



23rd NWT Board Forum Meeting

Summary Report

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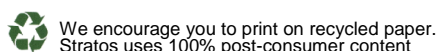


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1 Introduction

1.1 PURPOSE AND OBJECTIVES

The NWT Board Forum convened in Inuvik, NT for the 23rd Meeting, from November 27th to 30th, 2017.

Collaboratively hosted by the Inuvialuit Water Board (IWB) and the Gwich'in Land and Water Board (GLWB), the session included a balance of following up on discussion items from the previous meeting, exploring areas of common interest, evaluating the Forum's current state, and discussing a path forward. Participants also had the opportunity to ground their discussions in experience on two excursions: to the newly constructed Inuvik Water Treatment Plant, and to the community of Tuktoyaktuk, by way of the recently opened Inuvik to Tuktoyaktuk Highway (ITH).

1.2 REPORT STRUCTURE

The events, presentations, and discussions held during the NWT Board Forum meeting are summarized in this report with reference to supporting materials found in the appendices which are provided in a separate supplemental document due to size restrictions. The meeting agenda can be found in Appendix A and the participants are listed in Appendix B.

Organizational updates were provided by member organizations in advance to brief all participants before a question and answer session at the meeting and can be found in Appendix C. Another major item discussed during the meeting was the Forum's terms of reference; Appendix D represents the Terms of Reference from 2005, 2011, and 2015 (unapproved). All slide presentations made during the Forum can be found in Appendix E and the flip charts and notes from two group breakout sessions (terms of reference and areas of common interest) are in Appendix F.

The overall approach to the body of this report was to capture event highlights, important points of discussion, as well as key action items.

2 Day 1

2.1 TOUR OF THE INUVIK WATER TREATMENT FACILITIES

The Forum meeting began at the Inuvik Water Treatment Facilities, which had been opened for just over a year. Grant Hood provided a guided tour with a demonstration of the system by Justin Simms. The \$19 million investment represents a Canadian-built solution to Inuvik's growing demand for reliable clean water. Water treatment operators conveniently control the system and respond to alerts from their smart phones. With this new, technologically advanced facility, the community is no longer at risk for boil water advisories. The facility was also built with the expansion of the community in mind. For those who have had a hand in establishing and operating the facility, it is a point of immense pride.



Grant Hood describes the workings of the Inuvik Water Treatment Facility to Forum members.

2.2 SUPPER AT INGAMO HALL

Roger Connelly, Chair of the IWB welcomed all participants to Ingamo Hall to enjoy a meal and some entertainment, as well as hear from two speakers. The individuals who were invited to speak were particularly well-positioned to share their learnings, as they had been extensively involved in co-management processes related to their respective land claims. Below is a summary of the general history and lessons learned provided by each speaker.

Duane Smith, Chair of the Inuvialuit Regional Corporation¹

- Background on the Inuvialuit Final Agreement (IFA) and how the Inuvialuit Settlement Region (ISR) was set-up was provided, including that the Inuvialuit Regional Corporation (IRC) is ultimately responsible for the implementation of the land claim, as well as the management and administration of it.
- When the Inuvialuit first signed the land claim, the federal government said they would manage things, while the role of the Inuvialuit would be to cooperate. Now, processes and management under the land claim are more collaborative.
- It was flagged that needs are always changing because of research on animals, changing ecosystems, and changing budgets so there is a need to continue to be responsive, but that one of the real challenges is managing people.
- A lack of understanding and ignorance of the land claim and supporting processes is the greatest gap, and that there is a need to increase the awareness of youth in particular; to better understand the co-management bodies and how they work.
- The IRC has started the development of an IFA 101 to strengthen this education as there is a need to build the capacity of beneficiaries so that they can engage in wildlife management or protecting the land, and that they have some of the knowledge and skills required to do so.

¹ See the Addendum at the end of this report for additional information which was provided after the workshop.

- Another aspect to this is educating federal government staff so that people are aware of the IFA and do not set federal policies that conflict with the land claim agreement.
- Duane believes that the system is working because it involves community members from the ground up and flagged successes such as the offshore reviews and general wildlife management.

Steven Charlie, Director of Lands and Resources for the Gwich'in Tribal Council

- Gwich'in land is transboundary and spans both the Yukon and the Northwest Territories (NWT), as well as two separate jurisdictions of land management, in the ISR and the Mackenzie Valley regions, making it challenging to manage and important to work within clearly identified roles.
- The ultimate authority in the Gwich'in Settlement Area is the Gwich'in Tribal Council (GTC), and the Gwich'in have transboundary agreements with both the Yukon and the Inuvialuit.
- Steven believes that having good working relationships with the various Boards is paramount to understanding how the IRC is to make effective decisions and critical to effective management.
- The IRC relies on the co-management boards they work with to communicate information, and that there is value in sharing challenges and successes and common issues. It was also flagged that sharing, whether it be land or information, is key to Indigenous culture.
- There is a shift away from allocations to looking at the community at large and what is needed—and those are the types of decisions that are necessary to move to the next level and that local governments should be involved in making.
- Steven flagged successes such as involving Aboriginal governments in porcupine caribou management and working with the federal government to break down the colonial perspectives and promote self-government, which the GTC is working on.

Following this sharing session and a delicious meal, including some traditional food such as muktuk, courtesy of Richard Binder from the Environmental Impact Review Board (EIRB), the Mackenzie Delta Youth Dance Group performed to several songs, including the Red River Jig.

3 Day 2

3.1 OFFICIAL KICKOFF AND OPENING REMARKS

Participants gathered in Ingamo Hall again the next morning, where there was an opening prayer and Paul Sullivan, Chair of the GLWB welcomed participants and officially opened the NWT Board Forum. He then introduced the facilitator, Julie Pezzack, from Stratos Inc., who invited each participant to share their name and the position they hold within their organization.

The facilitator then outlined the agenda for the Forum, which can be found in Appendix A.

3.2 ACTION ITEMS FROM PREVIOUS MEETINGS – 2016

There were a number of action items discussed in previous Forums in 2016. At this time, the individuals held accountable to each item were asked to provide a status update:

- 1. Bring forward – Process maps will be completed as part of the funded project to revise the Board training materials.**
 - Mark Cliffe-Phillips, Executive Director, Mackenzie Valley Environmental Impact Review Board (MVEIRB) representing the Outreach and Communications Committee provided an update that MVEIRB had leveraged some outside sources of funding to update the maps and took the Mackenzie Gas Project process and updated it for post devolution by building a mock up of a regulatory process online tool which would be shown later in the day (see Section 3.6).
- 2. Bring security deposits attention to GNWT Lands staff so that Board Forum participants can work together more collaboratively on these issues.**
 - Conrad Baetz, Assistant Deputy Minister, GNWT Department of Lands (GNWT Lands) committed to bringing the concerns raised by the IWB and others at the 2016 Forum meeting on managing securities into the future to his department. He also flagged that he has had several conversations with management and would like to bring the dialogue and updates to the Forum as soon as possible.
 - Lands has established a Securities Coordination Unit within the department that “coordinates the government’s responsibilities for environmental liabilities and financial assurances for major resource development projects, including responsibilities for holding securities transferred from the federal government under the Devolution Agreement”,² is getting close to being fully staffed and working hard to come up with the necessary securities.
- 3. Advise the Canadian Northern Economic Development Agency (CanNor) of the interest in discussing security deposits pan-territorially.**
 - Tina Bohnet, Manager of Indigenous and Territorial Relations, Indigenous and Northern Affairs Canada (INAC) spoke to this item as Mohan Denetto, the previous Regional Director General, INAC assigned this action item was not present. Tina informed participants that Matthew Spence is the new the Regional Director General of INAC (previously from CanNor)

² <http://www.lands.gov.nt.ca/en/securities-and-project-assessment>

and that he is willing to pursue the conversation, recognizing the GNWT's role as administrators of the land.

