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NWT BOARD FORUM

21ST NWT BOARD FORUM MEETING REPORT

YELLOWKNIFE (FEB. 9-10, 2016)

March 9, 2016

21ST NWT BOARD FORUM REPORT

Prepared for:

NWT Board Forum

Yellowknife, NT

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1 INTRODUCTION

1.1 Purpose and Objectives

The 21st NWT Board Forum was held in Yellowknife, NT on February 9-10, 2016, presenting an opportunity for Boards to reconnect and update one another on core activities and issues since the previous Forum. With the Boards now well settled into the post-devolution world, a focus of the meetings was to review how and in what ways each of the Boards were being affected by changes to the MVRMA and devolution. In addition, various GNWT departments and the National Energy Board updated Board representatives on key projects and legislative reviews that may affect their work. Finally, through break-out groups, participants identified key challenges and opportunities for collaborative action in the areas of the regulatory framework (e.g., land use planning, regulatory work, environmental assessment and impact review, wildlife management), as well as shared processes within that framework e.g., (communication, capacity building, and consultation and engagement).

1.2 Report Structure

This report presents a summary of the meeting. Highlights and summaries provided in the following sections are presented based upon the agenda established for the meeting.

2 OPENING REMARKS

After a brief welcome by the facilitator, Shelagh Montgomery, who went over some housekeeping items, the meeting opened with a prayer led by Violet Camsell-Blondin (A/ Chair, MVLWB). Hosts and co-chairs, JoAnne Deneron (Chair, MVEIRB) and Floyd Adlem (A/Chair, MVLWB) welcomed participants to the meeting, thanked them for their attendance and wished them well for a productive meeting.

3 ROUNDTABLE UPDATES

Board Forum member organizations introduced their representatives and provided a high level update of their organization, briefly summarizing the main activities of the year.

3.1 Environmental Impact Review Board (EIRB)

Jon Pierce, Chair of the EIRB, provided the following update:

The EIRB's main focus over the past year has been to continue the review of a proposed offshore drilling project by Imperial, BP and Exxon.

This project is very challenging because of the sophistication of the technology, which equals or surpasses that required to go to Mars. It is also contentious in the aftermath of the Gulf disaster so the Board has put a lot of work in during the past two and a half years to understand what these projects are, how they are planned and what experiences have been from elsewhere in the world.

At this point Imperial, which is the main operator, has announced they will not proceed with further regulatory work largely because of the downturn in the oil and gas sector. However, they have not withdrawn their application so we still have an active review, which we see as an opportunity to conduct more science.

3.2 Mackenzie Valley Land and Water Board (MVLWB)

Angela Plautz, Regulatory Policy Advisor to the MVLWB, provided the following update:

The MVLWB has experienced a lot of change with the implementation of the amendments to legislation. We have also processed applications with unusual components, undertaken some innovative initiatives and undergone significant changes in staffing.

With regulatory files, the Board has been very busy. De Beers Snap Lake submitted two amendment applications at the same time, so we tried to combine both into one as much as possible to streamline the process.

With respect to Gacho Kué, the Board issued water licences and land use permits for mining and drilling and production is expected to begin in 2016.

Other applications included TerraX Gold exploration for which a permit was issued and North American Tungsten which became a federal site requiring remediation during the process.

There were also applications by Digaa Enterprises and Timberworks for wood operations. While the Board had issued permits for smaller scale wood operations in the past, these are large scale operations so were new for the Board.

The Hamlet of Fort Resolution also obtained what was the first modern day water licence for the Hamlet so the Board participated in a coordinated, cooperative effort among municipal staff and several government departments. The board continues to be involved in such efforts to support municipalities in obtaining and meeting the terms of their water licences.

3.3 Mackenzie Valley Environmental Impact Review Board (MVEIRB)

JoAnne Deneron, Chair of the MVEIRB, provided the following update:

The role of the Review Board is to conduct fair, robust and thorough environmental review processes, guided by our updated strategic plan. The review processes must now incorporate the new realities of legislated timelines and must enable Parties to participate in the best way possible. In this spirit, the Review Board co-hosted the MVRMA workshop, which was a great

opportunity to hear feedback from individuals and organizations who participated in our Environmental Assessments (EAs) so that we are able to adapt our processes moving forward.

Since the last Board Forum, there have been six EAs on the books:

- Huskey's application at White Beach Point was referred for EA by the WLWB. Just prior to the Board conducting a public hearing in Behchokǫ̀, the company withdrew their application so the Board closed that file.
- Canadian Zinc submitted an application for the Prairie Creek All Season Road. It was recently clarified that there will not be an airstrip associated with this project in the Nahanni National Park. The Board has conducted its adequacy review of the Developer's Assessment Report. The process is now in the information request phase with the intent to hold a technical session in April of this year.
- Dominion Diamond's Jay Project has been a focus for the Board during the last couple of years. The Report of Environmental Assessment was released on February 1st so the GNWT is now reviewing the report.
- Selwyn Chihong's application for the Howard's Pass Access Road was also referred to EA so we are in the stage of conducting scoping. It is in a unique area because the road goes through territorial lands, parks land, federal land, and touches the Yukon border. Scoping sessions were conducted in Ross River, Watson Lake, Nahanni Butt, Norman Wells, and Tulít'a. We are trying to assess the likelihood of any impacts in the Yukon to see if we require further processes.
- The Mackenzie Valley Highway extension was reissued with changes to the Terms of Reference and we are now waiting for the Developer's Assessment Report.
- Tyhee Gold Corporation suspended the EA for their Yellowknife Gold Project; it will be up the developer to re-initiate the process.

3.4 Sahtú Land Use Planning Board (SLUPB)

Scott Paskiewicz, Executive Director of the SLUPB, provided the following update:

The Board has been focussed on the monitoring the implementation of the Land Use Plan.

The Board has the same staffing and Board levels that they've always had, including one staffing vacancy that they've had since 2014.

The Board is undertaking a Land Use Plan amendment process. As a result of the creation of the Nááts'ihch'oh National Park Reserve, those lands outside of the final park boundary require a zoning change. The process has involved the development of a background report depicting the Board's understanding of the lands. This summer the Board hosted public workshops in Tulít'a, Norman Wells and Yellowknife. The Board met in the fall to consider rezoning options

and a zoning amendment application was sent to GNWT Lands and INAC, with the Board now waiting for feedback from the Parties who have requested an extension of that review. Moving forward, if any changes are needed, the Board will go back out to the planning audience for additional input and optimistically the amendment will have final adoption and approval in 2016.

A challenge that is being encountered and that the Board hopes to address is that for project scale planning, people need boundary resolutions set at 1:50,000 whereas some of our maps are done at a much coarser resolution. The Board has just been able to release maps now at 1:250,000 but are looking at how they can get to 1:50,000. Doing this would probably require changing some of the boundary lines so will probably be done as part of the five year review.

Looking forward the Board has issued a request for proposals for a development and implementation assessment of the Sahtú Land Use Plan, the results of which will inform the five year review. The Board is also looking to convene the Sahtú working group which was the number one action of the Land Use Plan and to return to the communities for further consultation. All projects are dependent on obtaining adequate funding.

3.5 Sahtú Land and Water Board (SLWB)

Larry Wallace, Chair, and Paul Dixon, Executive Director of the SLWB, provided the following update:

L. Wallace: Board appointments continue to be a challenge; with three current Board Members the Board barely has quorum. Some of these appointments are stuck in the void between transitioning federal and territorial governments but after three and half years we do believe that the appointments are coming. During elections, one of our board members was running for election so we did not have quorum during this time.

P. Dixon: The Board has reviewed a number of applications recently, including:

- A very successful Canol fire line clean-up process that went ahead over the summer.
- Municipal water licences for Sahtú communities
- Huskey well abandonment program
- Canyon Creek access road
- Closure and Reclamation Plan and Aquatic Effects Monitoring Program for Imperial Oil. Meetings for these have just finished and the plans are due in March.

3.6 NWT Surface Rights Board

Louie Azzolini, Chair of the Surface Rights Board, provided the following update:

The *Surface Rights Act* is an NWT piece of legislation that will come into force on April 1, 2016.

In terms of membership, Louie is here to represent a number of people that are guiding the work of the Board in preparation for the effective data. The Board consists of Elizabeth Wright, Danny Bayha, Darrell Christie and Mike Vaydik. The Act also provides for alternates.

In a nutshell, the Surface Rights Board has the authority to mediate disputes over access to land and compensation. It can grant binding access orders and includes the terms and conditions of that access – when that can happen, what type of access and with what compensation in respect of that access.

Jim Edmondson has been hired as the Board Coordinator, which is essentially an Executive Director. Thanks to active and engaged board members, the Board has made really significant strides, none of which would have been possible without the support of the GNWT Department of Lands, particularly Kate Hearn. The Board first met by teleconference in the fall of 2015 and has met every month since. In the four months that the Board has been meeting it has established its banking, financial logistics, office space, hired an Executive Director, and retained an audit service, legal counsel, and IT services. Most details will be in place by April 1st, including draft rules of procedures and bylaws. There will be consultation prior to these documents being finalized.

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

James Fulford, Executive Director of OROGO, provided the following update:

Following the 2015 election, Premier McLeod retained the ITI portfolio so by pre-existing Cabinet order he remains the regulator of oil and gas operations. As he is familiar with devolution and was the former deputy minister to the department, briefing requirements were reduced.

Though one would think that with the lack of current exploratory projects the office would not be busy, this is not the case. There has been a lot of well abandonment activity in the Dehcho and Sahtú regions as well as hearings in Yellowknife for a significant discovery declaration in the Sahtú. There is also an application for the extension of the sunset date for the MGP approvals, a process that is being coordinated with the NEB. Since the last Board Forum, a Memorandum of Understanding (MOU) for coordinated review processes has been signed with the NEB, which has allowed for a seamless process for input to decision-making.

Unlike the other Boards, OROGO and NEB also have an inspection function so they are busy with that aspect during the winter season. In the medium term, there will probably be less activity. OROGO draws on contracted technical capacity but has also been able to build that capacity in-house with two engineers on staff.

Transparency is a key focal point for the new legislative assembly. The mirrored version of federal legislation is now being updated by amendments that the NEB is going to present on.

There is an opportunity for more transparency and this is expected by northerners due to the example set by the other Boards, for example through their online posting processes.

OROGO is working on guidelines for the abandonment and suspension of wells and tentatively planning consultations on that in the spring; the Boards will be receiving drafts of the guidelines for review with feedback requested.

OROGO has also had initial discussions with the MVLWB about guidelines for preliminary screening. The Land and Water Board holds the lion's share of the legislation and OROGO's jurisdiction relates to what happens down hole. There is value in formalizing the screening process in terms of how industry is to work with the two regulators so that a single comprehensive preliminary screening can occur.

Another focus for OROGO has been records transfer from the NEB. The NEB has been collaborating to accommodate specific requests but they are also working on an ongoing project to transfer all records.

3.8 National Energy Board (NEB)

Lyne Mercier, Vice Chair of the NEB, provided the following update:

The NEB has been involved in a national initiative to review pipeline safety and environmental protection. The Board met with municipal and provincial leaders and staff, environmental non-governmental organizations (NGOs), Aboriginal groups, academics, and professional and industry representatives and released a report in January. Environmental protection and the ability to act quickly and effectively in an emergency were themes that were emphasized throughout public consultation. Resulting initiatives include a pipeline map and pipeline inspection reports being posted online. There are also two new offices, one in Vancouver and one in Montréal.

Though exploration has been suspended in the Beaufort, industry has approached the federal government to have legislation changed to allow for extended licence tenures.

A former National Energy Board member has been appointed as a Ministerial Special Representative to review the *Canada Petroleum Resources Act* (CPRA), with a report due in May 2016.

The sunset clause for the Mackenzie Gas Project was spoken about by James Fulford; NEB is collaborating with OROGO on this project. The public comment period concludes February 16th.

The report of the Commissioner of the Environment and Sustainable Development made six recommendations to NEB: four about improving NEB documentation processes and data management systems; one about consolidating the NEB's risk assessment activities; and one about continuing to pursue new ways to meet key staffing challenges. The Board will be

addressing these as well as continuing to pursue new ways to meet key staffing challenges and challenges of information management.

3.9 Wek'èezhìi Land and Water Board (WLWB)

Ryan Fequet, Executive Director of the WLWB, provided the following update:

This has been the busiest year for the Board since its creation in 2006.

For the Ekati mine, the Board reviewed plans for waste rock storage as well as how the mine will operate at closure. This is a massive development with a mine site out on the tundra so the Board is trying to make sure the predictions are as good as they can be.

The Fortune Nico project is on hold awaiting financial commitment from NWT for the Whatì all-season road, which is going before the House this sitting of the Assembly. Fortune is ready to go ahead with the project should the government decide to support it.

AANDC has begun clean-up of the historic Rayrock Mine site.

Diavik has submitted an application for a Type A water licence renewal hoping to align the licence with end of operations in 2023. As a point of interest, Diavik's new composter reduces incineration by 80-90% so this will save the company a lot of fuel and is relevant in the context of GNWT's development of air quality regulations.

Dominion Diamond and Diavik are working together to submit a joint Aquatic Effects Monitoring Program update; as these two mines are in very close proximity in the Lac de Gras area, the idea is to have both mines update their programs so that they align with one another and can improve detection of cumulative impacts.

WLWB has been very happy to participate in a number of projects supporting community-based monitoring such as the Tłı̨chǫ cumulative effects program in the Marian Lake watershed as well as participating with government departments and municipalities in supporting community water licence compliance and training.

3.10 Gwich'in Land Use Planning Board (GLUPB)

Arthur Boutillier, Board Member of the GLUPB provided the following update:

The Board completed its final draft of the revised Land Use Plan in January of last year but comments from the other Parties have been slow to be received. The Board has now received its first submission from GNWT Department of Lands, with some questions relating to mandates and jurisdiction, so the Board responded with a detailed letter back to the GNWT. A meeting between GNWT Lands and GLUPB staff will take to discuss issues. AANDC recently submitted comments and they are currently being reviewed by the Board. There are a few outstanding issues including how hydraulic fracturing is dealt with in the plan and other major issues of concern.

The GTC prepared to submit their letter of support largely in support of changes to the plan; however the GTC are against the compromised wording that the Board put in on fracking so this is one of the outstanding issues that the Board will need to address.

The Board has developed a document called the Regional Plan of Action, which is a separate working document dealing with issues that relate to the plan but which are outside of its specific scope, such as the integration of land and water management among management authorities, addressing transboundary issues, protecting migratory species and so forth. The working document is central to guiding communications and collaboration within the region. The Board continues to collaborate in a number of research priorities identified within the Regional Plan of Action, including work that the GRRB is doing on fisheries in the Arctic River headwater and in consultation with GSCI.

3.11 Indigenous and Northern Affairs Canada (INAC)

Mohan Denetto, Regional Director General of INAC NWT regional office, provided an update on post-devolution reorganization and transition activites.

INAC is focused on staffing regional positions, including those that will support the appointments process and the Board Forum.

The Lands and Resources Division is fully operational with two inspectors and a mining recorder.

The Waste Sites Management Committee provided for in the Devolution Agreement is fully operational.

Progress continues on remediating sites.

- The Canol Trail has been an excellent example with Governments and the Boards collaborating on a very successful project.
- In Frobisher Bay, two old gas wells have been successfully capped and are in the monitoring stage.
- Work is well underway at Rayrock.

INAC and the GNWT are beginning a consultation process to amend the diamond mine environmental agreements. Post devolution, the federal role has changed, but the agreements do not yet reflect the changed role..

INAC assumed control of the Cantung mine pursuant to the Devolution Agreement. The day-to-day management is under the responsibility of a court-appointed monitor. INAC conducts regular inspections on site and will engage affected First Nation communities in the Dehcho area of the NWT and Yukon.

Administrative items:

- INAC has communicated with the Boards with respect to changes in security clearance requirements for Board appointments.
- The funding administration role for the MVLWB has been transferred from the regional office to the head office.
- Janice Larocque is the new staffer for Board Administration.

Mark Hopkins, INAC Director General of INAC Natural Resources and Environment Branch, provided the following update:

The new government is committed to building a new relationship with indigenous people, as evidenced in public statements by the Minister.

In the mandate letters, which have been made public, there has been a large emphasis on restoring public confidence in the environmental regulatory process.

There will be a review of the regulatory legislation with a focus on the *Canadian Environmental Assessment Act* (CEAA) 2012, which will have some implications in the NWT for offshore projects and in the Inuvialuit Settlement Region (ISR). The review itself hasn't yet been launched and it will be a while before it is. The *Fisheries Act* and the *Navigable Waters Act* will be a part of that review.

Territorial legislation is not expected to be reviewed, but there will be further work on implementation of regulations as provided in the *MVRMA* and the Minister is on the record in terms of trying to resolve the dispute regarding land and water board restructuring.

3.12 GNWT Lands

Kate Hearn, Assistant Deputy Minister of GNWT Lands, provided the following update:

The Lands department was created as part of devolution and is in integration mode now. It was initially created by dragging and dropping various departments from federal departments and from within the GNWT, bringing with them their corporate cultures, so now there is work being done on internal departmental integration and integration among GNWT departments. It has now been two years in existence and it has been in transition mode with the election and awaiting the priorities of the Assembly.

With Robert McLeod reappointed Minister, he is already well-briefed.

Lands has been supporting the implementation of the Surface Rights Board, which Louie briefed us on already. There are no qualms about the timeline of April 1st for implementing the Act. Lands has struggled with the balance between benign neglect and interference so hopefully we are learning from past experiences and facilitating the process well.

With the shared service centre, a lot of projects have come online with satellites and fibre optics, so there are opportunities to enhance programming and provide improved spatial support to Board processes.

Lands co-sponsored the MVRMA workshop. It is the first of its kind since the MVRMA came into existence, at least in the sense of practitioners' participation and it seemed like a great success with a lot of discussion. It was also mentioned positively at the recent Roundup Conference in Vancouver.

Lands is working with internal and external partners to develop the visions and expectations around land use planning in the GNWT with the intent of creating an effective, consistent and well communicated framework. There will be a second Land Use Planning Forum held next month involving organizations, with mandates in land use planning.

In the area of EAs, the Jay Pipe expansion is currently under review; the Minister is familiar with the role and aware of the timelines. Mine inspectors continue to monitor and inspect at the Snap Lake Operation. The Deputy Minister and Kate Hearn have been involved with the North American Tungsten Corporation Limited (NATCL) insolvency. Through the *Companies' Creditors Arrangement Act (CCAA)*, NATCL sought creditor protection and through a court order the site is now being monitored by a court appointed monitor. It has been declared a federal site. It is an unusual context because GNWT still has control and administration of the site (so the *Lands Act* still applies) but the delegated *MVRMA* authorities do not apply. NATCL is essentially a "zombie" company. This hasn't been the happiest outcome for the company nor for that site. The transition has been smooth, however and done in a way that protects the public and the environment from negative impacts.

3.13 Inuvialuit Water Board (IWB)

Roger Connelly, Chair of the IWB, provided the following update:

With the hibernation of hydrocarbon exploration and development work, the Tuk highway has been the major project before the Board.

Municipal water licences will be a focus during the upcoming relatively quiet period.

Legislation changes made at the same time as changes to the MVRMA affected the Water Board. At one time the Board had been called the NWT Water Board but its area of jurisdiction has shrunk to the ISR with the creation of Nunavut and the introduction of the MVRMA, so the board has been renamed so as to reflect its area of jurisdiction. The *Waters Act* had also previously required an office in Yellowknife so the headquarters have now moved from Yellowknife to Inuvik with the change in the Act, which has also involved a move of the physical Public Register. The Act specifies that there must be a hard copy of all water licence files on the Public Register so the Board has recently finalized a complete set of all current, expired (not closed) and active licences.

Staffing requirements are under review with the closing of the Yellowknife office.

The Board is also reviewing expired licences as well as securities held, totalling five million. The Board is working to determine whether there is an ongoing liability for which a security should still been held. Though 28 licences have expired, companies have not approached the Board for their security funds to be given back.

The Board has been working with municipalities, with IWB staff and Board members participating in annual municipal walkthroughs from source to discharge points so that they can better understand applications when they are received. The Board updated its strategic plan a couple of years ago and municipal water licences emerged as a major issue. Inspection reports for the last five to ten years were detailing the same concerns with little or no progress made on addressing issues. IWB is collaborating with ENR, MACA, HSS, WSCC and Taiga Labs as well as working not only with municipal staffers but also the leadership so that mayor(s) and council take full responsibility.

The Board has been working on templates of various management plans that municipalities must prepare and presenting standard terms and conditions so that municipalities know what kind of information they are going to have to include in their applications.

3.14 Gwich'in Renewable Resources Board (GRRB)

Doug Doan, Board Member of the GRRB, provided the following update:

The Board has been involved in:

- Submitting comments to Species at Risk processes and in the development of wildlife regulations under the *Wildlife Act* including wildlife habitat and monitoring plans.
- Implementing approved management plans of Bluenose West, Bluenose East and Cape Bathurst Caribou herds as well as the management plan for Dall's Sheep.
- Developing an integrated fisheries management plan for Dolly Varden
- Developing a forest management plan for the Gwich'in area
- Collecting harvest data within the Gwich'in area
- Assisting with projects undertaken by DFO and GNWT ENR
- Working with youth and children in school as part of the Board's outreach and communications.

3.15 Gwich'in Land and Water Board (GLWB)

Paul Sullivan, Chair of the GLWB, provided the following update:

Projects before the Board in the past year have included Department of Transportation ferry licences and applications for quarries.

Recently received applications include one Frog Creek gravel haul. In dealing with Frog Creek, the Board realized it had about 13 applications that were expired but not closed so they dealt with Lands in the Inuvik and Beaufort Delta region to close the expired files.

The Board has been working with ENR to develop plans with communities for water licence compliance.

The Board has received an application for gravel quarrying in the Stony Creek which may be quite contentious.

The Board has been invited to attend the Inuvialuit Water Board workshop at end of month and accepted to attend with two employees.

3.16 GNWT Environment and Natural Resources (GNWT-ENR)

Doris Eggers, Director, GNWT ENR, provided the following update:

The work of the last ENR Minister, Michael Miltenberger, was very focused on government-to-government relationships, with the collaborative approach to managing transboundary waters and in the co-drafting of wildlife legislation. This approach continues to drive ENR and the new Minister, Wally Schumann, is a very strong Minister also from Fort Smith who is passionate and well informed.

The five year strategic plan for the department has been rolled out and there will be an action plan that will align with the priorities of the 18th Assembly.

Focus initiatives include:

- Caribou: the Bathurst and Bluenose East herds through the management and joint framework for monitoring, assessing and managing cumulative effects.
- Developing wildlife regulations under the Act including those regulating the issuance of commercial permits.
- Species at Risk recover strategies and upcoming assessments on woodland caribou, bison and five species of bats.
- Air quality regulations under the *Environment Act.*
- Development of a climate strategy and working on addressing both mitigation of and adaptation to climate change.
- Continue work on the water stewardship strategy including concluding and implementing transboundary water agreements.

- The Minister will be reviewing the final audit (mandated under the MVRMA) and reporting in the spring.
- Conservation planning and working with partners including the proposed Thaidene Nene National Park. The GNWT uses northern tools to do land use decision-making so they will be working closely with Aboriginal governments to build consensus.
- Traditional knowledge (TK) works with western science in influencing ENR's work so they will be working to implement the TK framework and to build an action plan.
- Continued work on supporting community-based traditional economy.
- Developing an integrated and collaborative approach to managing and remediating contaminated sites.
- Updating legislation: forests, waters, territorial parks and environmental protection.

3.17 Environmental Impact Screening Committee (EISC)

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

The Committee received 60 project proposals, 22 of which were deemed to not meet the definition of development (they were pure research). 16 were subject to screening which included hydrocarbon site remediation, tourism applications, two commercial film proposals, and two government proposals. The Board now has only 32 files open, which is a 46% drop.

The Board is currently without a GNWT nominated member, a Yukon appointed member and a member appointed by Canada. GNWT's nomination was timely. Yukon has not yet initiated activity to nominate.

4 BOARD FORUM WORKING GROUP UPDATES

Action items identified during the previous (20th) NWT Board Forum were presented by James Lawrance and reviewed for progress.

Action Item 2015: NEB to follow-up with Natural Resources Canada (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.

- Brian Chambers (Northern Advisor, NEB) clarified that this was something that had been raised in discussion with respect to the liability of offshore exploration activities. It is something that is very hypothetical at this time but had to do with where NEB's jurisdiction ends with respect to the ocean transportation of oil or natural gas once it has left a production platform, as transportation falls under other authorities (*Canada Shipping Act*).

- The clarification with respect to NEB's jurisdiction is that it ends at the flange that goes into the tanker vessel. That is, NEB's jurisdiction is limited to the platform and the filler hose (the mechanism used to fill the tanker ship).
- Roger Connelly (Chair, IWB) asked for clarification and clarified that:
  - One: the hose to fill the tanker is under NEB jurisdiction.
  - Two: The question had originated because there is a discrepancy between the absolute liabilities of the two authorities. The absolute liability under the *Canada Oil and Gas Operations Act* has increased to $1 billion; however, the absolute liability under the *Canada Shipping Act* is less. NEB has brought this to the attention of NRCan and the response would ultimately come from them.

Action Item 2015: 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.

As no-one from ITI was present, this action was not addressed.

Action Item 2015: AANDC will follow-up with CanNor and DFO representatives to address concerns regarding approvals for fisheries coming from Ontario instead of the NWT

James Lawrance: This was a structural change that was made. The change was confirmed and there has been no further follow-up.

Action Item 2015: Intergovernmental Council to recommend to the Council partners to provide information to claimant groups for information sharing in their newsletters.

Tasha Bergmen (Senior Advisor to the Deputy Minister, sitting in for Kate Hearn): Lands is a member and so committed to speak to someone in GNWT-Department of Aboriginal Affairs and Intergovernmental Relations (DAAIR) and will get back to the Forum through James.

Website Update

James Lawrance: The same contractor began making some of the changes on the site to reflect the post-devolution changes. GNWT has provided some assistance. James will be meeting with the website administrator. The website is being updated along with the Board training manual.

