

# nwt board forum

Resource Management information for the NWT



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

February 10-11, 2015  
Yellowknife NT



# **NWT BOARD FORUM SUMMARY REPORT**

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

**FEBRUARY 10-11, 2015**

**Prepared for:**

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## **1.0 INTRODUCTION**

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

The 20<sup>th</sup> NWT Board Forum was held in Yellowknife, NT on February 10-11, 2015. With devolution coming into effect April 1, 2014 the primary areas of discussion during the two day meeting were the progress completed related to the transfer of responsibilities from the federal government to the territorial government, ongoing work moving forward post-devolution and changes related to the re-structuring of the resource management boards. There were also opportunities for updates from Board Forum members.

### **1.2 REPORT STRUCTURE**

This report presents a summary of the 20<sup>th</sup> NWT Board Forum meeting held in February 2015. 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 and co-chairs, Ernie Campbell (Deputy Minister, GNWT-ENR) and Mark Warren (Deputy Minister, GNWT-Lands), an opening prayer was led by Leon Andrew.

## **3.0 ROUNDTABLE UPDATES**

### **3.1 ENVIRONMENTAL IMPACT SCREENING COMMITTEE – JON ONDRACK, CHAIR**

Jon Ondrack, Chair of the Environmental Impact Screening Committee (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.
- Screening activity by the committee in 2014 included a total of fifty-two project proposals. Of these, 25 proposals did not meet the definition of development under the Inuvialuit Final Agreement and were not reviewed by the EISC. Of the remaining 27 proposals that did meet the definition of development, 16 were deemed exempt from screening and 11 proposals were screened by the EISC. No proposals were referred to environmental assessment.
- Development activity is expected to remain low for the coming year. During this time the Committee is working to improve the review process to enable quicker review and decision making in the future.
- Attending the Arctic Oil & Gas Symposium in Calgary March 9-11, 2015.

- New website and public registry is expected to go live this month. A key feature is the ability for parties to register for email notifications of new files on the registry and of new postings to a file on the registry.

### **3.2 INUVIALUIT WATER BOARD – ROGER CONNELLY, INTERIM CHAIR**

Roger Connelly, Interim Chair of the Inuvialuit Water Board (IWB), provided the following update:

- The IWB Strategic Plan 2015-2019 has been approved and is currently being printed for distribution.
- The IWB Rules of Procedure have been approved. This is based on lessons learned during the Inuvik to Tuk Highway Type A water licence public hearing process.
- The IWB Budget Management guide has been approved.
- IWB water licence administration and monitoring:
  - GNWT-DOT Type A Water Licence for Inuvik to Tuk Highway project management plan review and approval.
  - Imperial Oil Resources Type B Water Licence for Bar C, Tununuk Point Reclamation Program.
  - Hamlet of Aklavik Municipal Water Licence renewal.
  - Awaiting submission of a new water licence for the Hamlet of Tuktoyaktuk including proposed new solid waste facility.
- Municipal Wastewater Management Workshop will be hosted by the IWB in Inuvik February 25-26, 2015 and will be attended by representatives from each Hamlet organization in the ISR. This workshop is one of a four part series the IWB has been providing to the municipal governments within the ISR. The goal is to build capacity with regard to water licensing and management plan development, and address areas of recurring non-compliance issues identified during inspections. The IWB is working collectively with municipal governments to resolve these issues.
- Development activities anticipated to remain low during the next year.

### **3.3 NATIONAL ENERGY BOARD – PETER WATSON, CHAIR**

Peter Watson, Chair of the National Energy Board (NEB), provided the following update:

- The NEB is undertaking a cross-Canada engagement initiative and will be visiting every province and the North to meet directly with interested groups to discuss pipeline safety and environmental protection. More detail is provided in the NEB presentation included in Appendix B of this report.
- Same Season Relief Well (SSRW) Technical Proceeding
  - Chevron Canada Ltd. (Chevron) and Imperial Oil Resources Ventures Ltd. (IORVL) each hold Exploration Licences in the Beaufort Sea. NEB has not yet received an application for an Operations Authorization from either company.
  - In 2014 both IORVL and Chevron submitted letters to the NEB requesting the Board to consider and provide a ruling on their respective alternative

proposals to the NEB's SSRW Policy. The Board granted the two requests for review and indicated it would examine each proposal on its own merits.

- In October 2014 IORVL indicated it would be submitting its proposed SSRW alternative to NEB in the third quarter of 2015.
- In December 2014 Chevron indicated it was putting on hold indefinitely its drilling plans for its exploration licence in the Beaufort and withdrew from the SSRW Technical Proceeding.
- NEB continues to engage Inuvialuit leadership and communities regarding the SSRW Technical Proceeding.
- On December 19, 2014 the NEB issued a ten-year term Operations Authorization to Imperial Oil Resources NWT Limited to continue production operation activities at the Norman Wells Proven Area. Imperial currently has no plans to drill additional wells in the Norman Wells Proven Area.
- The NEB and GNWT signed a two year Service Agreement in 2014 to allow the NEB to provide technical services and advice for ongoing projects, and transfer records post-devolution. The NEB is looking to formalize commitments in a MOU. The concepts under consideration for the MOU include:
  - Providing a mechanism for cooperation in regulation of any projects or activities that straddle boundaries between NEB and GNWT regulated areas
  - Enabling the NEB and the Office of the Regulator of Oil and Gas Operations (OROGO) to address matters of mutual interest
- The NEB has approved a Geophysical Operations Authorization (GOA) for a 2D offshore seismic survey program in Baffin Bay and Davis Strait. The GOA is valid for five years and operators plan to commence the seismic program in the 2015 open water season. The GOA is the subject of an application for judicial review. NEB continues to engage Baffin leadership and communities regarding offshore seismic exploration.

### **3.4 OFFICE OF THE REGULATOR OF OIL AND GAS OPERATIONS – JAMES FULFORD, EXECUTIVE DIRECTOR**

James Fulford, Executive Director of the Office of the Regulator of Oil and Gas Operations (OROGO), provided the following:

- OROGO has been in existence for close to one year and has been transitioning and growing since the last Board Forum in June 2014.
- OROGO has been working to develop key processes during this pause in oil and gas exploratory activity in the Mackenzie Valley. This work will continue over the next year.
- Areas of focus include establishing incident response capacity and a presence in the field, building relationships with communities and other regulators, and working to ensure that OROGO is as open and transparent as legislation allows.

### **3.5 MACKENZIE VALLEY LAND AND WATER BOARD – WILLARD HAGEN, CHAIR AND ZABEY NEVITT, EXECUTIVE DIRECTOR**

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

- The MVLWB is working through changes post-devolution. The Board is the main regulator after devolution was implemented. This transition has been very smooth. Thank you to GNWT and AANDC that set up committees to help with this transition.
- The MVLWB signed an MOU with OROGO and there is a spirit of cooperation between the two organizations.
- The MVLWB has issued a set of draft guidelines on board processes to determine financial liability for mining companies. These draft guidelines are out for review and comment is welcome.
- The current focus of the MVLWB is preparing for the re-structuring of the regional land and water boards into an amalgamated board on April 1, 2015. The MVLWB is working with executive directors of other resource management boards with the support of AANDC and the Board Forum to see how items such as structure, HR, continuity of existing files will transition during the amalgamation process. More information will be coming out in the next month.
- Applications to the MVLWB – some projects are backing out of the process due to financial issues (e.g., Avalon Minerals, Canadian Zinc).

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

JoAnne Deneron, Chair, and Mark Cliffe-Phillips, Executive Director of the Mackenzie Valley Environmental Impact Review Board (MVEIRB), provided the following update:

- MVEIRB will be hosting an Environmental Assessment Practitioner workshop February 16-17. This workshop will focus on the roles and responsibilities of MVEIRB as amendments to the *Mackenzie Valley Resource Management Act* come into force and on improvements to current and potential MVEIRB processes.
- MVEIRB is also improving co-ordination and assistance on environmental assessment files with the Land and Water Boards.
- MVEIRB will continue to administer funding for the NWT Board Forum Training for the 2014-2015 fiscal year.
- Highlights of Environmental Assessment:
  - The Terms of Reference for Canadian Zinc's Prairie Creek All Season Road and Airstrip has been issued by MVEIRB. The Developer's Assessment Report (DAR) for this project is anticipated to be received in March 2015.
  - The DAR for Dominion Diamond's Ekati Mine Jay Project was submitted in November 2014. The MVEIRB is in the process of finalizing an adequacy review of this submission.
  - Public hearings were held for the DeBeers Snap Lake Water Licence Amendment in June 2014. The Minister of Lands accepted the

recommendation from MVEIRB to approve the development subject to the implementation of the final measures.

- MVEIRB is currently in the process of revising the Terms of Reference for the GNWT-Department of Transportation Mackenzie Valley Highway Extension. This is due to a change in scope to include an extension of the road from Wrigley to Norman Wells.
- The environmental assessment of the Tyhee Yellowknife Gold Project is currently waiting on information from the developer to reinitiate the process.

### **3.7 GWICH'IN LAND USE PLANNING BOARD – ARTHUR BOUTILIER, MEMBER**

Arthur Boutilier, Member of the Gwich'in Land Use Planning Board (GLUPB), provided the following update as Sue McKenzie, Executive Director was unable to attend:

- The final draft revised *Nan Geenjit Gwitr'it T'agwàa'in/Working for the Land – Gwich'in Land Use Plan* was sent to the three signatories (AANDC, GNWT and the Gwich'in Tribal Council) for the final review of this document. The remaining steps proposed for this final review and approval process are:
  - Signatories undertake a quick review to identify any potential “hot button” issues and assess the time required for a full review of the document.
  - Signatories provide the GLUPB with an estimate of time for a full review and any preferences for process by February 20, 2015.
  - GLUPB will set the timelines and process based on input from the signatories. The process could include: timing for final comments by signatories, timing for the consideration of final comments by GLUPB, timing for the GLUPB to finalise the plan document and distribute, and timing for signatory approvals if possible.
- The GLUPB is continuing work on the Atlas Project. A consultant is now in place to assist with completing this work.
- The GLUPB is shifting planning efforts to the Regional Plan of Action which will outline the issues the GLUPB will be looking at for the next review. It will also examine other resource management issues outside the scope of the Plan in an effort to find ways to improve integrated resource management in the Gwich'in Settlement Area.

### **3.8 GWICH'IN LAND AND WATER BOARD – LEONARD DE BASTIEN, EXECUTIVE DIRECTOR**

- The Board has been without a chair since January 2015 and is awaiting the reappointment of Paul Sullivan as Chair.
- There were three issuances in the past year by the GLWB.
  - Two land use permits and one amendment to the Inuvik water licence.
- Working with the clean up on the Chinook Energy Inc. - 2014 Reclamation south of Tsiigehtchic.

### **3.9 GWICH'IN RENEWABLE RESOURCES BOARD – DOUG DOAN, MEMBER AND AMY AMOS, EXECUTIVE DIRECTOR**

Doug Doan, Member and Amy Amos, Executive Director provided the following update for the Gwich'in Renewable Resources Board (GRRB) as Eugene Pascal, Chair was unable to attend:

- The GRRB is now able to have meetings with full representation, although some vacancies remain on the board. The GRRB continues to recommend timely and staggered appointments to the Implementation Committee. The GRRB is also fully staffed now with five permanent full-time positions and one term full-time position.
- GRRB provided input into the Gwich'in Implementation Plan activity sheets review via the Gwich'in Tribal Council, as well as input into the Board Analysis process via AANDC.
- Review of regulatory applications (Research, Land Use, Land Access, Water Use):
  - GRRB adopted a regulatory review policy which gives staff 45 days to respond to review requests that do not have legislative deadlines
  - Staff technical reviews include engagement with Renewable Resource Council
  - For major projects, staff forward technical comments to the GRRB for support prior to submission
- Fibre Link Project – GRRB had concerns with water withdrawal limits, habitat disturbance, disturbance mitigation and lack of baseline data prior to construction.
- GRRB reviews and comments on status reports, and reviews and approves proposed listings and management plans/recovery strategies for Species at Risk.
- Wildlife Act and Phase 1 regulations are approved. Work will continue on Phase 2 which will include wildlife habitat and monitoring plans.
- Update on Management Plans:
  - Bluenose-West, Bluenose-East and Cape Bathurst Caribou management plans approved.
  - Action table in Dall's Sheep management plan approved.
  - Implementing Dolly Varden Integrated Fisheries management plan and Forest management plan for Gwich'in Settlement Area.
- Work on research and monitoring projects will continue:
  - Gwich'in harvest data collection
  - Dolly Varden habitat monitoring
  - Assistance with DFO and ENR research
  - Dall's sheep monitoring pilot project (2015)

### **3.10 SAHTÚ LAND AND WATER BOARD – LARRY WALLACE, CHAIR AND PAUL DIXON, EXECUTIVE DIRECTOR**

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

- The SLWB is still awaiting the appointment of a GNWT representative to the Board.



- Glad to hear from NEB update that they have decided to extend the Imperial Oil Project. The SLWB has made major efforts this year to review the Imperial Oil Type A Water Licence application for this project. This review began a year and a half ago and had a number of delays, including a jurisdictional review, an extension to the term of the current licence, and a review of financial liabilities. The SLWB and staff delivered a draft licence and reasons for decision to the federal minister.
- The SLWB deals mostly with oil and gas development projects in the Sahtú area. The area is losing oil and gas projects due to falling prices, however there is no indication from companies working in this area that projects are totally dropped, just postponed for now due to the market.
- The SLWB has seen the Mackenzie Highway, Fibre Optic cable project, and some mining projects within the last few years.
- The SLWB has been producing more maps in an effort to communicate more effectively with stakeholders and the public on activities of the SLWB. This has been received with good feedback.
- The SLWB had been conducting annual information sessions to discuss what resource management is and how the SLWB functions, including sessions with high schools in the last few years to engage youth. The SLWB has been unable to do this engagement this year due to staffing issues.
- Now that the Imperial Oil license review has concluded, the SLWB will focus on working towards the transition planning and implementation in preparation for the amalgamation process.

### **3.11 SAHTÚ RENEWABLE RESOURCES BOARD – LEON ANDREW, ADVISOR**

Leon Andrew, Advisor to the Sahtú Renewable Resources Board (SRRB), provided the following update:

- There is not much happening in industry in the Sahtú.
- There has been water monitoring and some research in the Sahtú.
- Appointments to the SRRB are not at capacity. Without full Board appointments the process is not working properly.

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

Violet Camsell-Blondin, Chair and Brett Wheler, Executive Director of the Wek'èezhìi Land and Water Board (WLWB), provided the following update:

- The WLWB continues to meet on a regular basis to conduct preliminary screenings and review applications for new permits and licences, as well as amendments, renewals and extensions of existing permits and licences.
- The WLWB is currently operating with a full complement of Board members. Government appointments were made to allow quorum. It is critical that appointments come on time to allow review of projects.

- Decision made by WLWB regarding Husky Oil Ltd. Chedabucto Mineral Exploration Development in Whitebeach Point area. The decision will be released to the media.
- WLWB activities have focused on major mining projects with the majority of board resources spent on administering these projects.
- Staff are becoming more comfortable with ongoing reporting and monitoring cycles (1, 3, 5 year cycles). Able to consider longer term licenses.
- Ekati
  - Ekati Lynx Type A Water Licence Amendment
    - Water Licence issued for expansion of Ekati mine following approval by Board and Minister. This includes mining one additional kimberlite pipe. Associated Land Use Permit also approved by WLWB.
  - WLWB decisions on numerous major reports, monitoring programs and management plans.
  - Water Licence Amendment process initiated by WLWB to add a condition to require the Licensee to post security within a specified timeframe. This was approved by WLWB and has been sent to the Minister.
  - Misery Power Line Land Use Permit issued by WLWB.
  - Extensions to various land use permits approved by WLWB.
- Diavik
  - WLWB decisions on numerous major reports, monitoring programs and management plans.
  - Surveillance Network Program amended by WLWB.
  - WLWB proceeding for Type A Water Licence Renewal began January 30, 2015. This will continue through the board restructuring April 1, 2015.
  - WLWB members and staff visited Diavik mine site in August 2014.
- NICO (Fortune Minerals Ltd.)
  - Type A Water Licence application for new mining operation approved by WLWB and Minister. Type A Water Licence and associated Land Use Permit issued by WLWB.
  - Staff have worked with the licensee regarding compliance dates and the establishment of expert panels for constructed wetland treatment systems and co-disposal facility for waste rock and tailings. Wetland panel being established this month.
  - Requirements in licence linked to milestones of development. This recognizes that schedule of development could change.
- Community Government of Behchokò now required Type A Water Licence as population is now greater than 2,000. This was a big undertaking to approve. Licence issued November 26, 2014.
- Dogrib Power Corporation Water Licence Renewal (hydroelectric power generation) approved by WLWB and recommendations sent to Minister. Licence issued November 9, 2014.
- WLWB continues with Municipal Water Licence training program to support water quality monitoring in the four Tłıchǫ communities. Annual reports for these communities were submitted to WLWB this year.
- WLWB has been working on the development of an online application system. This system is now functional.

- WLWB continues to work on community-based monitoring programs for water, sediment and fish in partnership with the Wek'èezhìi Renewable Resources Board and the Tłıchǫ government.
  - Marian Watershed Stewardship Program focused on collecting baseline information to help detect downstream effects of the NICO Mine.
  - Tłıchǫ Aquatic Ecosystem Monitoring Program monitoring in lakes surrounding each Tłıchǫ community complete. Plan to continue monitoring to investigate cumulative effects and keep community members informed about water and fish quality near communities.

### **3.13 WEK'ÈEZHÌI RENEWABLE RESOURCES BOARD – JODY PELLISSEY, EXECUTIVE DIRECTOR**

Jody Pellissey, Executive Director of the Wek'èezhìi Renewable Resources Board (WRRB), provided the following update:

- WRRB is currently operating without a permanent Chair. Grant Pryznyk will continue as Interim Chair until a permanent Chair is appointed.
- Jonas Lafferty and Archie Wetrade were re-appointed by the Tłıchǫ Government in November and December 2014 respectively.
- Jody Pellissey resumed position as Executive Director effective August 5, 2014. The Board recognizes the contribution of John McCullum during his tenure.
- Revisions are being made to the WRRB Strategic Business Plan (2012-2015) and the WRRB Communication Strategy (2012-2015).
- Ongoing work regarding wildlife and habitat management.
  - Management Proposals
    - Caribou management actions in Wek'èezhìi
    - Mackenzie Bison population harvest closure
    - Proposal to approve new *Wildlife (NWT) Act* regulation amendments
    - Monitoring Bathurst and Bluenose-East Caribou herds
    - Mobile core Bathurst Caribou conservation area
  - Management Plans
    - Ongoing collaboration in development of short- and long-term management planning mechanisms and processes for the Bathurst Caribou herd. Participating in Bathurst Caribou range management planning process.
    - Advisory Committee for Cooperation of Wildlife Management submitted "*Taking Care of Caribou: The Cape Bathurst, Bluenose-West and Bluenose-East Barren-ground Caribou Herds Management Plan*". Work ongoing to develop associated Action Plans for each Bluenose herd, with Bluenose-East Caribou herd identified as the first priority.
  - Tłıchǫ Aquatic Ecosystem Monitoring Program (TAEMP)
    - TAEMP rotates sampling through each of the four Tłıchǫ communities once every four years. The initial baseline sampling phase is complete.
    - In 2015 the first round of comparative sampling will begin.

- Species at Risk (NWT and Federal)
  - WRRB will review and comment on proposed NWT Recovery Strategy for Boreal Caribou and conduct joint consultation on the strategy with the Tłıchǫ Government.
  - WRRB will review and comment on proposed federal recovery documents for Wood Bison and Little Brown Bat.
  - WRRB will continue to review assessments, listings and recovery documents for species in both territorial and federal processes.

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

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

- EIRB is continuing the review of the Beaufort Sea Exploration Joint Venture Drilling Program and is working with the NEB to design an efficient and timely overall review process that meets the requirements of both agencies while avoiding duplication and overlap.
- Imperial Oil (Imperial) changes regarding plans for this project have not allowed the completion of the environmental assessment.
- Issue with Same Season Relief Well drilling is one of the major issues under consideration. Last spring Imperial asked NEB to get a ruling on this issue before going on with the EA regulatory process. The EIRB welcomes this change. If the technology is not adequate or deemed insufficient the EA would have been conducted for nothing. EIRB could not finish the EA without knowing that the technology was deemed efficient by the regulator.
- Worst-case scenario (WCS) must be developed under *Inuvialuit Final Agreement* (IFA) for purpose of setting limits of liability and compensation. This is a very important provision of the IFA. Use of WCS is increasing across the world because of off-shore drilling.
- EIRB released the Process Directive and Terms of Reference for the Determination of the WCS for the Beaufort Sea Exploration Joint Venture Drilling Program. EIRB expects Imperial to provide a WCS Description in the near future.
  - Once the WCS Description is received EIRB will issue a notice with the date, time and location for the WCS Proceeding. This proceeding will be an opportunity for stakeholders and the public to provide technical evidence and comments to the EIRB on the WCS Description.
  - The report from the WCS Proceeding will include the EIRB's decision and conclusions regarding the determination of a WCS.
  - WCS Proceedings will occur prior to the NEB Same Season Relief Well (SSRW) Technical Proceeding.
  - It is expected that the supplemental information requested by the EIRB will be provided by Imperial after the NEB SSRW Technical Proceeding.
  - EIRB will subsequently undertake an Environmental Impact Assessment of the development.

- EIRB intends to conduct a community tour and will conduct public information sessions relating to the review process, the WCS proceeding and how communities and individuals can participate.
- Continuing board development with training programs for topics that are critical to the evaluation of the proposed Beaufort Sea Exploration program.
- EIRB is operating with a full board. Four members were reappointed to the Board this year. The IFA was not a part of the devolution process so Canada member is still appointed by AANDC. Would like to recognize the importance of not changing Board members during a complex environmental assessment process, such as the Imperial EA. Resources are invested in training and Board development to understand new technologies in an assessment of this complexity. When Board members are changed during the assessment process there is a loss of knowledge and continuity which can negatively affect the process.

### **3.15 ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT CANADA – MOHAN DENETTO, REGIONAL DIRECTOR GENERAL**

Mohan Denetto, Regional Director General of Aboriginal Affairs and Northern Development Canada (AANDC), provided the following update:

- Thank you to GNWT for hosting this Board Forum.
- AANDC is no longer predominantly involved in land and water resources development in the NWT.
- Working through challenges in defining responsibilities through the transition of devolution.
- Still have responsibility for providing programs to Aboriginal people, meeting treaty commitments and negotiation processes.
- AANDC will continue to manage excluded lands still under federal jurisdiction.
- Contaminated sites are still managed regionally by AANDC, with the exception of Giant Mine which is managed directly by headquarter colleagues.

### **3.16 SAHTÚ LAND USE PLANNING BOARD – DANNY BAYHA, ACTING CHAIR, AND SCOTT PASZKIEWICZ, EXECUTIVE DIRECTOR**

Danny Bayha, Acting Chair and Scott Paszkiewicz, Executive Director of the Sahtú Land Use Planning Board (SLUPB), provided the following update:

- Danny Bayha currently acting as Chair, Heather Bourassa has not been reappointed yet. Board appointment process seems to be plaguing Board progress. A delay in appointments is creating issues with reaching quorum and is making it difficult for the Board to make determinations when projects are brought forward. Want to continue to encourage people with responsibilities regarding appointments to keep the process alive. SLUPB currently has three members and two vacancies. If one member is unable to attend do not have quorum.

- Would like to urge some caution in the transition to an amalgamated Board. May lose the spirit of land claims and co-management. There must be a balance as these Boards are brought together and make decisions out of respect of this idea.
- The Sahtú Land Use Plan (SLUP) has been in effect for a year and a half. Since it was approved, SLUPB has transitioned into a role of implementation, monitoring and preparation for the 5-year review in 2018. This review will help continually improve planning stages.
- Newsletters from Boards provide helpful educational materials for communities and give a level of accountability to stakeholders and people living in the north.
- SLUPB has adopted Rules of Procedure for the Management of the SLUP, including rules for core Board functions as well as rules for hearings and general matters.
- SLUPB created a new GIS Analyst/Planner position as part of an overall effort to increase the Board's GIS capabilities, including the review and maintenance of existing files, updating data resources for future planning activities, and preparing mapping products for the Board and planning partners.
- SLUPB redesigned its website to make planning documents more available to the public and includes a new registry to record Board decisions. An online zoning map and GIS files are available on the website now.
- SLUPB reviewed and updated its Consolidated Policies and By-Laws which were adopted in December 2014.
- Amendment to the *Canada National Parks Act* formally establishes the Naats'ihch'oh National Park Reserve effective December 17, 2014. The SLUP no longer applies within the new national park reserve and the SLUPB has updated maps and GIS files to reflect this change in the boundary.
- SLUPB has begun preparations for an amendment process to consider zoning options for lands that remain zoned as Naat'ihch'oh Proposed Conservation Initiative (Zone 41). Until an amendment is approved, these lands remain Proposed Conservation Initiative and have the same protection status as a SLUP Conservation Zone.

### **3.17 GOVERNMENT OF THE NORTHWEST TERRITORIES, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES – DORIS EGGERS, DIRECTOR**

Doris Eggers, Director in the Government of the Northwest Territories Department of Environment and Natural Resources (GNWT-ENR), provided the following update:

#### **Environment Division:**

- Transitions in program and legislative development and where responsibilities lie post-devolution in the department.
- GNWT-ENR is looking to strengthen tools for environmental management with the focus of strong scientific and traditional knowledge.
- *Canadian Environmental Protection Act* Part 9 will be transitioned to GNWT-ENR. Policy and legislation work will take place over the next 2-3 years.
- Working with the Department of Industry, Tourism and Investment to develop a Northwest Territories Environmental Studies Research Fund to replace the federal research fund.

- ENR will be renewing GNWT Science Agenda which identifies science and technology programs and priorities for the NWT.
- Effective April 1, 2015 GNWT will transfer energy functions to the Department of Public Works and Services to improve coordination of energy policy, planning and communication activities. This includes ENR's alternative energy programming. ENR will retain responsibility for Climate Change Adaptation and maintaining the Greenhouse Gas Inventory.