4. Pass on concerns with respect to Board Appointments.

- Last year, there was some concern regarding the delay in board appointments and nominations creating challenges in reaching quorum. Conrad Baetz, Assistant Deputy Minister, GNWT Lands raised this concern from the Forum with Willard Hagen, Deputy Minister of GNWT Lands and commented that the GNWT Lands has been proactive in providing nominations and appointing people to the Boards in as timely a manner as possible. There was full recognition that appointments need to come in a timely manner, otherwise it constrains the Boards.

5. Expand Mackenzie Valley Land and Water Board (MVLWB) internal operations communications working group to incorporate the Board Forum broadly.

- Shelagh Montgomery, Executive Director, MVLWB spoke to this item as Rebecca Chouinard, the previous Executive Director, was not present. Shelagh was not aware of this action in particular, but flagged that the Board does have an internal communications person that may be able to provide some support.

3.3 INUVIK TO TUKTOYAKTUK HIGHWAY PROJECT

The following section captures three different perspectives on the ITH Project: the developer, those who were involved in environmental management, and those who were involved in inspection and enforcement as the road was built.

Summary highlights are provided for each presentation, followed by the key discussion points where applicable. See Appendix E for the presentation slides.

3.3.1 Presentations

Department of Infrastructure, GNWT

Presenter: Mohammad Hossain, Senior Project Officer, GNWT Infrastructure

Title: Inuvik to Tuktoyaktuk Highway Project



Highlights

Mohammad provided the following introductory details about the project:

- Highway 10 or ITH has been a major priority for the territorial and federal governments since the 1960s
- The 140-kilometre all-weather highway opened to traffic on November 15, 2017 and the Tuktoyaktuk Winter Road was permanently closed in April
- The project value was \$299 million
- Construction by the contractors, Northwind Industries and E. Gruben's Transport (EGT) Ltd., started January 2014 and was completed in October 2017

Mohammad also described:

- The regulatory and permitting process
- Considerations related to the environment, water, lands and permafrost
- Socio-economic benefits the project brought to the region and the rest of Canada

- Current research and development initiatives
- Key construction statistics

Inuvialuit Water Board

Presenter: Roger Connelly, Chair, IWB

Title: Inuvik to Tuktoyaktuk Highway



Highlights

Roger presented the terms and conditions for environmental management around the ITH Project, covering the following topics:

- The environmental review process, including who reviewed the project, the nature of the process, and the recommendations made by the EIRB
- IWB licensing proceedings, including who was involved in the proceedings and details about the timing of the process
- IWB terms and conditions, including the contents of the 12 management plans, as well as information on surveillance, monitoring, and reporting
- Wildlife considerations, including the commitments made by the developer, the recommendations made by the EIRB, and the meetings and plans involved in wildlife management

Inuvialuit Lands Administration

Presenter: Charles Klengenberg, Environmental Management Coordinator, Inuvialuit Land Administration (ILA)

Title: NWT Board Forum - Terms & Conditions of the Inuvik to Tuktoyaktuk Highway



Highlights

Charles presented from his perspective as Environmental Management Coordinator of the ILA and covered the following topics:

- The considerations made by the ILA to the EIRB Panel decisions and recommendations, including community consultations, the developer commitments, and other considerations to promote Inuvialuit employment, involvement, and control in the project
- The various permitting activities that were conducted
- The terms and conditions considered, including the notification processes related to planned activities and amendments, the location and area of how lands can be used, the type and size of the equipment being used, as well as the methods and techniques applied, among others

Department of Lands, GNWT

Presenter: Dan Carmichael, Regional Superintendent, GNWT Department of Lands (GNWT Lands)

Title: Inuvik to Tuktoyaktuk Highway – Board Forum November 2017



Highlights

Dan provided an overview of the GNWT Lands' involvement related to the environmental terms and conditions of the highway project, which included information on:

- The decision and application processes
- The land use permit (N2013E0018), including its nine sections and the components therein
- The construction and maintenance of the four quarries that were developed for the project
- Monitoring and inspection processes
- The challenge of communication between GNWT Lands, the proponent, and the contractor during the development of the highway

Inuvialuit Lands Administration

Presenter: Charles Klengenber, Environmental Management Coordinator, ILA

Title: Inspection and Enforcement of the Inuvik to Tuktoyaktuk Highway



Highlights

Charles presented the following items on behalf of the ILA's Land Use Inspector:

- The nature, frequency, and reporting requirements related to the inspection of the ITH
- The roles played by the ILA and the GNWT Department of Infrastructure, and the purpose of the borrow source inspections

Department of Lands, GNWT

Presenter: Conrad Baetz, Assistant Deputy Minister ,GNWT Lands

Title: N/A



Highlights

Conrad elaborated on the inspection process from the perspective of the GNWT Lands with the following points:

- The regional superintendent worked with the proponent and water board prior to the project being approved.
- The GNWT consciously communicated that their role was to work with the proponents to ensure the project was successful within the commitments made by the Proponent and the permits under which the project had to be developed.
- The GNWT did not want everything under one permit because that would be inflexible. In total, nine land use permits for the embankment construction, geotechnical work, and quarrying activities were issued. This allowed the sections of land to be released as they were deemed remediated or stable.
- Part of adaptive management is that decision-makers must work within the information available to them, so that when a quarry is released, for example, everything has been done that could have been done to prevent it from sluffing, etc., but things can change. The ITH is one of the second most studied pieces of infrastructure from a permafrost perspective.

Presenter: Lloyd Gruben, Renewable Resource Officer, GNWT Environment and Natural Resources (ENR)

Title: N/A



Highlights

Lloyd Gruben gave a verbal, firsthand account of his experience in the inspection and enforcement around the ITH, including:

- In a couple instances, Lloyd gave verbal direction to the Department of Lands to prevent any more salt from entering the water and to clean up an oil spill before it became a larger issue during the spring thaw.
- On one occasion, he noticed that a rock crusher had rolled over and that no one informed him about it, so he requested to be notified immediately in the future, so he and his team could do an assessment of what happened, why, and if any fuel has spilt.
- He carried out several other inspection activities, such as checking for sewage leakage, the frequency of sewage removal, and that on-site staff knew how to use the spill equipment.
- Lloyd flagged that there were no major issues or challenges overall.

3.3.2 Discussion



Are the commitments that were not captured in the licencing found in any socio-economic impact agreements or the like?

- Most were captured in the different management plans. One participant was involved in a committee that held the contractors and the proponent to report back on metrics such as hiring. Out of the 234 commitments, the GNWT Lands parsed out the ones that were thought to be relevant to lands and they were covered in a land use permit.
- GNWT maintains a spreadsheet of the commitments which are monitored bi-annually. One of the goals was to increase beneficiary participation of the Inuvialuit. There was a need to have one employment contracting process that could be applied across the construction process and a comprehensive cooperation benefits agreement was developed. If Inuvialuit and Inuvialuit businesses could meet the qualifications in a timely manner in a competitive process, they were awarded contracts above other contractors.

Were there any issues related to hunting and snowmobiling?

- The ILA is currently working to establish a two-kilometre trail on the Tuktoyaktuk side to access Husky Lakes. There are plans to potentially establish some communications on the south side, but it is not yet clear yet as to what land would need to be accessed. A lot of areas are now accessible because of the ITH that were not before, so the ILA will need to be prepared to address some major issues related to hunting and lake access going forward.

Are there any more details on the permafrost monitoring and research? How has it been established to allow for evaluation in the long term? How will monitoring and adaptation occur over time?

