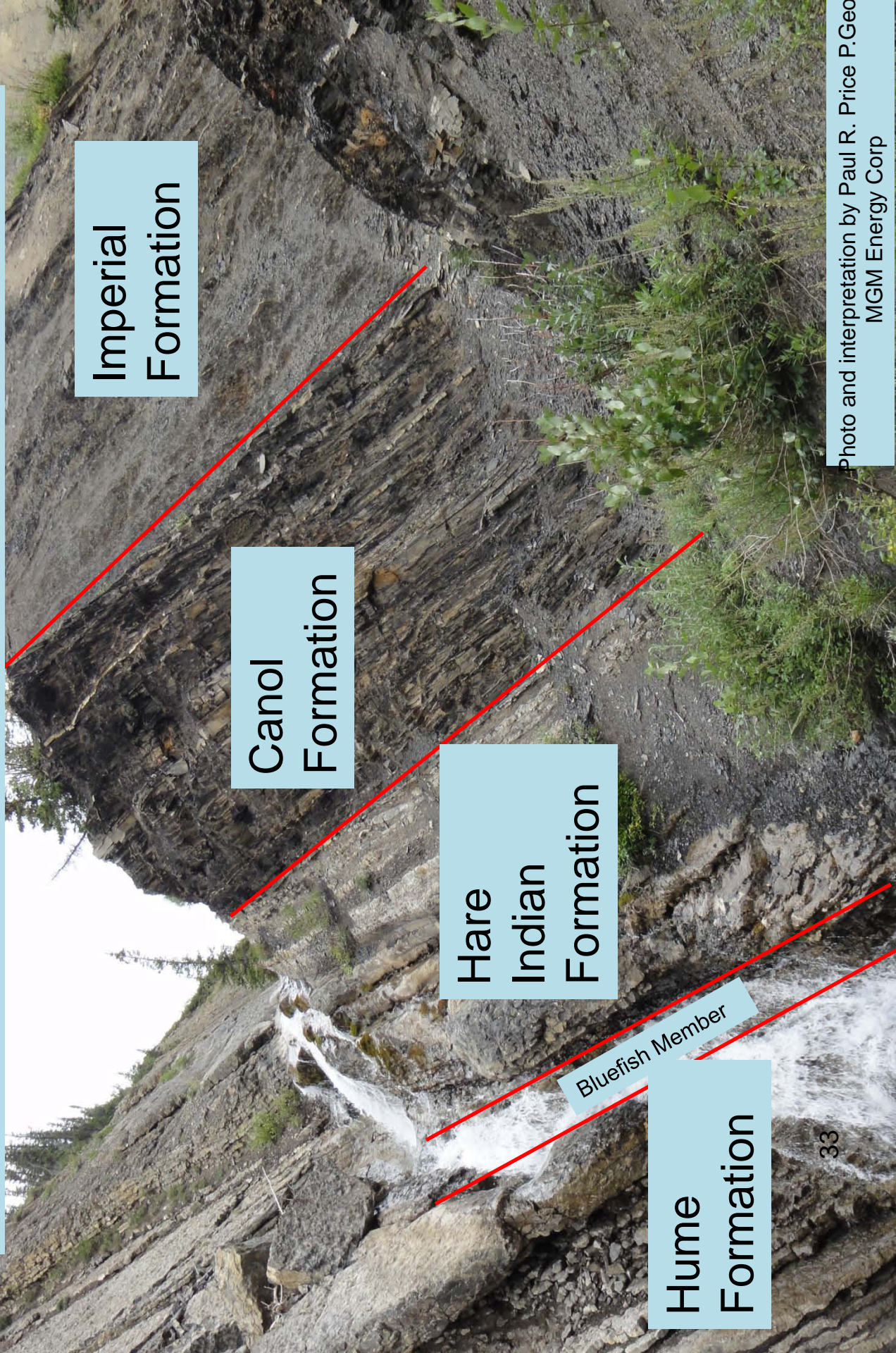
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Why is hydraulic fracturing used?



Middle Devonian Section at headwaters of unnamed tributary on Mountain River



Imperial
Formation

Canol
Formation

Hare
Indian
Formation

Bluefish Member

Hume
Formation

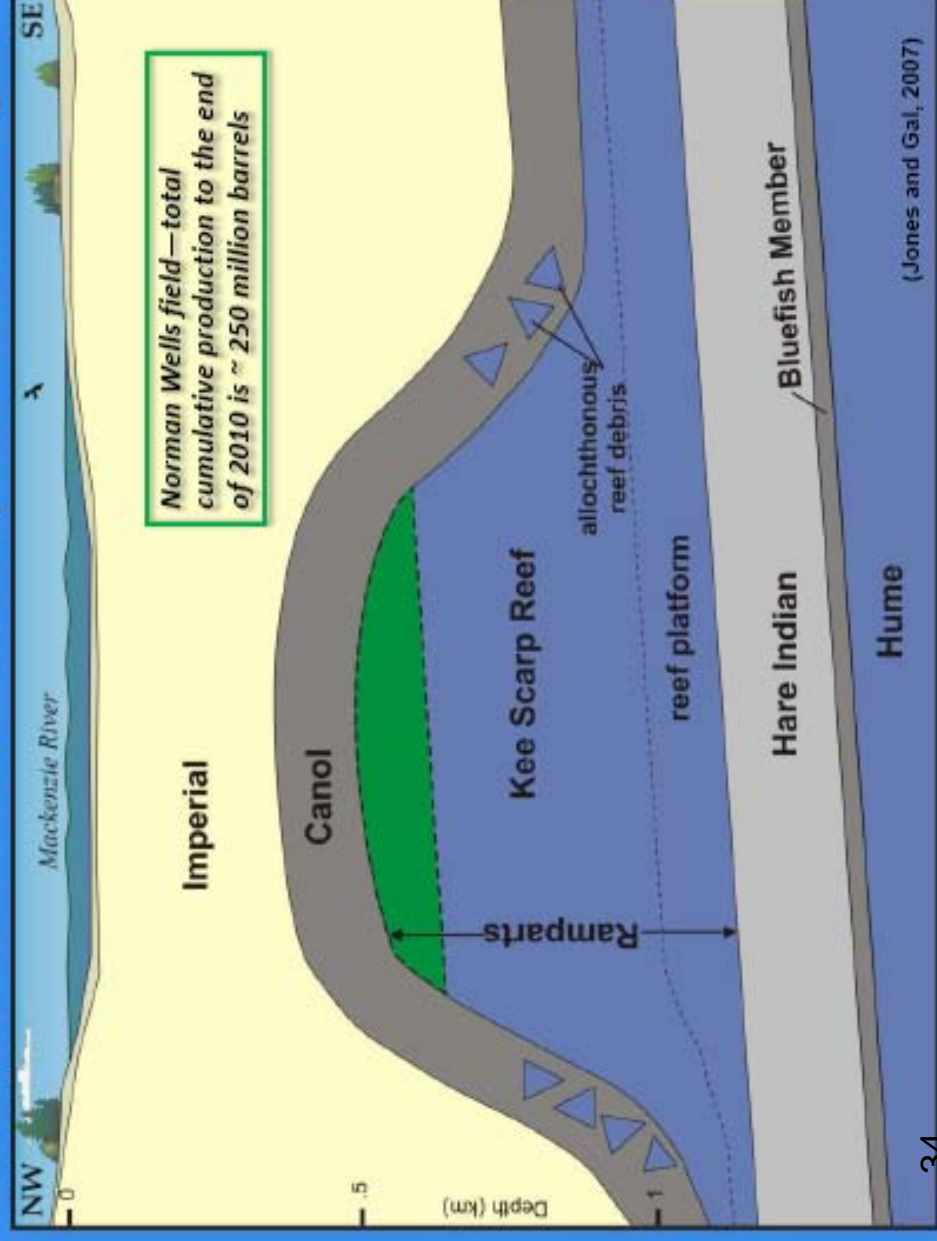


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Norman Wells: Kee Scarp Reefal Oil Play





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Life span of oil and gas activities

Typical Development Sequence

Decommissioning

Abandonment

Production Operations

Production Licence

Development Drilling, Facilities

Construction

Development Plan

Commercial Discovery Declaration

Development

Significant Discovery Licence

Significant Discovery Declaration

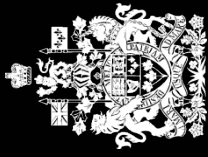
Exploration Drilling

Geophysical (seismic)

Exploration

35

Canada

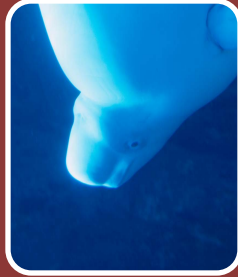


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Key Aspects of Application Review



Environmental Assessment



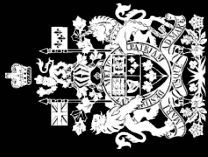
Safety Evaluation



Technical Review

36



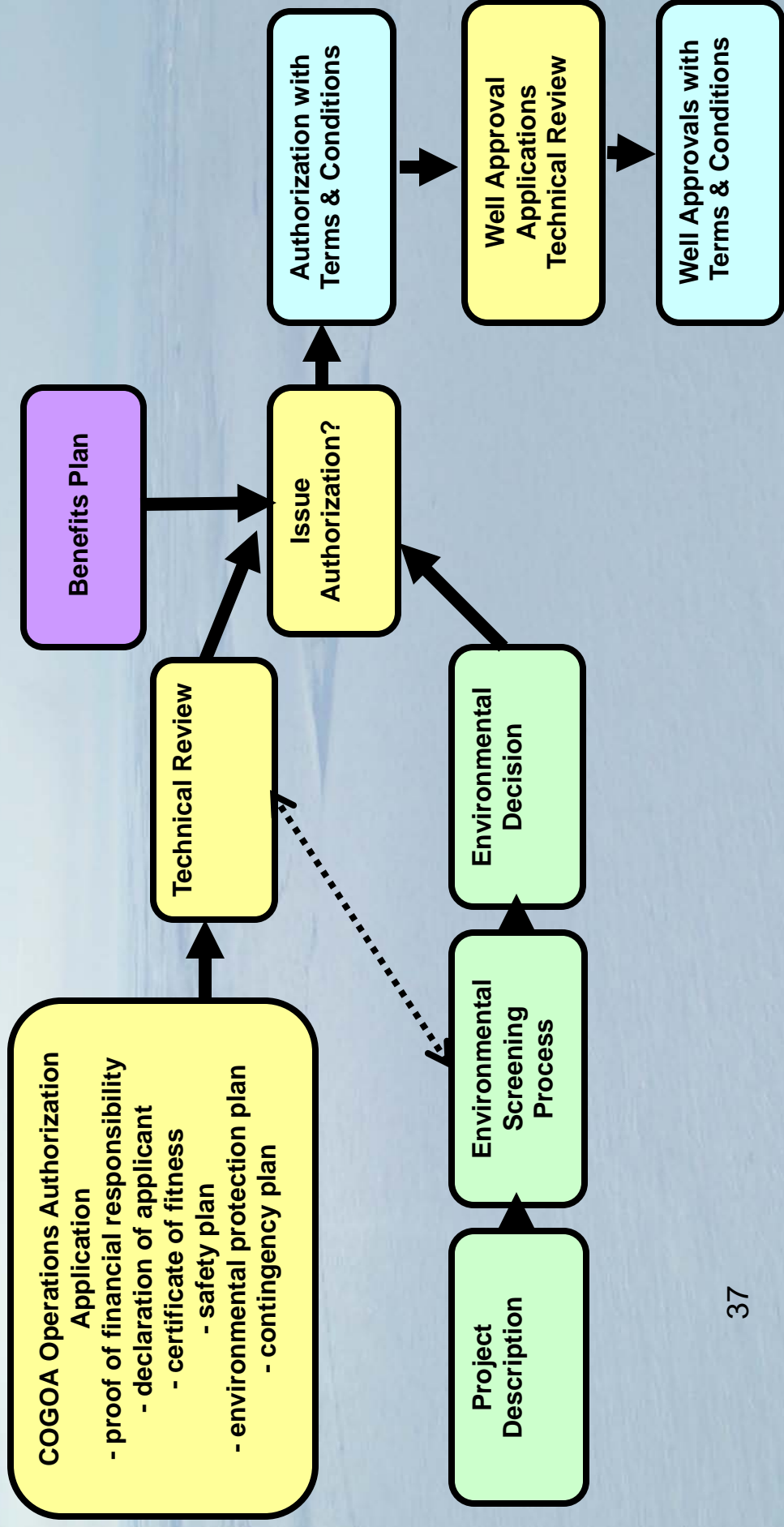


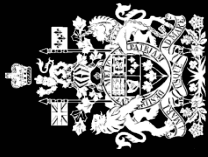
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Application Review Process