**Conservation Assessment and Monitoring Division:**

- Under the Devolution Agreement the responsibility under MVRMA Part 6 for Cumulative Impact Monitoring and NWT Environmental Audit is delegated to ENR. The 2015 Environmental Audit is underway and will be completed in January 2016. GNWT is committed to responding to recommendations directed to the GNWT in the audit.
- ENR is developing a new NWT CIMP Strategic Plan 2015-2020 organized around four activity areas that address the mandate of CIMP.
  - Work to understand key monitoring priorities, coordinate, conduct and fund cumulative impact monitoring, research and analysis
  - Communicate results to decision-makers and the public
  - Facilitate the NWT Environmental Audit
- Ministerial Authority for Territorial Parks Act was transferred from Industry, Tourism and Investment (ITI) to ENR. The Minister of ENR is now responsible for establishing new protected areas under the Territorial Parks Act. ITI will continue its role of managing existing Territorial parks. The Minister of ITI is responsible for tourism-related parks. The Minister of Education, Culture and Employment is responsible for heritage parks.
- Working on refining a process for the application of 'Northern Tools' that could be used to advance land interests and achieve northern priorities.

**Waters Division:**

- Waters Division was created post-devolution and has new responsibilities with the *Water Act* as of April 1, 2014.
  - GNWT-ENR now responsible for appointments for IWB. Two members have been nominated to date.
- Minor change to the IWB regulatory process under the *Waters Act*. The Minister of ENR now has 45 days instead of 30 days to accept or reject a Type A Water Licence once submitted by the IWB (as per s47(3) of the *Waters Act*).
- ENR continues to implement the NWT Water Stewardship Strategy and is planning an independent evaluation of the 2010-2015 Strategy. This will be used to develop an updated action plan.
- Negotiations on the Alberta-NWT and British Columbia-NWT Trans-boundary Water Agreements are almost complete. Consultations are being concluded on the Intentions documents for both these agreements.
  - Will continue to work towards agreements with Saskatchewan and Yukon.

**Forest Management Division:**

- GNWT-ENR has continued responsibility for forests and wildlife management, and is still much in transition.
- Forest Management Agreements are a new approach to support commercial timber harvesting with Aboriginal corporate entities.
  - Two agreements are in place at this time, one in Fort Resolution and one in Fort Providence.
- Work is being done to update legislation on a new Forest Management Act by fall 2015.
- Work in early stages of developing a regulated approach for the commercial harvest of mushrooms.

**Wildlife Division:**

- Update to the *Wildlife Act* – a lot of work has been done on this collaborative process. The first set of regulations came into place in November 2014. ENR is now in the process of developing regulations for the *Wildlife Act*.

**Field Support Unit:**

- The responsibility of the Traditional Economy Programs has transferred to the Minister of ENR. ENR is in the process of developing a Strategic Plan for implementation of this program.

**3.18 GOVERNMENT OF THE NORTHWEST TERRITORIES, DEPARTMENT OF LANDS – MARK WARREN, DEPUTY MINISTER**

Mark Warren, Deputy Minister of the Government of the Northwest Territories Department of Lands (GNWT-Lands), provided the following update:

- As of December 31, 2014 have conducted 84 inspections
- GNWT-Lands has invested additional resources in inspections.
  - Senior Inspectors and Superintendents.
  - Have created an entry level Resource Management Level 1 to develop capacity at a local level.
- 11 new land leases issued.
- 23 subdivision applications approved.
- Have moved from the AANDC model of two area district offices to five regional offices and a sixth satellite office in Hay River.
- GNWT-Lands is creating a Surface Rights Board and is looking to complete appointments by the end of February 2015.
- Established Liabilities and Financial Assurances Division (LAFA).
  - Oversight and coordination of Surety Bond with Ekati.
  - Working with Queen's University for a Policy Scan.
  - Spearheading GNWT security management system.
- Working on Recreation Land Management framework.



- Expansion to key function – Geomatics Centre expanded. Working with Aurora College and NRCan to develop this program and engage interest in next generation involvement. Are tying this in with satellite connections of the fibre optic link project. New industry in remote sensing and data and are looking at buying one or more drones to help with this work. This would include landscape disturbance and habitat/wildlife mapping.

## **4.0 COMMITTEE REPORTS**

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

Willard Hagen, Co-Chair of the Governance Committee, provided an update of committee activities. The Governance Committee held one meeting in the last year where updates were made to the Terms of Reference for the function of the Board Forum. These draft Terms of Reference will be discussed at this Board Forum. A Working Committee was struck and met in mid to late fall to coordinate the current Board Forum.

### **4.2 BOARD TRAINING UPDATE – MICHELLE KELLY**

Michelle Kelly, AANDC Board Relations Secretariat, began by thanking the MVEIRB for administration of the Board training. The Training Committee's activities and updates included the following:

- Total budget of \$50,000 for 2014-2015.
- Two courses were identified by the Committee as training priorities:
  - Administrative Law – The Board Decision-Making Process
    - Will be held March 24-25, 2015 in Yellowknife. Over 20 staff members signed up
    - Course will include an overview of administrative law principles
    - Course will include role playing situations designed from actual northern tribunal experiences
    - The NWT Board Forum will hire a contractor to deliver a classroom course
    - Estimated cost \$45,000 (includes travel costs for board members and staff to attend)
  - Renewable Resource Management
    - Course provides an overview of organizations with renewable resource management responsibilities in the NWT
    - Overview of common issues encountered in development applications
    - Explores how renewable resources management integrates with the regulatory system and how issues can be addressed
    - A successful pilot session was held in March 2014 and web-based version was developed
    - Estimated cost \$5,000

- Bob Simpson, Chair has resigned. It will need to be decided how to proceed with this committee in the future. Can look at this component in the Terms of Reference for the Board Forum.

**Discussion:**

- i. **Funding for Board training** – In previous years, the Board Forum received enough funding to hold two to three courses. With funding cuts this year fewer courses will be held. It would be good to see this addressed, as training is an important component to Board function.

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

The Outreach and Communications Committee has been fairly quiet since the last Board Forum.

- Committee does not have a list of active committee members. This Board Forum is an opportunity to solicit membership for this committee.
- Tasks identified at the last Board Forum include:
  - 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.
- These tasks will need to be updated based on changes with devolution and restructuring to an amalgamated Board
- The WLWB will not be in a position to Chair this committee if amalgamation goes forward as planned April 1, 2015.

## **5.0 REVIEW AND CONSIDERATION OF THE NWT BOARD FORUM TERMS OF REFERENCE**

James Lawrance of the Board Relations Secretariat presented a summary of changes in the proposed review draft of the Terms of Reference distributed to Board members at this Board Forum. The presentation also included suggestions for potential updates for future revisions to the Terms of Reference.

- Board Secretariat prepared a review draft and collected comments on the draft document.
- A regular review of the Terms of Reference is needed to ensure it is working.
- Proposed listing members of the Board Forum as opposed to a paragraph discussion.
  - Method to add additional members. Some bodies that are not currently members could be included to observe and present material.

- Some Board Forum committees have become ad hoc, and do not know who the members of these committees are.
  - These committees could be collapsed into one forum Working Group. It can be difficult to find time to run multiple committees with a more formal structure. Perhaps this work could be done by one Working Group.
- Some changes will still be needed in post-devolution framework.
- This Review Draft would serve the Board Forum through the next few months and the Board Forum can continue to consider changes for the next meeting.

#### Discussion:

- **Would like to see representation of Gwich'in, Sahtú or Wek'èezhìi Renewable Resource Boards as members of the Working Group.**
  - The Working Group is not an exclusive or enclosed process.
- **The Joint Secretariat and IGC are not actively participating in the Board Forum activities and the co-management bodies responsible for environmental, and resource management are not included in the list of membership.**
  - The current membership description is not clear. If further review is done on the Terms of Reference it will be necessary to contact IFA bodies to determine what approach they would like to take with involvement.
- **'Responsibilities are environmental and resource regulation'. Where would environmental review bodies and their authority fall? I don't believe the IGC has regulation responsibilities. It would be worthwhile to revisit the criteria to be a part of the group.**
  - We can work on these criteria. The IGC represents the collective Inuvialuit interest in wildlife. It would be wise to modify the criteria to reflect the resource management structure of the ISR. This work could be done in further review for the next Board Forum meeting. Ambiguity in this draft can be worked on with these parties. There are still some questions about where groups fall in this system.
- **The list of groups that is here and who needs to be here goes back to how these Boards were instituted and created under land claims. Signatories from these land claims should be a part of these Boards. Many issues of concern do not get communicated to people who make these decisions. Need to have someone on the Board to represent the land claim groups.**
  - There was an attempt to have land claim organizations attend in Behchokò. There was not as much interest in participation as was anticipated. These organizations are partners in treaties with the governments. Suggest that more discussion between Board members on how to go forward with this and the best way to incorporate these groups is needed.
  - At a past Board Forum there was discussion to develop a linkage between the Board Forum and Intergovernmental panels that will be set up. This could be an avenue to connect, not as regular members, but two groups coming together to discuss issues.

- **The mention of co-management boards in the purpose has been removed from the text. This should be re-incorporated into the Terms of Reference to reflect Renewable Resource Boards. Suggest text to read 'Responsibilities for environmental, and resource co-management'.**
  - It is important to recognize resource management planning as well as co-management.
  - We are dealing with resource management, not resource regulation. All groups are involved in resource management, but not all groups are involved in regulation.
  - Purpose needs to have some description of the role of the Board Forum.

James Lawrance read out edited purpose based on discussion. Motion to accept the Review Draft Terms of Reference was made by Larry Wallace, second by Willard Hagen. Review Draft Terms of Reference accepted with adapted wording and recognition of need for review further.

**Action Items:**

- i. **Governance Committee will continue revising Terms of Reference for presentation at the next Board Forum meeting.**

## **6.0 PRESENTATIONS**

### **6.1 PROJECT COORDINATION IN THE NWT: CANADIAN NORTHERN ECONOMIC DEVELOPMENT AGENCY'S NORTHERN PROJECTS MANAGEMENT OFFICE – MATTHEW SPENCE, NPMO**

Matthew Spence provided a summary of activities and priorities of the NPMO moving forward post-devolution.

- **NPMO Priorities:**
  - Transfer of responsibilities from federal to territorial governments. An MOU was finalized prior to devolution. NPMO will be looking to refine this MOU to better define the responsibilities.
  - Work with over fifty companies operating in the north.
  - Working to track regulatory timelines.
  - Crown consultation model developed and implemented in the NWT.
  - Five project specific working groups established.
- **NWT Specific Activities**
  - Coordinating resource development advisory group meeting and information sessions.
  - Actively meeting with industry.
  - Coordinated an MOU with GNWT on project coordination.
  - Overseeing 15 advanced projects

- Worked with GNWT to move projects through ministerial approvals.
- NPMO Focus on Key Variables
  - Effective regulatory system post devolution. Would be interested in having a discussion at a future Board Forum meeting about enhancements to regulatory review and the permitting process in the north.
  - Infrastructure investments in NWT by federal government. How to invest in all three northern territories and how to best maximize the private and public benefits from this investment.
  - Maximize local labour participation in major resource development projects by making effective use of training resources in the north.
  - Many projects languishing because of a lack of capital needed to complete the project work. How can we maximize foreign investment in major projects?
- Community Readiness Initiative
  - Strategic, collaborative and opportunity-driven socio-economic assessments of community readiness in relation to major projects.
  - Helping communities plan for resource developments and maximize the benefits to communities of this development.
  - Manage the negative social impacts that arise from this type of development.
  - A draft plan for Yellowknife can be shared with the regulatory boards if they are interested in seeing what the plan would look like. This could be shared with members of the board.
- NPMO Consultation Model
  - Model developed with AANDC.
  - A consultative approach was used to populate the assessment report.
  - Model helps understand issues/anxieties in communities and looks at proposed mitigation that can deal with issues directly.
  - Need to ensure federal regulators are engaging communities and resolving these issues in advance of the decision by the federal minister.
- Next Steps
  - Continue to work with the regulatory boards.
  - Seek alignment of Crown Consultation obligation and proponent engagement efforts.
  - Improve collaboration of communication and engagement with other regulatory boards across the north, including issues management, communication protocols and socio-economic matters.

#### **Discussion:**

- **How would the *Transparency Act* impact the IBA process?**
  - The intent of the act is to ensure that no one is paid for a project approval. Need to have the conversation to make sure that what we are doing will not impact the project. Avoid the implication that payments are made to ensure projects are approved.

## 6.2 UPDATE ON IMPLEMENTATION OF MVRMA

### 6.2.1 Adapting to Change: Environmental Assessment Process Updates Post MVRMA Amendments – Mark Cliffe-Phillips, MVEIRB

- Drivers for change
  - Timelines always considered in the past, but no goal posts set for completing the environmental assessment process.
  - Devolution, where do responsibilities lie for signing off on regulations?
  - New board and management caused review of how things are implemented.
  - As the system matures, improvements are being identified.
- Coming into force – MVRMA
  - Timelines and delegation of authority came into effect upon royal assent and implementation of devolution.
  - April 2015 – the authority to make regulations regarding cost recovery and crown consultation.
  - April 2016 – sections dealing with development certificates and pause periods that will directly affect board processes.
- Timelines
  - Timelines do not include 'developer time'.
  - Ministerial time includes any potential consult-to-modify process.
  - No timelines for Tłıchoᑦ decisions.
- Timeline Tracking
  - Online tracking tool will be available by March and provides a more streamlined process. Notifications are sent to the developer at key milestones.
  - This tool will show how much time has accrued during legislated timelines.
  - Will be discussing with territorial and federal governments about how to incorporate timelines into their websites and registries.
- Scoping Phase
  - Review Board develops an industry/project specific framework for a Terms of Reference to reduce discrepancy in the scoping phase.
  - Working to make things more consistent and timely. Developing specific frameworks for Terms of Reference. This framework for Terms of Reference used to start the Environmental Assessment project, understand the project.
  - Proponent produces a *Developer's Proposed Terms of Reference* submitted to the Review Board to structure the project description during scoping sessions. This *Developer's Proposed Terms of Reference* would be sent out for review by the boards.
  - Use online registry to collect comments on Developer's Terms of Reference. The Board would use this to produce the Terms of Reference that is sent out for review.
- Adequacy versus Conformity
  - Is there enough detail to determine potential impacts and to develop predictions
  - Are predictions reasonable and follow from project description, are uncertainties defined and mitigations described.

- The level of detail in project description in licensing process varies. Evaluating adequacy of information provided will enable that there is a certain level of expectation of information before an Environmental Assessment can begin.
- With Adequacy check, parties prepare information requests on some subjects while awaiting adequacy responses on other subjects.
- The amount of time the developer and parties each have has not been reduced. Tiered approach to how information comes in and how the developer responds. This will shorten the review period, but the review would be more comprehensive.
- Online Review System
  - Review Board adopted online review system.
  - Efficient and transparent systems for parties to comment on documents and submit information requests.
  - Allows developer to respond in real time to comments from parties.
- Commitments Tracking
  - Board will require a commitments table from the Developer in the DAR.
  - Board consolidates key commitments and continue to track throughout the process.
  - Mitigate concerns or issues raised during Environmental Assessment or Community Engagement.
  - Will confirm commitments at Technical Sessions and Public Hearings.
- Parties versus Interveners
  - Concerns expressed on how parties register in the EA process.
  - Review Board is evaluating roles of what we currently call 'parties' to the process.
  - Investigating the separation between parties to the EA process and interveners to the public hearing process.
- Reasons for Decision
  - Board is issuing Reasons for Decision on Scoping and other board decisions as they see fit throughout the process.
  - Intent is to provide clarity and transparent decisions in a timely fashion.
- Development Certificates
  - April 2016 the Review Board will be able to issue enforceable certificates.
  - These will include all final measures of the report of EA or EIR, making the measures enforceable.
  - Prohibits the developer from not complying with the measures of EA, including measures that were previously 'orphaned'.
  - Board is reviewing framework for development, implementation, monitoring and enforcing of these certificates.
  - Working with other organizations to adapt a consistent approach that fits within the NWT environment.
- Pause Period
  - Amendments to the MVRMA allows for a 10 day pause period between the end of the screening decision and the issuance of the authorization.
  - Board looking at how to communicate board decisions with environmental screening.

- What we need from Others
  - Cumulative Effects – how to identify gaps in EAs and include project assessments.
  - Potential for regional studies – a good tool to develop things such as cumulative effects thresholds that would feed into regulatory system.
  - Details on other MVRMA Amendments that are not the responsibility of the Review Board.
  - Clarify roles and responsibilities for Aboriginal consultation and details regarding Cost Recovery.
- Practitioner's Workshop
  - Opportunity for participants to provide feedback to the Review Board.
  - Thanks to GNWT-Lands for supporting this and participant funding.

### **Discussion:**

- **Where are most of the referrals to Environmental Assessment coming from?**
  - Preliminary screeners if there is an authority in the MVRMA. Most referrals come for Land and Water Boards. Department of Fisheries and Oceans for projects that impact fisheries. GNWT and OROGO for oil and gas development in the future. Referral authority in section 126 of the MVRMA, Land and Water Boards, MVEIRB, NEB, municipalities directly affected by the development, Tłı̨chǫ governments, and tribal councils on private lands are able to refer to Environmental Assessment.

### **6.2.2 Update on Bill C-15 – Tara Shannon, AANDC**

- Overview of C-15 Implementation
  - Four points to come into enforcement for implementation.
  - Royal Assent March 25, 2014 – time limits, ministerial policy direction, increases and modifications to fines and life of project licensing.
  - Order-in-Council April 1, 2014 – amendments necessary to implement the Devolution Agreement.
  - Order-in-Council anticipated April 1, 2015 – implement the restructuring of land and water boards and allow for cost recovery regulations, consultation regulations and regional studies.
  - Order-in-Council anticipated April 1, 2016 – enforceable Development Certificates and Administrative Monetary Penalties.
  - A lot of work needs to be done before regulations can be enforced. On track to bring Order-in-Council to implementation.
- April 1, 2015 Order In Council – Board Restructuring
  - Working with Executive Directors over the last several months to prepare for board restructuring.
  - Developed an organizational structure for the restructured board. AANDC provided some funding to assist with this work.
  - New Board will be made up of 10 members and a Chairperson.



- The Minister has indicated that for Canada's appointments, current land and water members should be considered for reappointment whenever possible to support seamless transition.
- April 1, 2015 Order In Council – Regulation-making Authority
  - Conducting internal policy work on both cost recovery and consultation.
  - Reaching out to other departments to ensure there is alignment with other departments as much as possible.
  - Cost-recovery regulations require approval of Parliament.
  - A meeting had been scheduled to define consultation, but due to staffing changes this had to be delayed.
  - Are the existing procedures and processes for consultation adequate?
- April 1, 2016 Order In Council
  - Looking at various models that exist for Administrative Monetary Penalties.
  - AANDC will be reaching out to many Boards and groups for consultation.
  - Looking to lessons learned from other Enforceable Decision Certificates to implement these (e.g., Ontario system).
  - Discussions with MVEIRB and the GNWT will begin soon.
- Other Regulatory Work
  - Evaluating Preliminary Screening Requirement Regulations and Exemption List Regulations to see whether things need to be added or removed to these regulations.
  - Amendments to Mackenzie Valley Land Use Regulations to ensure consistency with the amended MVRMA. Will require minor wording changes to clarify the permitting process.
  - Update provisions of Northwest Territories Waters Regulations to ensure consistency with new and amended legislation.

#### Discussion:

- **Are cost recovery measures meant for larger projects?**
  - Yes, intended for panel reviews.
- **When looking at large versus small companies, who should be required under cost recovery regulations? It could be a disincentive for smaller companies to begin development. Need to have a disincentive to abandon the reviews part way through the process.**
  - The objective is not to act as a disincentive to development.
  - The reason that many companies stop the review is because they don't have money to support the process.
- **There are plans to delegate regional study making authority. Are there any plans to delegate policy making powers that Minister has for the Boards?**
  - No plans to delegate these powers.

### **6.2.3 Update on MVRMA Implementation – Doris Eggers and Kate Hearn, GNWT**

- Greatly expanded roles in GNWT under changes to MVRMA will be detailed in presentation tomorrow.
- Ongoing jobs in Department of the Executive
  - Coordinating role with MVRMA has gone to GNWT-Lands department.
  - Working with departments for other provisions of MVRMA that are coming into force if help is needed.
  - Forming connection between GNWT departments. The idea is to have one perspective from GNWT.
- Regional studies delegated to GNWT-ENR
  - Once legislation comes into effect work will continue to implement this legislation.
  - Will be working with AANDC to ensure delegation is appropriate to the role of GNWT.
- CEAA 2012 has similar amendments to provision of regional studies
  - Canada is also working on policy development in this regard.
  - Looking for opportunities to collaborate and coordinate efforts for consistency and compatibility between the two as they are implemented in the NWT.
- It is early days as far as implementation of the amended legislation. Are looking for input from Boards about how this will be implemented and looking for Board involvement.
- Thank you to Executive Directors of the Land and Water boards in the work being completed toward the amalgamation process. Quite confident that we are heading into seamless transition through devolution.

#### **Discussion:**

- **The Federal government is delegating a lot of authorities through devolution. Does the Territorial government see a role in Crown consultation?**
  - That is part of the early days discussions. GNWT is interested to see where AANDC sees GNWT fitting into these regulations. We are cognizant of Crown consultation obligations and are still working on how GNWT will be involved in this. This will be addressed, but is currently a work in progress.
- **Questions regarding Section 9 of the NWT Waters Act which refers to the Federal minister retaining all approval authority for all water licences (Type A and Type B). Prior to this, the Boards have had the authority for Type B licences. Seems to be giving back authority to federal government through the Waters Act. Why would that be?**
  - This is no longer federal legislation. Through devolution the Waters Act was repealed by Canada and replaced by the GNWT. Amendments in the MVRMA brought in aspects necessary for continued administration of waters on federal lands.
  - No federal water legislation applies in the ISR. Achieves the same result as excluded federal powers.
  - Most federal acts would require a Type A water licence.

### 6.3 PRESENTATION BY DENE NAHJO

- Thank you from Dene Nahjo for the invitation to present to the Board Forum today. It has been interesting listening to the presentations and updates to see how decisions are made, authorized and enforced in the NWT.
- Vision statement – Land, life and culture forever.
- Dene Nahjo is a new generation of leaders and community builders working to advance social and environmental justice for northern peoples and promote indigenous leadership.
- The importance of the Dene ways, culture and way of life. Being on the land reveals strength of the Dene. Land and animals are gifts that must be treated with respect.
- Dene Nahjo extending network of groups from Yellowknife into communities. We are here to build partnerships. Fostering the next generation of leadership.
- Concerned that current mandates might fall short of challenges of climate change and a diverse economy. Land and Water Boards need to be able to regulate through leadership.
- Canada is undermining the land claims with amalgamated 'super board'. But do recognize the need to establish working relationships.
- Innovating sustainable development is the key to fostering a sustainable north.
- We have concerns with development such as fracking. We believe in land base knowledge to effect positive change. Respect for the world is key to survival and success.
- Dene Nahjo initiatives:
  - Tool making workshop – Laying foundation for sharing cultural knowledge. Traditional hide making tools.
  - Hosted Circumpolar Indigenous Women Leader gathering.
    - Limited opportunities for indigenous women. Women continue to be marginalized in the north. Finding innovative approaches building network and establishing healthy communities.
  - Developing concepts of leadership development for men to provide for community and act as land stewards.
- Boards must keep in mind impacts on communities. Not necessarily monetary gain.
- Hope to build cultural and social innovation centre for the north.
- Oil and gas development and influences of climate change are creeping in to traditional way of life. Young generation will need to find solutions. Creating good adaptable policies with values of the north. Here to build partnerships between these two worlds. Focused on cultural reconnections. The land is the key to this reconnection.

#### Discussion:

- **Thanks expressed by Ernie Campbell for this presentation. We need to recognize these young leaders for their efforts.**
  - The current system is incomplete. Some things need to be put into place and once those are there it will be a more complete picture to the system.
  - A lot of young professionals are in the NWT. This is our home and we want our voice heard.

## **6.4 NWT ENVIRONMENTAL AUDIT – JOHN PETERS, ARCADIS SENES CANADA**

- Here to launch the 2015 Northwest Territories Environmental Audit
  - A lot of changes going on that will make the job of auditing challenging and interesting.
  - Environmental audits must take place at least every 5 years under the MVRMA. The current audit is the third.
  - Objective of the audit is to improve, not to criticize.
  - The Terms of Reference for the audit are developed by the Gwich'in First Nation, Sahtú First Nation, the Tłı̨chǫ Government and the GNWT.
  - The Terms of Reference tells the auditor what needs to be done, but the auditor is independent from the government and boards.
- Audit Objectives
  - Audit examines effectiveness of regulatory regime to protect key environmental components, effectiveness of methods used to monitor cumulative impacts, adequacy of cumulative impacts and environmental trends analysis, actions taken in response to recommendations in previous audits.
  - Focus on caribou, water and fish valued components in 2015 Audit.
  - Slightly different take on environmental trends during this audit. We will now be looking at the adequacy of the information used to evaluate trends and how those trends are analyzed by the parties.
  - Look at CIMP program and effectiveness of monitoring cumulative impacts.
- Audit Deliverables
  - One consolidated audit report that includes information collected during the Audit.
  - Challenge is identifying what has changed and what we are changing towards.
  - Will not focus on previous identified issues that are being addressed by the changes with devolution and amendments to the MVRMA.
  - Timeline of the draft report for September 2015 and final report for January 2016.
- Audit Activities
  - Developing a contact list of over 150 federal, territorial, First Nations governments and agencies, NGOs, industry and co-management boards.
  - Aiming to have questionnaires sent out by the end of February and responses within a month.
  - Public engagement using social media as a new way to engage public participation.
  - A series of community visits will be scheduled.
    - Inuvik, Norman Wells, Behchokò, Yellowknife, and Hay River or Fort Smith for representation of different areas with different concerns.
- Audit Lines of Inquiry
  - This is what we hope to achieve, how we will gather information at a high level and who we will contact to gather that information.
  - Aiming to make the Audit report more user friendly.
  - Regulatory Processes

- Are all aspects of the socio-economic and biophysical environment adequately regulated?
  - Do we have the required information and processes to make informed decisions based on sound processes and sound inputs?
  - Are there methods to implement, monitor and enforce these processes?
- NWT CIMP Program
  - Do we have a well thought out operational plan that is appropriately funded?
  - Is there adequate, relevant and timely information for decision makers?
- Environmental Trends
  - Is adequate information collected and is traditional knowledge and scientific knowledge available, and is it assessed in a defensible manner to achieve results?
  - Are these results shared?
- Previous Audit Recommendations
  - There are many lingering recommendations from previous audits.
  - For this audit adopting the Auditor General approach. This requires Directly Affected Parties to respond to Audit recommendations. These responses will be incorporated into the final response and adds accountability to the process.
- What is New for the 2015 Audit
  - Focus on how Boards will move forward with amalgamation.
  - With Devolution, have previously identified gaps been addressed or have new gaps developed?
  - Directly Affected Parties responses to recommendations will be included in the final Audit report.
  - Modifications to community engagement process.
- Information for the Audit – What we would like from you
  - Information on projects, permits, types of licences, proponents where things have gone very well for any reasons.
  - Where did projects not go well and why?
  - Focus will be to identify weaknesses to get strengths in place.