- The GNWT has a couple of research projects and permafrost monitoring in development. One section of the highway is being supervised by the University of Manitoba. Through the instrumentation process, they are monitoring the slope of the embankment, the temperature, etc. The University of Manitoba uses a satellite system to remotely collect the data.
- In terms of community involvement, the ILA undertook extensive community engagement sessions as the highway was being developed. A lot of feedback was received through surveys that contributed to the design of the communications around the development. The Fisheries Joint Management Committee (FJMC) has developed community fishing plans that have community buy-in. The construction, as part of the regulatory process, already required monitoring which will be accessible.
- The biggest surprise was the difficulty of developing the pits, because of the permafrost and bedrock. It was a very iterative process. Scientists would never get the permission to experiment with it, but now the region has the potential to become a research hub.
- The ice content in the pits was extremely high. The impact of that high level of ice content is unknown. There is a network of surveillance monitoring stations on all bridges and culverts, which will be reported annually and shared with ENR, other government bodies, and co-management bodies.

Adaptive management was recognized as necessary in the implementation of management plans. One of the processes was the working group. How was this principle applied.

- Adaptive management is not the answer to not planning. In an ideal situation, more planning and geotechnical studies would have been done. The road was built through a very dynamic environment, often doing things that, in many ways, were for the first time. Those involved in the development learned what worked and did not work year-to-year. Whether or not adaptive management is the end-all, be-all, ensuring the greatest amount of planning is the most important factor for success.
- The semi-annual meetings became the venue where the need for adaptive management plans was discussed. It was a great opportunity for communication between the developer, the boots on the ground, and the regulator. By the time the meetings arrived, everyone was already informed about what had to happen.

What was the role of the environmental monitors?

- The ILA has an environmental monitoring program for most of the construction activities and provided 24 hour/day coverage to monitor during the whole project, so it was real-time monitoring.
- The role of the monitors was to act as the eyes of the administration, file reports with the ILA and share information with other organizations involved in the project.
- The developer paid for the environmental monitoring in this case, and there were strong communications between the developer and the environmental monitors, but also with the GNWT Lands since Lands had an obligation to inspect as well.

Communication between the parties, assistance of the environmental monitors and the frequent inspections were all key to the success of the project.

Were the environmental monitors involved primarily as observers or were they also taking samples? Will they continue to be involved?

- The environmental monitors played an observation type role. In the past, the monitors were more involved in sampling, but they were applying their approach inconsistently. The responsibilities were revised so that they were considered part of the development team. They were no longer involved in sampling but observed ongoing construction activities. The GNWT had their own staff to ensure the developer was meeting the necessary requirements. ITH is now being territorially managed.

If the ITH is territorially managed, who has ownership of the land now?

- There has been a land exchange from the Inuvialuit to the GNWT.

The Tłı̨chǫ in Whati just went through a process to exchange equivalent land for the development of their all-season road. Was a similar process taken in the case of the ITH?

- Under the IFA there is a clause that enables that process. The exchange was made for quarry site 312, which has the best gravel in the region. It is the main source that is going to be used for upkeep of the road. The Inuvialuit receive royalties from the gravel sales.

Now that the ITH is in the operations phase, with a ten-year licence and years of monitoring ahead, are there plans to keep the Working Group functioning?

- There has been discussion about continuing for at least the first part of the operations and recognition that it would be important to have continuity of representation and experience.
- The larger group will meet in March and then decide about the longer term.

Two Traditional Knowledge issues related to the ITH arose during its development:

- Firstly, 12 years ago there was a gravel road to access gravel 25 kilometers south of Tuktoyaktuk. When the culverts were placed along that area, the ice did not melt as quickly as the water on either side, impacting fish. The ITH terms and conditions require that every culvert be steamed out every spring.
- Secondly, where the developer withdrew significant amounts of water, there was concern about what would happen to the muskrat habitat. It was unknown as to how that issue has or has not been treated.³

³ An update provided by the Inuvialuit Water Board indicates that this was successfully addressed through the adaptive management process.

3.4 MACKENZIE VALLEY FIBRE OPTIC LINE

Participants also had the opportunity to hear from those involved in the development of the Mackenzie Valley Fibre Link (MVFL) - a 1,154-kilometre-long fibre optic cable project, the largest linear infrastructure project in the NWT, which was completed in March 2016.

Outlined below are the highlights of various perspectives behind the development, followed by the subsequent discussion.

3.4.1 Presentations

Executive and Indigenous Affairs, GNWT

Presenter: Peter Clarkson, Regional Director, Beaufort Delta/ Sahtú, GNWT Executive and Indigenous Affairs

Title: Mackenzie Valley Fibre Link Project



Highlights

Peter was the first to present on the MVFL Project. He provided an overview that covered:

- The cost of the project (\$82 million)
- An explanation of the various sections and their location
- Details about the construction and related challenges such as cross-coordination of inspection
- The rationale behind the project
- The observation data collection and analysis role of the Inuvik Satellite Station Facility and the Western Arctic Centre for Geomatics and the Knowledge Economy (Aurora Institute)
- Lessons learned through the development, which included the:
 - Complexity of the public-private partnership development processes
 - Alignment of political support, the budget process, environmental and regulatory permitting and procurement needs
 - Early and constant communication requirements
 - Ability to enable local participation (i.e. employment opportunities in Fort Good Hope)

Mackenzie Valley Land and Water Board

Presenter: Shelagh Montgomery, Executive Director, MVLWB

Title: GNWT – Department of Finance – Fibre Optic Project MV2014X0027, MV2014L1-0011



Highlights

Shelagh provided the MVLWB's perspective on the MVFL covering the:

- Location and history behind the project and some of the details behind it
- Scope of the land use permit and water licence
- Some of the initial challenges experienced by the MVLWB, such as communication and relationships between the various organizations involved
- Remedies to the challenges (i.e. increasing the number of phone calls, meetings held between the parties, etc.)
- The status of the project

Presenter: Dan Carmichael, Regional Superintendent, GNWT GNWT Lands

Title: Mackenzie Valley Fibreline – Board Forum 2017



Highlights

Dan presented on the involvement of the GNWT in the MVFL. He described:

- The land use permit (LUP MV2014X00027) and its review process
- The construction approach, moving from Inuvik toward the Sahtú border
- The number of inspections and how they were conducted
- The challenge of communication with the contractor
- Issues with erosion around the line, which required significant coordination and remediation
- Other challenges, such as equipment trial and error, changing routes to accommodate the terrain, and poor weather conditions
- The monitoring program, which will be ongoing

3.4.2 Discussion



Did any Indigenous groups or other individuals challenge the developer while the line was being laid?

- After the project had been through consultation, there were two letters sent to the Department of Finance (claims). One was from James Firth and the other was from Justin Frost. They were concerned about impacts on trap lines. Environmental monitors were hired for the summer months and the territorial government wanted to keep the environmental monitors separate from the contractor, so they were invoiced to GNWT. Payment was made to Mr. Frost, but Mr. Firth would not accept it because he wanted more. During all the community consultation that the GNWT did, the issue of impacts on trap lines was not raised. By the time it was raised, the GNWT had paid the Gwich'in Land Administration for use of private lands in the settlement area and other areas in compensation for using their land. That continues for the Dehcho and Gwich'in – both get \$127,000 a year in lease payments.

When will the Dawson section be developed?

- The Yukon Government (YG) is interested in the Dempster Link. It's a Northwestel project but they need the YG's support to apply for federal funding. The plan is still for the line to reach Tuktoyaktuk, but the road needs to settle for a few years first. Once it is confirmed stable, the GNWT will begin a plan to lay the line, but it would be much easier, laying it along a highway.
- At the end of the year, MVLWB had several calls with the Yukon Environmental and Socio-Economic Assessment Board (YESAB) to talk about how to work together. They had a meeting with Ledcor (contractor) as well. At that time, the price tag had doubled and there were some outstanding discussions between Northwestel and YG. MVLWB has not heard any follow-up since.

