



NWT Board Forum

DRAFT: Summary Report

Forum Meeting
October 12 – 13, 2005
Inuvik, NT

T e r r i p l a n
CONSULTANTS

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1.0 Introduction

The third meeting of the NWT Board Forum was held in Inuvik on October 12th and 13th, 2005. The meeting was organized by the Board Forum Working Group made up of the Executive Director of the Mackenzie Valley Environmental Impact Review Board (MVEIRB), the Mackenzie Valley Land and Water Board (MVLWB), the Inuvialuit Joint Secretariat (IJS), and the Board Relations Secretariat (BRS). The host of the Board Forum was Mr. Willard Hagen, Chair, Gwich'in Land and Water Board (GLWB). The agenda for the meeting and a list of participants can be found in *Appendix A* and *Appendix B*, respectively.

1.1 Purpose and Objectives of the Board Forum Meeting

The purpose of the NWT Board Forum's 3rd meeting was to report on and discuss the results of Working Group activities to date and the emerging priorities, challenges, and new initiatives of member boards. This includes reviewing progress on the current NWT Board Forum work plan, and recommending actions to implement and priorities / results for the next Forum meeting. This meeting also included technical briefings on issue(s) identified as of interest to the members.

This report summarizes the discussions that took place during the Board Forum, and the action items that emerged.

1.2 Report Contents

This summary report is organized as follows:

Section 2	-	Member Updates
Section 3	-	Progress Report on the NWT Board Forum Work plan
Section 4	-	Review of Board Forum Terms of Reference
Section 5	-	Presentations and Updates
Section 6	-	Action Items
Section 7	-	Next Forum Meeting
Appendix A	-	NWT Board Forum Agenda
Appendix B	-	Participant List
Appendix C	-	Presentations by Speakers
Appendix D	-	Revised Board Forum Terms of Reference

2.0 Member Updates

The NWT Board Forum conducted a members' roundtable at the commencement of the meeting.

2.1 Environmental Impact Screening Committee – Bill Klassen

Environmental Impact Screening Committee (EISC) has now a full complement of board members. The Chair requested any assistance that other Boards can provide on board training or orientation information for new members. The EISC is watching the progress of YESAB (Yukon Environmental and Socio-Economic Assessment Board) which will be coming operational in the near future. This new board in the Yukon could have overlapping jurisdiction with many of the Inuvialuit Boards. Oil and gas activity is slowing down in the ISR but sump drilling waste disposal continues to be an issue.

2.2 Environmental Impact Review Board – Elizabeth Snider

Environmental Impact Review Board (EIRB) also has a full complement of board members for the next three years and is keeping busy with housekeeping matters. The Board held their first meeting in over a year recently. The EIRB is following the Beaufort Sea Strategic Framework Action Plan. EIRB also has questions regarding overlapping jurisdiction with YESAB.

2.3 Inuvialuit Game Council – Frank Pokiak

The Inuvialuit Game Council (IGC) continues providing oversight on a wide range of wildlife issues and projects. The workload of the IGC remains consistent with previous years.

2.4 Northwest Territories Water Board – Eddie Dillon

The Northwest Territories Water Board (NWTWB) currently has a full board complement. The Board is developing a plan to move their office from Yellowknife to Inuvik. The current challenge for the board is trying to establish a committee to provide technical advice to the board. This service has been provided by INAC but will not be available for the review of the Mackenzie Gas Project.

2.5 Mackenzie Valley Environmental Impact Review Board – Gabrielle Mackenzie-Scott

Workload for the Mackenzie Valley Environmental Impact Review Board (MVEIRB) remains steady. The MVEIRB has taken on a number of new initiatives for this year. The Board has revised its rules of procedure, developed TK guidelines, and are currently working on socio-economic impact assessment guidelines. The MVEIRB has offered to share the results of all this work with all other members of the Board Forum. Future initiatives planned for the MVEIRB

include: developing cultural impact assessment guidelines, hosting an environmental assessment practitioner's workshop, a translator's workshop, and a reference bulletin on unclear terms in legislation. Members of the Board Forum are invited to participate in the initiatives which are of interest to them.

The MVEIRB identified some issues of concern: a lack of stable funding from year to year; capacity of stakeholders to participate in the EA process; and, a lack of relevant and available cumulative impacts information.

In response to some of the other boards' requests, the MVEIRB discussed their development of a Board Member Orientation Manual, and offered to share it with other interested boards. The MVEIRB also offered to make a presentation at the next Board Forum Meeting regarding their Board Governance experience and the Board Orientation Program.

2.6 Sahtu Land Use Planning Board – John T'Seleie

The Sahtu Land Use Planning Board (SLUPB) currently has one vacant position, and many new members on the board. The Sahtu Land Use Plan is still in draft stage, but progress is expected before the end of this year. Concerns were expressed about enforcement of LUPS by INAC. Funding is also an issue since all Sahtu Board funding is set for a 10 year period by the Sahtu Land Claims Implementation Plan, the Board does not have the resources to respond to increases in work volume over that period.

2.7 Sahtu Land and Water Board – Larry Wallace

Appointments have been an issue for the Sahtu Land and Water Board (SLWB) over the past year, in addition to funding and enforcement issues. Activity in the Sahtu area has been busy, with plans for the pipeline as well as renewed interest in mineral exploration across the region.

2.8 Gwich'in Land and Water Board – Willard Hagen

The focus for the Gwich'in Land and Water Board (GLWB) over the past year has been in preparation for the pipeline, however that work has recently slowed. Enforcement by INAC has been working well in the Gwich'in area.

2.9 Wekeezhi Land and Water Board – Violet Camsel-Blondin

The Tlicho Government came into effect August 4th, 2005 and with that came the creation of the new Wekeezhi Land and Water Board (WLWB). The WLWB is preparing to commence accepting and processing applications in February of 2006.

