



# NWT Board Forum

## Summary Report

Special Meeting  
April 19-20 2006  
Yellowknife, NT

T e r r i p l a n  
CONSULTANTS

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## **1.0 Introduction**

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The fourth meeting of the NWT Board Forum, a special meeting, was held in Yellowknife on April 19<sup>th</sup> and 20<sup>th</sup>, 2006. 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), the Executive Assistant to the Deputy Minister of Environment and Natural Resources GNWT, and the Board Relations Secretariat (BRS). The host of the Board Forum was Mr. Willard Hagen, Acting Chair, Mackenzie Valley Land and Water Board (MVLWB). 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 Special NWT Board Forum Meeting was to discuss key topics of interest identified at the October 2005 Board Forum Meeting in more depth. As well, to review progress on the current NWT Board Forum work plan, and recommended actions to implement and priorities for the next Forum Meeting.

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                                   |
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## **2.0 Member Updates**

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

### **2.1 Mackenzie Valley Land and Water Board – Willard Hagen**

The Mackenzie Valley Land and Water Board (MVLWB) has been assisting the Wek'èezhìi Land and Water Board (WLWB) in establishing their offices in order to ensure a smooth establishment of the new board. The WLWB offices will eventually be located in Wekweeti.

It was determined that the MGP applications would fall under s.103 of the MVRMA, thus the application will be considered transboundary. The MVLWB will be the coordinating agency; however licences will be issued by the applicable regional agency. The members of the board will be in consultation with the Dehcho leadership, and the Dehcho representation will be supplemented by members from other aboriginal groups.

Much of the Boards time in recent months has been put towards the extension of Diavik's Water Licence. Contentious issues were identified however the Board feels that satisfactory resolution has been achieved for all parties and the process is near completion. The Diavik file will now fall under the jurisdiction of the WLWB.

The MVLWB also wanted to make note of the critical impact that the recent Supreme Court decisions of Haida and Taku have had on the operations of the Board. All applications from the Dehcho and Akaitcho regions are being returned to the Board citing these decisions and stating that there has been a lack of consultation done by the federal government. The MVLWB has been referring those letters to the federal government; however this is delaying issuance of permits. This issue was addressed in a later agenda item.

### **2.2 Northwest Territories Water Board – Gord Wray**

The NWTWB has been experiencing some difficulties around funding. They are unable to directly hire staff due to an outstanding legal issue related to the NWT Waters Act. While previous expert advice for permits was obtained by DIAND Waters staff, that has now been ruled as a conflict of interest. As such, many permits, including those pertaining to the MGP, have not been reviewed and are behind in processing.

### **2.3 National Energy Board – Ken Vollman**

This is the NEB's first meeting as a member of the NWT Board Forum. While they are not part of the co-management regime of the Northwest Territories there are some direct linkages to Northern Boards. The NEB feels this is an excellent opportunity to further build relationships and share information; they thank the NWT Board Forum for the invitation. The NEB is currently working on two main activities in the North; the Mackenzie Gas Project (MGP); and exploratory drilling across the territory.

## **2.4 Mackenzie Valley Environmental Impact Review Board – Gabrielle Mackenzie-Scott**

The MVEIRB received eight Environmental Assessment (EA) referrals in 2005/06; three of which were withdrawn by the developer. The first referral for 2006/07 has been received. At present there are six active EAs underway. The Board reviewed 79 preliminary screening reports during the 2005/06 fiscal year; 39 of which related to mining applications; 12 to oil and gas; and 11 to transportation. Earlier in the 2005/06 fiscal year the MVEIRB updated and revised the Rules of Procedures for Board proceedings and published guidelines on “How Traditional Knowledge can be incorporated in the EIA process”. The MVEIRB is also developing guidelines for practitioners and developers on the incorporation of socio-economic impact assessment into the EIA process. Comments have been received from NWT Board Forum members and are being addressed in a revised draft. The Board will be proceeding with a broader public review during May and June.

The MVEIRB has completed a comprehensive orientation program for its members.

The MVEIRB renewed their cooperation MOU with the NEB this year and recently entered into a similar agreement with EISC and EIRB in the Inuvialuit Settlement Region. An agreement with the new Yukon Environmental and Socio-Economic Assessment Board is scheduled for signing in June. These agreements focus on establishing a cooperative working relationship, especially in the event of a transboundary project that may require assessment.

The EA Practitioners Workshop continues to be a highlight each year and attracts a lot of interest from industry, communities and government. “Socio-Economic Impact Assessment” was the theme of the workshop this year and was held March 14-15, 2006 and attracted over 120 participants.

The Board is nearing finalization of a Reference Bulletin to explain the Board’s interpretation and approach when applying terms such as “adverse, significance, public concern, might, and likely”, with assistance from the NWT Board Forum members.

The Translators/Interpreters annual workshop was held in February and coincided with the release of a Translator/Interpreter Manual.

The MVEIRB has revitalized their “Valley Talk” Newsletter and now issues it monthly.

Internally, the Board has completed a comprehensive review and update of all Board policies that govern operations. Copies of these documents are available to Board Forum members.

The Board has also implemented a new records management system which supports both electronic and paper records. In time, the Board will move to a substantially electronic filing system for all of its operations.

The MVEIRB website has been upgraded to improve the look and feel of the site, its content and user friendliness, as well as the ease for staff to keep it up to date. Soon the entire public registry for all EAs undertaken by the Board will be digitized and available on line.

### **MVEIRB Key Challenges:**

- ***Getting the Results of Board Measures*** - The Board is unable to determine whether or not its measures are being implemented once accepted by the federal Minister, what the results of those measures are; or how such measures may be improved, if required, by future environmental assessments or impact reviews.
- ***Funding and Mandate*** - The Board continues to require more stable funding from one fiscal year to the next. The current funding provided by the Gwich'in Implementation Plan is fixed for a ten year period and is insufficient to meet the Board's base requirements and is not responsive to the variable nature of the Board's workload. Concerns by DIAND regarding the Board's interpretation of its mandate also continue to persist. These two inter-related issues must be resolved if the Board is to meet its goals.
- ***The Capacity of the Review Board and Stakeholders to Address Socio-Economic and Cultural Impacts*** - The Board's ability to assess impacts is hindered by the limited amount of baseline information available for the Board to consider. Furthermore, there are no common methods for collecting and maintaining socio-economic data and information in accessible locations for parties of an EA. Socio-Economic Impact Assessment (SEIA) Guidelines are being developed by the Board. The Board also plans to develop cultural impact assessment guidelines over the next two years.
- ***The Capacity of Stakeholders to Participate in the EIA Process*** – Some stakeholders lack the human and financial (in the form of intervener funding) resources to participate appropriately in the EIA process; especially communities and non-government organizations.
- ***Lack of Land Use Plans*** - Land use plans are essential for an integrated land and water resource management regime in the Mackenzie Valley. Without a land use plan for each region of the Mackenzie Valley, unintended conflicts between developers and other land users will continue. This may result in the referral of proposed developments to an EA, which may otherwise have been avoided.
- ***Lack of Relevant and Available Cumulative Effects Information*** – There continues to be a lack of relevant and available cumulative effects information to inform the Board's EIA process. This is critical information that can help to mitigate mitigation issues of public concern, as well as to assist the Board in the development of appropriate measures to mitigate impacts of proposed development.
- ***Need to Improve Administrative (procedural) Provisions of the MVRMA*** – the Board has identified a number of areas in the Mackenzie Valley Resource Management Act that require clarification and greater procedural certainty. The Board identified a number of suggested improvements in its submission to the Part 6 Auditor, which would help address these concerns without affecting the spirit and intent of the legislation itself.

## **2.5 Sahtu Land Use Planning Board – John T'Seleie**

Since the last Board Forum the SLUPB has developed a schedule for development of the Sahtu Land Use Plan (SLUP). The first draft of SLUP will be ready by Nov 2006, the second draft in spring 2007 and the final draft by December 2007. For several years there has been a delay in development of the plan due to problems with governance; board appointments were not made in a timely manner. Progress on this issue has been made as for the last year there has been four members on the board, with one vacancy, which achieves quorum. Further work on the preliminary draft of the SLUP was worked on during the winter and it will be placed on the website to allow the public to review and provide feedback. Between April and November the board will continue to develop the plan with the community, and conduct consultation with various organizations in order for them to have an opportunity to comment on the plan. The general budget and workplan for the 06/07 year was submitted to the implementation committee recently, requesting increased funds to complete the SLUP.

Members of the Board Forum wanted to know if it was acceptable for developers to cite the draft land use plan in applications. Legally the developers are not required to follow the draft land use plan.

## **2.6 Sahtu Land and Water Board – Larry Wallace**

Priorities for the SLWB this year are to address one long outstanding board appointment, by the territorial government. The region has had some unforeseen increased oil and gas development, which takes a toll on the finances of a small board. All activity such as training programs and staff development has been discontinued due to budgetary issues. Since September the SLWB has had 18 new land use applications, water licences, or permits being issued. Additionally, they have worked on multiple transboundary applications this year.

## **2.7 Gwich'in Land and Water Board – Willard Hagen**

A lot of activity has taken place in the in the Gwitch'in region. Renewal of class A Water Licence for Inuvik had the potential to be contentious. A number of public information sessions were held, which went smoothly, and there were no interveners. A lot of work has been carried out on the Board Training Program. A multi-year budget has been submitted to DIAND.

## **2.8 Wekèezhìi Land and Water Board – Violet Camsel-Blondin**

WLWB has started processing and administering approvals since February 4 2006. At that time, two members became members of MVLWB. It was determined that files pertaining to BHP and Diavik are under the jurisdiction of WLWB. Currently offices and employees are being shared due to the large size of these files. The Board began hiring staff in early March, and Zabey Nevitt is the new Executive Director. Activities that the WLWB have accomplished to date are visits to mines in their area, staff and members have taken courses on administrative justice and presentations on

mandate have been received at Board meetings. At the moment the Board is not able to host the Board Forum, however it is keen to host the forum in the fall.

## **2.9 Environmental Impact Review Board – Elizabeth Snider**

In the last year, EIRB has worked on getting quorum for board meetings. The Board is in the process of establishing Environmental Standards and has a draft proposal developed and plans to have a final draft after consultation, which is being coordinated with the IJC. The Board is looking at areas of concern to the Inuvialuit (e.g., issue of sumps). The Board is interested in the work that other boards have been conducting on socio-economic guidelines, terms and conditions, and cumulative effects thresholds. The Board is looking at this as a joint project to follow up with the EISC and is interested in terminology development. The Board, which started as a part time organization, is now almost full-time and is facing workload issues. There has been discussion with other members on issues related to board training, strategic planning, and orientation.

## **2.10 Inuvialuit Game Council – Frank Pokiak**

Over the previous year, the IGC has been dealing with an area of significant concern, caribou. The IGC has been told that caribou herds have declined significantly. The IGC has looked into the status of caribou by conducting aerial surveillance which has shown a reduced number of caribou in the area. Recommendations will be sent to the Minister regarding caribou (e.g., for commercial tags etc). Some collaring was carried out, but it was felt that this may not help the situation. As well, in the past year a seismic project was carried out in the IGC area.

## **2.11 Inuvialuit Joint Secretariat – Norm Snow**

The Strategic Regional Plan of Action is in its second year. During the first year, two workshops were held; the goal for this year is to develop a plan for all stakeholders. The IJS is facing workload issues and challenges (e.g., licence issues, ARI). It is felt also that there is a need to look into the whole offshore regime in the Beaufort Sea, as the situation has changed dramatically in last ten years.

## **2.12 Government of the Northwest Territories – Tom Beaulieu**

Recent initiatives of the GNWT include the creation of Aboriginal Relations division, which serves as an intergovernmental relations committee headed by the DM. In regard to the JRP for the MGP, the GNWT is continuing to work with consultants and all departments on this issue. Key items for the GNWT related to the MGP are: cumulative effects, socio-economic impacts on infrastructure and social services. Related to follow up and monitoring during construction, specific departmental initiatives have been carried out (e.g., creation of the framework for action). The Department of Environment and Natural Resources introduced a new caribou management strategy in December of 2005. The GNWT continues to work with co-management boards and renewable resource boards related to caribou issues. The GNWT continues to intervene in various EA's and has plans



to increase staffing levels in that department. This year the NWT will be hosting two CCRM meetings of DM's in Inuvik on June 6-8 and also in Yellowknife Sept 5-9.

There was concern raised regarding authority and jurisdiction in Block Land Transfer (BLT) areas around municipalities. In the MVRMA s.4 refers to the ability of the federal minister to delegate authority to the territorial minister any of the federal ministers' functions under this act. Members of the Board Forum wanted to know, if this were to occur, which territorial minister would receive such authority? T. Beaulieu responded that this issue is still under consideration by the government and they do not yet have a response ready. The statement at a meeting on July 26 by senior MACA officials was that they will not be doing preliminary screenings within the BLT. T. Beaulieu was not able to confirm what the process will be within BLT areas, but will confirm with MACA and report back to the Board Forum.

**Action:** T. Beaulieu to confirm what the process will be within BLT areas, and report back to the Board Forum.

## **2.13 Gwich'in Land Use Planning Board – Charlie Snowshoe**

The GLUPB has had a very busy year, as this year is their five year review. Data collection in the region continues for the Land Use Plan (LUP), significant interest has been expressed in its current state of review. The GLUPB has also upgraded their website with the most detailed map of the LUP. The Board is evaluating the Renewable Resources report and the second draft of the Canadian Mining Regulations. In addition, the Board continues to review the special management zone policy. Board members are attending MGP hearings and community meetings.

## **2.14 Indian and Northern Affairs Canada – Lorne Tricoteux**

In terms of priorities, there are two main issues:

1. **Pipeline readiness** – The focus at the moment is to spend time and energy on the regulatory side of the proposed review of the pipeline application. It was stated that there is a high level of anxiety with industry and within government, and even within some of the regulatory institutions, as it is unclear whether DIAND has a plan for the regulatory review of the proposed pipeline that would generate confidence by all stakeholders that the review will be efficient. There has been on-going work on this issue, but it has not gone far enough or fast enough. Therefore, the near term plan is to put further capacity and energy into a process or processes that will generate a plan or series of plans that would make it clear as to how the regulatory review would be undertaken, and how the various parties in the review would cooperate to ensure that it is done timely and effectively. There is an initial idea to launch this process with a workshop where all the people representing all regulatory bodies involved would be brought in. This proposed workshop will address some of the work currently underway, such as process mapping. Some groups have already started working on those issues; however, it was felt that not all issues that need to be raised have been captured. These issues may not necessarily be

regulatory, but they need to be addressed. There is also the need to address the Commissioner's Land issues (e.g., how do land use plans fit in?). In general, the workshop is seen as completing the process mapping and identifying as many issues as possible that need to be resolved.

2. **Regulatory Improvement Plan:** This plan was developed by the Department as a result of the OAG report. This will be addressed later, as it is a part of workshop agenda. Once issues are identified, responsible parties for addressing these issues need to be clearly identified and a commitment from board chairs to follow through on the actions identified is required.