Is there any information on the success of the line? Is it completed and being used? What kind of service does the line deliver (i.e. speeds)?

- All health centres have telehealth to connect to specialists, all schools have connectivity for e-learning and online college use and Inuvik Satellite Station facility can download earth observation data more frequently. However, the speeds are inconsistent by geography, which has been part of the confusion and problem. The speed is supposed to be around 88 million times better, but the issue is with the last mile connection. If one is still connected through old technology and software, speeds probably have not changed.
- As Boards, linking or tracing the project 'surprises' back to the public record really helps to inform future project design. We strive to continuously improve in terms of the quality information so that it is not repeated, and the project design is changed next time.
- For example: Why did the slumping happen? What part of the design caused that?

What was the distance of Mackenzie Valley crossing at Simpson? You said there was minimal impact? I'm assuming there will be ongoing monitoring of this. The permafrost in the Simpson area is different from the Sahtú and in this region.

- In the Dehcho, two big directional drills were pushed under the Liard and under the Mackenzie Rivers with relative ease. Usually, under the lakes and rivers, there's no permafrost, it is prevented from forming. Ledcor had engineers design it but that needs to be checked at some point to make sure they are doing what they said they would do. There were many challenges between Ledcor and their sub-contractors. Huge lessons were learned for them and the GNWT.
- The degree of difficulty in laying the line is more challenging north of Fort Good Hope. Perhaps with respect to the larger rivers, there should have been more planning and more scouting, so they knew what they were dealing with. The Rabbit Skin River took five times to get under it and delayed the project significantly. Interestingly, Ledcor met with the community and one of the Elders advised that they have a Feeding the Fire Ceremony above the problem area. They did and within two weeks the line was connected under the Rabbit Skin. Holding the proponent and contractor to account is key to making sure things go more smoothly in the future and planning is paramount.

It was mentioned that one of the terms set by the ILA was to ensure benefits to Northerners. What results have come about from this project?

- In terms of the water licence and land use permit, neither allows the Board to regulate the socio-economic impacts.
- In the case of the Inuvik-Tuktoyaktuk Highway, \$109 million was awarded to two 100% Inuvialuit companies.
- For the MVFL, GNWT promised they would do what they could to bring in as much local benefit as possible. It was an \$82 million project, 50% of which was locally spent along the line in the territory (e.g. labour, materials, hotels, etc.). Now that the remediation costs are so high from the unexpected slumping, the funds being spent locally will be even higher.

3.5 ORGANIZATIONAL UPDATES QUESTION PERIOD

In preparation for this year's Forum meeting, all participating organizations were asked to provide short organizational update documents in advance (see Appendix C). Below is a summary of the questions and answers relative to the updates.

Mackenzie Valley Land and Water Board (MVLWB)

Since devolution, final environmental liability could end up in the hands of GNWT, which does not have the financial capacity to accrue liabilities in the same way that INAC does. How will the liability be determined?

- GNWT, INAC, and the Land and Water Boards of the Mackenzie Valley have collectively released the [Guidelines for Closure and Reclamation Cost Estimates for Mines](#) on their websites as of November 24, 2017. The guidelines provide more clarity around liability and securities but do not cover relinquishment, however, there are instances where sometimes security has been returned.

Environmental Impact Screening Committee (EISC)

Looking at the update from EISC, there were 44 project proposals—12 did not meet the definition, 12 were exempt from screening, 19 were screened. How consistent is the determination of those exemptions/did not meet the definition proposals? Is there a need for consistency?

- In terms of the screening regulations, under the *Mackenzie Valley Resource Management Act (MVRMA)*, there is consistency to that exemption list. Where it becomes more complicated is where there is a modification in the form of an addition or an amendment.

Is there a digital database that captures the preliminary screening work under the MVRMA?

- The MVEIRB attempts to receive all screenings. Not all screenings are posted on MVEIRB's website, as the majority are done by the Land and Water Boards. MVEIRB has a database but it could probably use a refresh and an update.

3.6 COMMITTEE UPDATES

Below is a summary update from each of the Board Forum Committees, as well as any related questions and answers relative to the updates.

Governance Committee

Update provided by: Tina Bohnet, Manager of Indigenous and Territorial Relations, INAC

- The Board Relations Secretariat underwent a revamp this year.
- When the Forum began to talk about updating the Terms of Reference and figure out what the NWT Board Forum would look like, it became clear that not everyone was on the same page. What does the Forum look like going forward? Whose interests are at hand? Those questions have been the bulk of our focus and will need to be worked on.

Q&A

Is there a formal membership for the Governance Committee?

- Membership is outlined in our most recent Terms of Reference, and it allows optional participation from any Board.
- When finalizing the Terms of Reference, it would be good to have clarity around roles and function of not just the Governance Committee, but all the committees.

Outreach and Communications Committee

Update provided by: Stacey Menzies, Policy and Planning Officer, MVEIRB

- The main priority of the Outreach and Communications Committee has been updating the NWT Board Forum website and updating the general overview of the NWT Board Forum.
- The Committee also coordinated the RFP for the facilitation for this 23rd meeting of the Forum.
- The process maps referred to earlier have been changed to more of a “choose your own adventure” approach, to make them more accessible. A pilot regulatory mapping tool has been completed from the perspective of the developer to help them understand how a project moves through the regulatory process. It is not yet publicly available, but Forum members will be notified when the regulatory mapping tool is available to be reviewed.

Q&A

What is the scope of the process map initiative?

- It is yet to be determined. Right now it only covers a mining project, but eventually, the tool could include other sector pathways.

Training Committee

Update provided by: Mark Cliffe-Phillips, Executive Director, MVEIRB

- The Training Committee has finalized the Board Orientation training course and associated Reference Guide.
- The Administrative Law course has been revamped to be more interactive and there is also an associated Reference Guide. An in-person course was delivered in March and the online version is being completed.
- The Committee will continue to invest in the online learning platform, and would like to continue with in-person training as well.
- Now that this common platform exists, there is a drive to finalize a wildlife course/renewable resource course, and other courses can be considered.
- Once the platform is ready, it will be shared broadly with the Boards.

Q&A

Is there a record keeping function in the online training?

- Yes, which is valuable since the Board Relations Secretariat is not currently tracking who is taking Board training and this would be a good record to have.

There was once a course on media relations directed towards Chairs and Executive Directors. Would this be considered for future training course development?

- Yes, that is a topic that MVEIRB has considered.
- The courses have currently been completed on an as-needed basis.
- There is limited funding for this year, but it seems like INAC is committed to the platform being developed.

Are there any reference materials on Acts, regulations, etc.? It would be great if everything was a “one-stop-shop.”

- Not currently, but we do have links for the types of materials to which you are referring.
- Some of information on Federal and Territorial Acts and regulations is also available at a high level in the Board Orientation Reference Guide and online course.

3.7 NWT BOARD FORUM PATH FORWARD

The NWT Board Forum has been constantly evolving in terms of function and membership since its first meeting in April 2004. Initially it was the regulatory boards set-up under land claim agreements to have a forum to support each other and provide a collective, united voice when dealing with government about funding or board appointments for example. INAC and GNWT were invited to hear the concerns of the Boards and government participation increased over time but Indigenous governments do not participate. Membership broadened to include both regulatory and advisory Boards, so participation has changed over time, as have other aspects of the Forum. In the afternoon of Day 2, participants were invited to think about the NWT Board Forum, what value it brings to their organization, and what they would like the Forum to be going forward. They considered questions such as: Should it be Board-focused or natural resource management focused? Should it be a forum for only sharing information, or should it be more operational and work on common issues/challenges? What is the role of government and its level of participation?

To explore this desired path forward participants were asked to first reflect on the Terms of Reference over the years. Three Terms of Reference have been developed dated 2005, 2011, and 2015. The 2015 iteration was primarily drafted to reflect the addition of the Office of the Regulator of Oil and Gas Operations (OROGO) and GNWT Lands, however, the 2015 Terms of Reference were not officially approved.