2.10 Mackenzie Valley Land and Water Board – Todd Burlingame

The Chair of the Mackenzie Valley Land and Water Board (MVLWB) is working with other Chairs to draft a common set of guidelines for Boards in the Mackenzie Valley. The MVLWB is also undertaking an internal needs assessment for a training program for new board members. The MVLWB is open to discussing this initiative with other boards. There are still two outstanding appointments to be made by the Minister of INAC.

2.11 Gwich'in Land Use Planning Board – Bob Simpson

The Land Use Plan for the Gwich'in Land Use Planning Board (GLUPB) has been approved and a detailed work plan for the next five years has been outlined. The GLUPB has identified a few issues of concern, primarily workload and resources, which they are addressing. The GLUPB has been working with the Yukon on land use planning issues in the "Joint Management Area" and the Peel River watershed. The Board may need to undertake fundraising as funding is fixed under the Gwich'in Implementation Plan for a ten year period. There is no flexibility for growth at this level of funding. The GLUPB will also be addressing mineral potential in areas currently set aside as conservation areas. Conservation zones are to be reviewed in anticipation of regulations establishing these zones in the Canadian Mining Regulations.

2.12 Government of the Northwest Territories – Bob Bailey

As a new member of the Board Forum the GNWT discussed the mandate of and key issues for the new Department of Environment and Natural Resources. Environment and Natural Resources are attempting to strengthen environment assessment resources at regional offices as soon as possible. They will also be working with INAC on the PAS, and will be involved with watershed management issues with both the Yukon and Alberta.

2.13 Indian and Northern Affairs Canada – Lorne Tricoteux and Stephen Joudry

INAC acknowledged the concerns brought up by the boards and committed to doing their part to address these issues. Lorne Tricoteux also noted that INAC has reviewed the Auditor General's Report on INAC's role in supporting the NWT Boards and has prepared an action plan in response to the Auditor General's recommendation. This action plan and several other matters are agenda items for this Board Forum meeting. INAC has begun an extensive review of the appointments process and is fully engaged in assisting the boards to create orientation training for new members. Mr. Tricoteux introduced Mr. Stephen Joudry, the new INAC Director General for Northern Affairs. Mr. Joudry expressed his support for the NWT Board Forum and noted that it was his intention to better understand the operating context of the Boards, the challenges that the Boards face and committed to work with the Boards to find acceptable solutions to the challenges facing the Boards.

3.0 Progress Report on NWT Board Forum Workplan

3.1 Briefing on October 2005 Board Forum Work Plan Task Tracking Report

A number of priority issues and action items were identified during the January 2005 meeting. The Working Group provided the Board Forum with an update as to the progress of the outstanding issues.

The following table summarizes the discussion of selected items from the report of the Working Group on the priority tasks from the last meeting.

Table 1: Work Plan task tracking report discussion

No.	Issue	Task Description	Lead	Status	Forum
1	Cumulative environmental effects	1.1 INAC to provide updates at future meetings on CIMP, CEAM and NWT Environmental Audit (Reference: April 2004 & January 2005 Forums).	INAC	Ongoing: <ul style="list-style-type: none"> Update provided at January Board Forum Update on Part VI environmental audit will take place at Fall Board Forum 	
		1.2 Discuss and identify the responsibility for addressing cumulative effects (Reference: April 2004 & January 2005 Forums)	INAC W/G	Ongoing: <ul style="list-style-type: none"> CEAM Strategy Multi-stakeholder meeting held in Inuvik on May 2004 to discuss Blueprint implementation. Workshop held in Hay River (May 2005) to discuss Blueprint implementation. Workshop report distributed in July 2005 to participants. Strategic Regional Plan of Action being developed for ISR which may be included under 	

No.	Issue	Task Description	Lead	Status	Forum
		1.3 Results from ISR / INAC / CEAA Beaufort Sea Strategic Regional Environmental Plan of Action Workshop held March 2005 to be discussed at next forum (Reference: January 2005 Forum).	ISR INAC CEAA	<p>CIMP; steering committee established and expanding. In the process of hiring a steering committee coordinator</p> <p>Workshop report complete and available</p> <ul style="list-style-type: none"> Update to be provided at Fall Board Forum as per direction at January 2005 Forum 	<ul style="list-style-type: none"> Update was provided by Norm Snow - ISR
2	Traditional Knowledge (TK)	<p>2.1 MVEIRB to seek feedback from the other Boards on their draft traditional knowledge guidelines (Reference: April 2004 Forum)</p> <p>2.2 Working Group to monitor progress and provide general update on TK related activities (Reference: April 2004 & January 2005 Forums)</p>	<p>MVEIRB</p> <p>W/G</p>	<p>Complete:</p> <ul style="list-style-type: none"> MVEIRB "Guidelines for Incorporation of Traditional Knowledge into Environmental Impact Assessment" have been approved by the Review Board. <p>Ongoing:</p> <ul style="list-style-type: none"> Joint Review Panel developing TK guidelines using MVEIRB guidelines as a starting point 	<ul style="list-style-type: none"> Update provided by Vern Christensen
3	Federal Consultation	3.1 Provide an update on initiatives and research associated with federal consultation obligations (Reference: April 2004 & January 2005 Forums).	INAC	<p>Ongoing:</p> <ul style="list-style-type: none"> A general overview of the Taku River Tlingit First Nation and Haida Supreme Court decisions was provided at January 2005 Forum On agenda for October Board 	<ul style="list-style-type: none"> Update provided by James Lawrance. <i>(See Section 5.4 of this report)</i>

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No.	Issue	Task Description	Lead	Status	Forum
		2005 Forum).	INAC	Complete <ul style="list-style-type: none"> Letter sent July 2005. 	
5	Ensuring Consistency in Technical Information Received	<p>5.1 General update whereby each Board shares the information it is receiving with other Boards (Reference: April 2004 & January 2005 Forums).</p> <p>5.2 BRS to coordinate possible delivery of technical training sessions on Sumps and RECLAIM for the Boards' general members (Reference: January 2005 Forum).</p> <p>5.3 David Milburn to distribute the RECLAIM software and user manuals to interested Chairs (Reference: January 2005</p>	<p>All Boards W/G</p> <p>INAC</p> <p>INAC</p> <p>INAC /</p>	<p>Ongoing:</p> <ul style="list-style-type: none"> ISR – Research Workshop planned for first quarter 2006 in partnership with Aurora Research Institute. MVEIRB Practitioners Workshop Report held Feb/Mar 2005 available on website. Next Practitioners Workshop with a focus on socio-economic impact assessment and preliminary screening to take place March 14 – 15, 2006. <p>Complete:</p> <ul style="list-style-type: none"> Technical briefings for Forum members on Drilling waste management (sumps in particular) and RECLAIM model provided at January 2005 Forum MVLWB had RECLAIM training workshop put on by Water Resources <p>Complete</p>	<ul style="list-style-type: none"> Vern Christensen reported on MVEIRB plans to conduct a translator/interpreter workshop in Jan/Feb 2005.

