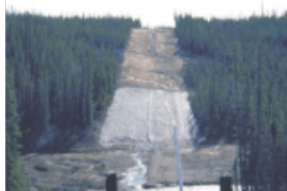
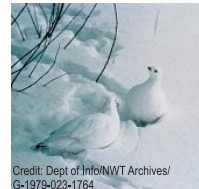


## Resource Management information for the NWT



# 19<sup>TH</sup> BOARD FORUM MEETING SUMMARY REPORT

June 3-4, 2014  
Yellowknife NT



# **NWT BOARD FORUM SUMMARY REPORT**

## **19<sup>TH</sup> NWT BOARD FORUM MEETING YELLOWKNIFE, NT**

**JUNE 3-4, 2014**

**Prepared for:**

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Yellowknife, NT

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## **1.0 INTRODUCTION**

### **1.1 PURPOSE AND OBJECTIVES OF THE BOARD FORUM MEETING**

The 19<sup>th</sup> NWT Board Forum was held in Yellowknife, NT on June 3-4, 2014. With devolution coming into effect April 1, 2014 the primary areas of discussion during the two day meeting were implementation of the transfer of responsibilities to the Territorial Government, changes in roles, and moving forward post-devolution. There were also opportunities for updates from Board Forum members.

### **1.2 REPORT STRUCTURE**

This report presents a summary of the 19<sup>th</sup> NWT Board Forum meeting held in June 2014. Highlights and summaries provided in the following sections are presented based upon the agenda established for the meeting.

## **2.0 OPENING REMARKS**

After a brief welcome by the hosts, JoAnne Deneron (Chair, MVEIRB) and Willard Hagen (Chair, MVLWB), an opening prayer was led by Violet Camsell-Blondin.

## **3.0 ROUNDTABLE UPDATES**

### **3.1 ENVIRONMENTAL IMPACT REVIEW BOARD – JON PIERCE, CHAIR**

Jon Pierce, Chair of the Environmental Impact Review Board (EIRB), provided the following update:

- The Environmental Impact Screening Committee (EISC) referred the Beaufort Sea Exploration Joint Venture Drilling Program to the EIRB in December 2013.
- The Beaufort Sea Program is a joint venture between Imperial, ExxonMobil and BP Exploration known as Imperial Oil Resources Ventures Limited (IORVL). IORVL proposes to drill wells in the offshore of the Inuvialuit Settlement Region in the open water season of 2020, and may also dredge, construct onshore facilities and over winter drillship and support vessels.
- The EIRB requested further information from IORVL due to deficiencies in the Project Description before advancing the Terms of Reference (ToR) for the project review. The ToR is to satisfy the requirements of the Inuvialuit Final Agreement and *Canadian Environmental Assessment Act (CEAA) 2012*.
- The project was accepted for review and a ToR for this project was issued on February 28, 2014. The 60 day public comment period on the ToR ended April 30, 2014.
- In May, a second revised draft ToR was issued. This is not the final ToR because the EIRB heard from the Inuvialuit communities that there isn't sufficient information in

the Project Description to finalize the ToR at this time. For example, there is no clarity on the onshore facilities that may be needed or will dredging in Mackenzie Bay or other areas be required.

- At the end of May, the EIRB wrote to IVORL requesting further information as well as a schedule showing when the requested information would be provided. IVORL's response should be received by the end of June and, following that, the EIRB will decide how to proceed.
- EIRB has been working closely with NEB to establish the review processes. There are some difficulties with establishing the process because these types of situations were not contemplated when CEAA 2012 came into effect.

### **3.2 ENVIRONMENTAL IMPACT SCREENING COMMITTEE – JOHN ONDRACK, CHAIR**

John Ondrack, Chair of the EISC, provided the following update:

- The EISC is responsible for the screening portion of the environmental impact screening and review process and has the ability to refer projects to the EIRB.
- The recent activities of the EISC include the following:
  - Review, revision and release of updated guidelines and rules of procedure;
  - Conducted a roles and responsibilities workshop with co-management partners;
  - Completed full year trial of a product called Board Vantage which allows electronic delivery of information packages to Board members to reduce paper use; and
  - Rebuild of public registry that is expected to be available by mid-July.
- In the coming year, the EISC's key initiatives include the following:
  - In anticipation of the forecasted economic upswing, rationalization and expansion of the EISC's environmental impact screening exclusion list will be undertaken. If a project proposal is found to be a development as defined by the Inuvialuit Final Agreement, the only way that the project cannot be screened is by being on the exclusion list.
  - Visit two of the six Inuvialuit communities to promote the role of community organizations in the environmental impact screening and review process and to demonstrate how the community organizations can participate. Input from community organizations is critical as this is the basis of the EISC's decisions.
  - In the fall of 2014 will be meeting with the Yukon Environmental and Socio-Economic Assessment Board to discuss rationalization of the environmental impact screening of proposed projects on the Yukon North Slope.
  - Upload all Committee orientation and reference materials on line through Board Vantage.

### **3.3 INUVIALUIT WATER BOARD – EDDIE DILLON, CHAIR**

Eddie Dillon, Chair of the Inuvialuit Water Board (IWB), provided the following update:

- IWB, formerly known as the NWT Water Board, falls under the authority of the GNWT as of April 1, 2014.



- Prior to March 31, 2014, the NWT Water Board issued two new water licences, one Type A licence to the GNWT-DOT for the Inuvik to Tuk Highway and one Type B licence to Imperial Oil Resources for Bar C, Tununuk Point Project.
- Management plans required by existing licences are being reviewed.
- Six members are on the Board at this time.
- Main office is located in Inuvik and a public registry office is located in Yellowknife. The Yellowknife office has one staff member and recruitment for a science and regulatory coordinator is in progress.
- Tasks for the next few months will be focussed on ensuring that Board rules, guiding documents, web sites and other materials are consistent with the new name and legislation.
- Mardy Semmler is the Executive Director, based in Inuvik.
- Very good cooperation with GNWT-ENR has occurred and will continue.

### **3.4 GWICH'IN LAND USE PLANNING BOARD – SUE MCKENZIE, EXECUTIVE DIRECTOR**

Sue McKenzie, Executive Director of the Gwich'in Land Use Planning Board (GLUPB), provided the following update as Bob Simpson was unable to attend due to another commitment:

- Final wording of the land use plan should be prepared mid-June but this depends on the resolution of capacity issues.
- Staffing currently includes a Planning Assistant and Executive Director, with the Executive Director fulfilling the planning, finance and IT functions as well.
- Administrative support is required to relieve time demands from the Planner but have lost the opportunity for shared resources with the GLWB as a result of the uncertainty with the regulatory improvement process.
- Information collected as part of the planning process provides a good overview of the region, and will be compiled into an Atlas to showcase the Gwich'in Settlement Region. A new contractor is now in place and significant advancement is expected by the next NWT Geoscience Forum.
- As part of the GLUPB's mandate to monitor implementation of the land use plan, review of water licence and land use permit applications and Aurora Research Institute licences will continue to ensure compliance with the land use plan.
- All five Board appointments are full. Arthur Boutilier is the new Board Member and is attending the Board Forum meeting as part of his orientation.

### **3.5 GWICH'IN LAND AND WATER BOARD – PAUL SULLIVAN, CHAIR**

Paul Sullivan, Chair of the Gwich'in Land and Water Board (GLWB), provided the following update:

- Charlie Snowshoe's appointment ends soon and it is unknown whether that appointment will be filled due to the planned board restructuring.

- Not very much activity in the Gwich'in at this time, although highway and gravel permit applications continue to be processed.

### **3.6 SAHTÚ LAND AND WATER BOARD – PAUL DIXON, EXECUTIVE DIRECTOR**

Paul Dixon, Executive Director of the Sahtú Land and Water Board (SLWB), provided the following update:

- Recently, focus has been on devolution, the regulatory improvement process and making adjustments to Board procedures accordingly.
- SLWB is planning for the public information session held every year, and engaging with high school students and local communities on land and water board processes. This is year fourteen of this initiative and it is constantly updated to remain current.
- The Husky application recently submitted to the Board was pulled for corporate reasons. Large effort in reviewing this application by many partners in the process.
- Working with Imperial Oil on the information requirements for their Type A water licence application. The Board conducted a jurisdiction ruling and delayed the process slightly. The public hearing is to be held the week of June 9.
- Conoco Phillips submitted an application for multiple wells which is out for public review.
- New SSI board member appointment is Judy Tutcho from Délı̨ne.
- GNWT appointment, which has been open for about two years, has not been filled yet.

### **3.7 SAHTÚ LAND USE PLANNING BOARD – HEATHER BOURASSA, CHAIR**

Heather Bourassa, Chair of the Sahtú Land Use Planning Board (SLUPB), provided the following update:

- The Sahtú Land Use Plan was approved in August 2013
- This year has been about transition. The Board has redirected its activities from developing the land use plan to monitoring and implementing the plan.
- With an approved plan in place, the SLUPB has the following four core functions:
  - Conducting conformity determinations;
  - Receiving and considering exceptions to the Sahtú Land Use Plan;
  - Preparing amendments to the Sahtú Land Use Plan; and
  - Conducting five-year reviews of the Sahtú Land Use Plan
- To assist with performing the core functions, a Rules of Procedure for implementation is being drafted and should be available for public review shortly.
- To date, all land use permit and water licence applications have gone through conformity determinations as part of the land and water board process. One transboundary permit and licence were referred to the SLUPB by the MVLWB for a conformity determination.
- The SLUPB is continuing to work with land and water boards and future developers with the goal of communicating and clarifying conformity requirements and the plan review process.

- There have been no exceptions or amendments this year but one amendment is expected with the finalization of the Nááts'ihch'oh National Park boundaries. Once legislation for the park has been passed, the SLUPB will not have jurisdiction within park boundaries and rezoning within the Sahtú Land Use Plan will occur.
- Year 1 of the five-year review process has begun and the revision of the Sahtú Land Use Plan will be completed by 2018. The Board will be prioritizing annual planning activities based on available resources.
- The Board's current focus is on improving communications materials, including web page redesign and updating GIS and mapping capabilities.

### **3.8 WEK'ÈEZHÌI LAND AND WATER BOARD – VIOLET CAMSELL-BLONDIN, CHAIR, AND BRETT WHELER, A/EXECUTIVE DIRECTOR**

Violet Camsell-Blondin, Chair of the Wek'èezhìi Land and Water Board (WLWB), provided an update in the Tłıchʔ language and Brett Wheler, A/Executive Director of the WLWB, provided an update in English. The update is as follows:

- Priorities of the WLWB continue to be:
  - To ensure that the reviews of all submissions made under permits and licences are thorough, inclusive and fair;
  - To actively support collaborative initiatives such as the work recognized by the Excellence in Water Stewardship Award; and
  - To maintain strong and effective relationships with regional organizations, communities and developers and all partners in the process during board restructuring.
- Currently there is a full complement of Board members.
- Highlights of regulatory work include the following:
  - Main Ekati licence renewal
  - Issuance of land use permit and water licence approval of the Ekati Lynx project. The water licence is now with the Minister for approval.
  - Referral of the Ekati Jay Project to environmental assessment by AANDC.
  - Finalization of the permit and licence for Fortune Minerals' NICO project is expected shortly.
  - Community water licence application for Behchok̓ was received and a public hearing is scheduled for the fall.
  - Application from the Dogrib Power Corporation for the Snare Cascades Hydro Facility was received and a decision expected in early September.
  - Diavik water licence renewal application expected to be submitted this fall.
- Work continues with the Tłıchʔ Lands Protection Department on establishing processes that reflect the approved status of the Tłıchʔ Land Use Plan.
- The WLWB has been involved in a number of collaborative initiatives, including the following:

- Recognized with the Excellence in Water Stewardship Award for collaboratively participating in initiatives with the Tłıchǵ Government, the WRRB and other partners. Collaborative initiatives include the following:
  - The WRRB led Tłıchǵ Aquatic Ecosystem Monitoring Program rotates through each of the four Tłıchǵ communities. The Program involves fish, sediment and water monitoring, together with traditional knowledge collection and an elder-youth knowledge sharing program. WLWB staff provide support on the sediment and fish monitoring.
  - The WLWB also supports the Tłıchǵ Government Marian Watershed Stewardship Program.
  - WLWB staff work with AANDC Inspectors, MACA, ENR and Environment Canada to build capacity for water-quality sampling and to fulfill the requirements of community water licences. Results have been encouraging but there is still work to be done.

### **3.9 GOVERNMENT OF THE NORTHWEST TERRITORIES – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES – DR. RAY CASE, ASSISTANT DEPUTY MINISTER**

Dr. Ray Case, Assistant Deputy Minister of GNWT-ENR, provided the following update on behalf of the GNWT:

- Kate Hearn sends her apologies but will be joining the session at a later time.
- ENR has been working hard with the GNWT Departments of Lands, ITI and other departments, as well as AANDC to make the April 1, 2014 transition seamless for the boards.
- Two new Divisions were added to ENR:
  - Water Resources Division: Led by Robert Jenkins, Water Resources will provide technical advice and securities estimates to the water boards. The Taiga Laboratory is now wholly managed by the Water Resources Division and the staff are now employees of GNWT.
  - Conservation, Assessment and Monitoring Division: Led by Mary Tapsell, this division will be responsible for implementing the Cumulative Impact Monitoring Program, the audit functions under the *MVRMA*, conservation planning initiatives, including protected areas establishment, provision of conservation area information into the land use planning process, and coordination of regulatory and environmental assessment processes within ENR.
- Going forward, some of ENR's priorities include the following:
  - Development of Wildlife Regulations so that at least parts of *The Wildlife Act* can come into force in the fall.
  - Forest Management Agreements are being advanced with communities to support community-based forest management and forestry development and to offer local employment, training and business opportunities.

- Undertaking consultation on new forest management regulations so they can be implemented over the next year or so.
- Working on joint proposals on caribou management, including a joint proposal with the Tłıchǫ Government on management actions for Bathurst caribou.
- Development of regulations with respect to hydraulic fracturing activities in the NWT.

### **3.10 AANDC NWT REGION – STEPHEN TRAYNOR, SPECIAL ADVISOR**

Stephen Traynor, Special Advisor to AANDC, provided the following update:

- Extends thanks and appreciation to the boards for their participation in the working groups for moving devolution forward.
- Continuing work with AANDC Headquarters on the functioning and structure of the AANDC NWT Region.
- Post-devolution, AANDC:
  - Remains the lead federal department for Canada's Northern Strategy and administering the legislation that governs the three territories.
  - Continues with land claim negotiations and coordinates the implementation of land claim agreements in the NWT.
  - Continues to implement key elements of the Action Plan to Improve Northern Regulatory Regimes.
  - Has ongoing responsibility for the *MVRMA*
  - Continues the administration of oil and gas rights and interest in the Beaufort Sea and other northern offshore areas
  - Continues to implement the Devolution Agreement by participating with the GNWT and Inuvialuit Regional Corporation in the management of petroleum resources; participating in the Waste Sites Management Committee; and participating in off-shore talks with respect to the management of petroleum.
- Post-devolution, the NWT Region will do the following:
  - Continue to develop governance and partnerships with the GNWT, aboriginal organizations and communities;
  - Contribute to the negotiation and implementation of land claim agreements;
  - Continue to administer oil and gas rights in the Beaufort Sea;
  - Continue to administer First Nations' programming; and
  - Manage federal lands and the offshore, including management and remediation of about 80 contaminated sites in the NWT.
- AANDC's devolution priorities following April 1, 2014 include the following:
  - Supporting the remaining devolution and regulatory improvement implementation activities that have been identified.
  - Continue with ongoing intergovernmental relationships with the GNWT and Aboriginal organizations.
  - Management of federal lands, contaminated sites, the Norman Wells Proven Area and the Offshore.

### **3.11 GWICH'IN RENEWABLE RESOURCES BOARD – EUGENE PASCAL, CHAIR**

Eugene Pascal, Chair of the Gwich'in Renewable Resources Board (GRRB), provided the following update:

- Eugene Pascal became chair in November 2013
- Three new board member appointments in the past seven months with five appointments outstanding. The GRRB continues to work as efficiently as possible despite the slow appointment process.
- Staffing includes five permanent employees and one term employee. Seeking funds to make the term position full time.
- Funds have been secured for summer students and technician training.
- Two face-to-face meetings and approximately four teleconferences are held each year.
- Major activities include:
  - Federal and territorial species-at-risk activities, which is the focus of the term position.
  - Working with GNWT and other organizations on *The Wildlife Act* and
  - Management plans are completed for the Bluenose East, Bluenose West and Cape Bathurst herds.
  - Management plans for Dall Sheep and Grizzly Bear are being worked on.
  - Implementing the Dolly Varden Integrated Fisheries Management Plan and the Forest Management Plan in the Gwich'in Settlement Area.
  - Continue to review applications for land use permits and licences
  - Research and monitoring continues for Dempster Highway Grizzly Bears, Dolly Varden habitat, Gwich'in harvesting.
  - Working on risk processes for the Bank Swallow.
  - Working with partners to collect traditional knowledge for the federal and territorial species-at-risk processes.