The facilitator shared the set of objectives that were common among the various Terms of Reference iterations:

Common Objectives

- Increase mutual awareness amongst the Members regarding their respective activities;
- Identify and develop collaborative approaches to resolve issues of common concern;
- Collaborate on strategic and operational planning initiatives where beneficial;
- Identify opportunities to share resources and expertise;
- Provide a venue for the Members to hear from industry, governments and other interested parties on issues of common interest; and
- Pursue collaborative training and development initiatives where beneficial.

3.7.1 Terms of Reference Discussion

There is a common need to communicate what each member does and what the Boards' work is based on in terms of land claims, self-government agreements and co-management. There is therefore still a place for the training and collaboration side of the Forum. Maintaining the training is a strong component of the Forum's function, as it exposes members to what other Boards do and what individual decision-makers need to know.

Since member organizations play differing roles in the environmental management processes of the NWT, expectations must align in terms of relevance to individual members. While there may be a lot of common interest between some organizations (i.e.

environmental screeners and regulators), others feed their expertise into review processes (i.e. renewable resource boards, land use planning boards). The Forum meetings should cover issues that are directly applicable to members, but finding areas of common interests every time we meet may be a challenge, so people have to adjust their expectations. Other areas of interest that help Boards understand the broader context, as well as entertainment to build relationships are other objectives.

The core business of the NWT Board Forum's member organizations is raising the collective standard of effective decision-making. In the past 20 years, history has shown that the standards that have been set by the Boards in the NWT are high. The Boards are being recognized for that. There is already a high level of effective decision-making, but the central challenge remains and will always be: How do the Boards make better decisions and raise the bar in terms of practice? Does the Board Forum want to keep fulfilling the common objectives (as listed above) or should it be aiming for loftier goals?

3.7.2 Breakout Group Results

The participants were broken into small groups based on the similarity of their function, or for practical purposes in the case of the land use planning and lands administration group. They were then given an opportunity to reflect on the common objectives (as outlined in 3.7) and discuss the questions in the box below.

**Are we fulfilling the objectives set out for the NWT Board Forum?
How can the Forum add the most value to you and your organization?**

The following section represents a summary of the breakout group results. For the detailed flip chart notes, please see Appendix F.

Objectives

All groups generally agreed that the NWT Board Forum is fulfilling the objectives of the Forum. Some participants felt that they were too high-level. One group felt that they were too heavily focused on the Mackenzie Valley. Another group provided specific comments on each of the common objectives:

- 1. Increase mutual awareness amongst the Members regarding their respective activities**
 - It is valuable for new staff and Board members in that they have an opportunity to hear about projects, how they were approved/regulated and by whom.
- 2. Identify and develop collaborative approaches to resolve issues of common concern**
 - The Boards have now matured and have a solid footing on how to conduct their business. The focus should now be on how to make better decisions and continually improve.
- 3. Collaborate on strategic and operational planning initiatives where beneficial**
 - This objective was achieved during the regulatory reform initiative and during Mackenzie Gas Project days, but now we need to revisit our strategic priorities.
- 4. Identify opportunities to share resources and expertise**
 - This objective has not been met in a structured way, but has happened in an ad hoc manner, facilitated by networks formed through the Board Forum.

5. Provide a venue for the Members to hear from industry, governments and other interested parties on issues of common interest

- During previous Board Forum meetings, there have been several outside parties that have been able to present and be questioned by participants (e.g. CAPP, MAC, INAC legislative group, PDAC, Dene Najho, ENGO's etc.).

6. Pursue collaborative training and development initiatives where beneficial

- This is one of the biggest successes of the Forum.

It was suggested by some participants that the objectives be reviewed and revised more frequently, just as the context of the work the Boards do is constantly evolving.

Adding Value

The breakout groups then brainstormed ideas about how the NWT Board Forum could create more value. Their suggestions have been organized thematically below.

Being more inclusive

.... in terms of membership and issue coverage. It was noted that several of the Land Use Planning Boards were missing from the table, for example. This may be due to the uneven distribution of resources among the Boards; some do not have the capacity to participate. In terms of issue coverage, the Renewable Resources Board group suggested that there be greater balance between environmental, social, and economic considerations in the meetings. They also felt as though wildlife and wildlife habitat is not often a focus of the Forum, despite it being of common importance to the work of all groups and the key interest of communities. The Sahtú Land Use Planning Board (SLUPB) representative expressed that they no longer feel as though their core issues are being addressed. Some felt as though they did not have enough opportunity to comment on the agenda or that their feedback was not appropriately integrated. There are divisions among the groups in terms of mandates and ways of working, so the focus of the Forum meetings should be on more common areas of interests.

Strengthening understanding of best practices and effective decision-making

...is one such common interest between all NWT Board Forum members. The NWT Boards have highly-regarded and strong co-management processes. To stay at the leading edge, the sharing of strategies and how to utilize and build on them is extremely valuable. It was expressed that although the level of resources available to each member organization varies, the Boards have significant resources when pooled together. One group indicated that the integration of scientific knowledge and Traditional Knowledge is an area of expertise that could be strengthened.

Inviting more multi-party dialogue and collaboration

...as this was highlighted as one of the most valuable aspects of the NWT Board Forum. The meetings enable Boards to communicate and share knowledge amongst the member organizations, but they could also involve more external organizations and government agencies. Not only could this provide a forum for Boards to share their processes with external organizations, but Boards could learn from outsiders as well (e.g. Cumulative Impacts Monitoring Program). The Forum also provides an opportunity for participants to network with one another and work more collaboratively on shared challenges.

Increasing the focus on operational issues versus governance

...as some of the greatest past successes have emerged from these conversations. One group provided the examples of environmental screening and wildlife issues and stated that they felt that the NWT Board Forum has lost sight of some of the more operational challenges where other members may carry valuable expertise. One suggestion was to divide the next meeting so that some of it is spent on higher-level, governance issues and the remaining is spent on sharing learnings around operational challenges.

Continuing to grow training initiatives

...to develop internal capacity and enable a smoother onboarding process for new members. This was identified by all breakout groups as being one of the strongest elements of the NWT Board Forum. One group felt as though a public training initiative should be developed. It was suggested that a “one stop shop” for all training and reference materials be established.

Other notable suggestions on how the NWT Board Forum could add value included:

- Having a central theme for each meeting, as has been done in the past
- Clarifying the roles of the committees and working groups so that people take greater ownership of them and they can help with onboarding
- Leveraging administrative support to facilitate more collaborative planning for future meetings
- Gathering a list of research priorities from Forum members
- Conducting an audit of project decision processes and those processes external to the function of the Boards

3.8 AREAS OF COMMON INTEREST

A survey was conducted to determine what should be included in the agenda for the 23rd Meeting of the NWT Board Forum, and two major themes that emerged were **youth engagement** and **public participation**.

Participants were broken into groups again for discussion. Below are the key suggestions in response to:

Youth engagement: How can youth be better engaged in the co-management process to transfer knowledge and build future capacity?

Public participation: What are some barriers and best practices of public participation in the co-management process?

The flip charts from this group breakout session can be found in Appendix F.

3.8.1 Youth Engagement

The most **common, cross-cutting themes** across the breakout groups included:



Providing education on environmental management and governance, whether it be through media, Board staff visits to schools, or formally building the subject matter into the education system. This would expose youth to the issues from an early age, which may inspire some to work in this area and support the capacity needs of the Boards.

Scholarships could also be awarded to students in environmental management-related programs.



Creating opportunities for greater youth leadership and involvement, whether it be through summer positions, internship programs, co-operative placements, or invitations to observe or participate in hearings and Board meetings. A youth position could be created on the Boards as well, such as an advisory role, an alternate, or a permanent seat.