Training Update

Mark Cliffe-Philips (Executive Director, MVEIRB) provided an update:

- The Board orientation training guide needs post-devolution updates. In process of getting a proposal from an outside consultant. Some of this refreshed material will overlap with items on website that require updating such as process maps.
- Committees – if individuals are interested in helping, please let James know. Could use help and will need fact checkers. Updates involve all organizations so review and comment on updates will be helpful.

Governance and Terms of Reference Update

- James: there has been less time available for planning the forum this year.
- Although INAC provides support and coordination, INAC staff can't do all the work so Forum Members need to decide the structure of committees, for example, who participates and how work gets done. The ToR discussion influences the strategic plan so it's good to discuss ToR first.

There was a lengthy discussion about the Board Forum Terms of Reference:

Paul Sullivan (Chair, GLWB): An objective within the ToR is "to provide a forum for the NWT resource co-management / public boards to hear from industry, government and other interest groups on issues of common interest not specific to a development under active consideration by a co-management / public board." Now government is part of the Board Forum directly, so we aren't being consistent with the original terms of reference.

Roger Connelly (Chair, IWB): We can try to understand the shared interests in the room by looking at four groups: 1) those who issue licences – the regulators; 2) those with wildlife management responsibilities; 3) those with responsibilities in developing Land Use Plans and 4) those who undertake environmental reviews. Government is involved in a mix of these: they have a role in management plans, issuing authorizations and enforcement and so government can fit into several boxes. It is good to talk about their role because people come to forum meetings hoping that they are going to get something of value to themselves or to their organization so it is important to talk about interests.

Scott Paskiewicz (Executive Director, SLUPB): In looking at the ToR and through old forum binders, there seemed to be more of a coordinated effort for some of these other kinds of objectives like working together on administrative tasks and working together on communications. I haven't experienced these things and it is one of these things that our Board is looking for. For instance, Boards have very different administrative capacities. Our Board still struggles with IT issues so there is an opportunity to share resources and address these challenges in a coordinated way. This may require a deviation from the usual forum format to emphasize a more hands-on working group approach.

Larry Wallace (Chair, SLWB): When we first got going, we were looking at funding and appointments and we knew we had to work together outside of the rest of government. Over time, we realized we needed to have Chairs and the decision-makers in the room so that the people in the room have the level of authority where they can make a decision. We realized that it would be important to have someone from that level from both the federal and territorial governments so that we could get some kind of commitment from them. Later, we realized that we wanted the Renewable Resources Boards at the table. We've talked about getting Aboriginal groups involved. First Nations have certain duties and responsibilities towards the Act but they seem to have a lot of trust in the people they've nominated to the Boards. So, there has been an evolution over time of the people who make up the Forum.

The annual meetings have been beneficial for several reasons: to update one another; to learn about how different groups are addressing common issues; to address decision-makers in one room and get feedback on items that we are working on that aren't necessarily formally made public yet.

There are funding issues, however. The Boards are paying their own way now and this has been eye opening.

Louie Azzolini (Chair, Surface Rights Board): The Land Claim Agreements almost create a parallel governance structure through the MVRMA itself, and through the Land and Water Boards that were created from that legislation. This parallel government structure is reflective of the Agreements that were signed by GNWT so GNWT's involvement is de facto there. At one point, there was a lack of confidence evident from outside parties that there is a sufficient level of coherence. It also seemed that there may be a lack of understanding about a legislative framework that is very unique when compared to elsewhere in Canada. In response to this, the governance aspect of the Boards has strengthened.

Mark Cliffe-Phillips (Executive Director, MVEIRB): A lot of us have been thinking about this as we consider roles, responsibilities and a path forward. Lands and resource managers are almost all in the room, except that we are missing representatives from a couple of the Renewable Resource Boards, probably because they are busy preparing for hearings. There are a lot of other things that govern how we do our business that aren't driven by our mandate, such as IT, administration, bylaws – many things that are common to all of us. We heard from Scott about limitations to capacity and differences in capacities (Boards that have two staff people compared with Boards that have 16). How can we collectively put those resources together to address common issues? This is an opportunity for us to collectively see where our gaps are, leverage resources and improve how we do business. At the same time, we can also support communication about key issues and updates. So it will be constructive to return to a format through which we work on addressing challenges. In the past, these sorts of initiatives led to the committee structure. The traction hasn't always been there because of turnover but

trying to set up structure to facilitate work between annual meetings and not only at meetings will be really important.

Ryan Fequet (Executive Director, WLWB): The Forum is really important if there is an intention to have a coordinated management framework throughout the north. I hope that we can identify some priorities on which we can work and produce results. Everyone has too many competing pressures and everyone is stretched thin so let's figure out the common issues on which we can pool our resources and prioritize action.

Ironically, in spite of our legislated focus on timelines, the Forum's own ToR doesn't talk about when we need to meet, report back to each other, present materials etc. This isn't our core mandate, it's the business outside of our core mandate. So we do need to prioritize and then figure out who is going to do what, by when.

Paul Dixon (Executive Director, SLWB): Roger and Louie both mentioned that we have these two fronts – overarching relationship with governance and implementation of the MVRMA as well as more administrative functions. We haven't seen full attendance of the Renewable Resource Boards for a number of Forums now. The Land Use Planning boards also have thin staff. But we should acknowledge that more of our annual agenda is increasingly dominated by hearing updates from territorial and federal government. Although there is a role for this, we need to balance our objectives, perhaps by structuring the first day to use introductions in a more constructive way as we probably do not need to review everybody's mandates each year. We could for instance, have collaborative updates presented by all of the Land Use Planning Boards and all of the Renewable Resource Boards together so that they are identifying shared issues early on.

We all need to take a step back and determine what it is that each of us wants to get out of this Forum so that the process and the agenda can reflect those interests.

Roger Connelly (Chair, IWB): Our overall responsibility is management of land, water, non-renewable resources. Collectively, that is what we do. There are four major groups and government involvement, as well as the ISR, where the structure and process is significantly different than down the Valley. It is clear from the limited participation of the Renewable Resource Boards and the Land Use Planning Boards that membership is falling off. The feet speak – they are obviously not getting much out of it. Planning boards – not a great representation either. Where does each player fit into this process of responsible resource management, which is our collective mandate? We need to present a common understanding of the processes that allows someone to do something in resource development or use in this part of the word.

Brian Chambers (Northern Advisor, NEB): In the ToR, there is opportunity for us to engage external stakeholders – an opportunity for them to provide input to us as regulators, renewable resource authorities, etc. in terms of how they view the regulatory regime in the NWT. We have had some of these groups such as Canadian Energy Pipeline Association, Canadian

Association of Petroleum Producers, mining associations, ENGOs, speak to us during the Forum and their observations are valuable for us in us looking at how we conduct our mandates.

Scott Paskiewicz (Executive Director, SLUPB): The MVRMA workshop was really good for reconnecting with the full spectrum of people that participate in this process. Would encourage that this happens again and that it coincides around the Forum time so that we can reconnect with issues people are dealing with and then come refreshed to this forum meeting to talk about what people heard.

Larry Wallace (Chair, SLWB): To provide additional clarity on some of the comments that have been made, the NWT Board Forum has deliberately maintained a loose format. We don't want to narrow what we do too much because everyone has their own mandate and jurisdiction. Attendance is voluntary. So we don't have authority to make decisions. Also, we did have First Nations at one of the meetings; and there are only two LUPBs and they are both here.

Paul Dixon (Executive Director, Sahtú Land and Water Board): Perhaps we need an exercise to brainstorm our individual or organizational needs and interests.

Mark Cliffe-Phillips (Executive Director, MVEIRB): If we can reinvigorate the governance committee then maybe individuals on that committee can look at that bigger picture moving forward. Also, we will have exercises tomorrow that will likely help in which breakout groups will be looking at key areas of interest.

Louie Azzolini (Chair, Surface Rights Board): Our main focus at Arctic Energy Alliance is on deliverables including decision points and concrete actions. If these can't be identified as being influenced by a study, then we won't do the study. The forum is critically important but could be more constructive if we are working with clearly identified problem statements for which we can identify a collective response. Clear end points encourage people to attend.

Action Item:

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

5 PRESENTATIONS

5.1 Energy Safety and Security Act – NEB

Presented by Suchaet Bhardwaj, NEB

- These changes mostly apply to the ISR offshore projects but the federal government also retained authority for the Norman Wells Proven Area, which is regulated under the

CPRA and the *National Oil and Gas Act*. This does *not* apply to the regulation of the Norman Wells Pipeline, which is regulated under the NEB Act.

- Changes to the *Energy Safety and Security Act* (ESSA) were passed in February of last year and are coming into force February 26 2016.
- Key components include the specification of financial requirements, the addition of Administrative Monetary Penalties as well as requirements improving transparency, cost recovery, participant funding and changes regarding spill treating agents.
- Financial requirements: Absolute liability has been increased from $40 million to $1 billion in the offshore though the Board can recommend a lower amount to the Ministers for low risk activities. Proponents have to be able to demonstrate the financial resources to cover the absolute liability. This essentially means that the company must have a fund in a readily accessible form such as a letter of credit so that the Board can access the funds if a company is not responding to an incident quickly enough. The *Act* also allows for industry pooled funds so that several operators can pool for a minimum of $250 million, which is intended to disperse risk among companies.
- Some details are left to the regulations, which were drafted in the summer by NRCan and many in the room will have been consulted on these. The final regulations are expected to be in place around February 26th when the changes come into force. The regulations:
    - Describe what types of instruments companies can use to prove their capacity to pay such as letters of credit, lines of credit etc.
    - Set parameters of an industry pooled fund (that it is subject to audit, requires an administrator, must be located in Canada).
    - Sets out the requirements for Board to recommend lower liability amounts to Minister.
- Some details were left to the guidelines, including:
    - Details on the types of instruments companies can use to demonstrate proof of financial resources and financial responsibility. For example, if a letter of credit is used, the guidelines describe the criteria that will need to be in letter of credit such as making sure there aren't exclusions; terms that need to be in insurance negotiations to ensure credit is liquid and readily accessible.
    - The risk assessment the Board would require if an applicant applies for a lower amount of financial resources or financial responsibility.
    - Amounts of financial resources and financial responsibility that are at the discretion of the Board (e.g., seismic, onshore drilling).

- Administrative Monetary Penalties (AMPs) are an enforcement tool that boards can use to enforce compliance.
- Not new to the NEB – have existed under the NEB Act to pipelines, for example, and have been used. They are an additional tool in the enforcement toolkit and one step in an enforcement spectrum, which includes: facilitated compliance; directed compliance; revoking authorizations; prosecution in the courts. AMPs can be used in conjunction with these other tools (except for prosecution).
- Under the legislation there are:
  - Maximum penalties for individuals ($25K) and companies ($100K).
  - Daily penalties for continued violations (if continues for more than one day – so AMPs can add up).
  - Rights to request review.
  - Publication of AMPs.
- Under the regulations there are:
  - Designation of what is a “violation”.
  - Baseline penalties at $100K with adjustment factors - incremental decrease or increase. For example, if there are plans for recourse or steps towards improvement then the penalty can be decreased. Conversely, we don’t want the company to have an economic advantage for non-compliance, so this could be subject to an increase.
- The guidelines provide details on AMP calculation, insurance, review process (by which company can request a review/recourse) and payment.
- Transparency piece – if Board issues an AMP for non-compliance then Board can publish this, which is the current standard under NEB Act so this is the same approach for anything issued under *Canada Oil and Gas Operations Act* (COGOA).
- Transparency: Previously much of information under CPRA was considered privileged and could not be disclosed unless the company voluntarily agreed to this disclosure. Under new changes, Board can disclose significant amount of information about project scope, location, timing, applicants, safety, and environmental protection. Some exceptions such as if it would harm the company’s competitive position.
- There is a recourse process is built in. Company has to demonstrate why particular information should not be disclosed.
- Board may now hold public hearings under COGOA which was previously not the case.
- Participant funding program may be created for certain projects. This provision currently exits under NEB, modest amount of funding made available to groups for reviewing.

Only certain types of projects trigger EAs – longer pipelines, offshore drilling (as per EA regulations). Certain individuals – proximity, stakeholder, Aboriginal, non-profits – specifically excluded are those with ownership, profit interest.

- Spill Treating Agents (STAs): STAs may be used if authorized by NEB's Chief Conservation Officer and listed within Environment Canada (draft regulation published in the summer and should be in place by February). If the company wants to use an agent not listed it has to approach the Chief Conservation Officer and request that it be permitted to be used in that instance. The Chief Conservation officer is required to consult with the Minister of Environment – several steps and safeguards before a spill-treating agent can be used but the legislative changes do open up the possibility.

Questions and discussion

Brian Chambers and James Fulford clarified that the NEB has been able to and has held public hearings but this legislation makes that process explicit, whereas it was not explicit in the legislation previously.

It was also clarified that NEB started issuing AMPs in 2014. In one year about 13 were issued. AMPs aren't meant to be used frequently but rather part of a spectrum of tools for compliance so they are used when they are the most appropriate tool to deter non-compliance.

Ryan Fequet pointed out that the changes are timely given that GNWT is working on securities here.

5.2 Update and Discussion on the Implementation of the MVRMA

Mark Cliffe-Phillips, Executive Director, MVEIRB

- Devolution has been included in this update as the two are integrally connected
- How have these changes affected resource management in the Mackenzie Valley?
  - We are focussed here largely on land and water permits as well as EA
  - Leading up to and as part of devolution, there were federal amendments made to the MVRMA, *Waters Act* and *Territorial Lands Act*. In addition, 26 other acts and regulations were mirrored as well as 3 new acts introduced.
  - The amended MVRMA is still federal legislation.
  - With respect to water licences for lands outside of federal areas, the MVRMA, *Waters Act* and Waters Regulations and expropriation fees regulations and delegation instruments apply.

  - With respect to water licences for lands in federal areas, the MVRMA and the Northwest Territories Waters Regulations apply.
  - The MVRMA and the *Mackenzie Valley Land Use Regulations* apply across both federal and non-federal areas for land use permitting.
  - The delegation instrument for EA is to Lands.
  - There is a tiered approach to how the amendments were going to be rolled out. In March 2015, the bill received Royal Assent, in April 2014 devolution occurred. The Land and Water Board amalgamations were contested but the injunctions put a number of the MVRMA changes on hold.

- Changes in force now include:
  - The Minister of INAC can give policy direction to the Land Use Planning Boards and the MVEIRB (this authority was there previously for the Land Use Planning Boards).
  - Mirroring of water management requirements.
  - Time limits now enforced.
  - Review Board is required to have an online public registry (was voluntary before). It is really hard to put everything online and challenges are encountered with things like big sheet maps so the Board is still working on implementing that one.
  - There are higher fines.
  - Land and Water Boards can issue life of project water licences (which is an increase to the term limit).
- Proposed changes not in force:
  - Repeal of Part 4 (regional land and water boards) and “roll up” into a single board.
  - Cost recovery provisions for water licensing and EAs, EIRs.
  - Authority to make regulations about Aboriginal consultation.
  - New regional study authority, proposed to be delegated to GNWT.
  - Changes to board appointment process, term extension to maintain quorum.
  - 10 day pause period after preliminary screening completion for authorities to consider a preliminary screening decision.
  - Enforceable Development Certificates, to enhance compliance.
  - Administrative Monetary Penalties (AMPs).

- Implications: For the most part, business continues as usual. Land, resources and self-government agreements are still the foundation of land and water management and the Boards retain the same functions.
- The Boards are preparing for future changes and implementing the changes that have come into effect.
- Functions are still largely the same. GNWT has an expanded role in Land and Water Board and MVEIRB processes. OROGO and GNWT Lands are two new entities we interact with quite a bit. GNWT continues to provide input on areas of responsibility such as wildlife, forestry, air quality, socio-economics, archaeology – and many others.
- Federal departments participate according to mandate (on federal land, more involvement).
- EA decisions on federal land require approval from INAC Minister Carolyn Bennett; otherwise requires approval from GNWT-Lands Minister Robert C. McLeod if not on federal land.
- Type A and B Water Licence Approvals with Public Hearings require approval from INAC Minister Carolyn Bennett for federal areas; otherwise requires approval from GNWT-ENR Minister Wally Schumann for non-federal areas.
- Accepting and holding security for Land Use Permits and Water Licences for federal lands and areas is done by INAC Minister Carolyn Bennett, for non-federal lands and areas, GNWT-Lands Minister Robert C. McLeod and GNWT-ENR Minister Wally Schumann.
- Compliance and enforcement is done by cross-appointed GNWT Inspectors (OROGO also contracts inspectors).

Mark Hopkins, Director General, AANDC

- A lot of implementation is pending outcome of litigation and injunction.
- The federal government has withdrawn the appeal that they had filed to the injunction.
- MVRMA – in terms of direction the government wants to go there is a desire to move forward to clear up situation and to implement the Act but there is not yet a lot of detail yet about what that will look like.
- Regulations under development – minor amendments with respect to NWT water regulations (consistency once NWT *Waters Act* imported into MVRMA and consistent time limits); 10 day pause period – comments requested by March 1 2016; minor administrative amendments – quarrying and land use – pre-published in May 2014 in part 1 of the Gazette for public notice and comment. Redrafted will be circulated to interested parties for 30 day comment period.

- Administrative monetary penalties – internal homework is underway in order to be able to move forward once implemented – need to be careful to make sure that different AMPs are as consistent as possible.
- Aboriginal consultations and cost recovery – no policy work occurring yet on those – that is yet to come.
- I have heard loud and clear Board nominations and importance of ensuring quorum. One of the reasons I would speculate for challenge is because of government transition as it takes a while to work through things. It has taken a couple of months to staff the PMs office. Slower than we might have anticipated because new government went through extensive process for staffing. I will take that message back to Ottawa.
- Participant funding is an ongoing and interesting one and certainly on our radar and worth looking at in terms of building capacity of EA system in all.
- Also looking at how to better incorporate traditional knowledge and science based evidence into regulatory decisions. Our department was involved in Beaufort Regional Environmental Assessment and would be interested to know how useful it was. People seem to be saying it is a good model and something worth replicating as it dug into areas where science was not clear to make sound regulatory decisions moving forward. So there will be much more interest probably from our perspective on how to make the best regulatory decisions possible.
- Five interim principles released to govern transition period until the EA review is launched. They are targeted on the two major pipelines. Not surprising principle is the interest in incorporating upstream greenhouse gas emissions into the EA process. MOU of an issue for pipelines but expectation does apply broadly and there is a discussion to be had in terms of how that is to be incorporated. An environmental impact one would expect ought to be incorporated regardless.

Questions and discussion

- Paul Sullivan (Chair, GLWB): The security screening requirements for Boards have been applied across Boards federally and are creating challenges. Mark Hopkins provided a commitment to get back with more detail.
- SLUPB (Scott Paszkiewicz, Executive Director): We have seen that local nominations come forward and then they realize that they have to go through a security screening and people are being screened out. Credit checks will make it harder still. Honouraria situation – we have $225 per day for LUPB members to participate and this hasn't changed in over 10 years. This is not a big enough incentive for people with a full time

job because they have to give up a day of salary in their other job. It is becoming more of a voluntary effort so this is an issue that we are facing.

5.3 CanNor Update on Northern Project Management

Matthew Spence, Director General, Northern Projects Management Office (NPMO)

- NPMO is part of CanNor, which has a new Minister with a new portfolio.
- There is interest from this government in looking at the big economic drivers including manufacturing in Ontario and oil and gas in Alberta.
- NPMO was previously under a single minister and now is part of a bigger portfolio with six or seven Deputy Ministers. But we are still getting projects approved.
- The NPMO was established in 2010 to support a predictable, efficient regulatory and review process and to provide path finding services to industry and to communities.
- It is a pan-northern agency. There are 32 pending projects in the north with a great deal of pending capital investment and pending jobs. We are forecasting a decline but there is a fair bit of activity across the three territories.
- Project management activities include working with co-management boards, hosting pan-territorial forum for review boards and licensing boards. There is a northern cost premium in a context of falling commodity prices so transportation infrastructure is important to base metal projects (e.g., Howard's Pass Access Road).
- Community Readiness Initiative – better federal and territorial engagement with communities – we can coalesce around community identified priorities (territorial, federal, industry and communities themselves).
- Security requirements at a mine – criminal records as barrier – working on a plan with Kugluktuk to help community members get a pardon and working with Yukon College's Centre for Northern Innovation in Mining on job readiness program.
- Access to capital, important consideration so starting to look at it more. Yukon Government is very supportive of their mining companies – Cambridge House Investment Conferences has a whole section for them so it is an innovative way of improving the investment climate as well as through the Prospectors and Developers Association of Canada (PDAC) – explaining regulatory environment to them.
- Capacity to participate in reviews – currently communities don't have it and we can't help them.
- Report card on what we've been doing. 5th year anniversary last August.

- Engagement round up, PDAC, Arctic oil and gas and engagement with industry partners, territorial departments, federal departments and Aboriginal governments
- Next week we are going to reengage to update the MOU which was signed prior to devolution; will meet with DAAIR, lands, ENR and ITI Will be involved in those discussions as well; looking to do similar MOU with Nunavut.

Questions and discussion

James Lawrance (Director, INAC): In response to a question about DFO regulatory responses centralized in Ontario. Due to limited manpower, DFO wanted to make the process more efficient and so set up a triage centre in Sarnia, Ontario. Once an application is deemed complete it is sent for review or sent back to the applicant.

Matthew Spence: Added that he is optimistic we may see increase of capacity in north for DFO.

James Lawrance: In response to some comments on security clearances. This is a treasury board guideline coming into effect for all new hires and board appointments across Canada. It has added more administrative time but doesn't change the scope much except for a credit check; a criminal record check was always required. Fingerprints will be asked for up front. Credit check to ensure security of public institutions; provision of validation of proof of identity to ensure that ID of person is the person they say they are. INAC has developed a line by line guideline to help nominee get through that process. We have heard concerns but it is a federal national initiative. I think it won't make a materially huge difference to who gets on boards or not.

A question was asked whether this applies to new or reappointed board members. Security clearances are valid for 10 years so you don't have to go through the process so long as that clearance is valid.

5.4 GNWT Update – NWT CIMP and Environmental Audit

Presented by Julian Kanigan, CIMP Manager

- Key messages:
  - NWT CIMP conducts environmental monitoring to support better land and water decision-making.
  - Focused on supporting the research and monitoring priorities of the Mackenzie Valley boards.
  - We need engagement of your staff to ensure that we meet your needs.
- Looks at cumulative impacts and environmental trends, and focused on caribou, water, fish.

- CIMP is mandated within part 6 of *MVRMA* so the program is part of the overall environmental management system.
- CIMP has a role to play in feeding information back into decisions that are made here (in the regulatory and resource management environment).
- We also have an Aboriginal Steering Committee: MVEIRB is an observer.
- 2010 saw a significant injection of funding. CIMP provides 1.5 million per year for 30 projects and typically are able to leverage these funds 3:1. That is, for every dollar that we spend, we bring in about $3 through our partners.
- We have achieved a program for making evidence-based decision making. 16 peer-reviewed papers published last year.
- Have documented environmental trends (identified 18) and cumulative impacts (in 7 regions).
- Contributed information directly to 9 regulatory processes last year.
    - Examples – helped to provide funding for hydrology and water quality trends on Hay River – available on Water Resources Division and CIMP websites.
    - A good example of a project that addressed cumulative effects was the one looking at the effects on water in Tathlina Lake, which fed information directly by CIMP staff to the MVLWB and informed the Strategic Oil and Gas Water Licence renewal.
- Embarking on new 5 year action plan. Priorities include:
    - Monitoring (CIMP will fund other Parties to do this or will do it on their own).
    - Communication (communicating results to Boards and communities; general public - we monitor regulatory processes and feed information to the GNWT through those processes; information is posted to the discovery portal website).
    - Audit (and adaptation) - for all *MVRMA* but looks at our programs and recommendations can be fed back in to our priorities.
- Board Priorities that have been communicated to us:
    - How do we identify and assess the potential for Cumulative Effects?
    - What are the thresholds for linear disturbance?
    - What is the resilience of northern aquatic ecosystems to stresses induced by mining?
- We are one agency but we recognize that we need to work in partnership with all agencies. Current projects that may interest you include:

  - Linear Disturbance initiative which is an Inventory of Landscape Change that considers seismic line succession and regeneration and wildlife tracking on seismic lines.
  - Resilience of northern aquatic ecosystems to mining.
  - The development of protocols, that is standards for data – how can we collect things in the same way to look beyond a single project scale?
  - Effect of large mines on caribou migration and health. GNWT and partners working on range plan IS a cumulative effects consideration

- The NWT Environmental Audit has 4 objectives:
  1. Review regulatory decision-making
  2. Review CIMP
  3. Look at key gaps in environmental trends – what don't we know?
  4. How have Parties responded to previous recommendations?

- You have been contacted by the auditor and you have probably seen the first draft and proofed it. So the time now is for the second draft of the audit to come out for review and it will be an opportunity for you to respond to recommendations in the audit. There are only three recommendations in the current draft aimed at Boards.
- Hope the final audit document will be released to the public in June, 2016.

Questions and discussion

Mark Cliffe-Phillips question: Does CIMP plan to do work actually interpreting data and recommending how it would influence decision making?

Julian Kanigan response: Currently we have one staff member monitoring regulatory decisions and trying to see how information can feed in but yes, that capacity can probably grow as we develop these larger datasets (capacity to analyze data for decision-making implications).

5.5 GNWT Update – Transboundary Water Agreements

Presented by Erin Kelly, Assistant Deputy Minister, Corporate and Strategic Planning, ENR, with support from Robert Jenkins, Director, ENR.

- In 1997 the Mackenzie River Basin Master Agreement was signed to establish common principles for us to manage water "consistent with the ecological integrity of the aquatic ecosystem". The Master Agreement included provisions to make bilateral agreements.
- The NWT / Yukon watershed Agreement in 2002 was the first bilateral agreement.