### **3.12 WEK'EEZHII RENEWABLE RESOURCES BOARD - GRANT PRYZNYK, CHAIR**

Grant Pryznyk, Chair of the Wek'ëezhii Renewable Resources Board (WRRB), provided the following update:

- Eddie Chocolate from Gamètì was recently appointed as a Board member by the Tłıchǫ Government.
- Grant Pryznyk will continue as Interim Chair until the permanent chair is decided upon. Require a full complement of candidates.
- Jody Snortland is returning from maternity leave on August 1 and will be resuming her position as Executive Director.
- The Strategic Plan will be reviewed during 2014-2015 and will become effective April 1, 2015.

- Joint management proposal for Bathurst caribou expected shortly for the 2014-2015 harvesting season.
- Results of the previous year's recommendations for the management of the Bathurst caribou plan are being evaluated for effectiveness.
- Working with GNWT and the Tłıchq Government to develop the Bathurst caribou planning body.
- Collaboratively working with six other wildlife management agencies as part of the Advisory Committee for Cooperation on Wildlife Management to review the management plan for the Bluenose East and West and Cape Bathurst caribou and make recommendations for implementation by governments.
- WRRB is concerned about the results of the Bluenose East caribou population estimate for 2013.
- Tłıchq Aquatic Ecosystem Monitoring Program – Community interest in the Gamètì fish camp was high and the results are now available. A video of the camp is available on the WRRB website (<http://www.wrrb.ca/content/new-gameti-fish-camp-video-ready-viewing>). Planning has started for the 2014 camp in Whatì.
- Boreal caribou research is on hold for 2014 pending review of research gaps and needs.
- Other activities include:
  - Participating in the Working Group for developing the new wildlife regulations;
  - Participating in federal and territorial species-at-risk initiatives;
  - Responding to Fisheries Act amendments; and
  - Increasing participation in regulatory processes, especially with respect to the NICO project and development of Wildlife Effects Monitoring Plans and Wildlife Habitat Protection Plans.
- To build relationships, WRRB staff is in regular communication with other wildlife management agencies, community residents and other partners to share information and concerns and to collaborate on projects. These efforts are critical to ensuring co-management of wildlife and habitat in accordance with the WRRB mandate.

### **3.13 SAHTÚ RENEWABLE RESOURCES BOARD – MICHAEL NEYELLE, CHAIR**

Michael Neyelle, Chair of the Sahtú Renewable Resources Board (SRRB), provided the following update:

- Involved in the Bluenose caribou and Cape Bathurst caribou management plans with other renewable resources boards.
- Pat Bodinski and Leslie Allen were recently appointed as Board Members by DFO.
- Working on the Husky Oil and Conoco Phillips application reviews. The delay in the process will provide an opportunity for more research.
- Range planning for Boreal caribou species-at-risk will be started soon.
- Will be undertaking research into the effects of seismic activity as there is more development occurring in the Sahtú region.
- Plans are underway to get more involved with and consult the RRCs.
- Part of the Wildlife Regulation Working Group

- Recently the SRRB held a ten day environmental monitoring workshop at Drum Lake which was successful.
- SRRB is seeking a biology consultant and may be hiring a wildlife intern.
- The Sahtú Renewable Research and Monitoring Program was initiated about a year ago and team members will be meeting again this June. This group will assess any research applications in the Sahtú region.
- Roles and responsibilities of Board Members and Special Advisors to the Board are being examined.
- Media training is planned for this year.
- Will be working with the Kaska First Nation in the Yukon on transboundary harvesting and the impacts of using ATVs on the sensitive terrain and caribou in the mountains. The next meeting will be in Fort Good Hope.

### **3.14 NATIONAL ENERGY BOARD – GAÉTAN CARON, CHAIR**

Gaétan Caron, Chair of the National Energy Board (NEB), provided the following update:

- Devolution was smooth and seamless as partners worked tirelessly to plan for all scenarios.
- The NEB will continue with its Northern engagement efforts, including travelling to northern communities. In March, NEB and SLWB staff were in Tulit'a and Norman Wells. A tour of the Inuvialuit communities was also completed.
- Moving forward after devolution, the NEB will continue to regulate oil and gas activities in the offshore, in the onshore portion of the Inuvialuit Settlement Region, and in the Norman Wells Proven Area. NEB will also continue to regulate interprovincial/interterritorial pipelines (e.g., Norman Wells Pipeline).
- The EIRB and NEB are working together to create seamless review processes for the IORVL Beaufort application and they will be responsive to questions and will listen to the people with respect and without judgement.
- IORVL has requested that the NEB make a ruling on their proposed approach to meet the intended outcomes of the Same Season Relief Well Policy prior to a full assessment of the Beaufort Sea Exploration Joint Venture Drilling Program. On June 6, 2014, IORVL is to file responses to information requests from the NEB.
- NEB offices will be moving to a new building on 10<sup>th</sup> Avenue SW in Calgary on June 6, 2014.

### **3.15 MACKENZIE VALLEY LAND AND WATER BOARD – ZABEY NEVITT, EXECUTIVE DIRECTOR**

Zabey Nevitt, Executive Director of the Mackenzie Valley Land and Water Board (MVLWB), provided the following update:

- There are currently seven active Type A hearing processes being handled by the MVLWB.
- Approximately \$400,000 reduction in funding due to the MVLWB's core funding not being linked to the funding calculations used by implementation-based boards.



- Fifteen active Type A processes and environmental assessment processes currently active in the Mackenzie Valley at this time. Many of the reviewers, including governments and aboriginal organizations, in the regulatory processes are struggling to provide input due to capacity issues to keep up with the increased level of development.
- Two new board appointments: Frank McKay, a GNWT appointee, and Mavis Michaud, federal appointee nominated by the Dehcho First Nation.
- Working hard through the changes resulting from devolution and regulatory reform. Angela Plautz is the primary contact at the MVLWB for these matters.

### **3.16 MACKENZIE VALLEY ENVIRONMENTAL IMPACT REVIEW BOARD – JOANNE DENERON, CHAIR AND MARK CLIFFE-PHILLIPS, EXECUTIVE DIRECTOR**

JoAnne Deneron, Chair of the Mackenzie Valley Environmental Impact Review Board (MVEIRB), provided the following update:

- Board member appointments are crucial. MVEIRB finally has quorum and was able to meet.
- Board members include Kirby Marshall, Yvonne Doolittle, John Curran, Michael McLeod, Sunny Munroe and James Wah-Shee.
- There will be a full complement of board members once appointments from the Dehcho and Gwich'in regions are in place.

Mark Cliffe-Phillips, Executive Director of MVEIRB, provided the following update:

- MVEIRB has agreed to close two environmental assessments, CGB and Sidon projects in Drybones Bay, as they've lost their eligibility for their land use permits.
- Major active EA files include the following
  - GNWT-DOT Mackenzie Valley Highway Extension – At end of December 2013, MVEIRB issued a final ToR and work plan after soliciting public input and conducting a community tour. GNWT is now preparing its Developer's Assessment Report.
  - Dominion Diamond Ekati Corp. Jay Project – The company has decided to remove Cardinal Pipe development from the project and to make major changes as to how the project will be undertaken. A revised Developer's Project Description is expected by the end of June which will be followed by a revised ToR. The Developer's Assessment Report will most likely be submitted in fall 2014.
  - DeBeers Canada Snap Lake Licence Amendment – This is a unique EA because the Board is looking at primarily water quality (TDS and chloride) measures that came out in a past EA Report. The public hearing is occurring this week on June 5-6. This has been the shortest EA ever run by MVEIRB which has put a lot of stress on reviewers and the Board but due to the scope and scale of the EA, the schedule is considered doable.
  - Canadian Zinc All Weather Road to Prairie Creek Mine – Scoping starting the week of June 9 in Fort Simpson, Nahanni Butte and Fort Liard.

- To work within the new timelines within the *MVRMA*, developers will now be responsible for preparing ToR based on guidance from MVEIRB. The ToR will be subject to review and parties will be able to comment on them prior to the technical scoping sessions.

## **4.0 COMMITTEE REPORTS AND PRIORITIES**

### **4.1 GOVERNANCE UPDATE – WILLARD HAGEN**

Willard Hagen, Co-Chair of the Governance Committee, welcomed JoAnne Deneron to her first Board Forum meeting and extended his thanks to the staff of MVEIRB, MVLWB and AANDC for organizing the 19<sup>th</sup> NWT Board Forum Meeting. He also acknowledged that the meeting was running smoothly.

### **4.2 BOARD TRAINING UPDATE – SUE MCKENZIE**

Sue McKenzie began by thanking Stacey Menzies and Michelle Kelly for the invaluable support they provide to the Training Committee. The Training Committee's activities and updates included the following:

- Total budget of \$150,000 for 2013-2014.
- Two courses were delivered and were well attended:
  - Nineteen participants in the Administrative Law course (\$59,000)
  - Twenty participants in the Public Hearings course (\$49,000)
- The Training Committee will be meeting shortly and will be soliciting input from Board Forum members on preferred training opportunities.
- A pilot of the Renewable Resources Management (RRM) course was completed. This course is the property of the Board Forum and will continue to be developed over time to meet the needs of Board members. An on-line curriculum to support the RRM course is being planned and more information will be circulated following the next meeting of the Training Committee.
- Media training will be considered by the Training Committee.
- Suggestions for training should be provided to either Michelle Kelly or Sue McKenzie. Any suggestions received will be considered by the Training Committee.

#### **Discussion:**

- i. **Funding for the upcoming year** – Funding availability is uncertain for the upcoming year. Usually this information arrives later in the fiscal year, requiring a fairly quick response to maximize training opportunities. The goal of the Training Committee is to identify the list of training priorities for this year early so that it is ready to proceed with training as soon as funding information becomes available.

#### **4.3 OUTREACH AND COMMUNICATIONS UPDATE – BRETT WHELER**

Recent activities of the Outreach and Communications Committee included the following:

- Review of the Board Forum website and modification of content to improve usability.
- Two initiatives will be advanced during summer 2014:
  - Development of a one-page brief on the role and function of the NWT Board Forum for use as an addendum to future correspondence (action item from the November 2013 Board Forum meeting).
  - Review and update of the NWT Board Forum PowerPoint presentation materials to ensure that it aligns with the changes resulting from devolution and regulatory reform.
- Suggestions for communications and outreach activities are welcome.

##### **Action Items:**

- i. **Development of a one-page brief on the role and function of the NWT Board Forum for use as an addendum to future correspondence (action item from November 2013 meeting).**

#### **5.0 PRESENTATIONS**

##### **5.1 IMPLEMENTATION OF *MVRMA* AMENDMENTS – MARK CLIFFE-PHILLIPS, MVEIRB AND ZABEY NEVITT, MVLWB**

###### **MVEIRB Update – Mark Cliffe-Phillips**

Mark Cliffe-Phillips, Executive Director of MVEIRB, provided a summary of changes to environmental assessment processes resulting from the *MVRMA* amendments and devolution. Further information is available in a reference bulletin that can be downloaded from MVEIRB's website.

- Timelines:
  - Environmental Assessment, no hearing: 12 months total with 9 months allotted to MVEIRB and 3 months allotted to Ministerial time.
  - Environmental Assessment, with hearing: 21 months total with 16 months allotted to MVEIRB and 5 months allotted to Ministerial time.
  - Environmental Impact Review (EIR): 24 months total with 18 months allotted to MVEIRB and 6 months allotted to Ministerial time.
  - Timelines do not include 'Developer Time', only MVEIRB time.
  - Ministerial time includes any consult-to-modify processes.
  - There are no timelines for Tłıchʔ Government decisions and the legislated timelines for MVEIRB and the Minister are not affected by Tłıchʔ decision timelines.

- When an EIR is ordered, MVEIRB has three months to appoint panel members and issue the terms of reference of the review panel. This three month period is part of the 18 month timeline, meaning that only 15 months is available for an EIR.
- Timeline Extensions: Circumstances do come up so provisions for extensions have been included in the legislation:
  - Minister may extend the MVEIRB or Review Panel time limit by two months upon request of the Board or Panel.
  - The Minister may extend the time limit for Ministerial decisions by two months.
  - Governor-in-council may extend time limits for the Board, Panel or Ministerial Decision beyond any two month extension upon recommendation of the Minister.
  - EIR terms of reference timelines may be extended as for EAs.
- Delegation of Authority:
  - Through s. 3.17 of the *NWT Land and Resources Devolution Agreement* and subs. 4(1) of the *MVRMA*, the AANDC Minister has delegated certain powers, duties and functions to the GNWT Minister of Lands.
  - Minister of Lands will receive and distribute the Reports of EA and Reports of EIA documents, and make final decisions for any environmental assessment wholly on territorial lands. For projects partially or wholly on federal lands, the Minister of AANDC will continue to be the Minister responsible.
  - The Minister of Lands is also delegated authority to provide extensions to timelines.
  - Delegation authority is only for EA's and EIR's for developments wholly outside federal crown land.
- Pause Period:
  - S. 126(3) of the *MVRMA* enables MVEIRB to conduct an EA upon its own motion notwithstanding the determination of a preliminary screener. This clause helps to address previous time constraints experienced by MVEIRB.
  - The amended *MVRMA* now allows for a 10 day pause period between the end of all screening decisions and the issuance of the authorization.
  - The pause period also provides an opportunity for preliminary screeners other than the land and water boards to make their own decisions regarding referral to environmental assessment.
- Development Certificates:
  - MVEIRB will be able to issue enforceable development certificates, which will have significant impact on MVEIRB's work.
  - Development certificates will include all final measures of the report of EA or EIR, making the measures enforceable.
  - Prohibits the developer from carrying out a project that has gone through an EA or EIR from not complying with the measures of EA, including measures that were previously 'orphaned'. Orphaned measures are those measures that did not have a strict regulatory home.
  - Following Ministerial approval, MVEIRB has 30 days to issue the development certificate. There is a 45 day Ministerial extension provision.

- All First Nations, local governments, regulatory authority or agency or department of the federal or territorial government affected by a decision must implement the conditions set out in the certificate to the extent of their authority. This provision connects the dots between measures and who is responsible for the measures.
- The certificate will be valid for up to 5 years after issuance. If a company does not move forward with a project within five years, the company will have to re-enter an EA process to review the applicability of the measures in the certificate. If on-the-ground works begin in five years, the certificate is valid for the life of the project.
- With Ministerial approval, MVEIRB may amend the certificates without requiring an additional EA.
- Other *MVRMA* Amendments:
  - Regulations to clarify roles and responsibilities associated with Aboriginal consultation will be developed.
  - Cost recovery – provision where the federal government may look at cost recovery for EA and EIR processes.
  - Public Registry – new provision that requires MVEIRB to maintain a public registry, which is already in place. MVEIRB is the only board that is required to have an on-line registry.
  - Regional Studies – MVEIRB will be required to consider the results of any of these studies but MVEIRB wouldn't necessarily be conducting the studies.
  - As with other boards, MVEIRB can now receive Ministerial policy direction.
  - Consolidation of federal Ministerial decision making to the AANDC Minister. Adds more clarity to the federal process.
  - Board or panel member term extensions for a particular project to ensure quorum are now possible.
  - Consideration of previous EAs or EIRs formalized.
  - Joint Review upon Ministerial referral to a *CEAA* 2012 process if deemed to be in the National Interest.
  - Timelines for decisions of the designated regulatory authorities:
    - If a joint review is required, MVEIRB has 3 months to reach agreement establishing the panel and its process.
    - Supreme Court of NWT now has jurisdiction for judicial reviews of Board decisions.
- Coming into force:
  - Upon royal assent/devolution – Timelines and delegation of authority.
  - April 2015 – the authority to make regulations regarding cost recovery and crown consultation.
  - April 2016 – sections dealing with development certificates and pause periods.

### **MVLWB Update – Zabey Nevitt**

Zabey Nevitt, Executive Director of the MVLWB, explained the impacts of legislative changes and devolution to the land and water boards and provided an update on recent initiatives to improving the regulatory process.