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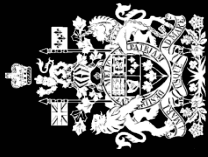
Process flow diagram for a single stage of a slickwater hydraulic fracturing stimulation

Source: The Modern Practices of Hydraulic Fracturing- A Focus
on Canadian Resources. All Consulting. 2012



Water Use

- Wide variety of volumes
 - Tight oil: 4,000 to 15,000 m³ per well
 - About 3000 tight oil wells drilled in 2011 in Canada
 - Montney tight gas: 1,000 to 30,000 m³ per well
 - Some substitution of CO₂ and/or N₂ for water
 - 547 wells drilled in 2011
 - Horn River Basin shale gas: 3,000 to 120,000 m³ per well
 - 77 wells drilled in 2011
- Overall, still far less consumptive than other sectors
 - Municipal, pulp & paper, and agricultural



National Energy
Board

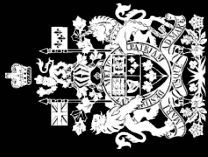
Office national
de l'énergie



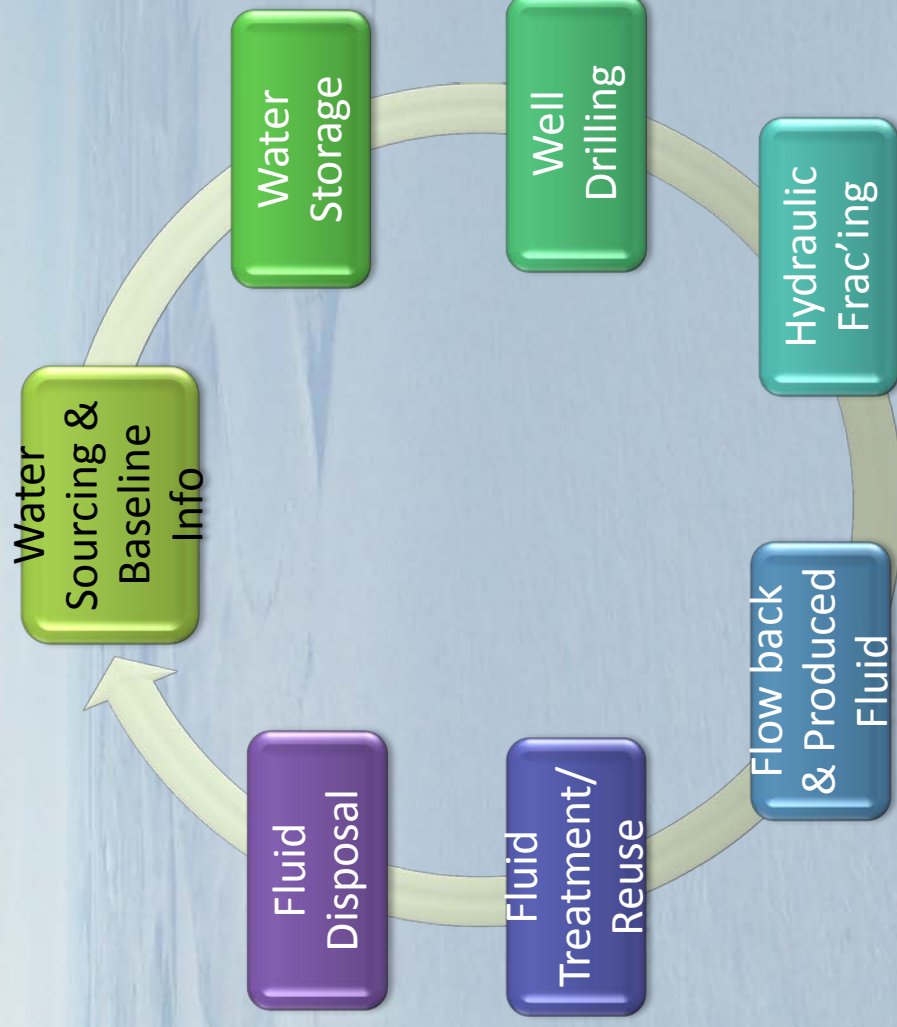
Estimated water requirements for a slickwater frac

- Volume of fluid used in horizontal wells varies greatly
- 10,000 to 25,000 m³ expected for Canol Shale
- Equivalent of 10 to 25 tanks shown in photo





Water Management Cycle for Unconventional Oil and Gas





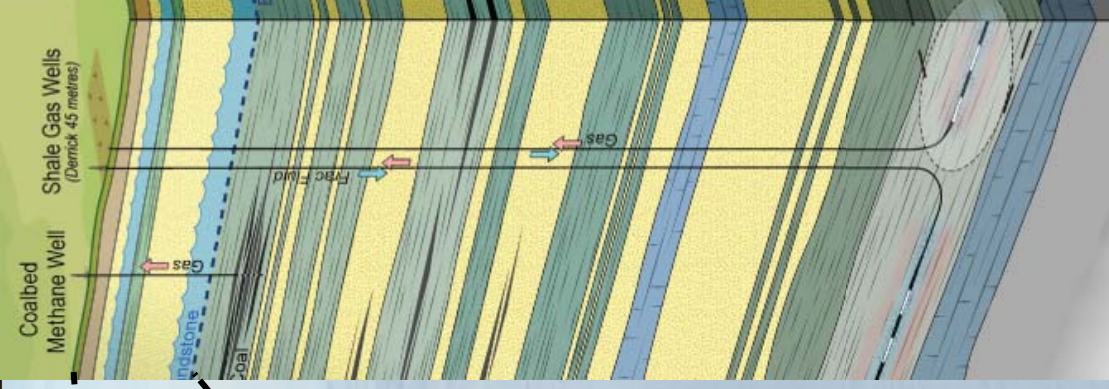
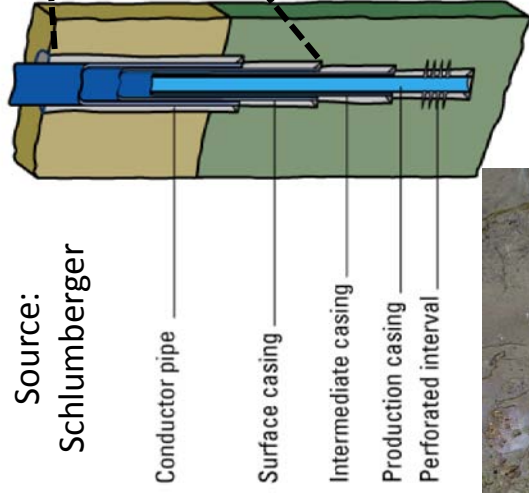
Main Types of frac'ing fluids

All 3 main types
could be evaluated

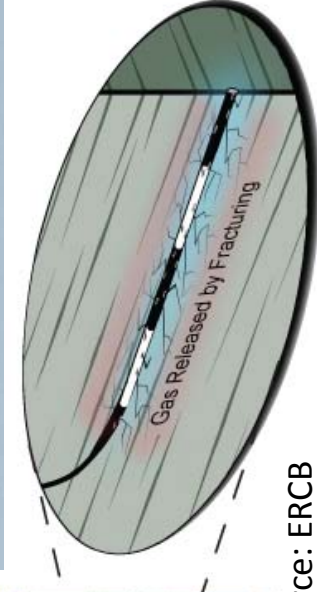
Base Fluid	Fluid Type	Main Composition	Used For
1 Water Based	Linear Fluids	Gelled Water, GUAR< HPG, HEC, CMHPG	Short Fractures, Low Temperatures
	Crosslinked Fluids	Crosslinker + GUAR, HPG, CMHPG, CMHEC	Long Fractures, High Temperatures
2 Foam Based	Water Based Foam	Water and Foamer + N ₂ or CO ₂	Low Pressure Formations
	Acid Based Foam	Acid and Foamer + N ₂	Low Pressures, Water Sensitive Formations
	Alcohol Based Foam	Methanol and Foamer + N ₂	Low Pressure Formations With Water Blocking Problems
3 Oil Based	Linear Fluids	Oil, Gelled Oil	Water Sensitive Formations, Short Fractures
	Crosslinked Fluids	Phosphate Ester Gels	Water Sensitive Formations, Long Fractures
	Water External Emulsions	Water + Oil + Emulsifier	Good For Fluid Loss Control



Source:
Schlumberger

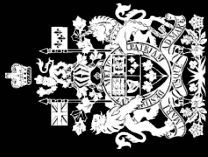


Well design and hydraulic fracturing



Source: ERCB





National Energy
Board

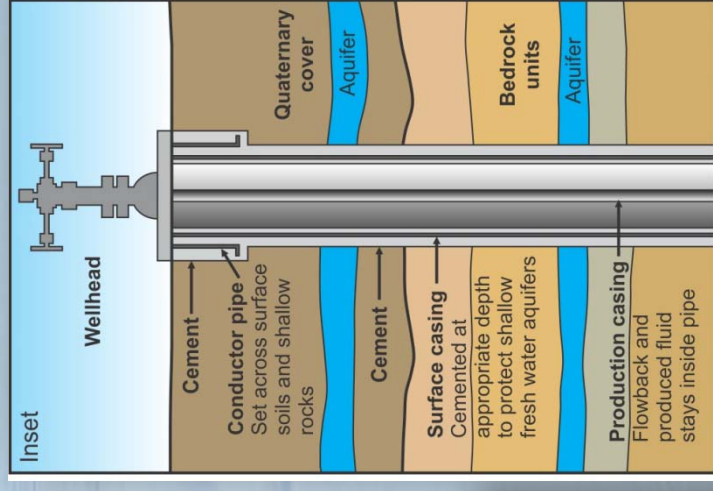
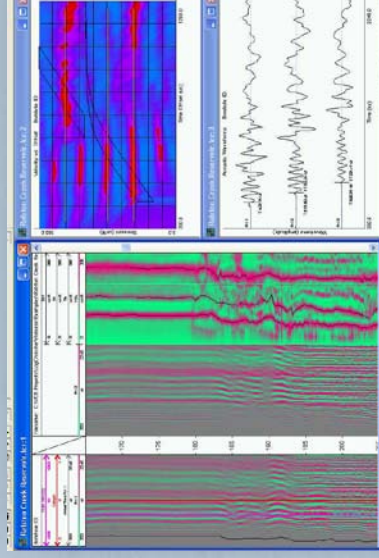
Office national
de l'énergie

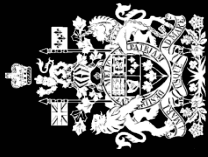


Well Integrity

- Casing Requirements
 - Conductor Casing
 - Surface Casing
 - Production Casing
- Cementing Requirements – bond logs
- Pressure Testing

(Source: LogCruncher)





National Energy
Board

Office national
de l'énergie



NEB's key considerations

Hydraulic Fracturing and Fluid Flow back

- Environmental Protection
- Fluid Management
- Fracture Monitoring





National Energy
Board

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de l'énergie



Development Plan

The Board considers the appropriateness of the development of an oil or gas field with respect to:

- safety;
- protection of the environment;
- conservation of oil and gas resources;
- joint production arrangements; and,
- economically efficient infrastructure



The Fraser Institute Report

— *the need to tell the whole story*

A Presentation to the NWT Board Forum –
Norman Wells, NT
November 27-28, 2012



Who is the Fraser Institute?