#### Discussion:

- **What timeframe is being evaluated in this audit?**
  - The current scope is from 2010 to 2015.
- **We are familiar with the process in terms of the Audit report. It has always been the question of who is the holder of the Audit. Many recommendations are multi-jurisdictional and there is no governing body.**
  - As Auditors we cannot tell you how to manage the recommendations.
  - With devolution, CIMP and the Audit became the responsibility of GNWT-ENR. ENR are coordinators of the Audit. The difference between this Audit and previous Audits is that prior to releasing the Audit there will be a 3-4 month

time period to respond. This time the report will be released with responses to recommendation items.

- **Concerned that the focus seems to be on small items when there are big issues/questions. For example how the boards will move forward with amalgamation is a small piece. Are you still looking at bigger picture analysis? Just want to make sure that you will still be looking at larger issues, not just focused on the approach.**
  - We realize that there are many changes right now. The idea is that we don't want to look at issues of the past, such as consistency between Boards when the Boards will be amalgamated which will address this issue.
- **The Audit comes with recommendations, are these enforceable in any way?**
  - No they are not enforceable, but the responses of Directly Affected Parties will be included in the report so that we will know where they stand and why.
- **An issue that continues to come up is intervener funding and the definition of an intervener. Would the issue of intervener status be a part of this Audit? Is there a change to look at the those who have had intervener status?**
  - One of the detailed criteria in the Audit plan, do people have adequate ability to participate in the process? This would include access to adequate resources for participation.
  - We asked that the Audit Sub-Committee identifies individuals, groups, boards and parties that should be involved in the Audit process.

## **6.5 DAY 1 CLOSING REMARKS – ERNIE CAMPBELL, BOARD FORUM CO-CHAIR**

Co-chair Ernie Campbell thanked the meeting participants for a constructive day and the discussions and input from each of the Board Forum members. We all recognize that the transitions are happening at many levels, but generally things are going smoothly. It will take time to work through some of these issues, but we are seeing some very positive things happening in the NWT. We are working together to collaborate during these complex issues.

The first day of the Board Forum concluded at 4:00 pm. A networking reception was held from 6:00 to 8:00pm.

## **6.6 DAY 2 OPENING COMMENTS – ERNIE CAMPBELL, BOARD FORUM CO-CHAIR**

At the start of the second day of the Board Forum, a brief welcome was made by meeting facilitator Shelagh Montgomery and an opening prayer was led by Violet Camsell-Blondin. Co-chair, Ernie Campbell, reviewed the highlights from the first day. He thanked everyone for their attendance at the reception last night. There has been positive feedback on the transition of powers from AANDC to the GNWT. Board staff are working well with AANDC to work through these transitions. A good discussion was had about the Board Forum Terms of Reference. Thank you to the Governance Committee for the extra work they have committed to these Terms of Reference. A further revised Terms of Reference will be

included in the next Board Forum agenda. Thank you to the presenters yesterday, especially to the representatives of Dene Najho. It is good to see young people keeping traditions strong. It is a good reminder that our resource management system is rooted in land claims and the values of people of the north.

## **6.7 UPDATE FROM THE OFFICE OF THE REGULATOR OF OIL AND GAS OPERATIONS – JAMES FULFORD, OROGO**

- Presentation at past Board Forum was about what we hope to do. Now discussion of what we have done.
- Presented a map of OROGO's jurisdiction.
- Added four new staff with the goal of establishing regulatory expertise.
- Transparency and Openness
  - OROGO's goal is to be as open and transparent as the legislation will allow.
  - Legislation contains mirror of the Canada Petroleum Resources Act which limits what can be made public.
  - OROGO will be as open as possible within this limitation.
  - Pending agreement with BC Oil and Gas commission for the use of FracFocus.ca.
    - OROGO required to have own agreement for use in Canada.
  - OROGO has established a public registry on its website.
    - Allows public to access information about the composition of fracturing fluid used by operators.
    - Consent form to allow publication of basic approvals and applications. This is dependent on consent of the operator. One operator has signed so far.
- Working with Stakeholders
  - OROGO is focused on meeting with Aboriginal Governments to build cooperative working relationships.
  - In July 2014 established successful partnership with community of Jean Marie First Nation.
    - Concerns expressed of leaking gas from a historic well site.
    - OROGO would not have known about this issue without the help of the First Nations groups who are out on the land.
  - OROGO will continue to travel to communities and meet with stakeholders to build public awareness of the new Regulator.
- Working with Other Regulators
  - Signed a cooperation MOU with the MVLWB in December 2014.
  - Working on a cooperation MOU with the NEB as co-regulators in the onshore NWT.
  - In October 2014, coordinated H2S Alive Training in Yellowknife for OROGO staff and staff of other regulators.
- Incident Response
  - Active member of the NWT-NU Spills Working Group
  - Developing internal response capacity through Incident Command System training

- Have direct access to emergency response capacity from the Alberta Energy Regulator and the National Energy Board.
- Authorizations and Inspections
  - No exploratory activity in winter 2014-2015.
  - Have issued authorizations for maintenance activities in the Sahtú and Dehcho regions.
  - Have established a presence in the field with active inspectors.
- Conclusion
  - OROGO recognizes that as a new regulator there is still a lot to learn.
  - Looking forward to strengthening relationships with other regulators, Aboriginal governments and stakeholders over the coming year.

**Discussion:**

- **If a new park is formed in the NWT, do you lose jurisdiction in that area?**
  - Yes, OROGO would lose jurisdiction to federal regulators.
- **If a developer puts in an application, this cannot be put on the public registry unless there is consent from the developer?**
  - Yes, Section 91 is a broad provision.
- **To what extent is the FracFocus website complete?**
  - OROGO has no experience with this website to date. Two wells occurred before devolution. It is the hope that if the developer consents that the information would be complete, but it is voluntary to provide information.
  - Some items may be listed as proprietary.
- **How many projects/functions are active right now? How many inspectors are on the ground? Do you look after pipelines and well heads that already exist? Are you looking after those that are currently there and closed?**
  - The NEB retains trans-boundary pipeline jurisdiction. If the pipeline feeds into a trans-boundary pipeline in the green area of the jurisdiction map then OROGO has jurisdiction. There are currently 2 inspectors on staff, but also have access to AER and NEB staff as required. There are zero active applications at the moment, but some are expected. Maintenance activity is currently the focus.
- **Are you adequately staffed to take over functions from the NEB and to take on the monitoring function of old well heads?**
  - Under Oil and Gas regulations it is the responsibility of the company to leave the well in a state of no leakage and they report to OROGO. OROGO performs an audit function to ensure companies are responding. For wells with no 'owner' OROGO is responsible for ensuring issues are addressed. We are looking to the public land users to report these types of issues so that OROGO can respond.
- **Who maintains the FracFocus website and how credible is this for regulators to use?**
  - The BC Oil and Gas commission is maintaining the website. There has been some discussion of maintaining the website by a consortium of regulators. BC set up the website so is currently maintaining. The information is fairly credible.



## **6.8 NEB STRATEGIC PRIORITIES MOVING FORWARD – PETER WATSON, CHAIR/CEO**

- Three priorities for the NEB were identified at a planning session by the Board in the fall.
- Priority 1: Take Action on Safety
  - The Board always considers safety of public and the environment in making decisions of whether a project can proceed.
  - The intent is to challenge the programs after infrastructure is in the ground to understand if safety is on-going.
  - Commenced review of oversight after infrastructure completed to determine if gathering enough data to understand the root cause of incidents.
  - Board believes more needs to be done as far as data collection and public participation.
  - Beginning discussions with communities to enter into MOU with regional municipalities to exchange information on performance of companies that are regulated by NEB and the state of infrastructure.
- Priority 2: Engaging with Canadians
  - Challenge to connect with Canadians to offer more visibility and clarity on the role of the NEB and the issues within its mandate.
  - Board felt that need to do more outside the hearing process to engage Canadians and provide information to communities.
  - Ongoing work to develop and implement a National Outreach Initiative.
  - Develop and implement protocols and tools to share information.
  - Engagement initiative launched November 2014. Will include outreach in every province and the North to hear from Canadians on how the Board can improve its pipeline safety program and environmental protection.
- Priority 3: Lead Regulatory Excellence
  - Define a framework for regulatory excellence and enhance evaluation, performance assessment, innovation and management systems on a long-term basis.
  - Key question of how to benchmark if regulators doing a good job or not.
  - Evaluate NEB's effectiveness as a regulator and organization, and recommend and execute improvements.
  - Collaborate with other regulators.
- Legislative Update
  - Bill C-22 (Energy Safety and Security Act)
    - Provides ability to hold hearings on projects, application for participant funding program.
    - Improve transparency. Removes impediments in historical legislation regarding lack of transparency.
    - Increases Absolute Liability in the offshore and establish new financial obligations for industry. Clear in how to hold parties responsible in the event of an incident.
  - Bill C-46 (Pipeline Safety Act)
    - Strengthen the damage prevention regime. Can check finances and resources of companies that the NEB regulates.

- Strengthen Board Officer powers. Gives increased powers to inspectors and how to deal with abandonment applications.
- NEB is preparing for if and when these bills come into force so that the Board can administer these provisions.

**Discussion:**

- **Does the NEB have any responsibility with oil moved by rail?**
  - NEB does not have any regulatory responsibility. This falls under Transport Canada. NEB works with Transport Canada to track transport movements and volumes. NEB updates inventories of infrastructure that is put into place for rail movement.
- **What is the absolute penalty under Bill C-22?**
  - The Absolute liability is one billion dollars. Not a limit in that sense of the word. Companies need to demonstrate that they have that level of resources available if needed. It does not limit their liability in the event of an incident.
- **Liability is important in the ISR. One billion dollar liability is without cause. If cause is proven in court there is no top end. Does liability end at the pipeline? If the product ultimately goes into a tanker, the liability is under the Canada Shipping act and liability does not increase to the same level. Any intent to update this in Canada?**
  - Not aware of any intent as NEB is not involved in discussions of this legislative document. NEB is the recipient of the policy and the legislation. This is an interesting report, I can take this back to NRCan and discussions with industry of what they are doing with their obligation and responsibility for the product they produce.
- **Much of regulator responsibility is to mitigate negative effects and success relates to proponents ability to perform. Is NEB taking into account a proponent's ability to perform when setting criteria for success?**
  - The challenge is to define what NEB can be held accountable for relative to performance and oversight. The Board is trying to identify what the public is interested in that NEB is responsible and accountable for.
- **How will the provisions for participant funding be set up?**
  - There is participant funding under the NEB Act but not under Canadian Oil and Gas Operations Act. If accepted as a participant (directly affected or a group/organization that has something relevant) can apply for financial support. This is targeted to processes that have oral components, evidence, or cross-examination that may be required. A budget is established for every project by Parliament. There are typical awards of \$10,000 for individuals and up to \$75-80,000 for a group under participant funding program. The decision to award is made by an arm's length panel that recommends how much assistance to provide.
- **Does the NEB administer this funding?**
  - Yes, the NEB has staff that administers the funding and monitors the utilization of that funding.

- **Did the NWT Audit examine any procedures or processes of the NEB in the north?**
  - Not aware of the NWT Audit looking at NEB issues. The NEB has been audited by the federal auditor general (undergoing audit in 2015) and the NEB continues to have audits of the programs.
  - The NEB has not been involved in past NWT Audits because the Audit focuses on regulatory bodies under the MVRMA.

## **6.9 WORKING WITH LAND AND RESOURCE MANAGEMENT BOARDS – TERRY HALL, GNWT-LANDS**

- Department of Lands is responsible for the management and administration of all public lands in the Northwest Territories.
- Land Use and Sustainability Framework
  - Framework for overall vision on how to manage lands moving forward. Document that speaks to balance between economic, environmental and human component when developing new policies and procedures.
- Working with Boards
  - Boards are key partners in NWT land management systems.
  - These relationships are very important.
- Land and Water
  - Liabilities and Financial Assurances division development is underway.
  - Policy scans and comparative studies of other jurisdictions and how they handle similar issues.
  - Enforcement – regional structure changed from two regional offices to five regional offices headed up by superintendents. Increased budget and added resources to deal with contamination incidents.
  - New Technologies – looking at informatics sections within the government that are co-managed between ENR, Lands and ITI. Working with these departments to find new ways to share information. Looking into purchasing drones to help in a number of areas.
- Land Use Planning
  - Internal workshops planned to discuss internal processes and how to work together.
  - External workshops for planning board members and Aboriginal governments to develop LUP framework to work better internally and better engage the planning boards.
  - Planning in areas not covered by a modern Land, Resources and Self-government Agreements
    - LUP Framework identified this as a key component by the GNWT.
  - Recreational Land Management Framework – LUP is a component of this work. Meetings were held in Yellowknife and a lot of interest and ideas were generated.
- MVEIRB
  - Continuing internal work on roles and coordination at the application phase.

- Determining roles and responsibilities with pre and post-devolution applications.
  - Refining approach when GNWT is the proponent. The federal government was limited in this area. Determining what mechanisms need to be in place for this.
  - Relationships with federal government under MVRMA and IFA. Working on best practices.
- Resource Management
  - Surface Rights Board – Moving forward with appointments and drafting regulations in that area.
  - Coordinating GNWT input to federal processes.
  - Post-devolution acts – With the transfer of these powers now have mirrored legislation and are currently operating under two systems.
  - Looking at review of NWT Lands Act and Commissioner's Land Act to see what is the best way to combine and bring these acts together.
- The Future is Here
  - Many post-devolution challenges and opportunities.
  - Comes back to relationships to get through these changes.
  - GNWT committed to building and maintaining strong working relationships with boards at staff and senior management levels.

**Discussion:**

- **Is the policy and framework in the LUP Act more aimed at process and its engagement with planning partners? Or is the framework looking more at land uses that may affect how GNWT looks at planning?**
  - Right now the work is focused on process and how we can work better with the boards. Have been having lengthy discussions about how to organize internally and reviews of those processes. Determining how the department can best work together with the boards. Initially this will be on the process side and developing relationships with the boards. Want to ensure can review plans quickly and efficiently while thoroughly at the same time.
- **Has GNWT-Lands taken any responsibilities in jurisdiction of water from Environment Canada or the Department of Fisheries and Oceans?**
  - Responsibilities of water fall under the department of ENR.

## **6.10 NWT WATER STEWARDSHIP STRATEGY UPDATE – ERIN KELLY, GNWT-ENR**

- New Water Resources division combines AANDC Water and ENR Water and Resources group. Approximately 40 staff.
- NWT Stewardship documents created collaboratively. NWT residents want to keep water abundant and clean.
  - Goals of the Water Stewardship Strategy come from engagement sessions and what northern residents are looking for in water.
  - Work together and communicate information to all groups that make water stewardship decisions.
- Priority Areas

- Work to build capacities to support monitoring and research in participating communities.
  - Work together more closely with Land and Water Boards to build capacity in compliance monitoring.
  - Work on completing Trans-boundary Water Agreements including engagement sessions with Land and Water Boards.
- Trans-boundary Agreements
  - Agreements are almost finished with Alberta and British Columbia.
  - Starting negotiations with Saskatchewan in 2015.
  - Working to update agreements with Yukon border watersheds.
  - Interest expressed from Nunavut to enter into trans-boundary agreement as well.
  - The idea is to have bi-lateral agreements and 95% consistency between these agreements. This will be important as the NWT will be involved in four agreements. Consistency should speed up the agreement process.
- Public and Aboriginal engagement an important part of the process during each stage of the negotiation process.
- Risk Informed Management involves categorizing waters based on risk from development and traditional use. The more risk the more management required.
- Independent Evaluation and New Action Plan, 2016-2010
  - Work done of the last five years will be evaluated by an independent group and a committee will be struck to develop a new action plan.

**Discussion:**

- **Is there anything on the horizon with Nunavut for a trans-boundary agreement?**
  - Letters have been sent to the Nunavut Government to see if they would be interested in an agreement that is consistent with other jurisdictions. NWT is interested in moving forward when Nunavut is ready to do so. There has been no response to these letters yet.
- **Does biological use include human use?**
  - The master agreement has people written into the definition of ecosystem.
- **What is happening with the Surface Rights Board inherited through devolution?**
  - This Act was inherited through devolution. GNWT is setting up appointments to the boards and hoping to be done this within the next month or so. The Board will be up and running by April 1, 2016 so will be able to take applications by that point.
- **The Surface Rights Board is an obligation under land claims so will be inherited at some point?**
  - GNWT inherited the legislation but not the obligation. The department is moving forward and setting up appointments. Under the Act the board writes the procedures, so board needs to be staffed to move forward with that.

## **6.11 FOREST MANAGEMENT AGREEMENT IMPLEMENTATION – TOM LAKUSTA, GNWT-ENR**

- Thank you to the Board Forum for the opportunity to present.
- The implementation phase for the Forest Management Agreements (FMA) is 2014-2016.
- Two Forest FMAs currently exist.
  - One area around Fort Resolution and Fort Providence.
  - These FMAs are held by Aboriginal corporate entities jointly held by the Métis and First Nations in each community and were signed by the Minister on behalf of the GNWT.
- Both agreements are for 25 years and provide the authorization to harvest up to 70% and 85% of the Annual Sustainable Harvest Level
  - This level is set by the department.
  - Consultation completed with affected aboriginal groups prior to signing the FMAs.
- These agreements require that the wood be used for commercial purposes. The intent is to help develop industries that are sustainable as communities grow and move forward.
  - One proposal being considered is with a pellet making business being contemplated in the South Slave.
- A 25 Year Strategic Plan is being built for each FMA by ENR
  - Describes the current state of the forest.
  - Details the quantity, location and sustainability of the available timber resource.
  - Identified important habitat and Species at Risk within the area.
  - Projects the cumulative effects of harvesting over the 25 year timeline.
  - A five year Timber Harvest Plan is being built by each FMA Holder
    - Identifies the extent and nature of the harvest, road networking and other ground impacts associated with timber harvest.
    - The 5 year plan reflects the principles of the 25 year Strategic plan.
- Land Use Permit Applications are expected to be accompanied by both the 25 Year Strategic Plan and the 5 Year Timber Harvest Plan.
  - FMA Holders and ENR will be consulting on the timber harvest with all of the affected aboriginal groups.
- ENR as a regulator needs to review and approve the operating plans for the coming year. The harvest is entirely a winter harvest.

### **Discussion:**

- **Is the territorial government the largest user of pellets?**
  - The Biomass Strategic Energy Plan is one of the drivers of this development. Moving from diesel to wood pellets would reduce carbon and save money with the price of oil. Many industries and organizations are looking at making this

switch. There is also interest in creating businesses within the NWT for use within the NWT which is also a significant driver.

- **What type of cutting methods and what type of reforestation methods will be used?**
  - FMA Holder community businesses are being constructed right now. Specifically it will be patch harvest. Forests in the NWT are of fire disturbance origin and require sunlight to rebound. Reforestation will occur naturally for the first several years. After a period of 5-6 years with monitoring and assessments if the forest is not coming back naturally then will have other silviculture interventions.
- **We have seen a lot of mushroom harvest with the forest fires last year. This could be linked to the FMA plan as an opportunity for economic development. This will be a question for Board members as there is no regulation on mushroom harvest in any form. Regulating this activity is a gap right now.**
  - In the process of developing policies for commercial mushroom harvesting that would require a licence to harvest. It is difficult to determine the impacts that mushroom harvesting has at this point.
  - ENR is looking into these policies. The definition in the Forest Management Act does not include fungi which is making it difficult to implement legislation and regulation of this. The department is looking at possibly changing the definition in the Forestry Act to include this definition. After the 2014 fires will hopefully be able to work with communities to have clearer processes and procedures for harvesters. Hoping to have something for the people of the NWT this year regarding this harvest.
  - The MVLWB has had calls from people complaining about harvesters coming in and setting up camps with no thresholds.
- **Are there other industries besides pellet production that are being considered for forest related industry? Pellet production elsewhere is waste from mills that produce other products. If the harvest is destined strictly for pellet production how does that affect the economics?**
  - In southern Canada historically wood pellets were left over fuel from saw mills. There has been an increasing market for wood pellets over the last fifteen years. When pellets became a marketable commodity the value went up. Mills now sell left over materials at a higher price. In the NWT, producing and using pellets here is a significant cost saving to shipping pellets up to the NWT. The ultimate value of pellets is that it is replacing diesel oil. One ton of pellets is equivalent to 500L of diesel oil. The price of oil is significantly higher than the price of pellets. There is also the possibility to make some other things from this wood, such as core boxes, fence panels. Making 2x4s would not be a good opportunity. Firms in the south produce these very cheaply so it would be very difficult to compete.
- **Will any of the harvesting be of the fire impacted wood from forest fires last year?**
  - The harvest would be of green wood. But fires do create an interesting circumstance where trees were burnt and killed, but still standing. There is a

project now to determine if this wood is valuable to create pellets or other products.

- **If harvesting green wood does that get a stamp of approval for green practices?**
  - When forests burn carbon is emitted into the atmosphere. If you cut trees and the forest is replenished, carbon is fixed from the atmosphere and brought back into the forest. A life cycle analysis found that there is a significant carbon saving in pellets compared to oil. The trick is that the area must be reforested afterwards. Young forests fix more carbon than old forests. So creating a young forest would fix more carbon.

## **6.12 DEVELOPMENT OF HYDRAULIC FRACTURING REGULATIONS – DEBORAH ARCHIBALD, GNWT-INDUSTRY, TOURISM AND INVESTMENT**

- Background
  - GNWT has been conducting research on hydraulic fracturing with a view to environmental protection since 2012.
  - Four broad areas identified by northerners where more information is needed or actions need to be taken by proponents.
    - Groundwater studies
    - Transparent disclosure
    - Air quality
    - Enhanced reporting
- Application of regulations
  - Developed a set of regulations specific to hydraulic fracturing.
  - This includes what the GNWT wants to see from applicants wanting to proceed with hydraulic fracturing during the exploration phase.
  - This applies to where the GNWT has jurisdiction. In the ISR proponents would apply to the NEB.
- Regulations will codify requirements set out in the NEB Filing Requirements and are anticipated to include the four broad areas identified as needing more information and action by the proponents.
  - Draft regulations will not include requirements under the *Oil and Gas Drilling and Production Regulations*.
  - Will not be any duplication between the NEB filing requirements and jurisdiction exercised by the Land and Water Board.
- Regulations in other jurisdictions
  - Alaska is the only jurisdiction that has specific fracturing regulations.
  - NWT will be one of the few that has these regulations.

### **Discussion:**

- **In the list of consultation organizations there were no organizations from the ISR included.**
  - Organizations from the Inuvialuit and regulatory boards in the Inuvialuit would be included in consultation.



- **How are communities being notified of consultation?**
  - Notification would be done through the NWT Gazette and then notify resource boards and communities that they could request consultation.
- **When conducting the review of jurisdictions for fracking regulations, were there any thoughts of expanding the geographic basis to where fracking has been an issue, such as the United States?**
  - This is a sampling of jurisdictions that were looked at. Others were reviewed. Still need to look at other areas in the U.S. including New York and Pennsylvania.

### **6.13 OVERVIEW OF THE NWT GEOSCIENCE OFFICE – DEBORAH ARCHIBALD, GNWT-INDUSTRY, TOURISM AND INVESTMENT**

- NWT Geoscience Office is a unit within GNWT-ITI.
  - Mission to map, interpret and explain the geology of the NWT to inform responsible development of mineral and energy resources, land use and protection of the environment.
  - Operates at an arm's length with Joint Advisory Committee that has industry, academia and other individuals.
- Areas of expertise include bedrock mapping and mineral deposit studies, permafrost research, petroleum geoscience studies, geomatics and information technology and outreach. Community outreach is a significant component.
  - The office has a significant library of textbooks and publications related to geosciences.
- Stream/Lake Sediment Sampling
  - Regional, field-based method that provides understanding of mineral potential.
  - Water and sediment samples are collected for chemical analysis.
  - All information is available publicly on the internet and is considered a public good.
  - Encourages mineral exploration initiatives and provides baseline environmental information.
- Deep Sub-Surface Aquifer Studies
  - A baseline study of groundwater quality and aquifer characteristics in the Central Mackenzie Valley.
  - An initial scoping study was conducted, but more work is needed.
  - Industry perceived a need for an unbiased, third party data interpretation.
- SGP – Surficial Drilling Program
  - \$5.3 million program funded by GNWT, CanNor, industry and university partners.
  - Will drill holes into glacial till and collect core to get a better understanding of the history of glacier movement and surficial deposits.
  - This can be used to inform infrastructure development and industry development interest.
  - Will also be used to better understand regional permafrost conditions.

- Geological Collections Storage Facility
  - A facility to store diamond drill core, rock, stream sediment, lake sediment and glacial till samples and historic documents from mining properties and advanced mineral exploration projects.
- Data Services
  - Collects and manages numerous types of geoscience data for the NWT.
  - Web applications are used by clients for discovery and download of information.
  - NTGO staff contribute their expertise as needed to address a wide variety of requests and needs.