- In March of 2015, an agreement was signed with Alberta and in October, 2015 an agreement was signed with British Columbia.
- All of these new agreements are 90% the same; consistent approaches are good for us.
- There was a meeting in January in Saskatchewan – they are working on an agreement with AB very similar to agreement between NWT and AB and we are working on updating the Yukon agreement to be more consistent with the new agreements
- The bilateral agreements use what is called a “Risk Informed Management” (RIM) approach. All waters are classified based on risk. For example:
  - Class 1 – no action required
  - Class 2 – requires a learning plan be developed for example before development occurs so we can get a good baseline of the body
  - Class 3 – continuing to monitor and study but also setting objectives;
  - Class 4 – when objectives are not being met.
- Ensures monitoring, triggers, thresholds and limits set in accordance with RIM approach. More management occurs with increasing risk classification. Ecological integrity information as well as traditional use information is intended to inform the RIM approach.
- The Agreements restrict interbasin transfers except for exceptions within provincial laws.
- For water use (quantity) the agreements use thresholds (5% each jurisdiction) (10% overall prior to entering NWT waters).
- Site-Specific Water Quality Objectives for Class 3 Rivers to protect all uses: traditional, freshwater aquatic life, drinking water, recreation.
- Commitment to keep substances that are human-made below detection levels.
- Biological component – management actions to protect indicators if unacceptable changes detected.
- Monitoring – have list of monitoring stations. Not just from border but also into Alberta along Peace and Athabasca. We are also going to be monitoring biology, surface and groundwater.
- Informed and consulted on future development. Other Parties have to engage very early when they know of potential future projects. There is a Bilateral Management Committee (BMC) at which concerns are to be discussed; concerns can include both traditional and Western scientific knowledge. The BMC exists to foster communications, share knowledge, review progress.

- Next steps: Update the Yukon – NWT Agreement; hold first NWT-AB meeting of the BMC hopefully in March 2016. We have gotten together with the Technical Advisory Committee and made a 5-year work plan.
- Also hoping to hold the first NWT-BC BMC meeting. A lot of work going on in advance of BMC meetings and a lot of work going on within each jurisdiction on these topics.

Questions and discussion

Bertha Norwegian: Regarding prior notification of projected developments. When you realize that there is something going on with a river that is transboundary, do you also include the Aboriginal groups from that region? And when you develop the documents do you have input from the impacted Aboriginal Groups?

Response: Aboriginal Steering Committee (ASC) has been at the table throughout the process; the Aboriginal Steering Committee is integrally linked to work of the BMC as there is a seat on the BMC from the ASC. This information sharing goes back through the ASC to the different governments. There is an intergovernmental agreement between GNWT and Aboriginal Governments which outlines how these processes will work. So process agreement is in place for how we will work together. So short answer is yes, if we learn about a potential project we will talk about it at the BMC where there is ASC representation and then we will talk about it on the ASC.

Mohan Denetto: Does 5% usage include hydroelectric or how is that considered?

Response: Shouldn't be a consumable water use but water flow is also measured at site specific locations (at boundary).

Mohan Denetto: Consumptive use; so holding it back is not considered consumptive use and is not factored into the 5% use.

Robert Jenkins added: 90% is calculated based on what the ecosystem needs so what is left is what can be shared amongst the jurisdictions.

Another question was asked about the number of projects to which a site-specific objective could apply and what is the state of knowledge to develop those objectives?

Response: Water quality objectives are to be met at the borders. There's a lot of work that has been done to establish site-specific water quality objectives. People who are knowledgeable about stats love to debate so this is why we are having a workshop at the end of the month to look at the most robust manner to set these objectives.

Roger Connelly: Where is 5% measured? How do you calculate the 5% at real volume? The volume changes along the river.

Response: The measuring point is at the border. In the case of the Slave River they each get 1.9%.

Roger Connelly: What authority do these Agreements have? What are the legal mechanisms to stop water withdrawals or those land use activities altering water quality?

Response: It is a cooperative agreement, just as the Master Agreement was cooperative. There are aspects that are binding and aspects that are cooperative. AB requires social licence to do projects. So we know that it would not be in AB's best interest to not meet an obligation within an agreement that they've signed. We are hopeful that violation of these agreements would be public and would be remedied as described in class 4. In addition, all legal remedies that existed before this agreement still exist. So all legal recourse is still in place. If they wanted to remove themselves from the agreement – termination clause would be put into effect.

James Lawrance: Further to that, land claim agreements also contain text regarding substantially unaltered waters in quality and flow so potential for legal recourse by Aboriginal governments existed even before transboundary agreements were in place.

Erin Kelly: Provinces weren't signatories to claims so this adds their signed agreement to tools of recourse.

Scott Paszkiewicz: Is there consideration for when water is taken out and finds its way into the subterranean? For example, if freshwater is taken and pumped underground, is that an interbasin transfer or dealt with somewhere else?

Response: It is not an interbasin transfer because it is not considered gone. Also not considered consumptive use because not entirely removed. There are requirements for Learning Plans related to groundwater. Quantity thresholds at the border are still in place so that comes into play because those thresholds can't be exceeded.

Bertha Norwegian: I read an article that referred to a proposed hydroelectric dam that would use eight rivers in the NWT. Has work begun looking at that process?

Erin Kelly response: I'm not certain of the specific article that Bertha is mentioning. From a transboundary perspective, there is a proposed dam in AB and we are having discussions at BMC and AB was up today to provide an update on the proposed dam and these agreements have helped GNWT to get more information about those projects early on.

5.6 GNWT Update – Air Quality Regulations

Presented by Matt Seaboyer, Environmental Protection Advisor, ENR.

- Air emission and air management has historically been relatively unregulated, piecemeal and outside of jurisdiction of Land and Water Boards.

- Also unclear for proponents because they don't know which standards to use for thresholds, monitoring, etc.
- ENR has committed to developing a regulatory framework.
- Will require amendments to the *Environmental Protection Act*.
- Engagement coming up.
- Air permit requirements for big developments – Air Assessment, Best Available Technology Economically Achievable; annual emission fees – can help with minimizing emissions;
- For smaller sources – registrations – helping us to improve inventory.
- Legally binding contaminant limits for air emissions.
- Source performance standards (e.g., waste incineration; stack testing requirements and contaminant limits).
- Proposed engagement timeline – draft will be shared with GNWT departments, the Land and Water Boards, MVEIRB.
- Then other stakeholders including Aboriginal, municipal and public and private stakeholders.
- Want to be seamless with regulatory implications therefore two-step process. Boards will be provided materials.
- Aiming for draft Act in Fall 2016 – then would draft regulations.
- Goal is completion in winter 2017.
- Other departmental initiatives – hazardous waste guidelines update.

Questions and discussion

Paul Sullivan: Does this involve wood stoves and waste oil furnaces?

Response: We have waste fuel management regulations so those will be separate. For domestic wood stoves, the current plan is to not regulate though there could be something with manufacturing standards (i.e., CSA approved).

Richard Binder: Assuming engagement will include Inuvialuit Water Board?

Response: Yes

Brian Chambers: How will this be applied to territorially and federally regulated operations, for example, Norman Wells?

Response: This will be discussed through stakeholder engagement and future conversations with federal departments.

6 MVRMA WORKSHOP OVERVIEW

Presented by Ryan Fequet, Executive Director

The MVRMA Workshop was held for the first time. The agenda was developed through a planning committee consisting of MVEIRB, MVLWB, GNWT Lands, and GNWT ENR (Cumulative Impact Monitoring Program).

Over the last seven months the planning committee sent out a candid survey to help shape the content and format of this workshop, asking participants what questions they had about the MVRMA. 120 survey responses were received in the first hour. People were evidently interested in learning about the MVRMA.

Mr. Brian Crane was a keynote speaker reminding us that the MVRMA is not new and providing a history lesson on its beginnings. Workshop highlights include the following:

- Presenters provided an overview of how everything fits together including land use planning, cumulative effects monitoring and other components within an integrated co-management framework.
- The second day started with break-out groups and people were learning about individual components of the regulatory process around such topics such as tools of engagement, and land use planning.
- There were a number of mechanisms built in to receive feedback. The planning committee had identified a focus group who answered questions over lunch to provide feedback. There was also a board with a question of the day and draws for gym bags for those who submitted feedback. The planning group also debriefed.
- Over 240 people attended the workshop from all sorts of backgrounds and places throughout the NWT. The Interim Resource Management Assistance Fund and Lands funded participation.
- Seemed like a resounding success and everyone wants to see it happen again although there were several suggestions of how to do it better. In particular, it was suggested that a high level one be done every two years with a focused one on alternate years.

7 MEMBER ORGANIZATIONAL OVERVIEWS

7.1 Environmental Impact Screening Committee

- MOUs with MVEIRB. If it is cross-boundary we'd be dealing with NEB
- Stakeholders/participants include EIRB, MVEIRB, MVLWB, NEB, many federal/territorial/Aboriginal/community/other governments and organizations, including hunters and trappers organizations and the Joint Management Committees.
- MVRMA – no changes to date. Without cross-boundary issues we shouldn't have any concerns at this point.
- Board made up of seven members, including three Inuvialuit Game Council representatives.
- Structure is very different with the Joint Secretariat serving several organizations, so therefore the annual budget looks much smaller.
- Next week we will be in Edmonton looking at strategic planning and co-management planning with the other co-management boards.

7.2 Environmental Impact Review Board

- One of the main differences between Inuvialuit process versus MVRMA is we operate under the land claim agreement itself; there is no specific legislation. Quite different than any of the other land claim regimes.
- Mandate is quite simple. If a project is referred to us from the EISC, if they determine there may be significant environmental impacts, we conduct a review. The main rules are set out in the Inuvialuit Final Agreement (IFA).
- In terms of our final decision, every regulator will say they only make recommendations, they don't make decisions. In Canada very rarely, if ever, has a government gone against the main recommendations made by an EA panel. In CEAA there have been a number of projects turned down by EA panels and the government has upheld the decision.
- The kinds of projects we have dealt with have been wide ranging – reindeer, driftwood lumber, offshore drilling – we have reviewed around 10-12. Have a long history.
- Board forum organizations that we deal with include all of the Inuvialuit co-management organizations, federal and territorial government departments, and others.

- Devolution has not really affected our jurisdiction. We've seen INAC regulators replaced by GNWT regulators but that hasn't made much change.
- CEAA 2012 has made changes. Essentially, it appeared to set up or continue the existence of two regulatory regimes – one federal and one under the IFA. We are working with the CEAA to streamline that – via a substitution MOU – to agree in principal to substitute the IFA process for a federal review process should one occur, so that we would have just one EA. We have an outstanding issue with NEB in that right now also we would have two parallel reviews but no project, so we have to work on that.
- One staff member, Richard Binder, and we add additional staff when we are conducting a review. Two additional staff right now – one seconded from the NEB and a second part-time person who was also previously with NEB.
- Two Board meetings a year.
- We receive funding from INAC and GNWT. When we do have a review, budget is separate for the review (as opposed to core which is $350K) so that works out very well.
- When I came on, Board had just conducted a review of the Inuvik to Tuk highway. Then we were confronted with an offshore drilling project. I mentioned yesterday that the sophistication of these projects is entirely overwhelming. Shell's exploration activity in Tuk this summer will actually involve an armada of ships – 15 or 16 vessels associated with drilling. They bring us aboard (though none of us are engineers) so that we can actually make some useful comments. In our renewal negotiation with INAC, Board training is a priority.

7.3 Gwich'in Land Use Planning Board

- Primary mandate of GLUPB is to develop and implement a land use plan that shall provide for the conservation, development and use of land, waters and other resources in the Gwich'in Settlement Area.
- The Gwich'in Land Use Plan is supposed to be updated every five years but we've gone above that because of the complexity of the plan.
- The GLUPB makes final decisions on conformity determinations when referred. Exceptions are: the Plan Signatories (the Gwich'in Tribal Council, the GNWT-Minister of Lands, and the Minister of INAC) make final decisions on: the approval of the Plan and any amendments to the Plan
- The Plan affects decision making by Regulatory Authorities:

"…those authorities with jurisdiction to grant licences, permits, leases or interests relating to the use of land and water in the settlement area shall conduct their activities and operation in accordance with the plan." (GCLCA 24.2.10)

- Our Board typically deals with the following types of projects or activities:
    - Monitoring/reviewing regulatory applications
    - Processing exceptions
    - land use plan review (multiple projects, meetings, etc.)
- There are too many collaborators to list but the Gwich'in Land Use Plan contains lists in appendices A and B
- It is not fully known how MVRMA amendments have affected the GLUPB; it is still unclear what the scope of policy direction from Minister might be. Generally, not much has changed in Part 2 of the MVRMA.
- The GLUPB has been affected by devolution mainly though the time spent establishing relationships with new authorities, clarifying roles and responsibilities with planning partners
- The GLUPB is made up of 5 members appointed by the Minister of INAC, and nominated by the GTC (2), the GNWT (1), and INAC (1). The Chair is nominated by appointed board members. Member positions are advertised to allow full consideration of qualified/interested candidates.
- We have 2 staff members and an annual budget of ~ $300,000 funded by INAC.
- We generally have 4 to 8 Board meetings per year
- Central updates since last year's Forum:
    - Will have comments on January 2015 draft revised Plan from all three signatories by mid-February 2016. Once received, the GLUPB will be able to determine final steps towards approval.
    - Completed a series of reports on cultural resource management planning with the Gwich'in Social and Cultural Institute. GLUPB will play supporting role to GSCI in next steps.
    - Undertaking a research priorities project in preparation of next plan review.
    - Final push on Atlas project (which is why the ED is not here)

7.4 GNWT-ENR

- Promote and support the sustainable use and development of natural resources and to protect, conserve and enhance the NWT environment for the social and economic benefit of all residents.
- Roles and responsibilities:
    - Administration and management of: Water, Wildlife, Forests, Cumulative Effects and, Conservation Areas,
    - Provide input in project assessments,
    - Responsible Minister under MVRMA,
    - Provide input into Land Use Planning processes,
    - Responsible for remediation of certain Contaminated Sites (as defined by Devolution Agreement),
    - Compliance and enforcement, and
    - Assess and manage financial assurances related to water licenses and Environmental Agreements.
- Wildlife regulations reflect advice given from the Boards.
- Conservation planning involvement has links to land use planning and we support departments working on land use planning.
- There were a total of six species at risk listed last year.
- Work with all the boards without exceptions.
- MVRMA amendments – part 5.1 regional studies will be coming to ENR.
- Direct authority over water.
- New minister, but to date renewed support for initiatives that are ongoing.

7.5 GNWT-Lands

- The GNWT Land Use and Sustainability Framework is based on the vision that “land is life”, and so there is a broad interpretation of this mandate within Lands. Broad and multi-dimensional role.
- Informatics is housed within Lands but it is a shared service that supports ENR. Strategic direction within lands – supports data and IT services as core to making sound evidence-based decisions in the NWT.

- Multi-dimensional approach to land management – coordinating NWT departments across departments – for example bringing GNWT comments together for a whole of government approach. Lands also coordinates GNWT approach to understanding and managing securities.
- GNWT has invested more in inspections than was done in the INAC days – able to carry out more inspections.
- Relevant legislation includes the *NWT Territories Lands Act* and regulations, *Commissioner's Land Act* and regulations, *Area Development Act* and regulations, *Surface Rights Board Act,* NWT Devolution of Lands & Resources Agreement and the MVRMA.
- The day amendments of MVRMA came into force was the day that Lands came into being.
- Very aware now of timelines under MVRMA and the need to work with GNWT departments to ensure that those timelines are met.
- AMPs will be a very useful, as well as Development Certificates.

7.6 Gwich'in Renewable Resources Board

- Key roles: approval (or participation in the approval of) management plans, Species at Risk listings, providing advice to government on wildlife, fish and forest management (e.g. regulatory reviews).
- GRRB created under land claim - this is official source of authority for the board.
- GRRB makes recommendations which are typically approved by a Minister. Exceptions: request for a non-participant to harvest furbearers on public land when a Renewable Resource Council has refused this permission.
- 25 year water licences now available under MVRMA which has triggered a number of concerns at the community level.
- Our Board typically deals with the following types of projects or activities:
    - Management plans for wildlife, fish or forestry
    - Regulatory proposals for review
    - Research
- Our workload in the past year could be described as:
    - Reviewed & provided advice on 32 research applications
    - Reviewed & provided advice on 13 regulatory applications (includes
    - land use permits, water use licenses and land access permits)

- Devolution has not really affected the GRRB, except for changing who the primary people are in government with whom the Board communicates
- Our Board is made up 6 members, 6 alternates & 1 Chair. The members are jointly appointed by the Governor in Council and Executive Council of the GNWT. We have 6 staff members. We have approximately 2 Board meetings & 4 calls per year.
- We receive funding from: AANDC. The annual budget for our Board is: $806,541

7.7 INAC

- Constitution, land claim and self-government agreements and MVRMA as most important pieces of governing legislation and agreement.
- DIAND Act – 90% of text relates to elaborating role of department in the north.
- Department makes final decisions. Wouldn't describe that role as completely symbolic or ceremonial either, INAC participates in land use plans on Aboriginal, Territorial and Federal lands, and makes final decision in EAs on federal lands or when in the national interest (e.g., Mackenzie Valley Gas Pipeline).
- Also involved in broader discussions such as energy strategy and objectives (post-devolution role).
- Where things head in terms of the amendments to the MVRMA will further influence INAC's role.

7.8 Inuvialuit Water Board

- Mandate to provide for the conservation, development and utilization of waters in a manner that will provide the optimum benefit for all Canadians in general and, in particular, for the residents of the ISR located in the NWT.
- Central pieces of legislation governing the Board's activities are: Waters Act and Waters Regulations; IWB Rules of Procedure – Board approved; and the Inuvialuit Final Agreement.
- Quasi-judicial: main role is to make decisions on water licence applications for the use of water and/or the deposit of waste, including the setting of terms and conditions, security deposits, and to issue Type A or Type B licences and monitor adherence to conditions.
- Current projects in light of the pause in hydrocarbon development is to work with communities to ensure they have current water licenses. The Board is ensuring that

license renewal dates are scattered so that each year there is one renewal. The Board is also in the process of developing a communications strategy.

- The MVRMA amendments have minimally affected the IWB but devolution has significantly affected the Board in the following areas: transitioning from Federal Legislation to Territorial Legislation; approval authority; appointment authority; funding authority; staffing; transfer of hard copy Public Register from Yellowknife to Inuvik; completion of the electronic Public Register; closure of the Yellowknife Office; initiation of review of staffing requirements for Inuvik Office; and review of Waters Act and Waters Regulations
- Our Board is made up five members appointed by the Minister of ENR and nominated by the IRC (2), INAC (1).
- We have four staff members: Executive Director, Science and Regulatory Coordinator, Finance and Administration Officer and Public Register Assistant (vacant).
- We have approximately 6 - 8 Board meetings per year, including teleconferences (more if required).
- We receive our funding from: GNWT ENR with an annual budget of $920K.

7.9 Land and Water Boards (LWBs)

- What we do is essentially the same, but there are some differences.
- All boards have a mandate to provide for the conservation, development, and utilization of land and water resources in a manner that will provide the optimum benefit generally for all Canadians and in particular for residents of each respective management area and residents of the Mackenzie Valley; and to do this through effective participation in a fair and thorough process that considers traditional and scientific knowledge.
- In preliminary screening we wear the “big hat” and look at all things – socio-economic, cultural, archaeological, environmental, etc.
- The Boards make final decisions on land use permits, water licences, preliminary screenings and various management plans.
- For Type A or Type B water licences with public hearings - final decision making resides with Ministers.
- Board typically deals with industrial, mining and milling, municipal (some municipalities still waiting on their water licences) and power undertakings. Also agricultural, conservation, recreational and miscellaneous undertakings and land use operations: camps, fuel use/storage, cutting lines/trails, heavy machinery/drills/equipment, etc.

- Wide variety of projects – last couple of years we have shared staff so that when it is slow in one area, we help with staff from there to lessen work load in a busier area.
- We work with many federal/territorial/Aboriginal/community governments and organizations, as well as others such as the diamond mine monitoring agencies.
- Some of our differences are in size and capacity – e.g., MVLWB has whole southern section of NWT and transboundary, so much bigger in terms of capacity.
- We have exciting corner of the desk projects – working really hard to develop these policies and guidelines.

7.10 Mackenzie Valley Impact Review Board

- One of the key aspects in our region which is different from the rest of Canada is that the Board is responsible for the "protection of the social, cultural and economic well-being of residents and communities in the Mackenzie Valley"
- Our Board likes to say that we make decisions, but the Minister does have final approval on the decisions that we recommend. Also decision-making consideration for Tłı̨chǫ on a project that is on Tłı̨chǫ lands or directly affects Tłı̨chǫ lands.
- If any portion of a project is on federal lands then it becomes a federal EA decision (e.g., if a road even crossed over federal lands).
- Most projects that the Board reviews are related to mining.
- Mineral exploration is a bigger picture issue – so goes back to challenges that we have.
- More and more road and infrastructure EAs. Probably more to come still with this government's priorities announced.
- Oil and gas production and exploration – although nothing on the immediate horizon given the current environment.
- Jay Project completed.

7.11 National Energy Board

- Legislation that governs the NEB's regulatory responsibilities in the North are: *Canadian Oil and Gas Operations Act (COGOA), Canadian Petroleum Resources Act (CPRA)*, NEB Act and various others.
- A lot of activity that the NEB does as a regulatory organization is not seen; for example, life cycle regulator, pipeline compliance. Regulatory decisions (e.g., OA's and GOA's) are made by the Board; decisions on major pipeline applications are made by Governor in Council

- NEB regulates oil and gas exploration and production (Norman Wells), as well as 73,000 kilometers of pipelines across Canada. In NWT: Enbridge Norman Wells; Strategic (Cameron Hills); Spectra (Pointed Mountain); Ikhil (under OGOA). Ikhil – most of it is regulated by NEB under OGOA (onshore) but there is a small portion that OROGO regulates under OGOA in the Gwich'in Settlement Area.
- Scope: several hundred interveners and several thousand letters of comment in Trans Mountain pipeline expansion project. Energy East crosses the traditional territory of over 160 First Nations. We also engage with ENGOs, particularly with respect to offshore – major national and international organizations are very interested about how the projects may or may not proceed in that region e.g. Greenpeace working with Clyde River.
- Yellowknife office is northern regional office – meant to assist NEB northern operations and access to the NEB for the public throughout the north. In the last few years I have been doing as much engagement work in Nunavut as NWT – almost exclusively related to proposed offshore seismic program in Nunavut.
- Sent out correspondence to meet with a number of organizations about how ESSA will be rolled out and similar communications will come about Pipeline Safety Act.

7.12 OROGO

- Functionally completing the same responsibilities that the NEB did before devolution; all contained within the Act.
- Inspection and safety function, unlike most boards in the room (so keep that in mind when you see our budget).
- Do make final decisions, with caveat that we could issue an authorization to conduct an activity and you wouldn't be able to do that without a corresponding licence from a land and water board. Also a preliminary screener under the MVRMA.
- This venue is probably a good one for discussion of consistent approach on screenings because there is no standard right now; for example, screening under *Forestry Act* versus *Power Act* – hopes that discussion will happen here.
- NEB process = 100+ interveners; so potentially any stakeholders/participants in our processes depending on the project, but right now our privilege provision is very restricted and limits what we can share publicly. We are trying to work to have the company waive the privileges that they don't really need and where some transparency might actually help them.
- OROGO exists only as a result of devolution.

- OROGO has a Chief Conservation Officer and Chief Safety Officer – but can delegate decision making functions to anyone. So delegated a panel of three experts to make a decision on a significant discovery declaration.

7.13 SLUPB

- Board's mandate is "…developing a land use plan for the settlement area and for reviewing and proposing approvals, exceptions and amendments to the Plan."
- Activities mainly governed by MVRMA and Sahtú Dene and Métis Comprehensive Land Claim Agreement.
- Main responsibilities stem from MVRMA Sections 44-50. An exception is Section 46, which delegates responsibilities to Aboriginal First Nations and other governments, which is important in the decision-making process because it gives the first crack at determining conformity to those bodies. So to the extent that that happens it limits SLUPB's role of determination of conformity under Section 47.
- Open and inclusive process. Our definition for planning process in our land use plan is an open door for anyone who wants to be involved. Ultimately, three approval parties: Sahtú Secretariat Incorporated, GNWT, INAC Minister.
- Land use planning receives smaller piece of the pie. Incremental requests have brought us up to $700-800K a year but after approval we are at under $400K per year.
- Our mandate is to look at the full land scale. So we aren't really able to do data mapping, data acquisition, etc., so we are really only spending on overhead.
- Rely on other bodies to do their conformity checks because if all authorizations came then we would be swamped.

8 PROCESS MAPPING

Participants were divided into three groups, one for those working in the ISR and two for those working in the Mackenzie Valley. In each break-out group, participants were asked to review process maps for regulatory decisions made in their region. These process maps date from before devolution and changes to the MVRMA and the groups were asked to analyze with the following questions in mind:

- Are there aspects that could be better explained?
- Where is more information needed?
- How can we better describe the process graphically?

- What is the appropriate level of detail? Can it be made more obvious where other organizations within the regulatory framework fit in?
- What key changes need to be made to update the details following devolution and changes to the MVRMA?

Reporting back from each group is presented below.

MVRMA Group #1, report back from Mark Cliffe-Phillips:

- In the process maps, we didn't have a very good starting point in terms of the overview. Overview is so simplistic that it doesn't actually tell you anything. The process tree needs to elaborate on the detail.
- Overview diagram seems to be in reverse order – application comes first.
- Within each of the blown up process areas, there are minor corrections or additions that need to be made. For instance, in Land Use Planning, it is not clear who actually makes conformity determinations.
- There was a lot of discussion centred around who is really targeted by these diagrams. We see this as a tool for people looking from the outside in rather than for us so the process maps should be kept at a high-level
- One piece that is missing is public participation; it needs to be clear where that fits in the process. There could be a how-to for public participation for each step.
- Given that these are on the web, there is an opportunity to make these more interactive rather than static. They can have links where if you hover over a particular process step, it can have a more detailed description.
- There needs to be more information on the front end surrounding the pre-application process so that applicants know what they need to do from the beginning.
- If this is a tool for developers and for parties then triggers and thresholds are needed. What requires a permit? A screening? How are those decisions made? These details can be added in a pop-out bubble or link. Some of this information might be in the preliminary orientation course and can be added in to the online version.
- Inspection and monitoring is missing
- Where do securities fit?
- Completeness check is missing
- After screening, the application is referred, or returned not rejected.