- Founded in 1974, an privately funded non-profit research and educational organization on the effects of economics and public policy on society.
- Consider themselves as a “think tank” designed to affect public policy “in support of greater choice, less government intervention, and more personal responsibility” .
- Researchers are independent – not employees of FI

FRASER INSTITUTE ANNUAL

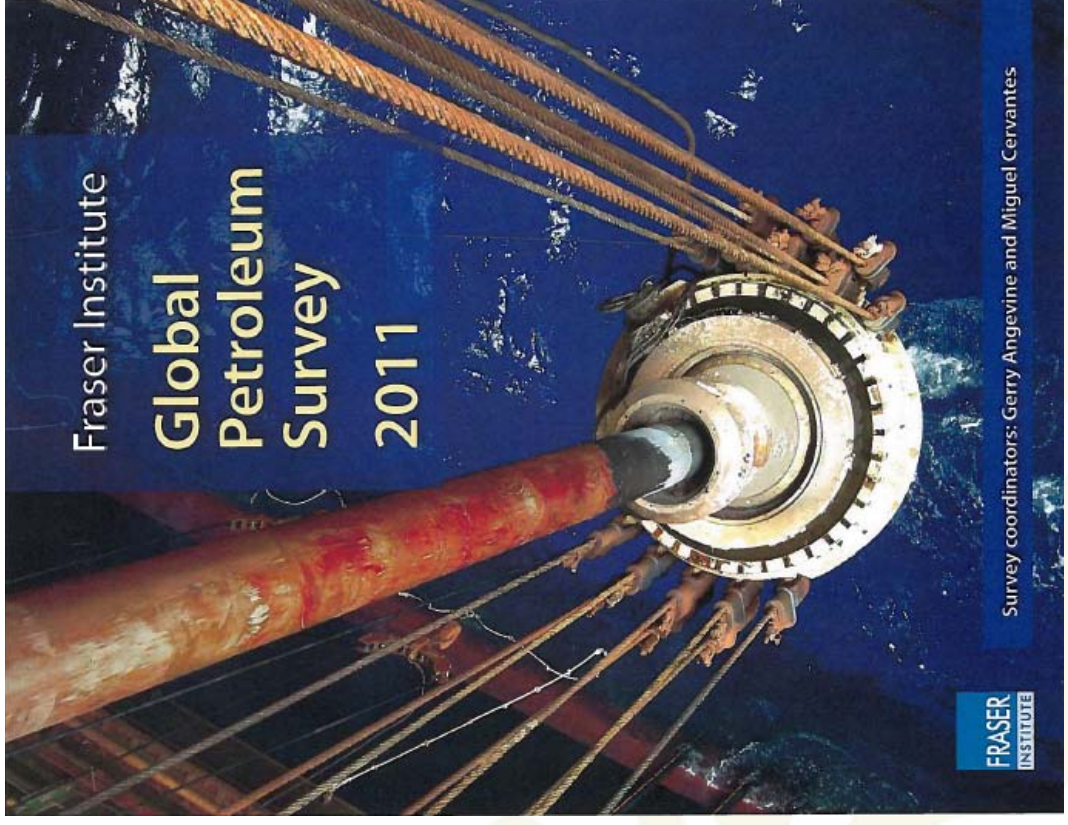
Survey of Mining Companies 2011/2012



Fred McMahon and Miguel Cervantes

This publication has been made possible thanks to the support of the Prospectors and Developers Association of Canada (PDAC) and the Fraser Institute.

FRASER
INSTITUTE



Fraser Institute Global Petroleum Survey 2011

Survey coordinators: Gerry Angevine and Miguel Cervantes

FRASER
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The FI Mining Report

- To assess how mineral endowments and public policy factors such as taxation and regulation affect exploration investment.
- Ranks 93 jurisdictions in terms of attractiveness to mining investment and development based on responses a series of survey questions rated on a scale of 1 to 5
- Result is a composite index called the “Policy Potential Index”

Possible Responses to Survey Questionnaire

1. Encourages investment
2. Is not a deterrent to investment
3. Is a mild deterrent to investment
4. Is a strong deterrent to investment
5. Would not invest due to this criterion

Policy Potential Index

- A composite index ranging from 0 to 100 that reflects the effects on mining investment of:
 - uncertainty concerning the administration, interpretation and enforcement of existing regulations;
 - environmental regulations;
 - regulatory duplication;
 - political stability;
 - infrastructure;
 - taxation;
 - aboriginal land claims;
 - protected areas;
 - socio-economic agreements;
 - labour issues;
 - the geological data base;
 - security; and
 - corruption.

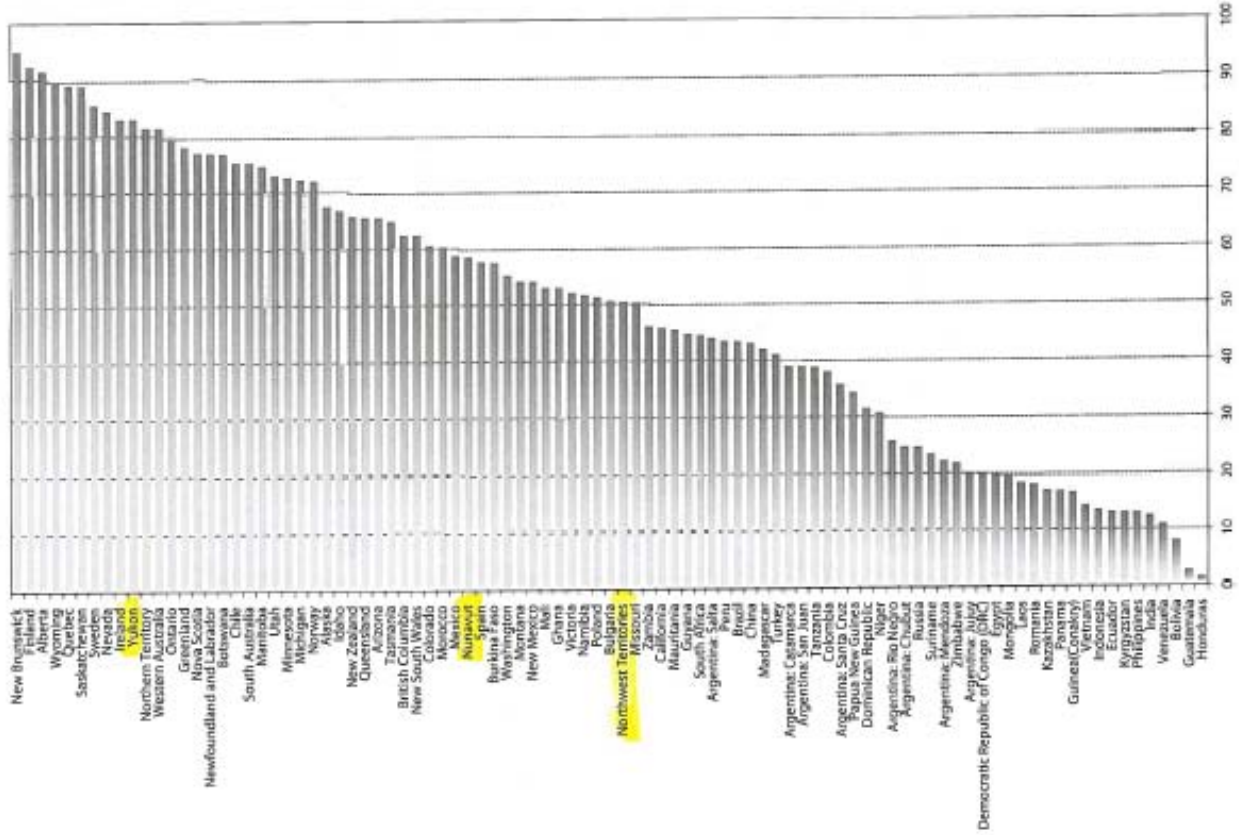
Survey Methodology

- Surveys sent to 5000 exploration, development and other mining related companies around the world
- Received 802 responses from executives and mining managers for the 2011 survey
- Responses represent opinions of the executives/managers – not analytical determinations.
- Report released February 2012

What did the FI Report say?

- Generates one “policy potential index” from 0 to 100 ranking all 93 jurisdictions
- Among other things – ranks “legal processes that are fair, transparent, non-corrupt, timely and efficiently administered”
- NWT ranked 48th (PPI=50.4) and Nunavut 36th (PPI=58.5) overall in attractiveness for mining investment out of 93 jurisdictions
- Yukon ranked 10th (PPI=83) overall

Figure 1: Policy Potential Index



Yukon 10 of 93

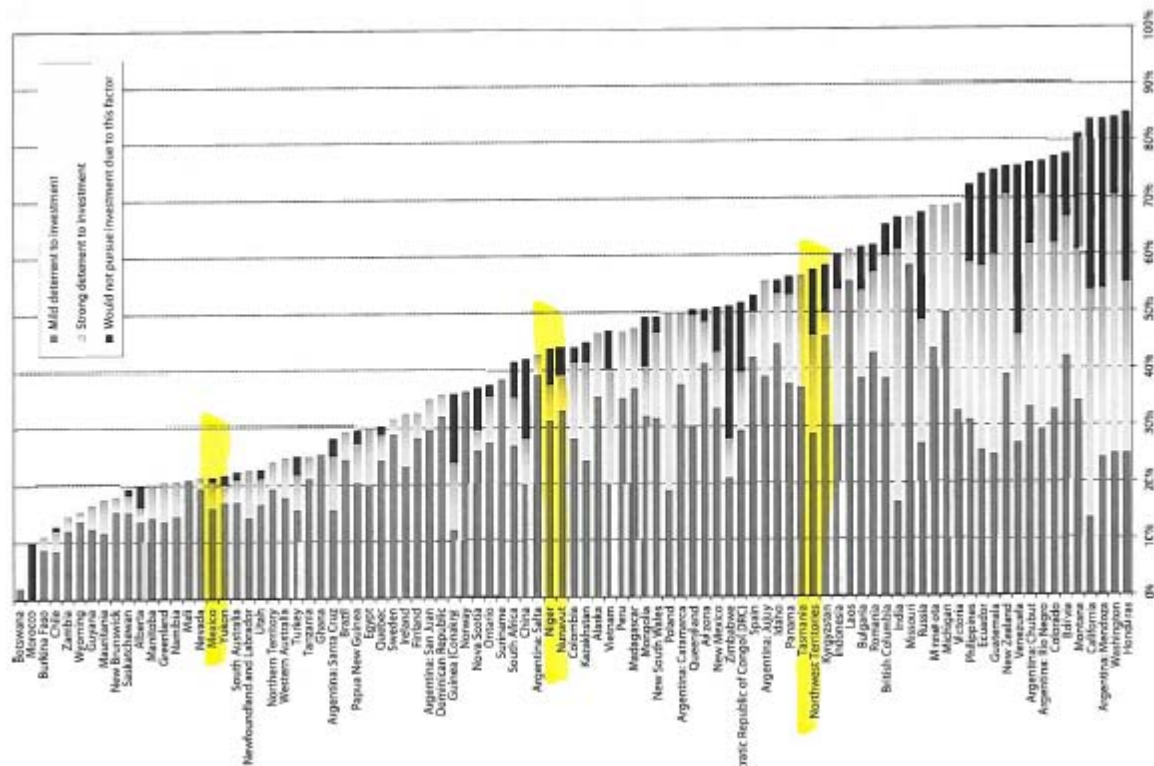
Nunavut 36 of 93

NWT 48 of 93

Overall Attractiveness for
Mining Investment

What did the FI say? (cont'd)