Facilitating cross-cultural exchange, through youth and Elder camps, community events, and youth-led programs, for example.



Using appropriate communications, such as using social media, radio, and dynamic applications to leverage curiosity and interest, as well as educate youth about co-management processes, land claims and self-government agreements, and the regulatory framework of the NWT. Ensuring more communications are released in Indigenous languages was also noted.

Participants shared several **other mentionable thoughts**, such as:

- Promoting environmental and wildlife management as a career option through school guidance counselling.
- Inviting youth to take the NWT Board Forum Orientation Training for a certificate.
- Seeking out current youth initiatives where the Boards may be able to play a role.
- Writing a letter to the GNWT Minister of Education, Culture and Employment to suggest that the following topics be included in the curricula: land claims and self-government agreements, environmental management, the territory's environmental regulatory system, co-management and Northern governance broadly.
- Developing a proposal to the government to require or create the option for nominations to include one youth and one adult.
- Creating opportunities for junior staff of the National Energy Board (NEB) to interact with and be exposed to the work of the Boards.
- Offering the chance for youth to co-author reports with Board staff.
- Focus groups on how to involve youth in environmental management.

3.8.2 Public Participation

Below are the key themes and suggestions that resulted from the breakout discussion on the **barriers** to and **best practices** in public participation.

Barriers



Lack of foundational knowledge – If people attend but are not at all familiar with how the environmental management system works in the territory, they may become disinterested or enter an engagement session with uninformed opinions.

Outdated materials or approaches – New and innovative tools and approaches are more likely to encourage participation.

Competing opportunities – In some communities, there may be many different events or other commitments that attract the public away from participating in Board processes.

Generational differences – During participation sessions, it can be particularly challenging to reconcile differing opinions that result from age gaps.

Best Practices



Promoting youth participation through involving them in various meetings and project reviews, etc. Communicating the types of engagement processes to youth can help develop the foundation of understanding required to participate in a full and meaningful way.

Using combined approaches, such as a combination of pre-surveys and in-person meetings. Survey information can provide important intel for the facilitator of the session so that trending concerns can be addressed. Other media may also be used to support public participation, such as radio call-in shows and Facebook Live sessions.

Knowing your audience so that you can cater to their needs and interests and encourage participation in a targeted way. Overly formal meetings may deter participants, so it is important to ensure that the space is set up comfortably. Incentives such as coffee and snacks go a long way. Focus groups can help determine what is important to the public to encourage more strategic positioning at participation sessions.

Emphasizing the “So what?” If participants have a clear understanding of what is needed from them during the session, it is likely to lead to more useful feedback. Articulating why the project and engagement matters is crucial to its success, and may require gathering intel in advance (e.g. via surveys).

Measuring success so that Boards develop a better understanding of the factors that lead to a more positive and comprehensive engagement process and can practice a continual improvement process.

3.9 DEVOLUTION AGREEMENT AND WASTE SITES

Day two of the meeting ended with a presentation on the waste sites chapter (Chapter 6) of the Devolution Agreement. This session shed light on the ongoing interpretation of the new legislation. A summary of the presentation and discussion follows.

3.9.1 Presentation

Department of Lands, GNWT

Presenter: Conrad Baetz, Assistant Deputy Minister, GNWT Lands

Title: Operational Implications of Devolution – Waste Sites Chapter



Highlights

- Through Devolution the GNWT received Administration and Control of approximately 80% of the NWT's land mass.
- The Waste Sites Chapter (Chapter 6) of the Devolution Agreement deals with known waste sites and operating sites.
- Chapter 6 outlines governments' accountabilities for environmental management and environmental liabilities for past, present and future operations on NWT and Settlement Lands.
- Chapter 6 outlines management responsibilities for different categories of sites.
- Schedule 7 of the Devolution Agreement comprises an inventory of sites and/or authorizations that fall under each category of Chapter 6.
- It is set up to address the following categories:
 - Part A – Released Sites
 - Part B – Remediated Sites
 - Part C – Excepted Sites
 - Part D – Sites Requiring Remediation
 - Part E – Operating Sites (third party)
- The presenter walked through Schedule 7, discussed the various assertions, the Waste Sites Management Committee, disputes and other arrangements, as well as the broader jurisdictional landscape.

3.9.2 Discussion

Regarding Part E, have any of the Aboriginal Groups, either through the committee or otherwise, started working on any concepts or changes (e.g. wanting the oil and gas sumps removed)?

- Unknown. The Department of Lands is still trying to understand what is possible under Chapter 6. They have asked people to identify sites of concern and are currently compiling an inventory, working with the Waste Sites Management Committee.

If a Board issues a water licence, does that transfer liability from the federal government to the GNWT? If the IWB inadvertently approves a water licence, it would then have to go to the Land Use Planning Board, so it would get caught. What's the check and balance outside of the ISR?

- Since the Boards are not technically government, the GNWT thinks that would not facilitate transferring lands and liability from the federal government to GNWT.
- Regardless, there are eligibility requirements – land tenure, licence of occupation (to allow someone to be on the surface), and exploration licences granting rights to a resource. Given the Mackenzie Valley's regulatory process, there is enough knowledge of projects in the pipeline, currently being looked at, and being approved that it would be a surprise if something was inadvertently issued. The Department must keep track of approvals, however.

400 sites were deemed inconsequential—not a liability. What happens in the future if one of those sites ends up not being inconsequential?

- Those sites tend to be small bits of infrastructure, cleaned up old fuel sites, etc. The GNWT would likely take on the liability for those sites.

4 Day 3

4.1 TRIP TO TUKTOYAKTUK

On the third day of the meeting, participants were invited to travel by bus from Inuvik to Tuktoyaktuk, where they were greeted in Kitti Hall by Mayor Darrel Nasogaluak, the President and members of the Tuktoyaktuk Hunters and Trappers Committee (HTC), and the Vice Chair of the Tuktoyaktuk Community Corporation. Here are some of the key themes and reflections they shared with the group:

Opportunity and Freedom

- The community is anticipating the many benefits they hope the road will bring—socially, culturally, economically.
- While they have yet to see a decrease in the cost of living, it may take a while to manifest itself.
- One invited guest stressed the sense of freedom the highway has provided the community (“Now we can go anywhere in the world”).
- With all the opportunity, however, comes the need to be vigilant as stewards of the land.

The Road to Resources

- When the ITH was first proposed, it was labelled as the “road to resources,” which came the prospect of economic benefits from industry.
- However, the community was disappointed to learn that the federal government decided against drilling in the Beaufort Sea.
- Mayor Nasogaluak emphasized that while tourism is welcomed, it cannot compete with the potential financial benefits of industry.
- The community is looking for new major resource development options.

Wildlife Management

- Even though the road had only been open for two weeks, HTC members had already seen changes in the behaviour of hunters and fishermen, who now have access to lands along the highway that they had not had before (i.e. parking alongside the highway to go fishing).
- The hunters and trappers are also experiencing challenges with caribou hunting.
- Mayor Nasogaluak believes that with good leadership, such as the development of the Inuvialuit Plan for Fishing on the Inuvik to Tuktoyaktuk Highway, impacts can be mitigated.



NWT Board Forum participants gathered under the "Welcome to Tuktoyaktuk" sign.

On the remainder of the trip, participants had the chance to see many interesting and historic sites, including elements of North Warning System, the beginning of the TransCanada Trail, aspects of the Tuk beautification project and the Arctic Ocean. Charles Klengenberg, who grew up in Tuktoyaktuk, led the tour.

5 Day 4

5.1 INUVIK TO TUKTOYAKTUK HIGHWAY QUESTION PERIOD

Roger Connelly (IWB) opened the floor to any potential questions that may have arisen about the ITH after participants had the chance to hear multiple perspectives about the project and travel the road. There were no questions.