- Land Use Planning conformity needs to be clarified. LUP determinations through screening and by regulator (can be referred back to the LUPB). It needs to be described that if an application is referred to EA early (before land use conformity is complete) then this is done at the beginning of the EA.
- Clarify which Minister, when referenced, and why.
- There need to be links to how other regulators fit into the picture.
- How do multiple authorizations interact? Can a list of authorizations be rolled in somehow?
- Can link to an exemptions list
- Another side bar could discuss who makes determination on adequate consultation.

MVRMA Group #2, report back from Ryan Fequet:

- Got through first four of the process maps, rather than all six
- Preliminary screening needs to be emphasized as one of the main aspects that people have a chance to participate in and this isn't really highlighted enough because it's just in one step
- There has been a lot of work done in pre-submission. For example, Who does the developer need to talk to? Which authorizations? This isn't included anywhere in these maps. We give this guidance and there is guidance on the websites but that step isn't clear even though it is really one of the biggest and most important steps to make sure that the process can be smooth moving forward.
- Need to list who is involved in the preliminary screening process. There were specific comments and questions that came up. So that information being readily available and accessible there would be helpful.

ISR Group, report back from Shelagh Montgomery:

- these process maps are older and more out-dated so we didn't really get past the overview because it sets the groundwork.
- With technology now, you can dig in deeper into the boxes so it doesn't all need to be on the first page.
- It is important to show where public participation happens.
- The maps should indicate the need for early consultation.

- Nothing refers to land use planning. There isn't a land use planning board but there are community conservation plans that play a role in that agency.
- The process maps need to be overhauled and show:
    - Lands role (GNWT and Inuvialuit)
    - Inuvialuit Water Board role
    - Process maps currently on 4 panels but that needs to be increased; e.g., Water Board, Screening Committee.
    - NEB was omitted from other panels
- Screening committee function needs to go right to top – show how it leads into the rest.
- Permits – COGOA, NEB, lands and water. It needs to show a whole regulatory map showing who does what. Screening committee has always had a questionnaire up front and we are thinking of turning that into a workflow. So, if you indicate what kind of development you have, that shows where you need to go.
- Each party agreed to do individual share of their organization's detail as these maps are updated.
- If we can't figure out the diagram flow, then our messaging is really lousy.

Concluding remarks for process mapping exercise, Mark Cliffe-Phillips

- Moving forward there is funding for the training update so the process maps need to be integrated in there and the learning guide builds off of those processes, so these two initiatives can be integrated.
- Angela: GNWT has been developing process maps; and probably NPMO so it would be great to coordinate these initiatives. If we are going to put energy and resources into a jazzy IT flow process it should be the one used across agencies

Action Item:

The Boards will work with NPMO and GNWT to ensure that the process maps developed for print and on-line have buy-in from all agencies so that they will be used as a commonly shared and authoritative reference.

- Further discussion about target audience: people who want to do things and people who want to be involved.

- Renewable Resource Boards have different roles and communicating those roles for public consumption is valuable as well. Doesn't fit well into the process flow diagrams. In the orientation course there is a comprehensive chapter about those boards and renewable resource management. Could do a better job of examining where those feed in with respect to a regulatory lens.

9 SYSTEM CHALLENGES, OPPORTUNITIES, GAPS

Participants took part in a second round of break-out group exercises aimed at discussing and identifying challenges, opportunities and gaps in two broad areas of the NWT environmental management and regulatory regime: (i) Process Challenges and (ii) Relationships with Stakeholders, Government, Industry. These are presented separately below.

9.1 Process Challenges

Four groups were formed based on the area of responsibility: (i) Wildlife Management; (ii) EA; (iii) Regulatory; and, (iv) Land Use Planning. Each group was asked to identify challenges within the processes among Boards and discuss where there might be specific opportunities to collaborate on addressing these challenges together. Each group reported back to the plenary.

Environmental Assessment and Environmental Impact Review

Report back by Brett Wheeler

Gaps:

- Preliminary screening was a significant part of the conversation.
- Coordination is needed between different screening agencies.
- NEB hadn't been doing screenings on their own but rather providing technical input into Land and Water Boards and then adopting theirs as their own. There can be a similar level of coordination between the Land and Water Boards and OROGO.
- Develop common understanding between standardized steps of preliminary screening; would be good to share resources such as the Land and Water Boards' comment table and distribution list.
- There could be direction given to applicants in the order of application. For instance, an applicant might be encouraged to apply to a Land and Water Board first in order to trigger the Land and Water Boards' well established screening processes and then OROGO rather than OROGO first (which could get convoluted).

- Review Board is responsible for providing guidance about everything under part 5 including screening but in the MVRMA it is clearly not the organization that has the authority to do preliminary screening.
- Main challenge – difference in scopes between regulatory (permitting / licensing) and EA

Opportunities:

- More guidance of how to get under that broad scope of preliminary screening.
- Have the Review Board more actively support preliminary screening (staff have been shared in past in a case by case basis but maybe there is more opportunity to formalize that or do more).
- EA follow-up – how do Boards and Parties know if adverse impacts are being presented?
- Communication – is the process working; the environment being protected and do people know? Both parts are important.
- Review Board could provide active support for screeners.

Regulatory Issues

Report back by Ryan Fequet

Challenges:

- Capacity of municipal governments – ongoing compliance once they have the authorizations (all regions, municipalities).
- Screening process happens and then the regulatory process happens so there is a bit of duplication (ISR in particular, and NEB's screening process). So maybe there are processes that can be reviewed to make sure that people don't have to be contacted multiple times for different pieces throughout process.
- Challenge because different types of information are needed for different regulators.
- At regulatory phase, sometimes less funding available for participation so there seems to be less participation. This is interesting and challenging because the beginning is often the time that participation is most needed and important to ensure projects aren't slipping through that perhaps should be kicked to the next level.

Opportunities:

- There are good application processes out there – Aurora Research Institute process – the information that they require from the applicant is very clear and laid out within a template so maybe this kind of thing can be used.

- Interpretation / translation – glossaries – really technical so it is important that people understand the words, impacts, etc.
- Great examples of work that is being done to help people understand the system.
    - High school training in the Sahtú
    - Community training in several regions with SNP compliance – brings 6 or 7 partners.
- Rules and procedures – share legal counsels and procedures.
- Understand how the processes can be worked together. For example, MOUs to harmonize what information is being asked for from the same group for different regulatory agencies.

Wildlife Management

Report back by Shelagh Montgomery

Challenges:

- There is a lack of adequate data for determining health and status of wildlife populations; resources aren't adequately focused on data acquisition.
- There is a lag time between acquiring data, having it interpreted and then having it influence policy based on actions described within a management plan (e.g., if a threshold for action within a plan is activated – a lot of time has already passed).
- Getting plans approved is a long-term endeavour. Implementation is very challenging (e.g., Management Plan for Dalls Sheep). Plans are put into place only once a significant challenge has already been identified rather than being proactive.
- Jurisdictional issues – caribou for example are traveling all over the place. Plan participation and implementation may be different among regions creating inconsistencies and risk to the wildlife.
- Different management plans – project specific and territory or regional. How do they link in together?
- Operational funding for RRCs and RRBs.

Opportunities:

- With devolution there is an inspection and enforcement function within GNWT that does allow inspectors to have an enforcement function over management plans that are project specific. This will help as it was a significant challenge previously.

- Training and education of young hunters on best practices. Addressing level of wastage. Ensure Elders promote the way of hunting that is appropriate for the community.
- Operational funding for RRCs and RRBs.

Land Use Planning

Report back by Mark Cliffe-Phillips

Challenges are easier to identify than the solutions, and include:

- Scale of land use planning in NWT. We are talking about a regional land use plan area larger than most countries in Europe..
- Data and lack thereof, particularly at a resolution that is meaningful for planning
- Traditional knowledge – in particular regions you may have overlapping traditional knowledge or scale issues in terms of applying it (community, regional, territory-wide).
- Transboundary concerns with regards to overlap of planning areas. There can, for example, be mapping and accuracy challenges when things butt up against each other in the plans.
- It is difficult to conduct sufficient meaningful community participation.
- There is a lack of resources for training, communicating, interpretation with communities. Language in particular limits meaningful participation; place names and language very significant.
- There is inconsistency between regions, governments and boards in terms of how they conduct land use planning. There is a lack of protocols.

Opportunities:

- Leveraging NWT geomatics.
- More community participation (still challenged both by boards to access communities and from communities perspective to access board processes).
- Land use planning standardization – which issues belong in a land use plan and if they don’t, how to direct these issues to the appropriate tool, mechanism for addressing them.
- Broader land use planning framework. How do regional land use plans fit within a broader NWT framework?

- Collaboration with approval organizations during development and review of plans (as opposed to after).
- 5 year reviews will be an opportunity to build on the initial plan.

Gaps:

- EA role in land use plan conformity.
- Funding and capacity is a major gap so other challenges fall from this.

9.2 Relationships with Stakeholders, Government and Industry

Participants were asked to join one of three possible break-out groups to discuss the following themes: (i) Consultation / Engagement; (ii) Building/maintaining capacity in communities, with stakeholders; (iii) Communication Tools (e.g., website, registry, social media). One person from each break-out group reported back to the plenary.

Communications

Report back by Brett Wheeler

- The group discussed the importance of communication because it builds transparency and therefore also confidence in the regulatory system.
- Access to information is not always the same or as transparent in every department. Coordination can help to address this through:
    - Boards working together
    - Links and/or one-stop shop
    - Keeping registry up to date
    - OROGO now working on posting items online when they can (have industry sign a waiver). NEB didn't have registry but OROGO is trying to be as transparent as possible within legal limitations because it is important in order for the public to trust the regulator.

Challenges to meaningful communication:

- Appropriate level of detail
- Language
- Plain language summary
- Social media presents both opportunities and challenges. Can be a good way to get information out through such things as quick tweets to link to new registry postings or

newsletters but can be troublesome if it is bi-directional because it isn't always clear who is saying what.

Opportunities:

- Communications plans may be a way of addressing some of these challenges. The same types of communications plans that are expected of a project proponent would likely be helpful for the boards themselves.
- Communications and collaboration to avoid scheduling conflicts, avoid creating competing priorities in communities – What are you communicating, with whom, when, how?
- There is a tug of war between standardizing communications but also targeted communications to different audiences.
- Communications plans can perhaps identify ways for organizations to share messaging; reduce duplication (per project).
- Registry is a good way for people to choose their own level of engagement (for example, people can sign up to receive news from a specific project).
- There used to be a communications committee on the Board Forum and there were some communications materials (e.g., website, 1-page briefing that could be attached to letters).
- Datasets can be shared; geomatics services can be shared.
- Mapping – Spatial information can be an important part of communication.

Action Item

Update items from previous communications committee and make them available so that they can be used.

Consultation and Engagement

Report back by Mark Cliffe-Phillips

Challenges:

- Definitions and terminology are really key.

- Lack of understanding at many levels (community, board, government) between different types of engagement – done by the developer versus big C crown consultation, who does what and when.
- Understanding who needs to be engaged.
- Flows from clarity in terms of who, how and when above.
- Someone might go into the community and think they've done what they should have done but it's actually the wrong person, or level.
- Leveraging resources for all of the Boards is important.
- If there is a perception that consultation hasn't been good, there might be a lack of buy-in in the decision even if the process was strong.
- Tiers of responsibility – federal, territorial. Communities don't have a clear understanding of that.
- Historic treaty areas (unsettled) versus settled comprehensive claim agreements – different expectation in activities, expectations in each area. Difficult to communicate to proponent in terms of general direction.
- Transboundary / overlap issues present their own challenges of communication – linear developments.
- Challenge in understanding strength of claim and how that comes into decision-making.
- When is enough enough? When is engagement actually done? Is it ever actually done? From a Board perspective, when is enough done to issue an authorization?
- Importance of major features, waterways, parks, etc.

Opportunities:

- Clarity is needed in how to implement items. Policy direction could be helped by the development of community-specific protocols where communities give clarity about the direction of what they want; however funding and capacity makes it a challenge to get these done
- Social licence depends on developer's engagement so proponents understand that engagement is key to get a project through.
    - The Boards can help by creating resources for proponents to communicate board processes
    - More work can go into thinking about how to incentivize good engagement.
- Self-government and reconciliation present good opportunities.

- When working in areas that are part of a land claim and linked to the management regimes, we've seen more success and more clarity.
- People are focused more on reconciliation as opposed to legal process so as social and political will leans in those directions it will make consultation, accommodation results and buy-in to these results easier.
- Cost-recovery changes within MVRMA will help.
- Collaborate with industry associations.
- Clarify policies surrounding IBAs.

Capacity

Report back by Ryan Fequet

Challenges:

- Stakeholders include not only the participants in public review process but also proponents, especially at the smaller scales.
- The Boards are able to help proponents understand if they need an authorization, who they will need to talk to and what they will need to obtain it successfully.
- Funding to participate in regulatory processes is still a challenge – NGOs; FNs; communities – capacity challenges also aren't limited to funding alone but also include human resource challenges. Even some federal departments currently lack capacity to be adequately involved in regulatory processes; staff knowledge is sometimes insufficient.
- Sometimes there can be good messaging and collaboration but the information doesn't get to the right people. Staff and people are discussing tools to get things done but it doesn't get to the person who needs to file it. Person you are speaking to on phone from company, maybe isn't the person making final financial decisions and plans so how to make sure the information is passed on to the right person?
- Contacting the same stakeholders over and over again. Hard for them to get to those meetings.
- Culturally appropriate techniques to engage those groups.

Opportunities:

- The Boards can try to coordinate meetings so that two, three or four things are accomplished at one time with the same audience.

- ENR is now available also to help people who should have water licences. GNWT's source water protection program can help provide supports.
- GNWT – MACA now have technical staff available upon request of community to help municipalities prepare applications.
- All sorts of different people with different roles, so we need to be clear amongst ourselves and then communicate to the people who these resources are.
- Technical training sessions for communities and in schools are important.
- MACA school of government has a focus on operators.
- Level of personal assistance that we all offer depends on the scope and scale of the project or the availability of resources of the applicant. So for Joe Woodcutter who comes in, usually each of our organizations' staff can help that person more.
- Interim Resources Management Assistance Fund provides capacity to unsettled regions.

10 CLOSING

Due to time constraints, the meeting was drawn to a close following the Relationships and Communications break-out session. The participants decided to forego the final planned break-out group discussion on challenges and opportunities associated with Board Administration.

A discussion was had about the next meeting. NEB offered to host and although there was a discussion about whether it would be appropriate to host a meeting of northern Boards in Calgary, the NEB offer was accepted. The group decided on November 29th and 30th for the next meeting of the Board Forum.

The meeting ended with a roundtable of closing remarks during which participants thanked one another for attending and in particular thanked the organizers, the co-Chairs and the facilitator for their hard work. Several people commented that they found the break-out groups particularly useful and that overall the meeting once again re-affirmed the value of reconnecting annually.

11 ACTION ITEMS

- Process maps will be completed as part of the funded project to revise the Board training materials.
- Boards will work with NPMO and GNWT to ensure that the process maps developed for print and on-line have buy-in from all agencies so that they will be used as a commonly shared and authoritative reference.

- The communication materials previously developed by the Board Forum, which included one page descriptions, should be updated and made available for Forum Members use.
- The NEB will inform the Board Forum when they have a response back from NRCan about the securities discrepancy between NEB legislation and the *Canada Shipping Act* for off-shore oil and gas transport. (Action from 2015 Board Forum but no formal response from NRCan has been received).
- 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. (Action from 2015 Board Forum not yet addressed).
- Intergovernmental Council to recommend to the Council partners to provide information to claimant groups for information sharing in their newsletters (from 2015 Board Forum). Tasha Bergmen (Senior Advisor to the Deputy Minister, sitting in for Kate Hearn) will follow-up with GNWT DAAIR and will get back to the Forum through James Lawrance.

APPENDIX A

Meeting Agenda

Agenda
NWT Board Forum Regular Meeting
Tree of Peace Friendship Centre, Yellowknife,
NWT February 9-10,2016
Meeting Theme: "Change and Integration"

Day One- Tuesday, February 9

8:30	Arrival – coffee and muffins
9:00	Opening Prayer Roundtable Introductions Welcoming Remarks by MVEIRB and MVLWB Co-chairpersons
9:20	Updates by each organization (approximately 5 minutes each based on one page summaries circulated in advance of the meeting)
10:30	Break
10:45	Board Forum Working Group updates • Review of February 10-11, 2015 action items • Website • Training • Strategic Plan/Review of Forum results and activities • Terms of Reference and the way forward with working groups/committees
11:45	Lunch on your own
1:15	NEB presentation on the *Energy Safety and Security Act* (includes changes to the *Canadian Oil and Gas Operations Act* and the *Canadian Petroleum Resources Act)*
1:45	Update and discussion on implementation of *MVRMA* • MVEIRB • INAC
2:30	CanNor update on Northern Project Management Office
2:45	Break
3:00	GNWT updates • NWT Environmental Audit • Transboundary Water Agreements • Surface Rights Board • Wildlife Monitoring Plans • Air Quality Regulations
4:00	Closing remarks for the day – Co-chairpersons
4:15	Chairs caucus

Agenda
NWT Board Forum Regular Meeting
Tree of Peace Friendship Centre, Yellowknife, NWT
February 9-10,2016
Meeting Theme: "Change and Integration"

Day Two-- Wednesday, February 10-REVISED AGENDA

8:30	Arrival – coffee and muffins
9:00	Highlights from previous day – Co-chairpersons
9:10	MVRMA Workshop Update – Ryan Fequet
9:20	Member Organizational Overview – Template Presentations
10:20	Break
10:30	Member Organizational Overview – Template Presentations (cont'd)
11:IS	Process Mapping Working Exercise – Mark Cliffe-Phillips +Break-out Group
I2:00	Lunch provided
I:30	Introduction to Break-out Group Discussions focused on Challenges, Opportunities, Gaps
1:40	Break-out Session #I: Process Challenges Four small groups divided by those with responsibility for (i) Wildlife Management (e.g., RRBs); (ii) EA; (iii) Regulatory (e.g., LWBs); (iv) Land Use Planning
2:10	Break-out Session #2: Relationships with Stakeholders, Government, Industry Three small groups (self-selected): (i) Consultation / Engagement; (ii) Building/maintaining capacity in communities, with stakeholders; (iii) Communication Tools (e.g., website, registry, social media)
2:40	Break-out Session #3: Board Administration Two groups (self-selected): (i) External decisions (e.g., Board appointments, funding); and (ii) Internal challenges (e.g., policies, HR)
3:15	Break
3:30	Arrangements for next meeting (location/date, hosts, etc.)
3:40	Closing remarks – Members
4:15	Closing remarks – Co-chairpersons

APPENDIX B

Presentations

DAY 1

Water Strategy Action Plan Implementation

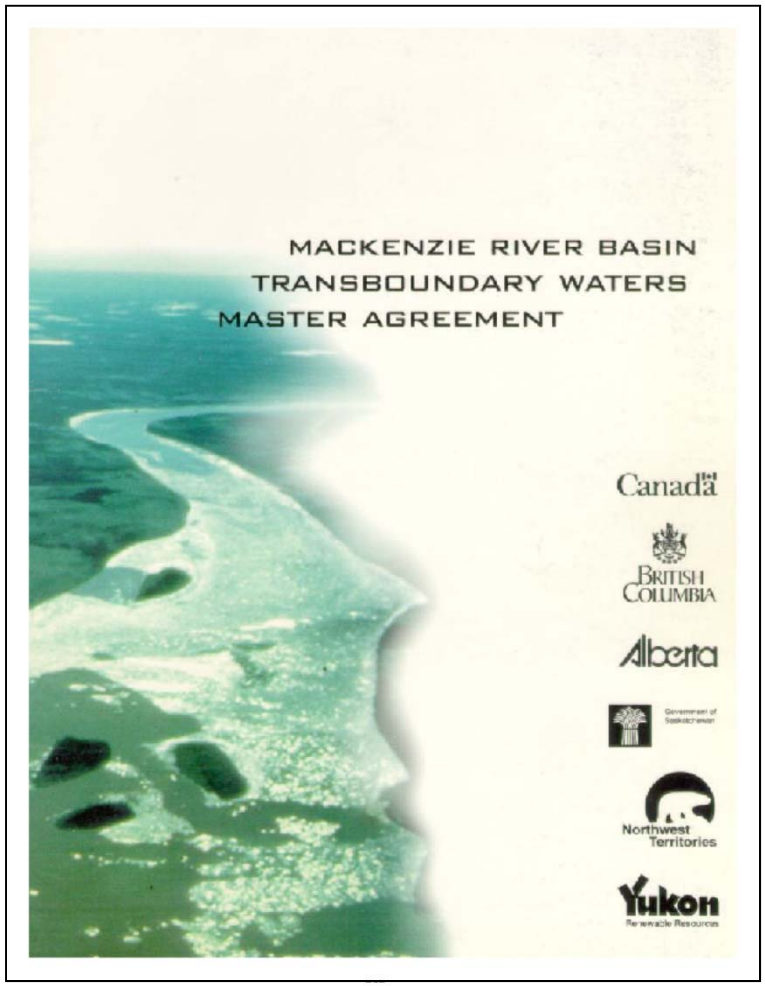
Transboundary Water Management Agreements

NWT Board Forum
February 9, 2016
Yellowknife

Northwest Territories Environment and Natural Resources

Mackenzie River Basin (MRB)

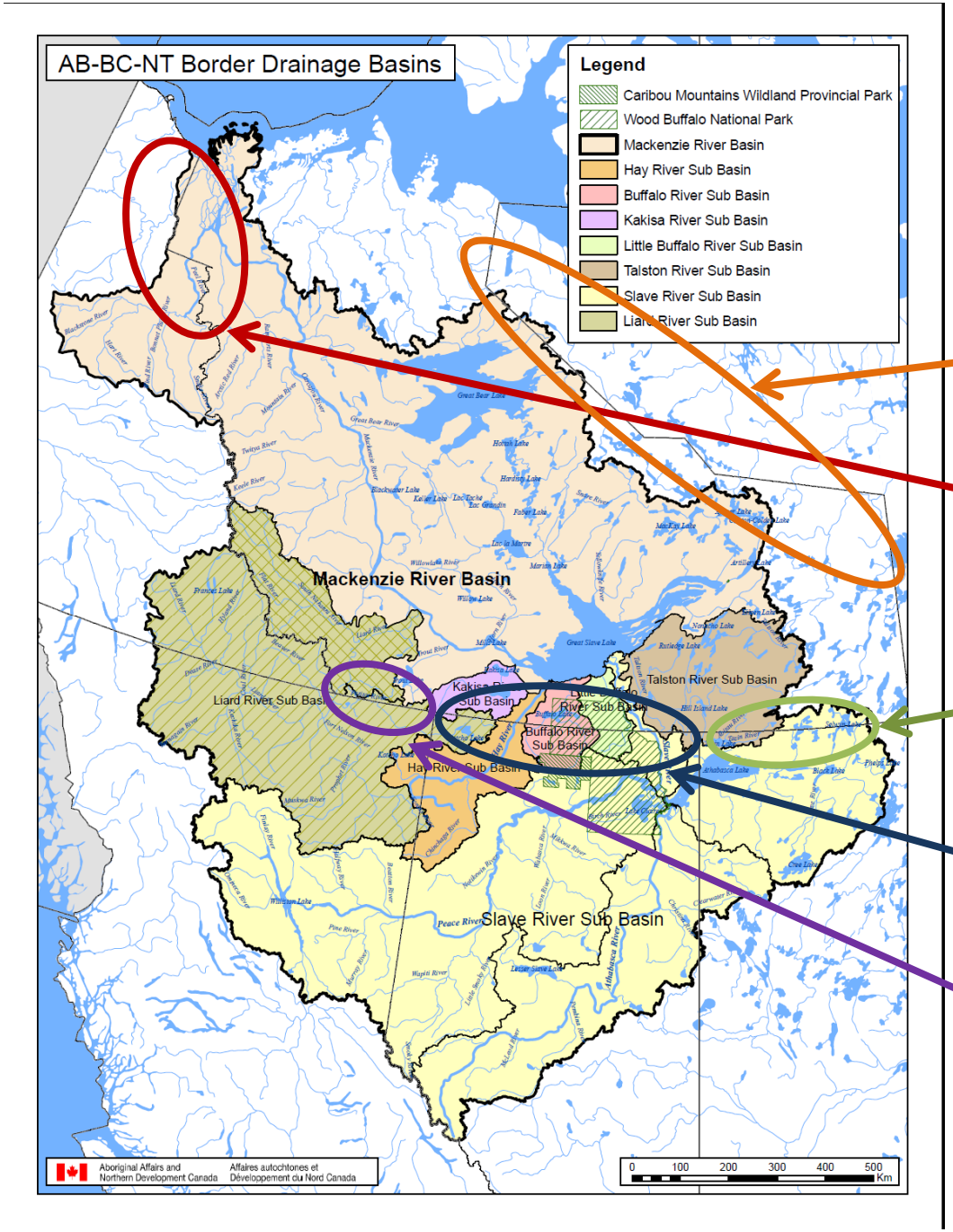
Transboundary Waters Master Agreement



In 1997, the MRB Transboundary Waters Master Agreement was signed by Canada, British Columbia, Alberta, Saskatchewan, NWT and Yukon.

Main purposes:

- To establish common principles for the cooperative management of the water resources in the Mackenzie River Basin in a manner consistent with the maintenance of the ecological integrity of the aquatic ecosystem.
- To make provisions to create Bilateral Water Management Agreements.