- Specifically on corruption – NWT ranked 41st and Nunavut 40th
- But 80 % said corruption was not a deterrent to investment
- Although 16% said it was a mild deterrent and 7% said it was a strong deterrent or would not invest based on corruption



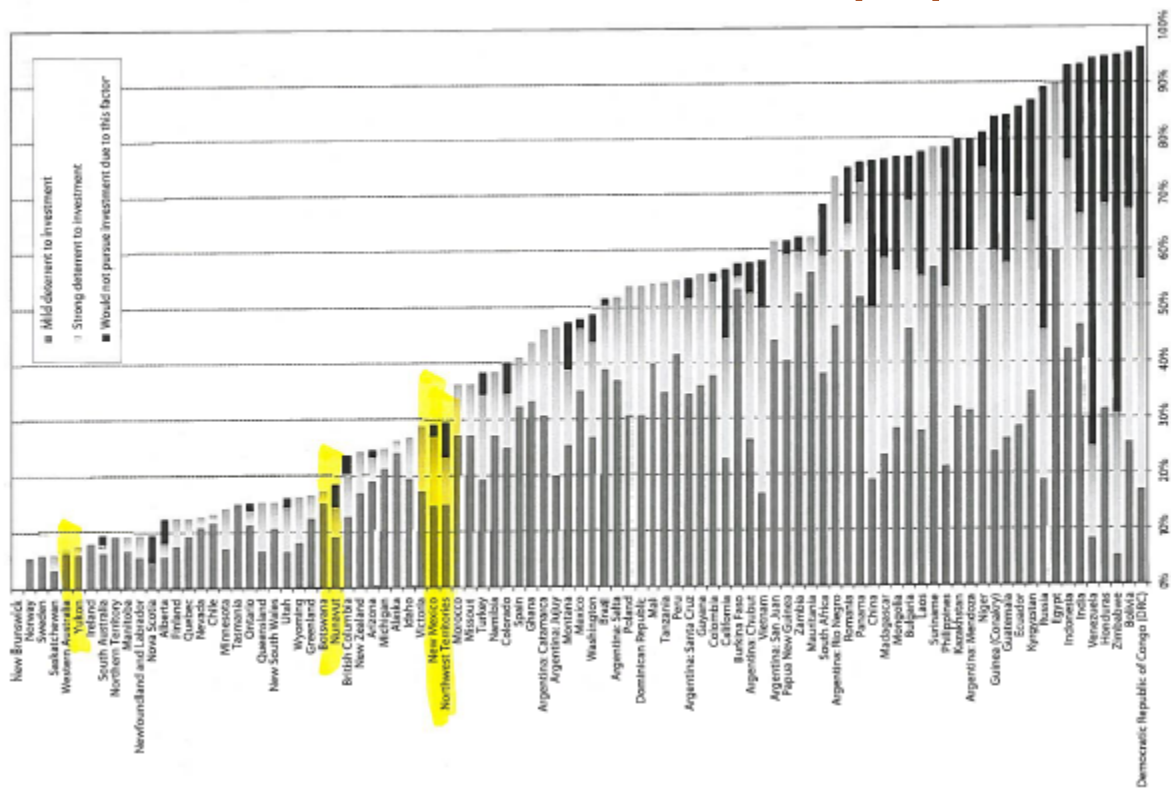
Yukon 18 of 93

Nunavut 46 of 93

NWT 67 of 93

Uncertainty Concerning Environmental Regulations

Figure 8: Legal processes that are fair, transparent, non-corrupt, timely, and efficiently administered

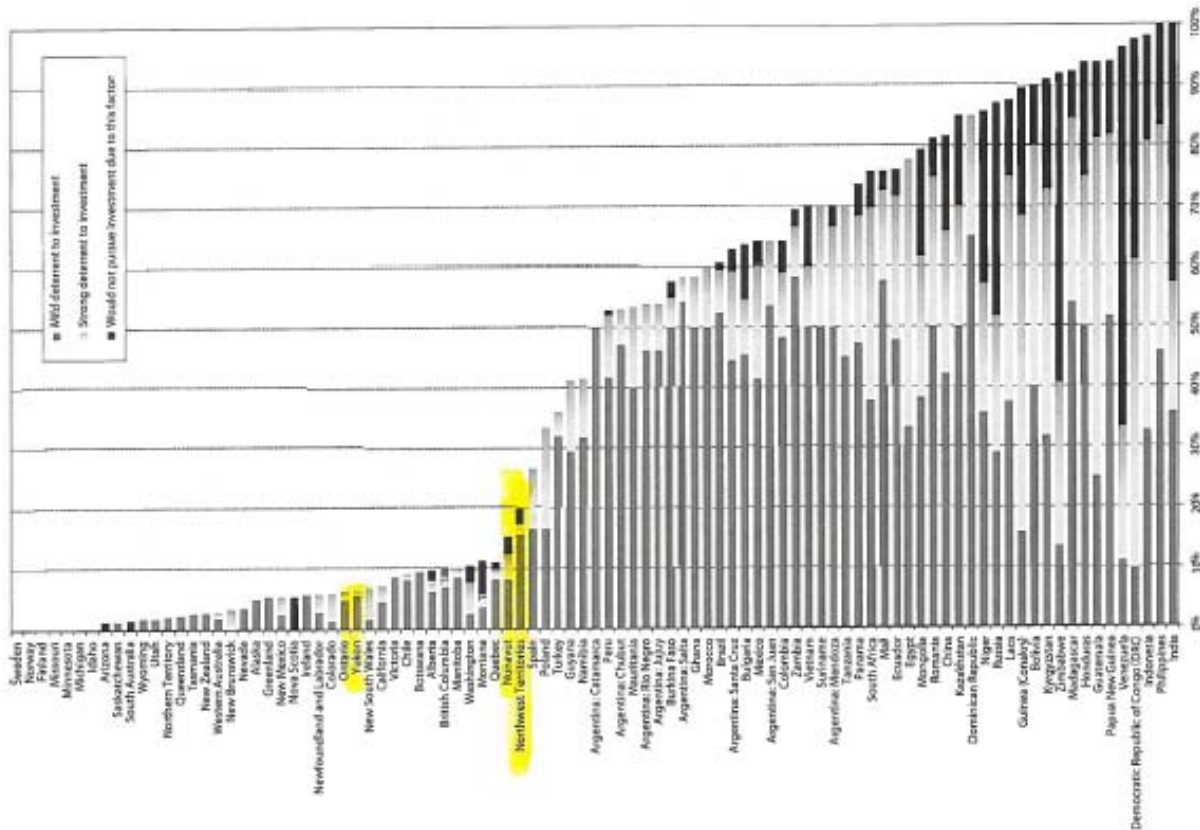


Yukon 6 of 93

Nunavut 27 of 93

NWT 36 of 93

Legal Processes that are fair,
transparent, non-corrupt,
timely and efficiently
administered



Yukon 28 of 93

Nunavut 40 of 93
NWT 41 of 93

Corruption

The FI Petroleum Report

- 502 respondents from 135 jurisdictions
- Similar questionnaire used
- NWT ranked 103 of 135 jurisdictions (down from 74 in 2010)
- Corruption was not a factor noted (is this just a mining sector concern?)
- NWT and US-Offshore Pacific were least attractive of NA regions in 2011

Most attractive 2nd Quintile 3rd Quintile 4th Quintile Least attractive Unmeasured