No.	Issue	Task Description	Lead	Status	Forum
		<p>Forum).</p> <p>5.4 INAC following up on implications of the Official Languages Act (Reference: January 2005 Forum).</p> <p>5.5 Consideration be given to a briefing on SMART regulations at the next Forum (Reference: January 2005 Forum).</p>	<p>MVLWB</p> <p>INAC / WG</p>	<p>Ongoing</p> <ul style="list-style-type: none"> MVLWB adopted a new policy on public notices and public hearing announcements INAC reviewing implications, update to be provided at next Board Forum <p>Ongoing</p> <ul style="list-style-type: none"> On agenda for October Board Forum 	<ul style="list-style-type: none"> INAC to follow up with Official Languages Commissioner and clarify definitively if all Boards are required to advertise in both official languages
6	Addressing Industry Issues	<p>6.1 Two sub-groups of the Chairs and the Working Group (one for the MVRMA Boards and one for the IFA Boards) to follow up on issues raised by the industry sectors and report back on potential responses/actions (including potential for formal written responses) (Reference: April 2004 Forum).</p> <p>6.2 Forum Working Group to prepare a response letter to industry briefly stating the</p>	<p>Board</p> <p>Chairs</p> <p>ARDG</p> <p>WG</p>	<p>Ongoing:</p> <ul style="list-style-type: none"> October 29, 2004 industry meeting with Board Forum Working Group and Chairs and INAC to discuss industry specific issues. Meeting report included in January 2005 Forum binder Joint Board / Industry briefing for Forum members provided at January 2005 Forum Sub-group meeting held Sept. 30, 2005 with representatives from the Chamber of Mines <p>Complete:</p> <ul style="list-style-type: none"> Letter sent May 2005 to industry, cc to Board Forum 	

No.	Issue	Task Description	Lead	Status	Forum
		<p>commitment to address industry issues and that the Forum Working Group would be coordinating this overall effort (Reference: January 2005 Forum).</p> <p>6.3 Working Group to organize follow-up meetings with the right people from industry and government to advance this work (Reference: January 2005 Forum).</p>	<p>W/G Chairs</p> <p>W/G</p>	<p>membership as directed at January 2005 Forum</p> <p>Ongoing:</p> <p>Three possible priority areas have been identified as next steps:</p> <ol style="list-style-type: none"> 1. INAC working with industry to schedule TSM and E3 briefing sessions on industry best practices: <ul style="list-style-type: none"> • Inuvik – Oct. 11-12, 2005 • MVLWB fall 2005 (TBD) • GeoScience Forum fall 2005 2. INAC and Board Forum Working Group to examine Project Scoping and other opportunities to address industry issues 3. Over the longer term, INAC and Board Forum Working Group to explore benefits of a narrow and focused review of the MVRMA 	<ul style="list-style-type: none"> • NWT Board Forum to develop an update on activities and initiatives of Boards. (See Section 5.7 of this report)
7	Forecasting Workload	<p>7.1 Working Group will investigate the use of INAC resource development (mining & oil/gas) activity forecasts in conjunction with industry colleagues (Reference April 2004 Forum).</p>	W/G	<p>Complete:</p> <ul style="list-style-type: none"> • Update provided by Malcolm Robb, A/Director – Minerals and Petroleum Development – INAC at January 2005 Forum 	<ul style="list-style-type: none"> • Update provided by Malcolm Robb. (See Section 5.3 of this report)

No.	Issue	Task Description	Lead	Status	Forum
		<p>7.2 Develop a forecast of future workload for each Board in relation to the MGP, secondary oil and gas activities, and other non-oil and gas activities (e.g. mining) (Reference April 2004 & January 2005 Forums)</p> <p>7.3 INAC to develop a standard /defined budget cycle that will assist in more timely funding approvals / confirmations for both Claims and Non-Claims boards (Reference January 2005 Forum).</p> <p>7.4 INAC to follow up with the GL&WB and the SL&WB to confirm their MGP funding needs. (re: EMCII) (Reference: January 2005 Forum)</p>	<p>INAC W/G</p> <p>INAC W/G</p> <p>INAC</p>	<p>Ongoing:</p> <ul style="list-style-type: none"> Further work on this will be co-ordinated as part of the OAG action plan Department distributed prior year resource development forecasts. BRS following up on the availability of Boards receiving regular / current updates to assist with business planning <p>Ongoing:</p> <ul style="list-style-type: none"> Work in this area to be coordinated with the OAG Report Action Plan Follow up meeting took place with the MVEIRB on September 21-22, 2005. <p>Ongoing</p> <ul style="list-style-type: none"> Department coordinating an assessment of MGP funding requirements with the MVLWB 	
8	Community Capacity	8.1 INAC to provide an update at the next meeting on existing efforts related to community capacity (Reference: April 2004 Forum)	INAC	<p>Complete:</p> <ul style="list-style-type: none"> Briefing on incremental community capacity resources associated with the MGP and other INAC programs provided by the Department at the January 	