## 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**

NWT Board Forum Work Plan Task Tracking Report				
As updated at the April 2006 Board Forum Meeting				
No.	Issue	Task Description	Lead	Status
1	<b>Cumulative environmental effects</b>	1.1 DIAND to provide updates at future meetings on CIMP, CEAM (June 2006 Workshop) and NWT Environmental Audit (Reference: April 2004, January & October 2005 Forums).	DIAND	<b>Ongoing:</b> <ul style="list-style-type: none"> <li>Part VI environmental audit to be released in winter 2006</li> <li>DIAND made a presentation at the April 2006 Board Forum</li> </ul>
		1.2 Discuss and identify the responsibility for addressing cumulative effects (Reference: April 2004 & January 2005 Forums)	DIAND W/G	<b>Ongoing:</b> <ul style="list-style-type: none"> <li>Annual workshop to be held in spring 2006 to discuss Blueprint implementation.</li> <li>Strategic Regional Plan of Action being developed for ISR which may be included under CIMP; steering committee established and expanding. A coordinator has been hired for the steering committee.</li> </ul>
2	<b>Federal Consultation</b>	2.1 DIAND will strive to have a position document for the Board Forum by March 31, 2006 (Reference: October 2005 Forum).	DIAND	<ul style="list-style-type: none"> <li>DIAND presented on Consultation at the April 2006 Board Forum</li> </ul>
		2.2 Consideration should be given to discussing the	W/G	<ul style="list-style-type: none"> <li>DIAND made a presentation on the Regional Engagement Initiative at the</li> </ul>

NWT Board Forum Work Plan Task Tracking Report				
As updated at the April 2006 Board Forum Meeting				
No.	Issue	Task Description	Lead	Status
		<p>National process on consultation at the next Board Forum</p> <p>2.3 Summary report on what DIAND has heard from stakeholders regarding its Regional Engagement Initiative to be distributed to Forum membership (October 2005 Forum).</p>	DIAND	<p>April 2006 Board Forum</p> <ul style="list-style-type: none"> <li>NT Region has been doing work on engagement and consultation through the Regional Engagement Initiative; a paper on these consultations is being developed.</li> </ul>
3	Inspection and Enforcement	<p>3.1 MVLWB to report on its work to date with respect to inspection and enforcement issues. (Reference: April 2004, January &amp; October 2005 Forums).</p> <p>3.2 DIAND to bring inspectors together with Forum representatives to learn and discuss issues related to enforcement, monitoring and follow up (Reference: October 2005 Board Forum).</p>	<p>MVLWB</p> <p>DIAND</p>	<ul style="list-style-type: none"> <li>DIAND provided a progress update at April 2006 Board Forum</li> <li>Since the beginning of this task IFA amendments have come into effect. This issue has been addressed in the ISR which has created options for the EISC and regulators to ensure EIRB and EISC measures and conditions are met. As a result, this specific issue is considered complete with respect to the ISR.</li> <li>Working Group to be established; progress on terms and conditions to be reported on at Fall 2006 Board Forum (date tbd)</li> </ul>
4	Ensuring Consistency in Technical Information Received	<p>4.1 General update whereby each Board shares the information it is receiving with other Boards (Reference: April 2004, January &amp; October 2005 Forums).</p>	All Boards W/G	<ul style="list-style-type: none"> <li>ISR – Research Symposium planned for fall 2006 in partnership with Aurora Research Institute.</li> <li>Socio-cultural economic workshop – draft report will be coming</li> <li>Reports from the NRCan workshop are out.</li> </ul>

NWT Board Forum Work Plan Task Tracking Report				
As updated at the April 2006 Board Forum Meeting				
No.	Issue	Task Description	Lead	Status
		<p>4.2 DIAND following up on implications of the Official Languages Act and distribute determination to Forum membership (Reference: January &amp; October 2005 Forums).</p> <p>4.3 MVEIRB to circulate draft SEIA Guidelines to Board Forum members and will seek input from Forum members before releasing them for public comment (Reference: October 2005 Forum)</p> <p>4.4 Forum membership to send comments to DIAND on OAG Action Plan; DIAND to distribute second draft of Action Plan to Forum membership for future discussion (Reference: October 2005 Forum).</p> <p>4.5 Consideration be given to a presentation from MVEIRB on its Board Member Orientation Program currently under development (Reference: October 2005</p>	<p><b>DIAND / MVLWB / W/G</b></p> <p><b>MVEIRB</b></p> <p><b>All members / DIAND</b></p> <p><b>W/G / MVEIRB</b></p>	<ul style="list-style-type: none"> <li>MVEIRB - EIA Practitioners Workshop took place March 14 - 15, 2006. The workshop was well attended. The focus was on SEIA.</li> <li>MVLWB adopted a new policy on public notices and public hearing announcements</li> <li>Update provided at special spring Board Forum in April 2006</li> <li>Working Group to review changes to advertising standards if required pending outcome of DIAND's investigation</li> <li>Draft Guidelines were circulated in January 2006 for comment.</li> <li>MVEIRB provided update at the April 2006 Board Forum.</li> <li>Still under review. Revised version will be circulated.</li> <li>Some comments received</li> <li>OAG Action Plan and progress to date presentation made at the February 2nd workshop with Board Chairs and ED's</li> <li>DIAND made a presentation at the April 2006 Board Forum</li> <li>Presentation made at April 2006 Board Forum</li> </ul>

NWT Board Forum Work Plan Task Tracking Report				
As updated at the April 2006 Board Forum Meeting				
No.	Issue	Task Description	Lead	Status
		Forum).		
5	Addressing Industry Issues	<p>5.1 MVLWB, DIAND and others to continue the dialogue with Minerals industry and others on issues that have been identified (Reference: April 2004, January &amp; October 2005 Forums).</p> <p>5.2 DIAND to contact IAN Scott to see how CAPP feels about follow up discussions as per letter sent after January 2005 Board Forum (Reference: October 2005 Forum).</p>	<p><b>WG</b></p> <p><b>DIAND</b></p>	<ul style="list-style-type: none"> <li>DIAND updated the Board Forum at the April 2006 meeting</li> <li>Focus is on the following areas: <ul style="list-style-type: none"> <li>Educating public and communities on E3 and TSM initiatives</li> <li>Promote cumulative effects as important</li> <li>Need for good land use planning</li> <li>Working Group will be meeting to discuss further</li> </ul> </li> <li>DIAND updated the Board Forum at the April 2006 meeting</li> <li>Alternate at CAPP to be contacted in January 2006</li> </ul>
6	Forecasting Workload	<p>6.1 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 &amp; January 2005 Forums)</p> <p>6.2 DIAND 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><b>DIAND</b></p> <p><b>DIAND W/G</b></p>	<ul style="list-style-type: none"> <li>Regular updates to be provided at annual Board Forum meetings</li> <li>Annual Environmental Scan template should be developed to assist common understanding.</li> <li>Work in this area to be coordinated with the OAG Report Action Plan</li> <li>Follow up meeting to take place with the MVEIRB in January 2006 building on previous discussions held in September 2005.</li> </ul>
7	Community Capacity	7.1 General update at the next Board Forum (Reference: January 2005 Forum).	<b>DIAND &amp; W/G</b>	<ul style="list-style-type: none"> <li>Update provided at April 2006 Board Forum</li> <li>Research other funding</li> </ul>

NWT Board Forum Work Plan Task Tracking Report				
As updated at the April 2006 Board Forum Meeting				
No.	Issue	Task Description	Lead	Status
		7.2 Provide an opportunity for Boards to hear from local resource management organizations about capacity constraints and needs (Reference: April 2004 Forum).	W/G	<p>opportunities for communities to participate in Environmental Assessments</p> <ul style="list-style-type: none"> <li>HQ is developing intervenor funding approach.</li> <li>Linked to the work being undertaken as a result of the OAG recommendations</li> <li>Update provided at the April 2006 Board Forum</li> <li>Request for orientation training</li> </ul>
8	Public Education	8.1 Communications sub-committee to conduct further analysis and develop a work plan outlining what a communications program might consist of (Reference: October 2005 Forum).	W/G Cmns Sub- cmtee	<ul style="list-style-type: none"> <li>Workplan to be presented at fall 2006 Board Forum (date tbd)</li> <li>Work in progress – nothing has been done, as working group members have left their positions.</li> </ul>
9	Board Appointments	<p>9.1 DIAND to address current appointment vacancies; including work with nominating organizations (Reference: January 2005 Forum).</p> <p>9.2 DIAND to develop continue to improve the appointment process (Reference: October 2005 Forum).</p>	<p>DIAND</p> <p>DIAND</p>	<ul style="list-style-type: none"> <li>Board member vacancies continue to be filled</li> <li>Include issue of ensuring board members are provided adequate orientation and training</li> <li>DIAND provided an update on the draft orientation binder at April 2006 Board Forum</li> <li>A number of improvement initiatives continue to be considered by the Department</li> <li>Workshop on orientation materials with Boards was held Feb. 1 &amp; 2<sup>nd</sup>, 2006</li> <li>Work in this area to be undertaken in conjunction with the OAG Report Action Plan</li> </ul>

NWT Board Forum Work Plan Task Tracking Report				
As updated at the April 2006 Board Forum Meeting				
No.	Issue	Task Description	Lead	Status
		9.3 DIAND to follow up on the previously required (detailed) security check forms and confirm that they have been properly disposed of (Reference: January and October 2005 Forums).	DIAND	<ul style="list-style-type: none"> <li>Results of Security Check investigation was distributed to Board Forum members for information prior to Board Forum in April 2006.</li> <li>DIAND made a presentation on this issue at the Forum Meeting</li> </ul>
10	Other Issues	<p>10.1 DIAND to provide opportunity for boards to discuss funding levels (Reference: October 2005 Forum).</p> <p>10.2 Board Forum members to keep DIAND informed of any duplication arising between YESAB and the NWT Boards (Reference: October 2005 Forum).</p>	<p>DIAND</p> <p>All members</p>	<ul style="list-style-type: none"> <li>To be coordinated with OAG Action Plan work</li> <li>DIAND made a presentation at the April 2006 Board Forum</li> <li>Ongoing</li> </ul>



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## 4.0 Presentations and Updates

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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 – Malcolm Robb, DIAND
- MVEIRB Orientation/Training Program – Bernadette Stewart, MVEIRB
- Northern Board Training Initiative – Bob Wooley, MVLWB
- New Board Member Draft Orientation Binder – Jim Micak, Terriplan Consultants
- MVEIRB Reference Bulletin on Key Terms – Vern Christensen, MVEIRB
- Northern Regulatory Improvement Initiative – Stephen Van Dine, DIAND
- Regional Engagement Initiative – Bernie Hughes, DIAND
- Consultation – Julie Jackson, DIAND
- Regulatory Process Mapping for the MGP – Brian Chambers, NGPS and Ricki Hurst, DIAND
- NEB Overview – Ken Vollman, NEB
- Strategic Planning – Bill Reid, Elevate Consulting

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

The NWT Board Forum also had the opportunity to meet briefly with the Minister of Indian and Northern Affairs Canada, Jim Prentice, on the second day of the meeting. The minister shared his views on resource development in the North and the Board Forum discussed issues of importance with Minister Prentice.

### 4.1 Industry Update – Malcolm Robb, DIAND

DIAND 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.

According to DIAND, diamond exploration and development activity will remain at high levels for the next two decades, especially in the areas around the existing mines. The increasing amount of base metal/gold and uranium will be sustained, provided that prices do not fall below current levels. Recently, the NWT fared poorly in the Fraser Institute Survey, except in the area of mineral potential, which still rates very high. This perceptual survey is strongly influenced by recent events and this year's rating likely reflects issues in the unsettled claim areas from the previous two years.

There is no significant increase in activity anticipated until uncertainty around the MGP is resolved. Once construction is underway, there will likely be applications to develop several fields in the

Central Mackenzie area. Increased activity in the South Mackenzie is dependant on a new rights issuance and resolution of land access issues.

The current combination of sustained high commodity prices and the prospective geology of the NWT provide a significant opportunity for the short and long term. The resurgence of interest in base metals will result in greater interest in infrastructure projects. Ongoing work to enhance and clarify aspects of the regulatory regime for investors will increase the ability of northerners and Canadians to take advantage of opportunities in the NWT mining and oil/gas sectors. Importantly, industry is committed to working cooperatively towards this goal (see *Appendix C* for full details of the presentation).

***Discussion:***

M. Robb was asked if the statistics presented reflected potential changes that may come as a result of global warming. M. Robb responded that the impacts on industry from global warming will vary depending on the region of the world that development is occurring in; however, the expectation is that global warming will have a globally neutral effect overall, improving conditions in some areas and increasing challenges in others. In the North, it is anticipated that it may impact development by reducing the water level of the Mackenzie River somewhat, which may result in a shorter barge season. Also, effects have already been felt in winter road construction.

***Action Items***

- The Working Group and M. Robb are to continue the dialogue with the Minerals Industry on issues that have already been identified.

## **4.2 MVEIRB Orientation/Training Program – Bernadette Stewart, MVEIRB**

MVEIRB recently completed a governance and training exercise to strengthen effective leadership in the organization. MVEIRB used the governance model as laid out in Part 5 of the MVRMA, then established a committee structure to complete its work. Three committees were created, each with respective roles and responsibilities: Governance; Finance; and Human Resources. The next stage for completion is the development of a “skills and attributes matrix” for each position within the organization.

Additionally, the Board has established rules and procedures for board meetings, and created a board orientation program for new members. MVEIRB is also creating a component of on-going board development and board assessment (see *Appendix C* for full details of the presentation).

***Discussion***

Board Forum members sought clarification from MVEIRB on how it distinguished the roles and responsibilities of the Chair versus the CEO. Ms. Stewart responded that the legislation (MVRMA) makes it very clear that the Chair and the CEO are to be the same person; however their roles are to remain very separate. For example, the CEO is able to delegate some of his or her functions to staff members; however the Chair has no ability to delegate any of his or her functions to any staff or other board member. The NEB identified that they had completed a similar exercise and had one

additional committee, which was the Regulatory Policy Committee, whose purpose is to ensure that the board was kept aware of any new and relevant issues in the area of policy development. MVEIRB was congratulated for its very impressive work in the area of board governance by other members of the Board Forum.

### **4.3 Northern Board Training Initiative – Bob Wooley, MVLWB**

The Northern Board Training Initiative came out of the OAG report. A steering committee was established that consisted of Bob Wooley, Norm Snow, Frank Pokiak, Elizabeth Snider, Bob Simpson, George Govier, Casey Adlem, Bernadette Stewart, and Gabrielle Mackenzie-Scott. Also, Carey Robinson from Aurora College, and David Scott from BHP expressed an interest in joining the committee. A consulting company was hired to create a training program developed and delivered in the North. The training will have two components; governance (legal and administrative); and industry specific courses (i.e. mining for non-miners, oil and gas). The steering committee felt that something could be created that could be developed into credit courses in board governance or certification in board governance. The consultant was asked to compile two budgets, one for immediate needs and one for on-going training. The steering committee is currently waiting for a response from DIAND regarding this proposal. It is understood that since the cost of developing such a training program is significant, it will likely take some time to procure the funds (see *Appendix C* for full details of the presentation).

### **4.4 General Orientation Binder for New Board Members – Jim Micak, Terriplan Consultants**

The General Orientation Binder for new NWT Board Members was submitted to the BRS March 31<sup>st</sup> and was a result of recommendations made in the OAG. Terriplan Consultants was contracted to develop a general orientation binder, in consultation with the BRS and members of the NWT Board Forum, for new members of NWT non-renewable resource regulatory, advisory and environmental assessment boards. Information provided in the General Orientation Binder is applicable to all boards mandated by the MVRMA, IFA and NWT Waters Act. The structure of the binder and information provided is based on interviews with Chairs and Executive Directors of NWT Boards, the February 1<sup>st</sup> Workshop, the Needs Assessment Report and the Best Practices Report that were developed for the NWT Boards Capacity Building Strategy. The binder provides an introduction and assistance to new Board Members on key aspects of board governance and related matters. Topics addressed in the binder include: Resource Management in the NWT, Board Governance, Legislation/Regulations/Land Claims, Administrative Law, and Training Opportunities. Forum members were asked to provide comments to Casey Adlem by May 19<sup>th</sup> (see *Appendix C* for full details of the presentation).