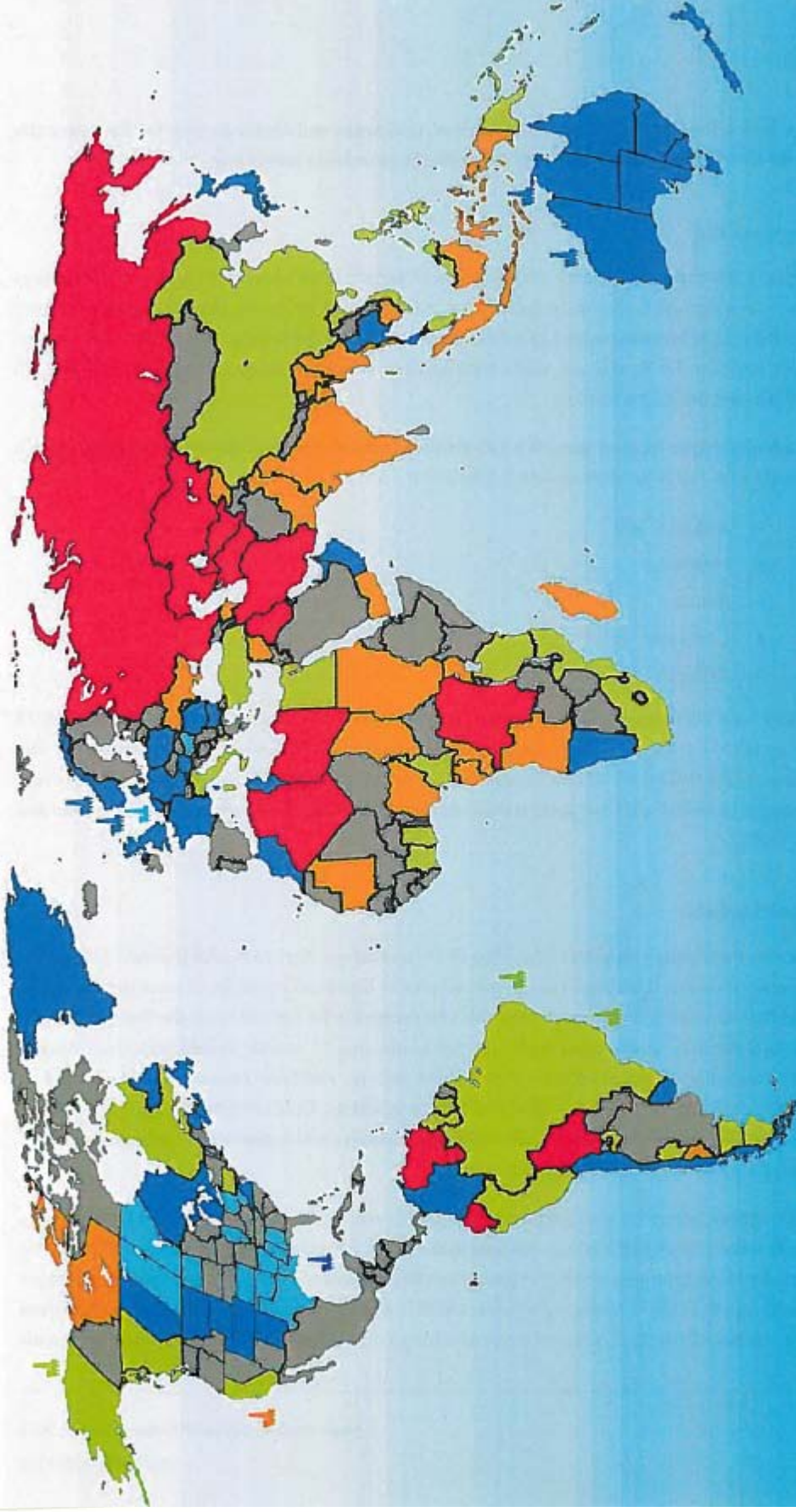
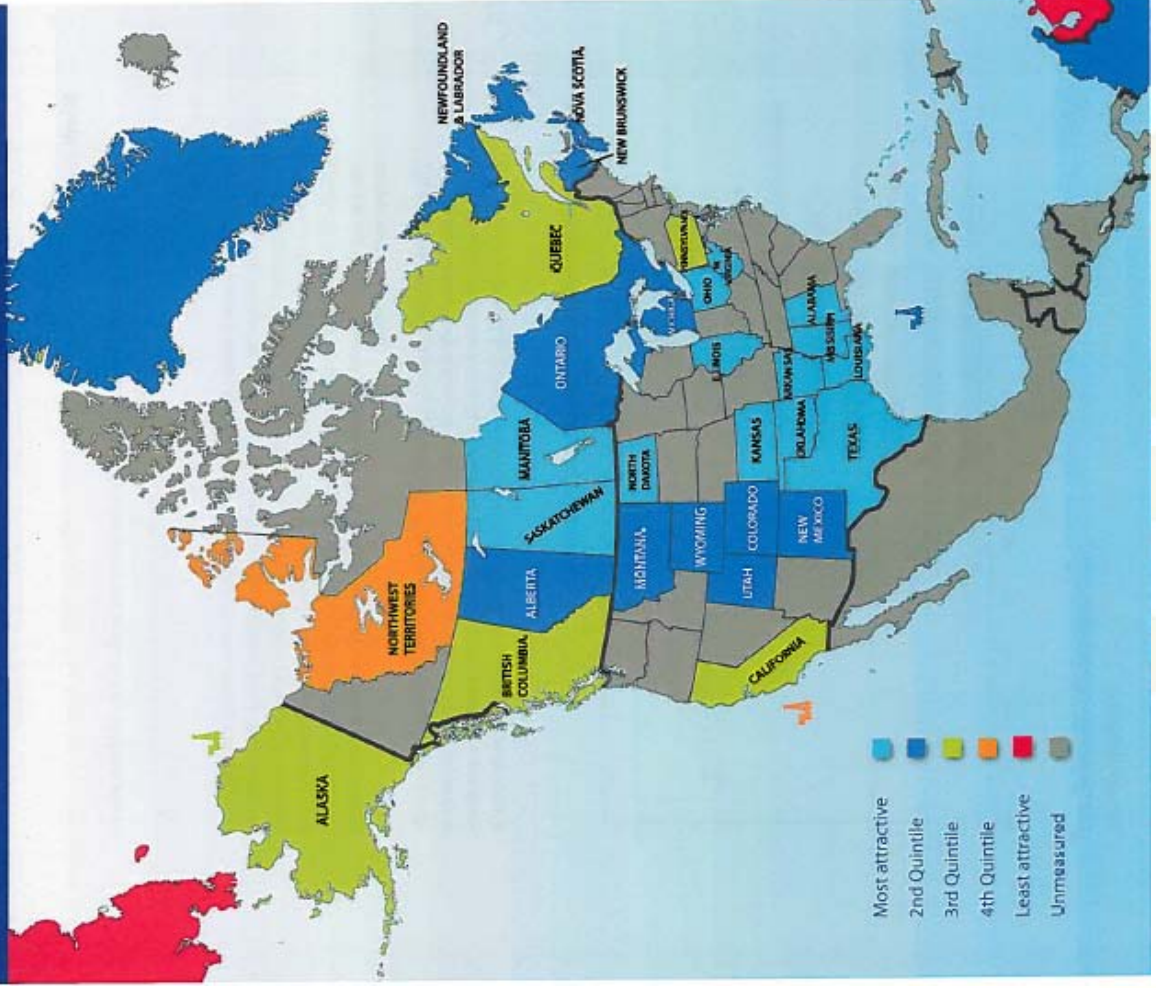


Figure 4: **2011 GLOBAL INVESTMENT CLIMATE** for petroleum upstream development

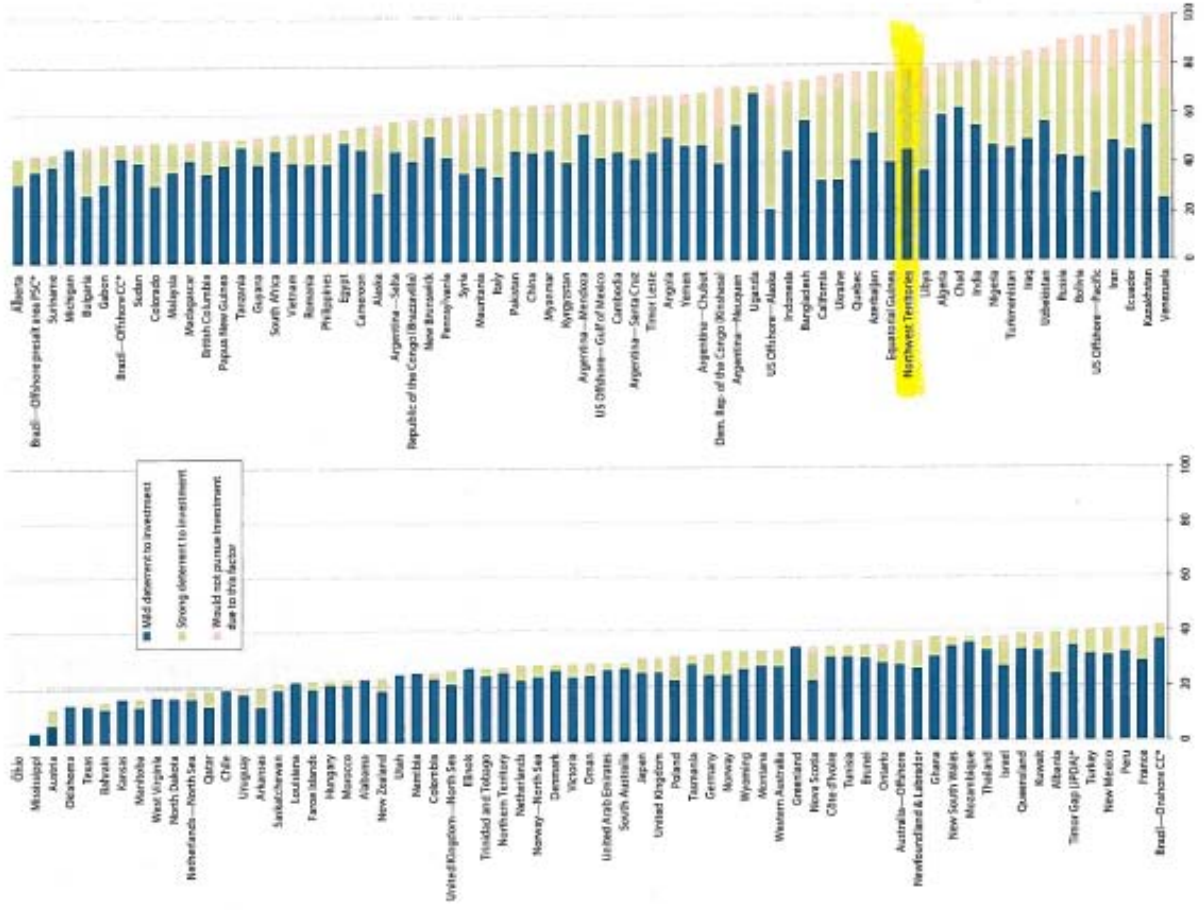
Figure 9: NORTH AMERICA

2011



Attractiveness for Petroleum Investment in North America

Figure 6: Regulatory Climate Index



* JPD = Joint Petroleum Development Area PSC = pre-salt area PSC = concession contracts

Regulatory Climate Index

NWT 120 of 135

The Issue

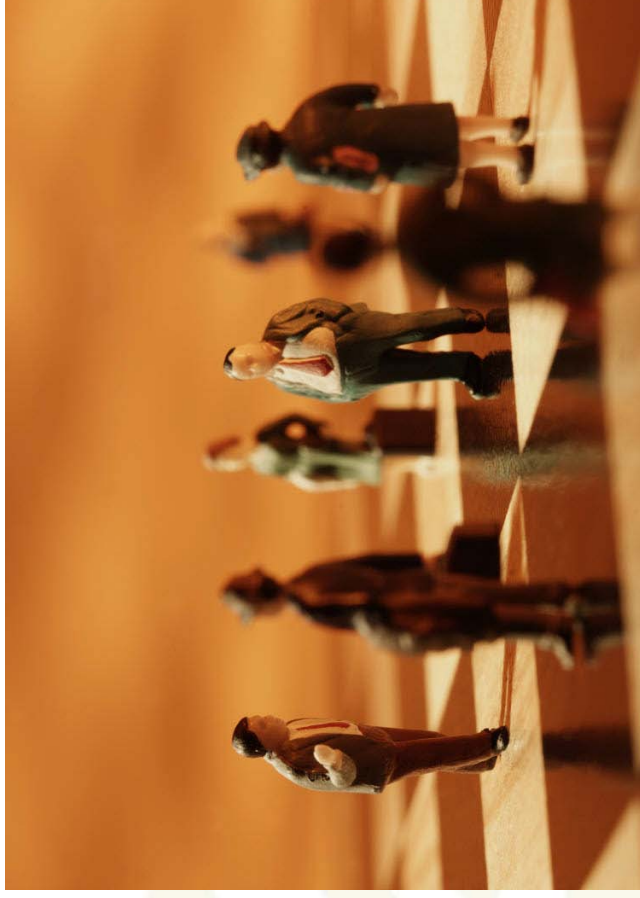
- The Fraser Institute's Annual Surveys of Mining and Petroleum Companies present a highly negative and industry biased portrayal of the EIA and Regulatory system in the NWT
- Lack of process timeliness, process uncertainty and corruption are cited as major disincentives for the mining industry to invest in the NWT
- Draws an alarmist political response rather than a informed constructive response

The Issue (cont'd)

- Same concerns raised for oil and gas (except the corruption concern)
- Respect and credibility of NWT Boards are unfairly affected
- Only fair for Boards to be held accountable and be responsive to constructive advice - but the advice would be more constructive if based on accurate information and reflective of all stakeholders opinions

Stakeholders are not getting a balanced or accurate performance report

- Gov't of Canada (Minister of AANDC)
- LCOs
- GNWT
- Industry
- NWT residents
- All Canadians



What should be the Boards' objectives?

- Timely and quality processes
- Fair, transparent and objective processes
- Accountability for results (that Boards have control over)
- Accurate reporting of results
- Balanced reporting of results
- Informed stakeholders
- Learning and continual improvement

How should Boards respond?