No.	Issue	Task Description	Lead	Status	Forum
		<p>8.2 General update at the next Board Forum (Reference: January 2005 Forum).</p> <p>8.3 Provide an opportunity for Boards to hear from local resource management organizations about capacity constraints and needs (Reference: April 2004 Forum).</p>	<p>INAC</p> <p>W/G</p>	<p>2005 Board Forum.</p> <p>Ongoing:</p> <ul style="list-style-type: none"> 2005 Edition of Funding for NWT Communities brochure published by INAC in September 2005. <p>Ongoing:</p> <ul style="list-style-type: none"> Linked to the work being undertaken as a result of the OAG recommendations 	<ul style="list-style-type: none"> The BRS will be researching other opportunities for funding and will report at the next Board Forum meeting BRS to provide update on Community Capacity at the next Board Forum meeting
9	Public Education	<p>9.1 BRS to distribute a proposal on communications products for comment by the Chairs (through the W/G) (Reference: April 2004 Forum)</p> <p>9.2 Sub-group comprised of the Board Forum Working Group and Board/INAC communications specialists to be established and will meet to review best practices / success stories, assess emerging priorities, opportunities for future joint initiatives and report back on recommendations for possible future investments (Reference: April 2005)</p>	<p>INAC</p> <p>W/G</p>	<p>Complete:</p> <ul style="list-style-type: none"> A communications proposal outlining potential investments was distributed during the April 2004 Board Forum. Joint communication projects undertaken by the MVEIRB and the MVLWB. <p>Complete:</p> <ul style="list-style-type: none"> Communications Working Group established (INAC, MVLWB, MVEIRB and ISR as members) 	

No.	Issue	Task Description	Lead	Status	Forum
		<p>Forum).</p> <p>9.3 Forum Working Group to prepare action plan in February and report back at the next Forum (Reference January 2005 Forum).</p>	W/G	<p>Ongoing:</p> <ul style="list-style-type: none"> Terms of reference and preliminary work plan developed and presented to Board Forum Working Group; update to be provided at Fall Board Forum On agenda for October Board Forum 	<ul style="list-style-type: none"> See Section 5.7 of this report.
10	Board Appointments	<p>10.1 INAC to update the Board Forum on its efforts to date with respect to the appointments process (Reference: April 2004 Forum).</p> <p>10.2 INAC to address current appointment vacancies; including work with nominating organizations (Reference: January 2005 Forum).</p> <p>10.3 INAC to develop standards & guidelines on the appointment process along with a flowchart of the process to be provided to northern boards (Reference: January 2005 Forum).</p>	<p>INAC</p> <p>INAC</p> <p>INAC</p>	<p>Complete:</p> <ul style="list-style-type: none"> Update provided at January 2005 Forum <p>Ongoing:</p> <ul style="list-style-type: none"> Board member vacancies continue to be filled <p>Ongoing:</p> <ul style="list-style-type: none"> On agenda for October Board Forum A number of improvement initiatives being considered by the Department (e.g.) the possible development of an orientation resource binder for new board members and staff 	<ul style="list-style-type: none"> Update provided by James Lawrance. (See Section 5.3 of this report)

No.	Issue	Task Description	Lead	Status	Forum
		10.4 INAC to follow up on the previously required (detailed) security check forms and confirm that they have been properly disposed of (Reference: January 2005 Forum).	INAC	<p>by INAC in consultation with the Board Forum Working Group</p> <ul style="list-style-type: none"> Work in this area to be undertaken in conjunction with the OAG Report Action Plan <p>Ongoing:</p> <ul style="list-style-type: none"> Follow up actions now underway. On agenda for October Board Forum 	
11	Forum Terms of Reference	<p>11.1 INAC and GNWT to be added as full members of the Forum (Reference: January 2005 Forum).</p> <p>11.2 Forum Working to action required changes to the Forum's TOR (Reference: January 2005 Forum).</p>	<p>W/G</p> <p>W/G</p>	<p>Complete:</p> <ul style="list-style-type: none"> Invitation letter sent to Mr. Bob McLeod, GNWT Secretary to Cabinet seeking representative to attend the NWT Board Forum Letter received naming Mr. Bob Bailey, Deputy Minister of Environment and Natural Resources as GNWT representative <p>Complete:</p> <ul style="list-style-type: none"> Revised TOR included in January 2005 Forum Summary Report that was distributed to all Forum members. 	<ul style="list-style-type: none"> Board Forum Terms of Reference reviewed and modified. <i>(See Section 4.0 of this report)</i>

4.0 Review of Board Forum Terms of Reference

As required by the Board Forum's Terms of Reference, the terms of reference are to be reviewed annually.

As a result of discussion by the Board Forum, the following amendments to the terms of reference were approved:

Membership

It was agreed to amend the terms of reference as follows:

- The GNWT be added as a member of the NWT Board Forum and as a member of the Secretariat Working Group

Actions

- The National Energy Board be invited as a member of the NWT Board Forum
- The membership not be extended to the Porcupine Caribou Management Board as their interests can be represented through membership in the Inuvialuit Game Council

The revised terms of reference are presented in *Appendix D*.

5.0 Presentations and Updates

During the two days of the Board Forum, there were a number of presentations and updates on matters of interest to the Boards. The following presentations were provided:

- Industry Update – Bob Wooley
- Inspections and Enforcement – Bob Wooley
- Appointments Process – James Lawrance
- Consultation and Engagement Updates – James Lawrance
- MVEIRB Socio-Economic Guidelines – Renita Schuh
- Update on Resource Development in the NWT – Oil, Gas and Minerals – Malcolm Robb
- Communications – Vern Christensen on behalf of the Communications Sub-working Group
- SMART Regulations – Stephen Van Dine
- Auditor General Report–Action Plan – Stephen Van Dine
- Strategic Plan and Business Plan Update – Jim Micak, Terriplan Consultants

Each presentation is summarized along with a summary of key discussion points and action items made by the Board Chairs. Copies of available presentations are found in *Appendix C*.

5.1 Industry Issues

On October 29, 2004, a meeting was held between the Board Forum Working Group and representatives of the mining and petroleum industries. The meeting was the result of an action item from the April 2004 NWT Board Forum.