#### **Action Items**

- Comments to be provided to Casey Adlem by May 19<sup>th</sup>.

## **4.5 MVEIRB Reference Bulletin on Key Terms – Vern Christensen and Alan Erlich, MVEIRB**

MVEIRB has recently completed a Reference Bulletin on Key Terms in part 5 of the MVRMA. The bulletin clarifies how MVEIRB interprets these terms.

MVEIRB began its process by looking at the existing body of EIA knowledge, its own experience, and legal opinion of relevant case law. Once MVEIRB had developed its interpretation of the key terms, it sought opinion from a wide variety of governments, boards and communities. Comments were compiled and incorporated into the final draft document, which was handed out to Board Forum members at the meeting (see *Appendix C* for full details of the presentation).

### ***Discussion***

There was some discussion around why not all boards submitted feedback on the key terms, as it is an important issue that impacts all Boards. Many Boards responded that they simply did not have the resources or time to commit to the project. MVEIRB restated that these bulletins are for information purposes only, and are subject to revisions, particularly as the experience of MVEIRB grows and the terms become clearer. DIAND thanked MVEIRB for their work on this subject, as it was also a deliverable of the OAG report, and they will be able to show the Auditor General that some progress has been made in this area. It was clarified that while this will satisfy the OAG report action on key terms, not all boards are bound to the definitions in this reference bulletin.

DIAND also suggested that the reference bulletin be circulated to industry for comments. The MVEIRB responded that they would be open to any suggestions from industry groups. The issue around translation was brought up, and MVEIRB stated that the terms and new interpretations had already been added to the translator's workshop list of terms.

### ***Action Items***

- MVEIRB will discuss circulating the latest draft to industry groups at the next MVEIRB Board Meeting.

## **4.6 Northern Regulatory Improvement Initiative – Stephen Van Dine, DIAND**

The purpose of the Northern Regulatory Improvement Initiative is to provide a framework for improving the regulatory systems in Canada's North. While the effort is pan-northern, the focus will be on the NWT, and then apply lesson's learned to other territories. The reasons for this stem from the complexity of the regulatory system, recommendations from the OAG report, and other issues. Progress on this initiative has already been made, mainly through the results of the NWT Board Forum. DIAND intends to address regulatory improvement through three aspects of change:

- Administrative reforms, which are system improvements and relationship building
- Internal repositioning

- Legislative and regulatory adjustments, which address policy or legislative gaps or inconsistencies.

DIAND presented a two phased approach to implementing this initiative. The first phase will focus primarily on administrative and internal issues. Phase two will evaluate the impact of Phase one and consider a review of the MVRMA, taking into account the progress of other processes (i.e. land claims and devolution). Phase two is estimated to be complete by March of 2008 (see *Appendix C* for full details of the presentation).

### ***Discussion***

The Boards wanted to note that the MVRMA was designed with the intention of five settled land claims, since not all claims have been settled this impacts its effectiveness. It is important to consider this fact before assuming the legislation is not working and requires changes. DIAND assured the boards that its first priority is to settle land claims in all of the unsettled regions.

The Boards wanted to know what the impact of devolution would have on their relationship with DIAND. The impact on the boards is unknown at this time; with respect to s.4 of the MVRMA (ability to delegate to a responsible minister). It is, however, known that there will be some on-going constitutional responsibilities under the land claims agreements. Additionally, Boards felt that this initiative should be done in concert with the GNWT, considering that devolution will transfer some of the responsibilities of the boards to the GNWT. While DIAND has engaged the GNWT in some pieces of the initiative, they recognize the need to engage them in the larger picture.

### ***Status Report on OAG***

In response to the OAG report recommendations, progress has been achieved as follows:

1. Key Terms – DIAND is pleased with the MVEIRB reference bulletin.
2. Water Standards – Water Standards are being developed by DIAND's regional office, led by Kathy Racher. The group is looking at the standards of all of the boards and will be developing a report. DIAND will forward the report to the Board Forum once it is received.
3. Training/Orientation – Work has been produced by Terriplan, as well a workshop was held in February.
4. Strategic Planning/Results Based Monitoring – The strategic planning initiative presentation will be delivered later in the agenda.
5. Clarifying roles and responsibilities and mandates – DIAND held a meeting in January and much of the development has centered on the work being done by the MVEIRB.

## **4.7 Regional Engagement Initiative – Bernie Hughes, DIAND**

DIAND is conducting a regional engagement initiative to identify how it can better communicate with its client group in the North. A discussion paper was distributed to governments and communities and feedback was solicited. The responses that were received outlined critical areas for

improvement such as relationship building, s.35 consultation, and capacity building. DIAND plans to take the information received and summarize it for discussion. Once they have completed another round of meetings with regional Aboriginal organizations and other participants they will finalize the regional engagement strategy (see *Appendix C* for full details of the presentation).

## **4.8 Consultation and Accommodation – Julie Jackson, DIAND**

In response to the letters that MVLWB has been receiving asserting that s.35 consultation has not been adequately conducted, DIAND has developed a draft interim approach to managing obligations in the NWT. DIAND developed the interim approach pending a full government approach which is going to be drafted. DIAND's legal analysis has determined that Boards are agents of the Crown, and as such, when the Boards are the final decision maker, the duty to consult rests with them. DIAND was seeking the Boards' views on four issues:

1. Can the current public consultation processes be modified to form part of or to include a process step for s.35 consultation purposes?
2. Are existing programs being used to their fullest to support community capacity to participate in decision making and to provide the required information?
3. Can a set of questions tailored to the unique consultation situation be included during a public consultation process to obtain information about any assertions or adverse impacts?
4. Can guidelines and applications require a comprehensive description of community consultation?

In anticipation of implementing this approach, DIAND has suggested a number of tools and methods that could be used to facilitate s.35 consultation. It is also understood that increased resource requirements will be needed for each of the boards. DIAND requested that a Joint Working Group be established by members of the Board Forum, and that they explore further options on both the substantive and procedural aspects of consultation obligations and processes (see *Appendix C* for full details of the presentation).

### ***Discussion***

Boards expressed some concern over the legal premise for the interim approach. It was recommended that each board conduct their own legal assessment of the situation, DIAND would be interested in hearing all legal views. The Boards requested that the legal opinion summary that DIAND has produced be distributed to members of the Board Forum to allow them to consult with their own lawyers on the issue. The Boards are not prepared to enter into a Joint Working Group until they have consulted with their legal counsel on the issue.

### ***Action Items***

- DIAND agreed to distribute the legal opinion summary (not the legal opinion itself) to members of the NWT Board Forum

## **4.9 Regulatory Process Mapping for the MGP – Brian Chambers, NGPS and Ricki Hurst, DIAND**

The regulatory process mapping project was added to the agenda on the second day as a follow up to Lorne Tricoteux's comments made during the members' updates. Brian Chamber and Ricki Hurst discussed the status of the regulatory mapping project and planned next steps for the regulatory agreement.

As the JRP and NEB hearings are now underway, more attention will be directed towards satisfying the agreements for the regulatory plan. A workshop has been tentatively scheduled for May 24<sup>th</sup> and 25<sup>th</sup> in Yellowknife with regulators. The purpose of this workshop is to focus and consolidate the regulatory process, for example, developing generic terms and conditions to project approvals. The mapping is now at a point where there is work required to mesh the regulatory plans, for example, establishing a sub-group on inspection and enforcement.

The outcome of the workshop will be a formal detailed workplan for the next 6 months to a year. This workshop will also be an opportunity to speak to capacity and resource issues.

### ***Discussion***

Board Forum members requested that the consult-to-modify process should also be added to the list of issues to be discussed at the workshop. The issuance and timing of the consult-to-modify process is something that DIAND is currently working on, but it could also be included in the workshop in May. Boards expressed concern at the resources needed to attend the meeting. DIAND stated that they will look into assisting boards that require it.

### ***Action Item***

- DIAND or the NGPS to send out more information on the May 24/25 workshop as soon as possible.

## **4.10 NEB Overview – Ken Vollman, NEB**

The NEB is a federal regulatory board that regulates all pipelines in Canada that cross boundaries. The NEB mostly regulates south of 60. The NEB has been working with many of the boards, departments and agencies since the Cooperation Plan was signed. The NEB is conducting its hearings in concert with the JRP for most of 2006, and will then adjourn until the JRP report is approved by the minister.

### ***Discussion***

A question was asked on how long it would take to make a decision once the NEB finishes its process. Mr. Vollman responded that recommendations become a part of the NEB's record, after which the Board moves to a final argument. There will likely be final arguments in July Aug 2007 and then the NEB will write a decision. Writing a decision will take approximately three to four months. After a decision is written, the process is in the hands of the federal government, late 2007. Acceptance by cabinet is not expected until early 2008.



There was a question regarding when the final decision would occur and whether or not the final decision would need to be debated in parliament. Mr. Vollman responded that he cannot recall any certificate ever being debated in parliament. The NEB provides the recommendations, which come into effect once it has GIC approval; therefore the recommendations can either be accepted or rejected, but they cannot be changed. Cabinet is only involved if the GIC is completely at odds with the decision. The final decision occurs after the evidentiary hearings.

#### **4.11 Strategic Planning – Bill Reid, Elevate Consulting**

Bill Reid of Elevate Consulting presented the draft approach to strategic planning for NWT Boards. The strategic planning project was presented to Board Forum members in order to solicit their feedback for approval. The anticipated completion date for the project is June 2007 (see *Appendix C* for full details of the presentation).

##### ***Discussion***

The strategic planning working group wanted confirmation that the timelines in the presentation were achievable and realistic. Not all boards will be able to implement the project in this fiscal year; however it is felt that all boards will be able to at least begin the strategic planning process. The boards requested that any templates or tools be sent to them as they are completed in order for the boards to begin the discussion internally.

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

- The Board Forum accepts the process and would like the working group to continue on with the project.



## Priority Areas and Action Items

As this was a special meeting of the NWT Board Forum there were not the same quantities of action items generated as for a regular meeting. When issues did arise they have been noted in this report in the respective sections under the Discussion heading. In addition, the key issues that remain outstanding are summarized below.

**Table 2: Action Items**

Agenda Item	Action Item
<i>Board Forum Roundtable</i>	<ul style="list-style-type: none"> <li>T. Beaulieu will confirm the process within BLT areas with MACA and report back to the Board Forum.</li> </ul>
<i>General Orientation Binder</i>	<ul style="list-style-type: none"> <li>Comments on the General Orientation Binder for New Board Members are to be provided to Casey Adlem by May 19<sup>th</sup>.</li> </ul>
<i>Industry Update</i>	<ul style="list-style-type: none"> <li>The Working Group and M. Robb are to continue the dialogue with the Minerals Industry on issues that have already been identified.</li> </ul>
<i>MVEIRB Reference Bulletin on Key Terms</i>	<ul style="list-style-type: none"> <li>MVEIRB will discuss circulating the latest draft to industry groups at the next MVEIRB Board Meeting.</li> </ul>
<i>Northern Regulatory Improvement Initiative</i>	<ul style="list-style-type: none"> <li>Water Standards – Water Standards are being developed by DIAND's regional office, lead by Kathy Racher. The group is looking at the standards of all of the boards and will be developing a report. DIAND will forward the report to the Board Forum once it is received.</li> </ul>
<i>Consultation and Accommodation</i>	<ul style="list-style-type: none"> <li>DIAND agreed to distribute the legal opinion summary (not the legal opinion itself) to members of the NWT Board Forum</li> </ul>
<i>Regulatory Process Mapping for the MGP</i>	<ul style="list-style-type: none"> <li>DIAND or the NGPS to send out more information on the May 24/25 workshop as soon as possible.</li> </ul>
<i>Strategic Planning</i>	<ul style="list-style-type: none"> <li>The Board Forum accepts the strategic planning process and would like the working group to continue on with the project.</li> </ul>
<i>Next Meeting</i>	<ul style="list-style-type: none"> <li>To be hosted by the Wekeezhi Land and Water Board in October or November 2006.</li> </ul>

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## **5.0 Next Board Forum Meeting**

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



## **Appendix A**

### **NWT Board Forum Agenda**

**NWT Board Forum – Special Meeting**  
**April 19 – 20<sup>th</sup>, 2006**  
**Yellowknife, NT – Katimavik A, Explorer Hotel**

**Working Agenda**

<b>The Board Forum</b>	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.
<b>Purpose of Meeting</b>	<p>The purpose of this special NWT Board Forum meeting is to discuss key topics of interest identified at the October 2005 Board Forum meeting in more depth.</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>

**Day 1: April 19<sup>th</sup>, 2006**

<b>9:00-9:10</b>	<p>Introduction to the Special NWT Board Forum</p> <ul style="list-style-type: none"> <li>• Introduction of participants and facilitators</li> <li>• Review of the agenda</li> <li>• Housekeeping matters</li> </ul>	Facilitator-Jim Micak
<b>9:10 – 9:20</b>	Welcome / Opening Remarks	Host – Willard Hagen
<b>9:20 – 9:30</b>	Opening Remarks	Chairs – MVEIRB, MVLWB, IGC, DM (GNWT) and ARDG (DIAND)
<b>9:30 – 10:30</b> (includes coffee break)	<p>Five-Minute Member Updates</p> <p>Each member will brief the Forum on emerging priorities, challenges, and new initiatives since the last Board Forum meeting.</p>	All Members
<b>10:30 – 12:00</b>	Progress Report on NWT Board Forum Work Plan	Working Group
<b>12:00 – 1:15</b>	Lunch (not provided)	
<b>1:15 – 1:45</b>	Industry Update / discussion from IGOC meeting	Malcolm Robb
<b>1:45 – 4:00</b> (includes coffee)	<p>Orientation / Training Programs</p> <ul style="list-style-type: none"> <li>• MVEIRB Orientation / Training Program</li> <li>• Northern Board Training Initiative</li> </ul>	Bernadette Stewart, MVEIRB

break)	<ul style="list-style-type: none"> <li>New Board Member Draft Orientation Binder</li> </ul>	Willard Hagen, MVLWB
<b>4:00 – 5:00</b>	MVEIRB Reference Bulletin on Key Terms	Jim Micak, Terriplan Vern Christensen, MVEIRB

## Evening reception (details to be provided at the Forum)

### Day 2: April 20<sup>th</sup>, 2006

<b>8:45 – 11:00</b> (includes coffee break)	Departmental Overview <ul style="list-style-type: none"> <li>OAG Report Update</li> <li>Part VI Audit</li> </ul>	Stephen Van Dine, DIAND
<b>11:00 – 12:00</b>	Regional Engagement Initiative <ul style="list-style-type: none"> <li>Presentation</li> <li>Discussion</li> </ul>	Bernie Hughes, DIAND
<b>12:00 – 1:15</b>	Lunch (not provided)	
<b>1:15 – 2:00</b>	Meeting with Minister Prentice	Board Forum Members
<b>2:00 – 2:45</b>	Consultation <ul style="list-style-type: none"> <li>Presentation</li> <li>Discussion</li> </ul>	Julie Jackson, DIAND
<b>2:45 – 3:30</b> (includes coffee break)	Strategic Planning	Introduction – Bob Wooley Presentation – Bill Reid, Elevate Consulting
<b>3:30 – 3:45</b>	Forum Wrap-up <ul style="list-style-type: none"> <li>Next meeting date and location</li> </ul>	Host – Willard Hagen
<b>3:45 – 5:00</b>	Post Forum Chairs Caucus	Board Chairs and Executive Directors