- Legislation Changes: The *Northwest Territories Devolution Act* received Royal Assent on March 25, 2014. Brought two sets of changes: (1) devolution; and (2) regulatory reform through changes to the *MVRMA*.
- The New Legislative Framework:
  - There are now federal lands and territorial lands.
  - *MVRMA* remains federal legislation and applies to all lands within the NWT.
  - Mackenzie Valley Land Use Regulations apply to federal lands and lands outside of federal areas.
  - Lands outside of federal areas fall under a Delegation Instrument which has delegated certain authorities to the GNWT.
  - *The Waters Act* and Waters Regulations have been delegated and are territorial legislation. These apply to all territorial lands.
  - All waters provisions from the former *NWT Waters Act* are now within the *MVRMA*, which applies to federal lands.
- At the time of Royal Assent, the following changes came into force:
  - Timelines – 9 months for water licensing which doesn't include proponent time.
  - Increase to Ministerial approval time from 60 to 90 days.
  - Licenses can now be issued for life of project.
  - Expansion of Ministerial policy direction powers.
  - Increased fines.
- On April 1, 2014, the amendments to implement devolution came into force.
- On approximately April 1, 2015, the following will come into force (exact date to be set by an Order-in-Council):
  - Restructuring of the Land and Water Boards.
  - Cost Recovery Regulations.
  - Consultation Regulations.
- On April 1, 2016, changes related to development certificates and the pause period will come into force.
- Devolution Changes: Federal minister delegated certain authorities to the GNWT and specifically to the Minister of ENR and the Minister of Lands.
  - Creation of territorial legislation to replace federal legislation for territorial lands.
  - Type A Water Licence Approvals – Minister of ENR
  - Holding of Security – Minister of Lands
  - Inspections on Territorial Lands – GNWT under ENR and Lands
- Board Restructuring – proposed for April 2015:
  - A new board is not being created. Continuation of MVLWB but assuming decision making responsibilities within the Sahtú, Wek'èezhìi and Gwich'in regions.
  - Going forward, the MVLWB will have 10 members plus a Chair. Membership nominated/appointed by federal, aboriginal and territorial governments.
  - Currently there are three regional panels (Sahtú, Gwich'in and Wek'èezhìi), a Chair, federal appointees from nominations made by the Akaitcho and Dehcho, and federal and territorial nominees.
  - Under the changes, the three regional panels will no longer exist. The MVLWB will be made up of:

- Federal appointees from nominations made by the Akaitcho, Dehcho, Sahtú and Gwich'in (one per region);
  - Two territorial nominees that are federally appointed;
  - One Tłı̨chǫ appointee which is the only non-Ministerial appointee because of powers through self-government agreement;
  - Three federal appointees; and
  - One chair.
- o All board members will not sit as one panel for all decisions. Under the legislation, panels of 3 or more members can be struck by the Chair to make decisions on applications.
- o Wherever possible, panels will include the nominee or appointee from the from the region in which the development is located. To preserve the principle of co-management, panels will be made up of at least one nominee from an aboriginal group as well as a federal appointee or territorial nominee.
- o The Chair doesn't have to sit on each panel.
- Current Board Initiatives:
  - o Policies, guidelines and procedures:
    - Consultation and Engagement Policy and Guidelines
    - Closure and Reclamation Guidelines
    - Water and Effluent Quality Management Policy
    - Waste Management Guidelines
    - Standard Land Use Permit Conditions
    - Guide to Land Use Permitting Process
  - o Currently in progress are Standard Water Licence Conditions and a Guide to the Water Licence Process.
  - o On-line registry and review systems are in place.
  - o Currently being beta tested is an on-line applications tool.

#### Discussion:

- **Who will be enforcing development certificates? Are there any provisions for monitoring development certificates?**
  - o There are provisions in the *MVRMA* for the Minister to appoint persons to enforce development certificate conditions.
  - o There are not any provisions specific to monitoring development certificates in the *MVRMA*. The monitoring would be accomplished through the monitoring structures that currently exist for land use permits and water licences.
  - o MVEIRB will undertake administrative monitoring and could incorporate conditions related to monitoring in the development certificates when they are drafted.
- **Feasibility of the legislated timelines:**
  - o MVLWB perspective: The timelines are not unreasonable; a key factor is that the clock stops for "developer's time". To meet the timelines, an applicant's information must be absolutely complete which requires MVLWB staff to work in advance with applicants and to be very clear about expectations.

- MVEIRB perspective: Looking back, historically most processes have fit in the legislated timelines. The longer delays in processes are generally due to developers completing studies or Ministerial decisions. MVEIRB has put its focus on providing developers with better guidance on information requirements at the start of processes as public perception doesn't differentiate between "MVEIRB Time" and Developer Time".
- **Do the Regional Studies mentioned in MVEIRB's presentation refer to studies called for through the regulatory process or does it include past studies completed by the RRBs?**
  - The Regional Studies are not regulatory studies or studies that would be conducted by the RRBs. The Regional Studies are more strategic assessments at a regional scale. The Beaufort Regional Environmental Assessment is an example.
- **When will the provisions for Regional Studies come into force?**
  - The target is April 2015.
- **Timeline extensions:**
  - In terms of timeline extensions, the territorial minister can authorize extensions up to two months but an extension longer than that must be approved by the federal minister through the Governor-in-Council.
- **How will the boards be funded post April 1, 2015?**
  - AANDC NWT Region is working with AANDC Headquarters, aboriginal governments and treaty partners to sort out funding arrangements. The various types of funding come from different government processes and allotments so much work has to be done internally to make sure that they align and that Treasury Board understands where the targeted funds are directed.

## 5.2 POST-DEVOLUTION COORDINATION OF FEDERAL ROLES – MATTHEW SPENCE, NPMO

- Level of activity across the NWT – 33 projects moving through the regulatory process represent over \$27 billion in capital investment and over 10,000 long-term direct operating jobs. The Canadian Northern Economic Development Agency, which houses the NPMO, considers this a good news story as the projects will contribute to the Territory's GDP as they move towards construction and operation.
- NPMO activities over the past year relate to its core mandate and include the following:
  - Coordinating federal participation in project reviews:
    - Performing this function for approximately three years.
    - Trying to improve northern project agreements that federal departments sign with the NPMO on each project.
    - Improving communication with partners such as the boards, aboriginal partners and GNWT through a series of Territorial Project Committee meetings. Twelve meetings have been held this past year.
    - Seventeen project-specific working groups are active across the three territories.



- Pathfinding and issue resolution for industry:
  - Working with over 50 companies operating across the three territories.
  - Tracking regulatory timelines. About five projects have gone through EA within the legislated timelines.
  - Eight Resource Development Advisory Group meetings held
- Overseeing Crown consultations:
  - Developing a comprehensive approach to Crown consultation, which is in use in the NWT. Good feedback from the aboriginal groups is being received.
  - Engaging before, during and after hearings.
- Relationships are being built with Aboriginal communities by the following:
  - MOUs being negotiated to coordinate EAs and community readiness prior to the advancement of development.
  - Limited capacity support for reviews being provided.
- NWT Specific Activities:
  - Information Sharing - Coordinated six Resource Development Advisory Group (RDAG) meetings this year which bring together federal and territorial regulators and proponents prior to the submission of applications. The objective is to help proponents understand processes and information needs and to provide regulators with an advance glimpse of the project for planning purposes.
  - Active engagement with industry. NPMO views itself as an interlocutor between NPMO, federal departments, boards and aboriginal groups to resolve issues brought forward by industry.
  - Signed an MOU with the GNWT on project coordination to improve reviews and planning and to maximize economic benefits to northerners.
  - Project Management - Currently overseeing approximately 14 advanced projects. MVEIRB has delivered four reports of EA to the federal minister.
  - Worked closely with AANDC to move three projects through Ministerial approvals: Gahcho Kue; Nechalacho; NICO, and Giant mine (pending).
- At the request of the Prime Minister, NPMO has looked into the following areas that impact resource development activity in the north:
  - Lack of infrastructure in all three territories is a concern for industry as it increases their capital investment requirements. Canada is looking at ways in which public use of infrastructure can be identified and strategic investments in that infrastructure can be made to reduce capital investments by industry.
  - The labour continues to be a constraint in the north due to low education levels. An adult basic education program is funded by NPMO and delivered through the three Arctic colleges to help build job-readiness.
  - Access to capital is a constraint. Three projects have received approvals but don't have the capital needed to start construction.
    - A half-day session at PDAC was held this year which included three speakers from the northern territories. The session was well attended and it highlighted the partnership arrangements in the north between aboriginal groups, governments and regulatory boards which reduce the risk of northern investment.

- Ongoing efforts to improve the preparedness of aboriginal communities that are going to be near developments. One example is the good data that is available for Baker Lake both before and after Meadowbank was constructed. NPMO is analyzing the data and are seeing a reduction in social assistance payments but an increase in crime. Trying to have dialogue with communities to empower them to better manage some of the negative impacts of development.
- NPMO's goal is to create more certain conditions so that resource development activity is increased across the three territories.
- Large scale issues such as infrastructure, labour and financing are being dealt with at the pan-northern scale.
- In high potential regions, focus is given to geoscience, land use planning and baseline environmental data collection.
- At the community level, community-based planning is undertaken to maximize positive socio-economic impacts of projects and to manage the negative impacts.
- As part of its responsible resource development initiative, Canada has recently made legislative changes:
  - *Fisheries Act* changes resulted in fewer federal authorizations under the amended federal legislation. As a result, DFO has been reluctant to participate in reviews such as that for Snap Lake (DFO minister is no longer a Responsible Minister). NPMO is actively discussing this issue with DFO because NPMO is of the view that DFO has a lot of expertise to provide and, to some degree, aboriginal communities receive some level of comfort knowing DFO's position on projects.
    - Federal departments are both regulators and expert advisors and both roles are key to the participation in environmental assessments.
  - *Navigable Waters Protection Act* is now called the *Navigation Protection Act*.
  - *MVRMA* changes don't really impact on NPMO's coordination role or consultation roles. Timelines are viewed as favorable and shouldn't be difficult to meet.
- Working with Transport Canada on the highway projects that have been and are expected to be referred to EA.
- Devolution:
  - Major impact on NPMO's role as it transferred administrative control over lands and waters from AANDC to the GNWT. GNWT will manage and coordinate its reviews of projects and input into environmental assessments.
  - NPMO role going forward:
    - NPMO will coordinate federal input to project reviews with level of effort dependent on the project location and type.
    - Developing a collaborative framework with GNWT.
    - Will continue to ensure that Aboriginal consultation requirements are met with respect to federal mandates.
    - NPMO will continue its engagement with industry and Aboriginal communities with respect to development activities.
- Next steps are focussed on working with partners:
  - Development of a collaborative framework with GNWT for project coordination and other matters.

- Development of a collaborative approach to Crown consultation with GNWT.
- Working with federal departments to proactively identify their roles early in review processes and to promote and facilitate their continued participation in project reviews.
- Discussing potential MOUs with regulatory boards to formalize relationships and to help ensure the interlocutor role of the NPMO remains transparent.

**Discussion:**

- **As part of its coordination role for federal submissions, will NPMO now be intervening in front of the boards on behalf of Canada?**
  - No, the NPMO will not be making presentations to the boards. NPMO will be submitting written consolidated GoC submissions to the boards but government departments will intervene individually at hearings.
- **DFO participation in reviews:** It is encouraging to hear that NPMO is working to increase DFO's participation in project reviews as their participation has noticeably dropped. Their expertise is needed and benefits are realized when aboriginal communities can hear DFO's position.
  - A Memorandum to Cabinet was submitted which sought about \$25 million to support federal participation in reviews across the north. Treasury Board provided funding to the NPMO but not the other departments; however, the other departments were still directed to meet all of the commitments outlined in the Memorandum to Cabinet.
- **Role of the NPMO:**
  - The NPMO has a very powerful role which is the same as the role of the Major Projects Management Office for NEB proceedings. Regular meetings of the responsible ministers ensure that the federal family is working together and that processes are progressing on time. Additionally, the federal family can keep track of and discuss how to fill consultation gaps so that the Crown acts honourably to aboriginal peoples. The activities of the NPMO are beneficial to boards, communities and the regulators.
  - NPMO will be presenting a slide to deputy ministers on federal participation in project reviews in the north.
  - NPMO encourages boards to use the NPMO forum to influence very senior federal managers. There are three levels of committees: (1) Director General Committee on which Matthew Spence participates; (2) Assistant Deputy Ministers Committee; and (3) Deputy Ministers Committee. Boards are welcome to raise issues that require vetting at a senior federal level with Matthew Spence who will carry those issues forward to the federal committees.
- **Central Mackenzie Shale Oil Play:**
  - About a year ago, the NPMO brought together federal and territorial government departments, communities and boards in Norman Wells for a meeting to discuss issues associated with the Central Mackenzie Shale Oil Play. Those issues ranged from transportation to environmental baseline data, information on hydraulic fracturing and social impacts on communities. Through this collaborative effort, an action plan was developed which provided an

opportunity for communities to influence the EA process, for governments and regulators to take a regional approach to socio-economic impacts management, and to address other issues such as developing an industrial waste management strategy for the region.

- **Will the Central Mackenzie Shale Oil Play discussions feed into a Regional Study?**
  - Yes. NPMO is going to organize a meeting to coincide with the Inuvik Petroleum Show to review the action plan.

### **5.3 RENEWABLE RESOURCE BOARDS UPDATE – AMY AMOS, GRRB; JOHN McCULLUM, WRRB; AND MICHAEL NEYELLE, SRRB**

- GRRB was established in 1992 as the main instrument of wildlife (includes fish) and forest management within the Gwich'in Settlement Area. Communities include Fort McPherson, Tsiigehtchic, Aklavik and Inuvik.
- GRRB Board:
  - Two members and two alternates nominated by the Gwich'in Tribal Council;
  - One member and one alternate nominated by Environment Canada (Canadian Wildlife Service);
  - One member and one alternative nominated by DFO; and
  - One member and one alternative nominated by GNWT.
- GRRB Staff:
  - There is capacity in-house.
  - Executive Director; Renewable Resources Manager who reviews regulatory applications; and three in-house biologists (wildlife, fisheries and forestry, and species at risk).
- SRRB mandate comes from s. 13.8.2.3 in the Sahtú Dene and Metis Comprehensive Land Claim Agreement. The SRRB is the main instrument of wildlife and forest management within the Sahtú Settlement Area. Wildlife includes fish.
- Six board members and six vacancies.
- SRRB has four Special Advisors.
- SRRB Staff – Five staff including an executive director, program coordinator, office manager, environmental assessment researcher and an intern.
- WRRB Mandate – Similar to the SRRB and GRRB but because the Tłıchʼo have a self-government agreement, the authorities are slightly different. The WRRB was established in 2005 as the main instrument of wildlife and wildlife habitat management within Wek'èezhìi. Resource management responsibilities include wildlife (includes fish), plants, forests and protected areas.
- WRRB Board:
  - Four Tłıchʼo appointees, including three appointments in place and one appointment at the consultation stage;
  - One federal appointee (Environment Canada);
  - Two GNWT appointees; and
  - Interim Chair.

- WRRB Staff includes an Executive Director, Wildlife Management Biologist and a Communications Officer. Jody Snortland will be returning from maternity on August 1 to resume the executive director duties.
- Important to note is that the RRBs have internal capacity and can actively contribute to regulatory processes in the following areas:
  - Wildlife
  - Fish
  - Forest
  - Legislation
  - Communications
  - Education
- All three boards are in the process of renewing funding agreements but are on slightly different schedules:
  - The SRRB and GRRB have already made detailed submissions to AANDC.
  - The WRRB will be starting the process for making detailed submissions to AANDC shortly.
  - The RRBs have been involved in the Board Analysis Process and are planning on using that as another means of indicating needs.
- Link with communities:
  - GRRB and SRRB have a direct link with the communities through the RRCs and are active in providing input into Board decisions, research and harvest studies.
    - The RRCs are considered the eyes and ears of the land within their communities.
    - SRRB have a consultation policy that outlines the steps that will be taken on specific topics to seek the advice of the RRCs before making decisions.
  - WRRB does not have RRCs but works closely with community governments and the public through consultation initiatives, community-based projects and community meetings.
- RRBs play a reviewer role in the regulatory process.
- Legislative responsibility of the RRBs:
  - Under the general provisions of the land claims, RRBs provide advice to the federal and territorial governments relating to wildlife and wildlife habitat when asked or on their own initiative; conduct research and harvest studies; and set Total Allowable Harvest levels.
  - Under the *MVRMA*, regulatory boards are to do the following:
    - coordinate their activities, including hearings, with the activities of the RRBs (Section 24.1(e) of the *MVRMA*).
    - seek and consider the advice of the RRB's respecting the presence of wildlife and wildlife habitat that might be affected by a use of land or waters or deposit of waste proposed in an application for a license or permit (Section 64(2) of the *MVRMA*).
- Other Legislative responsibilities include:
  - Under federal and territorial species at risk legislation, the RRBs have a direct role in approving proposed listings and management plans. This involves

- reviewing status reports and providing information into those processes. Comments may include SAR related considerations
- Fisheries Act: RRBs are affected by recent changes and may need to work closer with regulatory boards to protect fish and fish habitat.
  - Wildlife Act: RRBs, along with regional aboriginal governments are working to help draft new regulations to implement the new *Wildlife Act*. Future regulations may include wildlife management and monitoring plans.
  - Management Planning Process:
    - For the management of the Bluenose East, Bluenose West and Cape Bathurst caribou herds.
    - Does not include barren ground caribou
    - Management planning is done through the Advisory Committee for Cooperation of Wildlife Management (ACCWM):
      - ACCWM membership includes all wildlife management boards across the herd range including the GRRB, the Tuktoyaktuk National Park Management Board, WRRB, SRRB, the Wildlife Management Advisory Council-NWT, the Kitikmeot Regional Wildlife Board (KRWB), and the Nunavut Wildlife Management Board.
      - The main impetus for the creation of ACCWM is that caribou have ranges that cross many regions and therefore need to be managed cooperatively.
      - ACCWM established a working group in 2009 for the Bluenose herds and instructed the working group to develop a draft management plan for their review. Three rounds of community consultation have occurred and the plan is now before the ACCWM. Each member of the ACCWM will review the plan individually as the authority to approve the plan rests with each individual group, not the ACCWM. The ACCWM members will meet in September 2014, and if consensus is reached, the plan will be recommended to the federal and territorial governments.
  - Management plan content includes the following:
    - Assessment of herd status including population size and health; environment and Habitat; and human disturbance;
    - Management actions based on herd status. A number of thresholds have been set for each of the three herds and different actions will be undertaken depending on the threshold reached; and
    - Companion documents, including a scientific status report and community report.
  - Possible opportunities for collaboration with planning and regulatory boards to ensure that management plans are implemented properly include the following:
    - Proponents should be aware of management plan recommendations so they can conform to them;
    - Land use plans could use the habitat and species status information to help identify conservation zoning; and
    - Regulatory board should encourage proponents to check with RRBs to see if there is a relevant management plan during the pre-application phase.