A progress report of the actions taken since this meeting between industry and the NWT Board Forum Working Group to address these issues was developed by the Working Group and Malcolm Robb. This document was presented to the Board Forum by Bob Wooley. In summary, much progress has been made on the majority of issues, and industry is aware of the land claim/access issues that are often the cause of regulatory delay. Industry remains supportive of the Board Forum and would like to stay involved. (See *Appendix C* for full details of the presentation).

Action Items

- The Working Group and Malcolm Robb were instructed to continue the dialogue with the Minerals Industry on issues that have already been identified.
- Malcolm Robb is to contact Ian Scott to see how CAPP (Canadian Association of Petroleum Producers) views follow up discussion.

- The Working Group agreed to issue a “communication” to industry (and others) on the initiatives that have been undertaken by the Boards to strengthen the regulatory process and address industry’s concerns.

5.2 Inspections and Enforcement

At the January 2005 Board Forum meeting, concerns were expressed regarding the quality and frequency of inspections and enforcement of Board conditions of approval. Of greatest concern was the need to ensure that inspections and enforcement actions were occurring and that feedback as to the adequacy of the conditions of approval should be provided to the Boards. Bob Wooley presented an update document to the Board Forum on this topic, the following progress was reported:

- The MVLWB has begun an initiative to incorporate changes into the terms and conditions of their licences and permits. The changes to the terms and conditions would add a “results-based” component, enabling the proponent to adhere to their licence or permit in a manner best suited to their project. A workplan has been developed for assessing results-based terms and conditions.
- A letter was received by the Chair of the MVLWB from Mr. Tricoteux affirming INAC’s support for the above stated initiative.
- The MVEIRB has formed a working group to examine how recommendations and measures that flow from their environmental assessments manifest themselves at the field level.
- A concern was raised that the inspections and enforcement process should be transparent to the public and reporting standards should be established to reflect this.
- A September 2005 meeting with industry resulted in agreement by industry to assist in developing the “results-based” terms and conditions for permits and licences. Other initiatives, such as E3 and “Towards Sustainable Mining” demonstrate the support and proactive approach of industry on this subject.

Discussion

Concern was raised by several Boards as to whether their recommendations and conditions of approval are being implemented. The Boards emphasized that without knowing the impacts and results of their recommendations and conditions, they are unable to gauge effectiveness and whether there is a need to modify the terms and conditions. It was agreed that follow up inspections and enforcement are currently a weakness for the environmental assessment and regulatory process in NWT.

The Working Group proposes to explore results-based terms and conditions in the hope that this will promote a more positive attitude towards compliance by proponents. INAC agreed that a workshop to start a dialogue with inspectors would be a first step, and offered to facilitate this with the working group.

Action Items

- Bob Wooley's document outlines a reasonable way forward, he will report on progress at the next meeting.
- INAC to bring inspectors together with representatives of the Forum to learn and discuss issues related to enforcement, monitoring, and follow up. This meeting is to address a wide range of issues including respect by inspectors for Board terms and conditions and transparency related to inspection and enforcement. This workshop will occur before the end of the year with a report back to the Forum.

5.3 Appointments Process

A presentation was given by James Lawrance of INAC on the background, legislation, and process for appointing a member to an NWT Board. The security check process was presented in some detail in order to provide the Boards with a deeper understanding of the reasons for delay at this step in the appointments process. Mr. Lawrance also presented a summary of the selection criteria that are used to assess potential candidates for nomination. (See *Appendix C* for full details of the presentation).

Discussion

There remains a concern among the members of the Board Forum with respect to the appointment process and in particular the lengthy delay in appointing new members or re-appointing members. INAC acknowledged these concerns and commented that many of the delays were caused by security checks being processed by the Privy Council Office which was outside INAC's ability to control and influence. The Forum members proposed that INAC conduct a thorough briefing with each potential candidate before sending them through security screening to confirm that the candidate is fully aware of the nature of the security check and that they are familiar with the roles and responsibilities of being a Board member.

Action Items

- Several members expressed frustration with the appointments process and strongly requested that the process be improved to ensure timely appointments thus ensuring effective board performance. It was understood that INAC is reviewing the process and the department indicated that any board or the forum itself may wish to express concern to the department to give this a higher priority.

5.4 Consultation and Engagement Updates

James Lawrance of INAC gave an update on progress surrounding the s. 35 consultation issue. INAC is leading a national process to define consultation under s. 35, taking into account the principles identified in the recent Taku and Haida court cases.

INAC has also developed a paper on engagement and public information sharing, identifying suggestions for improvement as well as clear policy and procedures documents.

Discussion

The Boards have received many complaints from regional aboriginal groups declaring that proper consultation has not been conducted on various permits and licence applications. INAC is in agreement that there is a need to clarify the consultation issue and has committed to provide advice and assistance to the Boards until the department develops a national policy direction. The Boards wanted to note that this issue cannot be understated, as it places them under threat of legal action.

Action Items

- INAC will strive to have a position document for the Board Forum by March 31st, 2006.
- INAC will respond to an outstanding letter from the MVLWB regarding consultation.
- There is ongoing work regarding the federal government's s. 35 fiduciary responsibility to consult aboriginal people. It is being conducted on a national scale and the boards will be kept informed. The national process could be raised as an agenda item for the next board meeting.
- A summary report on what INAC has heard from stakeholders regarding its "Engagement Policy Discussion Paper" will be distributed soon.

5.5 MVEIRB Socio-Economic Guidelines

Renita Schuh of the MVEIRB presented its framework for developing the Socio-Economic Guidelines which are in early draft stage. The presentation discussed the following issues:

- Definition of Socio-Economic Impact Assessment;
- Why the MVEIRB is creating Socio-Economic Impact Assessment guidelines;
- The process MVEIRB is using to develop the Socio-Economic Impact Assessment guidelines;
- Proposed content of the Socio-Economic Impact Assessment guidelines; and
- Suggestions for involvement by the Board and Board Forum.

(See *Appendix C* for full details of the presentation).