5.2 LEGISLATIVE CHANGES

The Boards expressed an interest in hearing updates on the territorial legislative changes taking place. There was interest around:

- What is the amendment process and what stage is it at?
- How have Boards been engaged as part of the process?
- What upcoming opportunities are there for Boards to be engaged?

A presentation was provided by a representative of GNWT ENR and discussion followed.

5.2.1 Presentation

Department of Environment and Natural Resources, GNWT

Presenter: Susan Craig, Director, Corporate Services, GNWT ENR

Title: ENR's Legislative Initiatives: Board Forum Update



Highlights

Susan presented on the various legislative initiatives being undertaken by the GNWT. The highlights of her presentation are found below.

ENR is currently conducting a review and engagement process to amend or develop various pieces of legislation:

- *Waters Act*
- *Environmental Protection Act*
- *Environmental Rights Act*
- *Forest Management and Protection Act*
- *Protected Areas Legislation (PAL) - new legislation*

There are several groups working on these initiatives:

Technical Working Groups

- One for each of the above listed pieces of legislation
- Comprised of Aboriginal Governments and Organizations with legal counsel / Land and Water Boards / stakeholders (PAL legislation only)

Stakeholder Advisory Group

- Industry, ENGOs, Federal Government, Boards

Internal GNWT Working Group

- GNWT departments affected by the legislation

ENR intends to have legislation brought into force in Quarters 1-3, 2019.

5.2.2 Discussion

The following themes, questions, and comments emerged from the presentation on legislative initiatives:

Involvement of the Boards

- Several Boards expressed concern over their lack of engagement by the GNWT.
- Wek'èezhii Renewable Resources Board (WRRB) is not being involved at the Technical Working Group level, and has been restricted to the Stakeholder Advisory Group, which is comprised of 60+ organizations. Jody Pellissey, Executive Director, WRRB emphasized that her organization would provide valuable expertise, particularly around wildlife management.
- MVEIRB has not been engaged, even at the stakeholder level.
- MVLWB has requested to be involved and has sought direction for submitting comments for the FMPA/PAL Technical Working Group but remains only on the WA and EPA/ERA Technical Working Groups

- Susan Craig encouraged the Boards to continue to express concerns over a lack of engagement to their Aboriginal Governments, who ultimately decided those who would and would not be involved and in what capacity.

Treatment of Air Emissions

- It was noted that due to the nature of air emissions, they do not explicitly fall under one piece of legislation. As such, they may be covered by the *Waters Act*, the *Health Act*, and/or the *Environmental Protection Act*. There was a desire by the IWB to be involved in the upcoming engagement process on air emissions regulations in January.

Treatment of Protect Areas

- As the SLUPB had also not yet been engaged, there was a question around how protected areas are being incorporated with respect to the legislative changes.
- Susan Craig stated that for the protected areas legislation, stakeholders would be more involved as opposed to the Aboriginal Governments and the Boards going forward.

Involvement of the Intergovernmental Council (IGC)

- Paul Dixon, Executive Director of the SLWB, noted that the mandate through the Legislative Assembly is GNWT-centric, and asked about the involvement of the IGC.
- The IGC was an active participant prior to the formation of the Technical Working Groups. Their input influenced the path that GNWT is taking, as well as the priorities.
- The GNWT has consulted with all Indigenous governments and not just the signatories of the Devolution Agreement.

Timeline Concerns

- It was indicated that the timeframe of the legislative initiatives is very ambitious, with the goal of approximately 10 to 15 bills on the agenda being brought into force by Q3 2019.
- GNWT has been told by the Department of Justice that the everyone is conscious of the aggressiveness of the timing.
- Susan Craig noted that the GNWT is working as aggressively, consultatively and responsibly as possible through the process.

Potential Collaboration Around Concerns

- As several Boards appeared frustrated over a lack of involvement in the legislative initiatives by their Aboriginal governments and the GNWT, it was suggested that there could be an opportunity to collaboratively write and sign a letter of concern.
- The idea behind the letter would be to voice concerns from a cohesive body, the NWT Board Forum, which would have more leverage than concerns raised by individual Boards.
- The Boards were ultimately divided on writing the letter - some participants felt they had been engaged or the legislative initiatives were not relevant to their mandate, and some expressed disinterest in being supportive of the other Boards that felt strongly for such collective action.
- Susan Craig committed to bringing the concerns over perceived lack of engagement back to the internal team at GNWT.

5.3 FUNDING AND HONORARIA RATE REVIEW

Shortly prior to the Forum meeting, the federal government announced changes to the funding of the Boards, as well as an upcoming honoraria rate review. Below are the highlights of the presentation and a summary of the discussion that followed.

5.3.1 Presentation

Crown-Indigenous Relations and Northern Affairs

Presenter: Andrew Webster, Senior Policy Advisor, Implementation Branch, Treaties and Aboriginal Governance Sector, Crown-Indigenous Relations and Northern Affairs

Title: Update on Funding for Treaty-based Boards and Committees



Highlights

Andrew provided the Boards with an update on the Board funding renewal initiative and the upcoming Board remuneration review initiative he is conducting. Below is an outline of his presentation and additional comments he provided.

Funding Renewal

- **Renewed Treaty Boards' core funding**
 - All except one Board can now carry funds from the previous fiscal year into the new year, provided they use it before April 1st of the following year (multi-year funding)
 - The key was appropriate consultation and engagement with the Boards to understand the constraints they were working under
 - There is an assumption that all Boards have associated implementation plan funding that is renewed every ten years, but that is not the case
 - A mid-point funding review at the five-year mark, when most Boards start running out of funds, is being considered
 - Land Use Planning Boards did not receive as significant of an increase in funding as Andrew would like to have seen
- **Renewed the contingency fund**
 - Additional funding was renewed for bona fide contingencies such as hearings and periodic activities (e.g. land use plan reviews)
 - Funding will be administered by a management control framework (30-day process) that has not yet been operationalized
- **Renewed community-based committees funding**
 - Funding has doubled to \$170,000 per year, which is comparable to what the Renewable Resource Committees receive in the Yukon
 - It was recognized that Hunters and Trappers Committees must be a working entity with paid staff

Remuneration (Honoraria) Review

- Changes to per diem remuneration rates need to be carefully considered based on a thorough analysis, which is expected to take up to one year
- Consultation and engagement will occur

- Considerations of the review such as any increase in honoraria will result in: (a) increased pressure on Board core budgets; and (b) an increase in the contingency funding requested for holding hearings, conducting reviews, etc. were outlined
- Two previous attempts at this review were noted, but both were unsuccessful due in part to the lack of political will to spend more money
- A strong business case was emphasized and this time, the review will be a risk-based analysis that considers operational, relationship, financial, legal and other kinds of risks
- More information is needed from the Boards to inform the process (e.g. interpreters expecting to be paid more than Chairs)

5.3.2 Discussion



What is the expected timeline for the honoraria review?

- A year to consult and do the analysis. Approvals (e.g. travel budget) will be required. Realistically, the new rate structure will be implemented at beginning of year 2019.

How much core funding is available for all Boards?

- \$6.62 million across 109 Boards.

If more treaty settlements occur, will that impact the total core funding amount?

- It is unlikely to change for the next five years. When it goes through the renewal processes, the pressures that have been expressed will influence the case for renewal possibly at a higher level, but there is also a separate pot of money for Treaty implementation.
- Planning for treaty expenditures is done on a multi-year basis.

If based on your review the honoraria are increased, does that come from the \$6.62 million in core Board funding?

- Any difference in increase in honoraria would be covered under the fund, and as noted above, it is unlikely to change for the next five years. The approach to date has been to absorb the costs within your existing budgets, regardless of additional pressures that may arise, such as hearings. We've achieved slight increases in Board core funding, so you do not feel those pressures anymore and we can accommodate additional contingencies more easily. The review will inform overall spending, but it is unclear when it might change.