NWT Transboundary Waters

NWT-Nunavut Border Watersheds

NWT-Yukon Border Watersheds (2002)

NWT-Saskatchewan Border Watersheds

NWT-Alberta Border Watersheds (March 2015)

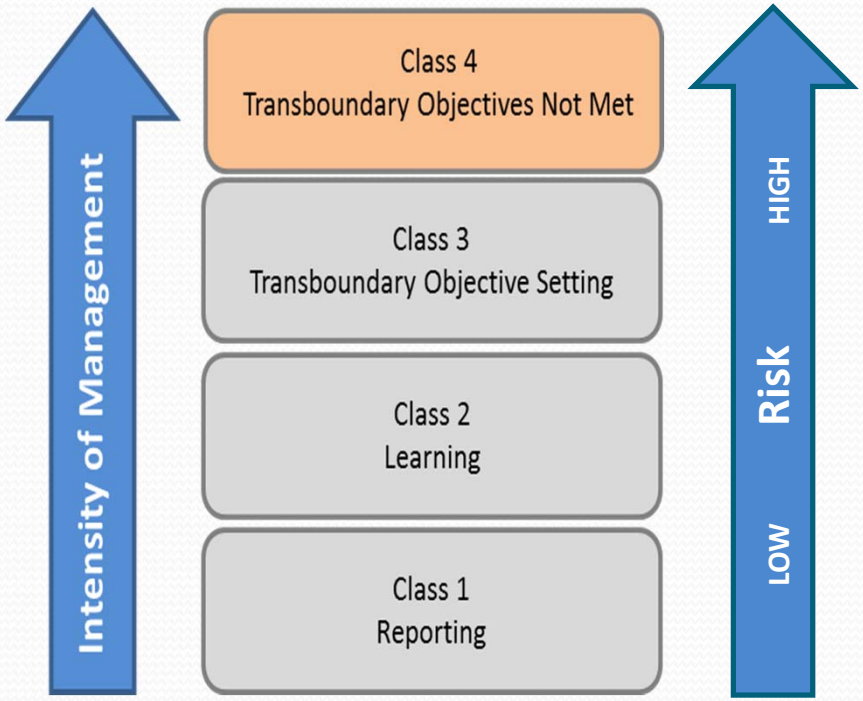
NWT-British Columbia Border Watersheds (October 2015)

Components of the Agreement

- 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

Risk Informed Management

An approach for managing transboundary waters where risk is assessed and management actions are commensurate with identified risk.



Transboundary water bodies are categorized based on risk.

Management actions increase in intensity with increased risk.

Class 1 – No action required

Class 2 – Learn, monitor and study

Class 3 – Continue to monitor and study, set objectives.

Class 4 – Actions required to return to meeting objectives ASAP aquatic ecosystem health is maintained

Surface Water Quantity

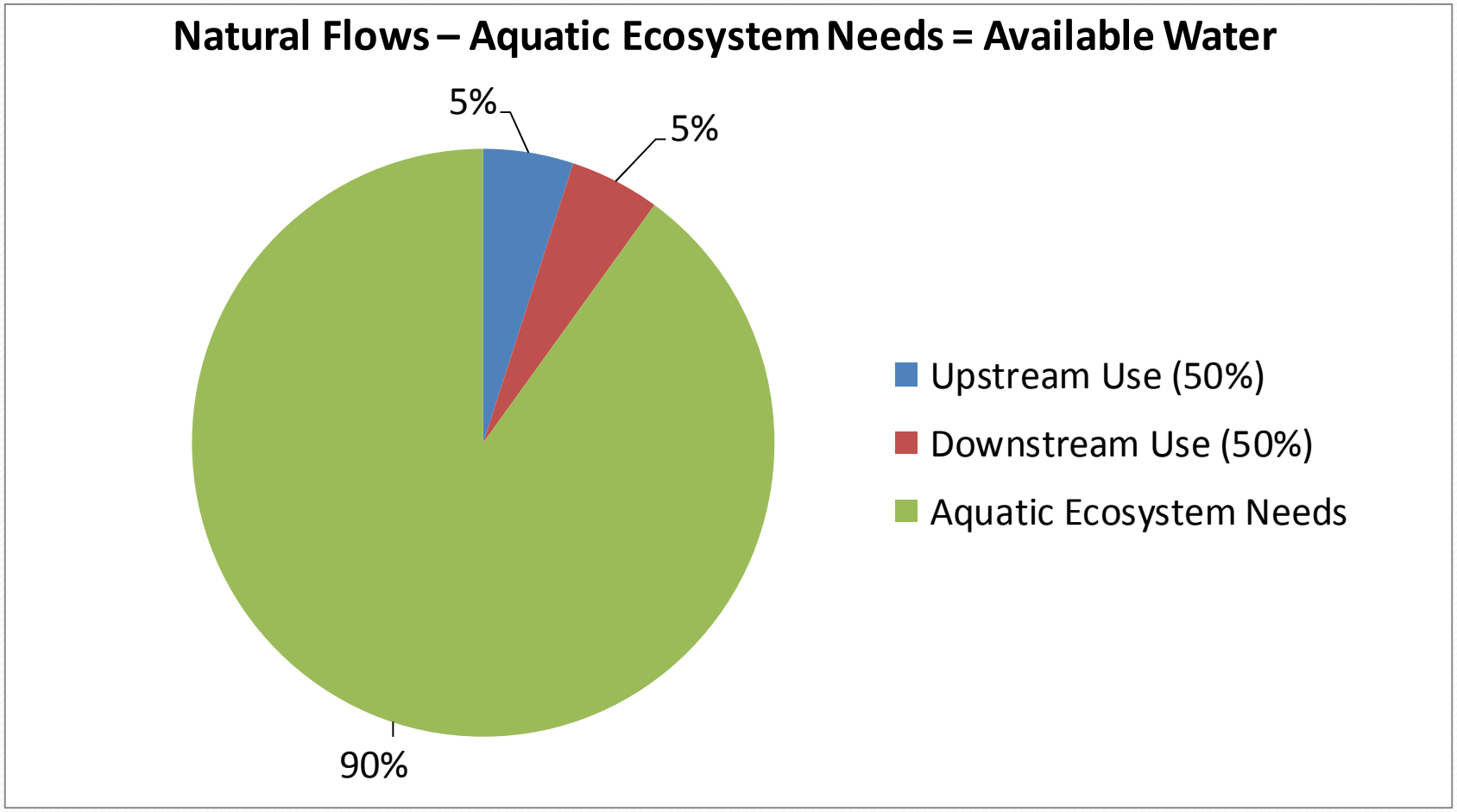
What was heard?

NWT residents are concerned about changes in water level, timing of flows, upstream jurisdictional use of water, effects of past and proposed development and interbasin transfers.

How was this addressed?

- Transboundary Waters will be monitored and triggers (early warning of change), thresholds and limits will be set in accordance with the RIM Approach to protect the ecological integrity and traditional use.
- Interbasin transfers will not be permitted into or out of the Mackenzie River Basin (subject to jurisdictional exceptions in their laws prohibiting interbasin transfers).
- Ecosystem Needs are paramount. Water is shared after Ecosystem Needs have been met.

Aquatic Ecosystem Needs



Surface Water Quality

What was heard?

NWT residents are concerned about potential effects of past, present and proposed upstream development on transboundary water quality.

How was this addressed?

- Transboundary Waters will be monitored and triggers (early warning of change) and objectives will be set in accordance with the RIM Approach to protect the ecological integrity and traditional use.
- Site-Specific Water Quality Objectives will be developed for Class 3 Rivers to protect all uses:
  - Traditional use
  - Freshwater aquatic life
  - Drinking water
  - Recreation
- Water quality is different between rivers and seasons, so water quality objectives will be developed accordingly.
- Commitment to keep substances that are human made, toxic, bioaccumulative and persistent at or under the level of detection.

Biological Component

What was heard?

People are concerned about the change in fish and wildlife population in addition to being concerned about the health of fish and wildlife, and whether they are safe to eat.

How was this addressed?

The agreement is intended to protect the ecosystem health including fish, wildlife and humans.

Biological indicators will:

- be used as an early warning system that a change may be occurring
- detect synergistic and cumulative effects
- prevent the movement of invasive species into, out of and within the Basin
- if unacceptable changes are detected, implement management actions to protect indicators

Monitoring

What was heard?

Important to have several monitoring stations along the main rivers to act as an early warning system and to maintain the monitoring over the long term, and to consider both western science and traditional knowledge.

How was this addressed?

- Monitoring will be established to learn and support the BWMA, and to assess the health of the Mackenzie River watershed.
- Monitoring will continue at priority monitoring stations. Additional stations will be established as necessary based on scientific and traditional knowledge assessments.
- Information obtained through the biological, surface and groundwater monitoring is tracked and assessed for changes and trends.

Information Sharing, Notification and Consultation

What was heard?

NWT residents need to be informed and consulted on future development occurring upstream and monitoring information and results should be shared.

How was this addressed?

- Prior notification of projected developments and activities that may cause any adverse transboundary effects must be provided.
- Concerns related to the ecological integrity of either jurisdiction will be discussed, and reasonably addressed.
- Information will be exchanged on a regular basis to inform and support decisions related to the bilateral management of Transboundary Waters.

Next Steps

- Complete BWMAs with SK and NU and update existing YT-NWT Agreement
- Hold the first NWT-AB BMC meeting (winter 2016)
    - *Discuss progress on first-year tasks*
    - *Complete 5-year work plan*
- Hold the first NWT-BC BMC meeting and determine a workplan

Questions?

Update on Development of NWT Air Regulations

February 9, 2016

Presented by: Matt Seaboyer

Northwest Territories
Environment and
Natural Resources

Brief Background on Air Regulation in the NWT

- Air quality largely unregulated in the NWT
- Limited authority of LWB's over air emissions
- Lack of clarity for industry/proponents
- ENR has committed to 'occupying the field' of air quality and have been actively developing an air regulatory framework
- Minor amendments to the *Environmental Protection Act (EPA)* are also required

Overview of Proposed Content for NWT Air Regulation

- Air permit requirements for large developments
  - Air Assessment, Best Available Technology Economically Achievable (BATEA), monitoring and reporting requirements
  - Annual emission fees (over a certain threshold)
- Air registration requirements for smaller emission sources
- Legally binding contaminant limits for air emissions
- Rules for open burning
- Source performance standards (e.g. waste incineration)
- Other components

Proposed Engagement Timeline for Air Regulations & EPA Amendments

- **Spring, 2016**
  - Engage with internal GNWT departments, LWBs & MVEIRB
- **Later Spring – Summer 2016**
  - Engage with other resource management boards, Aboriginal, Federal & Municipal Governments and all public & private stakeholders
- **Fall, 2016**
  - Finalize draft air regulations
- **Fall, 2016 – Winter, 2017**
  - Publish draft air regulations in NWT Gazette
  - Stakeholder review period (90 days)
- **Winter, 2017**
  - Submit regulations to ENR Minister for signing

THANK YOU
MAHSI CHO

Email: matthew_seaboyer@gov.nt.ca

Northwest Territories
Environment and
Natural Resources

NWT Cumulative Impact Monitoring Program

February 9, 2016 NWT Board Forum

Northwest Territories
Environment and
Natural Resources

Summary

1. NWT CIMP conducts environmental monitoring to support better **land and water decision-making**

2. We are focused on the research and monitoring priorities of **Mackenzie Valley boards**

3. We **need your engagement** to make sure we meet your needs

NWT CIMP

What?

- Cumulative impacts and environmental trends
- Caribou, water and fish in development "hot spots”

Why?

- Settled land claims and Part 6 MVRMA.
- Part of an integrated environmental management system

Who?

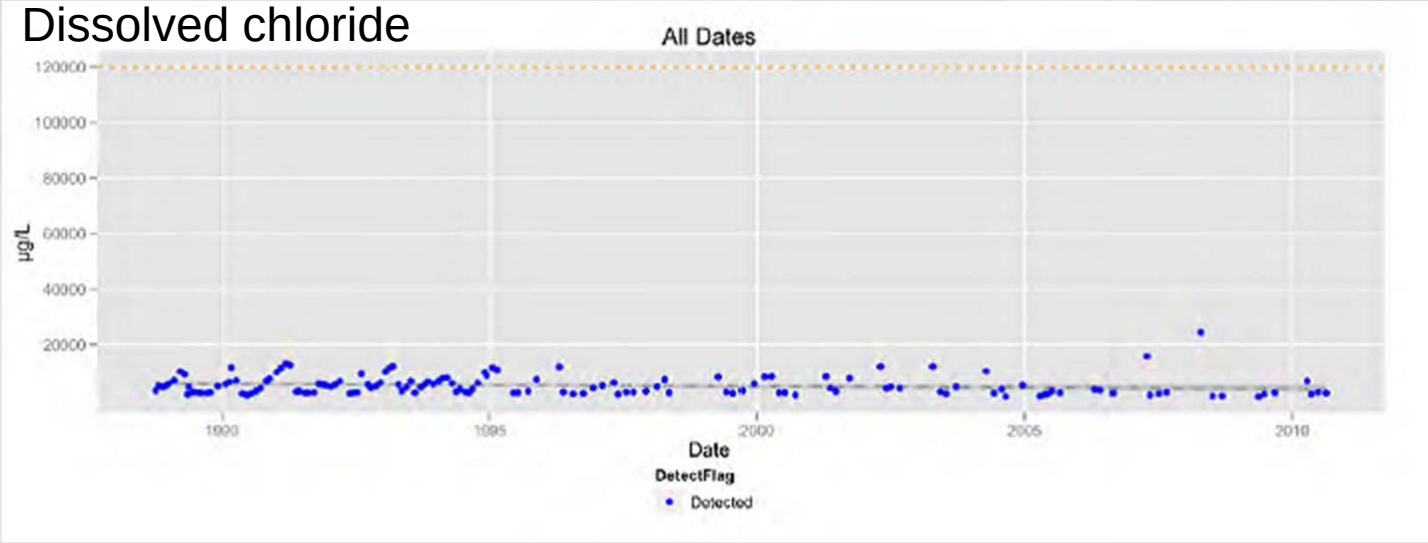
- GNWT is the responsible authority.
- Aboriginal Steering Committee: MVEIRB is an observer

Achievements

- Since 2010: **NWT CIMP funds 30 projects@$1.5M** per year, leveraging funds 3:1
- NWT CIMP supports **evidence-based decision making** (16 peer-reviewed papers published last year)
- NWT CIMP identified **18 environmental trends** and analyzed **cumulative impacts in 7 regions**
- Last year NWT CIMP contributed information directly to **9 regulatory processes**

Environmental trends

- Hydrology and water quality trends on the Hay River.
- Available at www.nwtcimp.ca



Cumulative impacts

- Cumulative effects of human and natural disturbance on Tathlina Lake.
- Contributed to **MVLWB** Strategic Oil and Gas Water License renewal

George and Melaine Simba on the Cameron River

Used in regulatory processes

- Water and sediment chemistry data.
- Used by the Giant Mine Remediation Team to propose discharge criteria to **MVLWB**

2016-2020 Action Plan

Board priorities - 2014

BIG questions

1. How do we identify and assess the **potential for CE**?

2. What is the level of **linear disturbance**? Thresholds?

3. How resilient are **northern aquatic ecosystems** to stresses induced by mining?

Identify and assess CE?

1. Lac de Gras CE water quality analysis – WG
2. AEMP guidance
3. Baseline WQ monitoring guidance
4. Cumulative effects variables
5. TK variables

Linear disturbance?

1. Inventory of Landscape Change
2. Seismic line succession and regeneration
3. Wildlife tracking on seismic lines

Resilience of northern aquatic ecosystems to mining?

1. Plankton changes near diamond mines
2. Aquatic ecosystem health, Yellowknife Bay
3. CABIN protocol

Board priorities - 2014

4. What is the effect of large mines on caribou migration and health?

Data standardization

Northwest Territories
Environment and
Natural Resources

Moving forward

1. NWT CIMP is an environmental monitoring program focused on **land and water decision-making**

2. Over the last five years we have produced significant results. Many have **contributed to Board decisions**

3. We need the **engagement of Board staff** to make sure we meet your needs

Northwest Territories
Environment and
Natural Resources

Northern Projects Management Office

NWT Board Forum

February 2016

Northern Projects Management Office

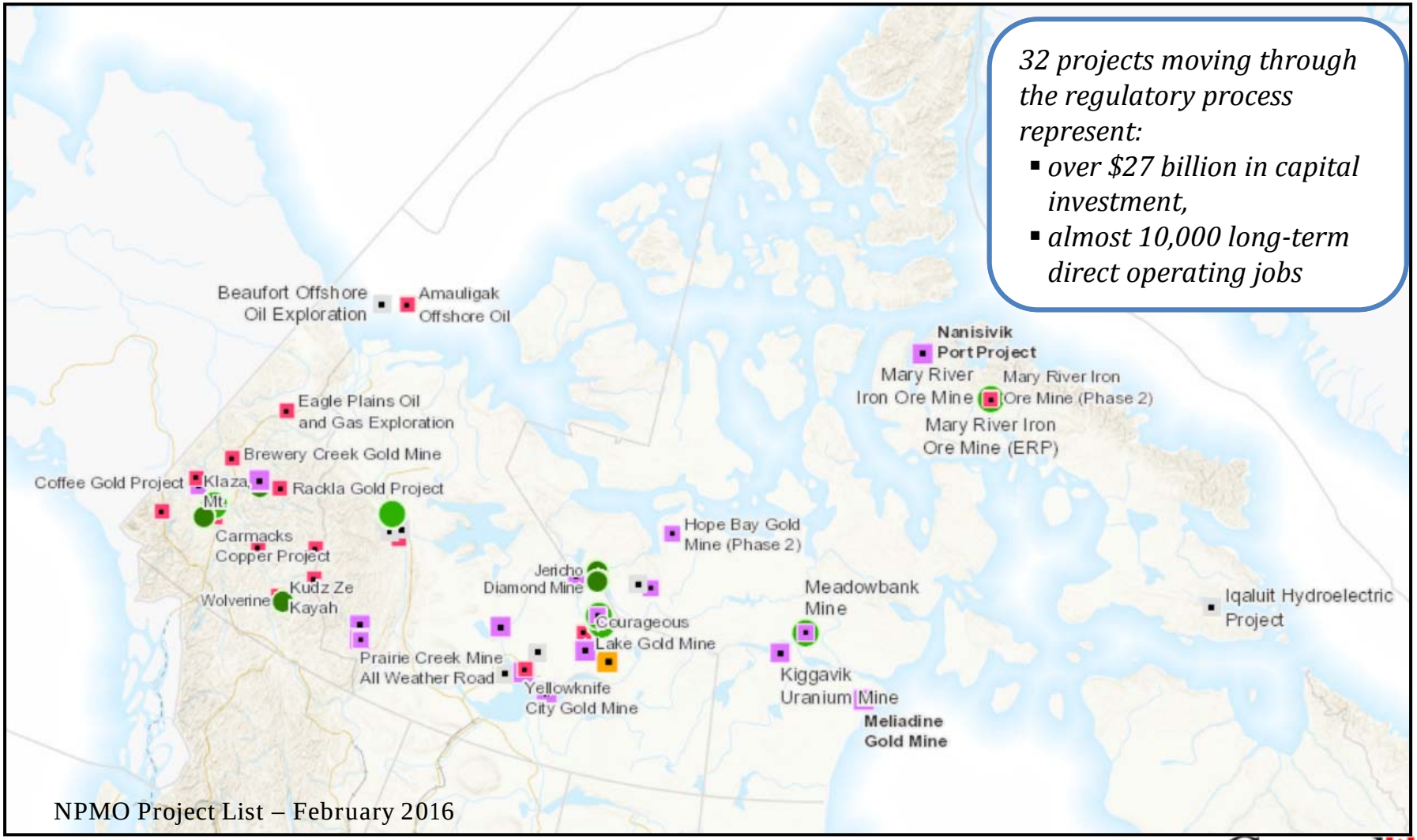
Created in 2010, to bring a whole of governments approach to coordination of Canada's major projects in the North.

- Provides issues management, path-finding and advice to industry and communities
- Coordinates the participation of federal departments and agencies in the regulatory review process
  - Publicly tracks the progress of projects to bring transparency, timeliness and effectiveness to the regulatory system
- Coordinates Aboriginal Crown consultation and holds the official consultation record
- Works directly with Aboriginal communities to support them in the resource development process
- Undertakes northern resource development policy initiatives

Project Management | Engagement | Policy and Advocacy

Canada

Major Projects in Various Regulatory Phases



Canada

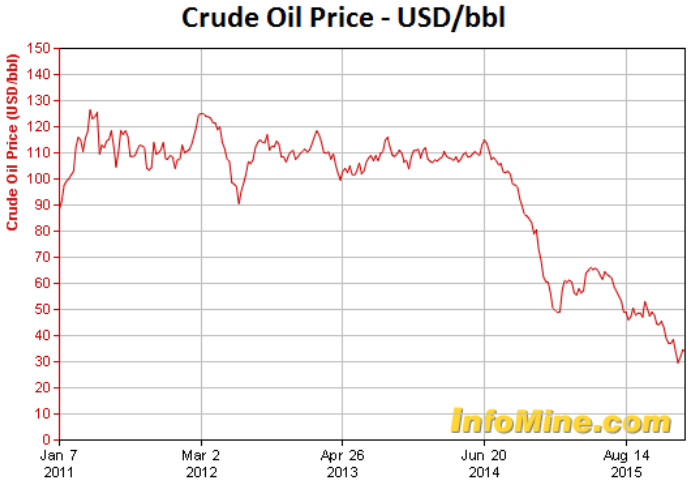
Supporting the Environmental Review Processes

Project Management > Aboriginal Engagement > Policy and Advocacy

Action Area	Functions
Pathfinding and issue resolution for industry	• Providing advice and support related to emerging issues related to EA and permitting (Projects and operating mines) • Publicly tracking the timing of regulatory reviews and permitting • Coordinating Resource Development Advisory Group (RDAG) meetings.
Coordinating federal regulators	• Coordinating federal participation in the EA and regulatory processes and monitoring timelines • Providing updates on northern projects through the monthly Major Projects Management Office committee meetings (DG, ADM and DM level)
Working with Co-management Boards	• Participation in Board Forums; sharing best practices from across the North (i.e. Community Readiness) • Providing one consolidated GOC submission during review process to ensure consistency, avoid duplication and demonstrate transparency
Socio-Economic assessments	• Tracking socio-economic impacts of major projects and understanding the communities' priorities, goals and concerns • Supporting the alignment of policy, programming, engagement and development initiatives over time • Supporting the development and implementation of socio-economic monitoring and evaluation frameworks and tools

Conditions Impacting Project Movement

- Declining commodities prices
  - Zinc: $150 US (May 2015) to $118 today
  - Gold: approximately $1,800 US (August 2011) to $1,200 today
- Northern cost premium (PDAC report)
  - **Mineral exploration costs: 2.27 times more expensive** than the average costs of the non-remote projects (up to 50km away); **2.8 times higher** when more than 500km away.
  - **Capital costs: 2.5 times higher** for base metal mines; **double** for gold mines; **15-20% higher** for the diamond mines.



Withdrawn	On Hold	Care and Maintenance
• Chedabucto Exploration project – Husky Energy	• Beaufort Offshore Oil Exploration – Imperial	• Cantung Mine – North American Tungsten
• Sahtu oil exploration Phase 2 – Husky Energy	• Mackenzie Gas Project – Consortium	• Snap Lake Mine – De Beers Canada
	• Yellowknife Gold Mine – Tyhee Gold Corp.	

Canada

Working with our Indigenous Partners

Project Management | Aboriginal Engagement | Policy and Advocacy

Action Area	Functions
Overseeing Crown consultations	Continuing its roles and responsibilities as Crown Consultation Coordinator for projects in the NPMO portfolio, including: • Identifying impacted communities and initiating early engagement – focus on gathering on the ground information; • Encouraging the use of the public hearings processes to identify assertions from Indigenous groups; • Assessing the record to determine if any additional consultation will be required and by which responsible department; and • Providing federal Ministers with a final Crown Consultation Assessment report in advance of any federal decisions related to the project.
Supporting participation in resource development opportunities	Working with partners to advance community readiness which contributes to better management of the socio-economic activities of major projects by northern communities Community Readiness Plans: • Identify opportunities, challenges and strategies to achieve community objectives • Linking goals with solutions - working with partners to identify investment opportunities and potential partners and resources • Aboriginal support improves with the ability to manage socio-economic activities

Understanding all the Variables

Action Area	Functions
NPMO Evaluation	• Evaluation of NPMO's services and activities undertaken in summer 2015 - Identified ongoing value of NPMO (e.g. coordinating federal participation; providing ongoing clarity of the regulatory process for industry; maintaining good relationship with and understanding the concerns of communities) • Key findings noted opportunities for continued growth: Ongoing bridging of partnerships across stakeholders; holding forums for regulatory boards, federal and territorial departments; greater publicity of NPMO services
Infrastructure	• Engaging federal departments in developing coordinated policies and programs approaches supporting multi-user and multi-purpose economic infrastructure investment in the North • Working with partners to connect the North to national and international trade markets by identifying the economic infrastructure needs and the development models required to support resource development and community wellbeing
Labour market	• Working with partners to understanding the current state /dynamics of the labour market and exploring policy and programming solutions to enhance labour market outcomes in the North. • Investments in Yukon (Centre for Northern Innovation in Mining) and NWT/Western Nunavut (Mine Training Society)
Access to capital	• Leading foreign direct investment promotion for northern resource development (private sector investment champions program, PDAC 2015)
Effective regulatory system	• Issues raised during regulatory review (double bonding, land use planning, capacity funding)

Pan-Northern Board Forum

Pan-Northern Board forum brought together review and licencing Boards from the three territories together in late January in Yellowknife. Provide a forum for the boards to share best practices and discuss issues of mutual interest.