Discussion

The Board Forum members expressed a desire to review the draft guidelines before they are released to the public. There was the concern that while these guidelines are being developed by MVEIRB, they may set precedent for other boards.

Action Items

- MVEIRB will circulate draft guidelines to members of the Board Forum and will seek input from Forum members before releasing the guidelines for public comment.

5.6 Update on Resource Development in the NWT – Oil, Gas and Minerals

INAC presented a comprehensive picture of the state of oil, gas, and minerals exploration and development in the NWT. The presentation included a review of past non-renewable resource development statistics, as well as current figures for minerals and oil and gas. Exploration data was reviewed to provide an outlook for future years. Mineral exploration remains high and is starting to diversify beyond diamonds. Oil and gas exploration is somewhat stagnant due to uncertainty surrounding the Mackenzie Gas Project. High commodity prices are expected to continue and may, as a result, increase the level of exploration activity across the NWT. (See *Appendix C* for full details of the presentation).

5.7 Communications

The Communications Sub-working Group was established following the January 2005 Board Forum Meeting. As part of follow-up to the January 2005 Forum Meeting, Vern Christensen on behalf of the Communications Sub-working Group delivered a progress report and draft terms of reference to the Forum. The presentation identified the challenges and opportunities that are shared by the boards in addressing public education. The Communications Sub-Working Group outlined the approach to drafting a terms of reference, as well as results from an informal survey delivered to NWT Boards as to the possible component of a Forum communication plan. The Communications Sub-working Group requested direction from the Board Forum on communications priorities and the Terms of Reference. (See *Appendix C* for full details of the presentation).

Discussion

The Board Forum agreed that the purpose and direction for both the Communications Sub-working Group and the terms of reference need more development before moving ahead. Concerns were raised regarding the differences among Boards, and lack of communications staff on most boards. The Sub-working Group agreed to conduct further analysis and put together a draft work plan on what a communications strategy would look like for review at the next Board Forum meeting.

Action Items

- The Communications Sub-working Group will develop a work plan to bring back to the Board Forum outlining what a communications program for the Forum might consist of.

5.8 Smart Regulations

Stephen Van Dine from INAC delivered a presentation on Smart regulations. Smart Regulations have been initiated upon direction from the Privy Council Office and the recent Speech from the Throne. While Smart Regulations will primarily address development of new regulations, an approach is being planned to address and enhance existing regulations. The presentation

outlined the process which will be implemented to encourage Smart Regulation development. (See *Appendix C* for full details of the presentation).

Action Items

- The Board was asked to select a northern location to host a consultation session on Smart Regulations, the board forum proposed Yellowknife as the preferred location.
- An update on Smart Regulations was suggested as an agenda item for the next Board Forum meeting.

5.9 Auditor General Report-Action Plan

Stephen Van Dine presented an overview in the April 2005 Auditor General Report. In response to the OAG report and recommendations, INAC has proposed an action plan. The draft action plan was submitted to the Forum members for discussion. The action plan included proposed actions for each of the 10 recommendations stemming from Chapter 6 of the OAG report. Each proposed action included a priority ranking and planned implementation date. The members were assured that the timeline would allow for input from the Boards, before finalizing the action plan. (See *Appendix C* for full details of the presentation).

Discussion

The Boards declined the opportunity to provide input at this meeting, the members indicated that they needed more time to properly consider the plan and provide feedback on the materials provided. It was decided that a workout session on the action plan would be held in order to further develop an appropriate timeline. The Boards also committed to providing Stephen with further feedback on the action plan via email in the coming weeks. The action plan and timeline would thus be updated for the workout session.

In particular, Boards were concerned about the recommendation on clarifying key terms in legislation, some felt that this work had already been done, and did not want to be bound by any new directions without providing input. INAC explained that the key terms would be purely a guidance document, not regulation or legislation.

The MVEIRB was especially concerned that the issuance of any guidelines on these terms was the responsibility of the MVEIRB and not INAC. Furthermore, for INAC to issue guidance on these terms would only create unnecessary confusion to participants in the environmental assessment and preliminary screening process.

Action Items

- Board Forum is to send comments by email on all 10 recommendations by November 24th to Stephen Van Dine.
- INAC will produce a second draft and send it out to the Board Forum, may need to provide an interim response to the OAG.
- The Board Forum will have a discussion on the revised action plan with INAC.

5.10 Strategic Plan and Business Plan Update

The Strategic Plan and Business Plan tutorial was a joint presentation between MVEIRB and Jim Micak from Terriplan Consultants. The presentation gave an overview of the strategic planning process as a support tool for Boards, and an introduction to business plans as a support for the strategic plan. The presentation also discussed performance measurement and reporting as a component of a business plan. (See *Appendix C* for full details of the presentation).

Discussion

The MVEIRB mentioned that it would be useful for all Boards to utilize the same language when developing their own strategic plan in order to facilitate communication between Boards.

6.0 Priority Areas and Action Items

Over the course of the two-day Board Forum, participants raised issues and/or opportunities of common interest. These have been noted in this report in the respective sections under the Discussion heading. The Board Forum identified a number of priority areas for immediate attention by the Working Group made up of the Executive Directors of the MVLWB, MVEIRB, Inuvialuit Joint Secretariat, and representatives from the GNWT and the BRS. In addition, there were some action items identified for INAC. These priority action items are shown on the following table.