**Discussion:**

- **Does the Geoscience Office play a role in evaluating diamonds to determine base royalty payments?**
  - No the Geoscience Office does not play a role in this.
- **Do they analyze every single diamond?**
  - This analysis process is very detailed in the regulations. Diamonds are split into different size fractions. Larger stones are evaluated individually. Smaller stones are not valued individually. The company will present the whole package from that size assortment and the department takes a subset of that package as statistically representative of the whole package.
- **NRCan is also collecting base information that might encourage exploration work. Is that information being fed into the databank too?**
  - The GEM program is part of Geological Survey of Canada. The roles of these two offices are separate but complimentary. Often the GEM program has scientists from the Geoscience Office participate in GEM projects where they can give particular expertise in things such as mineral deposits and permafrost. The two organizations will partner together. Products of the Geological Survey of Canada are subject to peer review as well and are available on their website.
- **The organizational chart showed a provision for permafrost. I have noticed significant change in permafrost in the Sahtú. Is there going to be a program to establish whether there is change in the thawing of permafrost?**
  - I believe yes, but do not have specifics on a program.
- **It would be helpful for communities to have this information.**
  - Scientists from the Geoscience Offices are going to be visiting communities in the Sahtú to provide the results of the seismic monitoring network installed two years ago. They will also be reporting on wells of the Deep Aquifer studies. I can ask them to also provide information on what they are doing in the area of permafrost.

#### **6.14 UPDATE FROM INTERGOVERNMENTAL COUNCIL ON LAND AND RESOURCE MANAGEMENT – SHALEEN WOODWARD, GNWT-ABORIGINAL AFFAIRS AND INTERGOVERNMENTAL RELATIONS**

- Intergovernmental Agreement signed in 2014.
  - Based on three agreements between the GNWT, the federal government and aboriginal governments.
- Duties of the Council are to encourage an integrated relationship between the GNWT and Aboriginal governments post devolution.
- Current parties include the original regional groups that signed the agreement and additional groups. Each party has representation on the Intergovernmental council.
  - There is a secretariat and staff member to support the Council.
- Outcomes of the First Intergovernmental Council Meeting
  - First meeting took place on September 19, 2014.
  - Leaders agreed to establish limited representation at the table.
  - Members wanted future meetings to be closed intergovernmental process that will include two elected leaders of each signatory to the agreement.
  - One official of each signatory to the agreement may be in the room as observers.
  - Outcomes and meeting summaries will be shared with stakeholders and the public.
- The Work Plan – Leaders directed the Secretariat to begin working on:
  - Identifying priority legislation for review and regulations for GNWT of federal legislation.
  - Reviewing the Land Use Sustainability Framework and provide recommendations.
  - Reviewing processes for water management and improve baseline information to water. Aboriginal governments wanted to see steps to improve water management knowledge.
  - Aboriginal Governments struggling to increase capacity building and would like to focus on broader resources.
  - Beginning negotiations on the *Resource Revenue Sharing Agreement*.
  - Establish a financial working group and a working group to investigate options related to Impact Benefit Agreements.
  - Undertake preparatory work for the five-year review of the *MVRMA*.
- Capacity Building
  - Number one priority of Aboriginal Governments to improve their human capacity to manage lands and resources.
  - The working group is assessing the current level of capacity and what resources are already available to be able to identify new opportunities.
- Resource Revenue Sharing
  - GNWT committed to sharing up to 25% of their resource revenue with Aboriginal Governments that have signed-on to the Devolution Agreement.
    - This is in addition to what Aboriginal Government received in land claims and self-government agreements.

- There are no conditions on what is done with this money. Aboriginal Governments may spend or invest according to their priorities.
- Upcoming Work
  - Options related to Impact Benefits Agreements.
  - Processes for water management and planning.
  - Review of Land Use Sustainability Framework.
- Other Issues
  - Horizontal fracturing recognized as a contentious issue and work by the GNWT on regulations needs to be balanced with work on water management and baseline water information, and public education.

#### **Discussion:**

- **How would a review of the Land Use Framework tie in to the Land Use Plan?**
  - This would be a more broad overarching discussion of how the framework works with Aboriginal governments. It would be changes to the framework, not individual land use plans.
- **Each one of the claimant groups put out newsletters. It would be good to provide some information to the claimant groups for information sharing.**
  - I will recommend that to the partners and communicate this with other groups.
- **As IBAs are confidential, how will they be used to guide the IBA mirror legislation?**
  - The request from the Intergovernmental Council is a starting place for what they have now and what to look at as best practices for what is happening across Canada with the goal of enhancing/updating procedures. The push is coming from Aboriginal parties. The Intergovernmental Council can make recommendations. It is not a GNWT led exercise to review IBAs, it is flowing from the Intergovernmental Council where all work together to come up with regulations. All land managers are in this process together to look at their own and each other's framework to enhance what system is in place to work better for the people of the NWT.
- **The Intergovernmental Council is going to conduct a review of the MVRMA. Does this fit into the NWT Audit? Are past recommendations of the Audit going to be incorporated into this planning?**
  - The review of the MVRMA is not of the Act itself, it is only a review of the provisions of devolution in the MVRMA. The goal is to have a more NWT based control over the MVRMA. The review is focused on taking over more control of devolution responsibilities. The Intergovernmental Council will not be taking on more recommendations from the Audit unless the recommendations are focused on whether the MVRMA should stay as federal legislation or if it should be territorial legislation.
- **Discussion of the future role of GNWT responsibilities with the MVRMA.**

## **6.15 UPDATE ON AANDC NWT REGION REORGANIZATION – MOHAN DENETTO, AANDC**

- AANDC's NWT Region Today
  - On April 1, 2014 responsibilities transferred to GNWT.
    - AANDC has gone from over 200 positions to just under 100 positions. Will be filling 30 vacancies in the next few months.
  - Transferred the majority of Lands responsibilities. Some areas remain under control of federal government, including Parks Canada and AANDC contaminated sites work.
  - Continue to maintain core department responsibilities.
- Post-devolution Organizational Structure
  - AANDC was a larger organization. Approximately 130 positions transferred to GNWT.
  - Scale back on some internal services, such as Communications and HR.
  - Change to reporting structure.
  - A lot of adaptation for those still in AANDC to provide continuity in some responsibilities.
  - Three main program areas in regional structure and internal services.
    - Governance and Partnerships Directorate
    - Resource and Land Management
    - Contaminants and Remediation
- Governance and Partnerships Directorate
  - Land claim and self-government negotiations and implementation
  - Governance and Band Administration
  - Community Relations and Development
  - Board Relations Secretariat
- Resource and Land Management
  - Land and environmental management on-reserve. Excluded land regulations post-devolution for federal lands.
  - Offshore oil and gas
  - Surface and sub-surface rights administration on federal lands
  - Inspections – 2 positions, 1 on staff
  - Giant Mine managed out of Ottawa. Day to day operations managed out of Headquarters, but a number of employees in the regional office.
  - Mineral rights on contaminated sites is more complex. Some contaminated sites where there is exploration activities and some brownfield development.
- Contaminants and Remediation
  - 20 positions
  - No real changes to structure and organization. Responsibilities remain essentially the same.
  - Approximately 100 sites
  - An average of \$26 million spent per year
  - Core Functions
    - Northern Contaminants Program
    - Care and maintenance of sites

- Remediation planning and risk management
- Remediation
- Site monitoring
- Community engagement

**Discussion:**

- **You said that pre-devolution there were about 190 positions and that 130 went to GNWT leaving 60. Seems to be a discrepancy, can you confirm the number of positions?**
  - Pre-devolution there were 195 staffed positions. With devolution 130 positions were transferred to the GNWT. Of these 130 positions, 127 accepted offers from the GNWT. There are now 95 positions at the regional office. The CBC reported that there were 10 layoffs due to devolution, this was untrue. No one has lost their job post-devolution. I can provide an explanation for this discrepancy to Board Forum members after the meeting.
- **Is there anyone in AANDC working in fisheries post-devolution?**
  - No, AANDC does not have responsibility for fisheries directly.
- **The WLWB went through a community renewal of the Behchokò water licence which involved a pre-hearing with inspectors and the WLWB. An amendment to the water licence is being made due to a low water level situation. Several proposals are potentially suitable, but an approval from fisheries is required. The WLWB had to go to Ontario to get a response and comment from the DFO, which is very inconvenient and does not support the process here. This could also be an issue of process with other communities.**
  - This type of approval would probably be a part of fisheries habitat regulations. The DFO Sarnia office is responsible for the NWT. This is a challenge as not all regional offices in the NWT have senior representation. CanNor is responsible for coordinating federal input into regulatory processes. I will follow up with representatives from the DFO and CanNor to address this concern.
- **The options presented by consultants to the WLWB were not economical so we are coming up with alternatives. The WLWB will still need to consult on plans going forward.**
- **Did you say that \$26 million is spent on contaminated site remediation?**
  - A certain amount of that budget is allocated to run the Contaminated Sites program. \$26 million was the total allocation to the Northern Contaminated Sites program. Some of this is run through Public Works and Government Services Canada. This includes contracting, work in the field, salaries of staff and administration of the program.
- **Is AANDC still responsible for intervener funding?**
  - This was done on a case by case basis. No funds are allocated for intervener funding.
  - There was funding for areas of unsettled claims. This is now transferred to the GNWT.

## 6.16 UPDATE ON *WILDLIFE ACT* AND REGULATIONS FOR THE NWT – ROB GAU, GNWT-ENR

- How did we get here?
  - Work on the new *Wildlife Act* started in 1999-2002.
  - A Wildlife Act Working Group and the Stakeholders Wildlife Act Advisory Group regularly met to inform the direction of the legislation.
  - Legislative Assembly passed the new *Wildlife Act* in October 2013.
  - Some regulations needed to be updated or added to bring the Act into force by November 2014.
  - Community engagements heard thoughts on how to improve the draft regulations for the new *Wildlife Act*.
- Purpose
  - To conserve wildlife for present and future generations.
  - Ensure the rights of all northern residents are respected.
  - Ensure a system for wildlife management that is practical and efficient.
  - Ensure wildlife is wisely managed and conserved for the benefit of all.
- Aboriginal and Treaty Rights
  - The Act explicitly recognizes Aboriginal and treaty rights to harvest wildlife.
  - Aboriginal Rights are defined in Treaties, Land Claim Agreements and Case Law.
- Conservation/Rights and Authorizations
  - If there is any potential infringement on rights consultation is definitely required.
  - Act lays out priority of harvest allocation when there is to be a restriction.
  - Special Harvester Licence replacing Special General Harvesters Licence.
- Habitat Conservation Measures/Development Activities
  - Meant to be long-term protection, but may have seasonal mechanism.
    - If sensitive for only part of the year, may only be enforced for that window of time.
  - Prescribed wildlife is any wildlife that is identified on a list for any purpose.
  - ENR enforcement is long recognized as a gap. The new *Wildlife Act* provides the mechanism to fill this gap.
- Regulation Implementation and Development
  - A phased approach is being used to move forward with these regulations.
  - Phase I – bring into force, safe sustainable harvesting can continue
  - Phase II – where we are now, some regulations for new concepts brought forward
  - Phase III – series of regulations used on a case by case basis
- Regulations that will affect Aboriginal Harvesters
  - A GHL licence can be used to harvest outside of traditional area.
  - Licence is not needed to exercise Aboriginal or treaty rights to harvest in area.
  - Limits and restrictions on harvest do not apply to people exercising an Aboriginal or treaty right to harvest, except when there is a conservation concern.
- Possession of Wildlife Meat or Parts

- The regulations have a list of parts of what can be had.
  - If any animal is killed in defence of life or property a person cannot keep the animal. It must be reported to an Officer. It is at the discretion of the Officer of what can be done with those parts.
- Regulations that will affect all harvesters
  - No one should waste wildlife and everyone is encouraged to use all parts of harvested game.
  - The regulations give provisions for when meat may be left on the land.
  - Caches of meat must be marked in some way and protected from disturbance from animals and the natural environment.
- Phase II Regulation Development
  - Some work still needs to be done on the regulations and they will be implemented, such as hybrids between species.
  - Additional zones may potentially be added.
  - Outfitting regulations need to be updated.
  - Determine what sort of information should be collected in Harvest reports.
  - Course content for Harvester training course.
- Priorities Moving Forward
  - Officer training and public education.
  - Proper identification evidencing and Aboriginal or Treaty right to harvest.
  - Harvester Training Course
  - Wildlife Management and Monitoring Plans

#### **Discussion:**

- **How would it be handled if a person has a treaty right to harvest in all of Canada, including Crown land in the NWT?**
  - If a person has a Treaty right to harvest in the NWT and in a treaty area they need to provide identification to prove that they have that right. Are working with groups to come up with what that identification will be, but potentially a treaty card. Case law has shown that Aboriginal rights are not across the whole country. They need to have traditional use area in the NWT otherwise must become a General Licence. If it is their traditional use area, they can hunt in the NWT.
- **How does this apply for people without a Land Claim?**
  - Would have to ask where the traditional use was and develop a map of these areas.
- **Can you explain what a special GHL is?**
  - This is the replacement for the special harvester licence. Local harvester committee must provide authorization for a special GHL to harvest. The Harvester Committee can determine where a Special Harvester can harvest and how much. GNWT will not issue the special GHL without authorization of a Harvester Committee.
- **The Federal government used to look after the reindeer herd. Is this now devolved to the GNWT? How will this be managed and how does it tie into the Act?**



- Yes reindeer is now under the GNWT. Under the Wildlife Act reindeer are specifically excluded.
- This issue has been challenging. There has been different ownership in the past. GNWT now has this responsibility with devolution. GNWT has to work with the Inuvialuit to see where things are at and have made a commitment to do this. How to manage the resource is not resolved at this point. We need to figure out a mechanism to manage reindeer in consultation with Board members and other groups.
- **Are reindeer a domesticated herd under private ownership?**
  - That is correct, reindeer are not wildlife. They were privately owned and then government owned. Some issues remain on where the ownership lies. There needs to be a discussion going forward with the Inuvialuit. In previous legislation there were provisions for game farming that linked to the Wildlife Act. This needs to be linked to the new Act. Links for game farming landed with ENR. ENR will not go forward with this alone, but will work with co-management partners and address management approach going forward.
- **Are there any plans for researching hybrids between species?**
  - There still needs to be a formal engagement into hybrid issues. Internationally, when two species are considered a hybrid the species is usually given the designation of the species at a higher risk level. For reindeer and caribou, we are looking at how does that species actually live. If hybrid is living as reindeer, could be considered a reindeer.
  - This discussion shows that this issue has to be addressed, but is challenging. Land claim processes and how things change can frustrate this process. GNWT needs to talk to AANDC and federal programs on the approach they will be using and how to move forward.

## 7.0 APPRECIATION TO OUTGOING MEMBERS

Ernie Campbell expressed thanks to the outgoing members of the Board Forum. With the transition to an amalgamated board and amendments to the *MVMRA* there will be impacts to some of the boards and members. It was recognized that with these changes the Board Forum is losing a lot of valuable knowledge and experience. There have been many great people involved in this process. The Boards have been a good cross-section of residents of the NWT that are concerned about the environment and a balance of development. There has been an astounding personal level of commitment from Boards and their staff.

## 8.0 DATE AND LOCATION OF NEXT MEETING

A discussion was had to determine the date and location of the next Board Forum meeting. It was suggested that late November or early December would be a good time, with December 1<sup>st</sup> and 2<sup>nd</sup> being proposed. There was general agreement and it was confirmed that MVEIRB and MVLWB will host the next Board Forum.

## **9.0 GOVERNANCE COMMITTEE**

James Lawrance led a discussion about the position of Chair for the Governance Committee. Willard Hagen agreed to continue as Chair.

James opened the invitation to all Board Members that they are welcome to join the Governance Committee. Roger Connelly asked that a description of what the Governance Committee is responsible for be sent out to members so that they can decide if they can become involved. Roger volunteered to join as there is no representation from the ISR on the Governance Committee.

James explained the responsibilities of the Forum Working Group and asked if any members would like to join. Jody Pellissey from the WRRB agreed to become a member of the Forum Working Group. For the time being, the Forum Working Group will complete the work done by the Training and Outreach Committees.

## **10.0 CLOSING REMARKS**

The meeting closed with participants sharing final thoughts and observations in a roundtable format. It was expressed that the relationships and communication displayed at this Board Forum meeting are positive and that everyone is here to work together for resource management.

Final closing remarks were provided by the co-chair, Ernie Campbell who extended his appreciation to the members of the Board Forum for sharing information throughout the last two days. He expressed thanks to all of the presenters who participated.

A tremendous amount of work has been conducted post-devolution to set up new organizations, such as GNWT-Lands and OROGO. The level of effort taken on in assuming the new responsibilities by the existing organizations is impressive.

We heard presentations about new regulations and the work that needs to still be completed going forward. Working together we will hopefully arrive at something that the people of the NWT will be happy with. It is good to see organizations taking on the spirit of continual improvement.

As co-chairs, we will encourage members to learn from one another in exercising our authorities and responsibilities. It is still early days and there are new and ongoing changes to these responsibilities. The co-chairs also noted the high interest from members in how proponents are held accountable and in how the pieces of the legislation fit together.

We heard from federal organizations that there is a continued role with the federal government and that they will continue to stay connected with the regulatory regime. We want the resource management decisions to be made by the people of the NWT and would appreciate the continued moving of powers to the NWT.

We must remember that the world continues to change and so we must respond to new challenges while maintaining a balance between protection and development. We do not do it on our own, we do it collectively. As decision makers we know the importance of having the extent of knowledge in front of us. We need to make the best use of this knowledge in decision making. Relationships between ourselves and those in the regulation of resource management are key. This is why we continue to come to the Board Forum.

Thank you to those who travelled great distances to come here and to those who helped with the logistics of putting together this Board Forum meeting.

Leon Andrew led the closing prayer.

## **11.0 ACTION ITEMS**

The following provides a listing of Action Items arising from the February meeting.

### **Governance:**

- Governance Committee will continue with revisions to the Board Forum Terms of Reference to be presented at the next Board Forum meeting.

### **General:**

- NEB to follow-up with NRCan regarding liability under the Canada Shipping Act and discuss with industry what they are doing with their obligation and responsibility for liability under this Act.
- GNWT-ITI to ask representatives of the Geoscience Office to provide information about their work in the area of permafrost to communities in the Sahtú.
- Intergovernmental Council to recommend to the Council partners to provide information to claimant groups for information sharing in their newsletters.
- AANDC will follow-up with CanNor and DFO representatives to address concerns regarding approvals for fisheries coming from Ontario instead of the NWT.



# **APPENDIX A**

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## **Meeting Agenda**



**Draft Agenda  
NWT Board Forum Regular Meeting  
Tree of Peace Friendship Centre  
Yellowknife, NWT  
February 10-11, 2015**

**Meeting Theme: “Transitions”**

**Tuesday, February 10**

- |           |  |
|-----------|--|
| 8:30      | Arrival – coffee and muffins   |
| 9:00      | Opening Prayer<br>Roundtable Introductions<br>Welcoming Remarks by GNWT Co-chairpersons – Deputy Minister of Environment and Natural Resources and Deputy Minister of Lands  |
| 9:20      | Roundtable updates by each organization (approximately 5 minutes each based on one page summaries circulated in advance of the meeting)  |
| 10:45     | Break  |
| 11:00     | Board Committee updates <ul style="list-style-type: none"><li>• Governance Committee – Willard Hagen</li><li>• Training Committee – Board Relations Secretariat</li><li>• Outreach &amp; Communications Committee – Violet Camsell-Blondin</li></ul> |
| 11:15     | Review and consideration of the NWT Board Forum Terms of Reference   |
| 11:45     | Lunch provided   |
| 1:15      | Update by Northern Project Management Office – Matthew Spence  |
| 1:45      | Update on implementation of <i>MVRMA</i> <ul style="list-style-type: none"><li>• Mark Cliffe-Phillips – MVEIRB</li><li>• Tara Shannon – AANDC</li><li>• Doris Eggers and Kate Hearn – GNWT</li></ul>   |
| 2:30      | Break  |
| 2:45      | Presentation by Dene Nahjo   |
| 3:30      | Presentation on NWT Environmental Audit – John Peters, SENES Consultants   |
| 4:00      | Closing remarks for the day – Co-chairpersons  |
| 6:00-8:00 | Networking Reception – GNWT Cabinet Ministers to attend  |

**Draft Agenda  
NWT Board Forum Regular Meeting  
Tree of Peace Friendship Centre  
Yellowknife, NWT  
February 10-11, 2015**

**Meeting Theme: “Transitions”**

**Wednesday, February 11**

8:30	Arrival – coffee and muffins
9:00	Highlights from previous day – Co-chairpersons
9:10	Presentations: <ul style="list-style-type: none"><li>• Update from the Office of the Regulator of Oil and Gas Operations – Jamie Fulford</li><li>• National Energy Board Strategic Priorities Moving Forward – Peter Watson</li><li>• Working with Land and Resource Management Boards – Department of Lands</li></ul>
10:15	Break
10:30	Presentations continued: <ul style="list-style-type: none"><li>• Water Stewardship Strategy (with a focus on Transboundary Waters Agreements); Forest Management Agreements – Department of Environment and Natural Resources</li><li>• Development of Hydraulic Fracturing Regulations; Geoscience; Decision Supports for regulatory Boards – Department of Industry, Tourism and Investment</li><li>• Update on the Intergovernmental Council – Department of Aboriginal Affairs and Intergovernmental Relations</li></ul>
11:45	Lunch on your own
1:15	Update on AANDC NWT Region reorganization – Mohan Denetto
2:00	Update on <i>Wildlife Act</i> – Department of Environment and Natural Resources
2:30	Appreciation to outgoing Members
3:00	Break
3:15	Arrangements for next meeting (location/date, hosts, confirmation of governance committee and working group representatives)
3:30	Closing remarks – Members
4:00	Closing remarks – Co-chairpersons
4:30	NWT Board Chairpersons’ Caucus



# **APPENDIX B**

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## **Presentations**



# **Review of Terms of Reference**

NWT Board Forum Meeting

February 10-11

# *Documents for the discussion*

Copies of the following are in the meeting binder:

- November 25, 2014, Governance Committee review draft of ToR
- Current November 29, 2011, ToR

## *Why Review the ToR?*

- Last ToR approved November 29, 2011
- Review was identified as an action item for Governance Committee at June 3-4 meeting
- New members and changing GNWT role as a result of Devolution and new legislation
- Consistency with actual practices
- Formatting and editing for clarity of writing

# *How was the ToR reviewed?*

- BRS prepared a review draft for the Governance Committee
- GNWT confirmed its members and role post-Devolution
- Governance Committee reviewed, revised and approved the November 25, 2014, review draft for consideration by Members
- The November 25 review draft was distributed to Members for comment in December (with initial email notice of this meeting)
- BRS has done further analysis of alternate options to aid discussion and/or for future consideration

# Recommended revisions

## 1) Purpose

Edited for clarity of writing and better description of intended membership

# Recommended revisions

## 2) Objectives

Edited for clarity of writing and added convening of meetings as an objective



# Recommended revisions

## 3) Membership

Edited for clarity of writing

Addition of new/altered Members:

- OROGO
- GNWT Departments
- Also SRB and IWB by virtue of legislation

# Possible alternate revision

## 3) Membership

On further examination, BRS notes that an alternate option to the current review draft could:

- Succinctly list the Members
- Characterize the Members as the bodies, not the individuals
- Provide a clear statement on accepting new participants.

...as per next slide

# Alternate revision for 3) Membership

## 3) **Membership**

The Members of the NWT Board Forum are:

- Inuvialuit Game Council
- Inuvialuit Environmental Impact Screening Committee
- Inuvialuit Environmental Impact Review
- Inuvialuit Water Board
- Gwich'in Land and Water Board
- Gwich'in Land Use Planning Board
- Gwich'in Renewable Resources Board
- Sahtu Land and Water Board
- Sahtu Land Use Planning Board
- Sahtu Renewable Resources Board
- Wekeezhii Land and Water Board
- Wekeezhii Renewable Resources Board
- Mackenzie Valley Land and Water Board
- Mackenzie Valley Environmental Review Board
- National Energy Board
- Office of the Regulator of Oil and Gas Operations
- Surface Rights Board
- NWT Region of Aboriginal Affairs and Northern Development Canada
- Department of Lands, Government of the Northwest Territories
- Department of Environment and Natural Resources, Government of the Northwest Territories

Regulatory boards and committees will be represented by their Chairpersons. The Office of the Regulator of Oil and Gas Operations will be represented by the Executive Director. Government of the Northwest Territories Departments will be represented by their Deputy Ministers or Assistant Deputy Ministers. The NWT Region of Aboriginal Affairs and Northern Development Canada will be represented by the Regional Director General. Alternates to these representatives may be designated by each Member. The Members may agree to accept new Members as appropriate to the purpose and objectives of the NWT Board Forum or may also invite other relevant organizations to participate as permanent, non-voting *ex officio* Members.

# Recommended revisions

- 4) Organizational Responsibilities
- 5) Conduct Meetings
- 6) Meetings, Schedules and Locations
- 7) Forum Secretariat – Working Group

Would be replaced by:

- 4) Organizational Matters
- 5) Committees and Working Groups

Edited and formatted for clarity of writing and consistency with actual practices (i.e., clearly recognize the role of Governance Committee and reflect the new/altered membership on that Committee and the Working Group).

# Possible alternate revision

On further examination, BRS notes that, in practice, the Governance Committee and Working Group overlap, and it is not always possible for Chairpersons to participate (it is easier for their senior representatives). Therefore, for streamlining, ease of operations and to reflect actual practices, it may be more effective to have a governance model based on a single Forum Working Group.

...as per next slide

# Alternate revision for Governance Model

## 4) Forum Working Group and Committees

### Forum Working Group

There will be a standing working group of the NWT Board Forum called the Forum Working Group. The representatives on the Forum Working Group will be confirmed at each regular meeting of the NWT Board Forum and will include, at a minimum, senior representatives of the following Members:

- Mackenzie Valley Environmental Impact Review Board;
- Mackenzie Valley Land and Water Board;
- Inuvialuit Game Council;
- One of the Gwich'in, Sahtu or Wekeezhii Renewable Resources Boards
- NWT Region of Aboriginal Affairs and Northern Development Canada;
- Department of Environment and Natural Resources, Government of Northwest Territories;
- Department of Lands, Government of Northwest Territories;
- previous and upcoming hosts;
- Others as interested.

The Forum Working Group will be responsible to:

- coordinate the review and approval of draft meeting agendas;
- maintain the records of the NWT Board Forum;
- facilitate day-to-day communication and operations within the NWT Board Forum; and
- facilitate communication between the NWT Board Forum and other interested individuals and organizations.

### Other Committees and Working Groups

From time-to-time, the Members may establish committees and working groups for specific purposes and initiatives, such as: policy review, training, outreach and communications, and special projects.

*Note: this revision would require other minor adjustments to the text.*

# Authority of Standing Committees

Along with the ToR, there is a document called “Authority of Standing Committees” from November 29, 2011, that deals with the Governance, Training, and Outreach and Communication Committees.