Key topics included:

1. Environmental Assessment and Regulatory Process Challenges
    - Need for land use plans, EA measures, transboundary EA's
2. Relationships with stakeholders, government and industry
    - Capacity issues limiting participation, improved on line information
3. Board Administration
    - Board appointments, board training, HR challenges

Next meeting is scheduled for October 2016

NPMO Activities at a Glance:

Project Management	• Assisted 45 companies related to 58 projects moving through northern regulatory processes (Pre-EA, EA and Regulatory) • Consistently ensures federal service standards are met 100% of the time in conjunction with northern regulatory review process requirements.
Information Sharing	• Coordinated 25 resource development advisory group (RDAG) meetings, benefiting 15 proponents and numerous federal and territorial development partners in relation to 19 major projects in the North
Engagement	• Over 350 partner engagement activities in 2014, growing to over 690 in 2015. • Foreign Direct Investment promotion for northern resource development launched (champions program, PDAC 2014)

Coordination	• Signed MOUs with the Governments of Yukon and Northwest Territories (need for an update) on project coordination
	  • supporting resource development through cooperation and respectful engagement
	  • facilitating effective and transparent regulatory processes
	  • Facilitating opportunities to advance economic development for the people and communities related to major projects

Approvals	• Work closely with federal partners to move projects through ministerial approvals

What's New?
Devolution and MVRMA Amendments

NWT Board Forum

Yellowknife, NT

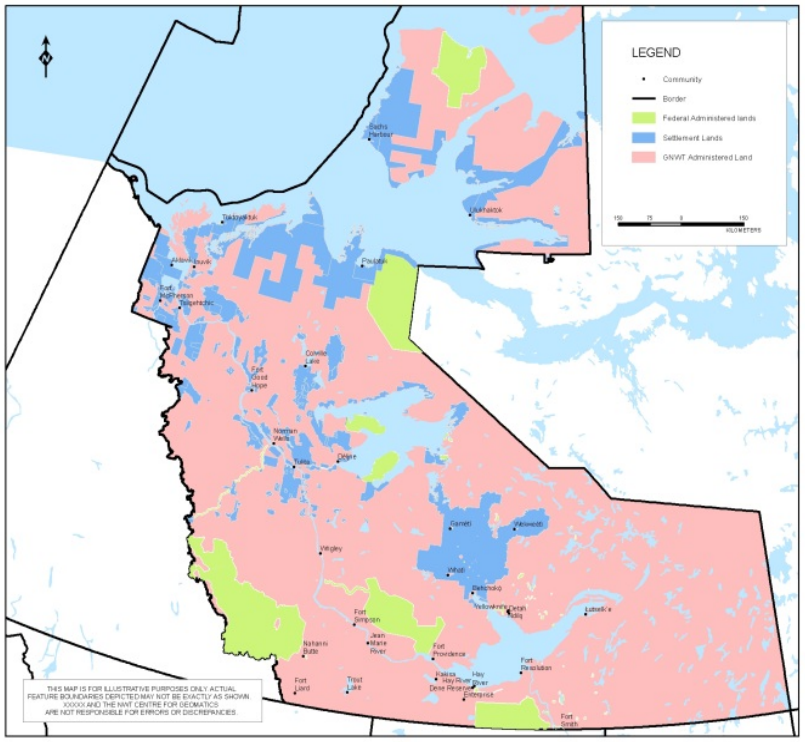
February 9-10, 2016

Mark Cliffe-Phillips, Executive Director (MVEIRB)
Rebecca Chouinard, Regulatory & Technical Director (MVLWB)

How have devolution and changes to legislation since 2012 affected land and water management in the Mackenzie Valley?

Devolution

- On April 1, 2014 GNWT became responsible for managing public land, water, and subsurface resources for most of the NWT
- Federal mandates and staff transferred to GNWT
- About 7.5 % of the NWT is currently managed by the federal government (Crown land)



Changes to Legislation

- Just before devolution, the federal government amended the MVRMA, the *Waters Act* and the *Territorial Lands Act*
- GNWT mirrored 26 federal acts and regulations, including the amended waters and land acts, and passed 3 new acts
- The amended MVRMA is still federal legislation

- In 2012 the federal government changed other environmental laws:
  - *Canadian Environment Assessment Act -> Canadian Environmental Assessment Act, 2012*
  - *Fisheries Act*
  - *Species at Risk Act*
  - *Navigable Waters Protection Act -> Navigation Protection Act*
  - *National Energy Board Act*

The New Legislative Framework

	With respect to lands outside of a federal area:	With respect to a federal area:
Water Licences	*Waters Act* *Waters Regulations* *Expropriation Fees Regulations* Delegation Instrument - Waters	*Northwest Territories Waters Regulations*
Land Use Permits	***Mackenzie Valley Resource Management Act*** *Mackenzie Valley Land Use Regulations* Delegation Instrument - Lands	
Environmental Assessment and Environmental Impact Review	***Mackenzie Valley Resource Management Act***	
	Delegation Instrument - Lands	

Changes to the MVRMA

Changes in force now

- INAC Minister can give policy direction to LUP boards and MVEIRB
- Water management provisions for federal areas
- Time limits for water licensing and EA processes
- MVEIRB required to have a public registry (was voluntary before)
- Higher fines
- LWBs can issue life of project water licences

- AANDC/INAC Minister delegated certain authorities to GNWT Minister of Lands and to GNWT Minister of Environment and Natural Resources
  - Inspections, EA and EIR decisions, water licence approvals, security, certain time limit extensions

Proposed MVRMA changes – not in force

- Repeal Part 4 of Act, change Part 3 to "roll up" regional boards into a single MVLWB
- Cost recovery provisions for water licensing and EAs/EIRs
- Authority to make regulations about Aboriginal consultation
- New regional study authority – to be delegated to GNWT
- Changes to board appointment process, term extensions to maintain quorum
- 10 day "pause period" after preliminary screening completion for authorities to consider referral to EA
- Enforceable Development Certificates – to enhance compliance with EA and EIR decisions
- Administrative Monetary Penalty (AMPs) provisions in Parts 3 and 5

What does this mean for land and water management?

- For the most part… business as usual

- Land, resources and self-government agreements are still the foundation of land and water management
- Boards still have the same functions
- Governments (Aboriginal, territorial, federal), communities, applicants/developers, the public and others continue to participate in board processes
- Policies, guidelines and procedures are updated as needed

Board functions

	Before Devolution and Legislative Changes	After Devolution and Legislative Changes
Land and Water Regulation		Until further notice
Environmental Assessment and Environmental Impact Review		

Territorial and federal government participation

- GNWT has an expanded role in LWB and MVEIRB processes
  - GNWT responsibilities now include land, water, and non-renewable resources
  - 2 new organizations: Department of Lands, Office of the Regulator of Oil and Gas Operations (OROGO)
  - GNWT continues to provide input in areas such as wildlife, forestry, air quality, socio-economics, archaeology – and many others
- Federal departments participate according to their mandates
  - If a project is on federal land, there will likely be more federal involvement
- The location of the project (federal or non-federal land) affects whether GNWT or INAC makes decisions on board recommendations – but the board processes are the same

Environmental Assessment Decisions

(after reaching consensus with federal and territorial Responsible Ministers)

Project on federal land

Project not on federal land

Water Licence Approvals
(Type A and Type B with Public Hearings)

For federal areas

For non-federal areas

Accepting and Holding Security
(Land Use Permits, Water Licences)

For federal lands and areas

For non-federal lands and areas

Compliance and Enforcement

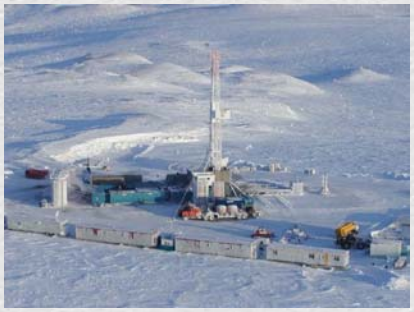
For federal lands and waters

For non-federal lands and waters

Discussion / Graffiti Wall

- What changes have you experienced as a result of devolution and/or changes to the MVRMA and other acts?
- What changes have affected you the most?
- What changes would you like to know more about – and how?

National Energy Board | Office national de l'énergie



The *Energy Safety and Security Act*

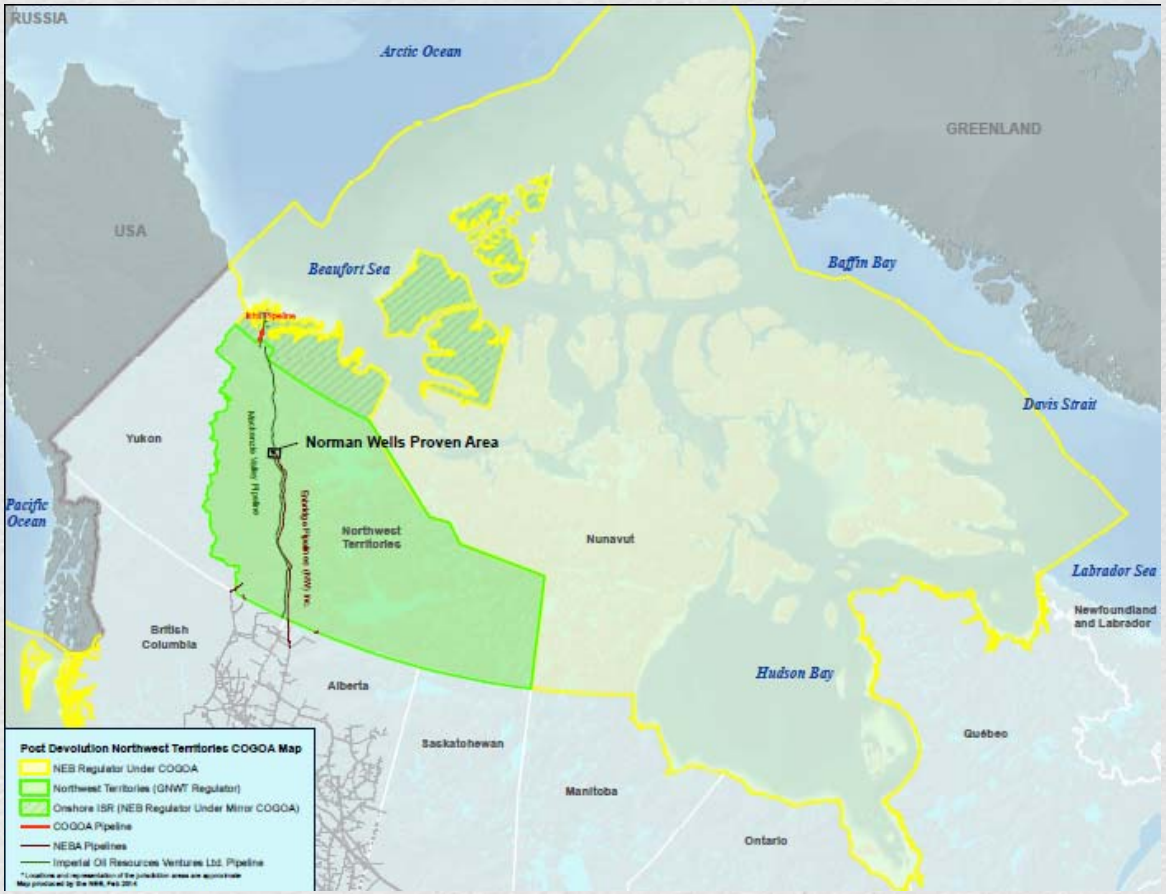
Presentation to NWT Board Forum
February 9th, 2016

Suchaet Bhardwaj

Energy Safety and Security Act (ESSA)

- ESSA passed on 26 February 2015; in force one year later
- Key components:
  - Financial Requirements
  - Administrative Monetary Penalties
  - Transparency
  - Cost Recovery
  - Participant Funding
  - Spill Treating Agents

NEB Regulated Areas



Financial Requirements - Legislation

- Absolute liability
  - Increased from $40 million to $1 billion in the offshore
  - Board can recommend lower amount to Ministers for low risk activities
- Financial resources
  - At a level equal to or greater than the absolute liability amount
- Financial responsibility
  - $100 million for offshore drilling, development and production; can be increased by the Board
  - Companies can use an industry pooled fund of minimum $250 million for offshore drilling, production and development activities
  - Amount for other activities (e.g., onshore drilling, seismic) determined by the Board

Financial Requirements – Regulations & Guidelines

- Regulations
  - Describe form of financial resources
  - Establish parameters for the pooled fund
  - Requirements for Board to recommend lower liability amounts to Ministers
- Guidelines
  - Details on types of instruments companies can use to demonstrate proof of financial resources and financial responsibility
  - Describes the risk assessment the Board would require if an applicant applies for a lower amount of financial resources or financial responsibility
  - Sets out amounts of financial resources and financial responsibility that are at the discretion of the Board (e.g., seismic, onshore drilling)
- Final regulations and guidelines to be in place February 2016

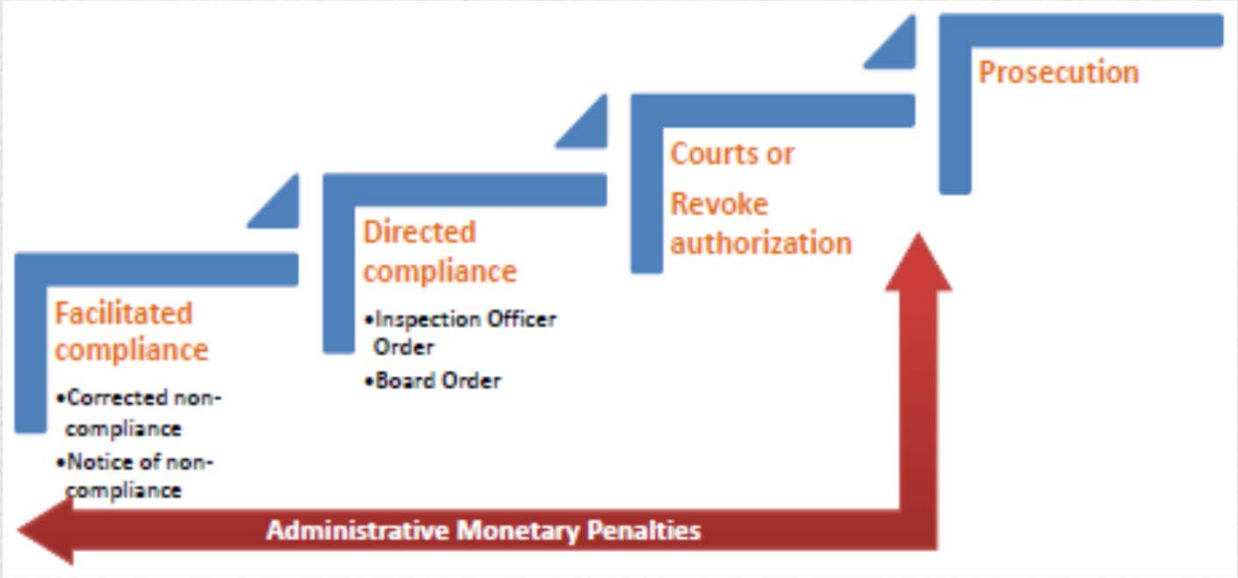
Financial Requirements – Summary

- Higher absolute liability limits for offshore drilling
- Board still can require more financial resources than the amounts in legislation
- Applicants must demonstrate that they can pay for any loss or damages resulting from incidents or spills
- If an incident occurs, the company will still be responsible to control the event, clean up the environment, and compensate all affected people

Activity	Location	Absolute Liability	Financial Resources	Financial Responsibility
Drilling, development or production	Offshore	$1B	$1B (or greater)	$100M (or greater) or $250M pooled fund
	Onshore	$25M or $10M	Board discretion	Board discretion
Other (e.g., seismic)	Offshore	$1B	Board discretion	Board discretion
	Onshore	$25M or $10M	Board discretion	Board discretion

Administrative Monetary Penalties (AMPs)

- AMPs are a financial penalty for non-compliance
- AMPs are not new to the NEB
- One more tool in the enforcement toolkit



Administrative Monetary Penalties

- Legislation
  - Max $25,000 (individuals); $100,000 (companies)
  - Daily penalties
  - Right to request review
  - Publication of AMPs
- Regulations
  - Designate what is a "violation"
  - Set baseline penalties and adjustment factors
- Guidelines
  - Details on AMP calculation, issuance, review process and payment

Transparency

- Public hearings
  - ESSA gives Board authority to hold public hearings under COGOA
- Disclosure
  - Board can disclose information on applicants and certain project information
  - Information provided for a public hearing (if held)
  - Information related to safety and environmental protection with exceptions
- Recourse process
  - Applicants can request some information not be released

Participant Funding Program for Environmental Assessments (PFP-EA)

- Participant funding is a contribution program to facilitate participation in Environmental Assessments of projects.
- Which projects are eligible?
  - Offshore wells and platforms, new pipeline >40km
- Who can apply?
  - Individuals, Aboriginal groups, non-industry/not-for-profit groups
- What activities are funded?
  - Review EA documents, participate in EA process
- What costs are eligible?
  - Expert and legal fees, travel, translation, etc.

Spill-treating Agents (STAs)

- Amendments to COGOA allow use of STAs if listed in regulation and authorised by the NEB
  - Environment Canada led regulations listing STAs in place by February 2016
- NEB can only authorise use of STAs after determination of net environmental benefit
  - Regulations governing use of STAs in spill response and the process for determining net environmental benefit to be developed by Natural Resources Canada (NRCan)

What's Next

- Financial Requirements and AMPs
  - Final Regulations and Guidelines in place February 2016
- Transparency
  - Criteria for holding public hearing
  - Information regarding disclosure
- Cost Recovery
  - Currently on hold
- PFP questions?
  - PFP.PAFP@neb-one.gc.ca; 1-800-899-1265 (toll-free) or 403-299-2790 (direct)
- STAs
  - NRCan expected to begin developing net environmental benefit regulations in 2016

DAY 2

Overview of Land and Resource Management in the NWT

Wek'èezhìı Renewable Resources Board

Introductory and update presentation for the NWT Board Forum – February 9-10, 2015

Legislation and Mandate

- Our Board's mandate is:
  - To perform the functions of wildlife management in Wek'èezhìı as ar institution of public government.
- Our main primary powers are:
  - Wildlife management and commercial activities related to wildlife;
  - Forest and plant management; and,
  - Protected areas.
- The main pieces of legislation or agreement that govern our activities are:
  - Tłı̨chǫ Agreement.

Decision Making

- Does your Board/department make final decisions: Yes
- If so, what types of decisions?:
  - The WRRB shall make a final determination regarding a total allowable harvest level for Wek'èezhìı (except for fish); and,
  - The WRRB shall make a final determination regarding the allocation of portions of any total allowable harvest levels for Wek'èezhìı to groups of persons.

- For all other management proposals (including a total allowable harvest for fish) in Wek'èezhìı, the WRRB makes recommendations to the appropriate federal or territorial Minister.

Projects and Processes

- Our Board typically deals with the following types of projects or activities:
  - Wildlife/Forest/Plant management proposals;
  - Wildlife/Forest/Plant/Protected Area management plans; and,
  - Wildlife/Forest/Plant legislation and regulations.

- Our workload in the past year could be described as:
  - Review of 2-3 management proposals per year, with the addition of ~10 wildlife research permits, 2-3 timber cutting permits and/or licences, ~15 scientific licences, and 2-3 land use permits and/or water licences
  - Participation in the development of short and long term managemer processes (barren-ground caribou, boreal caribou, species at risk, protected areas, Wildlife Act)
  - Manage and conduct Tłı̨chǫ Aquatic Ecosystem Monitoring Program

Stakeholders/Participants in our processes include…..

- The following NWT Board Forum organizations:
  - Primarily, GNWT (ENR), Tłı̨chǫ Government, ECC, DFO, PCA, INAC, WMAC (NWT)/IGC, GRRB, and SRRB
- The following other federal/territorial/Aboriginal/community government or organization:
  - YKDFN, ATG, NSMA, NWT MN, TNNPMB, DFN, KRWB, NWMB
- Other organizations such as:
  - NWT WF, CPAWS

Effects of Devolution/ MVRMA Amendment

- How has the amendments to the MVRMA affected your organization?
  - No changes
  - How has devolution affected your organization?
  - At this stage, very little
  - NWT Lands determining feasibility of a Land Use Plan for Wek'èezhìı

Board administration

- Our Board is made up 8 members and 1 chair.
- The members are appointed by:
  - Tlicho Government (4 members);
  - GNWT (2 members); INAC (1 DFO/1 ECC member); and,
  - Chair (nominated by members; appointed by INAC)
- We have three of staff members.
- We have approximately four Board meetings per year.
- We receive funding from: Implementation Management, INAC.
- The annual budget for our Board is: <$650,000.

Major updates since last Board Forum….

- Revised Strategic Business Plan &Communications Strategy (2015-2018)
- Revised Rules of Procedure & Rule for Management Proposals
- 2015/2016 Interim Management Recommendations for Bathurst & Bluenose-East Caribou Herds
- 2016 Bathurst Caribou Herd Proceeding
- 2016 Bluenose-East Caribou Herd Proceeding

Sahtu Land Use Planning Board

Introductory and update presentation for the NWT Board Forum – February 9-10, 2015

Legislation and Mandate

- Our Board's/departments mandate is:

"…developing a land use plan for the settlement area and for reviewing and proposi approvals, exceptions and amendments to the Plan."
***SDMCLCA* S. 25.2.1**

- Our main roles or responsibilities are:
  - **Consider Exceptions the Plan (MVRMA S. 44)**
  - **Trans-boundary Planning (MVRMA S. 45)**
  - **Conduct Conformity Determinations on Referral (MVRMA S. 47)**
  - **Consider Amendments to the Plan (MVRMA S. 48)**
  - **Keep Public Records of Applications and Decisions (MVRMA S. 49)**
  - **Conduct Planning Activities leading towards 5-Year Review (MVRMA S. 50)**

- The main pieces of legislation or agreement that govern our activities are:
  - ***Sahtu Dene and Metis Comprehensive Land Claim Agreement***
  - ***Mackenzie Valley Resources Management Act***

- Does your Board make final decisions: **YES**

Decision Making

- Does your Board/department make final decisions: **Yes**
- If so, what types of decisions?:
  - **Determination of Conformity with the Land Use Plan (MVRMA S. 47)**
- If not, who does?:
  Amendments (5-year review) to the Sahtu Land Use Plan require approval from:
  - **Sahtu Secretariat Incorporated**
  - **Government of the Northwest Territories**
  - **Government of Canada (Minister of INAC)**

Projects and Processes

- Our Board typically deals with the following types of projects or activities: **SLUP Monitoring and Implementation**
  - **Communicating the SLUP**
  - **Conformity Determinations on referral (2 since Plan approval)**
  - **Exceptions to SLUP (No applications since approval)**
  - **Amendments to the SLUP (1 ongoing amendment process)**
  - **Preparation for the 5-year review**
- Our workload in the past year could be described as:
  - **Undertaking SLUP Amendment Process, one conformity determination.**
  - **Review of GIS data and improvement of zoning shapefiles, communication of the SLUP and Board Activities, research and data collection to prepare for the 5-year review.**

Stakeholders/Participants in our processes include.....

- The following NWT Board Forum organizations:
- The following other federal/territorial/Aboriginal/community government or organization:
- Other organizations such as:
  - **<u>Planning Partners</u> (as defined by the SLUP) means residents, communities, Designated Sahtu Organizations, departments and agencies of the territorial and federal government, co-management boards, industry, business, non-government organizations, and members of the general public who are affected by or interested in participating in the planning process.**
  - **<u>Approval Parties</u>: SSI, GNWT, INAC**

Effects of Devolution/ MVRMA Amendment

- How has the amendments to the MVRMA affected your organization?
  - **S. 50.1 Minister's policy direction to the board**
- How has devolution affected your organization?
  - **New land use planning staff contacts with GNWT and INAC. Primary point of contact with GNWT moved from ENR to LANDS. INAC points of contact now Ottawa, no longer Yellowknife.**
  - **Clarifying Governments roles in SLUP processes (i.e. proponent, data provider, granter of authorizations and dispositions, approval party…)**

Board administration

- Our Board is made up **5** Members
- The members are nominated by:
  - **SSI (2), GNWT (1), Canada (1),**
  - **Chair nominated by appointed members**
  - **All members appointed by the Minister of INAC**
- We have **2** staff members
- We have approximately **12** Board meetings per year **(4 in person/8 teleconferences)**
- We receive funding from: **INAC (Sahtu Implementation Funds**
- The annual budget for our Board is:
  Core funding FY 16-17= $393,496 (+ incremental request)

Major updates since last Board Forum….

- SLUP Amendment Process- Released Background Report (April 2015), conducted public meetings in Tulita, Norman Wells, and Yellowknife (July 2015), prepared draft amendment application for approval party review (Oct. 2015)
- Conformity Determination- Howard's Pass Access Road Upgrade referred (Dec. 2015)
- 5-year review preparation (in 2016: SLUP Assessment, convene Sahtu Working Group,

INSTRUCTIONS FOR USING THIS TEMPLATE

- In order to introduce the different Boards to each other at the Forum, each Board will have about 5 minutes to state some very basic facts about their organization to the others.
- There are many Boards to introduce and so, in order to ensure the presentations are brief, we ask that you use only the slides in this Powerpoint template for your presentation.
- There are 8 slides including the title slide. On each we have used the term "<INSERT>" to indicate where you should put in your organization's specific information. Please replace the "<INSERT>" with the information requested.
- Please do not add extra information – there will be opportunities during the Forum to discuss your Board's best practices, challenges etc. This is presentation is only for context. Thank you.

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

Introductory and update presentation for the NWT Board Forum – February 9-10, 2015

Legislation and Mandate

- Our Board's/department's mandate is:
  - To regulate oil and gas works and activities for the primary purposes of protecting human safety and the environment (OGOA s. 2)
- Our main roles or responsibilities are:
  - Issue and administer authorizations to conduct oil and gas activity
  - Field inspection of activities
  - Maintaining repository of information about the oil and gas resource
- The main pieces of legislation or agreement that govern our activities are:
  - Oil and Gas Operations Act (OGOA), Petroleum Resources Act (PRA), MVRMA
- Does your Board make final decisions: Yes
- If not, who does?:
  - N/A

Decision Making

- Does your Board/department make final decisions: Yes
- If so, what types of decisions?:
  - Operations Authorizations, Well Approvals, Geophysical Authorizations (OGOA)
  - Significant and Commercial Discovery Declarations (PRA)
  - Preliminary Screenings (MVRMA)
  - Compliance-related decisions
- If not, who does?:
  - N/A

Projects and Processes

- Our Board typically deals with the following types of projects or activities:
  - Applications to drill, maintain, or abandon a well
  - Applications to build a facility like a pipeline or a gas processing plant
  - Applications to determine the tolls and tariff (rules) that should apply to a pipeline
- Our workload in the past year could be described as:
  - 2 Operations Authorizations (amendment to conditions)
  - 8 Well Approvals
  - 1 Significant Discovery Declaration
  - 3 days of in-camera hearings
  - Policy and guideline development

Stakeholders/Participants in our processes include…..