Reviews of the Sahtú and Gwich'in Land Use Planning Boards are coming up soon, any advice?

- If Crown-Indigenous Relations and Northern Affairs receives a well-constructed plan for review, then more funding will be allocated.
- Andrew is working on a plan to give the Land Use Planning Boards more funding in general.

How does Department deal with changes and collective bargaining? Many of the Boards mirror the government's salary steps. With the recent collective bargaining agreements, MVEIRB had to look at retroactive pay. Would that feed into the business case?

- It was not specified when the business cases were being completed. Apart from small adjustments, there's an expectation that Boards will have to manage with what they have for at least five years. When Boards get into financial difficulty, it usually happens after five years.
- Andrew committed that if he is still working on this file, he would do his best to have a more comprehensive and systematic review.

In your coming assignment, is there anything the Boards can do to help you in your work?

- The NWT Board Forum, from the perspective of the Department, is extremely successful and beneficial and every year the Department supports it with money for the Forum and for training initiatives.
- Andrew expressed that it would have a great impact if the NWT Board Forum wrote a letter requesting an increase in honoraria to the Minister collectively versus only from individual Boards.
- He also welcomed a position paper or an analysis—even if just clearly articulating some of the cost factors, like the expense of an interpreter. At the beginning of the fiscal year, the Boards could make a modest request that could be considered by Andrew's Director General for conducting such an exercise if the Boards are not prepared to do it for free.

Do you have any update on the expired implementation funding that flows through the GNWT - Tłıchq, Sahtú, Gwich'in?

- Andrew has a Treasury Board submission written that addresses some of what was discussed at the Forum meeting. He is hoping to be able to call some people and negotiate increased funding for some elements.

Have the local implementation plans been re-negotiated?

- There is an expectation that all treaty funding comes through implementation. Sometimes there are elements that do not find their way into an agreement. Andrew does not work on these plans. He is connected with the Acho-Dene and the Inuvialuit. Otherwise, they are coordinated through the INAC Regional Office. Not sure where the implementation plans are at.
- Andrew was unsure about the status of the Tłıchq, Sahtú, and Gwich'in implementation plans.

Does the honoraria review apply elsewhere, or just to the Northern Boards?

- It applies to all Ministerial Board appointees. Some are outside of the territories, but not many. Most are in the NWT.

The Boards can potentially provide a collective analysis of our needs to advocate for more funding. Is there any value if we can get support through GNWT or the implementation committees?

- It is seldom that any issues regarding Boards are heard at the implementation committee level. If Board issues do get discussed, then they get written down and there are minutes. Having that record is the first step in elevating issues. A key here is that the Indigenous treaty partner organizations need to understand the work that their Boards are doing.

5.4 ACTION ITEMS

Below is a list of action items that emerged from the Forum meeting and the associated accountabilities.

1. Report on the support services and resources available to the NWT Board Forum (Tina Bohnet, Manager of Indigenous and Territorial Relations, INAC)
2. Revisit the Terms of Reference, the purpose, objectives and committees of the Forum. (to be coordinated by Board Relations Secretariat - Tina Bohnet Manager of Indigenous and Territorial Relations, INAC)
3. Distribute the Board Orientation and Administrative Law Reference Guides and links to the online training platform and regulatory mapping outreach pilot tool when they are available online. (Mark Cliffe-Phillips, Executive Director, MVEIRB)

5.5 CLOSING

5.5.1 Next Meetings

It was noted that since devolution, the NWT Board Forum has been meeting once a year as opposed to twice. Below are the agreed-upon meetings and associated details.

Strategic Planning Meeting

Given the current challenges facing the Forum regarding the Terms of Reference and membership, it was suggested that a smaller, strategic planning exercise would be very valuable in advance of the next meeting. This would be a Governance Committee-level meeting, and it was recognized that not all Board Forum members would be able to attend this session due in part to cost.

When: January 2018

Location: To be determined

Annual Meeting

The WRBB and the Wek'èezhìi Land and Water Board (WLWB) volunteered to co-host the larger meeting of the Forum. It was suggested that a site tour be arranged if possible with Ekati Diamond Mine or Gahcho Kué Mine for the session.

When: Week of June 18, 2018 – to be confirmed

Location: Yellowknife, NT

5.5.2 Closing Remarks

In closing, Forum members participated in a roundtable of final remarks. The participants shared their gratitude toward the hosts, organizers, facilitators, and each other. Below are some of the themes and highlights of the roundtable.

Tour Opportunities: The majority of participants highlighted the value of the excursion to Tuktoyaktuk, as well as the Inuvik Water Treatment Plant. Both the experiential learning and team building elements of the tours were appreciated. It was noted that future hosts and organizers should make a point of including such on-the-ground experiences in the meetings.

Success to Date: There was also an emphasis on the success of the NWT Board Forum to date. From the perspective of many, the NWT Board Forum and its membership represent a model for effective natural resource management. The fine details of how the Boards operate was acknowledged as being clearer than ever before.

The Path Forward: The NWT Board Forum faces a challenge going forward in defining its membership and Terms of Reference because of the continuously evolving issues and mandates unique to each member. The participants were particularly glad to have had the opportunity to have the “uncomfortable conversations” over the duration of the meeting. There was hopefulness around the room that the upcoming meetings would eliminate some of the current tension and provide clarity around the structure and function of the Forum.

ADDENDUM – Post Forum Submission

Additional information and rewording of the workshop content was provided after the workshop by a Forum member. This additional information is related to Duane Smith's presentation captured on pages 2 and 3 of the 23rd NWT Board Forum summary report.

Duane Smith, Chair of the Inuvialuit Regional Corporation

- A summary was provided of both the core Inuvialuit organizations and the environmental impact assessment and wildlife co-management bodies established under the Inuvialuit Final Agreement (IFA). As co-signatories to the IFA, both the Inuvialuit Regional Corporation and the federal government are jointly responsible for supporting and implementing the measures outlined in the IFA.
- Prior to the IFA the federal and territorial governments had total management control of developments, wildlife and the environment within the region. Since IFA implementation, the co-management bodies have ensured full and meaningful involvement by the Inuvialuit in ensuring the ongoing protection and management of the region's wildlife and environment.
- While the overriding roles of the co-management bodies remain constant, their priorities and activities constantly change in response to environmental changes, developmental activities, knowledge gaps, international challenges and financial allocations.
- One of the major challenges in land claim implementation has been the ongoing lack of a firm commitment by the federal and territorial government to the achievement of the basic goals of the IFA.
- Another hindrance to the success of all co-management bodies has been the revolving nature of government, industry and NGO personnel and the associated need for ongoing education on the provisions of the land claim and the roles of its co-management bodies. As over 33 years have passed since the signing of the IFA, this lack of understanding is also largely shared by a new generation of Inuvialuit and Inuvialuit youth.
- IRC is currently addressing this educational need through the development of audience specific multi-media informative materials on the Inuvialuit past to present, the reasons for, development of and measures contained within the land claim agreement, and the impacts of the implementation of the agreement on the life and wellbeing of the Inuvialuit (an IFA 101).

In an overall sense one of the key reasons why the Inuvialuit co-management bodies are working well is because, in all development, wildlife and environmental management issues, they directly and indirectly involve ground up participation by community members who live in harmony with and rely on the region's environment and the wildlife it sustains.

Supplemental Document

Please see the attached supplemental document for the following appendices:

APPENDIX A – AGENDA

APPENDIX B – PARTICIPANT LIST

APPENDIX C – ORGANIZATIONAL UPDATES

APPENDIX D – TERMS OF REFERENCE

APPENDIX E – PRESENTATIONS

APPENDIX F – FLIP CHARTS