- RRB's are interested in exploring further options to help build a relationship between management planning and the permitting process.
- SRRB research process:
  - Sahtú Environmental Research and Monitoring Forum set up to identify research priorities. Representatives from RRCs, SRRB, ENR, Environment Canada, and DFO participate and are developing a Terms of Reference for the Forum. CIMP provides funding.
  - Research Agenda is being developed.
  - Traditional Knowledge Guidelines are being developed to inform research initiatives.
  - Monitoring Framework is being developed.
  - Collaborative approach with RRCs and ENR.
- WRRB research priorities are developed through strategic planning and annual review. At this time the WRRB is undertaking the following:
  - Conducting gap analyses;
  - Working closely with Tłıchǵ Government to receive community input. An example is the Tłıchǵ Wildlife Research Workshop February 2013; and
  - Participating in collaborative projects with the Tłıchǵ Government and others.
- GRRB Research Priority Process:
  - The GRRB continues to engage with communities about community concerns and interests.
  - In 2009-2010, the GRRB formalized the process of talking with communities by undertaking a Gap Analysis; developing a Consultation policy that includes a section on research; and holding a Research Priority Workshop with communities and partners.
  - Sixty five priorities were identified at the workshop and criteria were developed to help the GRRB digest the information; direct internal staff research; support external research through the wildlife studies fund, identify in-kind support needs (staffing support and provision of letters of support); and address community research concerns.
  - Steps in the GRRB Research Priority Setting Process include:
    - Collect research priorities through community and partner engagement
    - Collate into lists
    - Apply criteria
    - Set GRRB priorities
    - Report back to the communities
- Possible opportunities where research could be used in other processes:
  - Land use plans could use research in the planning process.
  - Regulatory boards could use wildlife research priorities to help proponents understand research gaps, which could result in pre-construction research and collaboration with the regional RRB, RRCs and communities. One example is the funding that became available through the Mackenzie Gas Project for a five year baseline fisheries study at Travaillant Lake.
- There are many opportunities for developing relationships with other boards and regulators in addition to the RRB's regulatory review function. RRB's have:

- Capacity in-house through their biologists and resource personnel.
- Strong community links.
- Information resources including a library database of research and TK studies, websites and public registries.
- Experience with species at risk processes.
- Management plan information that could inform conservation zoning in land use plans because habitat and critical habitat information is contained within the management plans.
- Regulatory boards, RRB's and proponents could work together to implement management plan recommendations.
- RRB research priorities include community interests and priorities. This research could be used during the land use planning process and by regulatory boards to identify gaps that should to be filled prior to development.
- Summary of RRBs:
  - Mandate for wildlife, fish and forest management which includes management and research planning.
  - Play a "review" role in the regulatory process.
  - Link with the communities.
  - RRBs have the capacity and interest to work with the regulatory boards to address wildlife and wildlife habitat and forest considerations in regulatory proposals.
  - Open to discussing opportunities to work together.

**Discussion:**

- **How will requirements for Wildlife Effects Monitoring Programs be addressed in *The Wildlife Act* or other mechanisms to close the regulatory gap related to wildlife monitoring?**
  - The new *Wildlife Act* allows for Wildlife Effects Monitoring Programs and it is the GNWT's intent to develop regulations that stipulate this requirement.
  - The development and implementation of the Wildlife Regulations are being staged.
  - The current timeline is to have the core regulations required to implement the *Wildlife Act* in place by November 2014.
  - After the core regulations are in place, the working group will continue to meet and review the regulations.
- **Engagement with RRBs:**
  - As the land and water boards are restructured, it is going to be even more important for MVLWB and MVEIRB to recognize that the RRBs are not just reviewers but significant expert advisors. Engagement with the RRB will be required on an ongoing basis rather than on a project by project basis to understand the environmental issues, programs and research that is happening in the regions.
- **Land Use Planning and Wildlife Research:**
  - Land use planning processes must take into account interprovincial/territorial agreements regarding habitat thresholds such as those for boreal caribou.



- It is refreshing to see attention focused towards land use planning post-devolution as the core components of land use regulations and restrictions are driven by wildlife, wildlife habitat, and human use patterns and values.
- **How can the regulatory boards better engage with the RRBs so that they become more active in review processes and research information is placed on the public record?**
  - Land use clearly impacts wildlife and the RRBs have begun thinking about the links between the boards and their activities. The regulatory boards are invited to begin discussions with the RRBs to build those relationships and to find ways in which to improve participation in review processes.
- **Is the research and information collected through the Bathurst Caribou Management Planning Committee before the GNWT released its pan-territorial caribou policy rolled up into the management planning processes discussed today?**
  - Changes have occurred since that research was completed and a new management proposal for the Bathurst Caribou herd is expected soon. The existing research will be taken into account but the precise details about how this will occur are not known. The interest in the long term management of the Bathurst caribou is still strong and the WRRB is involved with the Tłı̨chǫ Government and GNWT to develop a body that will be similar to the Beverly and Qamanirjuaq Caribou Management Board.

#### **5.4 DAY 1 CLOSING REMARKS – WILLARD HAGEN, BOARD FORUM CO-CHAIR**

Co-chair Willard Hagen thanked the meeting participants for a constructive day. Willard also made a special presentation to Gaétan Caron in honour of his friendship with northerners and retirement after over 35 years of service with the NEB.

The first day of the Board Forum concluded at 3:30 pm.

#### **5.5 DAY 2 OPENING COMMENTS – SHELAGH MONTGOMERY, FACILITATOR**

At the start of the second day of the Board Forum, meeting facilitator Shelagh Montgomery reviewed the highlights from the first day. The April 1, 2014 transition went smoothly and now the regulatory boards are focussed on adjusting their processes to the changes to the *MVRMA*. The federal family will continue to have a role post-devolution and the NPMO will continue to coordinate and promote federal participation in review processes. Potential synergies exist between the RRBs and planning and regulatory boards. Dialogue between these boards will further identify opportunities to use the RRBs' in-house capacity and research data in land use planning and regulation activities.

#### **5.6 OIL AND GAS REGULATION POST-DEVOLUTION – JAMES FULFORD, OROGO**

- Mandate of the Office of the Regulator of Oil and Gas Operations (OROGO):
  - Came out of the *Devolution Agreement* which provided the GNWT with more legislative and regulatory authority. GNWT is now responsible for oil and gas

regulatory functions previously carried by the NEB in the Mackenzie Valley with the exception of federal lands (Norman Wells Proven Area) and interprovincial/interterritorial pipelines.

- Minister of ITI was designated as the oil and gas regulator by Cabinet. OROGO is to support ITI as it carries out its regulatory role.
- The mandate of OROGO comes directly from the *Oil and Gas Operations Act* which is a mirror of the *Canada Oil and Gas Operations Act*. The primary purposes of OROGO include:
  - Safety;
  - Environmental protection; and
  - Conservation of oil and gas resources.
- OROGO is not a board but the legislation is flexible enough to allow the GNWT to establish a board or tribunal in the future.
- OROGO is housed within ITI but operates outside of ITI's usual policy structure and is separate from the GNWT's roles as a resource owner. This arrangement is common in other jurisdiction including Manitoba, Saskatchewan and Yukon.
- OROGO currently receives technical support and expertise through service agreements with the Alberta Energy Regulator and the NEB. Other possible sources of support include the BC Oil and Gas Commission.
- Organizational Structure:
  - Currently only two staff are in place, including the Executive Director and Senior Advisor, Legislation and Policy.
  - Three competitions have been posted for the Information Management Officer and the Senior Advisor, Technical Operations and Administrative Assistant.
- The purpose of taking on a regulatory role was to bring decision making and accountability north. OROGO's goal is to build resident expertise in oil and gas.
- The new lines of jurisdiction in oil and gas regulation create a built-in need for OROGO to collaborate with the NEB to prevent divergent regulatory systems from developing as both regulators are implementing the same legislation.
- OROGO areas of responsibility:
  - NWT onshore areas, outside of the Inuvialuit Settlement Region.
  - Not including federal lands.
  - Includes all private lands, including Aboriginal settlement lands.
- NEB areas of responsibility:
  - Continue regulating in the Inuvialuit Settlement Region.
  - Retained federal lands such as waste sites and the Norman Wells Proven Area.
  - Trans-border/trans-jurisdictional pipelines and related facilities.
- Applicable legislation:
  - The *Oil and Gas Operations Act (OGOA)*
  - *Oil and Gas Certificate of Fitness Regulations*
  - *Oil and Gas Diving Regulations*
  - *Oil and Gas Drilling and Production Regulations*
  - *Oil and Gas Geophysical Operations Regulations*
  - *Oil and Gas Installations Regulations*
  - *Oil and Gas Operations Regulations*

- *Oil and Gas Spills and Debris Liability Regulations*
  - Additional responsibilities under the *Petroleum Resources Act*
- Development of hydraulic fracturing regulations is not an initiative of OROGO.
- *OGOA* applies throughout the NWT onshore, including the ISR, except in federal areas like Norman Wells Proven Area.
- *OGOA* establishes the Regulator (OROGO and NEB) and each Regulator has its own Chief Conservation Officer and the Chief Safety Officer
- Transitional provisions carry over NEB guidelines and filing requirements (e.g., Hydraulic Fracturing) for use by OROGO.
- An Integrated System:
  - Regulator under *OGOA* is a “regulatory authority” within the meaning of Part V of the *MVRMA* but not a “designated regulatory authority”. Therefore, will participate in consult to modify processes through the Responsible Ministers process.
  - Operating Authorizations and Development Plans under *OGOA* trigger preliminary screening under the newly-amended *Preliminary Screening Regulations*.
  - OROGO will participate in *MVRMA* land and water regulatory processes.
- Collaboration:
  - OROGO is committed to establishing productive working relationships with other regulators in the NWT. In some cases, the relationships will be formalized in MOUs.
  - We are pleased to join the family of NWT regulators at the NWT Board Forum.
  - Spirit of collaboration was formed two years ago when GNWT and NEB agreed to work together which has led to a positive transition into the post-devolution time. Collaboration is pursued for the people. Communities have not chosen to be impacted by development and it is not acceptable that they have to work through multiple agencies that do not work together to have their concerns heard. Collaboration means that people are able to express their concerns and have them heard.

#### Discussion:

- **What department will decide which lands to withdraw for oil and gas bidding purposes?**
  - GNWT ITI will perform that function under the branch that deals with resource ownership, which is a separate branch from that which houses OROGO. The resource ownership branch fits within the normal reporting structure while OROGO’s branch does not. OROGO will regulate regardless of owner; it is the activity that is regulated.
- **Will the GNWT be responsible for regulating over-winter fuel storage on barges?**
  - The federal government will have a role if fuel storage is on navigable water ways. OROGO and NEB won’t regulate these activities but an informal agreement is in place that the NEB will inspect these sites.

- **Will OROGO regulate oil and gas on all federal lands or only the Norma Wells Proven area?**
  - Yes, OROGO will regulate oil and gas on all federal lands but it is unlikely that oil and gas developments will occur on contaminated sites that are being remediated. Oil and gas on aboriginal settlement lands will be regulated by OROGO and NEB as well.

## **5.7 MOVING FORWARD POST-DEVOLUTION – STATUS UPDATES BY GNWT AND AANDC**

### **GNWT Update – Doris Eggers and Carla Conkin**

- **Inspections:**
  - GNWT ENR and Lands are taking inspections very seriously. Strong funding is available and hiring for all vacant inspection positions is underway.
  - Many Inspectors from the AANDC department are now under GNWT.
  - Strong coordination linkages between ENR and Lands. There are cross inspection appointments.
  - For larger projects, there will be designated inspection teams.
  - Inspectors work under the following legislation: *MVRMA, Waters Act, NWTLA* and regulations and associated authorizations.
  - The Department of Lands and ENR both work out of 5 regional offices in five locations: Beaufort Delta Region, Sahtú Region, North Slave Region, South Slave Region and Dehcho Region.
  - Risk Management Program used under AANDC to determine inspection frequencies will continue to be used by GNWT inspection personnel.
- **Technical Guidance to Boards:**
  - GNWT will continue to provide technical advice to the boards and will continue to participate in board working group initiatives for the development of policies and guidelines.
  - As Ray mentioned yesterday, to make the transition process as smooth as possible the GNWT assumed AANDC's responsibilities in as seamless a manner as possible. Legislation was mirrored and existing guidelines adopted. For instance, in November 2013 the MVLWB and AANDC published guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the NWT. GNWT endorsed these guidelines.
  - In partnership with the boards, areas where revisions or new guidance documents are required will be developed.
- **Securities:**
  - Securities fall under three departments:
    - ENR: Environmental Agreement and Water License Security
    - Lands: Land Lease and Land Use Permit Security
    - ITI: Securities for Oil and Gas Authorizations
  - Custodian of securities will be Finance.
  - A new Securities Unit has been established within the Department of Lands:

- Provide policy development to inform the GNWT's broader approach to the management of securities
  - Coordinate the roles, responsibilities and processes within the various departments that relate to securities.
  - Goal is to develop a "made in the NWT for the NWT" approach to securities and corresponding policies.
  - Responsible for GNWT's practices and procedures related to securities.
  - The recommendations contained in the Auditor General's Report for 2012 that discussed environmental liabilities and securities management will be examined and then improved upon from the GNWT perspective.
  - Working towards having a full staff complement by next fiscal year.
  - The Securities Unit will not replace the board's day to day relationship with GNWT representatives that in many cases are known faces.
- *New Waters Act:*
  - In preparation for the Devolution Agreement, and as part of the regulatory improvement process, Canada made a number of changes to the *NWT Waters Act* including changing the name from the NWT Water Board to the Inuvialuit Water Board (IWB) and changing the composition of the IWB.
  - The name change reflects the geographic scope of the IWB.
  - As part of devolution on April 1, 2014, the federal *NWT Waters Act* was repealed and the GNWT's *Waters Act* came into force which mirrors the *NWT Waters Act*. The new act provides the IWB with "natural person powers".
  - Under section 21 in the existing *Waters Act*, the Minister is responsible for hiring IWB employees and professional and technical advisors necessary for the conduct of the business of the Board.
  - Under the Devolution Agreement, federal employees at the IWB were guaranteed two years of employment. Under the transitional clause on a date to be determined by the Commissioner, section 21 of the *Waters Act* will be replaced with a clause that empowers the IWB to employ its own employees and engage the services of any advisors or experts that are necessary for it to do its business. The IWB may fix the terms and conditions of their employment and pay their remuneration. This will enable the Board to more fully exercise its natural person powers.
  - The Minister responsible for administration of the new *Waters Act* is the Minister of ENR. The Minister approves Type A water licenses and those Type B licenses where public hearings occur.
- *IWB Composition:*
  - The IWB has five members appointed by the GNWT-ENR Minister.
  - Membership is made up of two Inuvialuit Regional Corporation nominees, one federal nominee and two GNWT nominees.
  - The Chair is nominated from the appointed members by a majority of Board members. It is not a separate seat.
  - Quorum requires that a majority of members be sitting, with one nominee of the Inuvialuit Regional Corporation (IRC) and one non-IRC nominee.