- The following NWT Board Forum organizations:
  - Potentially any, depending on the process
- The following other federal/territorial/Aboriginal/community government or organization:
  - Potentially any, depending on the process
- Other organizations such as:
  - Potentially any, depending on the process

Effects of Devolution/ MVRMA Amendment

- How has the amendments to the MVRMA affected your organization?
  - Our role coincided with devolution
- How has devolution affected your organization?
  - New decision-maker resulting from devolution

Board administration

- Our decision-maker is made up of 1 member (currently the Minister of ITI), and his delegates
- The members are appointed by:
  - The Regulator is selected by the Commissioner-in-Executive Council (Cabinet) of the NWT
  - The delegates are selected by the Regulator
- We have 6 staff members
- We have approximately n/a Board meetings per year
- We receive funding from: the GNWT
- The annual budget for our Board is: approx. $2.18 million (all activities, including inspections)

Major updates since last Board Forum….

- New Regulator
- MOUs with National Energy Board and WSCC
- Working on Guidelines for Suspension and Abandonment of wells (in progress)
- Decision on MGM/Shell Significant Discovery Declaration (reasons for decision public)
- Conducted hearings on ConocoPhillips SDD
- Ongoing work with Jean Marie River
- Decision on MGP extension underway

National Energy Board | Office national de l'énergie

National Energy Board

Introductory and update presentation
for the NWT Board Forum

February 9-10, 2016

Canada

National Energy Board | Office national de l'énergie

Legislation and mandate

- Legislation that governs the NEB's regulatory responsibilities in the North are *Canada Oil and Gas Operations Act* (COGOA); *Canada Petroleum Resources Act* (CPRA); *National Energy Board Act* (NEBA)
- NEB mandate in the NWT is the regulation of oil and gas exploration and production in areas not subject to Devolution, and the regulation of interprovincial/territorial pipelines
- Main role is as a lifecycle regulator (environmental assessment/ regulatory authorization; construction; operations; abandonment)
- Regulatory decisions (e.g. OA's and GOA's) are made by the Board; decisions on major pipeline applications are made by Governor in Council

Canada

National Energy Board | Office national de l'énergie

Projects and Processes

- NEB regulates oil and gas exploration and production (Norman Wells), as well as 73,000 kilometers of pipelines across Canada
  - In NWT: Enbridge Norman Wells; Strategic (Cameron Hills); Spectra (Pointed Mountain); Ikhil (under OGOA)
- In 2015, NEB received over 600 applications for facilities, imports, exports, tolls and tariffs - making this a very busy year for the Board.
- Two major pipeline projects under review in southern Canada
  - Trans Mountain expansion project
  - Energy East project

Canada

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Northern Stakeholders/Participants in NEB processes*

- *Varies, depending on size and nature of project, and whether a public hearing is conducted
  - Indigenous organizations
  - Land and Water Boards; Environmental Assessment Boards
  - Federal and Territorial departments
  - HTC's; Renewable Resource Boards;
  - ENGO's
  - Directly affected individuals and communities

Canada

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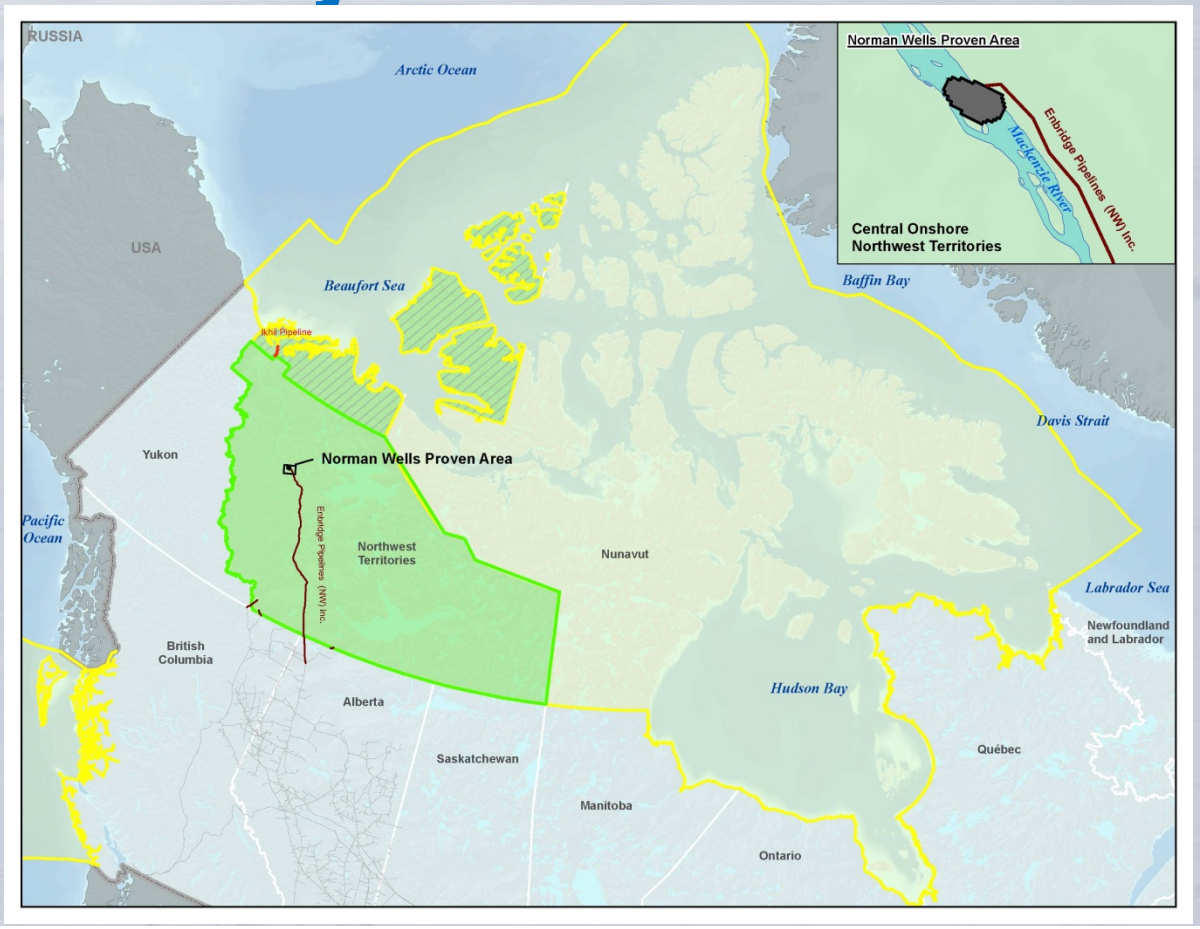
Post-Devolution NEB jurisdiction



Canada

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Board Structure and Composition

- Twelve Board Members appointed by Governor-in-Council
- Approximately 450 staff
- Funded by Government of Canada (approximately 95% cost recovered from NEB regulated industries)
- Annual budget of approximately $70 million

Canada

National Energy Board | Office national de l'énergie

Major updates since last Board Forum

- Mackenzie Gas Project
  - Request for extension to sunset clause
- Beaufort Exploration
  - suspension of regulatory work by companies
- *Energy Safety and Security Act* and *Pipeline Safety Act*

Canada

Mackenzie Valley Environmental Impact Review Board

Introductory and update presentation for the NWT Board Forum – February 9-10, 2016

Mackenzie Valley Review Board

Legislation and Mandate

- Our Board's mandate is:

To conduct environmental assessments and environmental impact reviews in a timely and expeditious manner and to have regard to

- *(a) the protection of the environment from the significant adverse impacts of proposed developments;*
- *(b) the protection of the social, cultural and economic well-being of residents and communities in the Mackenzie Valley; and*
- *(c) the importance of conservation to the well-being and way of life of the aboriginal peoples of Canada to whom section 35 of the Constitution Act, 1982 applies and who use an area of the Mackenzie Valley.*

Legislation and Mandate

- Our main roles or responsibilities are:
  - *To be the main instrument in the Mackenzie Valley for the environmental assessment and environmental impact review of developments*
- The main pieces of legislation that govern our activities are:
  - *Mackenzie Valley Resources Management Act*

Decision Making

- Does your Board make final decisions: N
- If not, who does?:
  - GNWT-Minister of Lands for Territorial Lands and Minister of INAC for Federal Lands, as well as the Tlicho Government for projects on or impacting Tlicho Lands
  - Designated Regulatory Authorities – Canadian Nuclear Safety Commission and National Energy Board

Projects and Processes

- Our Board typically deals with the following types of projects:
  - *Mining*
  - *Mineral Exploration*
  - *Road and Infrastructure (eg. Bridge, Hydro)*
  - *Oil and gas production and exploration*

- Our workload in the past year could be described as:
  - *5 active EA's, 1 completed and 1 withdrawn*

Overview of Land and Resource Management in the NWT

Stakeholders/Participants in our processes include…..

- The following federal/territorial/Aboriginal/community government or organization:
  - *Primary Federal: E&CC, DFO, NRCAN - NPMO*
  - *Primary Territorial: ENR, Lands, ITI, Transportation, ECE and H&SS*
  - *Aboriginal Organizations – Region Dependent –*

  Tlicho Government, YKDFN, LKDFN, DKFN, NSMA, NWT Metis Nation,

  Dehcho: NDDB, DCFN, LKFN Sahtu: District Land Corporations and Community Governments
- Other organizations such as:
  - *Renewable Resource Boards, CPAWS, Oversight Bodies (IEMA, EMAB, SLEMA), Ecology North, Alternatives North, Ducks Unlimited*

Effects of Devolution/ MVRMA Amendment

- How has the amendments to the MVRMA affected your organization?
  - Timelines, Online Registry, Policy Direction, Single Federal Minister (in force)
  - Development Certificates, Cost Recovery, Preliminary Screening Pause Period, board member term extensions (not in force) – Crown Consultation and Administrative Monetary Penalty Regulations
- How has devolution affected your organization?
  - Delegation of authority to GNWT Minister of Lands for EA Decisions on projects on Territorial Crown Lands

Board administration

- Our Board is made up of at least 7 members inc. the Chairperson
- Quorum is 5 including the Chair with at least 2 nominated by First Nations or Tlicho Government
- The members are appointed by:
  - *Federal Minister – INAC*
  - *Nominations from GNWT, Gwich'in, Sahtu, Tlicho, Dehcho*
  - *Chairperson Nominated by Board*
- We currently have 13 staff members
- We have approximately 15 Board meetings per year plus Public Hearings
- We receive funding from: INAC – Claims Implementation Funding
- The annual budget for our Board is: $2.7 million

Major updates since last Board Forum….

- Issued the Report of Environmental Assessment for Dominion Diamond Ekati Jay Project
- Completed a review and update of the Board's Strategic Plan

INSTRUCTIONS FOR USING THIS TEMPLATE

- In order to introduce the different Boards to each other at the Forum, each Board will have about 5 minutes to state some very basic facts about their organization to the others.
- There are many Boards to introduce and so, in order to ensure the presentations are brief, we ask that you use only the slides in this Powerpoint template for your presentation.
- There are 8 slides including the title slide. On each we have used the term "<INSERT>" to indicate where you should put in your organization's specific information. Please replace the "<INSERT>" with the information requested.
- Please do not add extra information – there will be opportunities during the Forum to discuss your Board's best practices, challenges etc. This is presentation is only for context. Thank you.

Slide 1

TM-M1 Can we delete this slide?
Tyree Mullaney - MVLWB, 1/28/2016

Land and Water Boards of the Mackenzie Valley

Introductory and update presentation for the NWT Board Forum – February 9-10, 2016

Overview of Land and Resource Management in the NWT

Legislation and Mandate

- Our Board's/departments mandate is:
  - To provide for the conservation, development, and utilization of land and water resources in a manner that will provide the optimum benefit generally for all Canadian and in particular for residents of each respective management area and residents of th Mackenzie Valley; and to do this through effective participation in a fair and thorough process that considers traditional and scientific knowledge.

- Our main roles or responsibilities are:
  - Regulate the use of land and water and the deposit of waste
  - Issue and administer Land Use Permits and Water Licences
  - Conduct preliminary screenings

- The main pieces of legislation or agreement that govern our activities are:
  - Mackenzie Valley Resource Management Act & Mackenzie Valley Land Use Regulation
  - Waters Act & Waters Regulations (outside federal areas)
  - Northwest Territories Waters Regulations (for federal areas)

- Does your Board make final decisions: Yes
- If not, who does: Approvals are sometimes required by GNWT and INAC Ministers

Decision Making

- Does your Board/department make final decisions: Yes
- If so, what types of decisions:
  - Land Use Permits
  - Water Licences
  - Preliminary Screenings
  - Various Management Plans

- If not, who does:

  -let's see…

Decision Making: Water Licence Approvals

(Type A and Type B with Public Hearings)

For federal areas

For non-federal areas

Decision Making: Accepting and Holding Security

(Land Use Permits, Water Licences)

For federal lands and areas

For non-federal lands and areas

Projects and Processes

- Our Board typically deals with the following types of projects or activities:
  - Industrial Undertakings
  - Mining & Milling Undertakings
  - Municipal Undertakings
  - Power Undertakings
  - Agricultural, Conservation, Recreational and Miscellaneous Undertakings
  - Land Use Operations: camps, fuel use/storage, cutting lines/trails, heavy machinery/drills/equipment, etc.

Projects and Processes

Our workload in the past year could be described as approximately (**MVLWB**):

- section 103 ad hoc Panel:
  - issued 15 land use permits & 7 water licences
  - processed 13 amendments, 29 land use permit closures, and 79 plan approvals
- Transboundary Panel:
  - issued 1 land use permit
  - processed 1 land use permit closure and 4 report/plan approvals

Our workload in the past year could be described as (**WLWB**):

- issued 8 land use permits & 1 water licences
- processed 0 amendments, 10 land use permit closures, and 47 plan approvals

Our workload in the past year could be described as (**SLWB**):

- issued 3 land use permits & 5 water licences
- processed 0 amendments, 4 land use permit closures, and 3 plan approval

Our workload in the past year could be described as (**GLWB**):

- issued 2 land use permits & 3 water licences

Stakeholders/Participants in our processes include…..

The following other federal/territorial/Aboriginal/community government or organization:

- GNWT Departments: DOT, Health, ITI, Lands, ENR, PWNHC
- Federal Departments: INAC, AANDC-CARD, Department of Fisheries and Oceans, Environment Canada, Transport Canada, NRCan, NEB
- Other Boards: MVEIRB, Land Use Planning Boards, Renewable Resources Boards
- Aboriginal / Community Governments, Councils, Agencies, Departments, Organizations, Bands
- Towns, Hamlets, Chartered Communities, Cities, etc. in the Mackenzie Valley
- Transboundary (eg. YESAB)

Other organizations such as:

- Monitoring Agencies (EMAB, IEMA, SLEMA)
- Any other potentially affected parties or anyone that requests to participate

Effects of Devolution/ MVRMA Amendment

- Changes in force now:

- INAC Minister can give policy direction to LUP boards and MVEIRB
- **Time limits for water licensing (9 months not including proponent time)** and EA processes
- MVEIRB required to have a public registry (was voluntary before)
- Higher fines
- **LWBs can issue life of project water licences**

- **AANDC/INAC Minister delegated certain authorities to GNWT Minister of Lands and to GNWT Minister of Environment and Natural Resources**
  - **Inspections**, EA and EIR decisions, **water licence approvals**, **security**

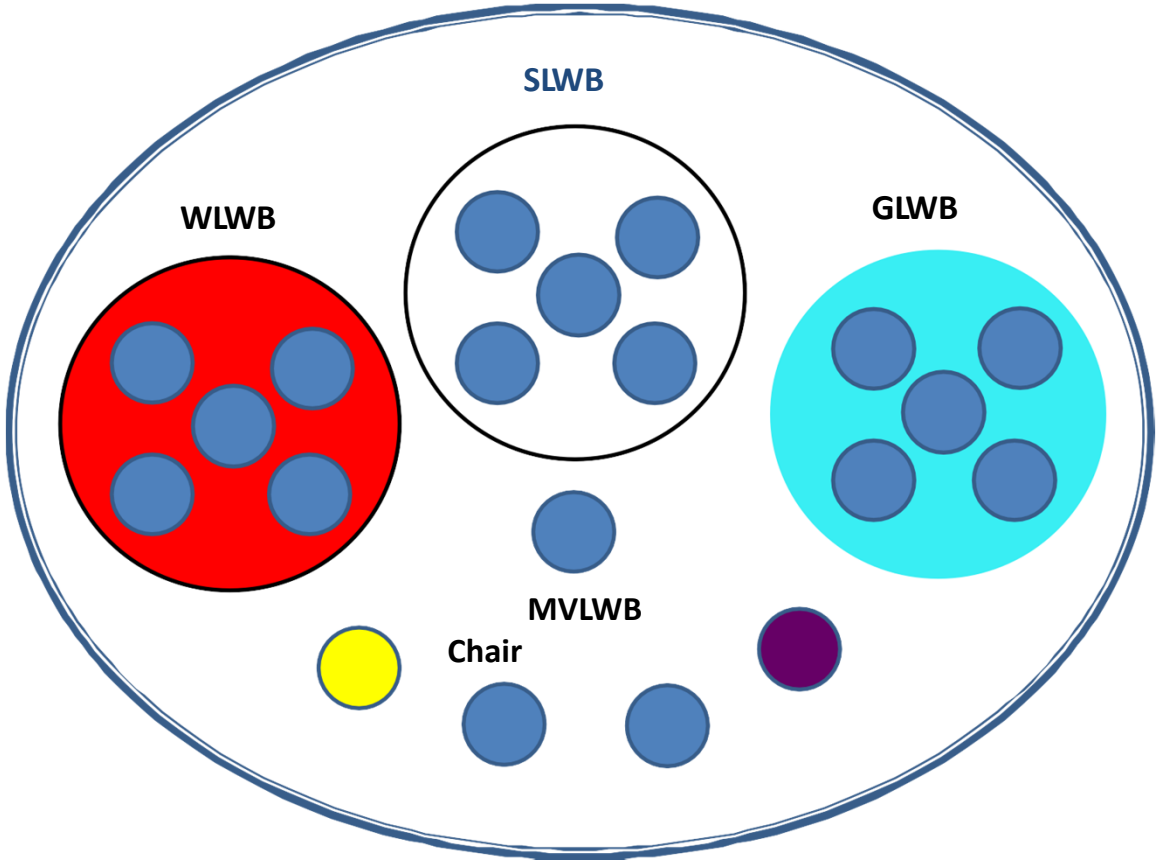
For the most part: business as usual

Overview of Land and Resource Management in the NWT

Effects of Devolution/ MVRMA Amendments: The New Legislative Framework

	With respect to lands outside of a federal area:	With respect to a federal area:
Water Licences	*Waters Act* *Waters Regulations* *Expropriation Fees Regulations* Delegation Instrument - Waters	*Northwest Territories Waters Regulations*
Land Use Permits	***Mackenzie Valley Resource Management Act*** *Mackenzie Valley Land Use Regulations* Delegation Instrument - Lands	
Environmental Assessment and Environmental Impact Review	***Mackenzie Valley Resource Management Act*** Delegation Instrument - Lands	

Board administration



Board administration

The MVLWB consists of:

- The MVLWB Chairperson, nominated by the majority of the members and appointed by the Minister of Indigenous and Northern Affairs Canada (INAC);
- Five members of the Sahtu Land and Water Board;
- Five members of the Gwich'in Land and Water Board;
- Five members of the Wek'èezhìi Land and Water Board; and,
- Four members appointed pursuant to Section 99 of the MVRMA.
- All members are appointed by the Minister of INAC, except for the Tlicho nominees to the WLWB, who are appointed by the Tlicho Government. All members appointed are members of the MVLWB.

Board administration

MVLWB

- We have 15 staff members
- We have approximately 35-40 Board meetings per year (section 103 ad hoc Panel + Transboundary)
- We receive funding from: AANDC
- The annual budget for our Board is: $2.7M

WLWB

- We have 9 staff members
- We have approximately 18 Board meetings per year
- We receive funding from: Aboriginal Affairs and Northern Development Canada
- The annual budget for our Board is: $1.7M

Board administration

SLWB

- We have 7 staff members
- We have approximately 10 Board meetings per year
- We receive funding from: AANDC
- The annual budget for our Board is: $1.2M

GLWB

- We have 3 staff members
- We have approximately 9 Board meetings per year
- We receive funding from: AANDC
- The annual budget for our Board is: $843,936

Overview of Land and Resource Management in the NWT

Major updates since last Board Forum…..

Land and Water Board Resources

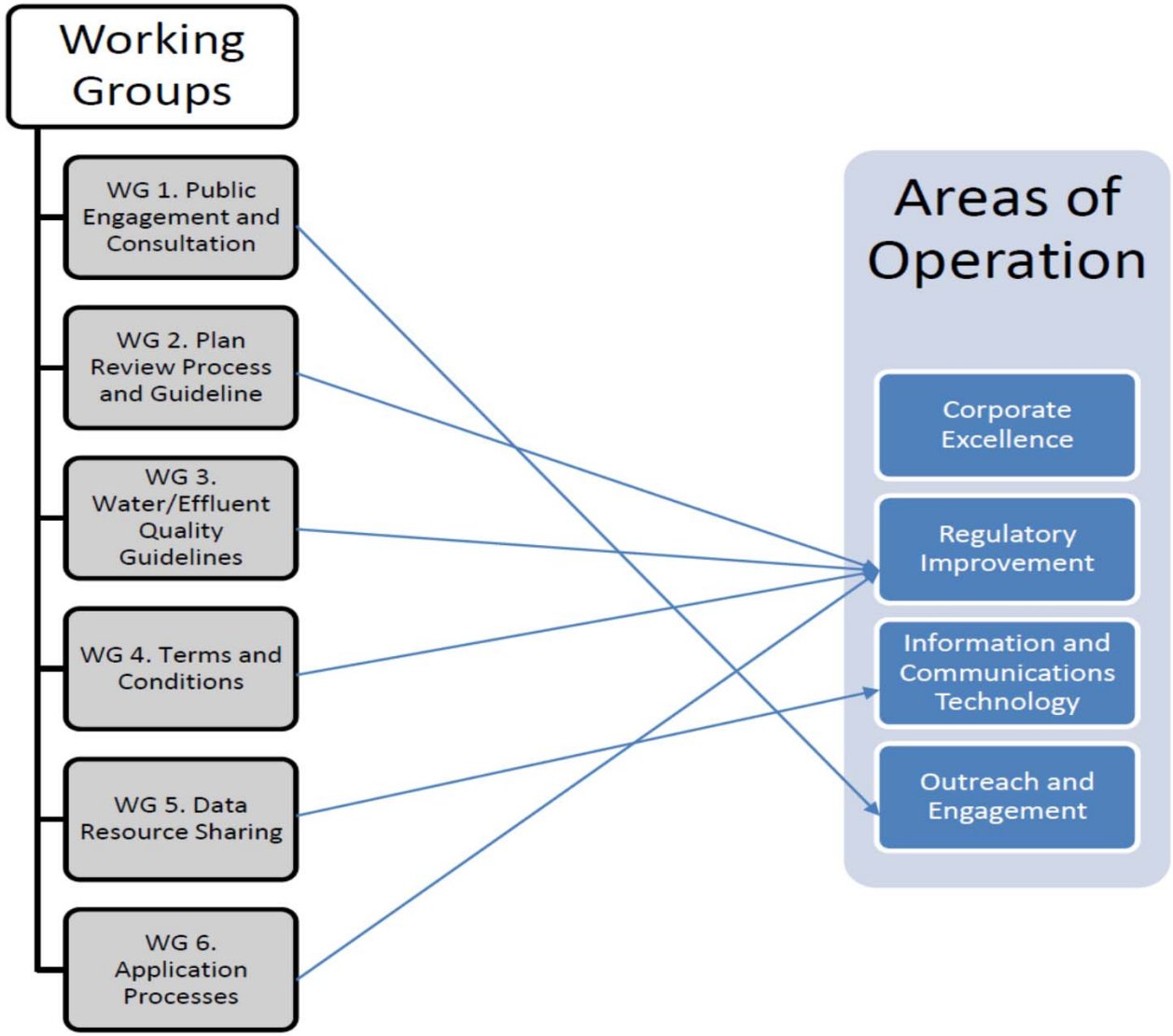
- Consultation and Engagement Policy and Guidelines
- Closure and Reclamation Guidelines (w/AANDC)
- Water and Effluent Quality Management Policy
- Waste Management Guidelines
- Standard Land Use Permit Conditions
- Guide to Land Use Permitting Process
- Document Submission Standards

Overview of Land and Resource Management in the NWT

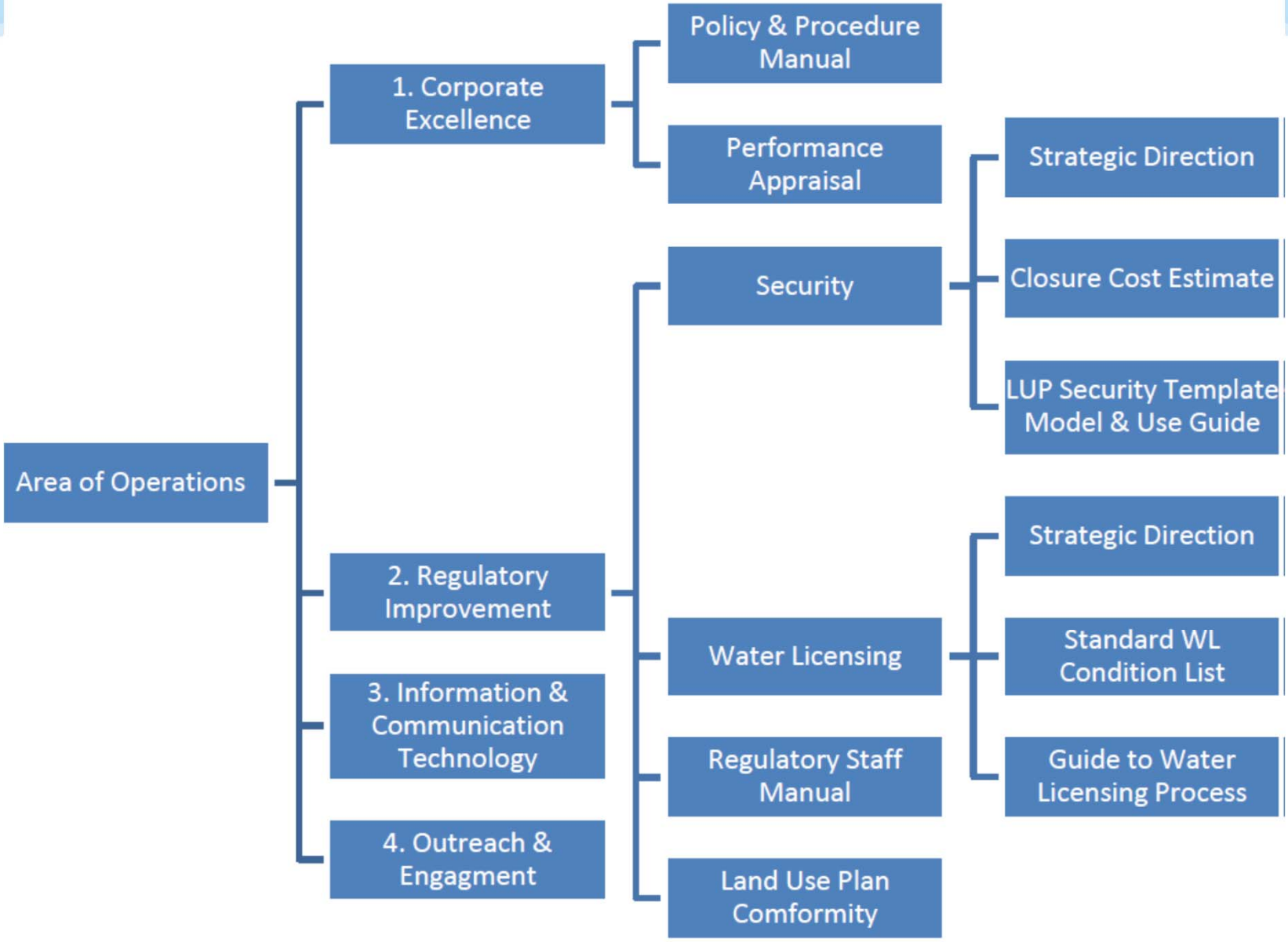
Land and Water Board Resources (new arrivals and coming soon….)