It would be advisable to review and update this Document for consideration, as well, based on the outcome of today’s discussion.

# BRS Recommendation

Approve a new ToR today to reflect necessary and desired changes.

Approve further review for additional precision to be considered at the next meeting.

Direct BRS and Forum Working Group to review and provide recommendations at the next meeting on the Authorities for Committees.



# ***NPMO roles and responsibilities post devolution:***

***Canadian Northern Economic Development Agency's  
Northern Projects Management Office***

***Board Forum – February 2015***



# NPMO priorities

## Pathfinding and issue resolution for industry

- Working with over 50 companies operating in the North
- Tracking regulatory timelines (5 projects completed EA)
- 5 Resource Development Advisory Group meetings held

## Coordinating federal regulators

- Project agreements: compendium format being introduced
- NWT Project Committees: quarterly meetings
- Project-specific working groups: 5 established

**NPMO**

## Overseeing Crown consultations

- Crown consultation model developed and implemented in the NWT
- Engaging before, during and after hearings
- Ensure that Federal decisions do not impact aboriginal rights

## Post devolution

- MOU with the GNWT
- Joint consultation efforts
- Engaging with 4 communities directly on CRI

# NWT Specific Activities

## Information Sharing

- Coordinate resource development advisory group (RDAG) meetings and information sessions

## Engagement

- Actively meeting with industry – project status, issues management

## Coordination

- MOU with the GNWT on project coordination
  - supporting major projects through cooperation and respectful engagement
  - facilitating effective and transparent regulatory processes
  - optimizing respective opportunities to advance economic development for the people and communities related to major projects

## Project Management

- Overseeing 15 advanced projects (Pre-EA, EA and Regulatory)

## Approvals

- Worked closely with the GNWT to move projects through ministerial approvals:
  - Snap Lake EA/Regulatory amendments

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

- Effective regulatory system post devolution
- Infrastructure
- Labour market
- Access to capital
- Aboriginal Consultation
- Community readiness



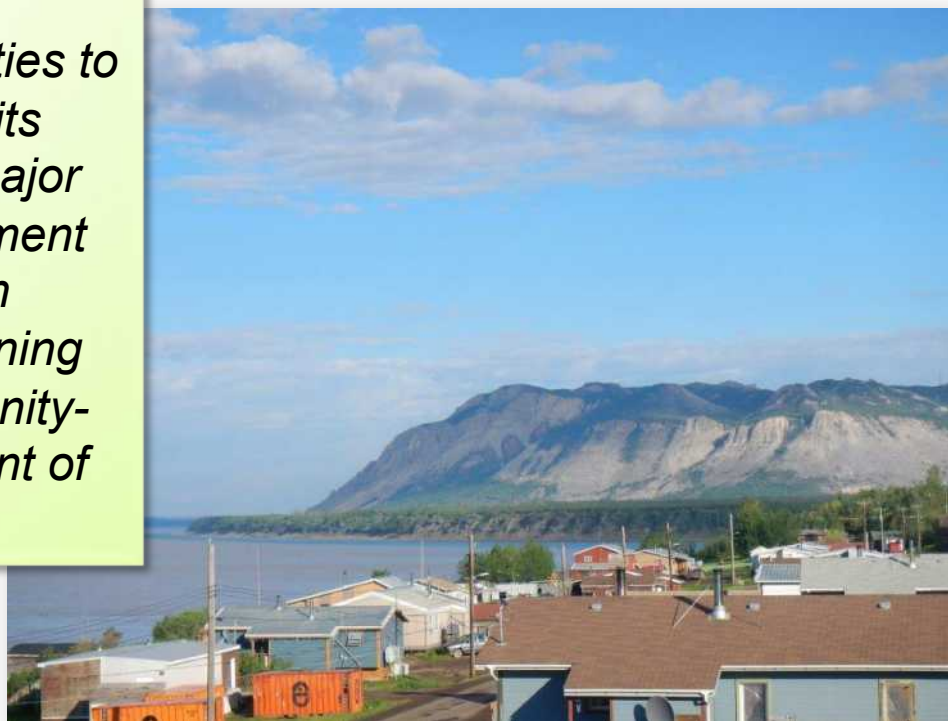
- *Goal to raise the level of certainty in these areas to improve the conditions for proponents to advance projects.*

# Community Readiness Initiative

A **strategic, collaborative** and **opportunity-driven** socio-economic assessment of community readiness in relation to major projects

**Goal:**

*Empower communities to maximize benefits associated with major resource development activity through participation, planning and active community-based management of development*



# NPMO Consultation Model

6

1

A **Crown Consultation Coordinator (CCC)** coordinates all federal regulatory and EA activities on projects consistent with its mandate and provides a '**one project, one window**' approach

2

The **Crown** (federal and territorial) **relies**, to the extent possible, **on the consultative processes of the Boards**

3

The **Model** is premised on a 'whole of government' approach that **vests greater responsibility for consultation with departmental program staff**

4

**NPMO**, with the input of Decision Bodies, **will coordinate additional consultation activities** to respond to unaddressed Aboriginal concerns



# Next Steps

Continue to work with the regulatory boards

- To seek alignment of Crown Consultation obligations and proponent engagement efforts
- To improve collaboration in the following areas:
  - Communication and engagement with other regulatory boards across the north
  - Issues management and communications protocol(s)
  - Socio-economic matters







*Canadian Northern Economic Development Agency*  
**Community Readiness Initiative**  
Yellowknife Geoscience Forum  
November, 2014

*“Our Government recognizes that the future prosperity of the North requires responsible development of its abundant natural resources. Northerners must benefit from this treasure...”*

Speech from the Throne  
October 2013

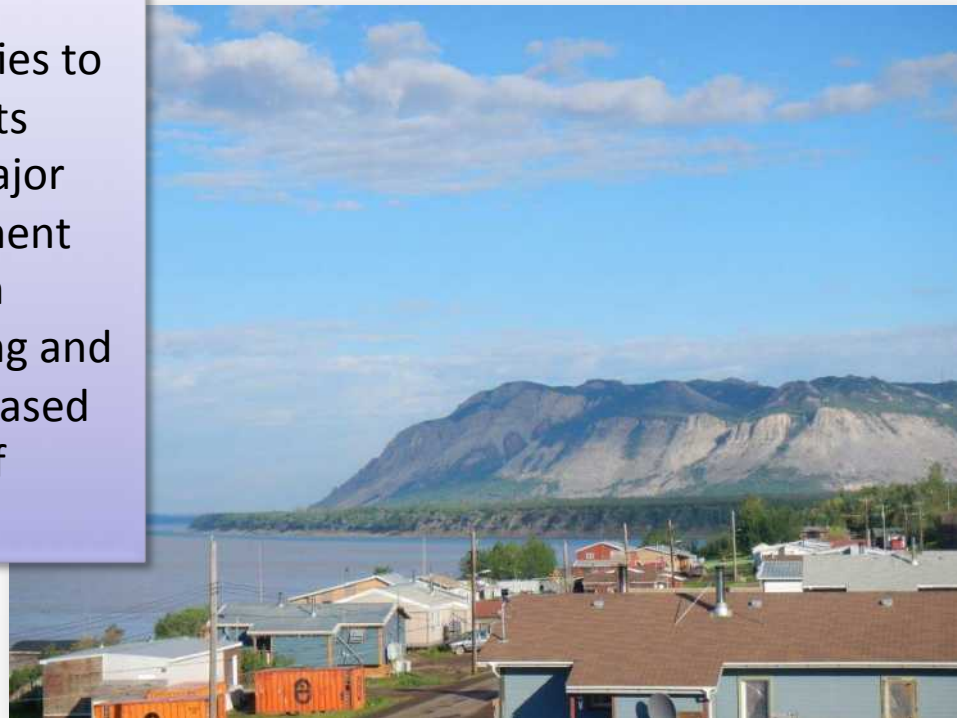


# What is the Community Readiness Initiative?

A **strategic, collaborative** and **opportunity-driven** socio-economic assessment of community readiness in relation to major projects

## ***The Goal:***

Empower communities to maximize benefits associated with major resource development activity through participation, planning and active community-based management of development





# Our Northern Community: Partners in Socio-Economic Development



# The Approach

## STRATEGIC

- Identify opportunities and build on community strengths through community planning

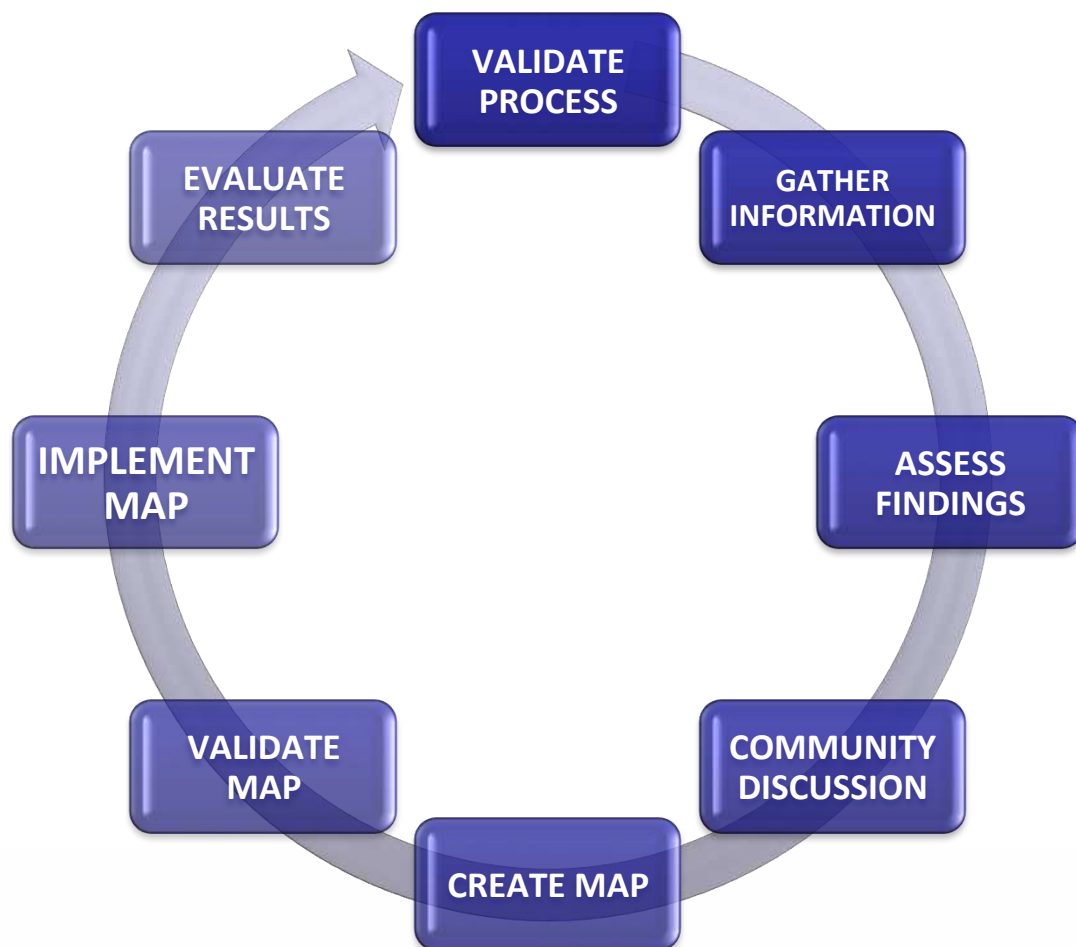
## COLLABORATIVE

- Adopt a collective, horizontal partnership-based approach to aligning and sequencing activities and initiatives, with industry investment and project plans

## OPPORTUNITY-DRIVEN

- Keeping focused on the actions required for communities to benefit from major resource development projects

# Community Readiness: The Process



Phased-approach,  
led by the  
community,  
resulting in the  
development of a  
**Community  
Readiness Map**  
used to guide  
efforts of  
community,  
industry, Aboriginal  
organizations and  
territorial/federal  
governments



# What is measured in determining *Community Readiness?*



# Expected Results

- ✓ Enhanced community planning, management, monitoring and evaluation of socio-economic development
- ✓ The identification of economic and business opportunities for northern Aboriginals
- ✓ Enhanced awareness of choices available to community members
- ✓ Enhanced organizational capacity of Aboriginal stakeholders to undertake project management responsibilities related to identified opportunities
- ✓ Mitigation of potential negative socio-economic impacts that major projects can bring
- ✓ Alignment of investments across partners to address issues and opportunities

# Current Status

## MOUs in place with:

- Kitikmeot Inuit Association
- Qikiqtani Inuit Association
- Government of NWT

## MOUs being explored with:

- Yukon Government
- Government of Nunavut
- Kivalliq Inuit Association

Participating Communities	Major Projects
Pond Inlet	Baffinland
Grise Fiord	Canada Coal
Cambridge Bay	Sabina, Glencore, MMG, Hope Bay Belt, BIPR
Kugluktuk	
Fort Resolution	Gahcho Kue, Avalon, NICO, YK Gold
N'dilo and Dettah	
Tulita	Shale oil play





# Contact

The Community Readiness Initiative is supported by staff in CanNor/NPMO Regional Offices.

*For further information, please contact:*

Northern Projects Management Office  
Canadian Northern Economic Development Agency  
P.O. Box 1500  
Yellowknife, Northwest Territories  
X1A 2R3  
Email: NPMO-BGPN[@cannor.gc.ca](mailto:NPMO-BGPN@cannor.gc.ca)  
Phone: 867-920-NPMO (6766)





# Mackenzie Valley Environmental Impact Review Board

## *Adapting to Change*

*Environmental Assessment Process Updates  
Post MVRMA Amendments*

NWT Board Forum

Mark Cliffe-Phillips – Executive Director

February 10-11, 2015



Mackenzie Valley  
Review Board



# Outline

1. Drivers for Change
2. Timelines
3. Scoping Phase
4. Adequacy vs. Conformity
5. Online Review System
6. Commitment Tracking
7. Development Certificates
8. Pause Period – Preliminary Screening



# Drivers for Change

- MVRMA Amendments – Timelines!
- Devolution
- New Board and Management
- Maturing System



# Coming into force - MVRMA

- 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



# 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





# Timelines

- Timelines do not include 'Developer Time'
- Ministerial time includes any potential consult-to-modify process
- No timelines for Tlicho Decisions
- All EA's currently have Public Hearings scheduled





# Timelines

- Online Tracking Tool
- [Website Example](#)
- Currently being updated – LWB process
- Notification throughout the process at EA milestones to developer and parties



# Scoping Phase

- Review Board develops an industry/project specific framework for a Terms of Reference
- Proponent produces a *Developer's Proposed Terms of Reference*
- Board sends the DPToR out for review



# Scoping Phase

- DPToR used to structure the agenda for the Community and Technical Scoping Sessions
- Board uses the online review comments and scoping sessions to draft the Board's Terms of Reference that is sent for review before final issuance



# Minimum Information Requirements

- Review Board intends to draft minimum information requirements for Project Descriptions - *Project Type Specific*
- These documents will outline the types and level of information required prior to the Board commencing an Environmental Assessment Process



# Adequacy versus Conformity

- Is there enough detail to determine potential impacts and to develop predictions
- Are predictions reasonable and follow from project description, are uncertainties defined and mitigations described
- Framework for significance determination clearly defined, reflect values identified through community engagement and provide thresholds for significant impacts



# Adequacy versus Conformity



After a conformity check, parties do not usually prepare information requests until the DAR is in conformity.



Parties prepare information requests on some subjects while awaiting adequacy responses on other subjects. The amount of time that the developer and parties each have has not been reduced.



# Online Review System

- The Review Board has adopted the online review system developed by the Land and Water Boards
- Efficient and transparent system for parties to comment on documents and for submitting information requests
- Allows for developer to respond in real time to comments from parties
- Need to adapt to Review Board specific processes and terminology





# Commitments Tracking

- Board will require a commitments table from the Developer in the DAR
- Board will consolidate key commitments and continue to track throughout the process
- Mitigate concerns or issues raised during EA or Community Engagement
- Will confirm commitments at Technical Sessions and Public Hearings





# Parties versus Interveners

- Review Board is evaluating the roles of what we currently call 'parties' to the process
- Investigating the separation between parties to the EA process and interveners to the public hearing process



# Reasons for Decision

- The Board is issuing Reasons for Decision on Scoping and other board decisions as they see fit throughout the process
- Intent is to provide clarity and transparent decisions in a timely fashion



# 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

- Review Board is looking at framework for the development and implementation for Development Certificates
- Looking at other jurisdictions – NIRB
- Need to work with GNWT and AANDC
- Inspection and enforcement?



# 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
- Board is looking at ways of notifying screeners and parties of the outcomes of their considerations



# What we need from Others

- Cumulative Effects Assessments
- Regional Studies – Who and how?
- Details on other MVRMA Amendments not the responsibility of the Review Board
- Regulations to clarify roles and responsibilities for Aboriginal consultation and details regarding Cost recovery



# Practitioners Workshop

- February 16-17
- Greater detail on what was outlined today
- Opportunity for participants to provide feedback to the Review Board
- Nearly 100 participants registered
- Support for participants through GNWT-Lands







Mackenzie Valley  
Review Board

## Our contact information

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**[reviewboard.ca](http://reviewboard.ca)**







**Aboriginal Affairs and  
Northern Development Canada**

**Affaires autochtones et  
Développement du Nord Canada**



## **Update on Bill C-15**

**Presentation to NWT Board Forum  
February 2015**



# Overview of C-15 Implementation

## **Royal Assent (March 25, 2014)**

- time limits, ministerial policy direction, increases and modifications to fines and life of project licensing

## **Order-in-Council April 1, 2014**

- amendments necessary to implement the Devolution Agreement, including importing the *Northwest Territories Waters Act* into the MVRMA to regulate water use on federal lands and contaminated sites

## **Order-in-Council (anticipated April 1, 2015)**

- implement the restructuring of land and water boards and allow for cost recovery regulations, consultation regulations, and regional studies (MVRMA)

## **Order-in-Council (anticipated April 1, 2016)**

- Enforceable Development Certificates and Administrative Monetary Penalties (MVRMA)



## Delegations to GNWT

Generally speaking, the following powers and responsibilities were delegated to GNWT on Commissioner's and private lands on April 1, 2014:

- approval of the issuance, renewal, amendment or cancellation of water licences
  - approval of form and holding of security
  - designation of inspectors
  - the receipt and distribution of reports from the MVEIRB
  - powers, duties, and functions of the federal Minister in respect of decisions made in consideration of reports
  - power to extend time-limits for EAs and EIRs
  - powers, duties and functions of the federal Minister relating to cumulative impact monitoring and conduct of an environmental audit
  - powers, duties and functions of the federal Minister in respect of penalties imposed
- Anticipate that power to carry out regional studies will be delegated as of April 1, 2015



## **April 1, 2015 OIC - Board Restructuring**

- Canada has been meeting regularly with the Executive Directors (EDs) from the four existing land and water boards to prepare for transition.
- Under direction of Board Chairs, EDs developed an organizational structure for the restructured board. Aboriginal Affairs and Northern Development Canada (AANDC) provided some funding to assist in this work.
- The new Board will be made up of 10 members and a Chairperson. To ensure a smooth transition, the Minister has indicated that for Canada's appointments, his approach will be that current land and water board members should be considered for reappointment whenever possible. He has encouraged his counterparts to consider a similar approach.



# April 1, 2015 OIC – Regulation-making Authority

## Cost Recovery

- Allow for the recovery of costs associated with the environmental assessment, environmental impact review and/or water licensing of projects in the Mackenzie Valley (MVRMA)
- Anticipate consultations in fall 2015 and winter 2015

## Consultation

- Regulation-making authority to describe roles and responsibilities for consultation and define how the Crown could delegate various aspects of its consultation responsibilities (MVRMA)
- At this point, no schedule for consultation has been developed.



## April 1, 2016 OIC

### **Administrative Monetary Penalties**

- Regulation-making authority to designate what constitutes a violation to which a monetary penalty applies, establish the form and content of notices of violation and set out the method of calculating the amount payable as the penalty and how the review process works (MVRMA and TLA)
- Anticipate consultations to begin in spring and fall 2015

### **Enforceable Decision Certificates**

- An enforceable Development Certificate would set out the decision on an environmental assessment or an environmental impact review and the associated conditions with which a proponent must comply.
- Discussions with MVEIRB and the GNWT will begin soon



## Other Regulatory Work

### ***Preliminary Screening Requirement Regulations and Exemption List Regulations***

- Review which applications for a licence, permit or authorization related to a development will trigger a preliminary screening and which developments are exempted from preliminary screening (MVRMA)

### ***Mackenzie Valley Land Use Regulations***

- Amend the Mackenzie Valley Land Use Regulations to ensure consistency with the amended MVRMA and make minor wording changes to clarify the permitting process.

### ***Northwest Territories Waters Regulations***

- Update provisions to ensure consistency with their new and amended enabling legislation - transferred to the MVRMA, from the now repealed *Northwest Territories Waters Act*, as a result of the NWT Devolution Agreement (MVRMA)





Hello everyone, Amos Scott siyeh.

Sinaa nake ne whehda. Amos Scott siyeh. Tłıchq̓ done gots'q̓ aht'e, eyits'q̓ dechıl̓aa got'ıı aht'e.

By day, I am the producer of a television series called Dene A Journey, a documentary series about reconnecting to culture.

I am also formally a broadcaster with CBC and CKLB, and previously was a video journalist for APTN National News.

Thank you for inviting us to be here. As I tried to figure out why we should be here, and did a little research, I realized we are a counter point or another perspective than say previous presentations from the likes of the Canadian Association of Petroleum Producers.

And I feel we have valid points to be made based on our Dene values and on our desires for our future here in the North.

Let me share a quick story:

During my first caribou above the treeline in the tundra, I learned the importance of our Dene Ways and how being out the land reveals the strength of character Dene share.

I call it 'Walking with Our Ancestors.'

After the hunt, I packed the meat back to camp. With each step on ancient trails, I travelled time to share moments with my ancestors. I learned from them - how they worked to feed their families. The gift of caribou - the shelter, clothing, tools and nutrients it provides us.

This is the importance of culture and way of life - this is the importance of land for Dene. It holds our knowledge like a library. From it, we learn about respect and humility. Our land and animals are gifts we must treat with respect.

I am happy that there are many on our boards here who understand and know these values.

Well this is also the very goal that brings me here as one of the founding members of Dene Nahjo.

As founding members we are all volunteers, and we want to and have started the process of extending our network from beyond Yellowknife and into our communities. Most of us, consider ourselves to be from our communities first and from Yellowknife second because it is in our cultures that we find our home.

Dene Nahjo in our languages means the Dene, the people and Nahjo Our way of Life.

We are here to build partnerships between our two worlds, modern yet still very much a part of this land. Distinctly different yet very much both in need of new leadership for humanity.

For Dene Nahjo: Our way life in culture, languages and land is the foundation of who we are and of our goals.

We believe the North has some incredible challenges ahead of us as climate change and environment issues are already having a direct impact on our way life.

For example lower water levels and the forest fires.

For my peers and I, Dene Nahjo is our vessel to become the next generation of leaders, it is about creating new leadership, that is why we are sitting here.

This opportunity to be here is a part of my leadership growth and it is with the support of Dene Nahjo.

As we try to foster leadership amongst a younger generation, we also understand this next generation will be the leaders who will be working with the policy and regulations of the boards.

As a next generation of land managers in the NWT, I for one, am concerned that the current board mandates fall short of its ability to adapt to the type of decisions making influence needed to respond to the challenges of climate change.

As you are well aware, climate change is not only an environment issue but it is already directly impacting the day to day lives of the people of the North. It affects the well being of our citizens.

Our land and water boards need to be able to regulate through leadership and become the innovators that will leave a legacy of an adaptable, forward thinking healthy communities.

As Canada continues to undermine our current land claims by the creation of a super board. And as our first nation communities risk being pacified by state sanctioned self government and land claims agreements.

We as next generation of leaders are aware we have to fight for our right as northern indigenous to protect our land.

We need to be able to create working relationships with the state and the board regulatory system that helps the north reach its full potential by creating a future which first recognizes the cultural significance of our land and that the Dene of the North are from the land first.

In order to foster a successful, prosperous North ... innovative sustainable development is the key to the equation.

And development like the destructive nature of fracking are a direct threat to our ability as Dene to reach our full potential.

We strongly believe in Dene values from land based knowledge. That, and the inherent integrity of our people is are the guiding principles to effect positive change.

Our land, language and culture. Forever. This is our ultimate goal.

As you know, For Dene, respect is a fundamental principle. Respect for others, for animals, for land and water. This respect for the world around you has been the key to our survival and our success.

And as we face unprecedented challenges. We trust our dene way will help us make the right decisions for the future.

-----

Dene Nahjo rode of the wave of Idol No More as we danced in the cold of winter, warmed by the spirit of it all. Following Idol No More, we decided we have to continue. We have to embrace this drumbeat and dance into the future.

So with the support of TIDES Canada and the Canadian Boreal Initiative, a group of us who would become the founding members gathered in the late spring at Sah Naji Kwe with our elders and Dene Nahjo was born.

Now only a little over a couple of years into it - we have a long list of accomplishments.

There is a rolling album of photos taken by myself, Tania Larsson and the talented Kali Spitzer of Dene Nahjo work.

I wanted you to see the beautiful faces of our people, the amazing inspiration of our landscapes and of us.

In it, you will see one our first initiatives. The tool making workshop, where we learned how to make traditional hide

making tools. We learned from George Roberts in his workshop in Whitehorse. George is a master knife maker. And with us was our master hide maker, Judy Lafferty and her sister Lucy Ann Yakeyela. So in this workshop, we not only learned the physical skill of making tools, but we built relationships with our elders. We learned from them and them from us. We starting laying the foundation for sharing cultural knowledge.

For Dene - there are fundamental lessons of respect learned from all our cultural activities.

There are many lessons while making a traditional tanned moose hide such as perseverance and patience.

While we were in Whitehorse, Dene Nahjo met with some of the Yukon's upcoming indigenous leaders. We spent a day sharing with each other our work and our ideas.

Our network with a larger community continues.

Then those newly made tools were put to work at the Caribou Hide Making Workshop at 8 mile near Fort MacPherson, NT. Our foundation grows and becomes stronger while members of Dene Nahjo and others worked together on making caribou hides over the course of six weeks.