## **Appendix B**

### **Participants List**

**NWT Board Forum – 3<sup>rd</sup> Meeting**  
**October 12 – 13<sup>th</sup>, 2005**  
**Inuvik NT – Finto Lodge**

**Participant List**

<b>Name</b>	<b>Affiliation</b>
Vicki Losier - A/Executive Director	NWTWB
Gordon Wray – Chair	NWTWB
Ken Vollman – Chair	NEB
Bonnie Gray Wallace – Staff	NEB
Lorne Tricoteux	DIAND
Stephen Van Dine	DIAND
Eric Yaxley	DIAND – BRS
Casey Adlem	DIAND – BRS
Gabrielle Mackenzie Scott – Chair	MVEIRB
Vern Christensen – Executive Director	MVEIRB
Tom Beaulieu	GNWT – ENR
John T'Seleie – Executive Director	SLUPB
George Govier – Executive Director	SLWB
Larry Wallace – Chair	SLWB
Willard Hagan – Chair	GLWB (MVLWB – Interim Chair)
Violet Camsell – Interim Chair	WLWB
Eric J. Menicoche	MVLWB/Deh Cho
Joseph Judas	WLWB
Alfonz J. Nitsiza	WLWB
Liz Snider	EIRB/ISR
Frank Pokiak – Chair	IGC
Norm Snow – Executive Director	IJS
Bob Wooley – Executive Director	MVLWB
Charlie Snowshoe – Vice Chair	GLUPB



## **Appendix C**

### **Presentations by Speakers**





Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada

# NWT Mineral and Petroleum Industry

**2006 Activity Update  
Presentation at April 06**

**Board Forum**

**Mineral and Petroleum Development Divisions**

Canada



Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada

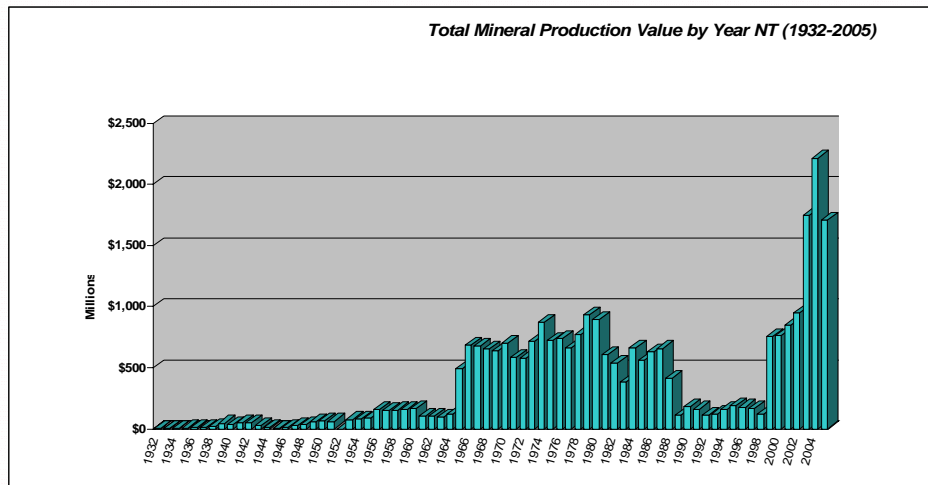
## NWT – Current Economic Environment

- The NWT economy is continues to experience healthy GDP growth rates driven by diamond mining, oil and gas production.
- Two large producing diamond mines and another under construction are generating record levels of mining employment, gross revenues and levels of ore production.
- This has resulted in continued pressures on local labour and housing markets, need for in migration, various social issues in communities.
- There are however signs that employment numbers and total production revenues are approaching a plateau. Tonnage of ore processed will likely continue to increase as additional medium scale deposits are developed.

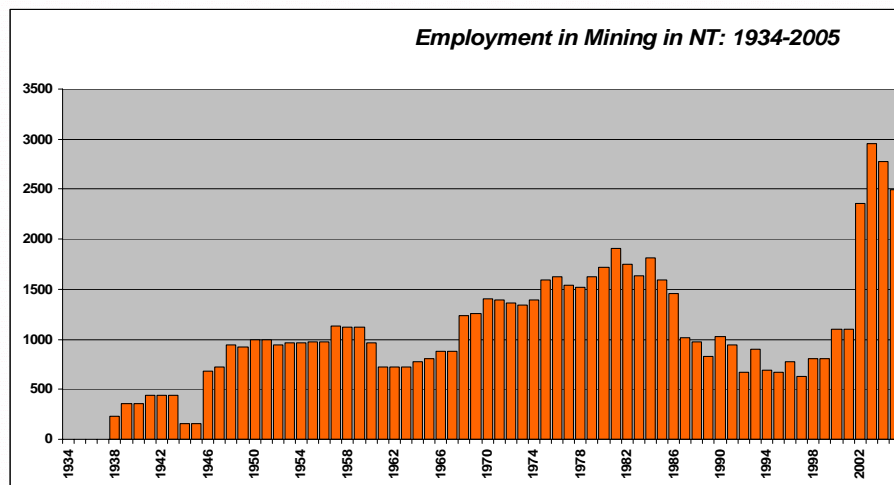
Canada



## Historic NT Mineral Production Value 1932 -2005 (Millions 2005 C\$'s)



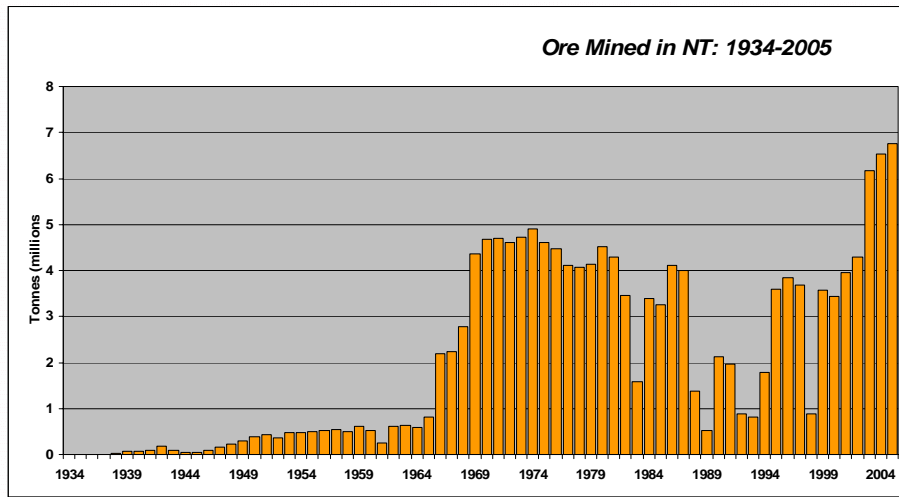
## Direct Jobs in Mining:1934-2005





## Historic Perspective

### Tonnes of Ore Mined (NT):1934-2005



## NWT – Current Economic Environment

- Exploration activity for Diamonds is continuing at healthy levels in all areas of the NWT (From Melville Island in the north to the Alberta Border in the south) with continued significant levels of early stage exploration in the Central Mackenzie (Sahtu and mainland ISR).
- Sustained high prices for virtually all commodities have resulted in increasing levels of exploration activity for base metals, uranium and gold in addition to diamonds.
- Within the last month the potential for exploration for coal in the Tulita and Liard areas has been added to the mix....
- Although in terms of total number of projects and expenditures levels are down from historic maximums

Canada



## NWT – Current Economic Environment

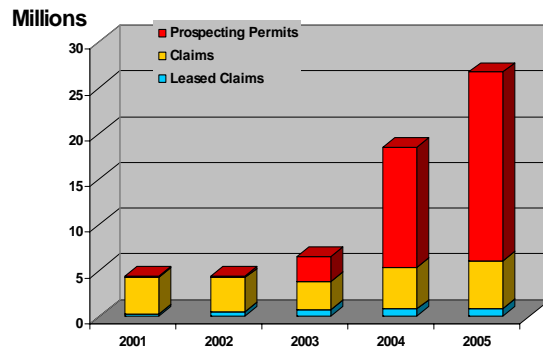
- This relatively high level of mineral exploration activity is occurring at the same time as the large Mackenzie Gas Project, renewed offshore drilling in the Beaufort Offshore and ongoing interest in the Central Mackenzie Valley for oil and gas exploration.
- The sheer volume and over lapping geographic extents of these activities has resulted in many communities and to a certain extent regulatory agencies reaching capacity limits.

Canada

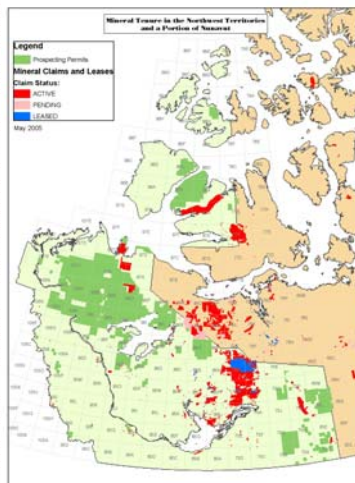
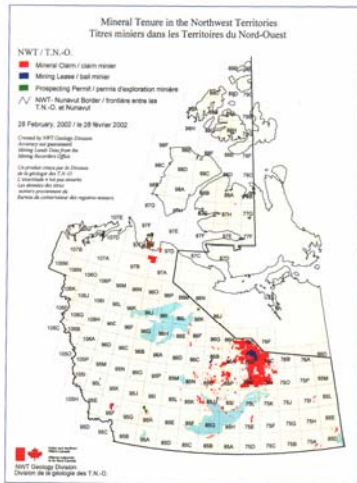


## Changes in Land Tenure: 2001-2005

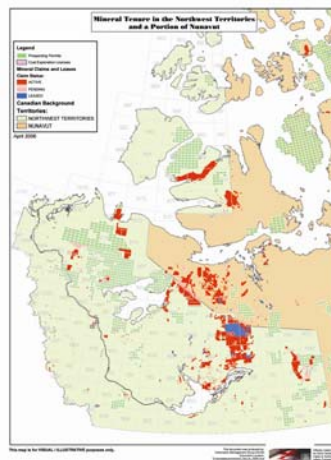
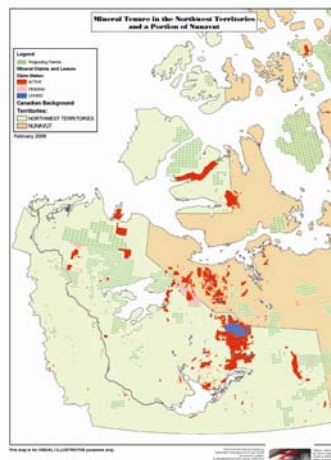
*Land Tenure (hectares) in NWT: 2001-2005*



Canada



Canada



Canada





## Current Status

### External Environment – Commodity Prices

**Diamonds-** Prices have held up well despite poor economic climate in US.

**Gold-** No sign of weakening in bull market that commenced in 2001.

Currently trading close to US\$620/oz.

**Silver** – Price has almost trebled in last six months to current level in excess of US\$13/oz

**Base Metals** The prices for Zinc, Lead, Copper and Nickel have recovered from all time lows with prices almost trebling in the last two years. Copper is at an all time high of almost US\$3.00/lb, Zinc is at US\$1.43.

**Minor Metals** – Of interest to the NWT, Cobalt has retreated from record high levels to the \$15 price/lb range, Tungsten has recovered from the low levels of the last few years exceeding \$100/mtu for over a year. Uranium prices have quadrupled to US\$41/lb U3O8 and are expected to stay strong for the foreseeable future

**Oil/Gas Prices** - Remain at high levels

Canada



## Current Status

### Commodity Prices-NWT Implications for Exploration

Diamonds are still the main commodity sought for however increased prices for the base metals (Cu, Zn, Ni, Pb) have resulted in a much easier financing environment for these commodities resulting in an increase in activity. There is also continued interest in many minor metals (Cobalt, Bismuth, Tungsten, rare earths etc)

Increased Gold and Silver prices have resulted in the “resurrection” of several dormant gold projects and enhanced the economics of precious metal rich base metal projects

The trebling of the Uranium price in the last year has resulted in renewed activity on several long dormant projects in NWT. Oil and gas work remains low pending pipeline approvals.

The sustained strength in coal markets (thermal and metallurgical) has finally resulted in an interest in several coal deposits in the NWT

Canada



## Current Status

### Commodity Prices-Drivers?

- Shortfall in supply main reason, stocks at all time lows (2 -3 weeks global demand for copper)
- Large funds pouring money into commodities in general – not just short term positions, often long term.
- Markets do not believe supply shortfalls will be resolved soon because
  - Regulatory and political issues lengthening timeframe for new mining projects
  - High prices generally result in greater demands from labour, shareholders and governments for share of revenues reducing amount available for investment in new projects.
  - Various capacity restrictions caused by decades of under investment - e.g. technical staff, tires etc and/or infrastructure constraints – water in Chile, roads in Northern Canada, railways in Africa.

Canada



## Current Status

### Producing Mines/Oil Gas Wells

Three mines currently producing-a little below average for NWT since the 1940's. No significant growth in oil/gas activity.

BHP-Billiton- *Ekati Diamond Mine*

Aber/RTZ- *Diavik Diamond Mine*

North American Tungsten – *Cantung mine*

Oil/Gas Wells – 20 outside of Norman Wells,  
approx 250 around Norman wells

Canada



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## Current Status

### Production Value and Employment, NWT Minerals Oil and Gas

	Production Value 2005	Employment 2005
<b>Diamonds</b> Ekati/Diavik)	C\$ 1,684 million	2500
<b>Metals</b>	C\$ 21 million	170
<b>Oil/Gas</b>	C\$ 524 million	100 - 150

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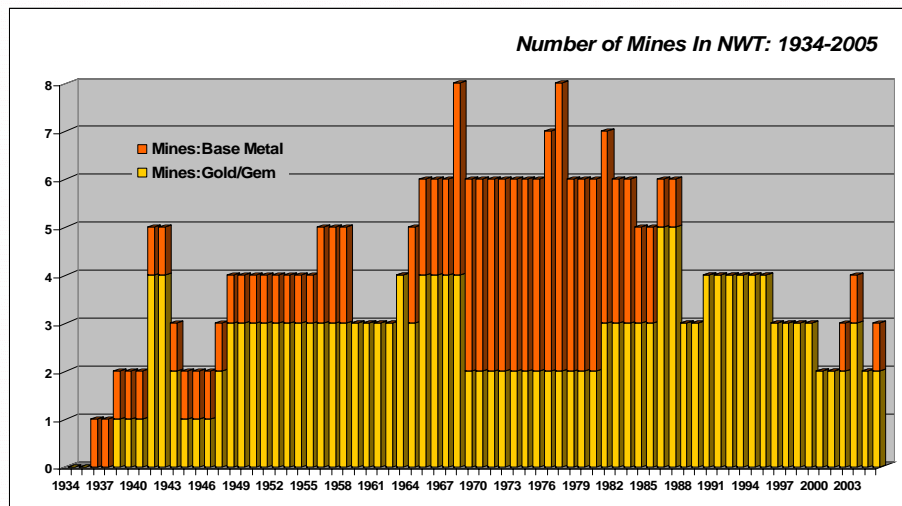


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## Historic Perspective

### Number of Active in NWT Mines 1934-2005







## Current Status

### Construction and Development Projects

**DeBeers Snap Lake:** Construction of plant and other facilities started in 2005. Capital costs estimated at over \$C600.

**Ekati:** Feasibility for the 3,000 tonne per day Koala underground mine will be complete this year.

**Diavik:** Construction of second dyke and underground mine exploration/development of the four pipes in progress.

**Oil/Gas:** Ongoing development drilling and feeder pipelines in Cameron Hills, ongoing development and production activity – Norman Wells, Offshore Delta started this winter (Devon), Advanced exploration near Tulita (Husky)



## Current Status

### Production Value

Diamond production has likely plateaued and will remain in the \$1.5 – 2 billion dollars a year range for the next 15 – 20 years. Oil and Gas production value has remained relatively constant with no significant growth anticipated until the Mackenzie Delta Gas fields commence production.