- Transition clauses in the *Waters Act* stipulate that members of the NWTWB, of which there are six, will remain as members of the IWB under the *Waters Act*. ENR has interpreted this to mean that members of the IWB prior to devolution will remain on the IWB until their terms expire.
  - Given the transition clauses the new membership structure of the board will be filled through attrition of current members.
- GNWT support to the IWB:
  - Like AANDC to the former NWT Water Board, ENR will now provide support to the IWB.
  - Administrative assistance will be given as required for general office administration, operating policies, staff and staffing, and financial matters.
  - Support includes board appointments, liaison, policy support and legislation interpretation through the Policy and Strategic Planning Division.
  - Technical support, provided through ENR's new Water Resources Division, is the same as that given before devolution including technical advice and involvement in public hearings or interventions.
  - While the transition has been made as seamless as possible, there is some future work to do to guide how GNWT exercises its new powers. For instance, work on board appointments processes and ensuring appropriate security checks is proceeding.
  - Under the *Waters Act* the ENR Minister has the authority to provide policy direction to the IWB. In exercising this power, the Minister will take into account the need for consistency in the NWT regulatory system.
- Water Use Fees:
  - Water use fees are royalties collected from companies for using water. They are considered resource revenues and will be shared with Aboriginal Governments as required by the Devolution Agreement. Therefore the GNWT is taking steps to account for all fees for water use after April 1, 2014.
  - During the 2013-14 period, Boards transmitted water use fees to AANDC which AANDC will retain.
  - AANDC is transmitting fees to the GNWT for the period of use after April 1.
  - The land and water boards are assisting to verify data on water use fees. This support is appreciated.
  - The fee structure in place prior to devolution remains in place.
- Water Licence Application Fees:
  - Application fees have not changed and are collected to offset the administrative costs of processing applications. Therefore, fees should be paid to the agency that funds the boards.
  - For the Mackenzie Valley, application fees are paid to AANDC.
  - In the ISR, application fees are paid to the GNWT.
  - In the ISR any fees not processed before April 1, 2014 are being paid to the GNWT.
- Land Use Fees:
  - Land use fees have evolved differently from water use fees under devolution.
  - As a result of devolution, the GNWT now collects various fees, royalties and administrative charges under the NWT Lands Act and its regulations. The

- Department of Lands also collects revenues as a result of new authorities under the Commissioner's Land Act, which MACA used to manage.
- The GNWT isn't dealing with land use fees under the *MVRMA*. Therefore, the Department of Lands is undertaking a comprehensive analysis and assessment of the fee structures under all regulations and related policies that apply to it.
  - This review of regulations will be within the context of the two land systems: Commissioner's Land and territorial lands.
  - Surface Rights Board:
    - Under the *Devolution Agreement*, the GNWT mirrored the *Surface Rights Board Act*.
    - The *Surface Rights Board Act* establishes a Surface Rights Board whose mandate will be to resolve access disputes between surface and subsurface rights holders on Gwich'in, Sahtú, Tłı̨chǫ, and Inuvialuit lands.
    - The Department of Lands is responsible for creating the Surface Rights Board and is working to put in place the structural elements required for the functioning of the Surface Rights Board such as appointing members.
    - The *Surface Rights Board Act* came into effect on April 1, 2014 but the actual start-up of the Surface Rights Board is slated to occur on April 1, 2016.
  - GNWT's EA Coordination Role:
    - The AANDC Minister has delegated to the Minister of Lands the authority to coordinate *MVRMA* environmental assessment decisions for projects on non-federal lands.
    - Department of Lands' Project Assessment Branch will be coordinating GNWT participation in environmental assessments.
    - The Minister of Lands will sign the Environmental Assessment decision letter on GNWT led projects such as the Snap Lake EA and the Ekati Jay expansion.
    - The Canadian Zinc road EA crosses federal lands, so a federal minister will coordinate the decision process and sign the decision letter.
  - Consultation: The Department of Lands is developing its own Consultation Framework that will provide a coordinated, consistent and government-wide approach to consultation.
  - Next Steps:
    - GNWT is working to have a seamless process on the outside but internally is reviewing its operations to make sure it is meeting its obligations under the Devolution Agreement efficiently and effectively.
    - In some cases, where outstanding work remained, transitional arrangements were put in place and intergovernmental work continues.
    - Where appropriate, agreements or MOUs are in or being put in place between regulating boards and governments.
    - Over the coming months the GNWT will review how it will participate in the future in the Board Forum, being mindful of new roles and responsibilities within departments and the Oil and Gas Office of the Regulator.
    - The GNWT remains committed to working closely with all boards and agencies to strengthen partnerships for cohesive management of NWT lands and waters.

**Discussion:**

- **What does “natural person powers” mean?**
  - Natural person powers give an organization the ability to undertake activities that a person would such as enter into contracts and hire employees. Natural person powers help further the independence of the IWB from government.
- **Do you agree that the obligation to set up a Surface Rights Board comes from the land claims even if the power to do so was delegated through Devolution to GNWT?**
  - The land claims contemplated a surface rights board which will be acknowledged. The driving process is the *Devolution Agreement*. The *Northwest Territories Act* amendments solidified the transfer of the federal obligation to set up a Surface Rights Board to the GNWT. The GNWT has taken on this responsibility and is establishing an independent board to fulfill the requirements under the *Devolution Agreement* and legislation, which harken back to the land claims. The tenant of the land claims is the tenant of the Surface Rights Board.
- **What actions are being taken by the federal and territorial governments to ensure consistency between geographic and regulatory jurisdictions such as the Mackenzie Valley and the ISR, and federal lands and territorial lands?**
  - The complexity is acknowledged and a reality, but mirroring legislation; transfer of cleaned up contaminated sites to the GNWT; and ongoing collaborative relationships between the two orders of government will help ensure consistency.
  - Going forward, trial and error on a project specific basis will help define specific issues and inform processes to ensure and improve consistency. Many projects won't be affected by multiple jurisdictions.
  - There are provisions in the *Devolution Agreement* for a five year review that should assist with defining and finding resolutions to issues.
  - There is no need for consistency as there are two perspectives. The GNWT has indicated that it is the public land owner and they will approach that from an NWT/northern perspective. Under the *Devolution Agreement*, the federal government no longer is in the business of viewing the NWT as frontier lands for development; rather it is in the business of cleaning up contaminated lands so that they can be returned to the GNWT. This switch in policy intent and context for the lands is important to understand.
- **What are the specific actions that are going to be undertaken to ensure consistency?**
  - In cases where projects straddle both territorial and federal lands, project specific mechanisms will be trialed on the ground. Lessons from these trials will be used to further improve processes and arrangements.
  - Devolution was supported by political leaders so that land management and decisions could be brought closer to the people of the NWT. Devolution is an evolutionary process and has been going on for a long time. All partners cannot work in isolation; collaboration must continue.



- Internal to GNWT, consistency will be maintained through the setup of the Project Assessment Branch within the Lands Department and the Securities Unit.
- **How is the fact that the MVLWB still receives policy direction from Canada reconciled with the GNWT's authority to make policies respecting land and resource use and management?**
  - While the federal minister is responsible for policy direction, potential impacts of the policies to the GNWT or other governments such as the Tłıchǫ Government will be taken into consideration during policy development.
  - Policy directions do not necessarily impact land management or resource use decisions. For example, policy direction related to process timelines may not impact GNWT land use policies.
  - GNWT and aboriginal governments could also approach AANDC with potential policy directions.
  - Only three policy directions to the MVLWB have been issued to date.
- **For cross-jurisdictional environmental assessment such as the CanZinc road, will the role of the GNWT as a reviewing party to the environmental assessment change as a result of the decision making being left with the federal government? In these cases, will the GNWT comments be only for territorial lands or projects as a whole?**
  - Planning for GNWT's roles and functioning in the CanZinc process is underway. GNWT will be looking at its authorities and mandates with respect to CanZinc and act accordingly.
  - NPMO recently held its first collaborative meeting on the CanZinc road and participants from the federal departments and GNWT were present. This collaborative effort at the working level will help sort out issues.

#### **AANDC Update – Stephen Traynor**

- **Post-devolution Regional Responsibilities:**
  - Continue to develop governance and partnerships with the territorial government, Aboriginal organizations and communities.
  - Contribute to the negotiation and implementation of Land Claim Agreements.
  - AANDC will also continue to administer a number of First Nations programs.
  - Manage the Resource and Land Management Programs on Federal/Reserve Lands and the offshore pursuant to federal legislation including inspections.
  - Northern Contaminated Sites Program will continue to oversee the management and remediation of approximately 80 contaminated sites in the Northwest Territories.
- AANDC Headquarters will administer oil and gas rights and interests in the Beaufort Sea and other northern offshore areas.
- **Organizational structure of AANDC's NWT Regional Office as of April 1, 2014:**
  - Shared services such as IT and human resources are being amalgamated.
  - Consistent with Nunavut and Yukon, there is a Regional Director General (RDG) but not an Assistant RDG.

- Governance and Partnerships Directorate is newly formed and is responsible for First Nations and Inuit programming, supporting the negotiation of land claims and Aboriginal self-government agreements in the NWT, and supporting intergovernmental matters and board relations.
- Resource and Land Management Directorate deals with the excluded lands as well as some offshore areas. There will be a manager, lands administrator, lands clerk and two inspectors.
- Contaminants and Remediation Directorate remains the same however, Giant Mine now reports directly to Headquarters.
- Three other directorates will provide support services: Human Resources, Corporate Services and Corporate Secretariat and Communications.
- Devolution Transition and NRII Implementation is a “tiger team” brought in to deal specifically with these issues. By summer 2015, this team will no longer be required as residual issues will be absorbed into the other regional directorates as appropriate.
- Inspections:
  - AANDC is hiring two Inspectors who will work from Yellowknife. They will have land, water and offshore responsibilities combined.
  - Risk based approach will continue to be used to schedule inspections.
  - In the interim, an Inspector in Whitehorse is providing support and there is an agreement with GNWT for emergency situations
  - Additional technical expertise from Nunavut Office is also available.
  - Over the coming months, AANDC will be transitioning back to being fully functional once the two new inspectors are in place in Yellowknife.
- Mine Reclamation and Securities:
  - There are no active mines on excluded lands.
  - The goal of contaminated site clean-up is to return the lands to the GNWT.
  - Some exploration activities remain on contaminated sites because they may lead to cost recovery opportunities.
  - The Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the NWT developed with the Boards will continue to be used.
  - Use of RECLAIM model for securities will continue.
  - No specific policy document for the oil and gas sector. Therefore, the main principles for collection of security espoused in the mine reclamation guidelines will guide approach to the oil and gas sector (e.g., zero liability policy and full cost coverage).

## 5.8 BREAK-OUT SESSION ON POST-DEVOLUTION ISSUES

Meeting participants were divided into four smaller focus groups to answer the following question: *From the standpoint of your organization, what are your key questions, concerns and experiences with devolution and Regulatory Reform?* Each focus group’s responses were shared with the full complement of meeting attendees and it was observed that there were a number of common themes. A summary of the focus group responses and the follow-up discussions with all meeting attendees, organized by theme, is provided below.

### **Securities**

- Holder of securities in areas where the subsurface rights are owned by a land claimant.
- Opportunities for streamlining process.
- Clarity on the link between fees and securities.
- Coordination between the different holders and types of securities is essential.
- Security reductions due to progressive reclamation – how will these proceed?
- Should securities be reviewed through a MVLWB working group process?

### **Land Use and Water Use Fees**

- Will these fees increase?
- GNWT view and plans for the fees in the medium and long terms.
- Should fees be reviewed through a MVLWB working group process?

### **Communications and Collaboration**

- Plain language summaries of changes and new processes need to be developed and communicated to communities.
- Information sharing with Industry to explain new processes and authorities. Who is responsible and what mechanism will be used?
- Updated GNWT and AANDC contact lists for use by land and water boards and land use planning boards need to be provided on an on-going basis.
- Maps and other tools for making land ownership determinations are required.
- Ongoing mechanisms for communications between the federal and territorial government, boards and aboriginal governments.
- Collaboration between NPMO and GNWT is required.
- Identification of new topics to be addressed through the MVLWB working groups process.
- Collaboration between regulatory partners to determine the types of policies required.

### **Cross-Jurisdictional Areas and Projects**

- Licence and permit amendments.
- Security for Nighthawk.
- Will separate licences/permits be required for each jurisdiction?
- Reconciling jurisdictions and difference paces of the federal, territorial and aboriginal governments.

### **Memoranda of Understanding**

- Identification of existing MOUs that require updating.
- Identification of new MOU opportunities.

### **Wildlife and Fisheries Legislation**

- Process and timing (before and after November 2014) for the Wildlife Regulations.
- CRA fisheries need to be clarified.

### **Land and Water Board Restructuring**

- Increased/changing expectations on RRBs, RRC and land use planning boards.

- MVLWB capacity to fulfill expectations of land claim regions.
- Impacts on existing relationships and trust need to be identified and addressed.

#### **Intergovernmental Council**

- Further information on its purpose and function is required.
- Role of the regulatory boards and federal government.

#### **Air Quality Regulation**

- Jurisdictions post-devolution.
- Mandates of regulatory partners.
- Role of land and water boards.

#### **Inspections**

- Adequate resourcing needs to be in place.
- Workload management to ensure adequate and appropriate inspections.

#### **Land Use Planning**

- Impacts of GNWT land use policies.
- Differences in land ownership will need to be addressed.
- Planning Boards will need to take the initiative to ensure issues are addressed.
- Compliance with land use plans still required even if projects do not require a permit or licence. How is compliance going to be monitored and enforced?

#### **Consultation**

- Aboriginal acceptance of GNWT's role and potential preference for Canada to discharge consultation duties.
- Clarification of federal and territorial government roles and responsibilities.
- Funding and resources need to be adequate.

#### **Funding**

- Boards require clarification on funding agencies and mechanisms
- Funding increases.
- Office resource and administrative cost sharing opportunities lost by land and water board restricting will cause the GLUPB and SLUPB to incur increased costs.

#### **Impact Benefit Agreements and Environmental Agreements**

- Should they be regulated?
- Development of a standardized approach.
- Relationship to NRCan's reporting initiative.

#### **Board Forum**

- Clarification of roles of parties.

#### **Municipal Water Licences**

- Compliance with community water licences needs to be a high priority for GNWT-Lands.

## 5.9 INTERGOVERNMENTAL COUNCIL FOR LAND AND RESOURCE MANAGEMENT – SHALEEN WOODWARD, GNWT

- Through the Office of Devolution, the responsibilities coming to the GNWT through devolution were allocated to different departments within GNWT or the Office of Devolution itself.
- The Department of Aboriginal Affairs and Intergovernmental Relations is responsible at a high level for the *Devolution Agreement* and for the establishment of an intergovernmental council.
- Northwest Territories Intergovernmental Agreement on Land and Resources Management was signed on February 27, 2014 by all of the aboriginal parties in the GNWT.
- The goal of the Intergovernmental Council as described in the Intergovernmental Agreement is to respond to the unique needs of the NWT. This is accomplished by:
  - Using a holistic, integrated approach;
  - Acknowledging that aboriginal groups are significant land owners in their right and that there is a need to work together on land and resources issues;
  - Respecting Aboriginal Rights;
  - Encouraging sustainability; and
  - Building capacity.
- In the Agreement itself, there is a range of purposes and objectives that start on page 4 and a discussion of the Council starting more specifically on page 7. On page 8 the duties of the Council are identified.
- The Council is made up of leaders from across the NWT, including leaders from aboriginal governments.
- Duties of the Council:
  - Review the land and resource management systems of each Party including potential changes to those systems. This is an important mechanism for consistency.
  - Address legislative requirements for benefit agreements relating to resource development. The GNWT, through its mirroring process and adoption of federal legislation, was going to take the same approach to benefits agreements. Some aboriginal groups wanted to do more on this issue and as a result it is a duty of the Council.
  - Review and develop any proposed changes to the legislation that the GNWT is required to substantially mirror. The Council provides an opportunity for the signatories to work together on this review.
  - Develop protocols to ensure that the management of public lands and resources and rights in respect of Waters is consistent with the duties associated with the honour of the Crown, including the duty to consult and where appropriate accommodation.
  - Provide a forum for information sharing and discussion of interests connected to the Agreement. Part of this is capacity building. As land managers we need staff with similar sets of expertise and Council members can work together to develop the staff through training courses, exchanges or interchangeable

- inspectors. Benefits include increased flexibility, maximization of efficiency, and increased direct land management by northerners.
- Provide a forum for discussion regarding the review contemplated at section 3.18 of the Devolution Agreement respecting the *MVRMA*. In five years, the provisions within the Devolution Agreement will be reviewed to determine whether in the future the GNWT will take on a greater role under the *MVRMA* which remains federal legislation.
  - Provide a forum for discussion on any future transfers of powers and authorities from Canada to GNWT related to the control of public lands, water and the disposal of waste.
  - Review and assess the existing land and resource management systems in the NWT to identify priority areas for potential changes and approaches; and develop a collaborative work plan to address these areas.
  - In carrying out these duties, the Council will consider:
    - regional capacity building;
    - integrated land use permitting and water licensing;
    - potential coordination of activities or reallocation of functions related to land and resource management;
    - the use of regional strategic environmental assessment to promote efficiency and avoid duplication in environmental assessment processes;
    - coordinated approaches to waste sites management; and
    - coordinated approaches to inspections, monitoring and enforcement.
  - Current Parties – In addition to the original signatories, three additional organizations signed in late May.
    - Government of the Northwest Territories
    - Inuvialuit Regional Corporation
    - Northwest Territory Métis Nation
    - Sahtú Secretariat Incorporated
    - Gwich'in Tribal Council
    - Tłı̨chǫ Government
    - Acho Dene Koe First Nation
    - Denínu Kúé First Nation
    - Salt River First Nation
  - Intergovernmental Council Logistics:
    - The Intergovernmental Council is made up of leaders from each Party to the Agreement and meets at least once per year.
    - When the first Council meeting is held, the leaders will provide direction on the structures that they want in place. At this time, the vision for the Secretariat is that it would support the Council and would be made up of senior official from each Party to the Agreement.
    - The Chair position of the Secretariat would rotate through the Parties to the Agreement.
    - May establish Working Groups, which could examine specific issues between meetings of the Council.