Table 2: Action Items

Agenda Item	Action Item
<i>Member Updates</i>	Board members will keep INAC informed of any duplication arising between YESAB and the NWT Boards.
	The MVEIRB is developing a Board Member Orientation Program, which could be the subject of a presentation at the next Board Forum.
<i>Action Report on the Board Forum Work Plan # 5 - Ensuring consistency in technical information</i>	INAC representatives to follow up on Official Languages Act requirements for the NWT Boards with the officials at the commissioners office and will distribute its determination back to the group before the next Board Forum. Subject to Board Forum member confirmation of their legal obligations, a review of changes required (if any) to advertising standards will be undertaken. Follow up assigned to the Working Group.
<i>Action Report on the Board Forum Work Plan # 6 – Addressing Industry Issues</i>	Bob Wooley, Malcolm Robb and others to continue the dialogue with Minerals Industry on issues that have already been identified.
	Malcolm Robb to contact Ian Scott to see how CAPP feels about follow up discussions as per letter sent after the last Board Forum meeting
	The Working Group to put out a “communication” to industry (and others) on the initiatives that have been developed to strengthen the regulatory process and addressing some of industry’s concerns (e.g. TK guidelines, integration, etc.), use the Board Forum Meeting Report as a start, ensuring that the material is suitable for distribution.
<i>Inspection and Enforcement</i>	Bob Wooley’s document outlines a reasonable way forward, he will report on the progress at the next meeting.
	INAC to bring their inspectors together with representatives of

Agenda Item	Action Item
	the forum to learn and discuss issues related to enforcement, monitoring, and follow up. This meeting is to develop an approach to inspection that address a wide range of issues including respect for Boards terms and conditions and transparency related to inspection and enforcement. This workshop will occur before the end of the year with a report back to the forum.
<i>Appointments Process</i>	Several members expressed frustration with the appointments process and strongly requested that the process be improved to ensure timely appointments thus ensuring effective board performance. It was understood that INAC is reviewing the process and the department indicated that any board or the forum itself may wish to express concern to the department to give this a higher priority.
<i>Board Forum Terms of Reference</i>	Do not expand membership to the Porcupine Caribou Management Board, as they can address issues through their membership on the Inuvialuit Game Council.
	The Board will invite the NEB to become a member of the Board Forum, follow up assigned to the working group.
	The GWNT will be formally added as a member of the Board Forum and the Secretariat Working Group. This will be reflected in the Board Forum Terms of Reference.
<i>Consultation and Engagement</i>	There is ongoing work regarding the federal government's s. 35 fiduciary responsibility to consult aboriginal people. It is being conducted on a national scale and the boards will be kept informed. The national process could be raised as an agenda item for the next board meeting.
	INAC will strive to have a position document on consultation for the Board Forum by March 31st, 2006, INAC will respond to an outstanding letter from the MVLWB regarding consultation.
	A summary report on what INAC has heard from stakeholders regarding its "Engagement Policy Discussion Paper" will be distributed soon.
<i>Communications</i>	The Communications Sub-working Group will develop a work plan to bring back to the Board Forum outlining what a communications program for the Forum might consist of.
<i>Smart Regulations</i>	Board Forum was asked to provide advice regarding a Northern location for a Smart Regulation consultation. The Forum

Agenda Item	Action Item
	proposed Yellowknife.
<i>SEIA Guidelines</i>	MVEIRB will circulate draft guidelines to members of the Board Forum and will seek input from Forum members before releasing them for public comment.
<i>OAG – Action Plan</i>	Board Forum is to send comments by email on all 10 recommendations by November 24th to Stephen Van Dine. INAC will produce a second draft and send it out to the Board Forum, may need to provide an interim response to the OAG. As a final step the Board Forum will have a discussion on the revised action plan with INAC.
<i>Other Issue</i>	Several members expressed concern over inadequate funding to maintain board operations. Request opportunity to discuss this further with INAC.
<i>Next Meeting</i>	To be hosted by the Wekeezhi Land and Water Board in February-March 2005.

7.0 Next Board Forum Meeting

The Wekeezhi Land and Water Board has offered to host the next NWT Board Forum Meeting in their traditional territory. The meeting is tentatively scheduled for February or March of 2006. The Working Group will assist the WLWB in coordinating the meeting date and location.



Appendix A
NWT Board Forum Agenda

NWT Board Forum – 3rd Meeting

October 12 – 13th, 2005

Inuvik NT – Finto Lodge

Working Agenda

The Board Forum	<p>The NWT Board Forum is a gathering of NWT resource management boards established to facilitate discussion on matters of common interest. The aim of the NWT Board Forum is to support an integrated and effective NWT environmental impact assessment and regulatory regime.</p>
Purpose of Meeting	<p>The purpose of the NWT Board Forum's 3rd meeting is to report on and discuss the results of Working Group activities to date and the emerging priorities, challenges, and new initiatives of member boards.</p> <p>Review progress on the current NWT Board Forum work plan, recommended actions to implement and priorities / results for the next Forum meeting.</p> <p>This meeting will also include technical briefings on issue(s) identified as of interest to the members.</p>

Day 1: October 12th, 2005

9:00-9:10	<p>Introduction to the 3rd Meeting of the NWT Board Forum</p> <ul style="list-style-type: none">• Introduction of participants and facilitators• Review of the agenda• Housekeeping matters	<p>Jim Micak, Facilitator</p>
9:10 – 9:20	<p>Welcome / Opening Remarks</p>	<p>Host – Willard Hagen</p>
9:20 – 9:30	<p>Opening Remarks</p>	<p>Chairs – MVEIRB, MVLWB, IGC and ARDG</p>

9:30 – 10:45 (includes coffee break)	Five-Minute Member Updates Each member will brief the Forum on emerging priorities, challenges, and new initiatives since the last Board Forum meeting.	All Members
10:45 – 12:00	Progress Report on NWT Board Forum Work Plan <ul style="list-style-type: none"> • Industry Issues • Inspections and Enforcement • Appointments Process 	Working Group, All Members Malcolm Robb, INAC Bob Wooley James Lawrance, BRS
12:00 – 1:15	Lunch (not provided)	
1:15 – 1:30	Review Board Forum Terms of Reference	Working Group, All Members
1:30 – 2:00	Consultation and Engagement Updates	James Lawrance, INAC
2:00 – 4:30 (includes coffee break)	Presentations <ul style="list-style-type: none"> • MVEIRB Socio-economic Guidelines • Update on resource development in NWT on oil & gas and minerals • Communications • SMART Regulations 	Vern Christensen Malcolm Robb Cmns sub-working group Stephen Van Dine, INAC

Evening reception (details to be provided at the Forum)