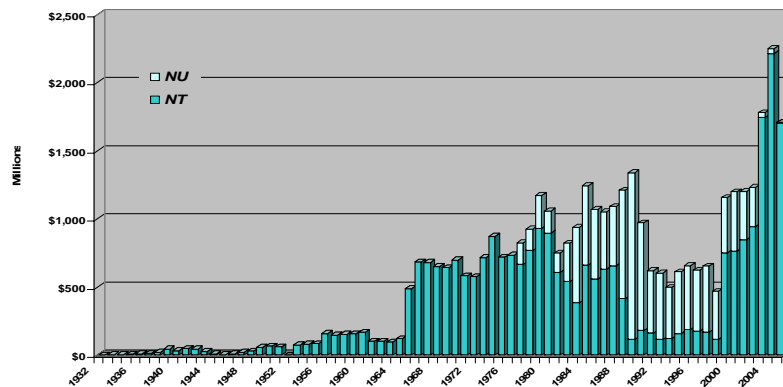


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## Historic Mineral Production Value 1932 -2005: NT/NU (Millions 2005 C\$'s)

Total Mineral Value per Year NT/NU:1932-2005

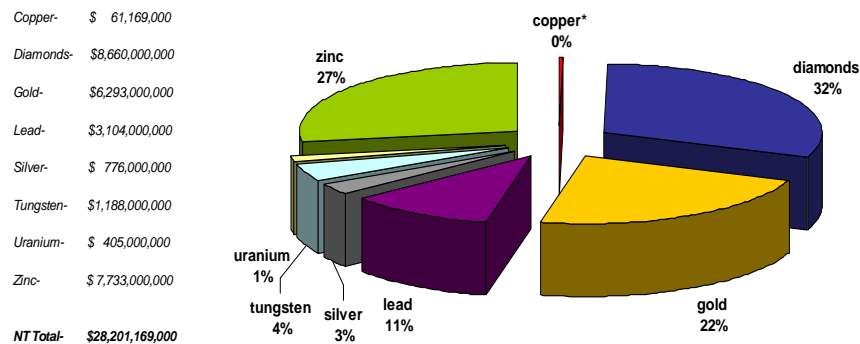


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## Historic Perspective Value of Mineral Production for NT:1932 - 2005 Breakdown by commodity

Total Commodity Value for NT:1932-2005\*

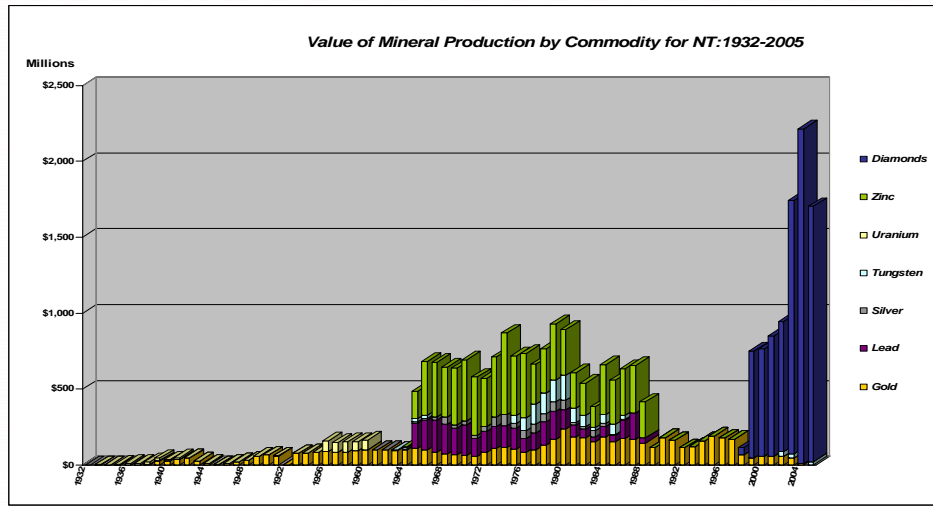


\*value for copper is 0.25%



## Historic Perspective

### Value of NWT Mineral Production by Commodity and Year 1932 – 2005



## Current Status

### Producing Mine Ore Reserves and Forecast Mine Lives

#### Ekati – Reserves as of June 30<sup>th</sup> 2005 (Tonnes only)

	Tonnes (1000's)	F/C Mine Life (approx)
Proven/probable	46,800,000	10
Resources (Permitted)	34,600,000	+ 8 18
Resources (Un permitted)	42,200,000	+9 27

#### Diavik – Reserves as of December 31<sup>st</sup> 2005

	Tonnes	F/C Mine Life (approx)
Proven/probable	28,200,000	12-15
Resources (permitted)	7,800,000	15 - 19

#### Snap lake – Reserves December 31 2005

Proven/Probable	21,000,000	20
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#### Cantung

Total resource (Sept 03) (600,000 reserve)	1,600,000	4 – 5
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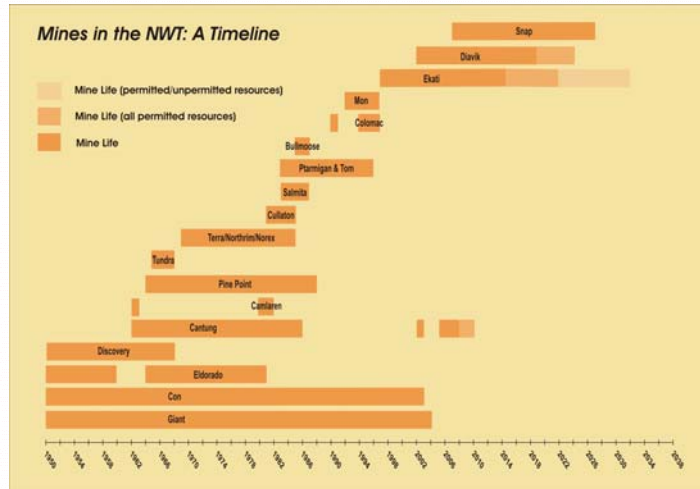
*Note forecast mine life assumes no production rate increase from 2005*

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## Current Status

### Advanced Mineral Exploration Projects Base Metals

#### **Prairie Creek Zinc/Lead/Silver Deposit (Canadian Zinc) - Dehcho**

+12 million tonne resource, Canadian Zinc is well financed to refine the project scoping study this year. Sensitive location adjacent Nahanni National Park. Extensive drilling and underground work planned this year.

#### **NICO cobalt-gold-bismuth Deposit (Fortune Minerals) Tli Cho**

Company is undertaking a pre feasibility/feasibility on a 2000 – 3000 tonne per day combined underground/open pit operation to produce cobalt – gold and bismuth – gold concentrates. Formal applications possible later this year following completion of pre feasibility. Underground exploration program recently initiated to finalize engineering work.

#### **Coates Lake (Dehcho)**

Work resumed on this large “Red Bed” style copper – silver deposit this year. Drilling anticipated next year. Potentially a large, long life underground mine

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## Current Status

### Advanced Mineral Exploration Projects Base Metals

#### Howards Pass (Sahtu/Yukon)

This project contains a large number of zinc deposits, mostly located in the Yukon. There is at least one sizeable deposit partially on the NWT side of the border. The NWT deposits are located on the Northwestern corner of the South Nahanni watershed. Recent results from the Yukon suggest the total size of the deposits within this mining “district” have been understated in the past (+/- 500 million tons). Extensive drilling planned this summer.

#### Selwyn Basin (Sahtu)

The central Mackenzie Mountains in the Sahtu area contain a number of base metal deposits, some with resources that have been dormant since the 1970's. Initial work last summer will likely lead to applications for drilling permits for this year. Development of these deposits would require access to the Mackenzie River.



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## Current Status

### Advanced Mineral Exploration Projects Base Metals

#### Pine Point Area (Akaitcho/Dehcho/NWTMN)

Increasing prices have resulted in a re visiting of several of the higher grade un mined deposits west of the main area of Cominco operations. One mining concept involves mining using barge mounted continuous miners similar to those used by Be Beers marine mining group. This activity has already, and will continue to raise the profile of past activity at the Pine Point Mine.

#### Victoria Island Platinum Project (ISR)

A small private company backed by Sumitomo of Japan will be drill testing a number of prospective PGE (Platinum Group Elements) targets this summer..

#### Thor Lake (Akaitcho)

Renewed activity anticipated – this time for Rare Earth Elements used in magnets, electronics

#### Mactung. (Sahtu/Yukon)

Extensive activity in the Yukon last year, some NWT activity anticipated this year on this large trans boundary tungsten development project.







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## Current Status

### Advanced Mineral Exploration Projects Base Metals

#### Uranium Exploration (Akaitcho/Sahtu)

Higher uranium prices have spurred renewed interest in historic Uranium exploration areas in the NWT, notably in the Thelon area and the East Shore of Great Bear Lake (looking for a class of copper gold deposits that can carry associated Uranium)

The target in the Thelon area is a McArthur River style deposit (400 – 600 million pounds U<sub>3</sub>O<sub>8</sub> in 1.5 – 2.5 million tonnes of reserves). This deposit has an in situ value of 16 – 24 billion dollars at current prices.

Mining Industry is aware of environmental and land claim issues in the Thelon area

Permits have been issued for work in the Great Bear area.

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## Current Status

### Advanced Mineral Exploration Projects - Diamonds

#### Gachoe Kue Diamond Project (De Beers/Mountain Province) Akaitcho/Tli Cho

Approximately 31 million tonne resource, De Beers submitted applications to construct a 2 million tonne per year open pit mine in December 2005. Funding of \$38 million was approved for permitting, regulatory work and drilling to upgrade mineral resource for final mine design work in 2005/06

#### DO 27/DO 18 (Peregrine Diamonds and others) Tli Cho/Akaitcho

A significant program of large diameter bulk sample drilling is currently nearing completion. If results warrant it a scoping study around production options would be next.

#### Snowfield – Mud lake Dyke Akaitcho

Results of this years bulk sample will dictate evolution of this project.

Canada



## Current Status

### Reactivated Gold Exploration Projects

#### **Nicholas Lake/Discovery Mine-Ormsby Zone (Tli Cho/Akaiitcho)**

Underground exploration in progress, mineral resource being revised in light of data from current program. Currently in Environmental assessment process.

#### **Damoti Lake (Tli Cho)**

Feasibility of small gold mine being examined, results expected later this year, baseline environmental work and renewed underground exploration work anticipated later this year, pending feasibility results applications could be filed later this year.

#### **Courageous Lake “Tundra Deposit” (Tli Cho/Akaiitcho)**

Preliminary scoping study recently released for 25,000 tonne per day 500,000 ounce per year mine. Additional work underway to increase/better define resource, optimize waste management and operating costs. Power generation a key factor (Scoping study forecasts 60 MW requirement). Would be the largest single open pit development in the NWT if it proceeds beyond feasibility.

Canada



## Current Status

### Exploration Projects

- Active mineral exploration projects are still below historic averages for period 1971-2004

#### **Active Projects**

2001	50
2002	45
2003	40
2004	43
2005	45

<b>Historic averages</b>	<b>80 (including 93-95 spike)</b>
	<b>61 (excluding 93-95 spike)</b>

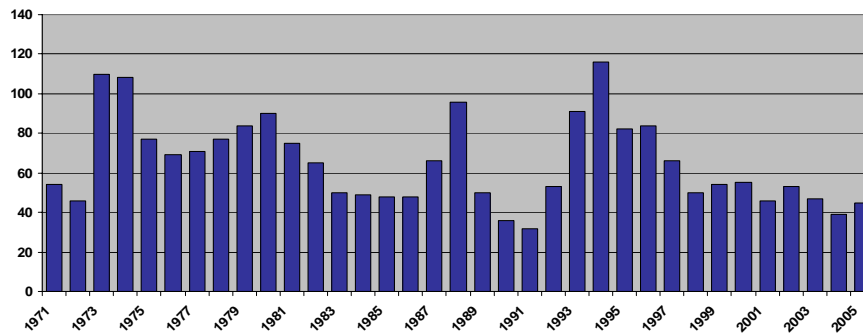
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## Historic Perspective

### Active Exploration Projects 1971-2004 NT

*Number of Exploration Projects in the NT: 1971-2005*



## Current Status

### Active Companies and Prospectors

- Number of active exploration companies and prospectors has decreased by over 50% since 1994 but seems to be holding steady.

1994	89
2001	34
2002	37
2003	38
2004	39
2005	40





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## Current Status

### Summary Of Mineral/Oil Gas Exploration in NWT

Exploration activity is still mainly focused on discovery of additional diamond deposits in three areas- Southern Slave Geological province, Northern Mackenzie Valley and Central Victoria Island. No significant kimberlites outside of Slave Province yet.

Rising gold prices have resulted in renewed interest in several dormant gold projects in the south Slave area. No new deposits have been discovered.

Higher base metal prices have resulted in increased levels of activity at base metal projects in the Mackenzie Mountains and Bear Province north of Rae Edzo and for Uranium in the south eastern NWT

Oil and gas activity focused in Central Mackenzie and Delta

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## Current Status

### Mineral Tenure-Staking Statistics NT 2000-2004

	2001	2002	2003	2004	2005
Active Claims/Leases (Area, 000's Hectares)	3,230	3,687	3,786	4,899	4,999
Active claims as % of NWT	2.3	2.95	2.66	3.42	4.27

Amount of land underlain by active mineral rights has increased slightly over the last five years.

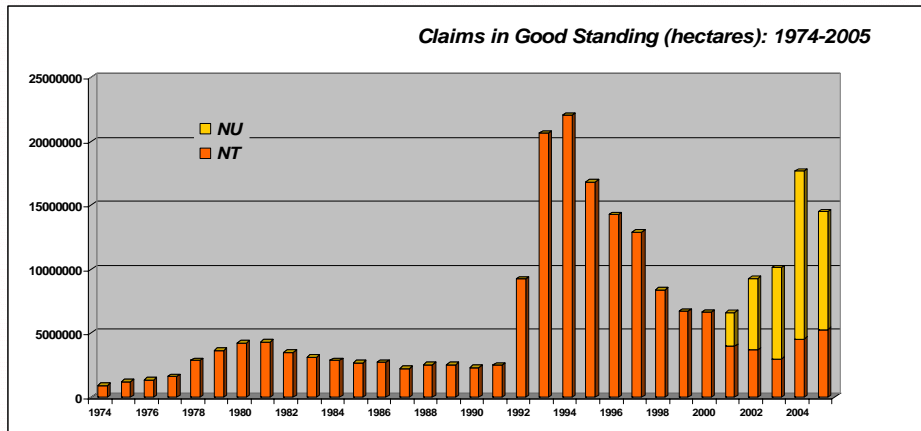
As of Feb 1 2004 there was 13.5 million hectares of active prospecting permits in the NWT in addition to the claims and leases above. Historically about 3% of permit area is converted to claims.

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## Historic Perspective

Claims Staked NT/NU 1974 - 2005



## Historic Perspective

### Claim Staking Activity

Current levels of mineral staking for NT/NU combined are approaching all time historic highs seen in the early days of the diamond exploration boom. The bulk of the increase has been in Nunavut. The current staking activity is focused on base metals, gold and uranium in addition to diamonds in both NWT and NU.