- May involve Observers. One topic that has come up is the role of the land and water boards in terms of the Intergovernmental Council but this yet to be decided.
- **Current Status and Next Steps:**
  - Senior officials met in Yellowknife on May 30, 2014.
  - Reviewing and developing Secretariat Terms of Reference for Council's consideration.
  - Drafting potential agenda for leaders' review for first Intergovernmental Council meeting.
  - The first Council meeting is targeted to occur within the next few months.

**Discussion:**

- **Priority timelines:**
  - There is a wide range of issues with differing timelines being looked at by the senior officials making up the Secretariat. For that reason, short-, medium-, and long-term plans will most likely be developed for the Council. The first few meetings will be to create the framework, identify priorities, and issue direction to the Secretariat to develop the plans for review by the Council.
- **Does the Council have a decision making function and if so how will it be structured?**
  - Every Party on the Council retains its own jurisdiction and so the Council is not going to make binding decisions. However, it will make recommendations and help each jurisdiction fulfill the recommendations, understanding that ultimately each jurisdiction will decide whether to adopt the recommendation.
  - There is a great deal of power because it is the leaders that are involved in the Council and they have the ability to influence their own organizations. However, the Council will not tell any Party how to do its business.
- **Relationship with the land and water boards:**
  - The Council is a work in progress, and the Department of Aboriginal Affairs and Intergovernmental Relations wants to make sure there is a relationship with the land and water boards as they are very important to resource management. The goal is to create an integrated whole, not a fragmented system. Communications with the land and water boards will continue.

## **6.0 DATE AND LOCATION OF NEXT MEETING**

Prior to setting the date for the next Board Forum meeting, the Governance Committee agreed to meet within the next several months to confirm its membership and review and update, as needed, the Board Forum ToR.

Following review of the ToR, the Governance Committee will follow up with AANDC and GNWT regarding funding and, in consultation with the other NWT Board Forum members, set the date and location for the next meeting.

**Action Items:**

- i. **Governance Committee to meet before the fall to confirm its membership and review and update the Board Forum ToR.**
- ii. **Following the completion of the ToR review, the Governance Committee will follow-up on funding with the GNWT and AANDC, and set the date and location for the next Board Forum meeting.**

## **7.0 CLOSING REMARKS**

The meeting closed with participants sharing final thoughts and observations in a roundtable format. Devolution and regulatory reform are a reality and by working together proactively and over the long term, the transition has been relatively smooth and many of the recommendations made by the boards were heard and incorporated into the legislation changes. Going forward, the collaboration between boards and aboriginal, territorial and federal governments needs to continue as much work remains to be done to create a fully integrated land, water and resource management system.

The Governance Committee's review of the Board Forum ToR is timely and many participants expressed their support for the continuation of the NWT Board Forum. The Board Forum meetings provide an opportunity to build relationships, share information and to identify opportunities for further cooperation.

Special thanks were extended to Yolande Chapman and Eric Yaxley, former staff of the Board Relations Secretariat, for their tireless support to the NWT Board Forum. The efforts of Michelle Kelly, Stacey Menzies and James Lawrance were also acknowledged and they were thanked for a well-run meeting.

Final closing remarks were provided by the co-chairs. Willard Hagen extended his appreciation to the GNWT for a smooth devolution transition, thanked AANDC for a well-run meeting, and agreed with Stephen Traynor that everyone should recognize their own efforts over the past number of years. JoAnne Deneron acknowledged the learning opportunities and insight provided by the updates and the positive changes that are happening to overcome challenges. She also acknowledged the facilitation efforts by Shelagh Montgomery and the usefulness of the breakout sessions.

Michael Neyelle led the closing prayer.



## 8.0 ACTION ITEMS

The following provides a listing of Action Items arising from the June meeting, as well as those carried over from the November 2013 meeting.

### June 2014 Meeting

#### **Governance:**

- Governance Committee to meet before the fall to confirm its membership and review and update the Board Forum Terms of Reference.
- Following the completion of the ToR review, the Governance Committee will follow-up on funding with the GNWT and AANDC, and set the date and location for the next Board Forum meeting as required.

#### **Communications:**

- Development of a one-page brief on the role and function of the NWT Board Forum for use as an addendum to future correspondence.

### November 2013 Meeting

#### **General:**

- NEB to provide an update on the timeline for completion of the draft financial responsibility guidelines.
- NEB to clarify whether environmental monitors will be a requirement of operations in the Sahtú.
- AANDC to consider including the MVLWB in the board funding review.
- AANDC to initiate discussions on the plan (core and ancillary participants; objectives; priorities; functioning) for the Resource Management Implementation Working Group and to complete a critical path exercise with the GNWT and boards.

#### **Communications:**

- Development of a one-page brief on the role and function of the NWT Board Forum for use as an addendum to future correspondence.
- More youth observers are to be invited to the next Board Forum meeting.



# **APPENDIX A**

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## **Meeting Agenda**



**Draft Agenda  
NWT Board Forum  
Tree of Peace Friendship Centre  
Yellowknife, NWT  
June 3-4, 2014**

**Tuesday, June 3**

- |       |  |
|-------|--|
| 8:30  | Arrival – coffee and muffins   |
| 9:00  | Opening Prayer<br>Welcoming Remarks – Host Chairpersons (MVLWB and MVEIRB)<br>Roundtable Introductions   |
| 9:20  | Roundtable updates by each organization (approximately 5 minutes each based on one-pager summaries circulated in advance of the meeting)   |
| 10:45 | Health break   |
| 11:00 | Board Committee updates <ul style="list-style-type: none"><li>• Governance Committee (Strategic Plan) – Willard Hagen, Chairperson</li><li>• Training Committee – Bob Simpson, Chairperson</li><li>• Outreach &amp; Communications Committee – Violet Camsell-Blondin, Chairperson</li></ul> |
| 11:15 | Implementation of MVRMA amendments – Mark Cliffe-Phillips, MVEIRB & Zabey Nevitt, MVLWB  |
| 12:00 | Lunch (tbd)  |
| 1:15  | Post-devolution coordination of federal roles in environmental assessments, consultation, and collaboration with the GNWT – Matthew Spence, CanNor   |
| 2:15  | Gwich'in, Sahtu and Wek'eezhii Renewable Resources Boards information presentation on activities and initiatives.  |
| 3:30  | Health break   |
| 3:45  | Closing Remarks for the day – Host Chairpersons  |
| 6:00  | Dinner (details to be confirmed)   |

**Wednesday, June 4**

- 8:30           Arrival – coffee and muffins
- 9:00           Highlights from previous day – Host Chairpersons
- 9:10           Oil and gas regulation post-devolution – Status updates by the Office of the  
Regulator of Oil and Gas Operations (Jamie Fulford) and the National Energy  
Board (Gaétan Caron)
- 9:35           Moving forward post-devolution – status updates by GNWT and AANDC
- Inspections
  - Mine reclamation
  - Securities
- 10:30          Health break
- 10:45          Moving forward post-devolution continued – status updates by GNWT and  
AANDC
- Inuvialuit Water Board
  - Fees (land use permits, water licenses)
  - Memoranda of Understanding
  - Surface Rights Board
  - Other items
- 12:00          Lunch (tbd)
- 1:15           Break-out sessions to identify questions and discussion themes related to moving  
forward post-devolution
- 2:30           Intergovernmental Council for Land and Resource Management update  
GNWT (Martin Goldney and Shaleen Woodward)
- 3:00           Health break
- 3:15           Arrangements for next meeting
- 3:30           Round table closing remarks
- 4:15           Closing remarks – Host Chairpersons
- 4:30           NWT Board Chairpersons Caucus

# **APPENDIX B**

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## **Presentations**





# Mackenzie Valley Environmental Impact Review Board

MVRMA Amendments – What’s Different?

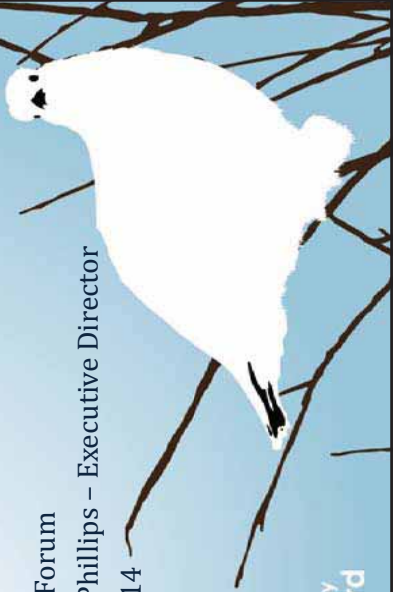
NWT Board Forum

Mark Cliffe-Phillips – Executive Director

June 3-4, 2014



Mackenzie Valley  
Review Board



## Outline

1. Timelines
2. Delegation of Authority
3. Pause Period
4. Development Certificates
5. Other Amendments
6. Coming into Force



Mackenzie Valley  
Review Board

## Timelines – without extensions

Process	Review Board Time	Ministerial Time	Total Time
Environmental Assessment, no hearing	9 Months	3 Months	12 Months
Environmental Assessment with hearing	16 Months	5 Months	21 Months
Environmental Impact Review	18 Months	6 Months	24 Months



Mackenzie Valley  
Review Board

## Timelines

- Timelines do not include ‘Developer Time’
- Ministerial time includes any potential consult-to-modify process
- No timelines for Tlicho Decisions
- When an EIR is ordered, MVEIRB has three months to appoint panel members and issue the terms of reference of the review panel



Mackenzie Valley  
Review Board

## Timeline extensions

- Minister may extend the Review Board or Review Panel time limit by 2 months upon request of the Board or Panel
- The Minister may extend the time limit for ministerial decisions by 2 months
- Governor in council may extend time limits for the Board, Panel or Ministerial Decision beyond any 2 month extension upon recommendation of the Minister
- EIR terms of reference timeline may be extended as above



## Delegation of Authority

- Through s. 3.17 of the *NWT Land and Resources Devolution Agreement* and subs. 4(1) *MVRMA* the AANDC Minister has delegated certain powers duties and functions to the GNWT Minister of Lands
- Minister of Lands will receive and distribute the Reports of EA and Reports of EIA documents, and make final decisions



## Delegation Authority

- The Minister of Lands is also delegated authority to provide extensions to timelines
- Delegation authority is only for EA's and EIR's for developments wholly outside federal crown land



## Pause Period

- S. 126(3) of the *MVRMA* enables the Board to conduct an EA upon its own motion notwithstanding the determination of a preliminary screening decision
- The amended Act now allows for a 10 day pause period between the end of the screening decision and the issuance of the authorization



## Development Certificates

- The Review Board will be able to issue enforceable development certificates
- Development certificates will include all final measures of the report of EA or EIR, making the measures enforceable
- Prohibits the developer from carrying out a project that has gone through an EA or EIR from not complying with the measures of EA, including measures that were previously 'orphaned'



## Development Certificates

- Following Ministerial approval, the Review Board has 30 days to issue the development certificate – 45 day Ministerial extension provision
- All First Nations, local governments, regulatory authority or agency or department of the federal or territorial government affected by a decision must implement the conditions set out in the certificate to the extent of their authority



## Development Certificates

- The certificate will be valid for up to 5 years
- If the development does not commence prior to the expiry of the certificate the Developer may request a new EA that will consider the previous EA or EIR
- With ministerial approval, the Review Board may amend the certificates without requiring an additional EA



## Other MVRMA Amendments

- Regulations to clarify roles and responsibilities for Aboriginal consultation
- Cost recovery
- Public Registry
- Regional Studies – Review Board will be required to consider the results of any such study



## Other MVRMA Amendments

- Ministerial policy direction
- Consolidation of federal ministerial decision making – AANDC Minister
- Board or panel member term extensions
- Consideration of previous EA's or EIR's
- Joint Review upon Ministerial referral – CEAA 2012 – National Interest



## Other MVRMA Amendments

- Timeliness for decisions of the designated regulatory authorities – similar to ministerial decisions
- If a joint review is required, the Review Board has 3 months to reach agreement establishing the panel and its process
- Supreme Court of NWT now has jurisdiction for judicial reviews of Board decisions



## Coming into force

- Upon royal assent/devolution – Timelines and delegation of authority
- April 2015 – the authority to make regulations regarding cost recovery and crown consultation
- April 2016 – sections dealing with development certificates and pause periods



## Our contact information

Box 938  
#200 Scotia Centre, 5102-50<sup>th</sup> Ave  
Yellowknife, NT. X1A 2N7  
Phone (867) 766-7050  
Toll Free: 1-866-912-3472  
Fax (867) 766-7074  
**[reviewboard.ca](http://reviewboard.ca)**



## Land and Water Boards of the Mackenzie Valley – What is Changing.

**Zabey Nevitt**  
**Executive Director**  
**Mackenzie Valley Land and Water Board**



Mackenzie Valley Land and Water Board

## Presentation Outline

- Land and Water Board Background and Responsibilities
- Legislation Changes
- Devolution Impacts
- Board Restructuring
- Current Board Initiatives



Mackenzie Valley Land and Water Board

## Legislation Changes



Mackenzie Valley Land and Water Board

## Bill C-15: The Northwest Territories Devolution Act

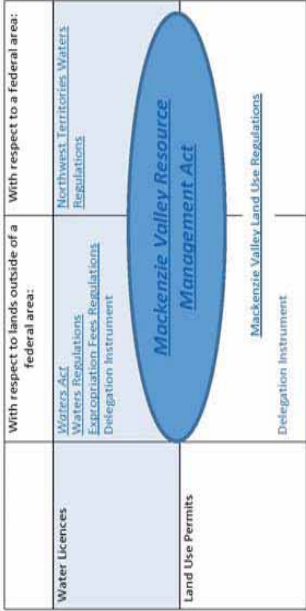
- Royal Assent – March 25 – 2014
- Number of Changes to Mackenzie Valley Resource Management Act
- Coming into force of those changes to take place over several years



Mackenzie Valley Land and Water Board



## The New Legislative Framework



Mackenzie Valley Land and Water Board

## Major Amendments and Potential Coming into Force Dates

- On Royal Assent
  - Timelines – 9 months
  - Increase to Ministerial approval time (60-90 days)
  - Life of project licences
  - Expansion of Policy Direction powers
  - Increased fines
- On April 1 – 2014
  - Amendments to implement Devolution
- On April 1 – 2015
  - Restructuring of the Land and Water Boards
  - Cost Recovery Regulations
  - Consultation Regulations
- On April 1 – 2016
  - Development Certificates



Mackenzie Valley Land and Water Board

## Devolution Changes



Mackenzie Valley Land and Water Board

## Devolution Changes

- Federal Minister delegated certain authorities to the Territorial Government – power already in MVRMA exercised through Devolution Agreement
- Specifically Minister of Environment and Natural Resources and the Minister of Lands
- Creation of Territorial legislation to replace federal legislation for Territorial lands ie Waters Act



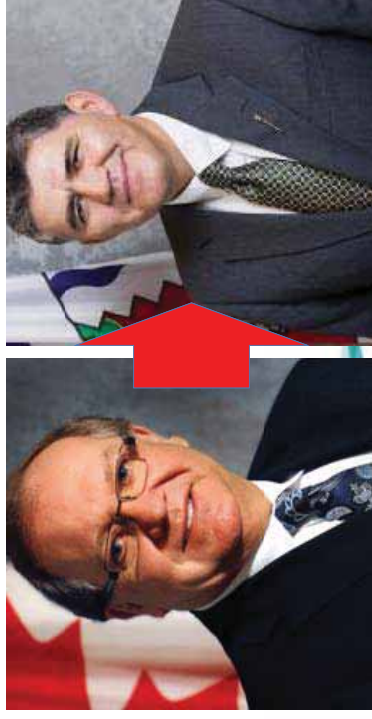
Mackenzie Valley Land and Water Board

## Water Licence Approvals



Mackenzie Valley Land and Water Board

## Holding of Security



Mackenzie Valley Land and Water Board

## Inspections on Territorial Lands



Mackenzie Valley Land and Water Board

## Board Restructuring



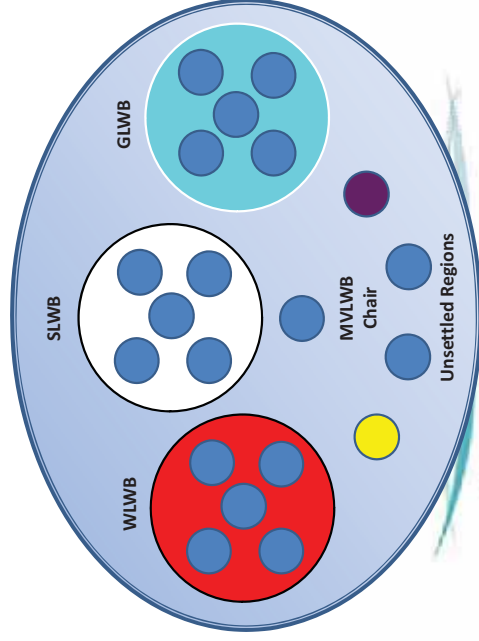
Mackenzie Valley Land and Water Board

## Board Restructuring (Proposed for April 2015)

- Changes to part 3 and 4 of MVRMA
- Continuation of MVLWB but assuming decision making responsibilities within Sahtu – Wek'eezhii – Gwich'in Management/Settlement Regions
- 10 person Board + Chair
- Membership Nominated/Appointed by Federal – Aboriginal and Territorial Governments