This past July, Dene Nahjo held a strategic planning session as we continue to discover our role. It also provides some renewed energy for Dene Nahjo to grow from the momentum of its initial year.

Dene Nahjo recently hosted a first of its kind for the North, a Circumpolar Indigenous Women in Leadership Gathering held this past November.

To me - this initiative is our best example and most exciting of what happens when young mobilized indigenous people are

supported through partnerships like the one we have with Tides Canada.

The talented women of Dene Nahjo have seen and experienced the limited opportunities there are for indigenous women in the North and how women continue to be marginalized. But rather than let this be a barrier, Dene Nahjo Founding members, Nina, Tania, Kyla, Heather, Melaw and Mandee decided to find an innovative approach.

Now Indigenous Women from across the North have begun the process of building a network and empowering themselves and each other to be leaders...leaders who understand the importance of healthy communities with healthy people as the barometer of successful growth.

-----

We are fortunate to have these women as peers and I am excited to see what they do next.

We are also beginning to develop concepts to focus on the positive development of our men by making them good Dene hunters who provide for the community and who are also our land stewards. This is the what the land and water boards must keep in mind when reviewing projects, what is the impact on our people? And, how will it impact the ability of our communities to become dynamic, happy and functional?

As a result, Dene Nahjo will grow. And we will continue to need support from partners.

I am not shy to say that Dene Nahjo has lofty goals.

We are planning to build a Cultural and Social Innovation Centre for the North. A place to safely harbour the growth of humanity through our way of life.

We will continue to work hard. Through hard work we continue to honour our survivors of residential school by working towards bettering our communities and not leaving their legacy of strength and survival in vain.

It was during my first caribou hunt above the treeline, I learned the importance of our Dene Ways and how being out the land reveals the strength of character Dene share.

As oil and gas continue to creep into the North, we risk destroying some of the last sources of clean water in the world. Climate change now threatens our way of life in the North.

At the rate things are going we may see the extinction of many important caribous herds within my lifetime.

If caribou become extinct, we, the indigenous people of the north will become extinct.

We as a younger people have no choice but to become leaders. We need our voice heard. We need to lead.

It is my generation and younger who will need to find solutions, we will need to make sustainable change happen, we will have to lead humanity into the future.

But I also feel strongly that a positive legacy can be left for a new generation of Northern leaders by creating good, adaptable policy with values rooted in the North, from our Dene and not from southern desires.

And behind good leaders are great people, and this is why I am here today. To build partnerships between our two worlds with good people who support good change.

We will continue to look for solutions. And right now, we are focused on culture reconnection and land is a key in that equation. As we spend more time on the land, we will continue to develop and evolve our ideas for the North.

For us, Dene Nahjo is our way. Dene Nahjo is our voice. Dene Nahjo is the new leadership.

Mahsi. Thank you.

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# 2015 NWT Environmental Audit

Presentation to the NWT Board Forum

John Peters  
ARCADIS SENES CANADA INC.

February 10 2015



# Background

## *Audit requirements and expectations*

- Environmental audits must take place at least every 5 years under the *MVRMA*
- Terms of reference developed by the Gwich'in First Nation, Sahtú First Nation, the Tł̨chq Government and the GNWT (i.e., Audit Sub-Committee)
- Audits must be independent

# Audit Objectives

## Audit examines:

- effectiveness of the regulatory regime to protect key environmental components from significant adverse impacts
- effectiveness of methods used to monitor cumulative impacts
- adequacy of cumulative impacts and environmental trends analysis (focus on caribou, water, fish in 2015 Audit)
- actions taken in response to recommendations made in the previous audits (2005 and 2010)



# Audit Deliverables

- Information collected during the Audit will be presented in one report (no separate Status of the Environment report this time)
- Draft Audit Report to be submitted to the Audit Sub-Committee mid-September 2015
- Final Audit Report for mid-January 2016

# 2015 NWT Environmental Audit Activities

- **Contact list of over 150 federal, territorial and First Nations governments, First Nations agencies, NGOs, industry, and co-management boards.**
- **Will send out targeted questionnaires by end of February.**
- **Public engagement using social media**

# 2015 NWT Environmental Audit

## Activities

- **Community visits and meetings are expected for Inuvik, Norman Wells, Behchokò, Yellowknife, and Hay River or Fort Smith.**
- **Focused interviews with Audit participants expected to begin in mid-April and continue throughout June.**

# 2015 NWT Environmental Audit

## Focus

- **Audit will focus on four areas:**
  - 1) **Review of regulatory regimes**
  - 2) **Review of the NWT CIMP**
  - 3) **Review of environmental trends analyses**
  - 4) **Review of responses to recommendations of previous Audits**

# Audit Criteria and Lines of Inquiry

- **Review of regulatory regimes:**
  - Process in place to address physical and socio-economic environment
  - LUPs in place and used in regulatory process
  - Boards have access to and consider TK
  - Interested parties have access to and input into regulatory process
  - Boards make timely and informed decisions that are protective of the environment
  - Boards are adequately staffed funded
  - Monitoring, inspections and enforcement are adequate



# Audit Criteria and Lines of Inquiry

- **Review of the NWT CIMP:**
  - Fully developed and funded with clear goals and objectives
  - Adequate, relevant and up to date data (scientific and TK) available to monitor and assess cumulative impacts

# Audit Criteria and Lines of Inquiry

- **Review of environmental trends analyses:**
  - Valued Component (VC) trend analyses, including significance and contributing factors, completed by CIMP or others
  - Results of VC trend analyses available to public, decision-makers and researchers
  - Adequate, relevant and up to date data (scientific and TK) used for trend analysis

# Audit Criteria and Lines of Inquiry

- Review responses to recommendations of previous Audits :
  - Action plans developed and implemented to address Audit recommendations

# Considerations for 2015 Audit

## What's New

- Focus on how Boards will move forward with amalgamation
- With Devolution, have previously identified gaps been addressed (e.g., AQ) or new gaps developed?
- Streamlined audit report
- Directly Affected Parties responses to recommendations included in Audit Report (as is done by OAG)
- Modify community engagement process

# Information for the Audit Team

## What we would like from you

- **Suggested EAs / projects for case studies (e.g.):**
  - Projects that went particularly well / not well;
  - Actual / perceived environmental impacts worse than expected.
- **With Devolution, have previously identified gaps been addressed?**
- **Have previous recommendations been addressed?**



# 2010 Audit Recommendations

1. Legislative change for maximum timeline for ministerial decisions
2. Stable, long-term funding for MVEIRB, MVLWB, WLWB and training programs for all MVRMA Boards
3. Mechanism to provide timely, flexible funding to LUPBs, LWBs, MVEIRB
4. Through BRS, Boards should formalize training for members and staff
5. Board appointments – INAC should eliminate need for multiple nominees or improve communications around benefits of approach
6. MVEIRB – need for guidelines for application of “public concern” in screening and EA
7. With legislative change, address discrepancy between Guiding Principles in P. 5 of *MVRMA* and definition of impact on the environment

# 2010 Audit Recommendations (cont'd)

8. MVEIRB – complete MOUs with Alberta and BC for transregional EAs
9. Clarify and resolve issues associated with EA and regulatory processes for reserves
10. Federal or territorial governments should provide adequate long-term, stable funding to Aboriginal organizations for TK research
11. PWNHC should develop partnership program to improve archaeological and heritage resources database
12. Aboriginal groups with assistance from federal and territorial governments should develop training with respect to TK collection, documentation, verification, reporting and use in *MVRMA* processes
13. INAC should review merits of creating new TK and community consultation staff resources to be shared between Boards

# Contact for the Audit Team

**John Peters – 905 764 9380**

**Shelagh Montgomery – 867 669 2092 x226**

**Sarah Warnock – 867 669 2092 x224**

**Use the common e-mail address:**

**[2015NWTAudit@senes.ca](mailto:2015NWTAudit@senes.ca)**



# Office of the Regulator of Oil & Gas Operations



The background of the slide features a photograph of an oil pumpjack in the foreground, with a blue sky and a line of trees in the distance. A large, curved blue graphic element is positioned on the left side of the slide.

# **OROGO UPDATE**

**NWT Board Forum  
February 11, 2015  
Yellowknife**

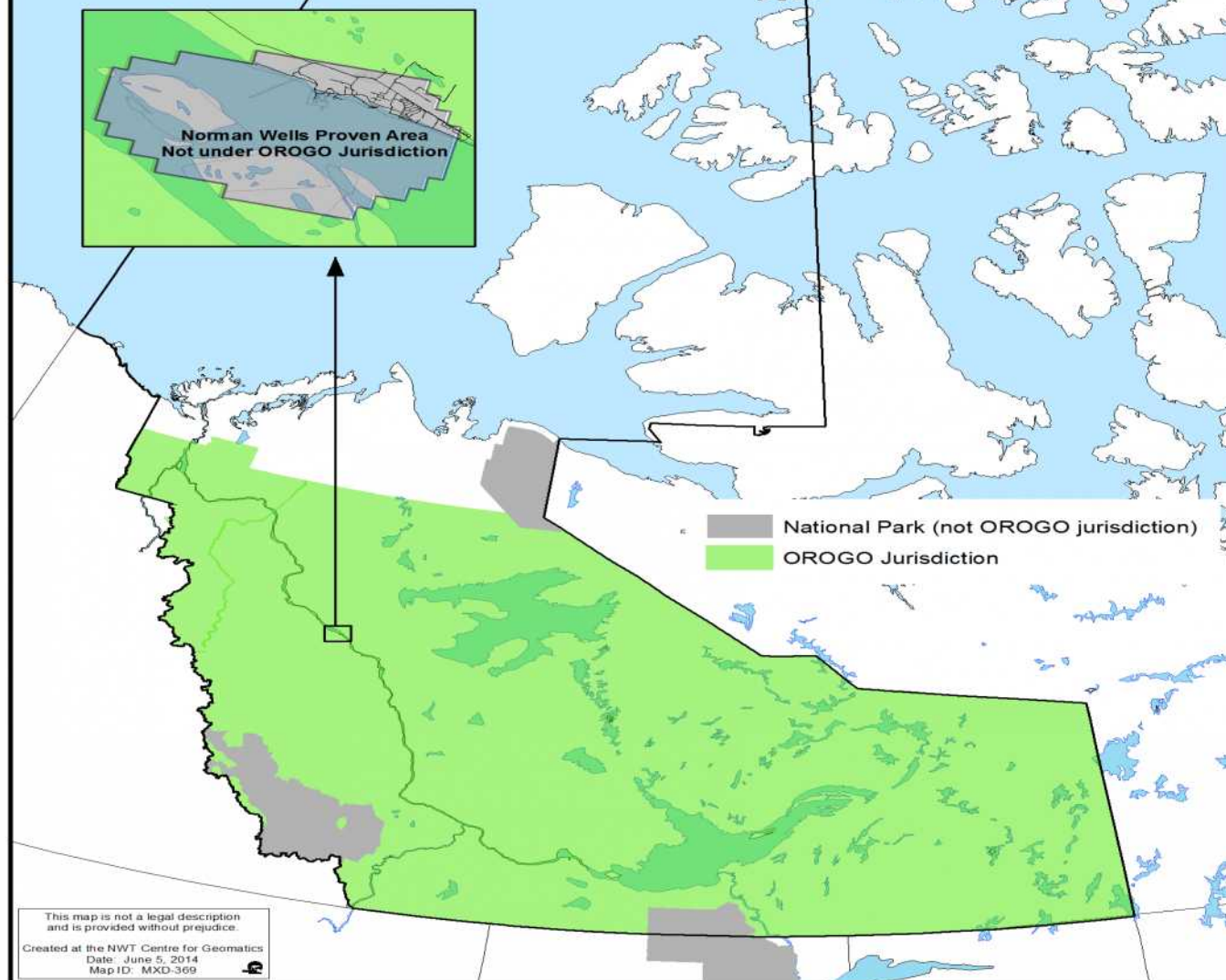


**OROGO**

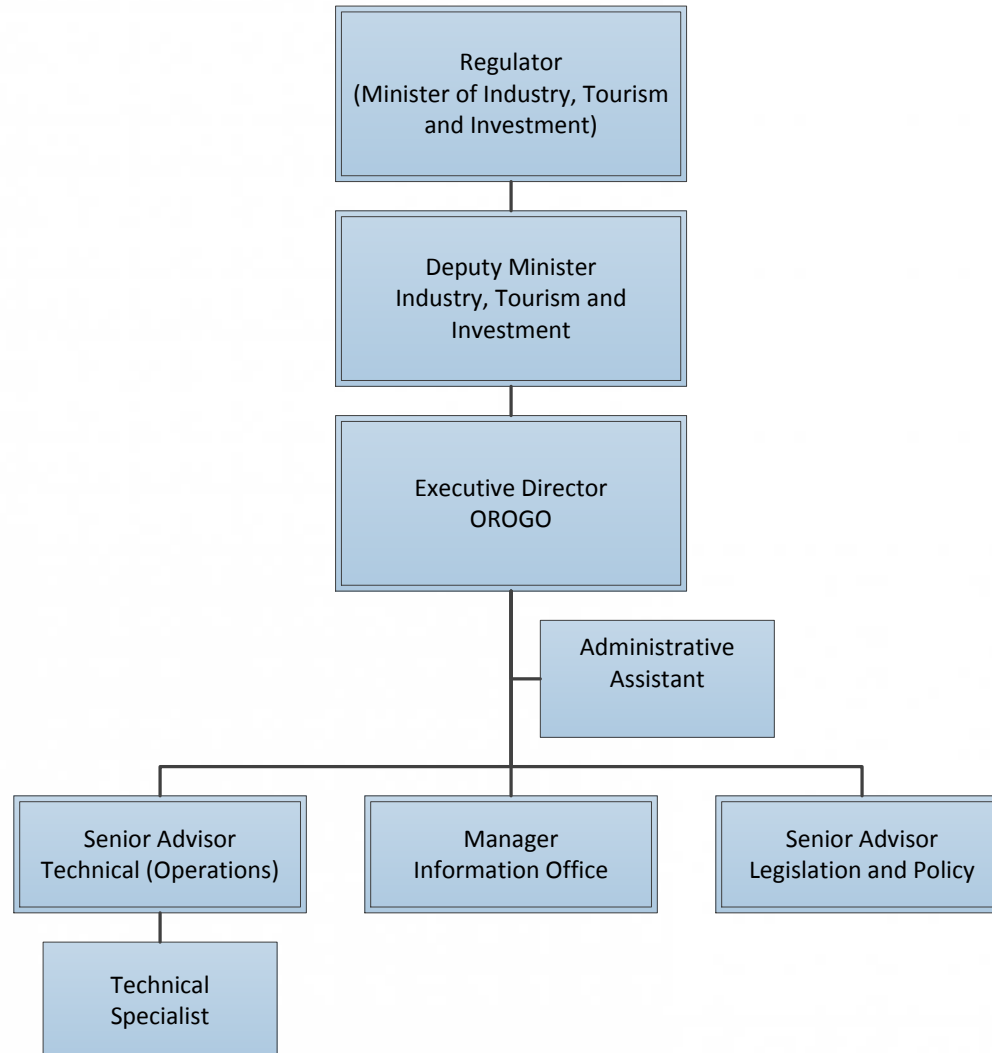




## OROGO Jurisdiction under the Oil and Gas Operations Act



# Organizational Chart



# Transparency and Openness

- OROGO's goal is to be as open and transparent as the legislation allows
  - Section 91 of the *Petroleum Resources Act* contains broad privilege provisions
  - These provisions are also found in the *Canada Petroleum Resources Act*



# Transparency and Openness

- An agreement with the BC Oil and Gas Commission for the use of FracFocus.ca is pending
- FracFocus.ca allows public to access information about the composition of fracturing fluid used by operators (with their consent)
- This initiative will maintain the level of transparency about hydraulic fracturing activities established by the National Energy Board





# Transparency and Openness

- OROGO has established a public registry on its website
- A consent form allows OROGO to publish basic information about applications and approvals on the public registry
- The public registry also contains summaries of the monthly production reports

# Working with Stakeholders

- OROGO is meeting with Aboriginal governments to build cooperative working relationships
- OROGO partnered with the Jean Marie River First Nation to investigate historic well sites in July 2014
- OROGO continues to travel to communities and meet with stakeholders to build public awareness of the new Regulator



**OROGO**



# Working with Other Regulators

- OROGO is establishing clear working relationships with other regulators, in part by:
  - Signing a cooperation MOU with the MVLWB in December 2014
  - Working on a cooperation MOU with the National Energy Board as co-regulators in the onshore NWT
  - Explaining our role and better understanding the role of others
- In October 2014, OROGO coordinated H2S Alive Training in Yellowknife for its staff and staff of other regulators

# Incident Response

- OROGO is an active member of the NWT-NU Spills Working Group
- OROGO staff are developing their response capacity through Incident Command System training
- OROGO has direct access to emergency response capacity from the Alberta Energy Regulator and the National Energy Board



# Authorizations and Inspections

- No exploratory activity in winter 2014/15
- OROGO has issued authorizations for maintenance activities in the Sahtu and Dehcho
  - OROGO accessed technical assistance from the National Energy Board and the Alberta Energy Regulator to review these applications
  - OROGO will be conducting inspections of these activities as they occur
- OROGO has established a presence in the field
- OROGO conducted its first hearings into a Significant Discovery application in November 2014

# Conclusion

- OROGO is meeting its objectives for the first year of operations post-devolution
- OROGO is looking forward to strengthening relationships with other regulators, Aboriginal governments and stakeholders over the coming year



**OROGO**



National Energy  
Board

Office national  
de l'énergie



# **NEB**

# **Strategic Priorities Moving Forward**

**NWT Board Forum**  
10-11 February 2015

Peter Watson  
Chair/CEO

Canada





National Energy  
Board

Office national  
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# NEB's Strategic Priorities

Taking Action  
on Safety



Engaging  
with  
Canadians



Lead  
Regulatory  
Excellence



Canada



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# Priority 1: Take Action on Safety

## **Challenge:**

Improve the safety performance of the pipelines the NEB regulates.

## **Key Activities:**

- Develop and implement enhanced Safety Culture framework and collaborate with other regulatory agencies.
- Improve the quality and completeness of regulatory data and its use to inform continual improvement of regulatory programs.
- Enhance trending, root cause analysis, determine actions, measure results and share with the public and regulated companies.
- Plan and hold technical fora to publicly discuss safety.



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## Priority 2: Engaging with Canadians

### **Challenge:**

Connect with Canadians to offer more visibility and clarity on the role of the NEB and the issues within its mandate.

### **Key Activities**

- Develop and implement a framework for engagement beyond hearings
- Develop and implement a framework for the use of public feedback in NEB work (includes processes, etc.).
- Ongoing work to develop and implement a National Outreach Initiative.
- Provide Canadians with accurate and relevant energy information.
- Develop and implement protocols and tools to share information.





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# Engagement Initiative

- Launched November **2014**.
- Will include outreach in every province and the North to hear from Canadians on how the Board can improve its pipeline safety program and environmental protection.
- Key audiences:
  - Municipal and provincial leaders and staff
  - Aboriginal organizations
  - Environmental groups
  - First responders
  - Academics
  - Professional and industry organizations
- Will conclude with a pipeline safety technical conference followed by the release of a report in 2016
- Includes an online discussion forum: [www.neb-one.gc.ca/ListentoCanadians](http://www.neb-one.gc.ca/ListentoCanadians)



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## Priority 3: Lead Regulatory Excellence

### **Challenge:**

Define a framework for regulatory excellence and enhance evaluation, performance assessment, innovation, and management systems on a long-term basis.

### **Key Activities:**

- Develop and implement a framework for regulatory excellence.
- Define regulatory excellence including evaluation and criteria.
- Evaluate NEB's effectiveness as a regulator and organization, and recommend and execute improvements.
- Define criteria and measures to evaluate and implement an internal Safety Culture.
- Collaborate with other regulators.



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# Legislative Update

## 1. Bill C-22 (Energy Safety and Security Act)

**If passed by Parliament, the Bill would, among other things:**

- Improve transparency
- Increase Absolute Liability in the offshore and establish new financial obligations

## 2. Bill C-46 (Pipeline Safety Act)

**If passed by Parliament, the Bill would, among other things:**

- Strengthen the damage prevention regime
- Strengthen Board Officer powers



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# Questions?





# GNWT Department of Lands



**Terry Hall**  
**Director, Land Use & Sustainability**  
**Department of Lands**

# Lands Mandate

The Department of Lands is responsible for the management and administration of all public lands in the Northwest Territories.

## **Key Responsibilities:**

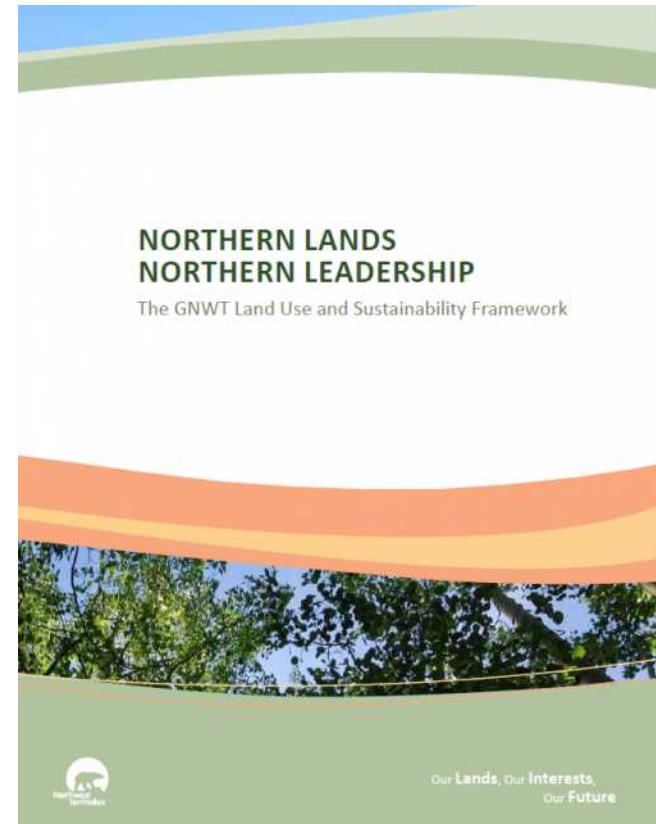
- Administration and management of Commissioner's Land and Territorial Lands
- Land use sustainability standards, guidelines and policies
- Land use initiatives
- Project assessments
- Land use planning
- Land use administration
- Compliance and enforcement of land use, including inspections
- Oversight and management of securities
- Informatics Shared Service Centre (ENR, ITI, Lands)



# Land Use & Sustainability Framework

Principles for GNWT land use decisions:

- Balanced and Sustainable
- Responsible and Responsive
- Respectful
- Relevant and Informed
- Coordinated and Collaborative
- Fair and Equitable
- Transparent and Accountable



# Working with Boards

- Boards are key partners in NWT land management systems.
- Our collective success will be measured by how well we work together.





# Land and Water

- Liabilities and Financial Assurances
- Protocol on land and water inspections
- Enforcement
- New technologies



# Land Use Planning

- Planning Workshops
- LUP Policy Framework
- Planning in areas not covered by a modern Land, Resources and Self-government Agreements
- Recreational Land Management Framework



# MVEIRB

- Internal work on roles and coordination at the application phase
- Refining approach when GNWT as proponent
- Relationships with federal government



# Resource Management

- Surface Rights Board
- Coordinating GNWT input to federal processes
- Northwest Territories Lands Act (Territorial Lands Act)
- Commissioner's Land Act



# The Future Is Here...

- Many post-devolution challenges and opportunities
- Relationships are key
- GNWT committed to building and maintaining strong working relationships with boards at staff and senior management levels







# *Northern Voices, Northern Waters* NWT Water Stewardship Strategy Update

NWT Board Forum  
February 10-11, 2015



# Water Resources Division

- New division formed on April 1, 2014
- Approximately 40 staff
- 4 Sections:
  - Water Research and Studies
  - Watershed Programs and Partnerships
  - Water Regulatory
  - Taiga Environmental Laboratory





# NWT Water Stewardship Strategy and Action Plan

## What we heard:

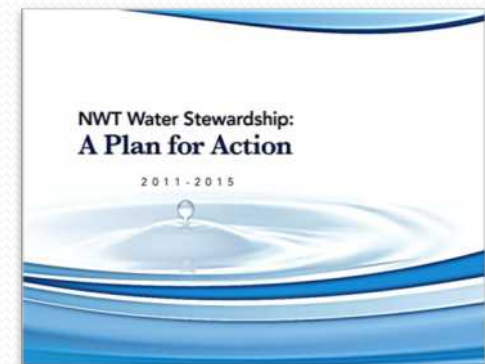
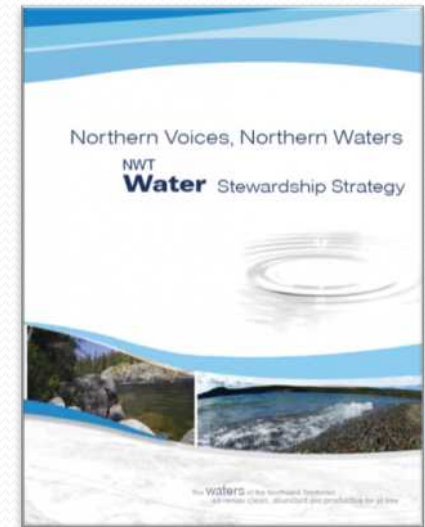
- Water should be kept abundant and clean to protect all uses
- The whole ecosystem needs to be taken into consideration when making decision about water

## How was it addressed:

The vision of the WSS is that waters of the Northwest Territories remains clean, abundant, and productive for all time.