## Current Status

### Exploration Expenditures

	\$C Million	Rank in Canada	% Canada
1999	84.1	3	16.7
2000	51.4	4	10.3
2001	86.6	3	15.3
2002	60.0	4	11.2
2003	49.8	4=	7.7
2004	112.4	5	9.5
2005 (est)	93.1	6	7.2
2006 (f/c)	128.7	6	9.1

It is anticipated that expenditures will continue at high levels through 2006 despite Snap lake moving into production work because of increases in work for metals and gold plus ongoing diamond work.

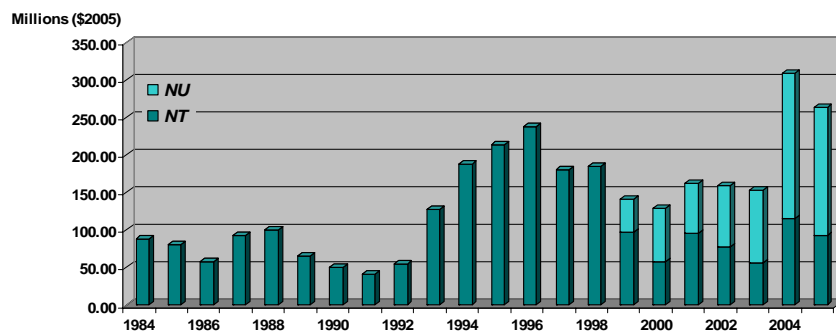
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## Historic Perspective

### Exploration expenditures 1984- 2004 (NT/NU- Millions 2005\$'s)

*Exploration/Deposit Appraisal Expenditures for the NT: 1984-2005\**





## Summary Mineral Exploration

- Mineral exploration activity, in terms of active projects, is at typical historic levels. Recent staking activity and prospecting permit applications will result in a greater number of projects in the next few years.
- After several years of decreasing geographic range (essentially a Slave Geological province focus) activity is now dispersed throughout the NWT.
- Higher commodity prices has resulted in increased levels of activity at several gold and base metal and uranium projects.
- This wide geographic and commodity range is creating problems with regard to community relations/consultation and technical expertise both for industry and government.
- Industry is interested in continuing to work with the regulatory community on initiatives to improve the effectiveness of the regulatory regime for mining in the North.

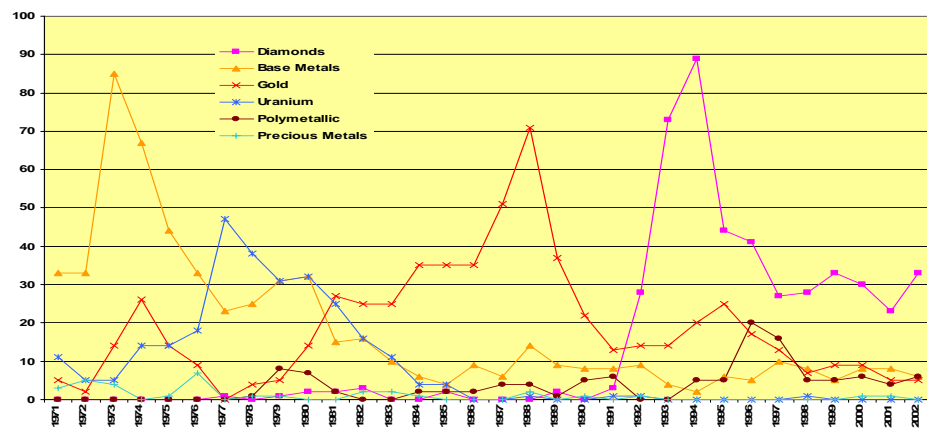
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## Historic Perspective

### Exploration Projects by Commodity

Exploration Projects in NT by Commodity: 1971-2002





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## Current Status - Oil and Gas Activity

- Continued relatively low levels of activity
- Recent calls for bids for the Central Mackenzie resulted in 6 bids with \$66 million in work commitments which will result in increased work in the Sahtu (Deline and Colville areas) in 06/07 and possibly 07/08
- Activity in southern NWT has decreased significantly other than production work on wells developed some years ago (No new rights issued)
- Activity has shifted to Central Mackenzie and based on current rights issuance this will continue at a rate dependent on pipeline clarity
- Delta Activity is anticipated to stay at current levels as the lands are all taken up and initial exploration has occurred. There may be an increase in activity in the anchor fields (exploration and development drilling) with pipeline clarity

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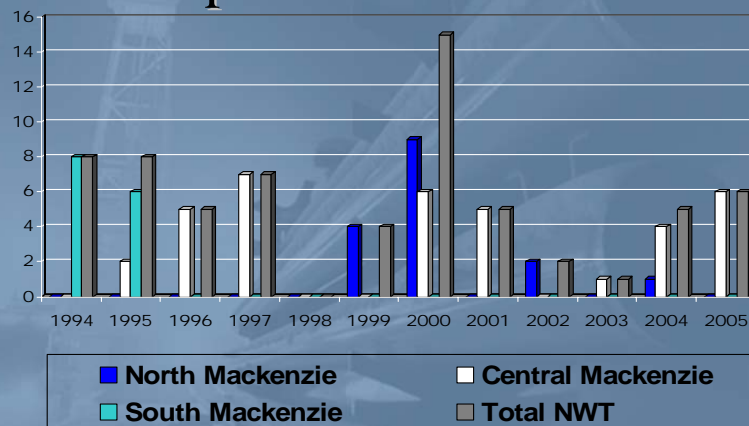


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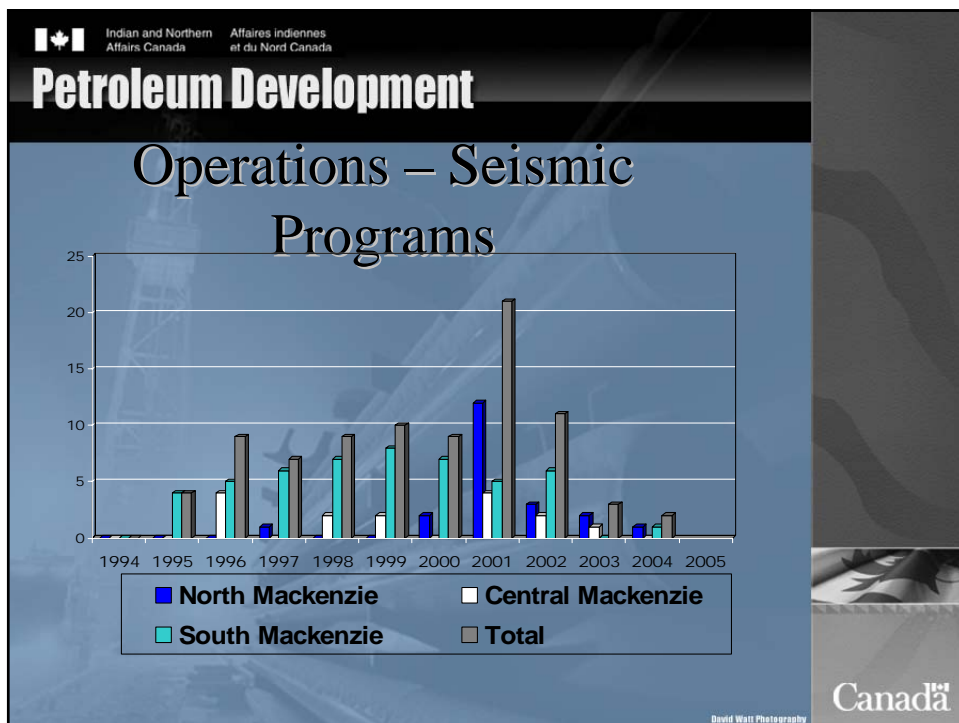
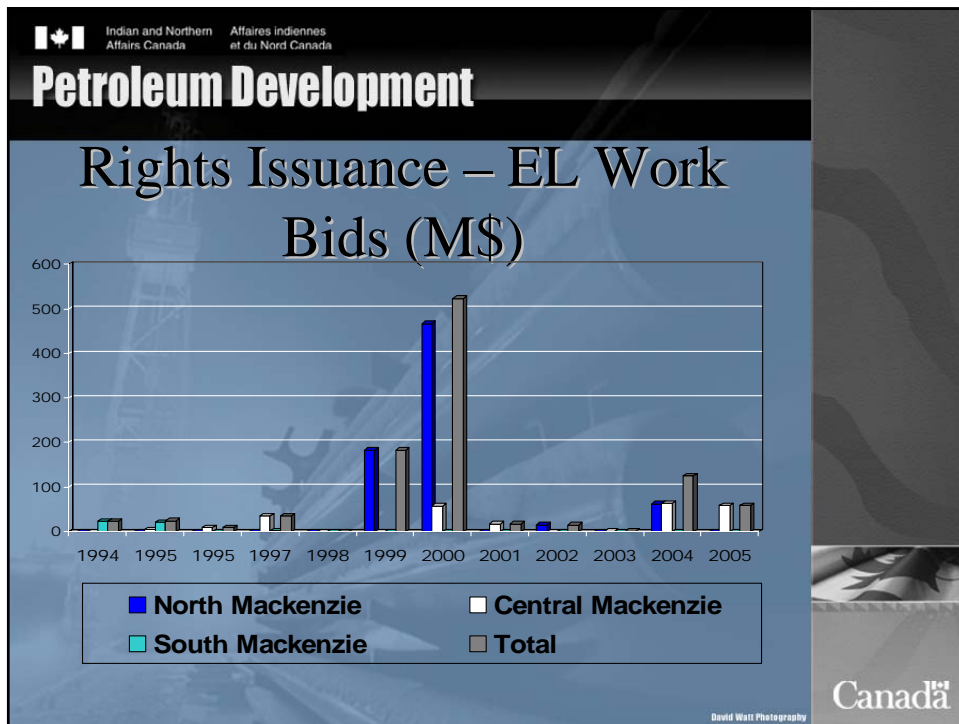
## Petroleum Development

### Rights Issuance – Exploration Licenses

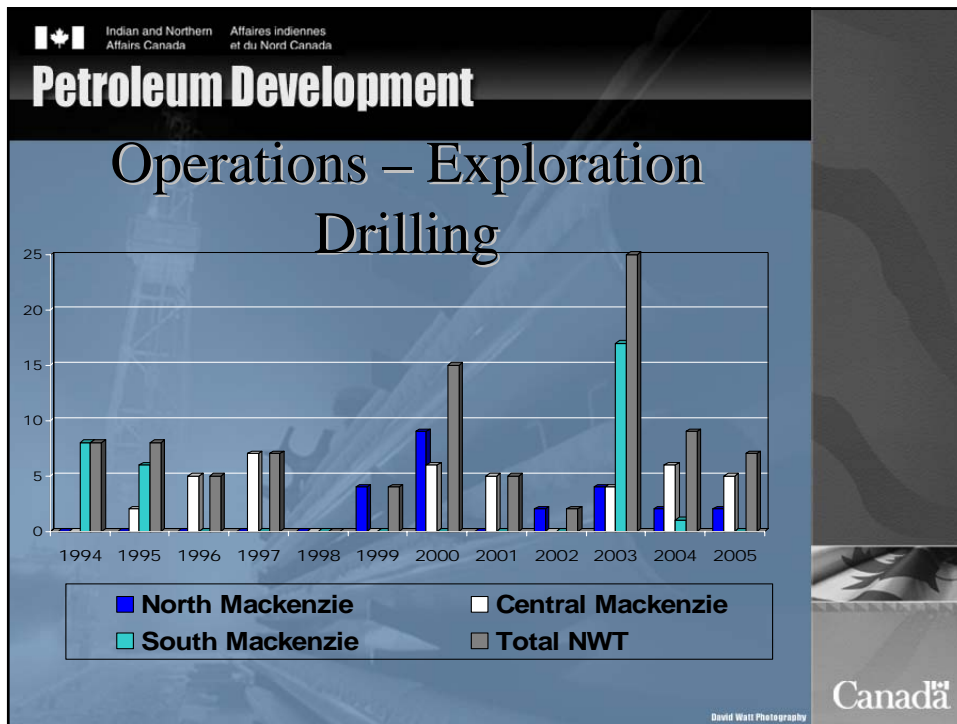



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## Outlook for 2005/2006

### Work Season

The following oil and gas activities are expected for the coming season:

- Mackenzie Delta (Inuvialuit region):**
  - 0 exploratory wells
  - 1 seismic program (perhaps)
- Central Mackenzie (Sahtu):**
  - 1 – 2 exploratory wells (Husky)
  - 2 seismic program
- Southern NWT (Deh Cho):**
  - No exploratory drilling – may see development drilling in Cameron Hills and Fort Liard (Paramount)

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# Petroleum Development

## 1994 – 2005 Exploration Summary


**Rights Issuance:**


- ELs awarded = 66
- EL hectares = 3,868,750
- EL work bids = \$891 million

**Seismic and Drilling:**

- seismic programs = 88
- exploration drilling = 96 wells

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## Summary 1

### Mineral Exploration and Development

- Diamond exploration and development activity will remain at high levels for the next two decades or so especially in the areas around the existing mines because of the success rate in discovering economic kimberlites
- The increasing amount of base metal/gold and uranium will be sustained providing prices do not fall much below current levels.
- The NWT fared poorly in the recent Fraser Institute survey except in mineral potential which is still rated very high. This perceptual survey is strongly influenced by recent events and this years results likely reflect issues in the unsettled claim areas from the last two years.







## Summary 2

### Oil/Gas Exploration and Development

No significant increase in activity foreseen until the uncertainty around the Mackenzie Valley Pipeline is resolved. Once construction is underway there will likely be applications to develop several fields in the Central Mackenzie area. Increased activity in the South Mackenzie is dependent on a new rights issuance and resolution of land access issues.

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## Summary 3

- The current combination of sustained high commodity prices and the prospective geology of the NWT provides a significant opportunity for the short and long term.
- The resurgence of interest in base metal deposits will result in greater interest in infrastructure projects by government or government/private sector partnerships.
- Ongoing work to enhance and clarify aspects of the regulatory regime for investors will increase the ability of northerners and Canadians to take advantage of opportunities in the NWT mining and oil/gas sectors.
- Industry is committed to working cooperatively towards this goal

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## MVEIRB GOVERNANCE DESIGN & BOARD ORIENTATION

Governance is one of the board's most important roles as it sets the stage for effective leadership and oversight.

The MVEIRB Board governance design has been structured to consist of the following components:

- Governance Model
- Committee Structure
- Board Roles and Responsibilities
- Skills and Attributes Matrix
- Board Meetings
- Board Orientation Program
- Ongoing Board Development
- Board Assessment Process
- Board Member Coaching

## Governance Model

- Model is set out in the legislative framework of Part 5 of the Mackenzie Valley Resource Management Act.
- This model includes board membership criteria, nomination responsibilities, appointments, quorum, purposes, guiding principles, duties of the Chairperson and EA responsibilities and Board mandate.

## Committee Structure

- The MVEIRB uses a committee structure to complete its work. These committees are as follows:
  1. Governance Committee
  2. Finance Committee
  3. Human Resources Committee

## Governance Committee

- Works on Board's mandate, mission, vision and objectives.
- Ensures annual evaluation of the Board, Committees and individual Board Members are completed along with recommendations.
- Develops and reviews roles and responsibilities of Board Members, Committees, Chair, CEO, Vice-Chair and Executive Director.
- Develops and reviews the Board Code of Conduct
- Develops and reviews the responsibilities matrix

## Finance Committee

- Monitors and reviews all financial matters of the Board and makes recommendations back to the Board for approval.
- Initiates special studies or investigations and reports back to the Board all findings.
- Ensures the activity of the internal audit is coordinated with the external audit program.
- Reviews the audit/program/functional evaluations that are prepared by staff and summaries for Board review.