- More effective public education and awareness regarding land use planning, regulatory and EIA processes
- Improve transparent reporting of Board, industry and government performance for process timeliness
- Proactive response to improve processes as needs are identified

For example -

- Ensure readily accessible and accurate data (e.g. planned vs actual process timelines for processing applications, EAs, Permits, LUPs etc)
- Timely action on process issues identified by others and within Board's control
- Periodic, balanced and accurate reporting on process results

More examples -

- Improved guidelines, reference bulletins, process timelines
- Improved public education and awareness activities (exploit opportunities through media, media advisories, newsletters, conference presentations, websites etc)

How should Boards respond? ...Collaboratively

- A comprehensive stakeholder survey every three years
 - To complement a 3 year strategic planning cycle
 - To consider feedback from all stakeholders (not just industry)
 - To highlight Board performance but also government and developer performance as well

How should the “System” respond?

- Expand the Terms of reference for the next Part 6 Audit to include a periodic third party assessment of Board, government and developer performance (timeliness, quality and transparency) in NWT EIA and regulatory processes.
- Report results of Part 6 Audits to all stakeholders and the media.

Part 6 Audit 2010

“The vast majority of MVRMA applications are processed in a timely manner. EA timelines are comparable to project timelines established under the government of Canada’s Major Project Management Office initiative. Where Ministerial Decisions are made, this step often adds significant time to the EA process.”

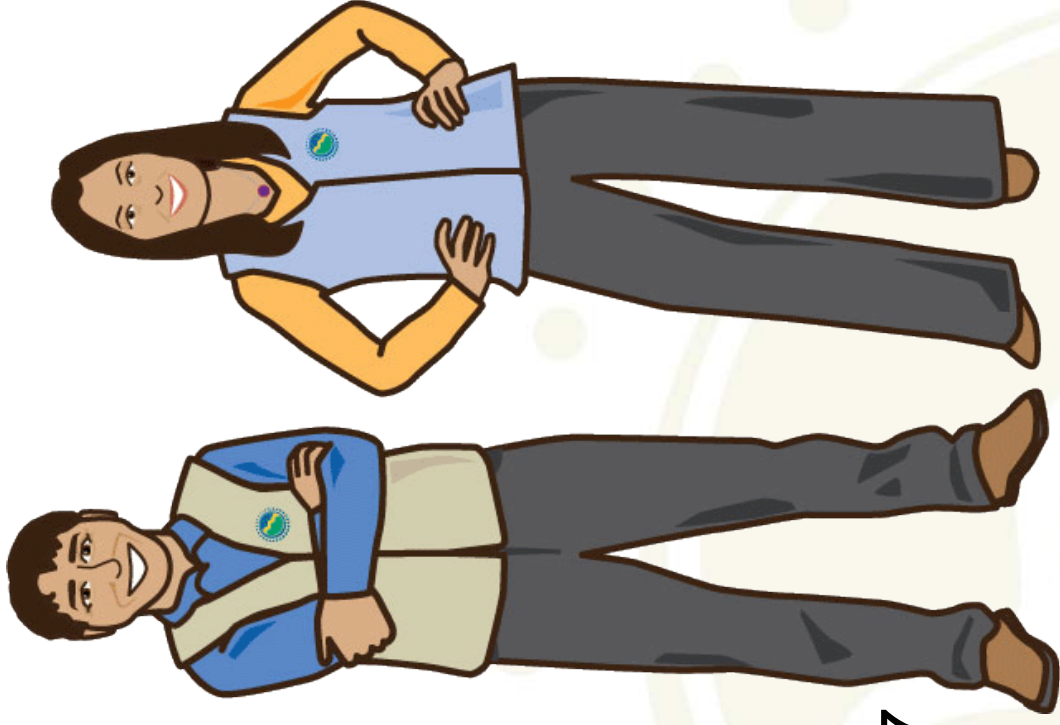
Your thoughts?

- Should Boards respond to findings of the Fraser Institute Report (or other reports on Boards performance)?
- If so, how should Boards respond?



Contact

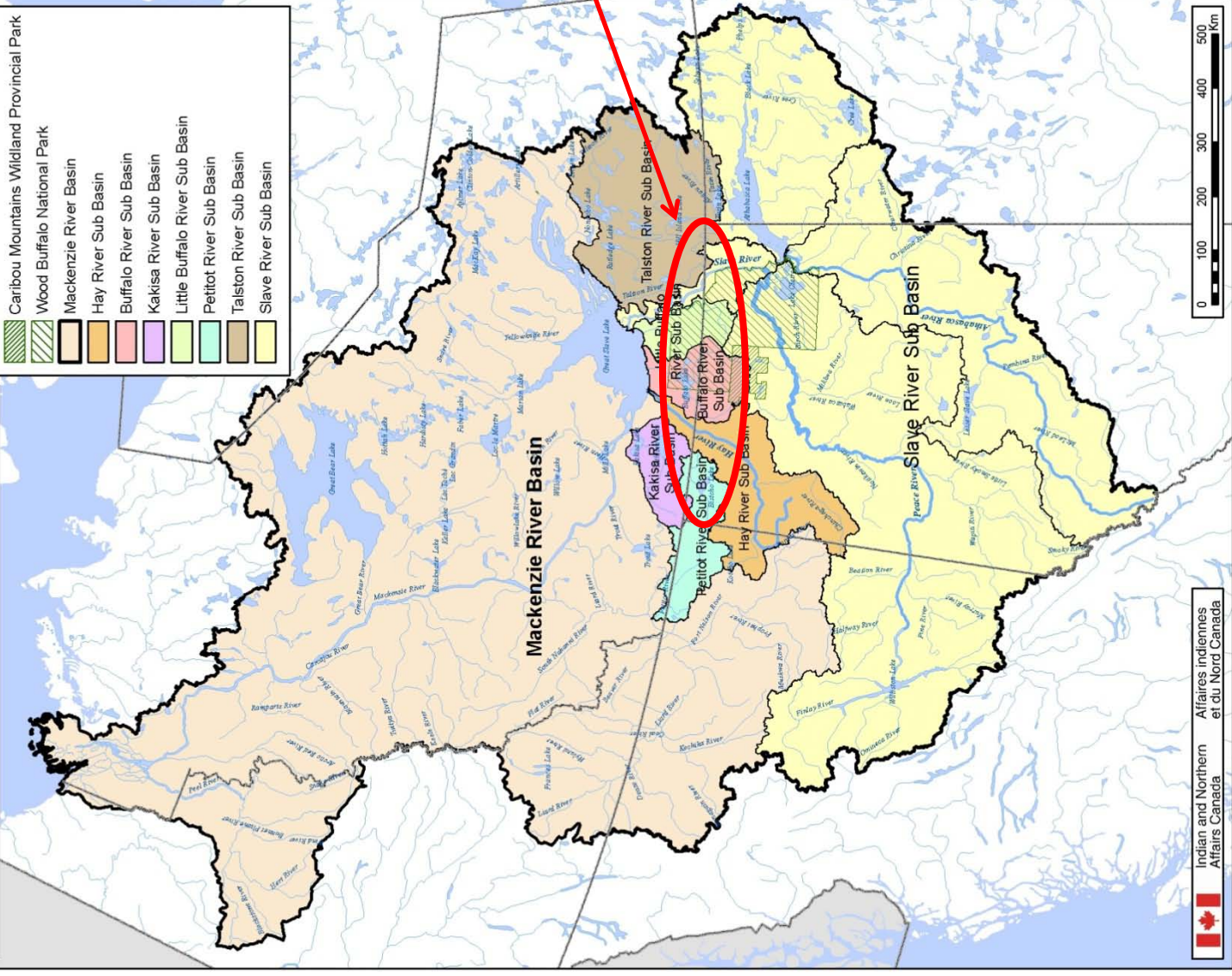
- Tel: (867) 766-7050
- Toll free: 1-866-912-3472
- Fax: (867) 766-7074
- **mveirb.nt.ca**
- Box 938
- 2nd Floor, Scotia Centre
- Yellowknife, NT X1A 2N7



NT-AB Transboundary Waters Bilateral Negotiations Update to the NWT Board Forum November 2, 2012

 Mackenzie River Basin

NWT-Alberta Border Drainage Basins



Transboundary Process

1997

Mackenzie
River Basin
Transboundary
Waters Master
Agreement
signed

2007

AB-NT (GNWT
& AANDC)
MOU-Bilateral
Water
Management
Agreement
Negotiations

2009-2010

NWT Water
Stewardship
Strategy and
Action Plans
released

2011

NWT
Negotiations
Team
established

NWT Negotiation Team

Merrell-Ann Phare, Chief Negotiator

Richard Bargery, Chief Federal Negotiator

Robert Jenkins, Acting AANDC Lead Negotiator

Ray Case, GNWT Lead Negotiator

Bob Overvold, NWT & Aboriginal Affairs Advisor

Erin Kelly, Technical Advisor

Ralph Pentland, Negotiations Process Advisor

AB-NT Bilateral Negotiations Process

PHASE 1 (2011-2012)

Information gathering & sharing



PHASE 2 (2012)

Develop a *DRAFT* Transboundary Management Bilateral Agreement



PHASE 3

Finalize Bilateral Agreement

Status of Bilateral Process

SEPT 2011 &
FEB 2012

- AB and NT shared background information
- Includes: existing monitoring sites, projected water use, etc.

APRIL 2012

- AB and NT shared preliminary interests
- Additional interests can be added at any time in process.