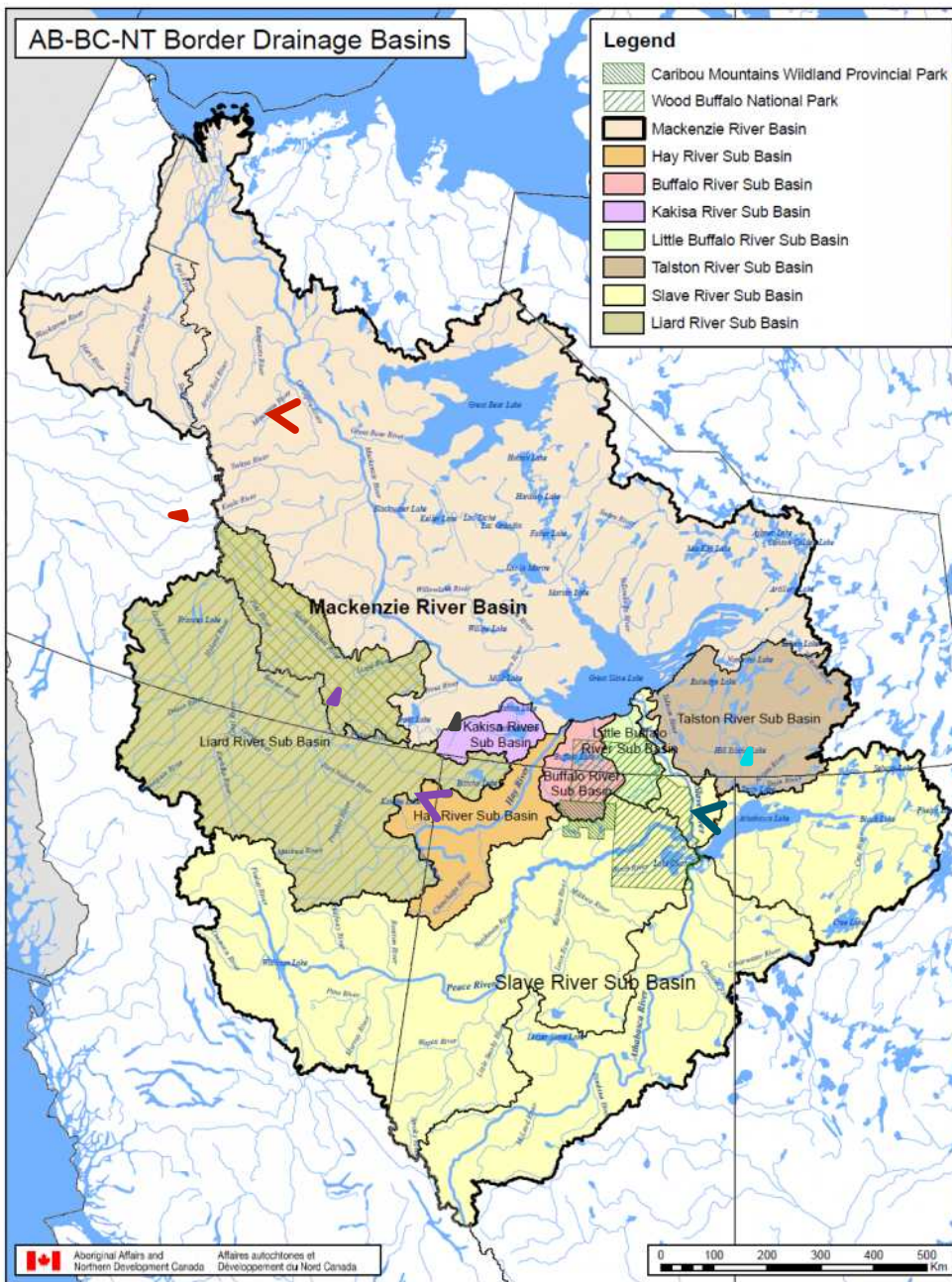
## Goals:

- Waters that flow into, within or through the NWT are substantially unaltered in quality, quantity and rates of flow.
- Residents have access to safe, clean and plentiful drinking water at all times.
- Aquatic ecosystems are healthy.
- Everyone making water stewardship decisions works together to communicate and share information.



# Priority Areas

- Build capacity and support communities participating in research and monitoring
  - Keys to Success Know and Plan - Community-based monitoring
    - 2.2.A Explore, develop and implement opportunities for community-based research and monitoring programs
    - 2.2 B Work with partners on community source water protection
  - Key to Success 3.3 Use Responsibly Compliance
- Completing Transboundary Water Agreements
  - Key to Success 1.4 A



## NWT Transboundary Waters under the Master Agreement

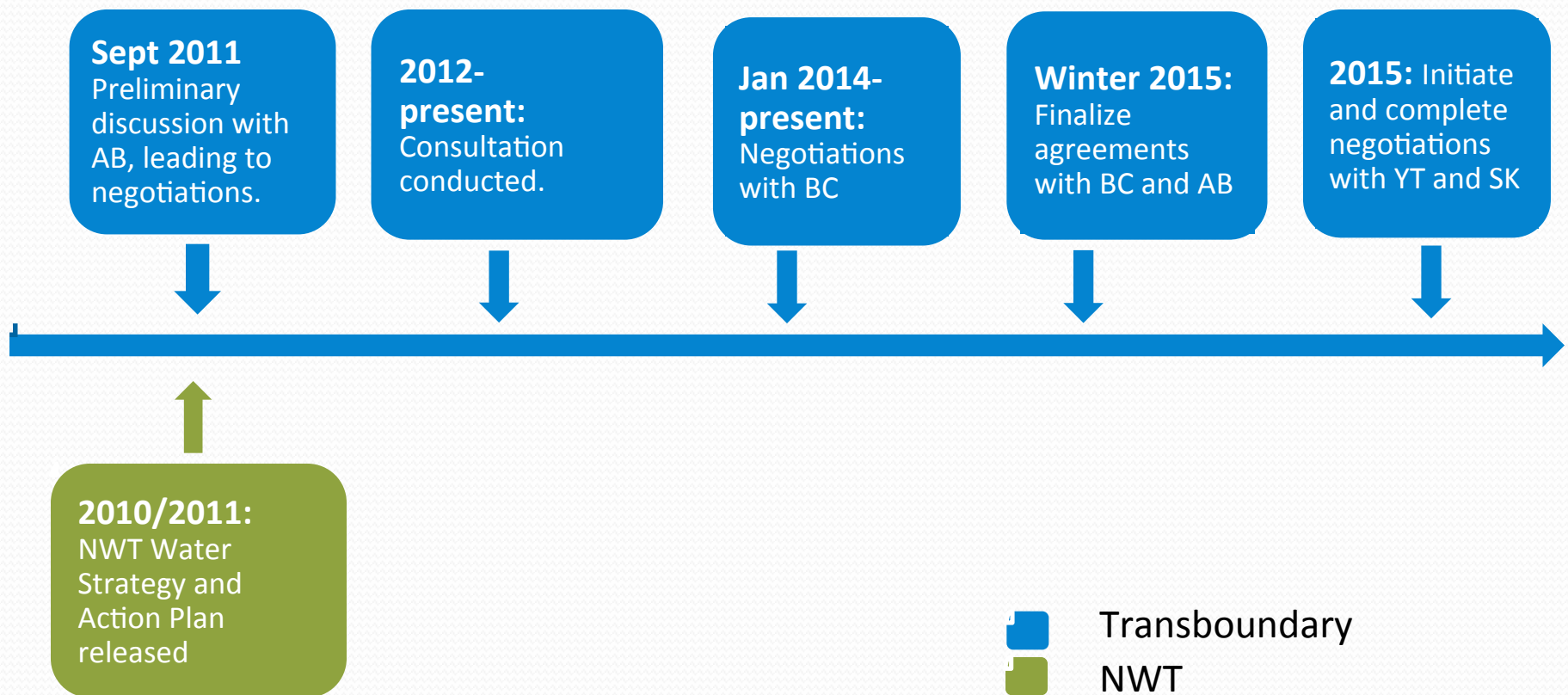
◆ NWT-Yukon Border Watersheds

◆ NWT-SK Border Watersheds

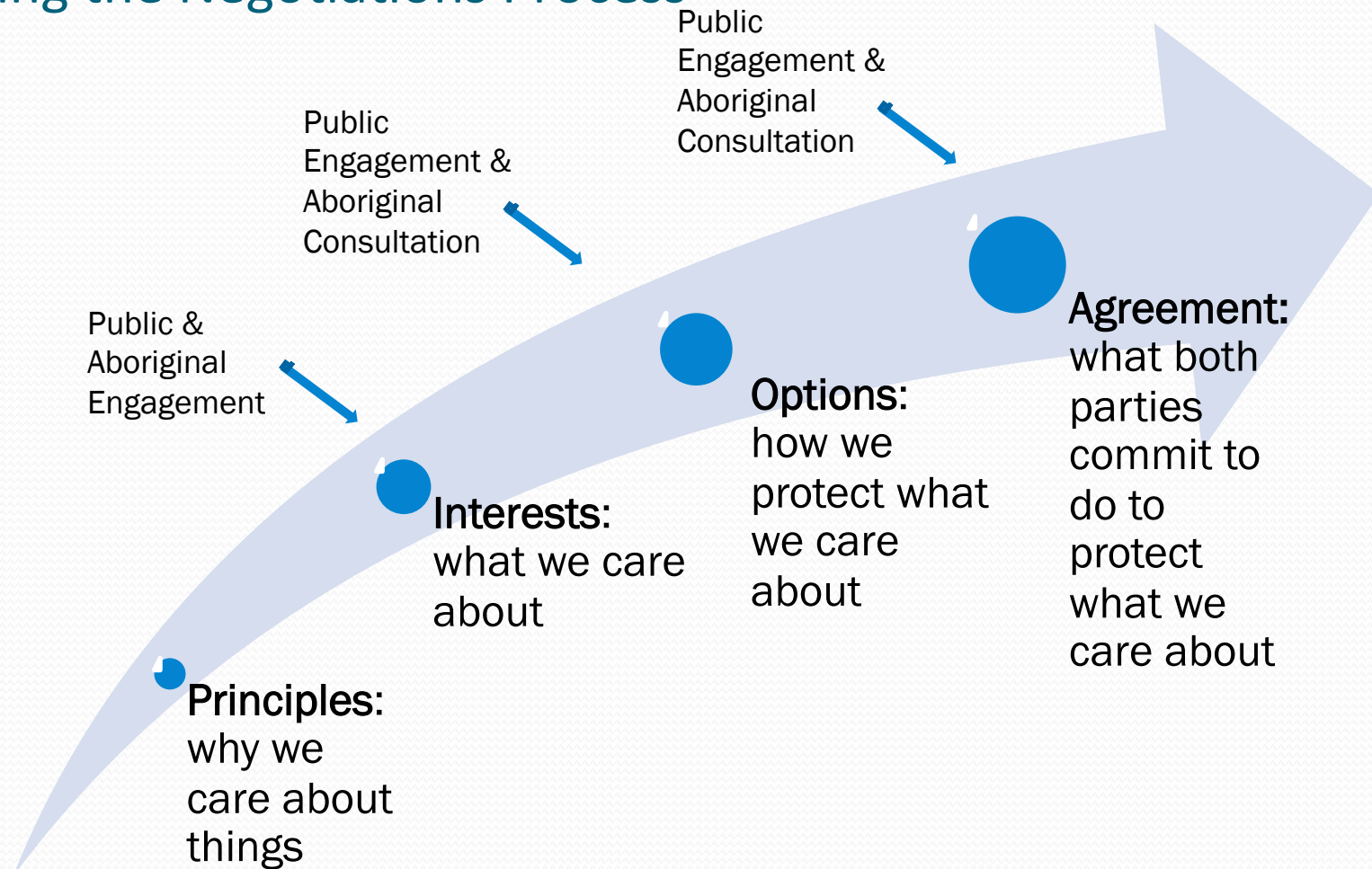
◆ NWT-Alberta Border Watersheds

◆ NWT-BC Border Watersheds

# The Negotiations



# Public Engagement & Aboriginal Consultation during the Negotiations Process







# Components of the Agreements

- **Purpose**
- **Definitions**
- **Jurisdictional Water Management**
- **Risk Informed Management**
- **Surface Water Quantity**
- **Surface Water Quality**
- **Groundwater**
- **Biological Component**
- **Monitoring**
- **Research**
- **Information Sharing, Notification, Consultation**
- **Emergency Response**
- **Administration**
- **Dispute Resolution**
- **Process Provisions**

# Independent Evaluation and New Action Plan 2016-2020

- Independent Evaluation of the Water Strategy, 2010-2015
  - From January-May 2015 and will inform next Action Plan
  - Key to Success 4.2 Check Our Progress
- Priority for 2015-16: Develop a new Action Plan



Thank you.

Questions or Comments?





# Forest Management Agreement Implementation

## 2014-2016

*Northwest Territories Board Forum*

*February 10-11<sup>th</sup>, 2015*

*Yellowknife, NT*

Frank Lepine  
Associate Director  
Forest Management

Environment and Natural Resources



- 
- Timber Harvest Planning Areas for Regional Forest Management Agreements**
- Map Elements:**
- Town
  - Highway
  - Waterway
  - Province
  - Timber Harvest Planning Area
  - Wild Sanctuary
  - Non-forest Protected Area
- Map Labels:**
- Yellowknife
  - Detah
  - Edehzhie
  - Fort Providence
  - Kakisa
  - May River Reserve
  - May River
  - Enterprise
  - Fort Resolution
  - KaageTu
  - Buffalo Lake
  - Wood Buffalo National Park
  - Great Slave Lake
  - Lake Athabasca
  - Lake Winnipeg
- Scale:** 1:1,150,000
- Legend:**
- 0 10 20 30 40 km
  - North Arrow
- Map Source:** Map of the Northwest Territories, 1:1,150,000, 1998. Data provided by the Government of Canada, Natural Resources Canada, Northern Forestry Centre, Edmonton, Alberta.



# Forest Management Agreement ...Details...

- Both FMAs are for 25 years and provide the authorization to harvest up to 70% and 85% (respectively) of the Annual Sustainable Harvest Level
- Consultation was completed with affected aboriginal groups prior to signing the FMAs.



# Forest Management Agreement ...Details...

- The agreements include the requirement to use the wood for commercial purposes and to develop sustainable local economies by building businesses and developing employment capacity.
- One business proposal that FMA holders are considering is with a pellet making business that is being contemplated in the South Slave.



# Forest Management Agreement ...Implementation...1/3

- A 25 Year Strategic Plan is being built for each FMA by ENR, Forest Management that:
  - Describes the current state of the forest
  - Details the quantity, location and sustainability of the available timber resource
  - Identifies important habitat and Species at Risk within the area, and
  - Projects the cumulative effects of the harvesting over the 25 year time horizon



# Forest Management Agreement ...Implementation...2/3

- A 5 Year Timber Harvest Plan is being built by each FMA Holder to identify the extent and nature of the harvest, road networks and other ground impacts associated with timber harvest.
- The 5-Year plan will reflect the principles of the Strategic Plan
- Both of these plans are scheduled for completion before the end of March 2015





# Forest Management Agreement ...Implementation...3/3

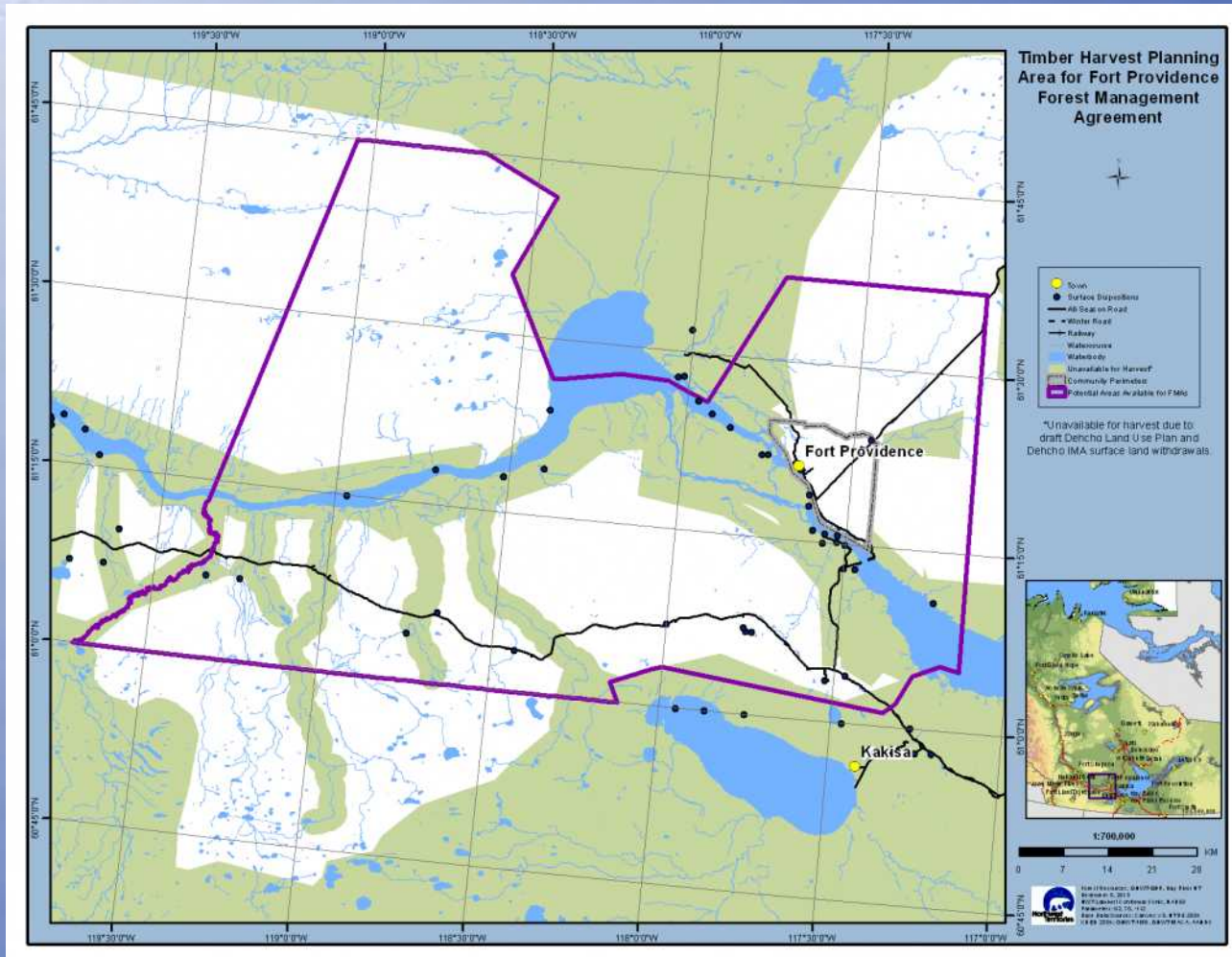
- Land Use Permit Applications are expected to be accompanied by both the 25 Year Strategic Plan and the 5 Year Timber Harvest Plan.
- The FMA Holders, as the developers, and ENR, as the Crown, will be consulting on the timber harvest with all of the affected aboriginal groups.
- Aboriginal governments are both the principals of the FMA companies, and represent the cultural and social interests of community First Nations.







# FMA Area Fort Providence/ Digaa Enterprises





# Forest Management Agreement Implementation Timeline

- March, 2015:
  - Land Use Permit Application Submission to MVLWB
- Spring, 2015:
  - LUP received
- Summer 2015:
  - pre-harvest field assessments completed,
- Fall, 2015:
  - Annual Operating Plan approved by ENR
- December 2015-March 2016:
  - 1<sup>st</sup> Year's timber harvest completed



# Forest Management Agreement Contact and Questions

- If you wish to receive more information and/or work with ENR on this important project please contact

Frank Lepine

Associate Director

Forest Management Division,

Fort Smith

[Frank\\_Lepine@gov.nt.ca](mailto:Frank_Lepine@gov.nt.ca)

(867)872-7700



# Hydraulic Fracturing Filing Regulations

Presentation  
to the  
NWT Board Forum  
February 11, 2015  
Assistant Deputy Minister  
Deborah Archibald

- Since 2012, GNWT has been conducting research on hydraulic fracturing with a view to ensuring protection of the environment
- Looked national and international environmental best practices used by industry and regulators in other jurisdictions
- Research highlighted four broad areas where northerners would like to see additional information made available or actions taking by proponents:
  - groundwater studies;
  - transparent disclosure;
  - air quality;
  - enhanced reporting.
- On April 1, 2014, GNWT was devolved responsibilities for management of rights in respect of water, land and resources

# Regulatory Framework

- *Oil and Gas Operations Act* and its Regulations
- *Petroleum Resources Act* and its Regulations
- *Waters Act* and its Regulations
- *Mackenzie Valley Resource Management Act* and its Regulations (Federal)
- *Canadian Environmental Assessment Act (2012)* and its Regulations (Federal)
- NEB Filing Requirements for Hydraulic Fracturing



# Application of Regulations

- Regulations will apply to project proponents who intend to conduct horizontal drilling and hydraulic fracturing activities at the exploration phase.
- Regulations will detail information that the proponent is required to file with their application for an operations authorization where hydraulic fracturing is contemplated.
- Regulations will apply to onshore NWT (Mackenzie Valley and Inuvialuit Settlement Region) under the NWT *Oil and Gas Operations Act*



# Regulations Will.....

- Codify requirements set out in the NEB Filing Requirements
- Anticipate that regulations being developed by the GNWT will likely include new in these four broad areas:
  - Groundwater information
  - Transparent disclosure
  - Air quality
  - Enhanced reporting

# Highlights – Draft Regulations

- Will not include requirements under *Oil and Gas Drilling and Production Regulations*
- Will not reproduce any duplication between NEB Filing Requirements and jurisdiction exercised by Land and Water Board

# Regulation – Other Jurisdictions

- **Alaska** – Has hydraulic-fracturing specific regulations: AAC 25.283, Hydraulic Fracturing
- **Alberta** – Alberta Energy Regulator Directive 083 – Hydraulic Fracturing - Subsurface Integrity (*Similar to Filing Requirements*)
- **Saskatchewan** – No hydraulic-fracturing specific regulations (have Fracture Fluid and Sand Disposal Guidelines)
- **BC** – No hydraulic-fracturing specific regulations
- **New Brunswick** – No hydraulic-fracturing specific regulations
- **Nova Scotia** – No hydraulic-fracturing specific regulations
- **California** – No hydraulic-fracturing specific regulations

- Intergovernmental Council
- Aboriginal Governments
- Oil and Gas Regulators (NEB, OROGO)
- Land and Water Boards
- Public (Regional Centres)
- Communities (if requested)
- Industry
- NGOs

Date	Objective
February / March	Draft Hydraulic Fracturing Filing Regulations to be published in NWT Gazette (90-day period)
March – May 2015	One-on-one consultations with Aboriginal Governments and other Regulators Public Engagement
June - August 2015	Review results of consultation and complete final regulations



# Questions?

# Overview of the NWT Geoscience Office

Presentation  
to the  
NWT Board Forum  
February 11, 2015  
Assistant Deputy Minister  
Deborah Archibald

## **Mission Statement**

Our mission is to map, interpret and explain the geology of the Northwest Territories to inform decisions by governments, industry, and the public concerning the responsible development of mineral and energy resources, use of the land, and protection of the environment.

## **Vision**

The NTGO will be recognized as the principal source of public geoscience knowledge about the economy, land and resources of the NWT.

## **Strategic Outcome**

The people of the NWT benefit from the responsible use of their land.

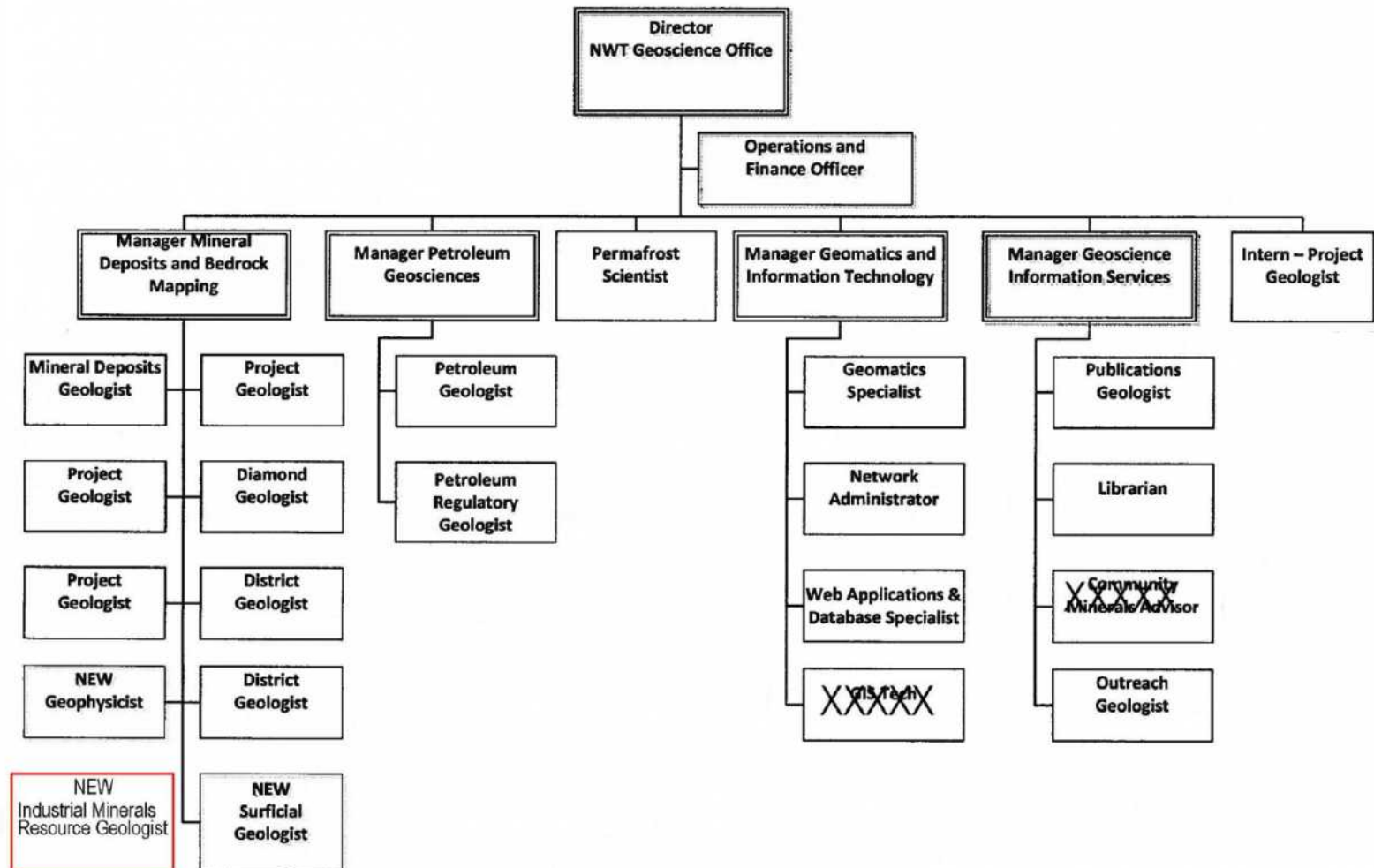


# Areas of Expertise

- Bedrock Mapping and Mineral Deposit Studies
- Permafrost Research
- Petroleum Geoscience Studies
- Geomatics and Information Technology
- Outreach

# Organizational Chart

## Industry, Tourism & Investment NWT Geoscience Office (NTGO)



# **Projects/Projects You Might Be Interested In**

# Stream/Lake Sediment Sampling

- A regional, field-based method that provides a first-order understanding of mineral potential.
- Water and sediment samples are collected for chemical analysis.
- The chemical ‘fingerprint’ of these samples can indicate areas of elevated mineral potential.
- A very powerful database for encouraging mineral exploration investment.
- Water samples additionally provides baseline environmental information.