## Human Resource Committee

- Reviews the HR sections of the Board's Admin Manual and recommends changes to the Board for approval.
- Participates in development of job descriptions and organizational structure with Management as per responsibilities matrix.
- Reviews recruitment procedures, staffing appeal procedures and participates in hiring committees.
- Conducts the annual performance appraisal of ED
- Directs the hiring of the ED position and recommends for approval staff Job Descriptions to the Board.

## Board Roles and Responsibilities

- Roles and responsibilities have been developed and approved by the Board for the following:
  1. Board Chair
  2. Board CEO
  3. Board Members
  4. Governance Committee
  5. Finance Committee
  6. Human Resources Committee
  7. Executive Director

## Skills and Attributes Matrix

- Based on the roles and responsibilities for the various positions within the Board, a detailed skills and attributes matrix is being developed for each one so that training needs and performance measures can be established. This matrix is a corner stone of the Board Orientation Program and Board Assessment Process.

## Board Meetings

- The Board has established standards for the Board meetings that includes the following:
  1. Agenda Setting Process
  2. Minutes format
  3. Use of Robert's Rules of Order

## Board Orientation Program

- The objective of this program is to introduce new Board Members to the purpose, organization, plans and processes of the Board.
- In addition, it is to enable new Board Members to become an integral and productive member of the Board as soon as possible.

...continued

## Board Orientation Program

- This program is broken down into four individual agenda sessions that can be structured according to the individual new Board Member's needs. Areas that are covered in these sessions include:
  1. What do Board Members need to Know?
  2. What do Board Members need to Have?
  3. The Twelve Principles of Governance.
  4. Board Member Expectations
  5. Board Member Code of Conduct



## Ongoing Board Development

- As Board training needs evolve and new technologies are developed and advancements in the field of environmental review and assessment are being made in other jurisdictions, the Board is committed to maintaining a competence that is in keeping with these new changes through contact with the following:
  1. Other Environment Management Boards
  2. Government Departments and Agencies
  3. Public and Community Stakeholders
  4. Developers

## Board Assessment Process

- A Board performance evaluation program is being developed to review the overall Board performance to ensure accountability, efficiency, effectiveness, quality of service delivery and achievement of Board goals as per the strategic planning objectives.
- This program will evaluate the Board performance as a whole, Board Committees' performance and Individual Board Member performance so that training needs and knowledge gaps can be identified and validated for the coming year.

## Board Member Coaching

- Training needs and knowledge gaps identified in the Board assessment process will be followed up with individual Board Members.
- It is the role of the Governance Committee to ensure that each Board Member receives the coaching required to fulfill their roles and responsibilities and that all steps for improvement in the Board's governance practices are implemented as a result of the comprehensive Board assessment process.

## What are the benefits of good governance and Board development?

- You know as a Board Member where you are going
- Your Board is connected to its stakeholders
- You get good decisions and people better understand and value your work
- You have the ability to weather crises
- You are financially stable



## The NWT Board Forum – Special Meeting

# General Orientation Binder for New Board Members

April 19, 2006

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## Introduction

- **General** orientation binder for new members of the boards of the NWT Board Forum
- Information applicable to all such boards mandated by the MVRMA, IFA and NWT Waters Act.
- Board specific orientation information to be provided by each board

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## Introduction *cont'd...*

- **Based on:**
  - **Interviews** with Chairs and Executive Directors of NWT Boards;
  - February 1<sup>st</sup> **workshop**;
  - **Needs Assessment** Report; and
  - the **Best Practices** Report.
- Introduction and assistance to new board members on key aspects of board governance and related matters

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## General Topics

1. Resource Management in the NWT
2. Board Governance
3. Legislation/Regulations/Land Claims
4. Administrative Law
5. Training Opportunities

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## Chapter 1: Introduction

- Purpose of the general orientation binder
- Binder structure
- Board specific orientation topics
- **Definitions:** renewable resources, non-renewable resources, resource management, co-management, and public board
- **History and Context:**
  - Renewable and non-renewable resources in the NWT
  - Resource management regime in the NWT

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## Chapter 2: Board Governance

- What **governance** means and what is involved
- **Roles and responsibilities** of NWT Boards, board members and staff, and other responsible authorities (e.g., INAC, GNWT)

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## Chapter 2: *cont'd...*

- Principles of good board governance
- Board Ethics
- Code of Conduct
- Roberts Rules of Order

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## Chapter 3: Legislation & Land Claims

- **Historical and legal context** of NWT boards (i.e., Aboriginal rights to self government under the Constitution Act, land claim settlements)
- **Common terminology** used in legislation

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## Chapter 3: *Cont'd...*

- **Reference to applicable legislation**  
(MVRMA, IFA and NWT Waters Act)
- **Summary of other applicable legislation**  
(e.g., CEAA, Species at Risk Act (SARA),  
Canada Oil and Gas Operations Act  
(COGOA), Privacy Act, Access to  
Information Act etc)

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## Chapter 4: Administrative Law

- **Definition** of administrative law
- **Principles** of administrative law applicable  
to NWT Boards
  - Jurisdiction
  - Discretion
  - Good Faith
  - Fairness (includes – apprehension of bias and  
conflict of interest)

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## Chapter 4: *Cont'd...*

- **Dealing with evidence**
  - **Definition** of evidence
  - **Types** of evidence (factual or opinion evidence)
  - **Expert witnesses**
  - **Traditional knowledge (TK)**
    - definition,
    - elements of TK,
    - Importance of including TK in an EIA process
    - Using TK as evidence

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## Chapter 4: *Cont'd...*

- **Rights to Appeal and Judicial Review**
- **Transboundary Legal Issues**

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## Chapter 5: Training Opportunities

- Information on the **training opportunities database**
- List of **course topics** in the database (to date)
- List of **institutions** (to date)
- Information on how to access the database or to obtain a copy

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## Questions or Comments

- Questions?
- Additional information?
- Information not to be included?
- Comments appreciated
  - Date for submitting comments – to be determined...

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# Northern Regulatory Improvement Initiative: A Strategic Approach

Presentation to NWT Board Forum  
April 2006

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## Purpose:

- To provide an overview of a proposed framework for improving the regulatory systems in Canada's North.

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### Introduction:

- The natural resource regulatory regimes (land and water regulation and environmental assessment) across the three territories:
  - shared systems
  - land claim agreements
  - diffuse decision making
- Wide array of concerns regarding complexity, efficiency and effectiveness of regimes:

"...a complex and unpredictable cobweb of regulations involving multiple federal government departments, and territorial and Aboriginal authorities." (External Advisory Committee on Smart Regulations 2004).

"... the investment climate for this development is uncertain, in part because Indian and Northern Affairs Canada has not adequately managed its role in the process that considers development projects." (Auditor General's report – April 2005)

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### Political support for regulatory system reform

Conservative Platform 2006 election campaign:

...streamline regulatory processes related to the mining industry. We will implement the recommendations of the External Advisory Committee on Smart Regulation related to mining, such as a "single window" approach to federal regulatory bodies in the North for the oil and gas and mining sectors.

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### Other Considerations

- Regulatory system is relatively new
- Positioning for devolution of province-like land and resource responsibilities & northern control of northern resources
- A continuing federal coordinating role for economic development
- Respect for third party interests or development rights holders
- Adaptations for major project proposals
- INAC's multiple responsibilities



### There are challenges in all three territories

#### Nunavut

- need to complete the legislative framework
- capacity – attracting and retaining good candidates to fill positions on boards is ongoing challenge

#### Yukon

- the *Yukon Environmental and Socio-economic Assessment Act* and associated regulations are relatively new and roles and relationships are still evolving. The Department is preparing for a five-year review of the legislation

#### Northwest Territories

- evolutionary nature of the new systems established under land claims
- challenges related to regions without settled land claims (Deh Cho and Akaitcho)





### **Focus efforts on the NWT system first and then look to apply lessons learned in other two territories**

- A suite of federal acts and associated regulations
- Settled Land Claim Agreements and related Institutions of Public Government for resource management for the Inuvialuit, Gwich'in, Sahtu and T'licho regions
- Territorial legislation and regulations related to Commissioners land as well as wildlife management and protection
- Negotiated interim measure arrangements in advance of a settled claim

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### **Progress has already been made**

- Series of discussions between INAC and Mackenzie Valley Environmental Impact Review Board have resulted in increased mutual understanding of Board's mandate
- Training Needs Assessment and Best Practices reports under development
- NWT Boards formed steering committee to identify training and orientation needs (plan submitted March 2006)
- Draft Board orientation package under review
- Strategic planning work underway with Board Forum members

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## A coordinated and integrated approach to reform

### Drivers of Change

OAG Report  
Industry  
NWT Board Forum  
Internal  
Departmental  
Review  
Ministerial  
Commitments

### Principles

- collaborative and inclusive
- visible
- balanced
- coordinated
- incremental
- respect for each parties' role

### Main Themes

Administrative  
Change  
  
Internal  
repositioning  
  
Legislative and  
regulatory  
adjustments



## Administrative Reforms – system improvements and relationship building:

- address capacity issues (e.g. governance, training)
- continue to work towards timely Board appointments
- address capacity issues associated with funding shortfalls

## Internal Repositioning:

- examine opportunities for re-positioning internal operations
- clarify boards' roles regarding consultation with Aboriginal groups

## Legislative and Regulatory Adjustments – addressing policy or legislative gaps or inconsistencies

- Joint Examination Process as a means to consider changes to MVRMA
- clarify key terms in legislation
- consider means to address confusion or inconsistency in legislation or policy



## A two-phased approach

### Phase I (now – November 2006)

- focus primarily on administrative and internal issues

### Phase II (October 2006 – March 2008)

- assess outcome of Joint Examination Project
- evaluate the impact of Phase I improvements
- take stock of other processes (e.g. land claims and devolution)
- consider a review of the MVRMA and associated legislation
  - means to address MVRMA issues once system is more mature
  - Means to view MVRMA “as it will be” as claims negotiations in unsettled areas progress



## Engagement with key stakeholders is already occurring

- The NWT Board Forum shares information and collaborates on issues of common interest
- Series of discussions between INAC and Mackenzie Valley Environmental Impact Review Board have resulted in increased mutual understanding of Board's mandate
- Recent presentations to industry and other departments on the concept of regulatory improvement have been well received

## Further consultation and discussion will be required

- Any changes to the *Mackenzie Valley Resource Management Act*, or the land claims that give rise to the legislation, would require extensive consultation



**The goal is to have the system operating the way it was intended with:**

- Common understanding of mandates, roles, responsibilities, and accountabilities achieved
- Appropriate funding approaches that are responsive to boards' needs
- Integrated planning and reporting (e.g. business plans, strategic plans, and reporting on results)
- Regulatory and policy gaps and inconsistencies resolved or filled
- Public understanding /participation in process
- Stronger relationship between department and the boards
- Clear and streamlined responsibilities within INAC in terms of issues such as board governance, funding, appointments and other operational matters



**Next Steps**

- Seek and obtain formal ministerial approval to proceed
- Work with Communications to develop a communications plan
  - Ministerial launch of regulatory reform process as a signal of Government of Canada commitment regulatory reform
- Develop strategy for engagement with land claim organizations, GNWT, boards, and other stakeholders
- Develop links with other departments, through a forum such as the Aboriginal and Northern Prosperity Theme Table (Smart Regulations Follow-up)
- Address funding challenges and launch regulatory reform process





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## DIAND NWT REGION

### Regional Engagement Initiative

Summary of Activities  
For Board Forum  
April 20, 2006



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## Recap of Phase 1 Activities & Results

- Discussion Paper – Dene Assembly Sept 2004
- Initiative is voluntary
- Phase 1 Meetings: November 2004 – April 2005
- May – July 2005: Analysis of Results & preparation of Phase 2 materials
- August 2005 – March 2006: What We Heard & draft Improvements





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## Key Themes

- **DIAND must improve its relationships with its partners**
- **Capacity is a critical issue**
- **Better communication and information are needed**
- **Consultation in relation to Aboriginal peoples (s.35)**
- **Engagement practices used in DIAND's everyday operations (programs, services, administrative activities) need attention**



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## Improving Our Relationships

**To improve our relationships with the people, govts, and organizations in the NWT, we could:**

1. **Identify & establish regular practices for contact between DIAND management & Aboriginal govts**
2. **Work with regions more closely**





## Improving Our Capacity Building Efforts

To address the critical issue of lack of capacity (human, monetary, technical), we could:

- Take an inventory of all current capacity building initiatives within the dept
- Work with partners to develop an integrated capacity building strategy for the NWT

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## Improving Our Communication and Information Sharing Practices

To improve our communications, we could :

- Provide information to stakeholders about our planned engagement/consultation and key program activities on a regular basis
- Produce more documents in plain language formats
- Review our aboriginal awareness training procedures for staff

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## Improving Our s. 35 Crown Consultation

To improve the quality of our consultations we could:

1. **Identify & implement a consultation approach to address s35 consultation requirements**
2. **Work with Aboriginal govts to identify appropriate framework (Phase 2)**
3. **Include elements of Govt of Canada Consultation Plan (national initiative)**

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## Improving Our Engagement Practices

To improve the quality of engagements, we could:

1. **Establish consistent approaches to engagements across DIAND programs, policies**
2. **Continue to address the capacity building issue**
3. **Improve communication & information services to people and governments**

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## Next Steps

### Phase 2

1. Distribute What We Heard and Proposed Improvements document
2. Meet with regional Aboriginal organizations & other participants (Apr. 1 – Sept. 1, 2006)

### Phase 3

1. Finalize Regional Engagement Strategy (Oct. – Dec. 2006)





# **Operational Interpretation of Key Terminology**

In Part Five of the MVRMA

*A Review Board Reference Bulletin*



## **Why Interpret Terms?**

- Key terms in part five have been problematic
- Reference Bulletin clarifies how the MVEIRB interprets these terms
- Not intended to indicate change in approach to EIA
- Goal is to promote good understanding to help practitioners



## The Basis

Interpretations of Terms was based on:

- Accepted standards of good EIA practice;
- Growing number of direct experiences conducting EAs;
- The Review Board's *EIA Guidelines*; and,
- Legal interpretations of relevant case law.



## The Process

- Released draft on Jan. 26, 2006
- Widely circulated to government, boards, communities
- Original comment deadline of Feb. 21, 2006
- Extended to March 31, 2006 for NWT Board Forum members
- Only INAC and D. Lawrence suggested changes to draft
- Small number of responses taken as a vote of support



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Environmental Impact Review Board

## The Suggestions

- 31 suggestions from INAC
- 10 suggestions from D. Lawrence
- Largely minor stylistic editing
- Some helpful changes
- Comments regarding quotations from *s.120 Guidelines* to be addressed during the Guideline review process



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## The Terms

- Might
- Likely
- Adverse
- Significant
- Public Concern





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## Might (s.125)

- The term “might” means “possible”. Any development “might” have environmental effects.
- Practically, not every application should be referred to the Review Board for an environmental assessment
- EA should focus on the developments where significant impacts are most probable.
- **To rationally apply the term “might” in the EIA process of the MVRMA, it should be practically interpreted to mean “reasonably possible”.**



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Environmental Impact Review Board

## Likely (s.117, 125, 128)

- **The Review Board interprets the term “likely” to mean “probable”. If an outcome is more probable than not, it is a likely outcome.**
- The Review Board makes an informed subjective decision on this based on its the evidence before it.
- If there is > 50% chance of an event, it is more likely than not to occur.
- “Likely” > “reasonably possible”
- “Likely” indicates a higher test than “might”.