- Municipal Landfill Guidelines (w/GNWT)
- Municipal Operation & Maintenance Templates (w/ GNWT)
- Standard Water Licence Conditions
- Guide to Water Licensing Process

Major updates since last Board Forum….



Overview of Land and Resource Management in the NWT



INUVIALUIT SIVUNNIUQPAIT IMAKKUN
INUVIALUIT WATER BOARD

Inuvialuit Water Board

Presentation for the

NWT Board Forum

February 10, 2016

Legislation and Mandate

- **Mandate**
  - The Board provides for the conservation, development and utilization of waters in a manner that will provide the optimum benefit for all Canadians in general and, in particular, for the residents of the Inuvialuit Settlement Region located in the Northwest Territories, for which the Board is authorized to issue licences.
- **As a quasi-judicial board established under federal legislation and continued under territorial legislation, the IWB's main roles and responsibilities are to:**
  - Make decisions on water licence applications for the use of water and/or the deposit of waste, including the setting of terms and conditions, security deposits; and
  - Issue Type A or Type B licences and monitors adherence to licence conditions.
- **The main pieces of legislation, rules and agreements that govern our activities are:**
  - *Waters Act and* Waters Regulations;
  - IWB Rules of Procedure – Board approved;
  - *Inuvialuit Final Agreement*.

Decision Making

- **Does your Board make decisions?:**
- Yes – on all Type A and Type B Water Licence applications subject to:
  - Approval or rejection by the Chairperson on Type B water licences (no public hearing);
  - Approval or rejection by the GNWT Minister on Type A and Type B (with public hearing) water licences; and
  - Approval or rejection by the Federal Minister on water licences for federal appurtenant undertakings.

Projects and Processes

- In light of the downturn in hydrocarbon exploration activity in the region, licensing activities focused on:
  - Municipal – Water and Waste Disposal;
  - Major Government projects – eg: Inuvik to Tuktoyaktuk Highway;
  - Reclamation Projects.
- The workload in the past year :
  - Initiation of final inspections and closure of 28 expired water licences;
  - Continuous monitoring of ITH reports, management plans and other submissions for compliance with water licence terms and conditions;
  - Annual report review of all other active licences;
  - Issuing and monitoring municipal Type B water licences;
  - Initiating actions to ensure parties requiring a licence under the *Waters Act* were taking the required steps to obtain one;
  - Developing and updating guides, templates and operational procedures documents and placing on IWB website; and
  - Board inspection of municipal water/waste facilities and meeting with Mayor and Council.

Stakeholders/Participants in our processes include:

- Inuvialuit organizations:
  - IRC, ILA, IGC, HTC's and CC's;
- federal/territorial/land claim/community government:
  - GNWT – Lands, ENR - Water Resources Division, MACA, H & SS, DOT, ITI;
  - DFO, EC, CanNor;
  - Co Management bodies including: EISC, FJMC, WMAC (NWT);
  - Municipal Governments.
- Other organizations as circumstances require such as:
  - MVLWB, GLWB, WLWB, SLWB, MVEIRB, INAC, etc.

Effects of Devolution/ MVRMA Amendments

- How has the amendments to the MVRMA affected your organization?
  - Minimally
- How has devolution affected your organization?
  - Significantly, in the following areas:
  - Transitioning from Federal Legislation to Territorial Legislation;
    - Approval Authority
    - Appointment Authority
    - Funding Authority
    - Staffing
  - Transfer of hard copy Public Register from Yellowknife to Inuvik;
  - Completion of the electronic Public Register;
  - Closure of the Yellowknife Office;
  - Initiation of review of staffing requirements for Inuvik Office; and
  - Review of *Waters Act* and Waters Regulations for submission to Minister

Board Administration

- Our Board is made up five members: Chairperson Roger Connelly, Richard Binder, Elizabeth Arey, Lou Covello and Mark Cleveland.
- The members are appointed by:
  - Minister of ENR: Two on the nomination by IRC and one on the nomination of the Federal Government (INAC).
- We have four staff members: Executive Director, Science and Regulatory Coordinator, Finance and Administration Officer and Public Register Assistant (vacant).
- We have approximately 6 - 8 Board meetings per year, including teleconferences (more if required).
- We receive our funding from: GNWT ENR.
- The annual budget for our Board is: $920K.

Major updates since last Board Forum

- Implementation of the IWB Strategic Plan;
- Identifying and implementing initiatives to enhance the delivery of municipal water/waste services:
  - Sponsoring and holding municipal water/waste workshops for municipal and government staff;
  - Identifying and initiating action on issues/concerns related to the provision of municipal water/waste services;
  - Clarifying roles and responsibilities of all parties involved in the provision of municipal water/waste services;
  - Providing specific water licensing templates for use by municipal staff;
  - Developing standard terms and conditions for municipal water licences.
- Increasing communication between IWB and all other parties (government, aboriginal co-management bodies, environmental review organizations, other regulators) holding legislated or advisory roles in the management of water resources within the ISR and NWT;
- Initialing the development of a communication strategy to ensure all parties are aware of the Board's licensing process, decisions and actions, and the responsibilities of applicants and licence holders.

Indigenous and Northern Affairs Canada

Introductory and update presentation for the NWT Board Forum – February 9-10, 2015

Legislation and Mandate

- Our department's mandate is:

  To support Aboriginal people (First Nations, Inuit and Métis) and Northerners in their efforts to:
  - improve social well-being and economic prosperity;
  - develop healthier, more sustainable communities; and
  - participate more fully in Canada's political, social and economic development — to the benefit of all Canadians.

- Our main roles or responsibilities are:
  - To administer the *Mackenzie Valley Resource Management Act*
  - To fund a number of boards and appoint members to a number of boards
  - To participate in the review and approval of land use plans
  - To act as environmental assessment decision-maker for projects located on federal lands, and act as the consolidate decision-maker for projects on Territorial lands where federal departments have jurisdiction in relation to a project

- The main pieces of legislation or agreement that govern our activities are:
  - *Mackenzie Valley Resource Management Act*, Land Claim and Self-government Agreements

- Does your Department make final decisions? Yes. The Minister makes final decisions on land use plans fo Aboriginal, Territorial, and Federal lands. For environmental assessments, the Minister makes final decisions for projects on federal lands or in cases where it is in the national interest.

- If not, who does? In most cases decisions are made by the GNWT-Minister of Lands or Minister of Environmen and Natural Resources

Decision Making

- Does your Department make final decisions: Yes
- If so, what types of decisions?:
  - Issues authorizations outside land & water boards' authority on federal lands,
  - Approval party for Land Use Plans,
  - Project Assessments on federal lands and when in the national interest
- If not, who does?
  - GNWT: Minister of Lands, Minister Environment and Natural Resources

Projects and Processes

- INAC typically deals with the following types of activities:
  - Funding of Boards
  - Appointment of Members
  - Responsibility for Contaminated Sites
  - Environmental assessments, primarily at the decision phase
  - Land use planning (Sahtu, Gwich'in, Dehcho)

- Our workload in the past year could be described as:
  - Less involvement in EA due to devolution and more emphasis on contaminated sites

Stakeholders/Participants in our processes include…..

- The following NWT Board Forum organizations:
  - Environmental assessment boards, land and water boards, land use planning boards
- The following other federal/territorial/Aboriginal/community government or organization:
  - NRCan, DFO, ECCC, TC, NEB, etc., and all Northern First Nations and Governments
- Other organizations such as:
  - NGOs and ENGOs (Territorial and National), industry, and the general public

Effects of Devolution/ MVRMA Amendment

- How has the amendments to the MVRMA affected your organization?
  - Most federal power and duties delegated to the GNWT Ministers of Lands and ENR
- How has devolution affected your organization?
  - Fewer responsibilities; fewer decisions required; majority of regional staff transferred to GNWT

Major updates since last Board Forum….

- Federal government plans to review environmental assessment legislation
- Interim principles in advance of a review of federal EA legislation
- Commitment to renew a nation-to-nation relationship with Indigenous groups

Gwich'in Renewable Resources Board

Introductory and update presentation for the NWT Board Forum – February 9-10, 2015

Legislation and Mandate

- Our Board's/departments mandate is:
  - Main instrument for wildlife, fish and forest management in the Gwich'in Settlement Area
- Our main roles or responsibilities are:
  - Approve management plans
  - Approve species at risk listings
  - Provide advice to government on wildlife, fish and forest management (Eg Regulatory reviews)
- The main pieces of legislation or agreement that govern our activities are:
  - Gwich'in Comprehensive Land Claim Agreement
- Does your Board make final decisions: Y & N
- If not, who does?:
  - Relevant Minister

Decision Making

- Does your Board/department make final decisions: Y & N
- If so, what types of decisions?:
  - 12.4.7: Request for a non-participant to harvest furbearers on public land when an RRC has refused this permission
- If not, who does?:
  - All other Board decisions are forwarded to the relevant Minister who can accept, vary or set aside and replace a decision but must provide reasons and must follow timelines given in the land claim

Projects and Processes

- Our Board typically deals with the following types of projects or activities:
  - Management plans for wildlife, fish or forestry
  - Regulatory proposals for review
  - Research
- Our workload in the past year could be described as:
  - Reviewed & provided advice on 32 research applications
  - Reviewed & provided advice on 13 regulatory applications (includes land use permits, water use licenses and land access permits)

Stakeholders/Participants in our processes include…..

- The following NWT Board Forum organizations:
  - GRRB provides advice to GLWB, GLUPB, MVLWB, MVEIRB
- The following other federal/territorial/Aboriginal/community government or organization:
  - DFO, Environment Canada, GNWT-ENR, GNWT-DOT, GTC
- Other organizations such as:
  - RRCs are a key component in the GRRB's process. We seek their advice on all decisions, including regulatory reviews

Effects of Devolution/ MVRMA Amendment

- How has the amendments to the MVRMA affected your organization?
  - Increased community concerns on new 25 year water license which was increased from 5 years. Our review process includes engagement with the RRCs. Due to increased confusion of this new condition, this took more of our time
- How has devolution affected your organization?
  - Just new contact information for the people we communicate with

Board administration

- Our Board is made up 6 members, 6 alternates & 1 Chair
- The members are appointed by:
  - Jointly appointed by the Governor in Council and Executive Council of the GNWT
- We have 6 staff members
- We have approximately 2 Board meetings & 4 calls per year
- We receive funding from: AANDC
- The annual budget for our Board is: $806,541

Major updates since last Board Forum….

- See 1 page report provided

NWT Board Forum – Departmental Update
ENVIRONMENT AND NATURAL RESOURCES

February 9-10, 2016

SHANNON CUMMING, ADM

Northwest Territories
Environment and
Natural Resources

Mandate

The mandate of the Department of Environment and Natural Resources is to:

- promote and support the sustainable use and development of natural resources and to
- protect conserve and enhance the NWT's environment for the social and economic benefit of all NWT residents.

Northwest Territories
Environment and
Natural Resources

Roles and Responsibilities

- Administration and management of: Water, Wildlife, Forests, Cumulative Effects and, Conservation Areas,
- Provides input in project assessments,
- Responsible Minister under MVRMA,
- Provides input into Land Use Planning processes,
- Responsible for remediation of certain Contaminated Sites (as defined by Devolution Agreements),
- Compliance and enforcement, and
- Assesses and manages financial assurances related to water licenses and Environmental Agreements.

Legislation and Agreements

- *Waters Act, Wildlife Act, Species at Risk Act, Forest Management Act, Environmental Protection Act, Reindeer Act, Territorial Parks Act, Pesticide Act, Water Resources Agreement Act,*
- Delegation of authorities under the *Mackenzie Valley Resource Management Act*,
- NWT Devolution of Lands & Resources Agreement,
- Lands, Resources and Self Government Agreements,
- Interim Measures Agreements, and
- Transboundary Waters Agreements.

Decision-Making

ENR has decision-making authority for the following

- Type A Water Licences or Type B Water Licences (where a hearing has been held), Forestry Permits and Licences, Wildlife Management Permits and Licences, Wildlife Research Permits, approval of Permits under the *Pesticide Act*,
- Changes to Wildlife Regulations for management actions,
- Environmental Assessments (Responsible Minister),
- Approval of the form of security and holding of security for water.

Projects and Activities

- ENR reviews applications for development projects to assess impacts related to Wildlife, Water, Waste disposal, Air Quality and Forests,
- ENR is directly involved in the management of most terrestrial non-land resources in the NWT (Forests, Wildlife, non-migratory birds),
- ENR participates in Environmental Assessments as a Responsible Minister,
- In addition ENR is involved in conservation planning initiatives such as Thaidene Nene and supporting the Department of Lands work on Land Use Planning

Projects in 2015/16

- Cumulative Impacts Monitoring Program - supported 30 projects and has 29 formal partnerships,
- Waters established 2 transboundary water agreements, reviewed 100+ water licence related documents, and completed Ministerial decisions on 6 Type “A” Water Licences,
- Conservation, Assessment and Monitoring reviewed 185 Permits and Licenses and 140 documents
- Forest Management issued 3 Commercial Forest Licences, 27 Commercial Forestry Permits, signed 2 Forest Management Agreements, worked on a KFN Forest Management Draft Plan and on the implementation of the Gwich'in Forest Management Plan,
- Wildlife created/revised 21 regulations, developed wildlife management proposals on two major caribou herds, and listed 6 species as at risk.

NWT Board Forum Partners

- MVEIRB
- EIRB and EISC,
- IWB,
- MVLWB, GLWB, SLWB and WLWB,
- GRRB, SRRB, WRRB and WMAC (NWT),
- GLUPB and SLUPB

Government Partners

- DAAIR, DOL, ITI, MACA, DOT, HSS, ECE (Aurora Research Institute),
- INAC, DFO, Environment Canada, Health Canada,
- all Aboriginal governments and organizations with Aboriginal rights in the NWT,
- Local and Community Governments.

Other Partners

- NWT Barren-Ground Outfitters Association, Association of Mackenzie Mountain Outfitters, NWT Wildlife Federation, NWT and Nunavut Chamber of Mines, NWT Tourism Association, Canadian Association of Petroleum Producers, Resident Hunters as represented through the Stakeholders Wildlife Act Advisory Group, Ecology North, Sir Wilfrid Laurier and many more.

Effects of MVRMA Amendments

- Post court injunction, ENR will be responsible for Regional Studies,
- Timelines for Ministerial Decisions on licences,

Effects of Devolution on ENR

- Direct Authority over Water,
- Delegated responsibilities for Ministerial approvals of type A water licences and type B water licences that require a public hearing,
- Delegated responsibility for Part 6 of the MVRMA,
- Responsible for the reclamation of select contaminated sites

Major Updates

- New Government – Minister, The Honorable Wally Schumann,
- Developed a Strategic Plan for ENR,
- Develop a New Climate Change Strategy,
- Signing of two Forest Management Agreements
- A renewed GNWT Science Agenda,
- Develop a renewed approach to Conservation Planning, and
- Work underway to develop a new 5 year Action Plan for the ongoing implementation of the Northwest Territories Water Strategy

Gwich'in Land Use Planning Board

Introductory and update presentation for the NWT Board Forum – February 9-10, 2015

Legislation and Mandate

- The Gwich'in Land Use Planning Board's mandate is:
  - To develop and implement a land use plan that shall provide for the conservation, development and use of land, waters and other resources in the Gwich'in Settlement Area
- Our main roles or responsibilities are:
  - Develop and implement a regional land use plan
  - Consider and process exceptions and amendments
  - Monitor implementation of the land use plan
- The main pieces of legislation or agreement that govern our activities:
  - Mackenzie Valley Resources Management Act
  - Gwich'in Comprehensive Land Claim Agreement

Decision Making

- The GLUPB makes final decisions on:
  - conformity determinations when referred
  - Exceptions
  - Plan Signatories make final decisions on:
  - approval of the Plan
  - any amendments to the Plan

  The Plan signatories are the Gwich'in Tribal Council, the GNWT-Minister of Lands, and the Minister of INAC
- The Plan Affecting Decision Making by Regulatory Authorities:
  - "…those authorities with jurisdiction to grant licences, permits, leases or interests relating to the use of land and water in the settlement area shall conduct their activities and operation in accordance with the plan." (GCLCA 24.2.10)

Projects and Processes

- Our Board typically deals with the following types of projects or activities:
  - Monitoring/reviewing regulatory applications
  - Processing exceptions
  - land use plan review (multiple projects, meetings, etc., etc., etc.)

- Our workload in the past year could be described as:
  - All of the above

Stakeholders/Participants in our processes include…..

- Too many to list here. The January 2015 draft revised Gwich'in Land Use Plan contains lists in appendices A and B

Effects of Devolution/ MVRMA Amendment

- How have the amendments to the MVRMA affected your organization?
  - Not fully known; is still unclear what the scope of policy direction from Minister might be
  - Generally, not much has changed in Part 2

- How has devolution affected your organization?
  - Time spent establishing relationships with new authorities, clarifying roles and responsibilities with planning partners

Board administration

- The GLUPB is made up of 5 members
- The members are appointed by:
  - Minister of INAC
  - Two nominated by the GTC, one by the GNWT, one by INAC
  - Chair nominated by appointed board members; is advertised to allow full consideration of qualified/intereste candidates
- We have 2 staff members
- We generally have 4 to 8 Board meetings per year
- We receive funding from: INAC
- The annual budget for our Board is: ~ $300,000

Major updates since last Board Forum….

- Will have comments on January 2015 draft revised Plan from all three signatories by mid-February 2016. Once received, the GLUPB will be able to determine final steps towards approval.
- Completed a series of reports on cultural resource management planning with the Gwich'in Social and Cultural Institute. GLUPB will play supporting role to GSCI in next steps.
- Undertaking a research priorities project in preparation of next plan review.
- Final push on Atlas project (which is why the ED is not here)

INSTRUCTIONS FOR USING THIS TEMPLATE

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- Please do not add extra information – there will be opportunities during the Forum to discuss your Board's best practices, challenges etc. This is presentation is only for context. Thank you.

ENVIRONMENTAL IMPACT SCREENING COMMITTEE

Introductory and update presentation for the NWT Board Forum – February 9-10, 2015

Legislation and Mandate

- Our mandate is:
  - Environmental Impact Screening (EIS) of development proposals.
- Our main roles or responsibilities are:
  - to screen development proposals to determine if they are subject to EIS
  - to conduct EIS in a reasonable and expeditious manner
- The main pieces of legislation or agreement that govern our activities are:
  - Inuvialuit Final Agreement (IFA)

Decision Making

- Does your Board/department make final decisions: Yes
- If so, what types of decisions?:
  - to rule whether a development proposal may proceed with or without environmental terms and conditions recommended, or alternately
  - to rule that the proposed development could have significant negative impact and must be subject to environmental impact assessment and review

Projects and Processes

- Our Board typically deals with the following types of projects or activities:
  - any commercial or industrial undertaking or venture, including support and transportation facilities related to the extraction of non-renewable resources from the Beaufort Sea, other than commercial wildlife harvesting
  - any government project, undertaking or construction whether federal, territorial, provincial, municipal, local or by any Crown agency or corporation, except government projects within the limits of Inuvialuit communities not directly affecting wildlife resources outside those limits and except government wildlife enhancement projects.

- Our workload in the past year could be described as:
  - 66 project proposals screened, consisting of 42 research, 6 infrastructure, 4 site remediation, 9 tourism (including 6 cruise ships), 4 facilities maintenance, 2 government proposals and 1 proposal withdrawn. This is fairly typical in the depressed economic climate of the Inuvialuit Settlemen Region. Industrial (typically hydrocarbon) development is at a stand still

Stakeholders/Participants in our processes include…..

- The following NWT Board Forum organizations:
  - EIRB, MVEIRB, MVLWB, NEB
- The following other federal/territorial/Aboriginal/community government or organization:
  - Canada – INAC, Environment, DFO, Parks Canada, Transport Canada, Coast Guard
  - GNWT – ENR, Lands, PWNHC, ARI
  - YTG – YESAB, Tourism & Culture
  - ISR – IGC, IWB, IRC, ILA
- Other organizations such as:
  - AHTC, IHTC, PHTC, SHTC, UHTC, WMAC(NWT), WMAC(NS), FJMC,

Effects of Devolution/ MVRMA Amendment

- How has the amendments to the MVRMA affected your organization?
  - Not at all to date.

- How has devolution affected your organization?
  - Not at all to date.

Board administration

- Our Board is made up 7 members appointed by:
  - Inuvialuit Game Council (3)
    - IGC nominees
  - Canada (3+1)
    - Canada, GNWT, and YTG nominees
    - Chair (Canada & IGC nominee)
- We have one dedicated EIS Coordinator with other staff support functions provided by a joint secretariat which serves other Inuvialuit co management organizations.
- We meet every six weeks and hold teleconferences when a file dictates decision is necessary before the following regularly scheduled meeting.
- We receive funding from INAC and the GNWT and have an annual budge of about $521,000.

Major updates since last Board Forum….

- The EISC is engaged in a number of initiatives including:
  - Development of Exclusion List Guidelines.
  - Update of EIS Guidelines
  - Update of EIS Rules of Procedure
  - Update of Bylaws
  - Strategic Plan
  - Business Plan

Environmental Impact Review Board

NWT Board Forum – February 9-10, 2016

Legislation and Mandate

- The EIRB mandate is:
  - To conduct environmental impact reviews for proposed developments in the Inuvialuit Settlement Region that have the potential for significant negative environmental impact.
- Our main roles and responsibilities are:
  - To preserve Inuvialuit cultural identity and values within a changing northern society;
  - To enable Inuvialuit to be equal and meaningful participants in the northern and national economy and society; and
  - To protect and preserve the Arctic wildlife, environment and biological productivity.
- The our activities are subject to the Inuvialuit Final Agreement (IFA)

Decision Making

- Does your Board/department make final decisions:
  - That depends on the definition of final decision
  - The Board does decide whether a development should proceed and under what conditions
  - Whether government authorities would alter the first part of this decision is an interesting question. Never in the history of the IFA or CEAA has government overturned this main decision of an EA panel
  - Conditions government may alter or not accept
- The appropriate regulatory authorities will take their regulatory decisions after the EIRB EA decision

Projects and Processes

- Our Board typically deals with the following types of projects or activities:
  - The EIRB carries out environmental impact reviews of development projects referred to it by the Environmental Impact Screening Committee (EISC).
  - In the past, the board reviewed projects relating to infrastructure, oil and gas exploration and operations, mining and renewable resources.
- Our workload in the past year could be described as:
  - Environmental impact review of the Beaufort Sea Exploration Drilling Program proposed by Imperial Oil Resources Venture Ltd. (IORVL)

Stakeholders/Participants in our processes include…..

- The following NWT Board Forum organizations:
  - Inuvialuit and Gwich'in Co-management Boards
- The following other federal/territorial/Aboriginal/community government or organization:
  - Federal and Territorial Departments
  - Inuvialuit Regional Corporation, Inuvialuit Game Council, Hunters and Trappers Committees and Community Corporations, Hamlet Offices, Yukon and Nunavut/Kivalliq organizations.
- Other organizations such as:
  - World Wildlife Funds, Oceans North, Natural Resources Defense Council

Effects of Devolution/ MVRMA Amendment

- How has the amendments to the MVRMA affected your organization?
  - The amendments did not affect the Inuvialuit Settlement Area.
- How has devolution affected your organization?
  - The devolution did not affect the EIRB.

Board administration

- Our Board is made up of a Chair and 6 Members
  - The Chair is appointed by Canada with the consent of the Inuvialuit Game Council (IGC).
  - Three members are selected and appointed by the IGC.
  - Of the remaining three members, one is nominated by the GNWT; one is nominated by the Yukon Government; and one is appointed by the Canada . The two territorial nominees are appointed by Canada.
- We have 1 staff member and additional staff during a review. The Inuvialuit Joint Secretariat (JS) has a number of staff who provide us with administrative support.
- We have approximately 2 Board meetings per year. During a review, the Board meets more frequently.
- We receive funding from: INAC and GNWT
- The annual core budget for our Board is: $350K. Supplemental funding is provided for reviews.

Major updates since last Board Forum….

- Beaufort Sea Exploration Joint Venture Drilling Program Review
- EIRB Website
- Rules of Procedure
- Husky Lakes Areas
- Funding Process - INAC

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