# Deep Sub-Surface Aquifer Studies

- NTGO contracted AMEC Environment and Infrastructure (Calgary) to conduct a baseline study of groundwater quality and aquifer characteristics in the Central Mackenzie Valley.
- They analysed shallow groundwater data provided to the SLWB by Husky, ConocoPhillips, and MGM/Shell.
- This is an initial study – much more work is needed.
- The study was conducted partly at the request of industry, who perceived a need for unbiased, third party data interpretation.
- On a related note, ENR is currently in the process of hiring a hydrogeologist.

# SGP – Surficial Drilling Program

- \$5.3 million program funded by GNWT, CanNor, industry and university partners.
- Will study surficial materials deposited by glaciers to get a better understanding of the history of movement of glaciers and the surficial deposits associated with them.
- This is critical information for diamond exploration programs.
- Drill cores will also be used to better understand regional permafrost conditions to inform future infrastructure studies and needs.

# Geological Collections Storage Facility

- A facility to store diamond drill core, rock, stream sediment, lake sediment and glacial till samples
- 12,000 metres of diamond drill core (largest collection of kimberlite core in the world)
- Historic documents from mining properties and advanced mineral exploration projects.
- Currently there is no proper storage facility in place.
- Industry uses existing drill core in particular to inform and advance their exploration projects (typically millions of dollars in savings).

- NTGO collects and manages numerous types of geoscience data for the NWT.
- Web applications (currently being upgraded) are used by clients for discovery and download of information.
- Geoscience education and outreach examples
  - Daring Lake Tundra Science Camp
  - ENRTP field training (Aurora College)
  - Univ. of Alberta – NTGO field school
- NTGO staff contribute their expertise as needed to address a wide variety of requests and needs.





Home	Minerals	Petroleum	Resource Assessments	Outreach Programs	Data & Services	Contact Us	Site Map
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[Home](#) > Home

**PLEASE NOTE: The Northwest Territories Geoscience Office (C.S. Lord Building) will be closed on February 5, 2015 for an all-staff meeting. Our office will reopen on February 6 at 8:30 am MST.**

The Northwest Territories Geoscience Office (NTGO), a Division of the Department of Industry, Tourism and Investment, Government of the Northwest Territories, advances geoscience knowledge of the Northwest Territories for the benefit of Northerners and all Canadians. We do this through the delivery of geoscience research, analysis of mineral and petroleum resources, and by offering excellence in digital data management.

Visit the [GNWT's Devolution website](#).



The Yellowknife Geoscience Forum provides an intimate setting for the exchange of information on mineral and petroleum exploration, resource development activities, and government and academic geoscience research across Canada's North. The Forum consists of a trade show and a technical session of oral and poster presentations.

The 42nd Annual Geoscience Forum will be held November 25-27, 2014.







# Intergovernmental Council on Land and Resource Management

Presentation to the Board Forum

February 11, 2015



# Background



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





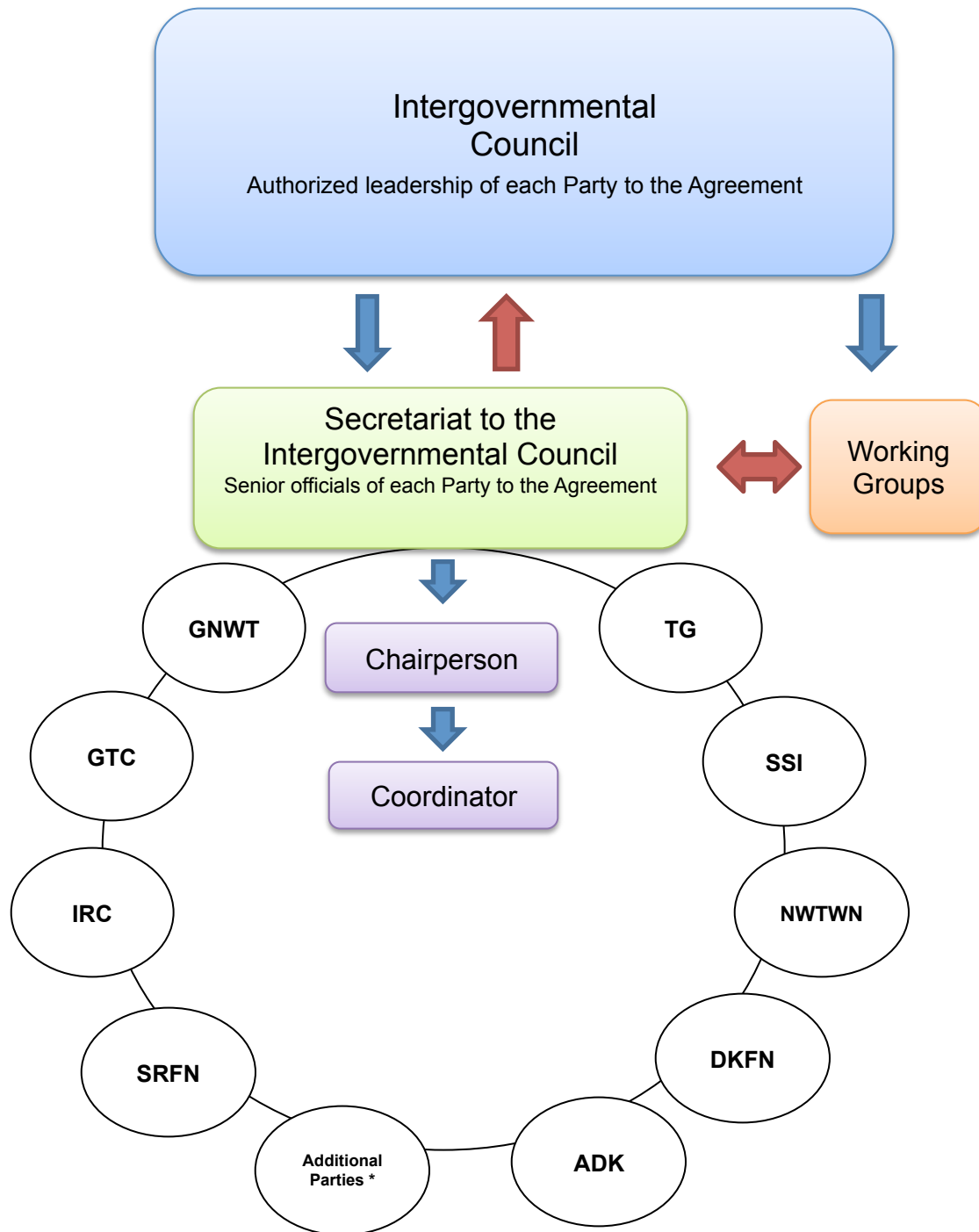
## Duties of the Council

- 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



## Current Parties

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

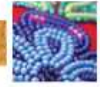




## **Outcomes of the 1<sup>st</sup> Intergovernmental Council Meeting**

- The 1<sup>st</sup> meeting took place on September 19, 2014
- Leaders agreed to establish limited representation at the table
- Future meetings will be a closed intergovernmental process, but will include two elected leaders of each signatory to the agreement
- One official of each signatory to the agreement may be in the room as observers
- Outcomes and meeting summaries will be shared with stakeholders and the public





# The Work Plan

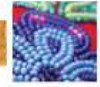
Leaders directed the Secretariat to begin working on:

- identifying priority legislation for review (lands & resources)
- reviewing the Land Use Sustainability Framework and provide recommendations
- reviewing processes for water management/planning - improve baseline data related to water
- ways to improve Aboriginal government capacity



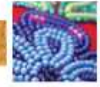
## Work Plan cont'd

- Begin negotiations 4.6 of the *Resource Revenue Sharing Agreement* ASAP
- Establish a financial working group - administration of resource revenue allocations
- Establish working group to investigate options related to Impact Benefit Agreements (best practices)
- Leaders directed the Secretariat to undertake preparatory work for the five-year review of the *Mackenzie Valley Resource Management Act* (MVRMA)



# Capacity Building

- A priority of Aboriginal governments is to improve their human capacity to manage lands and resources
- The working group is assessing the current level of capacity and what resources are already available to be able to identify new opportunities



# Resource Revenue Sharing

- The GNWT will be sharing up to 25% of its resource revenues with Aboriginal governments who have signed-on to the Devolution Agreement
- This revenue is in addition to any resource revenues the Aboriginal government may receive from a land claim or self-government agreement
- This revenue may be spent or invested according to the Aboriginal governments' priorities – there are no conditions on this money



## **Upcoming Work**

- Options related to Impact Benefits Agreements
- Processes for water management and planning
- Review of Land Use Sustainability Framework



## Other Issues

- Leaders recognized that horizontal hydraulic fracturing is a contentious issue and work by the GNWT on regulations needs to be balanced with work on water management and baseline water information, as well as public education in collaboration with Aboriginal governments



# Opportunities?





# **Update on AANDC NWT Region Reorganization**

NWT Board Forum  
Mohan Denetto, Regional Director General  
February 11, 2015  
Yellowknife, NWT

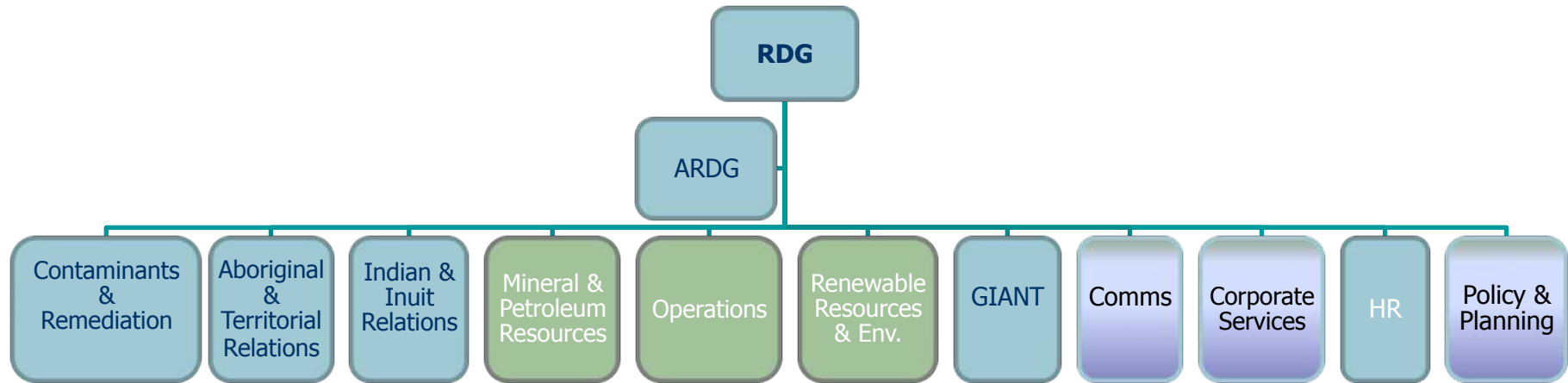


# AANDC's NWT Region Today

- On April 1, 2014, responsibilities transferred to the Government of the Northwest Territories.
- AANDC continues to maintain an important presence in the Northwest Territories.
- Core departmental functions:
  - individual affairs
  - intergovernmental and Aboriginal relations
  - management of excluded land and resources
  - contaminated site remediation



# Pre-devolution Organizational Structure



Remaining Functions



Partially Devolving Functions



Fully Devolving Functions



# Post-devolution Organizational Structure





## Governance and Partnerships Directorate

### Core Functions:

- Support land claim and self-government negotiations and implementation, including administration of funding arrangements for negotiations
- Intergovernmental and Aboriginal affairs

***Governance and Band Administration:*** Secure Certificate of Indian Status cards, treaty payments, Indian registry, recording band council resolutions and membership codes

***Community Relations and Development:*** core funding for First Nations and Tribal Councils, Aboriginal Representative Organization funding, support for community development and capacity

***Board Relations Secretariat:*** support NWT Board Forum and board appointments



## Resource and Land Management

### Core Functions:

- Land and environmental management on-reserve
- Offshore oil and gas
- Surface and sub-surface rights administration on federal lands
- Inspections
- Mining Recorder's Office



## Contaminants and Remediation

### Core Functions:

- Northern Contaminants Program
- Care and maintenance of sites
- Remediation planning and risk management
- Remediation
- Site monitoring
- Community engagement

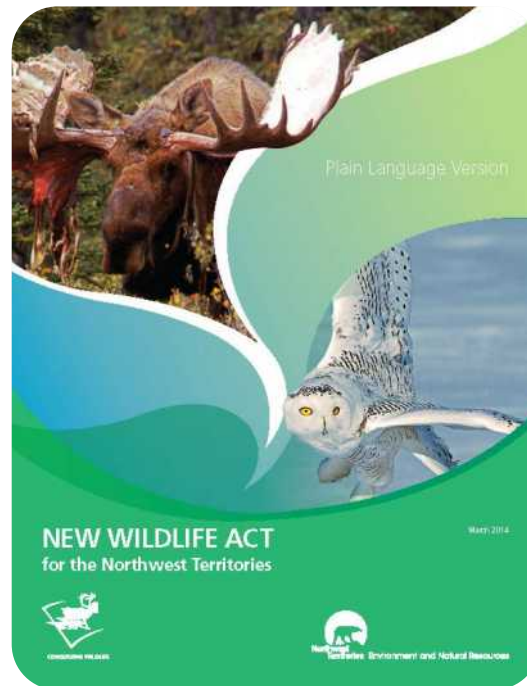


# Questions?





# *Overview of the new Wildlife Act and regulations for the NWT*



*Presentation for the NWT Board Forum Regular Meeting*

*Wildlife Division, ENR  
February 11, 2015*

# Outline

- *Wildlife Act* overview
- Explain the different phases and timelines of legislation and future regulation implementation
- Priorities moving forward

# How did we get here?

- Work on the new *Wildlife Act* started with a Wildlife Act Advisory Group and public consultations 1999-2002
- Leading up to 2012, Wildlife Act Working Group (WAWG) + the Stakeholders Wildlife Act Advisory Group (SWAAG) regularly met to help inform the direction of the legislation.
- Legislative Assembly passed the new *Wildlife Act* in October 2013.
- Some regulations needed to be updated or added to bring the Act into force by November 2014.
- WAWG + SWAAG regularly met to help inform the direction and intent of regulations.
- Summer 2014 community engagements heard thoughts on how to improve the draft regulations for the new *Wildlife Act*.



# Purpose

- To conserve wildlife for present and future generations by working cooperatively
- Ensure the rights of all northern residents are respected
- Ensure a system for wildlife management that is practical and efficient
- Ensure wildlife is wisely managed and conserved for the benefit of all

# Aboriginal and Treaty Rights

- The Act explicitly recognizes Aboriginal and treaty rights to harvest wildlife
- Nothing in the Act can take away from the protection provided for these rights under section 35 of the Constitution
- Aboriginal Rights are defined in Treaties, Land Claim Agreements and Case Law



# Conservation / Rights & Authorizations

- The Act enables regulations requiring tags and setting seasons and quotas to manage and conserve wildlife
- Consultation is required for any potential infringement
- When harvest is restricted for conservation, Aboriginal rights holders get highest priority
- Aboriginal rights holders (no licence needed)
- General Hunting Licence (must have Aboriginal or treaty rights in the NWT)
- Resident Hunters
- Non-resident Hunters
- Special Harvester Licence

# Habitat Conservation Measures / Development Activities

- Conservation Areas
  - Only to conserve wildlife or habitat important to wildlife
  - Long-term protection
  - May be seasonal
  - Notice must be given to Legislative Assembly
  - Open and transparent process; approved by Cabinet
  - Must follow land claim agreements – renewable resource boards may need to approve
  - If on private lands must consult with owner, develop agreement, may be compensation for real economic loss
- Minister must make a submission in the environmental screening, environmental assessment and land use permitting process when game or prescribed wildlife may be affected

# Habitat Conservation Measures / Development Activities

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



# Regulation implementation and development

## Phase 1:

Immediate changes to:

- (1) inconsistent regulations
- (2) regulations that support safe and sustainable harvesting.

## Phase 2:

Regulations for new concepts:

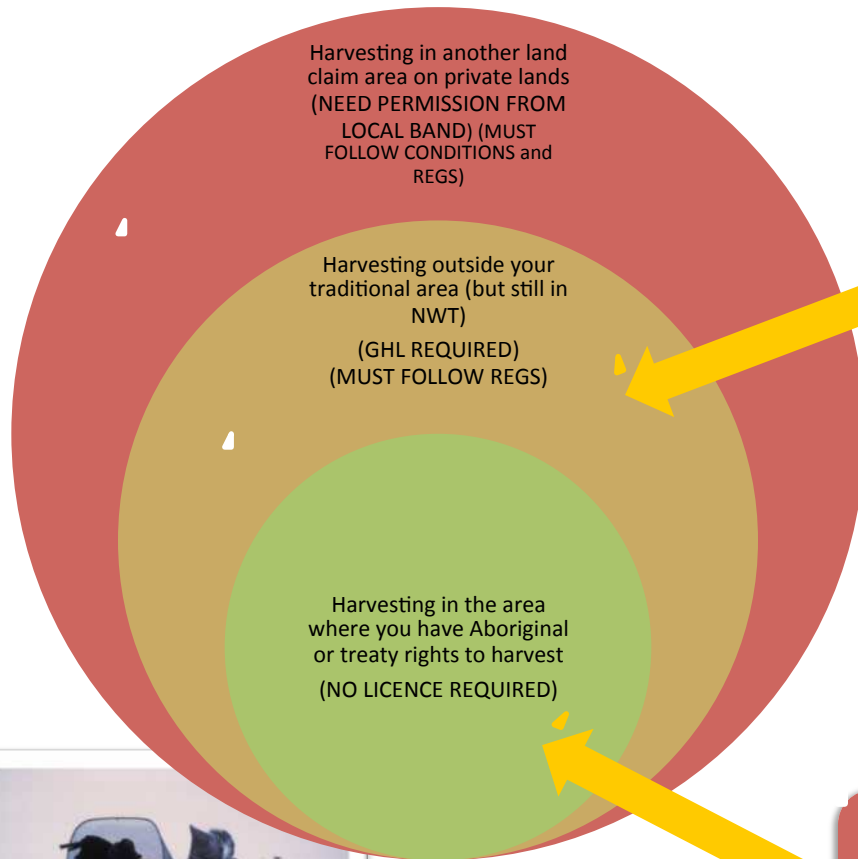
- (1) Import of harmful species
- (2) Release of alien species
- (3) Wildlife management and monitoring plans for developers
- (4) Harvest reporting
- (5) Harvester training

## Phase 3:

Ongoing regulation development and review:

- (1) Case-by-case basis
- (2) Conservation areas
- (3) Protection of wildlife or habitat
- (4) Specific regional issues

# REGULATIONS THAT WILL AFFECT ABORIGINAL HARVESTERS



## Exercising your Aboriginal or treaty right to harvest OUTSIDE your area:

You can use your GHL to harvest outside your traditional area.

**Seasons, Bag limits, tag requirements, and conditions for GHL holders in the big game, small game and trapping regulations will stay the same AND will apply when harvesting outside the area of your Aboriginal or treaty rights.**

## LICENCES

You do not need a licence to exercise Aboriginal or treaty rights to harvest in your area.



# REGULATIONS THAT WILL AFFECT ABORIGINAL HARVESTERS

## Exercising your Aboriginal or treaty right to harvest in your area:

Limits and restrictions on harvest do not apply to people exercising an Aboriginal or treaty right to harvest, except when there is a **conservation concern**.

These species have restrictions on harvest for conservation reasons that will continue under the regulations:

Barren-ground Caribou	Grizzly bear
Muskox	Polar bear
Wood bison	



# POSSESSION OF WILDLIFE MEAT OR PARTS – PERMITS

**Permits** are required to possess some wildlife meat or parts.

Permits are **not required** for:

- Wildlife parts that are tanned or taxidermied, manufactured into food, clothing, jewellery or art.
- Parts you lawfully owned before the Act came into force (before November 2014).
- Parts of prescribed wildlife (see Table 1)

## ***What about defence kills?***

No one can keep meat or wildlife parts from defence kills. Defence kills must be reported to an officer and the officer will decide what to do with the meat and parts.

**Table 1. *These wildlife parts do not require a permit:***

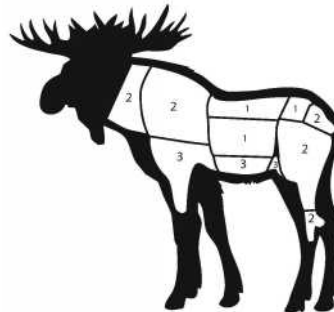
Naturally shed antlers	Porcupine quills
Feathers	Hooves (unless certification is needed)
Road-killed small game	Owl pellets or feces from other species
Hides or pelts (other than furbearers) (unless certification is needed)	Bones (including skulls with antlers or horns attached) (unless certification is needed)

# REGULATIONS THAT WILL AFFECT ALL HARVESTERS

## WASTAGE

No one should waste wildlife, and everyone is encouraged to use all parts of harvested game.

The regulations set a minimum standard for everyone. Leaving the following parts on the land will be considered wastage, and is an offence (see Table 2)



**Table 2: Minimum standard**

Bison	Backstraps
Caribou (all types)	Hindquarters above the knee
Deer (all types)	Front quarters above the knee
Elk	Tenderloins
Moose	Neck meat
Mountain Goat***	Rib meat (***)exempt)
Mountain Sheep***	
Muskox	
Migratory game birds	Breast meat
Upland birds	
Bear**	Hide or pelt
Coyote	
Wolf	**exempt if only harvesting for meat
Wolverine	
Beaver**	
Fox (all types)	
Otter	
Lynx	
Marten	
Fisher	
Skunk	
Ermine (Stoat)	
Least weasel	
Mink	
Muskrat**	

# REGULATIONS THAT WILL AFFECT ALL HARVESTERS

## WASTAGE

No one should waste wildlife, and everyone is encouraged to use all parts of harvested game; *HOWEVER, there are a couple scenarios where meat may be left on the land.*

1. Meat contaminated with gut content or shot damaged parts may be cut away and left behind.
2. If you believe an animal is diseased or inedible due to traditional beliefs, you may leave parts behind in the field BUT:
  - a) You must **report** it to an officer
  - b) You must **explain** why the meat is inedible
  - c) If practicable apply a tag
  - d) An officer can seize the meat for examination or testing.

## Caching

Caching (or temporarily leaving meat that you intend to go back to later) requires some actions:

1. You must **mark** it (name, date, species, signature, Aboriginal organization or licence number or identification number)
2. You must try to **protect** it from disturbance from animals or the natural environment so it doesn't spoil.

# WHAT TO EXPECT FOR PHASE 2 REGULATION DEVELOPMENT

## *Possible regulations in the future?*

### 1. **Big Game regulations**

- a) How should regulations deal with hybrid species of big game?
- b) Should boreal caribou and Northern Mountain caribou have separate regulations?
- c) Should barren-ground caribou, Peary caribou and Dolphin and Union caribou have separate regulations?
- d) Should there be additional zones, seasons, and conditions for licenced hunters for coyotes, cougar, elk, white-tailed deer, and mule deer?

### 2. **Outfitting and business regulations**

- a) Rights of first refusal on transfer of sale of a licence will be made more clear.
- b) Outfitter areas will be updated to reflect new National Parks.

### 3. **Import of harmful species AND release of alien species**

- a) What types of species should we protect wildlife from?

# WHAT TO EXPECT FOR PHASE 2 REGULATION DEVELOPMENT

*Possible regulations in the future?*

## 4. Harvest reporting

- a) When should hunters have to report their harvest?
- b) How should harvest information be collected?

## 5. Harvester Training courses

- a) What should be included in a harvester training course?
- b) Who should have to take the course?

## 6. Commercial activities

- a) When is an activity considered a commercial activity?
- b) When should a permit or licence be required?

## 7. Wildlife Management and Monitoring Plans

- a) When will they be required?
- b) What must they contain?



# PRIORITIES MOVING FORWARD

- OFFICER TRAINING AND PUBLIC EDUCATION
  - Fact sheets
  - Information for the public and harvesters



# PRIORITIES MOVING FORWARD

- **SECTION 19 IDENTIFICATION AND SECTION 20 AGREEMENTS:**
  - Proper identification evidencing and Aboriginal or Treaty right to harvest wildlife



# PRIORITIES MOVING FORWARD

- **HARVESTER TRAINING COURSE:**
  - **Course materials and delivery, including possible regional variations, still needs to be completed.**
  - **Regulations regarding exemptions and who should have to take the course must be developed.**



Photo: Kris Mauer, CHRSB

# PRIORITIES MOVING FORWARD

- **WILDLIFE MANAGEMENT AND MONITORING PLANS:**
  - When plans will be required
  - Who will need plans
  - What must be included in in a plan
  - Current WWHPP and WEMP drafts will be a starting point for further discussion on the specifics of what could be included in s.95 plans



# PRIORITIES MOVING FORWARD

- Many other areas, including:
  - Wildlife viewing
  - Commercial activities
  - Harvest reporting
  - Trapper identification of traps
  - Hybrid species
  - Harmful or invasive species management
  - Bat summer roost sites

**...HOWEVER...**

# PRIORITIES MOVING FORWARD

- More research needed
- More input opportunities for Boards
- Formal input from stakeholders and working groups (WAWG & SWAAG)
- All draft regulations will require a public consultation period

*...all before any future regulations are enabled...*

# ***Thank you!***

- ***Wildlife Act* enabled (except s.46-48) November 28, 2014**
- **Legislative Assembly review 2019**
- **Minister review upon a new land claims agreement**

See the website for documents and other information:

[www.nwtwildlifeact.ca](http://www.nwtwildlifeact.ca)