Mackenzie Valley Land and Water Board

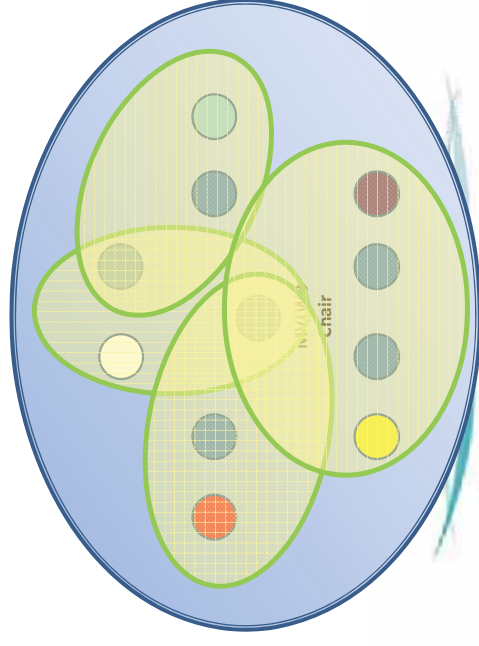


## Board Restructuring Continued

- Panels of 3 or more can be struck to make decisions on applications
- Preference to members from regions being appointed to panels hearing applications from regions



Mackenzie Valley Land and Water Board





## Current Board Initiatives



Muskamane Valley Land and Water Board

## Board Initiatives

- Policies Guidelines and Procedures
  - Consultation and Engagement Policy and Guidelines
  - Closure and Reclamation Guidelines
  - Water and Effluent Quality Management Policy
  - Waste Management Guidelines
  - Standard Land Use Permit Conditions
  - Guide to Land Use Permitting Process
  - **Standard Water Licence Conditions**
  - **Guide to Water Licence Process**



Muskamane Valley Land and Water Board

## Websites

- Online Review System
- Online Registry



- Coming Soon – **ONLINE APPLICATIONS**



Muskamane Valley Land and Water Board



Muskamane Valley Land and Water Board



## Project Coordination in the NWT:

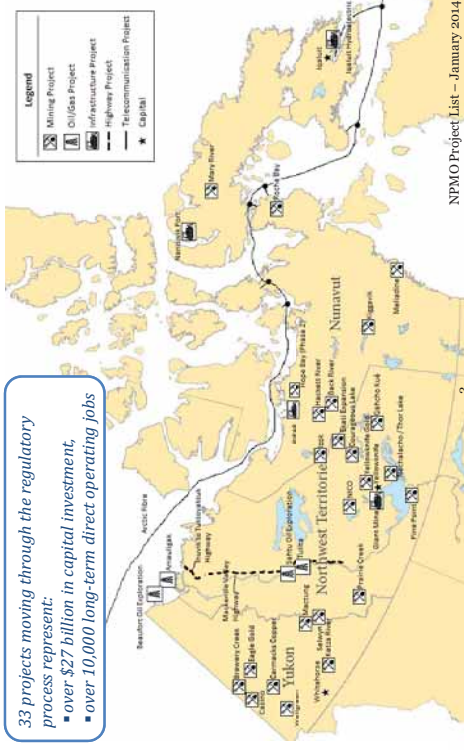
CanNor's Northern Projects  
Management Office

Board Forum  
June 2014

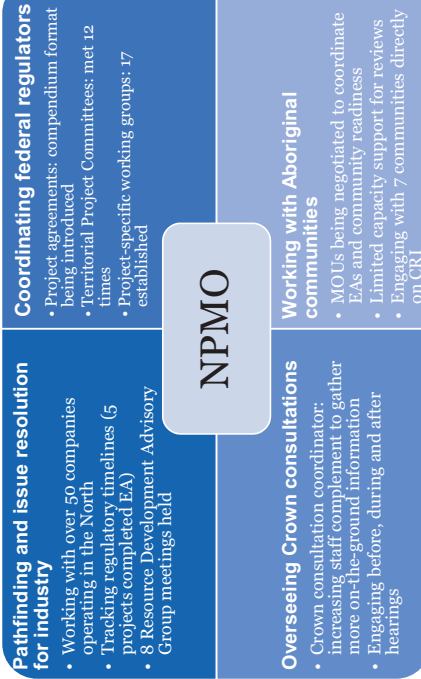
## Major Projects in Various Regulatory Phases

33 projects moving through the regulatory process represent:

- over \$27 billion in capital investment,
- over 10,000 long-term direct operating jobs

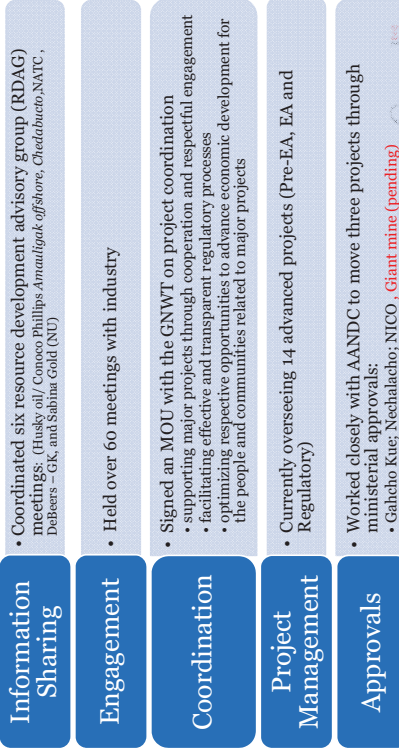


## Some NPMO activities over the last year...



## NWT Specific Activities

In the past year, NPMO has:



NPMO also focusing on a series of key variables...

- Effective regulatory system
- Infrastructure
- Labour market
- Access to capital
- Aboriginal support and community readiness/ managing socio-economic risks



Goal to raise the level of certainty in these areas to, setting the conditions for proponents to advance projects.

with at 3 levels...

s the North

ern: such as infrastructure, labour market and financing



In high potential regions

- Regional: geoscience, land use planning, and baseline environmental data.

In communities near projects

- Community Readiness: community-based planning to maximize positive socio-economic impacts of the projects, and support the environmental assessment process.

## Recent changes legislative changes

Initiative	Legislation	Impact	NPMO Role
Responsible Resource Development	Fisheries Act	<ul style="list-style-type: none"> <li>Fewer federal authorized federal legislation</li> </ul>	<ul style="list-style-type: none"> <li>Attending public forums, tracking Aboriginal concerns related to federal mandates; coordinating federal input with DFO's expertise and carrying out industry /community engagement</li> </ul>
	Navigation Protection Act		As above for TC
	Mackenzie Valley Resources Management Act	<ul style="list-style-type: none"> <li>timelines,</li> <li>consolidation of the Land and Water Boards</li> </ul>	<ul style="list-style-type: none"> <li>Coordinating and presenting federal submissions on behalf of GoC. Tracking Aboriginal consultation issues related to federal mandates</li> </ul>

## Recent changes legislative changes cont'd

Initiative	Impact	GNWT Role	NPMO Role
Devolution	<ul style="list-style-type: none"> <li>Transferred administrative control over lands and waters from AANDC to the GNWT</li> </ul>	<ul style="list-style-type: none"> <li>GNWT will play a more active role in project reviews and approvals</li> <li>Creation of the Department of Lands</li> </ul>	<ul style="list-style-type: none"> <li>NPMO will coordinate federal input to project reviews, coordinate with GNWT dept of Lands and ENR on EA processes and Water Licence issuances and ensure that Aboriginal consultation requirements are met with respect to federal mandates.</li> </ul>
	<ul style="list-style-type: none"> <li>AANDC will continue to have a role in the management of: <ul style="list-style-type: none"> <li>federal obligations for contaminated sites (e.g. Giant)</li> <li>northern offshore oil and gas (e.g. Beaufort Sea)</li> </ul> </li> <li>Federal decision-making in EAs</li> </ul>		<ul style="list-style-type: none"> <li>NPMO will continue its engagement with Industry and Aboriginal communities with respect to development activities.</li> </ul>

# Next Steps

## Working together with:

GNWT	Federal Departments	Regulatory Boards
<ul style="list-style-type: none"><li>• Development of a collaborative framework for project coordination and other matters relevant to both governments</li><li>• Development of a collaborative approach to Crown consultation</li></ul>	<ul style="list-style-type: none"><li>• Early identification of role(s)</li><li>• Proactive efforts for their continued participation</li></ul>	<ul style="list-style-type: none"><li>• Early discussions with some regarding potential MOUs</li></ul>





# Renewable Resources Boards: activities and initiatives

NWT Board Forum  
Yellowknife, NT  
June 3-4, 2014



Amy Amos  
GRRB



John McCullum  
WRRB



Michael Neyelle  
SRRB

Photo credit: GRRB

# BACKGROUND

Photo credit: GRRB, Colleen J. Lambert-Kuzumi

## Presentation Outline

- Background
- Role in the regulatory process
- Management Plans
  - Ex. Barrenground caribou
- Research Priorities
- Opportunities
- Summary



Photo credit: ENR

## GRRB Mandate

Main instrument of  
wildlife and forest  
management within the  
Gwich'in Settlement Area  
(GSA)

Wildlife includes fish

Established in 1992



Map credit: GLUPB

# GRRB Board



Johnny Charlie  
Member (GTC)



Bobbie Jo Greenland Morgan  
Member (GTC)



Charlie Snowshoe  
Alternate (GTC)



Cindy Allen  
Alternate (GTC)



Eugene Pascal  
Chairperson (GRRB)



Burt Hunt  
Member (DFO)



Ron Allen  
Alternate (DFO)



Jozef Carnogusky  
Alternate (GNWT)



Vacant



Vacant



Vacant



TBA  
Alternate (G/C/CWS)



TBA  
Member (G/C/CWS)



TBA  
Member (GNWT)



TBA  
Member (GNWT)

Order in Council appointments

# GRRB Staff



Amy Amos  
Executive Director



Kristen Callaghan  
Wildlife Biologist



Kris Maier  
Fisheries/Forest Biologist



Natalia Melnycky  
Species at Risk Biologist



Cheryl Greenland  
Office Manager



Janet Boxwell  
Renewable Resources Manager  
(Reviews Regulatory Applications)

# SRRB Mandate

Main instrument of wildlife and forest management within the Sahru Settlement Area (SSA)

Wildlife includes fish



# SRRB Board



New Board Member!  
Lesley Allen



Vacant



Vacant



Vacant



Vacant



Vacant





## WRRB Staff

**John McCullum**  
Executive Director



**Boyan Tracz**  
Wildlife Management  
Biologist

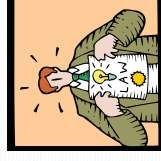
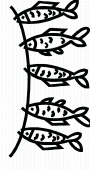


**Susan Beaumont**  
Communications Officer



## We have capacity!

- Wildlife
- Fish
- Forest
- Legislation
- Communications
- Education



## Funding

- Implementation Plans (IP)
  - Each involved in the renewal process
  - Flexible funding agreements

Implementation Plan	Renew date
Gwich'in	April 2015
Sahtu	April 2015
Wek'èezhi	April 2016

- Involved in Board Analysis process



Porcupine caribou along the Dempster Highway. Photo credit: Lawrence Norbert

## Link with communities

- GRRB & SRRB have a direct link with the communities through the RRCs
  - Consultation on Board decisions
  - Research
  - Harvest studies
- WRRB works with communities through various means: public consultation, community-based projects, community government
  - WRRB does not have RRCs



John Carmichael sampling Dolly Varden at his traditional camp (Photo credit: DFO)



# ROLE IN THE REGULATORY PROCESS

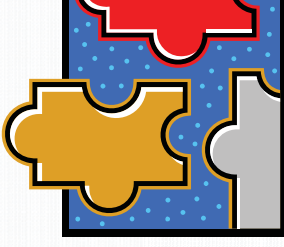


Photo credit: Lawrence Norbert, Inuvik NT

## RRBs play a "review" role

(Acknowledgement that each region is at a different stage of this broader regional objective)

Regulatory Boards  
(LWB/EIRB's)  
• Permit function



Renewable Resources  
Boards  
• Review function

Land Use Planning  
Boards  
• Land-use regulation  
function (e.g.  
Conservation zoning)

## Legislative responsibility

- Land claims (general provisions)
- Advice to government relating to wildlife and wildlife habitat (when asked or on our own initiative)
- Conduct research & harvest studies
- Sets Total Allowable Harvest (different implementation processes)



George Niditchie, Sr. (elder from Tsiigehtchic NT) hunting Porcupine caribou.  
Photo credit: Lawrence Norbert

## Legislative responsibility

- MVRMA
- MVRMA to coordinate its activities, including hearings, with the activities of the RRB's (Section 24.1(e) of the MVRMA)
- Regulatory Boards must "seek and consider the advice of the RRB's respecting the presence of wildlife and wildlife habitat that might be affected by a use of land or waters or deposit of waste proposed in an application for a license or permit" (Section 64(2) of the MVRMA)

## Other Legislative responsibility

- Species at Risk Act(s)
  - Approve proposed listings and management plans
  - Relevance: comments may include SAR considerations
- Fisheries Act
  - Relevance: Boards are affected by recent changes and may need to work closer with regulatory boards to protect fish and fish habitat in our respective areas
- Wildlife Act
  - Relevance: Boards are working to help draft new regulations to implement the new Act; future regulations may include wildlife management and monitoring plans

## MANAGEMENT PLANNING (Ex. Barren-ground Caribou)



Photo Credit: GRBP, Catherine Lambert-Kuzumi

## Process

- Advisory Committee for Cooperation of Wildlife Management (ACCWM)
  - Membership includes all WMB's across the herd range (no government)
  - Oversees process & gives direction to working group
- Development of plan (2009-present)
  - 3 rounds of community consultation
  - Currently recommended for approval
  - ACCWM to meet in September 2014

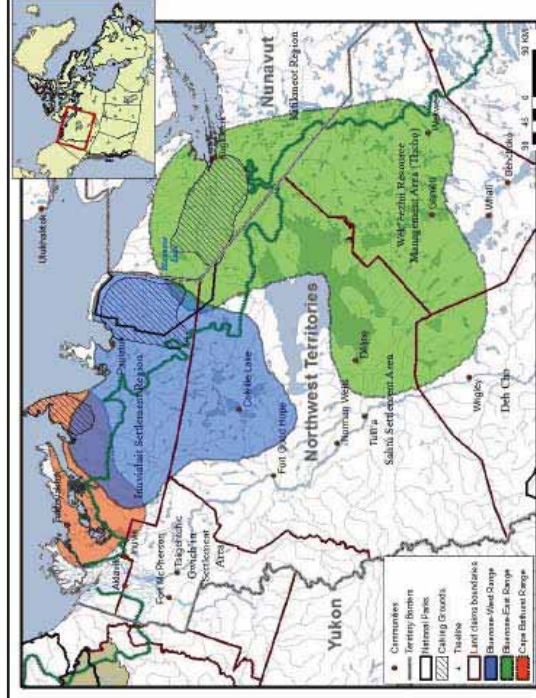
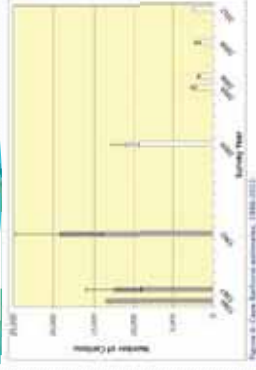


Figure 2: Overlapping herd ranges, based on data from collared cows between 1996 and 2008. Cross-hatched areas indicate calving grounds.<sup>5</sup>



## Content

- Assessment of Herd status:
  - Population size & health
  - Environment and Habitat
  - Human disturbance
- Management actions based on herd status:
  - Habitat
  - Land use activities
  - Education
  - Harvest
- Companion documents:
  - Scientific status report & Community report



## Possible Opportunities

- Proponents should be aware of MP recommendations so they can conform to them
- Land use plans could use the habitat and species status information to help identify conservation zoning
- Regulatory Board possible opportunities:
  - Encourage proponents to check with RRB's to see if there is a relevant MP in pre-application phase
  - RRB's are interested in exploring further options to help build a relationship between management planning and the permitting process

## RESEARCH PRIORITIES

- Environmental Research and Monitoring Forum
- Research Agenda (in progress)
- Traditional Knowledge Guidelines (in progress)
- Monitoring Framework (in progress)
- Collaborative approach with RRCs and ENR

Photo credit: Jozef Camogursky

## WRRB process

- Through strategic planning & annual review
  - Gap analysis (ongoing)
- Workshops and meetings for community input (dependent on funding)
  - E.g. Tjicho Wildlife Research Workshop February 2013
- Conduct internal projects in partnership with Tjicho Government and others