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## Adverse (s.125(1)(a))

- **The Review Board interprets the term “adverse” to mean “undesirable, damaging or injurious”**
- Developments have some impacts that are beneficial, and others that are undesirable
- The latter are referred to as “adverse impacts”
- The Board will use its informed judgement to determine whether an impact is adverse



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## Significant (e.g. s.125),

- Any development will cause many effects.
- During EAs, the Board must decide which of those impacts matter enough to require the Board’s intervention
- The Board makes this distinction by considering the *significance* of the development’s potential impacts
- **The term “significant” means an impact that is, in the view of the Board, important to its decision**



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## Public Concern

- The Review Board interprets the term “**public concern**” to mean “**widespread anxiety or worry**”
- During an EA, when the Review Board determines whether or not there is public concern about a development, it undertakes the challenging tasks of:
  - considering how **widespread** the concern is, and
  - how great is the **degree** of anxiety or worry.



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## Next Steps

- Suggestions have been integrated
- NWT Board Forum consensus is sought
- Board will soon consider the Reference Bulletin for publication
- Document will be distributed and added to the MVEIRB online library

# Consultation and Accommodation

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## An Interim Approach to Managing Crown Obligations in the Northwest Territories

Presentation to the Board Forum, April 19-20, 2006  
Yellowknife, Northwest Territories

Draft - For Discussion Only

1

### Presentation Overview:

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- Background
- Purpose of presentation
- Legal Source (Taku and Haida) / Analysis
- Roles and Responsibilities
- Seeking Board Views:
  - Modifications
  - Development of tools
  - Resource requirements
- Conclusion and Approach
- Next Step – Engagement Strategy

Draft - For Discussion Only

2

### **Purpose of Presentation:**

To provide Boards with an overview of a proposed Interim Approach that is currently being developed as a result of...

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- Increasing resource development activity in the NWT
- Request for direction from partners within the process
- Request for clarification of Role and Responsibilities
- Increasing letters from potentially affected First Nations

Draft - For Discussion Only

3

### **Background:**

Why an Interim Approach?

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- Duty to consult; most salient in unsettled claim areas in the NWT
- Rapidly increasing resource development activity in the NWT
- Coordination and consistency of current processes needed
- Requests for direction from partners within the process
- Courts point to the need for a proactive, coordinated approach

Draft - For Discussion Only

4

## **Background :** Continued...

- Operational demands are urgent (occurring on a daily basis). Unable to wait for the ongoing, broader National Approach to be completed
- In concert with ongoing National Approach
- Provide clarity to stakeholders and federal officials (e.g. institutions of public government, industry)

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## **Legal Precedence:**

### Source of Duty to Consult and Accommodation

#### **Based on the rulings of the Supreme Court of Canada:**

Haida Nation v. British Columbia (Minister of Forests), 2004 SCC73

Taku River Tlingit First Nation v. British Columbia (Project Assessment Director) 2004 SCC 74

Mikisew Cree First Nation v. Canada (Minister of Heritage), 2005 SCC69

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*The duty to consult is grounded in the honour of the Crown. As such, there is a legal duty to consult and, where appropriate, to accommodate when the Crown has knowledge of the potential existence of an Aboriginal right or treaty right, and contemplates conduct that might adversely affect it.*

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## **Legal Analysis:**

### **What have the courts said?**

- Duty to consult arises when the Crown has “knowledge, real or constructive, of the potential existence of the right or title and contemplates conduct that might adversely affect it.”
- Process should be proactive, not an after thought
- Establish a meaningful process (good faith)
- The Crown may delegate procedural aspects of consultation
- Accommodation is achieved through consultation and negotiation
- Full agreement is not a necessary outcome
- Ultimate legal responsibility rests with the Crown

Draft - For Discussion Only

7

## **Legal Analysis:** Basis of Interim Approach

- Settled claim areas have institutions to address infringements
- Boards are agents of the Crown
- Where Boards are the Final Decision Maker (FDM), the duty to consult rests with them
- Procedural aspects of consultation may be delegated to the Boards
- Procedural aspects of consultation may be tentatively defined as all aspects of performing consultation, with the exception of making a final adequacy assessment.
- Consultation undertaken by industry can be taken into account when assessing adequacy of consultation

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## **Roles and Responsibilities:**

### **What is Happening Now?**

- MVLWB – Issues Land Use Permits and Type “B” Water Licences (s. 60). Currently provides notification function to communities. Assertions are forwarded to INAC
- MVEIRB – Makes determinations regarding potential impacts on environment and/or significant public concern, and makes recommendations to the Minister and Responsible Ministers
- INAC Minister – Issues Type “A” Water Licences and interests in land (e.g. leases, significant discovery licences, etc...)
- Other federal Responsible Ministers - Make final decisions according to their operating legislation

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## **Roles and Responsibilities:**

### **Where does the obligation arise for s. 35 consultations?**

- Development Proponent – Engages in community consultation processes that may be considered in making a decision or authorisation
- Crown (or Agent of the Crown) – Analyzes situation to determine if duty to consult arises; if it does, the final decision maker must ensure adequate consultation has occurred.

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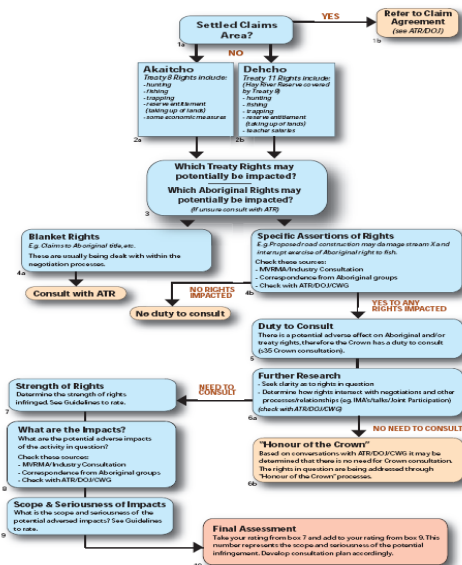
## Seeking Boards' Views:

- The EA process – Can current public consultation processes be modified to form part of or to include a process step for s. 35 consultation purposes?
- Community capacity – Are existing programs being used to their fullest to support community capacity to participate in decision making and to provide the required information?
- Existing documentation processes – Can a set of questions tailored to the unique consultation situation be included during a public consultation process to obtain assertion or infringement information?
- Consultation guidelines and permit application – Can these require a comprehensive description of community consultation (MVLWB)?

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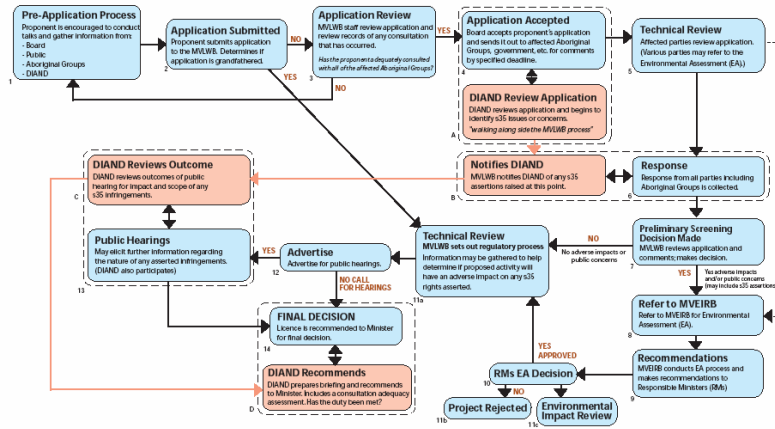
### Step 2: "Is there a duty to consult?" Determining which potential rights may be infringed"



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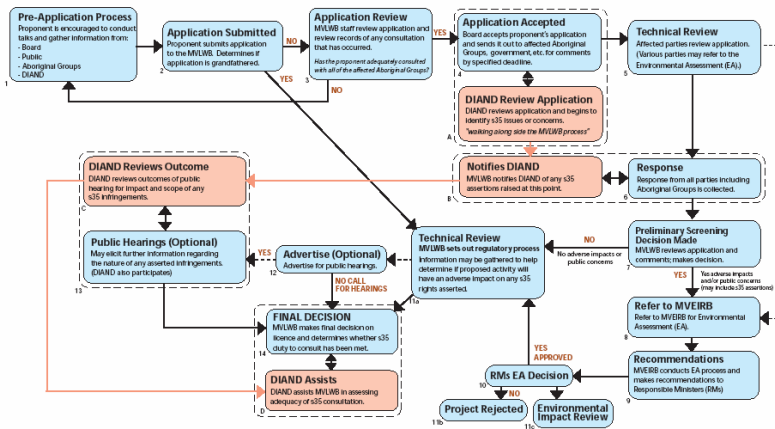
### s35 Crown Consultation for Type "A" Water Licences



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### s35 Crown Consultation for Type "B" Water Licences and Land Use Permits



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14

### **Seeking Boards' Views:**

The development of new tools for consultation.

- Consultation Assessment Guidelines - NWT Region is developing guidelines for its internal use which may also be useful for the Boards, to guide their consultation activities
- MVLWB – INAC Consultation certificate - A final “sign off” tracking document to ensure that adequate consultation, and if necessary, accommodations have occurred
- Delegation - Tools for certain procedural aspects of consultation

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### **Seek Boards' Views:**

Resource requirements, anticipate resources that would be required to implement such an approach?

- Capacity  
(Details required from Boards)
- Funding  
(Details required from Boards)

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## **Conclusions:**

- Likely no changes to legislation are expected to be required
- Collaboration required among Boards and INAC
- Interim Approach must be discussed with Aboriginal communities and other players
- Consistent and coordinated framework is required now to meet legal duty to consult

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## **Next Steps:**

How do we proceed?

- Establish joint Working Group with Board Forum Members
- Explore further options on both the substantive and procedural aspects of consultation obligations and processes
- If agreed, need to establish points of contact to further develop and roll out a consistent and coordinated Interim Approach
- Assess feedback from Board Forum members - Gather feed back and comments - before Summer 2006
- Undertake discussions with Aboriginal communities in unsettled claim areas - Summer 2006
- Amend and finalize Interim Approach - Fall 2006

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## PROJECT WORKPLAN

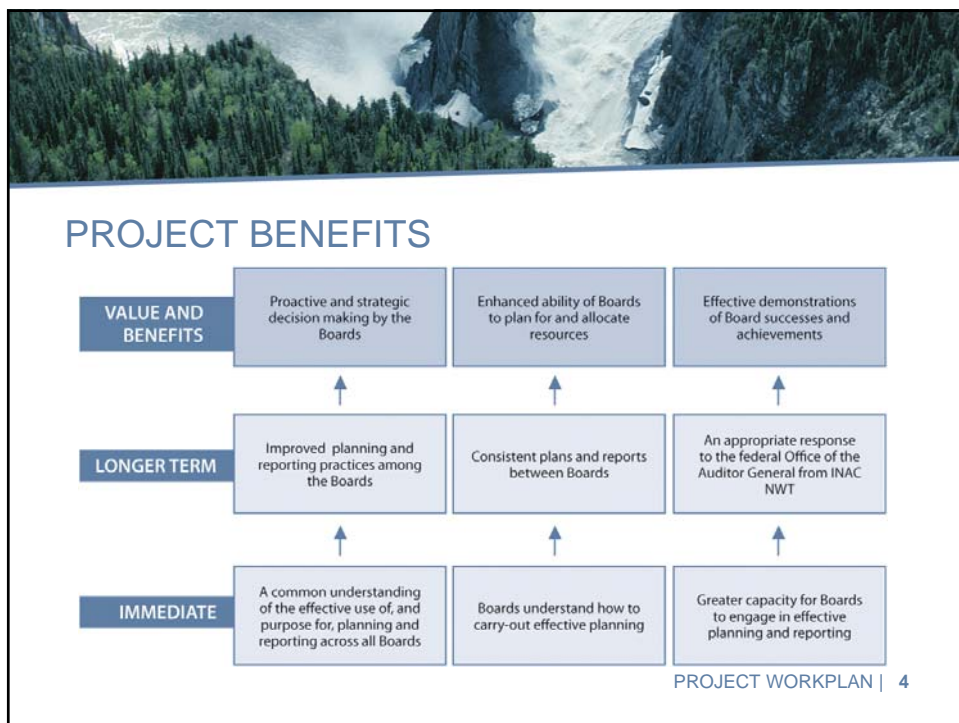
Supporting the Enhancement of Planning  
and Reporting by Resource Management, Advisory and  
Environmental Assessment Boards



## PROJECT PURPOSE

- Support Boards in being proactive with the aim of putting in place meaningful and practical strategic and business plans
- Foster the use of information on results for effective decision making and in demonstrating both the value and successes of Boards
- Promote consistency in practice, and in the use of plans and reports
- Provide the basis for a common understanding of priorities, desired and actual results among the Boards and with Indian and Northern Affairs Canada, Northwest Territories Region, (INAC NWT)
- Provide the foundation for INAC NWT to effectively respond to a report from the federal Office of the Auditor General

PROJECT WORKPLAN | 2



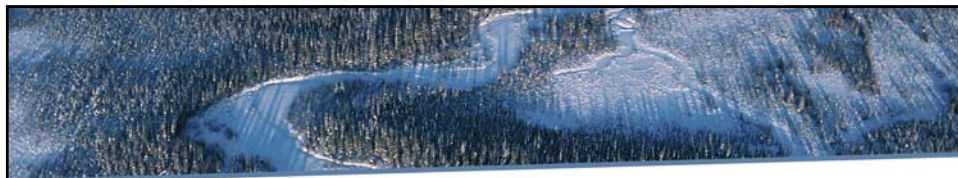




## PROJECT RISKS

Risks	Implications	Project Management Response
<i>Boards cannot participate in the project due to limited staff resources</i>	<ul style="list-style-type: none"> <li>Lack of consistency in effective planning a reporting between Boards</li> <li>Federal Office of the Auditor General recommendations are not addressed by all of the Boards</li> </ul>	<ul style="list-style-type: none"> <li>Provide direct assistance to Boards with Limited resources and capacity</li> </ul>
<i>Inability to engage Boards within the timeframe allotted</i>	<ul style="list-style-type: none"> <li>The project loses focus and ultimately leading to lack of participation by Boards</li> </ul>	<ul style="list-style-type: none"> <li>Ensure timelines and project deliverables are realistic and achievable</li> </ul>
<i>Differing expectations over the project milestones and "products" to be provided</i>	<ul style="list-style-type: none"> <li>The project is unable to maintain it's timelines and could ultimately come to a standstill</li> </ul>	<ul style="list-style-type: none"> <li>Ensure common understanding and agreement between stakeholders on all project outcomes and deliverables</li> </ul>
<i>Board Forum Involvement and ownership is not realized at the outset of the project</i>	<ul style="list-style-type: none"> <li>Boards may not become as involved due to the project being perceived as an initiative led by INAC NWT</li> </ul>	<ul style="list-style-type: none"> <li>Ensure the Board Forum is engaged in a leadership role and influences the project from the outset</li> </ul>
<i>Failure to transition from a "reactionary" to more strategic, proactive orientation in the governance and management of the Boards</i>	<ul style="list-style-type: none"> <li>Boards have reduced ability to effectively plan for resource and budget allocations, Boards are limited in their ability to demonstrate achievements and accountabilities.</li> </ul>	<ul style="list-style-type: none"> <li>Provide for education and communications on the value of planning and results-based governance</li> </ul>

PROJECT WORKPLAN | 5



## CORE PROJECT TASKS

- Development of the project workplan
- Presentation to the Board Forum
- Preparation of a general, high-level environmental scan
- Preparation of a high-level workload drivers analysis
- Development of strategic planning, business planning and reporting templates as well as guideline documents
- Provision of workshops and advice on planning and reporting
- Ongoing assistance with the development of strategic plans, business plans and reports
- Conduct of a third-party review of submitted plans and reports

PROJECT WORKPLAN | 6