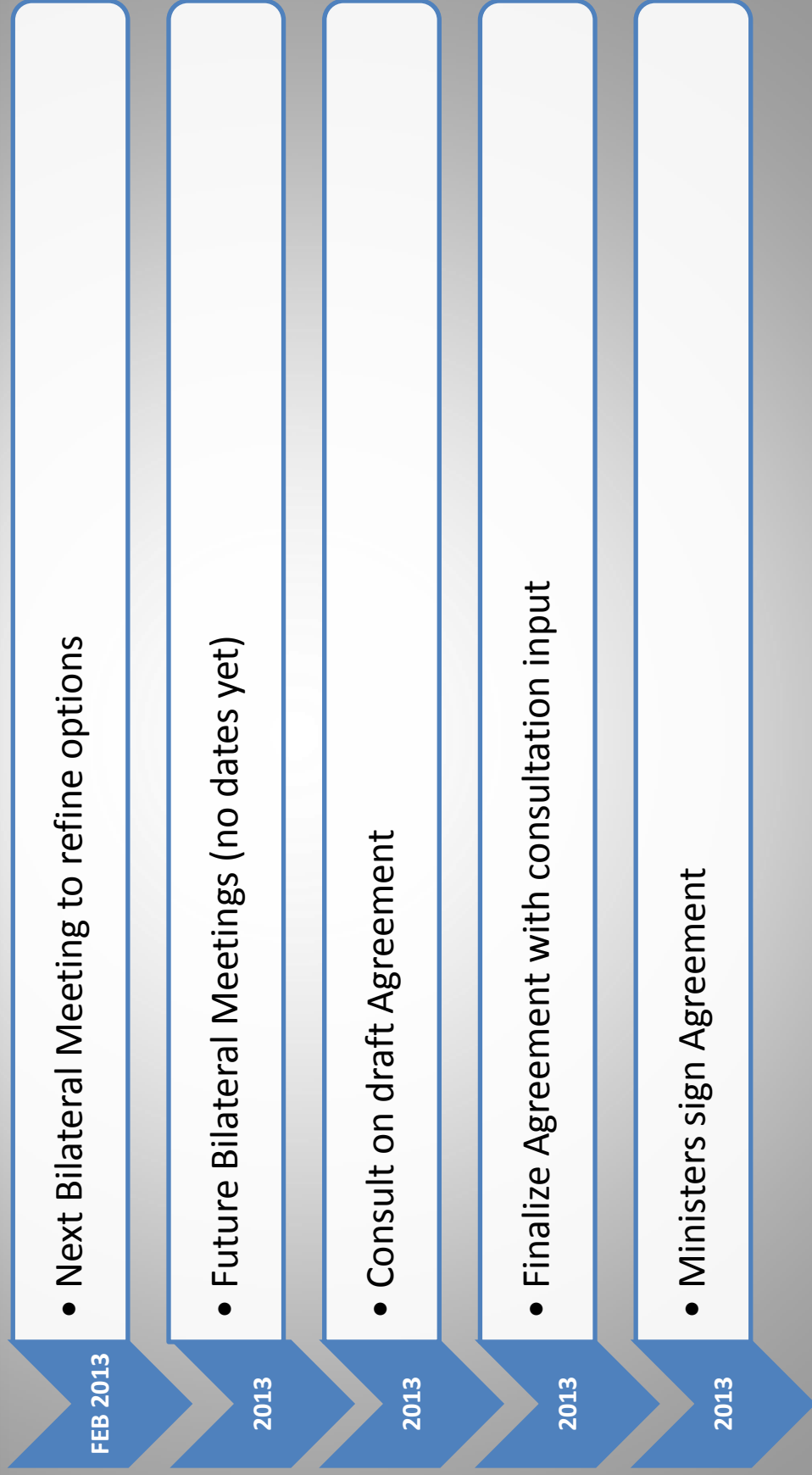
JUNE 2012

- AB and NT **began** discussing options (to address interests)
- Options are the way we will try to protect NWT interests.

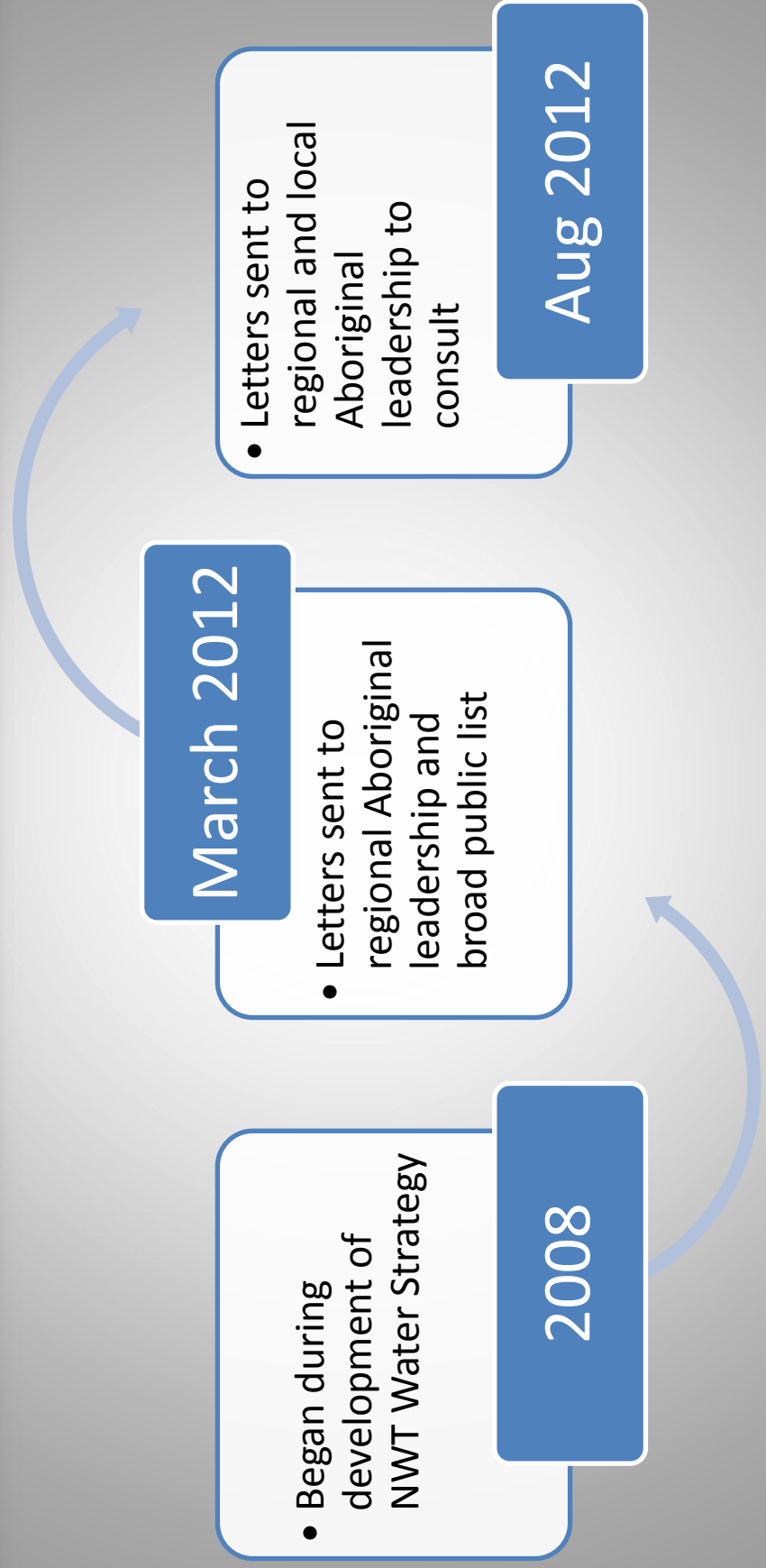
SEPT & NOV
2012

- AB and NT discussed options

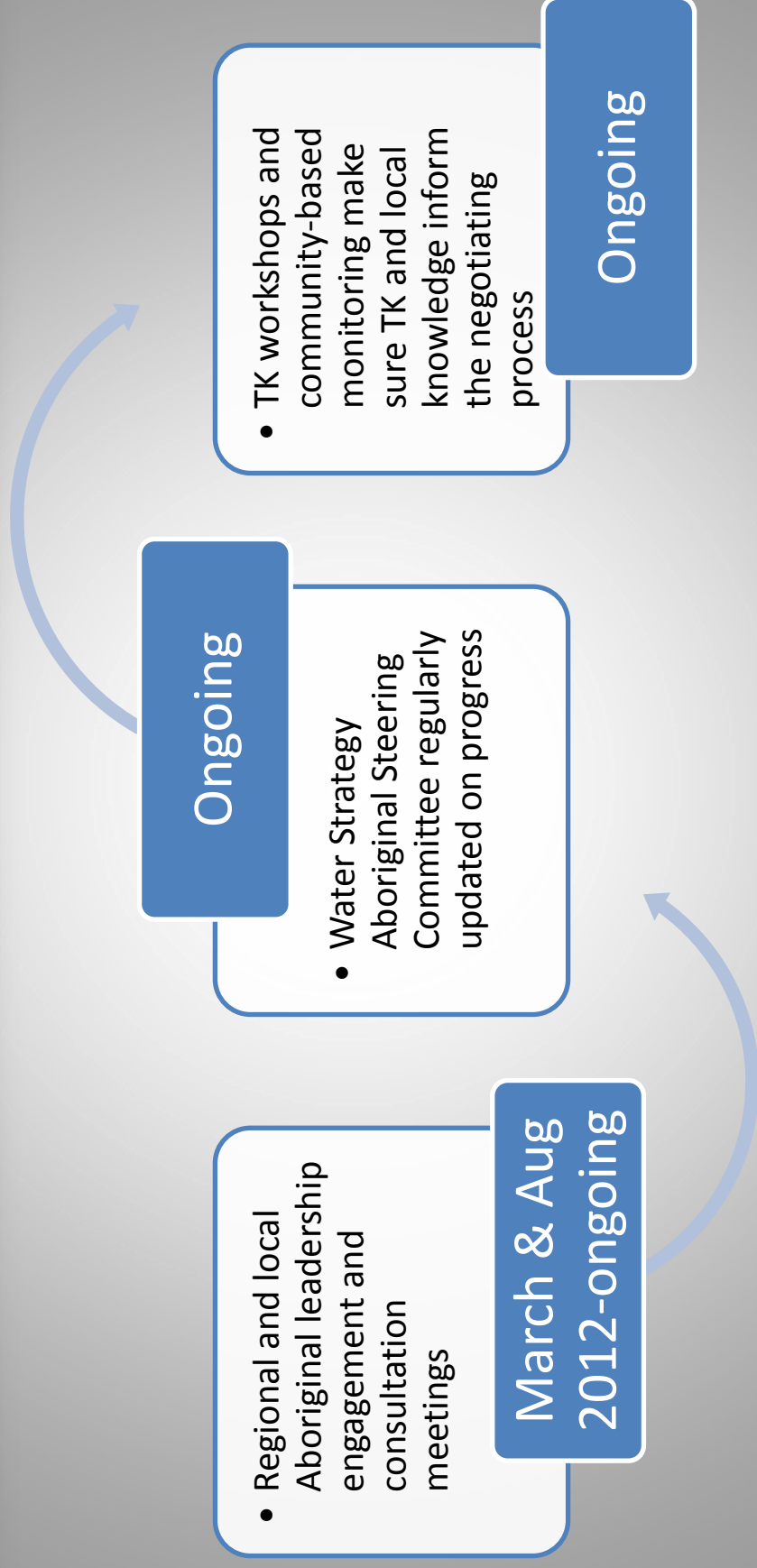
Bilateral Process: Long term



Consultation and Engagement



Consultation and Engagement



Regional Water Workshops

- Planning on holding Regional Workshops from Dec 2012-March 2013
 - Provide update and conduct Sect. 35 Consultation on Transboundary negotiations
 - Conduct TK session
 - Provide update on WSS initiatives:
 - Source Water Protection
 - Community-based monitoring results for each respective region

A scenic landscape featuring a wide river or lake in the foreground, with lush green hills and a small island in the background under a blue sky with scattered clouds.

Interest-based Negotiations

- Based on mutual respect and consensus
- Parties do not come to table with positions
- Bring forward guiding principles and interests instead
- Both parties' principles and interests **must** be considered when forming options

Interest-based Negotiations

● **Principles:**
why we care
about things

● **Interests:**
what we
care about

● **Options:**
how we get
what we
care about

What will the Agreement do?

- The Agreement will:
 - Make sure the ecosystem stays healthy
 - Respect Aboriginal and Treaty rights
(from settled land claims agreements: “...water which are on or flow through or are adjacent to [Gwich’in, Sahtu, Tlicho] lands remain substantially unaltered as to quality, quantity and rate of flow”)
 - Adapt to change
 - Plan for the future
- Make sure NWT is informed and that upstream development doesn’t harm NWT ecosystem

What will the Agreement do?

- The Agreement will:
- Set water quality limits that make sense to protect northern waters
- Set water quantity limits that protect Land Claim Agreements and ecosystems
 - Allow us to learn more so that we can prevent harm to the groundwater
- Monitor pollutants in air that might get into our waters
- Use fish and bugs to assess health of the aquatic ecosystem

What will the Agreement *NOT* do?

- The Agreement will not:
 - Stop oil sands development
 - Stop proposed Site C hydroelectric development
 - Speak to water-related issues brought up inside NWT (e.g., development)

Questions and Comments

Questions?