## GRRB process

- Guiding Documents:
  - Gap Analysis (2009)
  - Consultation policy (2010)
  - Research Priority Workshop (2010)
- Research Priority goals
  - Direct internal staff research
  - Support external research
  - Address community research concerns
- GRRB Process (summarized)
  1. Collection is ongoing via RRC engagement
  2. Collate into lists
  3. Criteria applied
  4. Set GRRB priorities
  5. Report back

## Possible Opportunities

- Land use plans could use research in the planning process
- Regulatory Boards could use wildlife research priorities to help proponent(s) understand research gaps, which could result in:
  - pre-construction research
  - work with the regional RRB and applicable RRCs/community



Travaillant Lake fish survey, funded through Mackenzie Gas Project funding (2002-2007); Photo credit: GRRB, Kris Maier

## SUMMARY OF OPPORTUNITIES

Photo credit: Paul Vescei, Golder Associates



## OPPORTUNITIES

In addition to the RRB's regulatory review function, we have expertise in other areas:

- Capacity in house (Biologist/Resource Personnel)
- Strong community link
- Resources
  - Library database of research and TK studies
  - Public Registries
- Species at risk considerations for proponents

## OPPORTUNITIES

- Management plans
  - Land use plans could use info for conservation zoning
  - Regulatory boards, RRB's and proponents could work together to implement MP recommendations
- Research Priorities
  - Includes community interests and priorities
  - Land use plans could use research for the planning process
  - Regulatory boards could use for identifying gaps that should to be filled prior to development

## SUMMARY

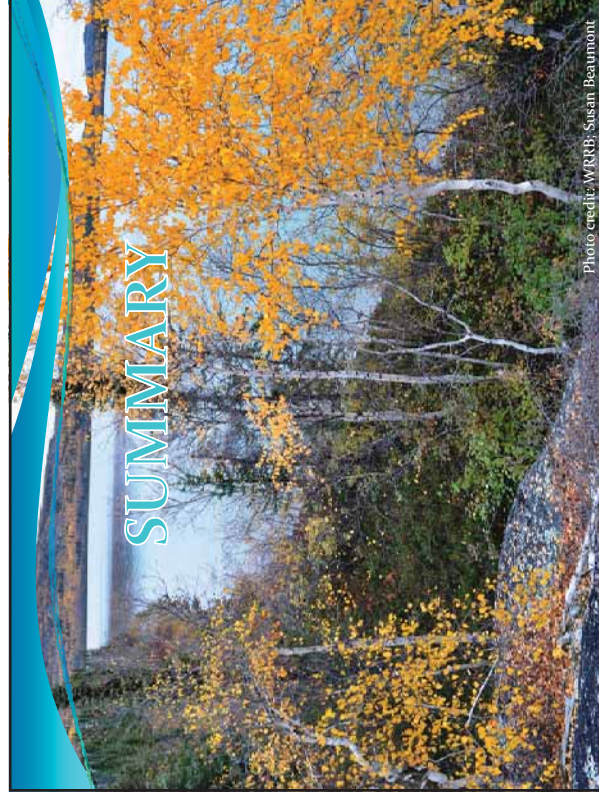


Photo credit: WRRB; Susan Beaumont

## Summary

- Mandate for wildlife, fish and forest management which includes management & research planning
- Play a “review” role in the regulatory process
- Link with the communities



Photo credit: ENR, Oliver Barker

## Summary

- RRBs have the capacity and interest to work with the regulatory Boards to address wildlife and wildlife habitat and forest considerations in regulatory proposals
- Open to discussing opportunities to work together



## QUESTIONS?

Gwich'in Renewable Resources Board, Inuvik  
(867) 777-6600  
aamos@grrb.nt.ca  
www.grrb.nt.ca; facebook.com/grrb.nt.ca

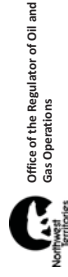
Sahtu Renewable Resources Board, t'a  
(867) 588-4040  
director@srrb.nt.ca, www.srrb.nt.ca  
http://www.facebook.com/SahtuWildlife

Wek'èezhii Renewable Resources Board, Yellowknife  
(867) 873-5740  
jmccullum@wrrb.ca  
www.wrrb.ca ; facebook.com/wrrb.nwt



# Office of the Regulator of Oil and Gas Operations (OROGO)

NWT Board Forum  
June 4, 2014



## Structure

- OROGO is an arm's length unit within the Department of Industry, Tourism and Investment (ITI)
- OROGO currently receives technical support and expertise through service agreements with the Alberta Energy Regulator (AER) and the National Energy Board (NEB)

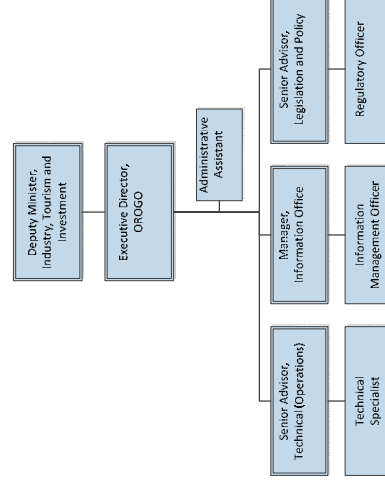


## Mandate

- OROGO regulates oil and gas operations for the primary purposes of ensuring:
  - Safety
  - Environmental protection
  - Conservation of oil and gas resources



## Organizational Chart



## Areas of Responsibility

- |  |  |
|--|--|
| <p><b>OROGO</b></p> <ul style="list-style-type: none"> <li>• Northwest Territories (NWT) onshore areas, outside of the Inuvialuit Settlement Region</li> <li>• Not including federal lands</li> <li>• Includes <u>all</u> private lands (including Aboriginal settlement lands)</li> </ul> | <p><b>National Energy Board</b></p> <ul style="list-style-type: none"> <li>• The Inuvialuit Settlement Region (for 20 years) (such as waste sites and the Norman Wells Proven Area)</li> <li>• Trans-border/trans-jurisdictional pipelines and related facilities</li> </ul> |
|--|--|



Office of the Regulator of Oil and Gas Operations



## OGOA

- OGOA applies throughout the NWT onshore, **including** the ISR, except in federal areas like Norman Wells Proven Area
- OGOA establishes the Regulator, the Chief Conservation Officer (CCO) and the Chief Safety Officer (CSO)
- Transitional provisions carry over NEB guidelines and filing requirements (e.g. Hydraulic Fracturing) for use by OROGO



Office of the Regulator of Oil and Gas Operations



## Legislation

The *Oil and Gas Operations Act* and the following regulations:

- *Oil and Gas Certificate of Fitness*
- *Oil and Gas Diving*
- *Oil and Gas Drilling and Production*
- *Oil and Gas Geophysical Operations*
- *Oil and Gas Installations*
- *Oil and Gas Operations*
- *Oil and Gas Spills and Debris Liability*

Additional responsibilities under the *Petroleum Resources Act*



Office of the Regulator of Oil and Gas Operations



## An Integrated System

- Regulator under OGOA is a “regulatory authority” within the meaning of Part V of the MVRMA
- Operating Authorizations and Development Plans under OGOA trigger preliminary screening under the newly-amended *Preliminary Screening Regulations*
- OROGO will continue to participate in MVRMA land & water regulatory processes



Office of the Regulator of Oil and Gas Operations



## Collaboration

- OROGO is committed to establishing productive working relationships with other regulators in the NWT
- We are pleased to join the family of NWT regulators at the NWT Board Forum





# Moving Forward Post Devolution

NWT Board Forum  
June 3-4, 2014



## Inspections



- Inspector's Role
- 5 Regional Offices
- Legislation
- Risk Management Program
- Pre-Devolution Inspections and Risk Framework Implications
- Inspections Funding Post-Devolution



## Technical Guidance to Boards

- Technical guidance from GNWT
  - Working group support
  - Guidelines
- Upcoming work



## Securities



- ENR: Environmental Agreement and Water Licence Security
- Lands: Land Lease and Land Use Permit Security
- ITI: Securities for Oil and Gas Authorizations
- Finance: Custodian of Securities



## Securities – Lands L&FA Division

- New division will inform GNWT's broad approach to security management
- Same GNWT officials will continue to work with boards
- Division will not replace board's day to day relationship with GNWT officials who provide security estimates and represent GNWT interests



## Securities – Lands L&FA Division

- Being established to provide a proactive and coordinated approach to the management of securities
- Responsible for GNWT's practices and procedures for securities management, assessment and safekeeping
- Provides policy development to inform the GNWT's broader approach to the management of securities



## New Waters Act

- Changes via Regulatory Improvement Initiative:
  - Board name change
  - Composition of Board
  - Natural person powers
- Mirrored to *Waters Act* administered by ENR
- Minister of ENR approves Type A and some Type B licences



## Inuvialuit Water Board

- **Composition:** five members
  - 2 Inuvialuit
  - 1 federal
  - 2 GNWT
- Chair nominated by majority of members
- Transitional clauses





## IWB – GNWT Support

- Administrative assistance
- Board Support
- Technical Support
- Other work to do:
  - process for board appointments
  - consistent policy considerations



## Water Use Fees

- Devolution Agreement – resource revenues are shared with Aboriginal Governments; this includes water use fees
- Period before April 1, 2014 fees retained by AANDC
- Period after April 1, 2014, fees from AANDC to GNWT
- Appreciate Boards help on this



## Water Licence Application Fees

- Application fees have not changed
- For the Mackenzie Valley, application fees are paid to Canada.
- In the ISR, application fees are paid to the GNWT.
- In the ISR any fees not processed before April 1, 2014 are being paid to the GNWT.



## Land Use Fees

- Post-Devolution
- Path forward – Review of all land use fees



## Surface Rights Board

- Devolution commitment
- Board Members – Recruitment & Appointment
- Business Operations
- Effective Date



## EA Coordination Role

- Delegation
- Lands' Project Assessment Branch
- Environmental Assessment Decisions
- Consultation



## Next Steps

- Ensure all devolved elements meeting obligations
- Departmental and interdepartmental / agencies processes, policy review and transition
- Agreements or MOUs replaced as appropriate
- Building strong partnerships for cohesive management of NWT Lands and Waters



**Thank you**







Aboriginal Affairs and  
Northern Development Canada


Affaires autochtones et  
Développement du Nord Canada



AANDC Presentation to the Board Forum

June 2014





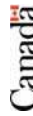
Aboriginal Affairs and  
Northern Development Canada


Affaires autochtones et  
Développement du Nord Canada

Post Devolution Regional Responsibilities

- Continue to develop Governance and partnerships with the territorial government, Aboriginal Organizations and communities
- Contribute to the negotiation and implementation of Land Claim Agreements
- AANDC will continue to administer oil and gas rights and interests in the Beaufort Sea and other northern offshore areas
- AANDC will also continue to administer a number of First Nations programs including those to First Nations individuals
- Manage the Resource and Land Management Programs on Federal/Reserve Lands and the offshore pursuant to federal legislation including inspections
- Northern Contaminated Sites Program will continue to oversee the management and remediation of approximately 80 contaminated sites in the Northwest Territories

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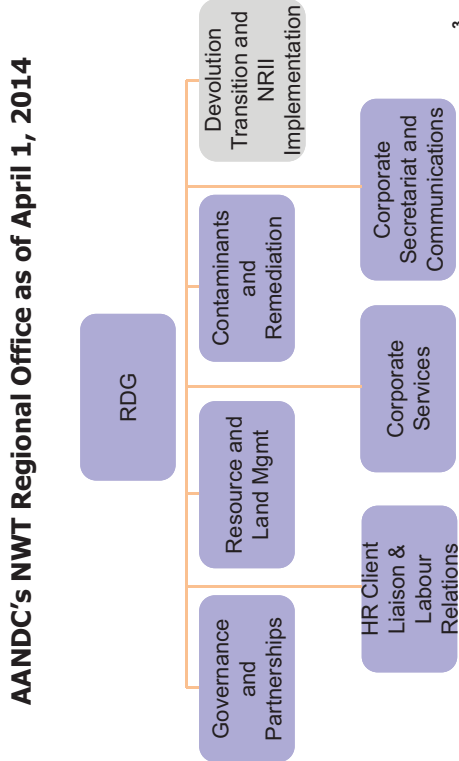




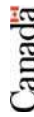
Aboriginal Affairs and  
Northern Development Canada


Affaires autochtones et  
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AANDC's NWT Regional Office as of April 1, 2014



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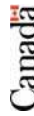
Aboriginal Affairs and  
Northern Development Canada

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Inspections

- AANDC is hiring 2 Inspectors who will work from Yellowknife
- Land, water and offshore responsibilities are combined
- Risk based approach will remain
- Currently utilizing an interim approach:
  - Inspector in Whitehorse
  - Agreement with GNWT for Emergency situations
  - Additional Technical expertise from Nunavut Office

4





## Mine Reclamation and Securities

- There are no active mines on excluded lands
- Some exploration activities remain
- Federal Mine reclamation Policy remains in effect along
  - Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories remains in effect
- Use of RECLAIM model will continue
- Utilize main principles for collection of security will guide approach to Oil and Gas sector



# Intergovernmental Council on Land and Resource Management

Presentation to the Board Forum

June 4, 2014





## Background




- Northwest Territories Intergovernmental Agreement on Land and Resources Management (February 27, 2014)



## Intent



- Responds to the unique situation of the Northwest Territories
- Holistic, integrated approach
- Respects Aboriginal Rights
- Encourages Sustainability
- Builds Capacity



## Duties of the Council

- review the land and resource management systems of each Party including potential changes
- address legislative requirements for benefit agreements relating to resource development
- review and develop any proposed changes to the legislation that the GNWT is required to substantially mirror
- develop protocols to ensure that the management of Public Lands and resources and rights in respect of Waters is consistent with the duties associated with the honour of the Crown, including the duty to consult and where appropriate accommodate...



## Duties of the Council, continued

- provide a forum for information sharing and discussion of interests connected to the Canada-NWT Post Devolution Resource Development Cooperation Arrangement; to ensure that the interests of the Aboriginal Parties are considered under that arrangement
- provide a forum for discussion regarding the review contemplated at section 3.18 of the Devolution Agreement respecting the *Mackenzie Valley Resource Management Act*;
- provide a forum for discussion on any future transfers of powers and authorities from Canada to GNWT related to the control of public lands, water and the disposal of waste
- Review and assess the existing land and resource management systems in the NWT to identify priority areas for potential changes and approaches; and develop a work plan to address these

5



## Considerations

In carrying out these duties, the Council will consider:

- regional capacity building
- integrated land use permitting and water licencing
- potential coordination of activities or reallocation of functions related to land and resource management
- the use of regional strategic environmental assessment to promote efficiency and avoid duplication in environmental assessment processes
- coordinated approaches to waste sites management
- coordinated approaches to inspections, monitoring and enforcement

6



## Current Parties

- Government of the Northwest Territories,
- Inuvialuit Regional Corporation,
- Northwest Territory Métis Nation,
- Sahtu Secretariat Incorporated,
- Gwich'in Tribal Council
- Tłıchq Government
- Acho Dene Koe First Nation
- Denínu Kúé First Nation
- Salt River First Nation

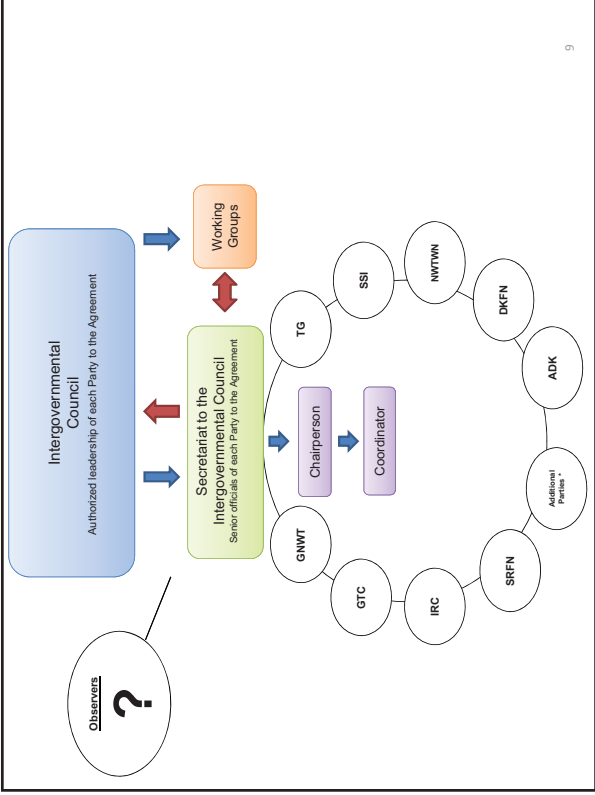
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## Intergovernmental Council

- Made up of political leaders
- Meets at least once a year
- May establish:
  - A Secretariat
  - Working Groups
- May involve Observers

8




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## Current Status and Next Steps

- Senior officials met in Yellowknife on May 30
- Reviewing and developing Secretariat Terms of Reference for Council's consideration
- Drafting potential agenda for leaders' review for first Intergovernmental Council meeting

10



## Opportunities?

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