Day 2: October 13th, 2005

9:00 – 10:30 (includes coffee break)	OAG Report Action Plan	INAC, Working Group, All Members
10:30 – 11:45	Strategic Plan and Business Plan development	Jim Micak, Terriplan Consultants
11:45 – 12:00	Forum Wrap-up <ul style="list-style-type: none"> • Next meeting date and location 	Host – Willard Hagen



Appendix B

Participants List

NWT Board Forum – 3rd Meeting

October 12 – 13th, 2005

Inuvik NT – Finto Lodge

Participant List

Name	Affiliation
Bill Klassen	Chair, EISC
Bob Bailey	DM of Environment and Natural Resources, GNWT
Bob Simpson	Chair, GLUPB
Bob Wooley	Exec. Director, MVLWB
Charlie Snowshoe	Member, GLUPB
Eddie Dillon	NWTWB
Elizabeth Snider	Chair, EIRB
Frank Pokiak	Chair, IGC
Gabrielle Mackenzie-Scott	Chair, MVEIRB
George Govier	Exec. Director, SLWB
James Lawrance	Director, ATR
John T'Seleie	Exec. Director, SLUPB
Larry Wallace	Chair, SLWB
Lorne Tricoteux	ARDG, INAC
Malcolm Robb	Minerals, INAC
Norm Snow	Exec. Director, IJS
Sandra Burns	NWT WB
Sherri Young	A/Manager, BRS
Stephen Van Dine	INAC
Steve Joudry	INAC
Sue Mackenzie	Planner, GLUPB
Todd Burlingame	Chair, MVLWB
Vern Christensen	Exec. Director, MVEIRB
Vicki Losier	Finance Officer, NWT Water Board
Violet Camsell-Blondin	Interim Chair, WLWB

Name	Affiliation
Willard Hagen	Chair, GLWB – Host
Zabey Nevitt	WLWB



Appendix C

Presentations by Speakers



Appendix D
Revised Board Forum
Terms of Reference

Terms of Reference

NWT Board Forum

As

Revised October 31, 2005

1) Purpose

To establish a forum of NWT resource co-management/public boards to facilitate discussion on matters of common interest.

2) Objectives

- To increase mutual awareness by NWT resource co-management/public boards regarding their respective activities;
- To identify and develop collaborative approaches to resolve issues of common concern;
- To collaborate on strategic and operational planning initiatives where beneficial;
- To identify opportunities to share resources and expertise (e.g., cost sharing certain initiatives, sharing human resources and/or information technology, sharing “lessons learned” and “best practices”);
- 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; and
- To pursue collaborative training and development initiatives where beneficial.

3) Membership

Membership of the Board Forum comprises the Chairs, or designated alternates, of all resource co-management/public boards created under the Mackenzie Valley Resource Management Act (MVRMA), the Inuvialuit Final Agreement (IFA), and the NWT Waters Act (NWTWA) and the Associate Regional Director General of INACS' NT Region or designated alternate and a designate of the Government of the Northwest Territories.

As land claims are settled, new co-management boards/institutions of public government are deemed to be added.

4) Organizational Responsibilities

Business Planning Agenda

The business agenda for the annual meeting of the Board Forum will be approved by the co-management/public board Chairs.

Meeting Host

The opportunity to host the annual meeting of the Board Forum will rotate from Board to Board.

Administration and Co-ordination Support

The Board Relations Secretariat of the NWT Regional Office, Department of Indian Affairs and Northern Development provides administrative and co-ordination support for the operations of the Board Forum.

Funding

Travel expenditures would be covered by board participants. The Board Relations Secretariat would support a share of common logistical costs.

5) Conduct Meetings

The Chair, or designated alternate, of the host Board shall Chair the annual meeting of the Board Forum.

The Executive Director of the Board hosting the next annual meeting of the Board Forum shall Chair the annual Executive Director's meeting.

If necessary, Robert's Rules of Order shall apply to the conduct of Executive Directors' and Board Forum meetings.

6) Meeting Schedules and Locations

A minimum of two meetings will be held each year, as follows:

1. **Executive Directors' Meeting:** To be held in April/May of each year. The purpose of this meeting is to take stock of progress that has been made on direction of Board Chairs since the previous meeting of the Board Forum; to recommend to the Chair of the Host Board a business agenda for the next annual meeting of the Board Forum; and, to recommend a host Board for the subsequent annual meeting of the Board Forum.

The Executive Director's meeting is to be held in the community selected by the host Board to be the location of the next annual meeting of the Board Forum.

2. **Annual Meeting of the Board Forum:** To be held in September/October of each year. The purpose of this meeting is for the NWT co-management/public board Chairs to pursue the objectives set out for the Board Forum with the support of the co-management/public board Executive Directors.

At each annual meeting of the Board Forum, the host Board will be selected for the next annual meeting of the Board Forum. The host Board will select the community in which the next annual meeting of the Board Forum will be located.

7) Forum Secretariat – Working Group

Operational support for the NWT Board Forum will be provided by a Secretariat comprised of the following individuals:

1. Executive Director, Mackenzie Valley Environmental Impact Review Board
2. Executive Director, Mackenzie Valley Land and Water Board
3. Executive Director, Inuvialuit Joint Secretariat
4. Manager, Board Relations Secretariat – NWT Regional Office, Department of Indian Affairs and Northern Development
5. Senior Advisor, Department of Environment and Natural Resources, Government of Northwest Territories

The Forum Secretariat is responsible to:

- Plan and organize the business agenda for the annual meetings of NWT co-management/public board Executive Directors, in consultation with (to the extent possible) NWT Board Forum members;
- Transmit the draft business agenda recommended by the board Executive Directors for review and approval of the host Chair of the annual meeting of the Board Forum;
- Maintain the records of the Board Forum;
- Facilitate day-to-day communication within the Board Forum; and
- Facilitate communication between the Board Forum and other interested individuals and organizations.

8) Review of Terms of Reference

The Board Forum will review its Terms of Reference as a standard agenda item at its annual meeting and make modifications as deemed necessary by the member co-management/public boards.