Comments?

Provide input to NWTwaterstrategy@gov.nt.ca

National Energy Board Act

Spring 2012 Amendments

Part I – National Energy Board Act

Establishment of the Board

Subsection 4(2) – Temporary Members

~~Maximum number~~

~~(2) Not more than six temporary members of the Board shall hold office at any one time.~~

Executive Officers

Subsection 6(2) – Chairperson's Duties

(2) The Chairperson is the chief executive officer of the Board. The Chairperson apportions work among the members and, if the Board sits in a panel, assigns members to the panel and a member to preside over it. The Chairperson also has supervision over and direction of the work of the Board's staff.

(2.1) To ensure that an application before the Board is dealt with in a timely manner, the Chairperson may issue directives to the members authorized to deal with the application regarding the manner in which they are to do so.

(2.2) If the Chairperson is of the opinion that a time limit imposed under any of sections 52, 58 and 58.16 is not likely to be met in respect of an application, the Chairperson may take any measure that the Chairperson considers appropriate to ensure that the time limit is met, including

- (a) removing any or all members of the panel authorized to deal with the application;
- (b) authorizing one or more members to deal with the application;
- (c) increasing or decreasing the number of members dealing with the application; and
- (d) specifying the manner in which section 55.2 is to be applied in respect of the application.

(2.3) For greater certainty, the power referred to in subsection (2.2) includes the power to designate a single member, including the Chairperson, as the sole member who is authorized to deal with the application.

(2.4) If the composition of the panel dealing with an application is changed as a result of any measure taken under subsection (2.2),

(a) evidence and representations received by the Board in relation to the application before the taking of the measure are considered to have been received after the taking of the measure; and

(b) the Board is bound by every decision made by the Board in relation to the application before the taking of the measure unless the Board elects to review, vary or rescind it.

(2.5) In the event of any inconsistency between any directive issued under subsection (2.1) or measure taken under subsection (2.2) and any rule made under section 8, the directive or measure prevails to the extent of the inconsistency.

(3) If the Chairperson is absent or unable to act or if the office is vacant, the Vice-chairperson has all the Chairperson's powers and functions.

(4) The Board may authorize one or more of its members to act as Chairperson for the time being in the event that the Chairperson and Vice-chairperson are absent or unable to act or if the offices are vacant.

Head Office and Meetings

Subsection 7(2.1) – Quorum – Exception

(2.1) Despite subsection (2), if the number of members authorized to deal with an application as a result of any measure taken by the Chairperson under subsection 6(2.2) is less than three, the number of members authorized by the Chairperson to deal with the application constitutes a quorum of the Board.

Rules

Powers of the Board

Subsection 11(4) – Expeditious proceedings

(4) Subject to subsections 6(2.1) and (2.2), all applications and proceedings before the Board are to be dealt with as expeditiously as the circumstances and considerations of fairness permit, but, in any case, within the time limit provided for under this Act, if there is one.

Part III – Construction and Operation of Pipelines

Regulation of Construction, Etc.

Certificates

Subsection 52(1) – Report

52. (1) If the Board is of the opinion that an application for a certificate in respect of a pipeline is complete, it shall prepare and submit to the Minister, and make public, a report setting out

- (a) its recommendation as to whether or not the certificate should be issued for all or any portion of the pipeline, taking into account whether the pipeline is and will be required by the present and future public convenience and necessity, and the reasons for that recommendation; and
- (b) regardless of the recommendation that the Board makes, all the terms and conditions that it considers necessary or desirable in the public interest to which the certificate will be subject if the Governor in Council were to direct the Board to issue the certificate, including terms or conditions relating to when the certificate or portions or provisions of it are to come into force.

Subsection 52(2) – Factors to Consider

(2) In making its recommendation, the Board shall have regard to all considerations that appear to it to be directly related to the pipeline and to be relevant, and may have regard to the following:

- (a) the availability of oil, gas or any other commodity to the pipeline;
- (b) the existence of markets, actual or potential;
- (c) the economic feasibility of the pipeline;
- (d) the financial responsibility and financial structure of the applicant, the methods of financing the pipeline and the extent to which Canadians will have an opportunity to participate in the financing, engineering and construction of the pipeline; and
- (e) any public interest that in the Board's opinion may be affected by the issuance of the certificate or the dismissal of the application.

Subsection 52(4) – Time Limit

(4) The report must be submitted to the Minister within the time limit specified by the Chairperson. The specified time limit must be no longer than 15 months after the day on which the applicant has, in the Board's opinion, provided a complete application. The Board shall make the time limit public.

Subsection 52(5) – Excluded Period

(5) If the Board requires the applicant to provide information or undertake a study with respect to the pipeline and the Board, with the Chairperson's approval, states publicly that this subsection applies, the period that is taken by the applicant to comply with the requirement is not included in the calculation of the time limit.

Subsection 52(6) – Public Notice of Excluded Period

(6) The Board shall make public the dates of the beginning and ending of the period referred to in subsection (5) as soon as each of them is known.

Subsection 52(7) – Extension

(7) The Minister may, by order, extend the time limit by a maximum of three months. The Governor in Council may, on the recommendation of the Minister, by order, further extend the time limit by any additional period or periods of time.

Subsection 52(8) – Minister’s Directives

(8) To ensure that the report is prepared and submitted in a timely manner, the Minister may, by order, issue a directive to the Chairperson that requires the Chairperson to

- (a) specify under subsection (4) a time limit that is the same as the one specified by the Minister in the order;
- (b) issue a directive under subsection 6(2.1), or take any measure under subsection 6(2.2), that is set out in the order; or
- (c) issue a directive under subsection 6(2.1) that addresses a matter set out in the order.

Sections 53 – Order to Reconsider and Reconsideration Report

53. (1) After the Board has submitted its report under section 52, the Governor in Council may, by order, refer the recommendation, or any of the terms and conditions, set out in the report back to the Board for reconsideration.

(2) The order may direct the Board to conduct the reconsideration taking into account any factor specified in the order and it may specify a time limit within which the Board shall complete its reconsideration.

(3) The order is binding on the Board.

(4) A copy of the order must be published in the Canada Gazette within 15 days after it is made.

(5) The Board shall, before the expiry of the time limit specified in the order, if one was specified, reconsider its recommendation or any term or condition referred back to it, as the case may be, and prepare and submit to the Minister a report on its reconsideration.

(6) In the reconsideration report, the Board shall

- (a) if its recommendation was referred back, either confirm the recommendation or set out a different recommendation; and
- (b) if a term or condition was referred back, confirm the term or condition, state that it no

longer supports it or replace it with another one.

(7) Regardless of what the Board sets out in the reconsideration report, the Board shall also set out in the report all the terms and conditions, that it considers necessary or desirable in the public interest, to which the certificate would be subject if the Governor in Council were to direct the Board to issue the certificate.

(8) Subject to section 54, the Board's reconsideration report is final and conclusive.

(9) After the Board has submitted its report under subsection (5), the Governor in Council may, by order, refer the Board's recommendation, or any of the terms or conditions, set out in the report, back to the Board for reconsideration. If it does so, subsections (2) to (8) apply.

Section 55.2 – Representations

55.2 On an application for a certificate, the Board shall consider the representations of any person who, in the Board's opinion, is directly affected by the granting or refusing of the application, and it may consider the representations of any person who, in its opinion, has relevant information or expertise. A decision of the Board as to whether it will consider the representations of any person is conclusive.

Part VI – Exports and Imports

Issuance of Licences

Section 118 – Criteria

118. On an application for a licence to export oil or gas, the Board shall satisfy itself that the quantity of oil or gas to be exported does not exceed the surplus remaining after due allowance has been made for the reasonably foreseeable requirements for use in Canada, having regard to the trends in the discovery of oil or gas in Canada.

Part IX – Administrative Monetary Penalties

134. (1) The Board may, with the approval of the Governor in Council, make regulations

- (a) designating as a violation that may be proceeded with in accordance with this Act
 - (i) the contravention of any specified provision of this Act or of any of its regulations,
 - (ii) the contravention of any order or decision, or of any order or decision of any specified class of orders or decisions, made under this Act, or
 - (iii) the failure to comply with any term or condition of
 - (A) any certificate, licence or permit or of any specified class of certificate, licence or permit, or
 - (B) any leave or exemption granted under this Act or of any specified class of leave or exemption granted under this Act;
- (b) respecting the determination of or the method of determining the amount payable as the

penalty, which may be different for individuals and other persons, for each violation; and (c) respecting the service of documents required or authorized under section 139, 144 or 147, including the manner and proof of service and the circumstances under which documents are considered to be served.

(2) The amount that may be determined under any regulations made under paragraph (1)(b) as the penalty for a violation must not be more than twenty-five thousand dollars, in the case of an individual, and one hundred thousand dollars in the case of any other person.

•

APPENDIX C

Meeting Evaluation - Summary of Responses

Meeting Evaluation - Summary of Responses

Number of evaluations completed: 22

Below is a summary of the responses, with key points noted for each question.

1. What worked well?

Key points: Continued interaction and discussion needed to engage participants

- Board Forum interaction, specifically break out groups and discussion encourages participations from everyone
- Bringing issues back to the Strategic Plan to remind of our focus
- Agenda items that focused on territorial and shared issues that affect all boards
- Key information sharing on pertinent topics provided by committee groups, NEB engagement, devolution
- Well organized and informative
- Great facilitation!
- Excellent dinners and hosting by SLWB
- Sound system was a great improvement

2. What didn't work so well?

Key points: Presentation overload and not getting materials in advance

- Too many consecutive and long, wordy PowerPoint presentations (overload)
- Agenda heavily weighted toward presentations by government (Federal and NWT)
- Not enough breakout groups
- Materials not provided in advance of the meeting so members can be well prepared
- Board Forum members leaving early - not enough discussion leading to follow-up on initiative and issues
- The people who committed to come but didn't make it
- Too much focus on regional specific issues
- Dropping board caucus because behind on the agenda and many last minute changes
- Need more focus direction on where the board wants to go

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

Key points: Get information to members ahead of time and set realistic agenda

- Strongly support getting information to members ahead of time, electronically
- Electronic binder but with option to have hard copies – survey members to see which they prefer
- Less stuff on the agenda and more focus on using the time to make progress on issues instead of politics
- Require commitment of time and require each presenter to have a facilitated discussion/ working group to encourage more interaction
- Have themes, focus on issues and hold breakout groups to try to find solutions

- Ensure Board caucus happens
- Better preparation for new people
- More visuals in presentations

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

Key points: Overall, good facilitation and suggestion to involve facilitator in agenda development for next meeting

- Excellent facilitation – very experienced and both live in the NWT and have knowledge of issues
- Very good organizing of agenda and presentations
- I like the opportunities to break out and interact with other Boards
- No complaints about the facilitation – I hope that the facilitator will be fully involved in development of the agenda for the next meeting
- Good facilitating – keep the proceeding short and sweet
- Better timekeeping needed
- Showed flexibility to adjust – however, government employees “time” availability should be determined at time of agenda and not at their convenience upon arrival (not a critique of facilitator - critique on “guest” presentations)
- Well organized, efficient, pleasant, accommodating to changing circumstances
- Better jokes!

5. Other comments?

- Good meeting
- My first forum. I appreciated the updates from other organizations to find out more
- Good job for Larry and his cooks
- Well done
- Members need to continue to be adaptable
- Thank you and I look forward to Yellowknife
- “Last minute” cancellations on key agenda items should be an absolute exception
- No babies